

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

## DECISION OF THE HEARINGS OFFICER

**VARIANCE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE  
NO.: VAR-SPR-ADJ22-02**

**APPLICATION NO.: 22-116638-PLN / 22-107794-RP / 22-107795-ZO**

**NOTICE OF DECISION DATE:** October 14, 2022

**SUMMARY:** Proposed development of a new mixed-use building containing 71-dwelling units and 11,998 square feet of retail commercial floor area.

**REQUEST:** A Variance request to remove Condition 4 from CU20-08 which requires an offset of at least four feet along the exterior wall of the proposed building, and a Class 3 Site Plan Review for a proposed mixed-use development including 71 multi-family residential units and approximately 11,998 square feet of retail commercial floor area, with the following Adjustments to:

- 1) Increase the maximum building height from 50 feet, per Table 522-5, to 50 feet and 10 inches.
- 2) Eliminate the requirement to provide pedestrian pathways connecting between other existing buildings on the development site per SRC 800.065(a)(2).

For property approximately 2.95 acres in size, zoned CR (Retail Commercial), and located at 5775 Commercial Street SE - 97306 (Marion County Assessors Map and Tax Lot number: 083W14CD / 00700).

**APPLICANT:** Brandie Dalton, Multi-Tech Engineering, on behalf of Bo Rushing

**LOCATION:** 5775 Commercial Street SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 245.005(d) – Variances; 220.005(f)(3) – Class 3 Site Plan Review; and 250.005(d)(2) – Adjustments.

**FINDINGS:** The findings are in the attached Decision dated October 11, 2022.

**DECISION:** The **Hearings Officer APPROVED** Variance Case No. VAR-SPR-ADJ22-02 subject to the following conditions of approval:

### SITE PLAN REVIEW:

- Condition 1:** Weather protection in the form of awnings or canopies shall be provided along the ground floor building façade for a minimum of 75 percent of the length of the building façade for any wall which includes entrances for non-residential uses. Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet.
- Condition 2:** The final plat for Tentative Subdivision Case No. SUB-ADJ19-07 shall be recorded prior to issuance of any civil site work or building permits.

# NOTICE OF DECISION

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



- Condition 3:** Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.
- Condition 4:** At the time of building permit, the applicant shall demonstrate that required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).
- Condition 5:** Prior to building permit approval the applicant shall provide an updated site plan and parking analysis demonstrating the off-street parking requirements of SRC Chapter 806 are met for the development site.
- Condition 6:** At the time of building permit, the applicant shall demonstrate that the proposal complies with minimum bicycle parking requirements and all applicable development standards of SRC Chapter 806.
- Condition 7:** Obtain all applicable permits regarding placement of fill and parking within existing City easements, including but not limited to an excavation fill permit pursuant to SRC 65.110.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

**ADJUSTMENTS:**

- Condition 9:** The applicant shall provide pedestrian connections between the proposed mixed-use building and existing buildings to the north (5755-5757 Commercial Street SE) and to the east (5765 Commercial Street SE) in compliance with the development standards of SRC Chapter 800. A pedestrian pathway leading from the proposed mixed-use building to 5795 Commercial Street SE is not required.
- Condition 10:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by November 1, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>September 6, 2022</u>
Public Hearing Date:	<u>September 28, 2022</u>
Notice of Decision Mailing Date:	<u>October 14, 2022</u>
Decision Effective Date:	<u>November 1, 2022</u>
State Mandate Date:	<u>January 4, 2023</u>

Case Manager: Aaron Panko, Planner III, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

