

RESOLUTION NO. 2413

ADOPTING FINDINGS IN THE MATTER OF THE SIGNS OF VICTORY MISSION CONDITIONAL USE PERMIT APPEAL AND AFFIRMING THE DECISION OF THE ALBANY PLANNING COMMISSION TO DENY SAID PERMIT.

WHEREAS, on March 15, 1983, representatives of the Signs of Victory Mission filed an application with the City of Albany for a Conditional Use Permit to permit the operation of a group care facility at 213 First Avenue SW, Albany, Oregon; and,

WHEREAS, a hearing was held on April 6, 1983, before the Albany Hearings Board which said hearing resulted in a denial of said request; and

WHEREAS, the aforesaid denial was appealed to the Planning Commission of the City of Albany and hearing upon said appeal was held on May 2, 1983, at which time the decision of the Hearings Board was affirmed and a Conditional Use Permit application was again denied; and

WHEREAS, the aforesaid denial has been appealed to the City Council of the City of Albany and a hearing upon said application was held on June 8, 1983.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the decision of the Planning Commission of the City of Albany be and the same is hereby affirmed and the Conditional Use Permit application of Signs of Victory Mission is denied.

This denial is based upon Title 20 of the Albany Municipal Code adopted September 25, 1981, as Ordinance No. 4441 and subsequently amended on October 1, 1982, by Ordinance No. 4528. The applicable sections are 14.030 and 13.040, both of which are hereinafter set forth verbatim:

CRITERIA

"14.030 Criteria. A Conditional Use Permit shall be granted if the Approval Authority finds that the proposal conforms with the Site Plan Review criteria as set forth in 13.040 and the following additional criteria:

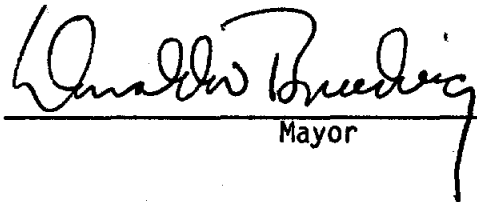
- (1) That the proposed use will be compatible with the abutting properties and the surrounding neighborhood in terms of both appearance and the particular operating characteristics of the area. Special consideration shall be given to:
 - (a) How the proposed structures will fit in with existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design.
 - (b) How the operation of the proposed use will fit in with the purpose of the base zone and enhance the neighborhood.

13.040 Criteria. The Approval Authority shall approve a Site Plan Review application upon determining that the following criteria have been satisfied:

- (1) The adequacy and continuity of public facilities is sufficient to accommodate the proposed development. Such consideration should include modifying the proposal to conform with public facility plans or upgrading existing public facilities to accommodate the proposed developments.
- (2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.
- (3) The size, site and building design, and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
- (4) Parking areas and entrance-exit points are designed so as to facilitate traffic and pedestrian safety and avoid congestion.
- (5) The design promotes energy conservation through the use of materials, landscaping, and building orientation.
- (6) The buildings are located so as to provide light and air according to yard requirements and afford adequate solar access where desired.
- (7) The design promotes crime prevention and safety features through lighting, visibility of building entrances, secure storage areas, etc."

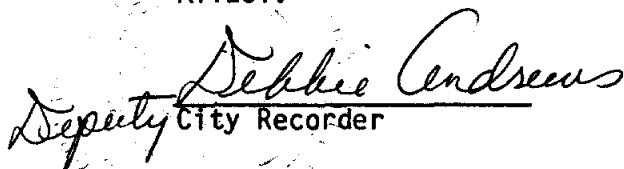
The decision to deny the Conditional Use Permit application and affirm the decision of the Planning Commission was based upon findings and conclusions establishing that the application did not comply with Section 13.040(2) and (3) and Section 14.030(1)(b). All other criteria were addressed but except as hereinafter noted, the decision to deny was not based upon failure to comply with those criteria.

DATED THIS 27TH DAY OF JULY, 1983



Mayor

ATTEST:



Deputy City Recorder

FACTS FROM STAFF REPORT OF JUNE 8, 1983.

1. The proposed use is located at 213 First Avenue SW on the second floor above PJ's Tavern.
2. The property is located in the Central Business District (C-3). The surrounding zoning is also C-3, Central Business District.
3. The surrounding land uses consist of Central Business District retail and office uses. Also city parking lots are to the west and north.
4. City officials first became aware of the proposed Mission facility on January 21, 1983, when the Mission sent a letter to the Albany Police Department which announced its plans to open a Mission to house 40 to 50 men at the subject location beginning in February. Officials from the Building, Fire, and Planning Departments immediately arranged a meeting at the proposed facility which took place on January 27, 1983. It was noted at this time that substantial work on the interior of the building was already in progress without permits although no structural, mechanical, or electrical work had been completed.
5. During the meeting of January 27th, the applicants were first informed of the requirement for obtaining a Conditional Use Permit. Also, following this meeting the Building Department and Fire Marshal issued a letter to the applicants indicating the required permits and modifications which would be necessary before and after occupancy.
6. On Friday, January 28, 1983, the applicants and property owners met with the Planning Director to discuss the Conditional Use Permit requirement. After discussing the previous use of the property (up to five separate apartments) as compared with the proposed use, the Director indicated that the City would not take action to stop the Mission from opening as scheduled provided that the following conditions were met:
 - a. That a Conditional Use Permit application be submitted forthwith.

- b. That all requirements of the Building and Fire Departments for occupancy be met.
 - c. That until the Conditional Use Permit is decided upon, the Mission would be restricted to 10 boarders plus full-time staff.
7. The Mission began operations on February 17, 1983. However, the Conditional Use Permit application was not received until after repeated efforts by the staff to encourage, and eventually demand, its submission. The application was submitted on March 15, 1983, nearly two months after the original contact was made.
8. When the Mission proposal first surfaced, there was some question as to how to appropriately classify the use since the Development Code does not specifically list "Mission" as either a permitted or conditional use. However, after consultation with the City Attorney, the staff determined that the Mission is either an unclassified use and, therefore, a C.U.P. is required or is within the Development Code definition of a Group Care Home which requires a Conditional Use Permit. That definition states as follows:

"Group Care Home": Any private or public institution maintained and operated for the care, boarding, housing or training of four or more physically, mentally or socially handicapped or delinquent, elderly or dependent persons by a person who is the parent or guardian of and who is not related by blood, marriage or legal adoption of such person.
9. Section 5.080(101) of the Albany Development Code lists "Group Care Home" as a conditional use in the C-3 zone.
10. There also may be some questions as to what number of persons would be permitted to occupy the Mission based on a permanent continuation of the previous use of the buildings which was up to five separate apartments. In other words, could the equivalent of five separate families maintain residence in the facility even though the effect is still a Group Care Home? The Development Code definition of family seems to preclude this loophole; it states as follows:

"Family": An individual of two or more persons related by blood or marriage or a group of people (at a density of not more than two people per bedroom) which is established in structure and appearance to resemble a traditional family unit. In cases where a Group Care Home takes on the appearance of a family, it shall be considered a Group Care Home and subject to all applicable regulations of this Code.

