

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

AMENDED DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO. CU-SPR17-10

APPLICATION NO. : 17-112326-ZO & 17-112327-RP

NOTICE OF DECISION DATE: AUGUST ~~23~~, 24, 2017

SUMMARY: Proposed change of use of an existing office building to a mixed-use building with 32 dwelling units and office space.

REQUEST: A Conditional Use Permit and Class 3 Site Plan Review request for a change of use in and existing six-story office building with a floor area approximately 32,257 square feet in size, to a mixed-use building with 32 proposed dwelling units and office space, for property approximately 0.29 acres in size, zoned CR (Retail Commercial), and located at 325 13th Street NE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W26BA / 05900).

APPLICANT: Troy Parke

LOCATION: 325 13th Street NE

CRITERIA: Conditional Use: SRC Chapter 240.005(d)
Class 3 Site Plan Review: SRC Chapter 220.005(f)(3)

FINDINGS: The findings are in the attached Amended Order, dated August, 24, 2017

DECISION: The Hearings officer **APPROVED** Conditional Use / Class 3 Site Plan Review Case No. CU-SPR17-10 subject to the following conditions of approval:

Condition 1: A lease agreement for a minimum of 15 off-site parking spaces shall be provided and maintained for the proposed use, meeting the requirements of SRC Chapter 806.

Condition 2: Four bicycle parking spaces shall be provided for the proposed use consistent with the development standards of SRC 806.060.

The rights granted by the attached decision for Conditional Use Case No. CU-SPR17-10 must be exercised, or an extension granted, by **September 8 9, 2019**, or this approval shall be null and void.

The rights granted by the attached decision for Class 3 Site Plan Review Case No. CU-SPR17-10 must be exercised, or an extension granted, by **September 8 9, 2021**, or this approval shall be null and void. A copy of the Amended Order is attached.

Application Deemed Complete: July 12, 2017
Public Hearing Date: August 9, 2017
Notice of Decision Mailing Date: August ~~23~~ 24, 2017

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



Decision Effective Date: September 8 9, 2017
State Mandate Date: November 9, 2017

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503.540.2356

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Thursday Friday, September 7, 8, 2017.** Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240 and 220. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A CONDITIONAL USE PERMIT AND CLASS 3 } SITE PLAN REVIEW REQUEST FOR A } CHANGE OF USE IN AN EXISTING SIX- } STORY OFFICE BUILDING WITH A FLOOR } AREA OF APPROXIMATELY 32,257 SQUARE } FEET IN SIZE, TO A MIXED-USE BUILDING } WITH 32 PROPOSED DWELLING UNITS } AND OFFICE SPACE, ON PROPERTY } APPROXIMATELY 0.29 ACRES IN SIZE, } ZONED CR (RETAIL COMMERCIAL), AND } LOCATED AT 325 13TH STREET NE - 97301 } (MARION COUNTY ASSESSOR'S MAP AND } TAX LOT NUMBER: 073W26BA / 05900). }	CU-SPR17-10 FINDINGS OF FACT, CONCLUSIONS, AND DECISION
---	---

DATE AND PLACE OF HEARING:

August 9, 2017, Salem City Council Chambers, Room 240, Civic Center, 555
Liberty Street SE, Salem, Oregon.

APPEARANCES:

<u>Staff:</u>	Aaron Panko, Planner III
<u>Neighborhood Association:</u>	N/A
<u>Proponents:</u>	Jeff Tross, Applicant's Consultant
<u>Opponents:</u>	N/A

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on
August 9, 2017. The Applicant filed and the City accepted an application
requesting a Conditional Use and Class 3 Site Plan Review for an existing office

building to a mixed-use building with 32 dwelling units and office space, and located at 325 13th Street NE, 97301.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Industrial Commercial." The subject property is within the Urban Growth Boundary and the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned CR (Retail Commercial). Multi-Family uses are allowed in the CR zone as a Conditional Use. The proposed change of use from an office to multi-family use requires a Conditional Use Permit.

The zoning and uses of surrounding properties include:

North: Across public alley, CR (Retail Commercial) – vacant gravel lot, paved parking area

South: Across Chemeketa Street NE, CR (Retail Commercial)– Parking lot

East: Across 13th Street SE, RM-II (Multi-Family Residential) – Multi-family use

West: CR (Retail Commercial) – Multi-family use

3. Site Analysis

The subject property is approximately 0.29 acres in size and contains an existing six story building that was originally built in 1960 as an apartment building and was later converted from residential to office use.

