



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

May 9, 2019

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

With the Council's rejection of the proposed historic preservation and housing reuse overlay, we have worked to develop an alternative approach to allow for the successful preservation and reuse of these key buildings. The enclosed Ordinance is intended to present a different option to the Council that, I believe, addresses the concerns raised by Councillors who opposed the overlay zone approach, while still achieving our shared goal of protecting these historic buildings, contributing to our housing supply needs, and improving the quality of life in the surrounding neighborhoods.

While the overlay zone presented the concept of a City-wide district within which eligible religious and municipal properties could pursue permitting, this proposal now offers to modify the City's use table to add Municipal or Religious Reuse as a use by special permit in certain zoning districts and to create the standards by which the Planning Board may grant such a special permit and allow for these parcels to be preserved and productively reused. I believe that this new approach reflects the information gathered over nine months of work, including eleven public meetings and many hours of public comment and fully addresses any remaining concerns raised by those City Councillors who had opposed the overlay zone concept. Therefore, I sincerely hope that the special permit model proposed here will receive the Council's endorsement:

1. Some on the Council were concerned that, while the overlay zone consisted of the entire City, here was no way to map where potentially eligible properties might be located. Because we are modifying the use table to add a special permit in the RC, R1, R2, R3, and I zones, the question of a map is no longer relevant. The map is the City zoning map.
2. There was support from some on the Council for postponing the overlay zoning vote until after the inclusionary housing ordinance discussion. This was based on a concern that the overlay zone might have a standard of affordability different and less than whatever the Council might eventually adopt with the inclusionary housing ordinance. Because we are now proposing a special permit process within existing zones, however, that concern becomes moot. Whatever standard is ultimately reached in the inclusionary housing ordinance discussion will apply to all housing in these zones, including those constructed via this special permit process.

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3. Some felt that including a 10% affordability minimum in the overlay zone was insufficient to our affordable housing needs. As stated above, because the new proposal establishes a special permit project that would be subject to whatever inclusionary housing requirements are later adopted by ordinance, it no longer becomes necessary to include an affordability minimum in the ordinance pertaining to these specific vacant properties.
4. Although new construction was not part of any final ordinance, some councillors had concerns that new construction might be allowable at the higher density than permitted in the underlying zone. Because dimensional requirements and regulations for special project permits are governed by the underlying zone, with this new approach any new construction at these properties would, as a matter of law, be required to comply with the standards of the surrounding neighborhood, absent a variance to the contrary.
5. As had been included in the amended overlay zoning, we are establishing in this process a requirement that any housing created via this special permit be ineligible for resident sticker parking, thereby protecting the availability of on-street parking for residents in the surrounding neighborhood.
6. Both the Historical Commission and Design Review Board must review the proposed project and provide their feedback to the Planning Board, which may then incorporate that feedback into their special permit conditions. As always, any property in a historic district or that is a registered historic property, must also receive a required approval of their project by the Historical Commission. Similarly, any project in the urban renewal district or an entrance corridor must undergo a required review by the Design Review Board.

We have worked diligently to craft a mechanism to allow for these buildings to be preserved and reused, so they no longer continue to deteriorate in the middle of residential neighborhoods. As tax-exempt properties, they currently contribute nothing to our tax base, yet draw on taxpayer-funded service for every police, fire, or inspectional call that requires our attention. They drag down the value of surrounding properties and create nuisances in our neighborhoods.

In the case of 5 Broad Street, we have incorporated the sale proceeds of this building into our financing model for the new CLC. While we have an accepted offer on the table for the purchase of the building, which the Council has authorized me to sign, the closing cannot take place until permitting is completed by the buyer. At present, permitting is unobtainable until there is a zoning modification.

The proposed process laid out in the enclosed Ordinance seeks to address the last remaining concerns and objections raised by the minority of Councillors who did not support the prior overlay zoning ordinance. I look forward to taking up this ordinance with you and the Planning Board at a Joint Public Hearing at your earliest availability.

Sincerely,



Kimberley Driscoll
Mayor
City of Salem