11. The initial public hearing on this matter was held before the Albany Hearings Board on April 6, 1983, resulting in the adoption of findings by the Hearings Board that the proposed use does not meet the criteria for granting a conditional use permit, and the permit was thus denied.
12. The applicants appealed the Hearings Board decision and on May 2, 1983, a hearing on the record was held for the Albany Planning Commission, again resulting in adoption of findings in support of the Hearings Board decision and denying the conditional use permit.
13. The Planning Commission decision was appealed to the Albany City Council and a public hearing was held on June 8, 1983, which resulted in these findings:

FACTS OFFERED BY PROPONENTS.

No procedural arguments were raised by the applicant.

14. Scott Fewel, attorney for the proponents, stated that the Mission agreed to limit the number of boarders to 25 individuals, and the number of staff would be limited to 6, for a total of 31 residents.
15. Mr. Fewel stated that the Mission is intended as a food and shelter facility for needy individuals whether they are residents or non-residents of the Albany community.
16. Mr. Fewel stated that other support services are located in the downtown area to serve the same clientele as would be served by the Mission. He referenced the testimony of Roy Smith from Legal Aid

Service at a previous hearing, who testified that his agency deals with needy people who come to the downtown.

17. Mr. Fewel stated that the downtown contains a variety of other low-income or apartment type housing units which he argued are virtually identical to the proposed use.
18. Mr. Fewel submitted a letter from George Simonka, Executive Director of the Union Gospel Mission in Salem. Mr. Simonka's letter indicates that the Salem facility has been in operation for 30 years and has not hindered the commercial development of the area. Mr. Simonka indicates that several commercial developments have occurred in the vicinity of the Mission over the past several years.
19. Responding to questions from Mr. Fewel, City Planning Director Steve Bryant testified that the special features of the site were that it was located adjacent to the Willamette River Greenway Boundary and is located within a National Register Historic District and that the building itself is a primary structure within that historic district.
20. Mr. Fewel asked Mr. Bryant to clarify what is meant by the term "operating characteristics" used in criteria #3. Mr. Bryant responded that operating characteristics can differ significantly between both similar and dissimilar uses. In this case, concern had been expressed about when people are on the street and what they do when they are on the street or in front of the building or behind the building, or in the parking lot. Concern was also expressed about when they are allowed in the building and when they are locked out of the building.
21. In response to a question by Councilor Greene regarding lockout, Mr. Fewel indicated that the Mission is closed at night at a certain point in time. The only way you can get in is by telephone.
22. In response to a question by Mr. Fewel regarding the purpose of the base zone, Mr. Bryant testified that the base zone is the Central Business District, and if one referred to the relevant sections of the

Comprehensive Plan and the Zoning Ordinance, one would find that it addresses providing for a mixture of uses, providing retail, business, cultural activities, and a variety of services. Mr. Bryant also read three policies from the Comprehensive Plan which he indicated were relevant to this issue. They are as follows:

#13 on page 45: "Encourage a variety of commercial and service activities to locate in the Central Business District."

#16 on page 45: "Encourage a higher utilization of downtown space, encouraging intensive use of all building levels."

#18 on page 96: "Encourage residential occupancy of upper floors within multi-story buildings."

23. In a rebuttal question Mrs. Wiley, attorney for the Albany Downtown Association, asked Mr. Bryant if the type of housing proposed is typical housing in the common, ordinary sense of the word as intended by the Comprehensive Plan. Mr. Bryant responded as follows: "I don't think that in my recollection of going through the formulation of the Comprehensive Plan that this is the type of housing that was anticipated as being desirable in the downtown." He went on to say, "My recollection is that the desire of people who were interested in seeing housing downtown was to see that the second floors and above of downtown buildings were utilized by people who would make downtown their place to live."
24. Mrs. Matland, the Mission Director, testified that the original Signs of Victory Mission at 705 Lyon Street SE has been operating for over two years and the reason for this request is a result of a need to expand that operation. She indicated that, "Our whole purpose is for lodging or shelter and for food and clothing to not only local Albany or Lebanon, Sweet Home, Corvallis, but we have referrals from Benton Sheriff's Department quite often because they do not have a Mission and it's also for the transient population."

25. Mrs. Matland indicated that in 1982 the Mission housed over 2,400 individuals.
26. Mrs. Matland testified that, "A percentage of the people we've been able to house and feed and help cloth are residents of your city and of this area." On a request by Mayor Brudvig as to the actual percentages, Mrs. Matland replied, "I would say that it would be in the area of 40%, 60%; 60% being transient, and 40% being resident."
27. Mrs. Matland indicated that the primary reason for locating downtown is due to the location of the fire station, employment office, CETA, bus depot, train depot, hospital, Sheriff's Department, Police Department. In addition, they were able to rent the entire second floor of the building for \$300 a month, which contains a little less than 5,000 square feet.
28. Referring to the other Mission location operated by Signs of Victory, Mrs. Wiley asked Mrs. Matland to clarify the schedule. Mrs. Matland indicated that the other Mission is closed at 9:00 a.m. after breakfast, opened again for lunch, and then closed until 5:30 p.m. and that the Mission is locked during those intervening hours, thus providing no opportunity for day use by residents.
29. In response to a question by Councilor Rouse, Mrs. Matland testified that the average stay of a Mission occupant is 5-10 days, although some have stayed for as long as four months.
30. Gail Ready, a Mission staff member, presented evidence showing a central location of the Mission in the downtown and its proximity to other facilities, businesses, services, and low-income housing.
31. Mrs. Ready testified that the Mission occupants usually arrive on foot or courtesy of the Sheriff's Department. Possibly one in 25 has a car.

32. Alta Taylor, speaking as agent for the property owner of the subject facility , testified as to the previous undesirable occupants of the subject building. She said, "We never had anyone up there that would have been a good neighbor to anybody." Mrs. Taylor went on to testify regarding the deteriorating quality of the area and surrounding businesses. She indicated, "I know the merchants in Flynn's Mall and a lot of these places and their business was going down so much that many of them are a year to a year and one-half behind in their rent right now and they are unable to pay."
33. Peter Ready, a Mission staff member, testified that the downtown Mission has been in operation for over four months and has had no problems, and that after two years of operating the other Mission facility at 7th and Lyon, there had been no adverse influence on surrounding businesses.
34. George Matland, a Mission staff member, testified that the transient population which the Mission serves is already located in the downtown area due to the location of other service establishments and businesses which provide services to these people.
35. Arletta Chapman, a current Mission resident at 705 Lyon Street testified that she had been staying at the women's Mission since February. Previous to that she had traveled around the country and had visited or stayed in Missions in Denver, Oklahoma City, Dallas and Lincoln, and that the Missions were always downtown because, "that is where the people go."