The subject property abuts 13th Street NE to the east and Chemeketa Street NE to the south. Both abutting streets are designated as collector streets within the Salem TSP (Transportation System Plan).

Natural Resources

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at

breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

The Hearings Officer notes that no protected trees are identified for removal on the proposed site plan.

SRC 809 - Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetland areas or hydric soils on the subject property. The applicant should contact DSL to verify if any permits are required for the proposed development.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. No areas of landslide hazard are mapped on the subject property. The proposed interior only change of use does not require any activity points. A total of zero points indicates a low landslide risk; therefore, a geological assessment is not required.

4. Neighborhood and Citizen Comments

The subject property is located within Northeast Neighbors (NEN). Notice was provided to NEN and surrounding property owners within 250 feet of the subject property. No comments were received from surrounding property owners.

Written comments were received from NEN in support of the applicant's proposal, with a request that bicycle parking spaces be provided for the proposed use.

The Hearings Officer concurs with the observation and recommendation made by NEN regarding bicycle parking. Although bicycle parking spaces are not required by SRC Chapter 806, staff recommends as a condition of approval and the Hearings Officer agrees with imposing for the

Conditional Use Permit that the applicant provide a minimum of four bicycle parking spaces to serve the proposed uses for the existing building.

5. City Department and Public Agency Comments

The Public Works Department has reviewed the proposal and provided a memo included in the staff report.

The Fire Department has reviewed the proposal and indicated they have no issues for the Conditional Use Permit application, however, Fire will address possible issues at time of building permit plan review.

The Building and Safety Division has reviewed the proposal and indicated that they have no concerns.

Portland General Electric has reviewed the proposal and indicated that the indoor transformer vault room and electrical room will need to be upgraded to current standards for individual metered electrical services.

Salem Keizer School District has reviewed the proposal and submitted a written response included as Attachment E in the staff report.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1:

The proposed use is allowed as a conditional use in the zone:

SRC Chapter 522, Table 522-1 provides that multiple family uses are allowed in the CR zone as a conditional use. The Hearings Officer finds that the application satisfies this criterion.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

The Hearings Officer notes that a conditional use permit is being requested in this case to change the use of the existing office building to a mixed use building, including 32 multi-family residential dwelling units and approximately 700 square feet of office space. No change is proposed to the existing building setbacks, and no building addition or change to the existing vehicle use area is part of this development. No adverse impacts are anticipated by the building itself.

The subject property was originally developed and used as a multi-family residential apartment building in 1960, and was later converted to an office use. Similar multi-family apartment buildings and office uses are found in the area immediately surrounding the subject property. The proposed mixed-use multi-family and office use for the building will be similar in impact to the prior historical use of the property.

The existing vehicle use area has 18 off-street parking spaces, which does not provide enough parking to meet the standard in SRC Chapter 806 of 1.5 spaces per dwelling unit. The subject property is located within convenient walking and biking distance of several nearby shopping and services, which reduces the demand for use of motor vehicles. The applicant is proposing to lease an additional 15 parking spaces off-site to provide a total of 33 spaces, adequate for at least one space for each residential unit and one space for the remaining office space.

Condition 1: A lease agreement for a minimum of 15 off-site parking spaces shall be provided and maintained for the proposed use, meeting the requirements of SRC Chapter 806.

Currently there are no bicycle parking spaces provided to serve uses on the subject property. The proposal includes a change of use from office to multi-family residential. No bicycle parking spaces are required to be provided by SRC Chapter 806 because the proposed use requires fewer bicycle parking spaces than the previous office use; however, in order to minimize the impacts of the proposed use on the immediate area a variety of transportation options, including biking, shall be made available to future residents. Staff recommends and the Hearings Officer imposes a minimum of four bicycle parking spaces be provided for the building, to be installed meeting the development standards in SRC Chapter 806.

Condition 2: Four bicycle parking spaces shall be provided for the proposed use consistent with the development standards of SRC 806.060.

The Hearings Officer finds that the development, as proposed and with these two conditions, minimizes reasonably likely adverse impacts of the use

on the immediate neighborhood. With these two conditions, the Hearings Officer finds that the application satisfies this criterion.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

The Hearings Officer notes that to determine if the proposed multi-family use is reasonably compatible with the surrounding area, it is first appropriate to determine if the proposed multi-family use is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

Residential Development (SACP IV Section E)

Establishing Residential Uses.