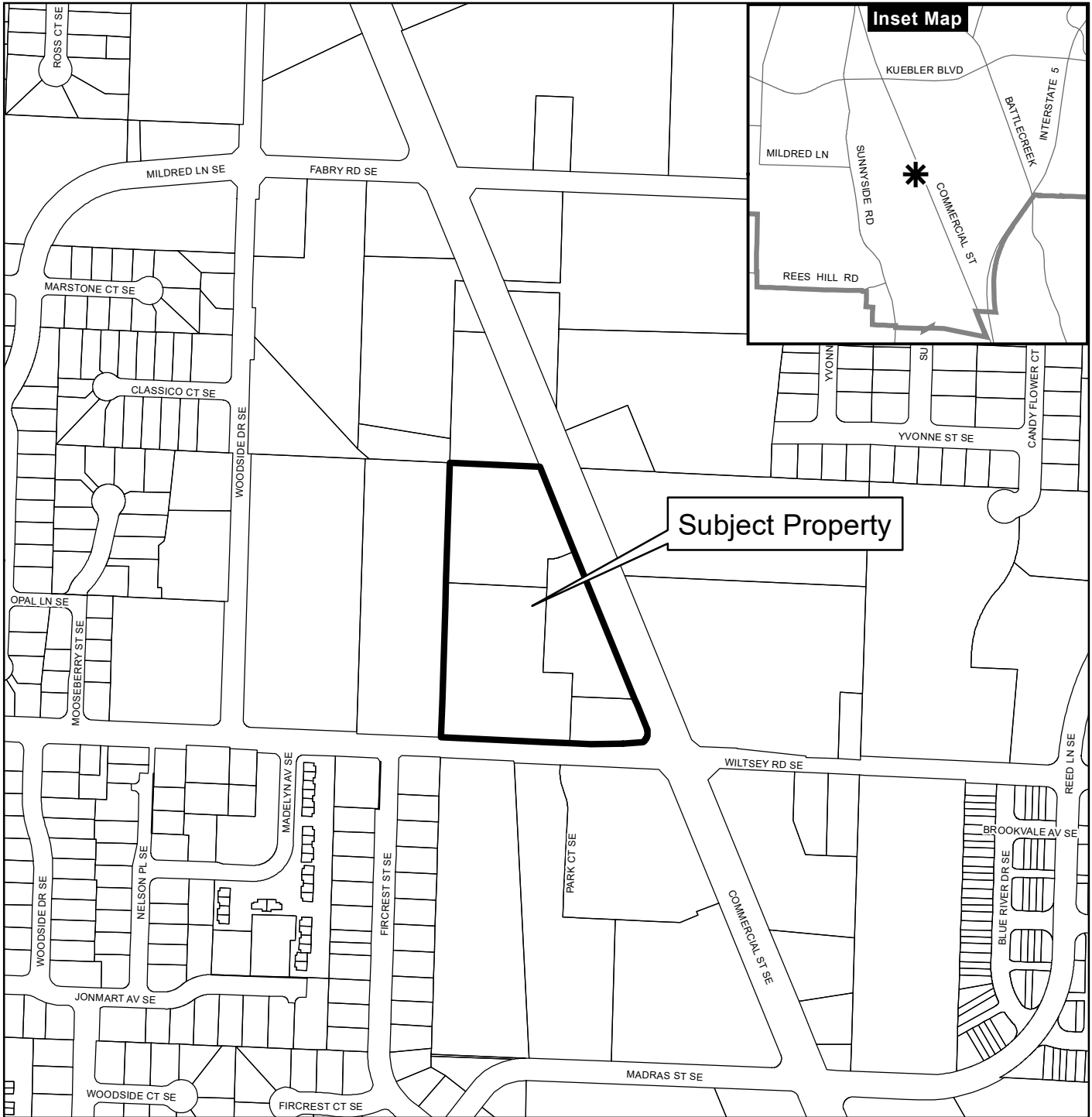
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Monday, October 31, 2022. 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) 245, 220, and 250. 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

# Vicinity Map

## 5775 Commercial Street SE



### Legend

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

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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.

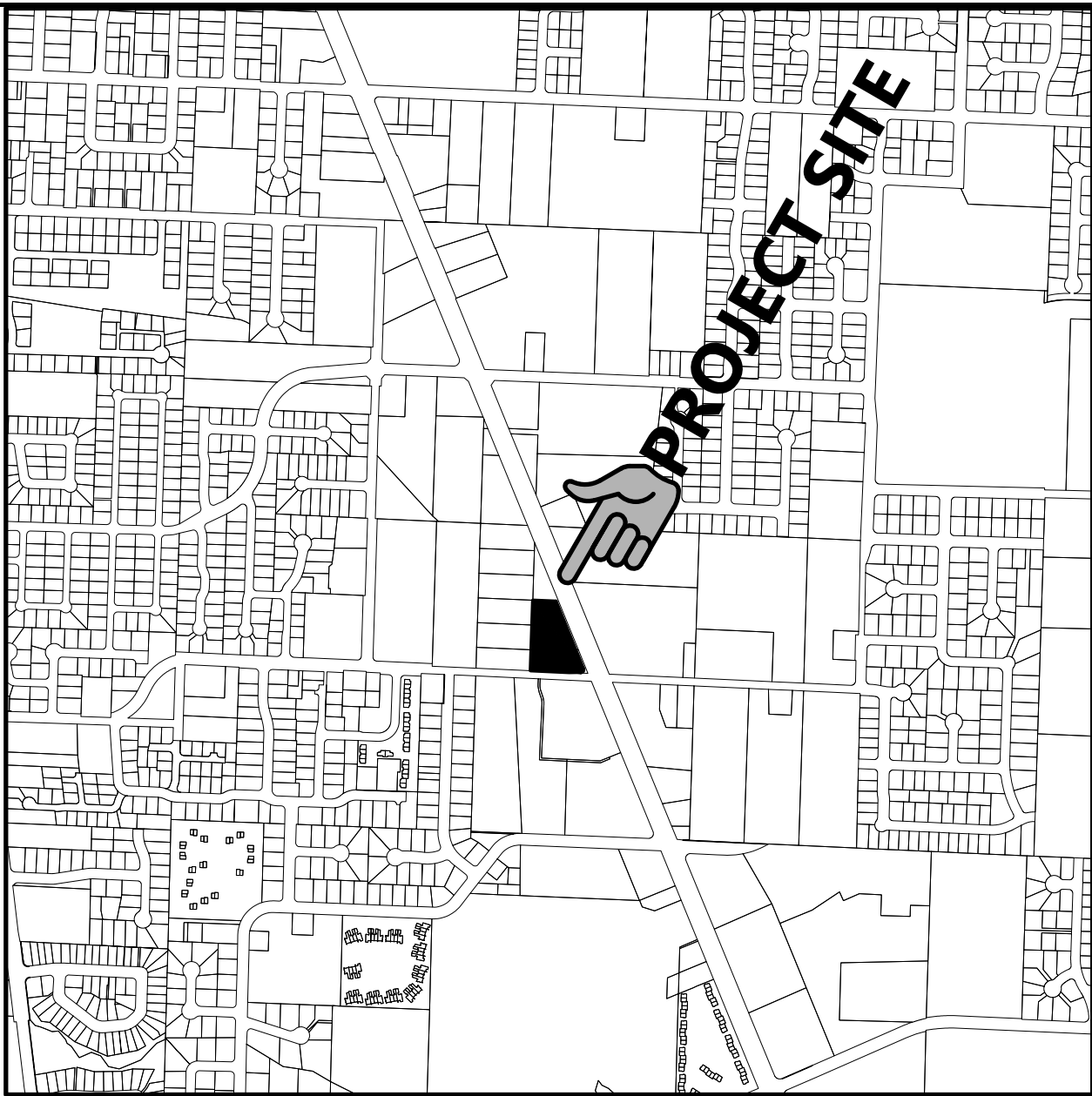
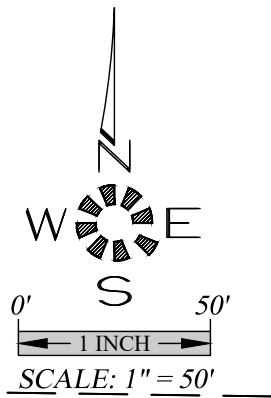
0 100 200 400 Feet