FACTS OFFERED BY OPPONENT.

36. Mark Lindberg, a City Councilman from the City of Eugene and a professor of Planning Public Policy and Management at the University of Oregon, testified that he was the Chairperson of the Vagrancy Task Force created by the City Council of Eugene. Mr. Lindberg testified that his committee has been in existence for about six months and that as Chairperson he had done extensive research on vagrancy, homelessness

services, etc. Mr. Lindberg testified that the issue of vagrancy affects downtown merchants who are concerned about their business. He indicated that his Task Force had discovered that of the vagrants surveyed, 40% to 70% were alcoholics or had severe alcohol-related problems. He also indicated that his committee has discovered that the vagrant population was largely made up of young people such that the average age had decreased over the last five years from 43 to under 30. Mr. Lindberg noted that in addition to persons with alcohol problems and young people, the vagrant population also included the Vietnam Veterans and ex-mental patients.

37. Mr. Lindberg testified that the Eugene Mission was located in the downtown district until about 1968 when it was condemned by an urban renewal project. Thereafter the Mission was relocated to an industrial zone about 10 to 20 blocks from downtown. Mr. Lindberg indicated that that move has been very successful.
38. Mr. Lindberg testified that while there is no Mission in the downtown mall in Eugene there are two plasma donor centers which, in a similar way, attract vagrants, homeless people, and unemployed people. Mr. Lindberg testified that these plasma centers have had a negative impact upon the downtown mall.
39. Mr. Lindberg, when asked to cite specific problems created by the plasma centers, noted the clustering of transients in the downtown areas and that this clustering has tended to discourage patrons of nearby businesses.
40. Mr. Lindberg also indicated that one of the more serious problems they experienced in Eugene is the camping of vagrants. He testified that many of these people especially like the river, the bushes, and the area of the Greenway. Mr. Lindberg testified that this has presented difficulties for law enforcement and has presented a quality of life issue.

41. Mr. Lindberg testified that he disagreed with Mrs. Matland's statement that transients as a rule don't have idle time. He testified that he had concluded that job programs, for example, are not likely to fill the needs of more than perhaps 15% of the population and that approximately 80% of the transient population would not respond to a work program even if it is available.
42. Mr. Lindberg testified that the uses which surround the present Eugene Mission which is located approximately one mile from the current downtown are railroad tracks and warehouses and that the director of the Eugene Mission is very satisfied with this location as it has minimized conflicts which he had in the past with downtown merchants.
43. Mr. Lindberg testified the Eugene Mission has 200 beds with a large dayroom which is open all day.
44. Mr. Lindberg testified that he has compiled crime statistics in the Eugene area which conclude that 26% of the police custodies in the City of Eugene in the past year were people that did not report an address or people who gave the Eugene Mission as their address. Of these custodial arrests, most were for violation of park rules relating to use and so forth. A small percentage, however, commit a significant percent of assaults and burglaries.
45. Mr. Lindberg noted that the plasma donor centers in Eugene had proven to be an attractor for vagrants and that the clustering of vagrants around the plasma centers has presented traffic circulation problems.
46. When asked about the types of problems encountered in attracting a large number of transients to a people-oriented space such as parks or a downtown mall, Mr. Lindberg responded by pointing out that there has been a conflict in parks use especially with families and children. He noted that there have also been problems in the park with harrassment and even life threats to park employees and that the Eugene Committee had recommended relocation of facilities which would attract transients so that they are not in close proximity to park facilities such as

restaurants, children's sandboxes and swings, etc. He testified that he had also had to recommend that park employees have walkie-talkies or better communications devices so that they could maintain contact with the police.

47. Mr. Lindberg summarized his testimony by indicating that he would not recommend a location of a mission in the downtown area or adjacent to a large public park. A copy of the Eugene Vagrancy Study, which supports Mr. Lindberg's conclusions, was introduced into the record.
48. Eric Eisimann testified that he was the Director of the Oregon Preservation and Resource Center, which is located in Portland's Old Town District and that he had worked with many cities around the state concerning downtown revitalization and that he has been a previous manager of downtown revitalization projects in other communities and has extensive years of service working with economic development commissions and local planning agencies. Mr. Eisimann further testified that he had been a project manager on the Main Street Cities Development in Kentucky.
49. Mr. Eisimann testified that public image was an important problem in older downtown districts. He testified that downtown areas used to be seen as the place to go and that we had tended to supplant the downtown cultural core with shopping malls, parks, and other uses. He testified that what is essential to the downtown is a people-oriented kind of space where people will go, take part in activities, find the goods and services that they need, and feel safe and comfortable.
50. Mr. Eisimann testified that overcoming negative perceptions was crucial to downtown revitalization.
51. When asked what kind of negative effect the location of a Mission of the type proposed would have in a downtown that is struggling for revitalization, Mr. Eisimann noted that such a Mission would adversely affect new business recruitment. He pointed out that a business is obviously out to make a profit and that they don't like to locate in

places where customers will not travel. Mr. Eisimann noted that in the Skidmore Historic District of Old Town Portland the missions and accompanying transient element has adversely affected efforts to revitalize Old Town Portland. He noted situations where volunteers who worked for his agency had expressed a reluctance to come to the Old Town area because of the transient population and that there is a high business failure rate in the Old Town area at the present time.

52. When asked about development of vacant upper story spaces in downtown areas, Mr. Eisimann indicated that he was most familiar with the Main Street revitalization process which is a core-type city approach that the City of Albany is presently involved in. He indicated that what has been done is to convert upper stories which have been traditionally vacant into stable housing facilities occupied by people who have incomes available to spend in the community. Mr. Eisimann testified that there are certain tax incentives that are available in historic core areas such as the Albany downtown and that these types of tax shelters and business recruitment techniques had been used to create the housing units. Mr. Eisimann testified that he disagreed with statements made by Mr. Fewel, attorney for the applicant, to the effect that location of dwellings and upper story spaces simply will not occur. Mr. Eisimann stated that that was not true and that it depended upon the community concerned. Mr. Eisimann noted that some towns will have more success in their business recruitment and upper story development than others but that, as a whole, such steps have been successful. He testified that in the city he worked in in Kentucky they created over 50 different housing units and that while not all of them were in upper stories in the downtown, a good percentage were.