The location and density of residential uses shall be determined after considering the 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.

Multi-Family Housing.

Multiple family developments should be located in areas that provide walking, auto or transit connections to:

- 1) Employment Center
- 2) Shopping Areas
- 3) Transit Service
- 4) Parks
- 5) Public Buildings

Primary access to the subject property is provided by 13th Street NE, which is designated as a collector street on the Salem Area Transportation System Plan, with additional access provided by Chemeketa Street NE. The abutting streets provide pedestrian, bike and vehicle connections from the subject property to nearby services, including grocery stores, employment, and shopping areas. Salem-Keizer Transit (Cherriots) provides several nearby transit routes, and the property is within a half mile of the Cherriots Downtown Transit Center.

The subject property is approximately 0.22 miles away from the nearest public park, State Capitol State Park, which is to the west of the subject property, accessed by Chemeketa Street NE. In addition, Wil'son Park is

located approximately 0.4 miles and Riverfront Park is located approximately 0.88 miles from the subject property. Other notable nearby public facilities include Willamette University southwest of the subject property, and the Oregon State Capitol Mall to the west.

Bush Elementary School, Leslie Middle School and South Salem High School will serve students in this area. Students residing at the proposed development will be eligible for school transportation services to Bush Elementary, Leslie Middle School and South Salem High School.

The proposed multi-family use for the subject property is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting. As conditioned, the Hearings Officer finds that the proposed development will have a minimal impact on the livability and appropriate development of surrounding property.

7. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) establishes the following approval criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

A summary of the applicable development standards of the Salem Revised Code is included below.

Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) - Uses:

The Hearings Officer finds that the subject property is currently developed with a six-story office building, approximately 32,257 square feet in size. The proposed development includes a change of use to a mixed-use building, including 32 multi-family residential dwelling units and approximately 700 square feet of office space will remain. Multi-family residential uses are allowed in the CR zone as a conditional use pursuant to Table 522-1, and office uses are allowed as a permitted use in the CR zone.

SRC 522.010(a) –Lot Standards:

There are no minimum lot area or dimensional requirements in the CR zone. All uses other than single family dwellings are required to have a minimum of 16 feet of street frontage.

The subject property is approximately 0.29 acres in size and has approximately 80 feet of street frontage along Chemeketa Street NE and 158 feet of frontage along 13th Street NE, exceeding minimum lot standards.

SRC 522.010(b) – Setbacks:

North: Adjacent to the north is a public alley. Zone to zone setbacks are not required abutting an alley.

South: Adjacent to the south is right-of-way for Chemeketa Street NE. Buildings and structures require a minimum 5-foot setback abutting a street. Vehicle use areas require a minimum 6-10 foot setback adjacent to a street per SRC Chapter 806.

East: Adjacent to the east is right-of-way for 13th Street NE. Buildings and structures require a minimum 5-foot setback abutting a street. Vehicle use areas require a minimum 6-10 foot setback adjacent to a street per SRC Chapter 806.

West: Adjacent to the west is a CR (Retail Commercial) zoned property. There is no minimum building setback required adjacent to a commercial zoned property, vehicle use areas require a minimum 5-foot setback.

The existing development site does not appear to comply with one or more required setbacks. Pursuant to SRC Chapter 270, nonconforming development may be altered or enlarged, including a change of use, as long as the new development complies with all applicable development standards of the UDC. No change is proposed to the existing building footprint and no alterations are proposed to the existing vehicle use area.

SRC 522.010(c) - Lot Coverage, Height:

There is no maximum lot coverage standard in the CR zone. The maximum height allowance for all uses is 50 feet.

The Hearings Officer notes that no change is proposed to the existing lot coverage, or height of the existing building, which is 6 stories tall and approximately 50 feet in height.

SRC 522.010(d) - Landscaping:

- (1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) Development Site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

The Hearings Officer finds that no building additions or alterations to the existing off-street parking area are proposed for the change of use. Additional landscaping is not required for the proposed change of use.

Off-Street Parking, Loading, and Driveways SRC 806
SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.

The Hearings Officer notes that the proposed development includes a change of use in an existing office building approximately 32,257 square feet in size, which pursuant to Table 806-1 required a minimum of one space per 350 square feet for a total of 92 spaces ($32,257 / 350 = 92.2$).