53. From a business point of view, Mr. Eisimann testified that downtown housing should be of a stable, long-term type, occupied by people who have discretionary income so that they can spend money within the downtown neighborhood. He indicated that the advantage of downtown housing is that it creates captive markets for consumer spending and that the reason that shopping malls go to the suburbs is because that is where people tend to live. He indicated that if people lived

downtown they would shop downtown and in his experience he has found that younger professionals, unmarried or married couples, or elderly people who have discretionary incomes make good downtown residents.

54. Mr. Eisimann testified that the negative public perception of a transient Mission would adversely affect the efforts to recruit people to live in the downtown area. He testified that people like to live where they feel comfortable and safe and that if the neighborhood, in this case the downtown, has a negative connotation, one is not going to attract the people you want to live in that area.
55. Mr. Eisimann indicated that as a preservation director he has traveled extensively throughout communities in the State of Oregon and that Albany has an outstanding architectural stock of historic resources. He testified that this was especially evident in light of the three National Register Districts that are located here and that Albany is one of the three best small cities in the state in terms of architectural resources.
56. Mr. Eisimann testified that the potential in the downtown commercial district is outstanding in light of the good stock of historic architecture.
57. In assessing Albany downtown's potential for business development, Mr. Eisimann noted that if you have an area which is identified with a redevelopment area, particularly a historic area, people are paying more attention to historic resources, especially because of tax shelters that are available and reinvestment potential and that presently the potential for increasing downtown Albany's market share is very good.

58. Mr. Eisimann noted that the tourist potential related to downtown revitalization, especially in the historic context is very outstanding and that Albany was developing a more positive image statewide. Mr. Eisimann noted that his organization makes space available to communities to spotlight their preservation activities and that Albany was the first city to participate.
59. Mr. Eisimann testified that Albany is currently experiencing one of the most crucial periods in the downtown revitalization process and that for these efforts to be successful it was imperative that the City avoid uses which in any manner negatively affect the public perception of downtown as a desirable place for residential and business activities.
60. Albany Police Chief Darrell Pepper testified that during the time that the Mission has been in operation in downtown, he has received four reports of incidents that were associated with that Mission. One of the reports concerned individuals at the back door of the Mission making adverse statements to young ladies; another report involved an individual who was wandering about at Fanny Flynn's Mall and identifying himself as coming from the Mission and two complaints from individuals who had allegedly come from the Mission.
61. Jan Marie Mader testified that she resided at the property one block south of a residential Mission also owned by the applicants and located on 7th Avenue. She testified that she had had a variety of adverse experiences with people attracted to that Mission including instances where people have come on to her property and even into her home without invitation but indicating that they were looking for the Mission.
62. Bill Clotere, Manager of the Sears store in downtown Albany, testified that he is the president of the Albany Downtown Association, a member of the Board of Directors of the Albany Chamber of Commerce, and a member of the Retail Committee of the Albany Chamber of Commerce. Mr. Clotere testified that in 1981, Albany Mayor Brudvig appointed a group

called Task Force '82 which was charged to make recommendations on reversing the overall deterioration of the Central Business District. Mr. Clotere noted that he attended over 75 meetings including travel to Portland, Astoria, and the Main Street Conference in San Francisco to learn about methods of recapturing the vitality of the downtown area. Mr. Clotere noted the importance of having events which will bring children into the downtown area and that in order to do so it was important to have an image which will attract families to the downtown.

63. Mr. Clotere testified that Task Force '82 presented recommendations to the Mayor and City Council who thereafter approved a three-year plan and budgeted the group on a year-to-year basis. The Albany Downtown Association, he testified, was formed in 1982 and has a full-time manager, set up an office in the center of downtown, and maintains an ongoing membership drive. He testified that in January of 1983, their group had 20 members while today they had 50 members. Mr. Clotere noted that when the Mission began operation in its present location the Albany Downtown Association was confronted with a barrage of questions which were both from members and non-members just as to who this group was, why they were located in the center of the retail area, and how they came to be there without anyone knowing about it.
64. Mr. Clotere testified that the ADA took a vote of its membership and 90 percent felt that the location of the Mission in the downtown area was inappropriate.
65. Mr. Clotere reported that a young lady had told him when she walked to her car parked in the public parking lot behind the Mission the people sitting on the steps outside the Mission visually undressed her. Another woman reported to Mr. Clotere that she was afraid to go to her car in the evening. Another reported to Mr. Clotere that she would not let her young children come downtown anymore because of the transients and today Mr. Clotere was told by two businessmen, one an Albany citizen and one a visitor from Bend, that they were in the parking lot in back of the Mission when they were approached by someone who came off the Mission steps and asked for \$5 and who then got very upset and

aggressive when his request was refused. Mr. Clotere reported that these instances are representative of ongoing problems occasioned by the Mission operation in its present location and that there has been an increase in the number of transients with bedrolls walking around the downtown area looking for handouts and that this is the type of image problem that the Downtown Association is concerned about.

66. Mr. Clotere submitted an article by Cassandra Burrell (Exhibit J in City Recorder's File No. 1429), a former reporter from the Albany Democrat-Herald newspaper. This article reported Task Force '82 findings regarding an in-depth survey wherein it was determined that 12% of the downtown consumers said that the downtown image was good, 18% indicated that it had a bad image, and 27% indicated that they had no image of downtown. Mr. Clotere testified that his group has been working hard for two years to enhance the image of the downtown and that the negative image occasioned by the location of a Mission for transients and the core of the downtown would adversely affect his group's efforts at downtown revitalization.
67. Joy Henkle, Director of the Albany Downtown Association, presented a memorandum from Mr. Larry Frager and testified that in her position with the Albany Downtown Association she is in contact with downtown merchants and the public at large. She testified that numerous merchants have represented to her that they will move out of the downtown area if the Mission is permitted and property owners have also indicated to her that they will not invest capital in the downtown area if the Mission is allowed because it would eliminate their possibility of being able to recruit new, aggressive and stable businesses for their properties.
68. Tony Lewis testified that he represented the owners at Flynn's Mall and that he was himself the owner of Teddy's Childrens Store in the Mall. Mr. Lewis testified that the owners of Flynn's Mall had hired an architect to restore the building and had spent money to get the studies done and have gone out for bids. He testified that they have hired a company to represent them in leasing the building and at the

present time they feel that downtown Albany is a good investment as long as it has a positive attitude. Mr. Lewis testified that the owners of the Flynn Mall felt that if the Mission is permitted to operate in the downtown area they will have to take a long hard look at the kind of attitude that that will generate and will reconsider their decision to improve the Mall.

69. Mr. Lewis also testified that they were having difficulty lining up potential merchants to lease space in the Flynn Mall pending the outcome of the Council's decision regarding the Mission. Mr. Lewis indicated that many of the potential tenants were indicating that they would not lease space if the Mission were allowed to operate at its present location.
70. Mrs. Wiley, arguing for the Albany Downtown Association, testified that downtown Albany is at a critical stage in the revitalization process and that Mrs. Matland's operating record with regard to the Mission at 7th and Lyon Streets and her 5-month long operating record at the present location is not good.
71. Eugene Belhumeur testified that he operates a business at 233 West Second. Mr. Belhumeur testified that in February of this year he had to call the Albany Police Department concerning a transient in his store who had panhandled his customers. Mr. Belhumeur testified that after he asked the transient to leave the store he then panhandled customers on the sidewalk. Mr. Belhumeur said he was able to identify this person from a newspaper article as a resident of the Mission.
72. Mr. Belhumeur testified that in March a Mr. Bill Rickman and a person known to him as "Charlie", both former Mission residents, continuously attempted to solicit money from customers in his store and ultimately became loud and boisterous in front of his customers. Mr. Belhumeur also testified that he had another experience with a panhandler by the name of "David" who was identified in an Albany Democrat-Herald photograph as a resident of the Mission. This individual told Mr. Belhumeur that he was staying at the Mission at the present time but

that he was "kind of heavy into drugs" and that they would not let him stay there. Mr. Belhumeur testified that on May 3rd a person by the name of Robert Lien, a transient with no address, subsequently stated in Albany Municipal Court that he was passing through from Los Angeles to Portland, was arrested by Mr. Belhumeur in front of Phil Small's for stealing a cigarette lighter out of Mr. Belhumeur 's store. Mr. Belhumeur reported that the man ultimately pled guilty and was sentenced to time in the Albany Municipal Jail. Mr. Belhumeur testified that 2 days later, Richard Constanyou was arrested for attempting to sell him stolen property from Sears and a stolen leather vest from Phil Small's. Mr. Belhumeur indicated that this individual was also a resident of the Mission.

FACTS FROM HEARINGS BOARD HEARING.

The following facts are from the testimony taken at the public hearing held by the Albany Hearings Board upon the application. At the hearing before City Council, Meredith Wiley, attorney for the Albany Downtown Association, introduced the tapes and minutes of the Hearings Board hearing into the record and it is from these tapes and minutes that the following findings were taken:

73. Stella Reimers testified that she and her husband own a commercial building located at 337 W. First Street. Mrs. Reimers testified that there has been an adverse impact from the Mission in that her renters have expressed to her fear of their safety when carrying bank deposits late at night through the parking lot in the area. She testified that over the course of the past few months there had been an increase in the number of transients in the central downtown area. She further testified that she has observed an increase in the number of people sleeping in the parking lot near the Mission and testified that she felt an increased danger in going to and from the parking lots late in the evening.
74. Linda Hendrickson testified that she is the manager of the Rainbow's End bookstore which is a business located across the street from the Mission location. She testified that she has had numerous uncomfortable moments going to and from work to her car which is parked in the public parking lot behind the Mission. She indicated that the problem was a result of clusters of transients who were loitering at the backdoor of the Mission. She further testified that her employees have reported similar problems. She concluded by indicating that she was not opposed to a Mission being located in Albany, but objected to its downtown commercial location.
75. Elaine Harker testified that she owns a business called "Sincerely Yours" located in the downtown area across the street from the Mission. Ms. Harker testified that her clientele consists largely of teenagers and that there has been a marked decrease in the number of teenagers in her store since the Mission opened. She indicated that the parents of the teenagers are no longer willing to allow their

children downtown. Ms. Harker testified that the Mission is compounding the downtown area's image problem and should not be permitted to remain in the Central Business District.

76. Richard Olsen testified that he is the Chairperson of the Historic Advisory and Museum Commission. Mr. Olsen testified that this Commission had met and had taken a position on the Signs of Victory Mission proposal. Mr. Olsen testified that the building is a primary structure in the Downtown Commercial Historic District and any renovations must be in accordance with the standards set by the Secretary of the Interior.
77. Mr. Olsen testified that the Commission is concerned about the impact of the Mission on the development of the Downtown Commercial Historic District. The Commission's position is that location of the Mission in the Downtown Commercial Historic District is not appropriate and will adversely affect the historical district by decreasing surrounding property values.
78. Mr. Olsen testified that there has been an increase in business closures in the downtown area and a scarcity of funds for starting and improving businesses. Mr. Olsen testified that downtown Albany needs a positive image to recapture its past vitality and stability.
79. Mr. Olsen testified that a Mission for transients will compound Albany's present negative image and he noted that the downtown presently finds itself in a precarious position due to a variety of negative occurrences. He pointed out that fires over the last several years have removed several important buildings, he also pointed out the downtown has recently lost several valued structures to demolition and that malls have opened outside the urban center and have attracted people away from the downtown. Mr. Olsen concluded that no further adverse impacts could be tolerated.

FINDINGS PRESENTED IN DOCUMENTARY FORM.

80. Mr. James H. Winkler submitted a letter dated March 19, 1983, indicating that he was a general partner in the Flynn Group, an Oregon limited partnership. Mr. Winkler's letter stated that the past two years have been very difficult years in which to operate retail businesses. He noted that tenancy at the Flynn Mall had suffered and that in hopes of an economic revitalization in downtown Albany, Mr. Winkler and his partners had decided to remodel the Flynn Mall. Mr. Winkler indicated, however, that he was concerned about the potential of a Mission opening across the street from the Mall and that he has received numerous phone calls and messages indicating that he will have difficulty securing tenants and customers if the Mission is granted Conditional Use Permit status. Mr. Winkler concluded by indicating that in the event such a permit is granted he would have no alternative but to abort his plans to remodel the Mall and would give serious consideration to closing the facility entirely.
81. A letter was received from Dottie Stutzman of Lovelace Floral Company dated January 31, 1983. In her letter, Mrs. Stutzman indicated her conviction that the downtown area is already struggling to protect a good image and that the presence of idle, unemployed numbers of people loitering in the area will certainly detract from that positive image. Mrs. Stutzman urged the Council to consider alternative locations outside of the downtown Central Business District.
82. A letter dated January 31, 1983, was submitted by Richard and Stella Reimers indicating that they are property owners of a downtown building located at 337 W. First Street, one block west of the site in question. The Reimers' letter indicates that they oppose the Conditional Use Permit for the following reasons:
- a. The Mission will be located on the same block as the only family theater in downtown Albany.