The proposed development includes a change of use to a mixed-use building, including 32 multi-family residential dwelling units and approximately 700 square feet of office space. The proposed multi-family residential use requires a minimum of 1.5 spaces per dwelling unit ($32 \times 1.5 = 48$) and the remaining office space requires a minimum of 2 spaces ($700 / 350 = 2$) for a total parking requirement of 50 spaces.

Because the proposed use does not result in a parking requirement greater than the previous use or activity, SRC Chapter 806 does not require additional off-street parking spaces are required for the proposed development. However, regardless of this code requirement, and as discussed above related to the Conditional Use Permit, to satisfy SRC 240.005(d), Criterion 1, the Hearings Officer is imposing as a condition of approval a requirement that additional off-site parking spaces be leased to help meet the parking needs for the proposed change of use.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.

The Hearings Officer notes that the proposed development includes a change of use in an existing office building approximately 32,257 square feet in size, which pursuant to Table 806-8 required a minimum of one bicycle parking space per 3,500 square feet for a total of 9 spaces ($32,257 / 3,500 = 9.2$).

The proposed development includes a change of use to a mixed-use building, including 32 multi-family residential dwelling units and approximately 700 square feet of office space. The proposed multi-family residential use requires a minimum of 0.1 bicycle parking spaces per dwelling unit ($32 \times 0.1 = 3.2$) and the remaining office space requires a minimum of 4 spaces ($700 / 3,500 = 0.2$) for a total bicycle parking requirement of 7 spaces.

Because the proposed use does not result in a bicycle parking requirement greater than the previous use or activity, SRC Chapter 806 does not require additional bicycle parking spaces for the proposed development. However, regardless of this code requirement, for the related Conditional Use Permit, to satisfy SRC 240.005(d) Criterion 1, the Hearings Officer is imposing as a condition of approval a requirement that additional bicycle parking spaces be provided to help meet the bicycle parking needs related to the proposed change of use.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity.

The proposed development includes a change of use in an existing office building approximately 32,257 square feet in size, which pursuant to Table 806-9 required a minimum of one loading space for a building between 5,000 and 60,000 square feet in size.

The proposed development includes a change of use to a mixed-use building, including 32 multi-family residential dwelling units and approximately 700

square feet of office space. No off-street loading spaces are required for a multi-family use containing less than 50 dwelling units. The remaining office space does not require a loading space.

Because the proposed use does not result in an off-street loading space requirement greater than the previous use or activity, no additional off-street loading spaces are required for the proposed development.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Where applicable, landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

The Hearings Officer finds that the application satisfies this criterion.

Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

The Hearings Officer notes that the existing street system is adequate to serve the proposed development and the development is not proposing a building addition pursuant to 803.040(a); therefore, no right-of-way dedication or street improvements are required.

No special setback is required along 13th Street NE because the existing right-of-way meets the standard for a collector street. No special setback is required along Chemeketa Street NE because the existing right-of-way exceeds the standard for a local street.

The Hearings Officer finds that the application satisfies this criterion.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

The Hearings Officer notes that the driveway access onto 13th Street NE provides for safe turning movements into and out of the property. The Hearings Officer finds that the application satisfies this criterion.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

The Hearings Officer notes that the Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The Hearings Officer finds that the application satisfies this criterion.

DECISION

The Hearings Officer APPROVES a Conditional Use and Class 3 Site Plan review for a proposed change of use of an existing office building to a mixed-use building with 32 dwelling units and office space for property located at the 325 13th Street NE, subject to the following conditions of approval:

Condition 1: A lease agreement for a minimum of 15 off-site parking spaces shall be provided and maintained for the proposed use, meeting the requirements of SRC Chapter 806.