- b. Fear of downtown merchants that the new City Park being built on the riverfront will become the daytime home of the homeless men.
- c. Consider that persons entering the City from the Corvallis area via Highway 20 would not have a very good visual impression of the downtown shopping area.

The Reimers further indicated that existing renters in their building had expressed concerns for personal safety and loss of business due to women and children not wanting to walk in this area. The Reimers noted that the proposed site is adjacent to a City parking lot used by numerous downtown merchants and shoppers.

- 83. A letter was submitted dated January 31, 1983, by Al Culver from C & C Shoes, a shoe store located at 244 West First Street in the City of Albany. Mr. Culver noted that the downtown Central Business District had recently suffered as a result of the opening of a regional shopping center in the Southeast Albany area and extensive street construction going on throughout the spring of 1983. He indicated that the downtown merchants could not stand further adversity.
- 84. A letter dated January 31, 1983, was submitted by Mr. Larry Frager, a property owner in the city of Albany. Mr. Frager expressed general opposition to the location of a Mission in the downtown business district.
- 85. A letter was received from Elmer and JoAnne Kyle, owners of Phil Small's Store for Men at 238 West First Street in the City of Albany. In their letter, Mr. and Mrs. Kyle indicated that they opposed the location of the Mission in the downtown core area.
- 86. A letter dated February 2, 1983, was received from Margie Walker, owner of the Soup-er-Sub Sandwiches Restaurant. In her letter, Ms. Walker expressed her objection to the location of the Mission in the downtown Central Business District.

87. A letter dated April 5, 1983, was submitted by George Simonka, Executive Director of the Union Gospel Mission in Salem, Oregon. In his letter, Mr. Simonka indicated that a Mission which is controlled by an individual or a family would not qualify as a public trust and would not be accepted into membership of the International Union of Gospel Missions. Mr. Simonka further stated that without an independent Board of Directors no one would be in control over the operation or policies of the Mission and those running it would not be accountable to anyone but themselves.
88. A copy of a letter from Albany Mayor Don Brudvig to Russ Tripp, Dottie Stutzman, Bill Clotere, Rod Tibbatts, Ric Blasquez, and Larry Stevens, dated July 31, 1981, wherein the Mayor proposed to organize the above named individuals into the Action '82 Task Force. In this letter, Mayor Brudvig notes that the historical strength of the downtown business community is at a crossroad. He noted that major retail businesses have decided to relocate and competing retail shopping facilities are on the drawing board. The Mayor asks these individuals to indentify the inherent strengths and weaknesses in the core business district, to set achievable short- and long-term objectives in restoring the vitality of downtown, and to define an organization to carry out the action plans.
89. Along with the foregoing letter from Mayor Brudvig, the written recommendations of Task Force'82 were submitted. These recommendations emphasized downtown revitalization and specific improvement projects to beautify and enhance the Central Business District. The report also recognizes the viability of the second story downtown area for townhouses and condominiums.
90. Resolution No. 2328 supporting the establishment of the Downtown Commercial Historic District of the National Register of Historic Places. This document is also important in that it recognized LCDC Goal 5 regarding open spaces, scenic and historic areas, and natural resources and that this goal requires the protection of "scenic and historic areas" for future generations and that past preservation

activities in this area have stimulated an increase in the amount of statewide recognition given the Albany area and that is is felt by the property owners of the proposed district that the National Register recognition and resulting improvements would contribute to the beautification of the City, the education, enjoyment and pride of its citizens, and the increased economic vitality of the community.

91. A pamphlet entitled "An Introduction to the Downtown Commercial Historic District" published by the City of Albany which shows the steps which the City is taking to preserve the integrity of the Downtown Commercial Historic District and to enhance the viability of the area for future commercial purposes.
92. The Main Street Project Economic Findings and Recommendations dated November 15, 1978, which findings establish, among other things, the following:
 - a. Historic preservation is the conservation of structures of historic significance or architectural value for future generations to enjoy. More recently, preservation has been directed to continuing the lives of structures which were once common place elements in the lives of past generations--Main Street's older commercial buildings, for example. Neglect, abuse, and demolition have together made such buildings increasingly scarce, and they are largely irreplaceable due to the economics of the modern construction industry and the scarcity of the needed skilled craftsmen from the building trade.
 - b. Economic revitalization is the reviving of a sluggish or declining economy. Basically, this entails making a given commercial area more productive or doing more business within the fixed area. This requires coordination of a wide variety of improvements--in physical appearance, organization, advertising, merchandising, operations, and all the other actions that fall under the heading

of "doing business." Success does not simply mean bigger profits for the business person, but better businesses, something which both business people and their clientele can enjoy.

- c. There are three key words that will serve to summarize and help people remember what downtown needs to do in order to improve its economic position, and how it is to go about accomplishing this: ORGANIZATION, IMAGE, and PEOPLE.
 - d. In addition to making sure that there is nothing that actively detracts from the public's shopping experience, downtown business people must also work toward creating further inducements to shopper traffic.
 - e. Vacant space on Main Street should be filled carefully, with new or expanding businesses selected as much as possible on the basis of what they will contribute to the distinctive character of the downtown area which constitutes much of its appeal.
 - f. Efforts should be made to relocate ground floor office space users along Main Street into upper story space.
93. 1974 Greenway Study prepared by Department of Transportation. This study pointed out that Albany's Downtown Commercial Historic District was rated to be of prime significance to the history of the Willamette River.
94. Memo dated April 6, 1983, to the Albany Hearings Board from the Historic Advisory and Museum Commission of the City of Albany. This letter points out that the proposed site is in a building of primary historical significance to the City of Albany and is located in the heart of the Downtown Commercial Historic District. The letter goes on to indicate that on April 5, 1983, the Committee met and took a position that overnight lodging by transients at the proposed Mission will adversely affect the Historic District in terms of decreasing surrounding property values, decreasing the attraction to tourists and

residents, and thereby negatively impacting the economy of the City and specifically the downtown.

95. A memorandum dated June 8, 1983, to the Albany City Council from Larry N. Frager wherein Mr. Frager notes that he personally is involved in decisions regarding the investment of capital in the downtown area and that it is his feeling that a Mission will negatively impact investment in the area. Mr. Frager notes that the Albany downtown is presently undergoing a critical period and any additional negative influences, beyond the leakage of dollars to new malls, and the high unemployment rate in Linn County, would be extremely detrimental to revitalization in the area. Mr. Frager's letter went on to indicate his concern that the Mission was presently not in the proper location and that its location in the downtown Central Business District will help to create and maintain higher than normal vacancy rates in the Flynn Mall and surrounding buildings. Mr. Frager, who resides in Portland, also stated that there has been less investment in Portland's "Old Town" than other areas of the city. Many businesses have left the area due to problems with transients disrupting customers' tranquility. Mr. Frager added that the new Northwest Gas Building has not leased up as fast as expected due to prospective tenant's perceptions of the area.
96. Letter dated April 5, 1983, from J. K. Weatherford to the Albany Planning Department wherein Mr. Weatherford notes that he is a trustee for the R. L. Weatherford Trust, the owner of a portion of Block 7 of the City of Albany. Mr. Weatherford states that he is in opposition to the proposed Conditional Use Permit.

CONCLUSIONS.

1. The proposed use is most appropriately classified as a "group care home" as that term is defined in the Albany Development Code and as such is subject to Conditional Use Permit approval.

In the event that the proposed use is not properly classifiable as a "group care home," it would have to be considered an unclassified use

under the terms of the Development Code and pursuant to Section 14.010 thereof, would also be subject to Conditional Use Permit approval.

2. The proposed use is incompatible with the Base Zone and will not enhance the neighborhood. It is not compatible with surrounding development and land uses. The proposal, therefore, fails to meet the criteria set forth in Albany Development Code 14.030(1)(b) and 13.040(3). The City Council draws the following conclusions on the issue of compatibility:
 - a. The use in question has been in operation for approximately six months. During that time the City has received numerous complaints from merchants and users of the downtown area, the sheer volume of which provide evidence that the use is not compatible with the surrounding Central Business District. Since the use began in February of 1983, the Mission agreed to limit occupancy to ten transients plus six staff. The present proposal is to increase the number of occupants to twenty-five. The addition of fifteen more occupants would only compound the existing incompatibility.
 - b. The proponents' argument that the Mission would serve an already existing population of transients in the downtown is not accepted by the City Council. By the Applicant's own testimony, 60% of the Mission residents come from out of town. The testimony of Stella Reimers, Linda Hendrickson, Bill Clotere, and Eugene Belhumeur are evidence that the number of transients in the downtown has increased significantly since the Mission began its operation in the downtown in late January. We conclude that the Mission itself creates a major attraction for the transient population in the downtown area.
 - c. The Council heard testimony and received evidence concerning Mission experiences of three Willamette Valley cities: Eugene, Salem and Portland. The letter from George Simonka, submitted by the Applicant, stated that the Salem Mission is located in the downtown business district and that downtown development in Salem

has continued. No other evidence from Salem or any other community was offered by the applicant on the impact of a Mission on commercial development in a central business district.

The experience of Eugene, as presented by Mark Lindberg and the Eugene Transient Study is that there is a substantial negative impact created by conflicts between transients who cluster in the business district as a result of the plasma center and shoppers and merchants. The Eugene experience indicates that these conflicts can be minimized by the location of a mission well outside the business district.

The experience of Portland presented by Eric Eisimann and Larry Frager is that while business development has taken place in the "Skidmore Old Town District" the missions located in Old Town have hindered development and hurt the Old Town revitalization effort.

The City Council concludes that the downtown location proposed is not appropriate for a mission in Albany. In making this decision we consider the following:

- (1) The evidence presented by the Applicant on the impact of a mission from the City of Salem is insufficient and not persuasive when weighed against the evidence from Portland and Eugene.
- (2) The population of the city of Salem is approximately five times larger than that of Albany so that the impact of a single mission in downtown Salem would be substantially less than the impact of a similar facility in downtown Albany.
- (3) All that is demonstrated by the evidence presented by the Applicant on the Salem experience is that in a community with a metropolitan population of 150,000, the downtown core area may be able to maintain viability notwithstanding the location of a transient mission within its boundaries.

(4) The information from Eugene indicates that a mission in the downtown would have a negative impact. The experience of the City of Eugene is especially persuasive in that the mission was originally located downtown but through redevelopment was subsequently located approximately a mile from the downtown area in an industrial zone. We find convincing the conclusion of Mr. Lindberg that there had been conflicts between the mission and the downtown merchants and shoppers when the mission was located in the central business district, but that these conflicts had been minimized due to the relocation of the mission outside of the central business district.

(5) The Eugene experience is also convincing in that the mission has maintained good service to the transient population even though it is now located approximately a mile from the urban core. Based upon this experience, the Council concludes that the transient population can still be well served if a mission facility is located outside of the central business district and that when the transients' desire to be close to support services is weighed against the adverse impact that the mission has upon the downtown core business district, the interests of the community as a whole are better served by locating the mission outside of the central business district.

d. We find that the proposed Mission will not fit with the purpose and needs of the Base Zone. In making this conclusion we consider the following:

(1) The purpose of the Base Zone is Central Business. Downtown Albany has serious problems and is in a crucial stage of a revitalization and redevelopment effort as evidenced by testimony of the President of the Downtown Association, Bill Clotere, Dick Olsen, Chairman of the Historic Advisory Museum Commission, Eric Eisimann, the memo from Larry Frager, the letter from Mayor Don Brudvig to the Action '82 Task Force and the Task Force findings and recommendations. Proponents of

the proposal also agreed that downtown Albany has serious problems, through the testimony of Alta Taylor and Maxine Matland.

- (2) The Council finds that Albany downtown presently is in a crucial situation. The relocation of retail facilities to outlying regional shopping centers combined with the adverse effects of the economic recession and recent extensive street construction and improvements have caused severe economic problems in the downtown area. The City further concludes that the highest possible priority must be given to the maintenance of the downtown as a viable economic unit and that as a consequence any land use which detracts from the desirability of the downtown area as a commercial center must be avoided at this time.
- (3) The City concludes that the transient mission operation proposed by the Applicant will increase the number of transients drawn to the downtown core area and cause them to cluster there and that the presence of increased numbers of transients within the Central Business District will discourage shoppers and other consumers of downtown services and will reduce the investment dollars available for downtown improvement.
- (4) The proposed facility is in the center of the downtown business district. Currently, a shopping center is under construction outside the Central Business District. To improve its competitive position, downtown must be an inviting place where people will want to walk, wander, browse and in general enjoy themselves. The downtown business community is currently attempting to make the central business district more attractive as a general destination and more appealing for the pedestrian. Attractive and safe routes between the stores and public parking is an important component in the downtown development plans. The presence of increased numbers

of transients in the downtown area will hinder the downtown community in its attempt at revitalization and will discourage pedestrian traffic.

- (5) The proposed facility while operating in a limited way has already created problems in addition to those already existing. Allowing the Mission to continue operation on an expanded basis will only compound the problems. Rather than enhancing the neighborhood, a mission at this particular location will impose a special burden on the Central Business District which is already struggling.
- (6) Commercial areas have a vital stake in their general aesthetic quality. A pleasant shopping area attracts customers and entices them to stay longer. Good community appearance aids industrial development. The image of a community can help attract desirable new industry.