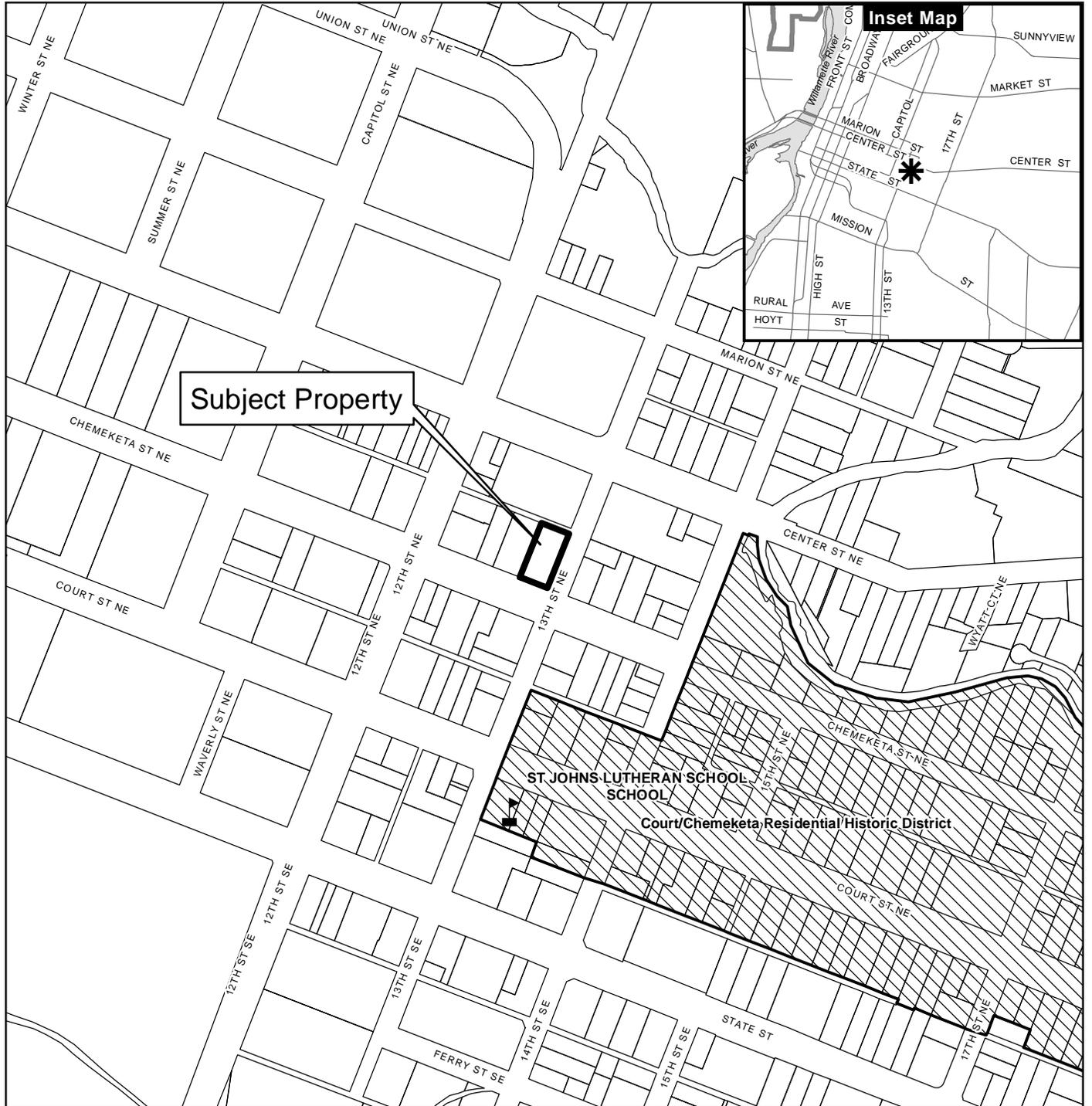
Condition 2: Four bicycle parking spaces shall be provided for the proposed use consistent with the development standards of SRC 806.060.

DATED: August 24th, 2017.