The most important areas for aesthetically pleasing development are those areas which are seen the most, such as the Central Business District, and the Willamette Riverfront. The goals of the community, as evidenced by the Comprehensive Plan, the Task Force findings, the Riverfront Park Study, and the Main Street economic findings, are to create a people-oriented community gathering place. There is substantial community commitment to provide amenities. A key to economic revitalization of the area is the creation of a positive image.

Location of a mission for transients in the heart of the Central Business District would be detrimental to the overall aesthetic qualities of the downtown business district and the Monteith Riverpark. If such a facility is, in fact, needed in Albany it should be placed in an area that is less visible and not so heavily oriented toward community, recreational, family and social activities. Such a facility would project a negative image of downtown.

- (7) The proposed facility is in the center of the Albany Downtown Commercial Historic District. Due to the considerable efforts of many Albany citizens and community groups, this district has recently been placed on the National Register of Historic Places.

Albany is pinning much of its hopes for downtown revitalization upon the preservation and enhancement of the historic character of the downtown area. The 1982 Travel Study done by the State of Oregon and submitted into evidence and the testimony of Eric Eisimann support the conclusion that there is a great deal of tourist potential in the downtown area which represents a business opportunity for the Community. This opportunity will be lost or put at significant risk by the location of a transient mission within the downtown.

- e. A mission facility for transients will discourage the development of long-term stable housing in the downtown area as was envisioned by the Comprehensive Plan.

The testimony of Eric Eisimann, the Main Street Economic Recommendations and Findings, the testimony of the Planning Director and the evidence from Eugene on the type of person the Mission attracts and the crime statistics from the Eugene study all support the conclusion that long-term, stable housing is desirable in the downtown and that a mission at this particular location would be contrary to this goal. In drawing this conclusion the City Council considered the following:

- (1) The Applicant alleged there was already some low-income housing in the area. We concur. However, the use in question is not "residential" as that term was considered in the Albany Comprehensive Plan not as presently exists in the downtown. When the Plan was drawn, the drafters intended to encourage the use of second story space for condominium or other long-term residential development. This type of development was

deemed desirable in that it would locate within the downtown business district a population of potential patrons for the downtown commercial establishments. A transient facility, on the other hand, will attract persons without the financial means to provide economic benefit to downtown merchants and thereby will defeat the intent of the Comprehensive Plan regarding housing.

(2) The proposed use is substantially dissimilar to those which presently exist in the downtown Central Business District. While low-income housing is in existence within this district, that housing is primarily for long-term residents of the community and is of a standard residential-apartment nature whereas the proposal in question envisions dormitory accommodations, cafeteria style dining, compulsory chapel service, and adherence to the rules and directions of a private staff. We are not persuaded by the Applicant's argument that this use is similar to a hotel, restaurant or church.

(3) Location of a mission at this particular site would adversely affect the community's efforts to encourage downtown residential uses. A good image and favorable public perceptions of the area are important factors in the development of downtown housing. A mission-type facility would not project a positive image.

f. The Comprehensive Plan policies encourage more intensive uses of downtown spaces and a variety of commercial development. A mission facility for transients will hinder the City's efforts to attract a variety of commercial and service activities into the Central Business District and discourage a higher utilization of downtown space. The evidence of Eric Eisimann, the information from Eugene and Portland, the Main Street Report and the testimony of business people and property owners support the conclusion that the proposed facility would have a detrimental impact on business and property

development in the downtown. Development of a positive image in the downtown business district is essential to the revitalization of the Central Business District. A mission at this particular location would be a substantial negative rather than a positive factor.

3. The proposal fails to meet the criteria set forth in the Albany Development Code Section 13.040 (2) and (3). The site in question has numerous special features. These include its location within the Central Business District, its location within the Downtown Commercial Historic District, its proximity to the Willamette River Greenway, and its proximity to Monteith Riverpark. When the operating characteristics of the Mission and the inevitable increase in transient population are viewed against the backdrop of the special features of the site, we conclude that the adverse impact referred to above cannot be successfully mitigated. As a consequence, the City Council draws the following conclusions on the issue of special features:

- a. Historic Features

The proposed facility is in the center of a historic district which is presently listed in the National Register of Historic Sites. The testimony of Eric Eisemann, Director of the Historic Preservation Resource Center in Portland, the material submitted by the opponents on the significance and extent of Albany's historic resources, testimony and memo submitted by Dick Olsen, Chairman of the Albany Historic Advisory and Museum Commission, the Main Street Study and the memo from Larry Frager support the conclusion that the historic features in the area of the proposed site are of special value to the community and that a facility which draws a number of transients into the area would have a negative impact on the enhancement, protection and development of the historic features of the Central Business District.

The proposed use will have a negative impact on other historic properties in the commercial district. In order to evaluate the impact of a single activity on historic properties within a

historic district, it is necessary to look at the needs of the district as a whole. Many historic properties in the commercial district are substantially deteriorated and will only be improved if the owners are willing to invest in the area. Creation of a favorable investment climate is necessary to the preservation and enhancement of properties within the commercial district. The proposed use will draw increased numbers of transients to the downtown business district. The presence of large numbers of transients within the business district will discourage retail trade and project a negative image thereby creating an unfavorable investment climate making enhancement and improvement of the downtown historic features difficult or impossible.

b. Greenway

The proposed facility is adjacent to the Greenway Boundary. The Albany Downtown Commercial Historic District has been identified in the 1974 Oregon Department of Transportation Greenway Study as being of prime significance to the Willamette River Greenway. The District borders the Greenway and to the extent that the Mission activities hinder the revitalization of Albany Downtown Commercial Historic District there is a negative impact on the Greenway.

c. Riverfront Park

The city is in the process of completing the development of the Monteith Riverpark. This park will be located along the Willamette River in the downtown central business district. The park will be located approximately one block from the proposed use. The testimony of Mark Lindberg and the Eugene Transient Study lead us to conclude that a mission at this particular location will have a negative impact on the park.

The river is a natural scenic area and could serve as a focal point for the community. The City has established an interest in developing a people-oriented area by the creation of the Monteith Riverpark located within the Greenway.

In developing the Monteith Riverpark the city's goal has been to enhance the downtown as a pedestrian and people-oriented place. Based on information from Eugene, we conclude that conflicts in the park between people, especially families with children, and large numbers of transients are predictable. An increase in the number of transients in the downtown area will make this area less desirable for pedestrian and recreational uses and will thereby frustrate the City's efforts.

4. There were no procedural errors alleged by the Applicant.