James K. Brewer, Hearings Officer

Vicinity Map

325 13th Street NE



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



Existing Conditions Plan

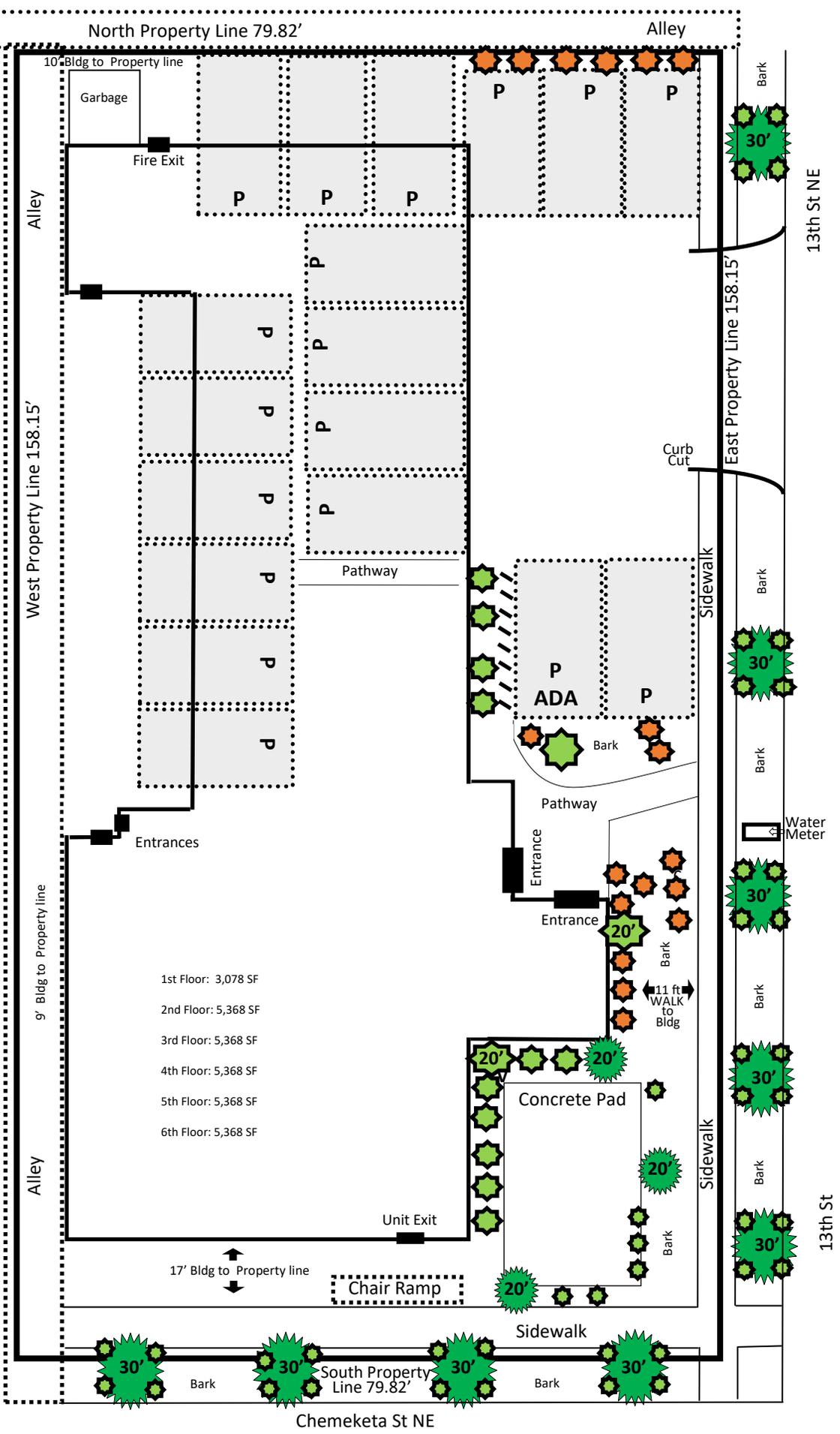
- LEGEND**
- = 30' Tree
 - = 20' Tree
 - = 20' Hedge
 - = 20 GI Tree
 - = 4' Plant
 - = 5 GI plant
 - = 3 GI plant
 - = Chair Ramp = ADA Access Ramp
 - = Parking
 - = 8'x8' fully fenced Garbage / Recycle

Total Site Area: 12,624 SF
 Building: 32,257 Gross SF
 Landscape Percentage to Total Site Area: 20% incl. Street tree median strip

Conditional Use Application June 16, 2016

Troy Parke
Applicant

Scale: 1"=16'



13th St NE

13th St

Chemeketa St NE

SUMMARY TABLE for Site Plan Review

Subject Property: 325 13th St NE, Salem Oregon 97301

Applicant: Troy Parke

SUMMARY TABLE ITEM:	
Zoning Designation	CR
Total Site Area	12,624 SF
Gross Floor Area:	32,257 SF
Minimum Office Designated	700 SF
Residential / Multi-Family	31,557 SF
Building Height (existing 6 stories)	50' - 0"
Total Parking count	18
Full size	15
Compact	2
Handicapped	1
Total Lot Coverage (existing to sidewalks / alleys)	100%

UTILITY PLAN ~ Existing adequate service to property
325 13th St NE, Salem Oregon ~
Applicant: Troy Park