# ANTHONY'S PLACE

SEC. 14, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON



VICINITY MAP

Owner / Developer:

**BO RUSHING**

4336 COMMERCIAL ST. S.E.  
SALEM, OREGON 97302

T.B.M. 402.51  
MARION COUNTY MONUMENT, U161, A  
BRASS DISC LOCATED ON THE EAST SIDE OF  
COMMERCIAL AVE S.E. NEAR IT'S  
INTERSECTION WITH FAIRWAY AVE. S.E.

MULTI/TECH

ENGINEERING SERVICES, INC.  
11555 13th St., S.E. SALEM, OR, 97302  
PH: (503) 363 - 9227 FAX (503) 364-1260  
www.mtechengineering.net office@mtechengineering.net

COVER SHEET

ANTHONY'S PLACE

MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED  
NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

## SHEET INDEX

- SDR1

COVER SHEET
- SDR2

EXISTING CONDITIONS
- SDR3

SITE PLAN
- SDR4

UTILITY PLAN
- SDR5

GRADING PLAN
- SDR6

TREE CONSERVATION PLAN
- L1.1

SCHEMATIC LANDSCAPE PLAN NORTH
- L1.2

SCHEMATIC LANDSCAPE PLAN SOUTH
- L1.3

SCHEMATIC LANDSCAPE NOTES AND DETAILS

68379 1-COV-21

Design: M.D.G.  
Drawn: C.F.S./A.R.T.  
ProjMgr: B.M.G.  
Date: MAY-22  
Scale: AS SHOWN  
As-Built:

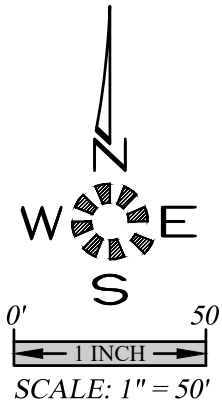
REGISTERED PROFESSIONAL ENGINEER  
68379  
OREGON  
JUL 14 1978  
MARK D. GREEN  
EXPIRES: 06-30-2023

JOB # 6837

SDR1

Owner / Developer:  
**BO RUSHING**  
4336 COMMERCIAL ST. S.E.  
SALEM, OREGON 97302

**ANTHONY'S PLACE**  
SEC. 14, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON



MULTI/TECH

ENGINEERING SERVICES, INC.  
1155 13th St. S.E. Salem, OR, 97302  
PH: (503) 363 - 9227 FAX (503) 364-1260  
www.mtengineering.net office@mtengineering.net

EXISTING  
CONDITIONS

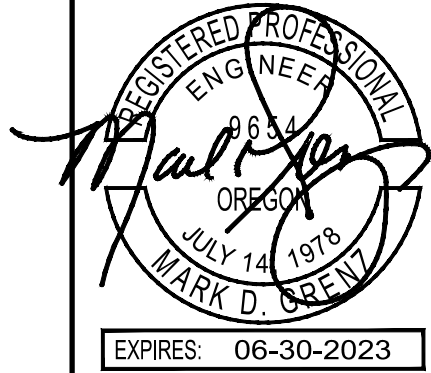
ANTHONY'S PLACE

MULTI/TECH ENGINEERING EXEMPT FROM  
LIABILITY IF NOT STAMPED APPROVED  
  
NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

6837P 2-X-CON

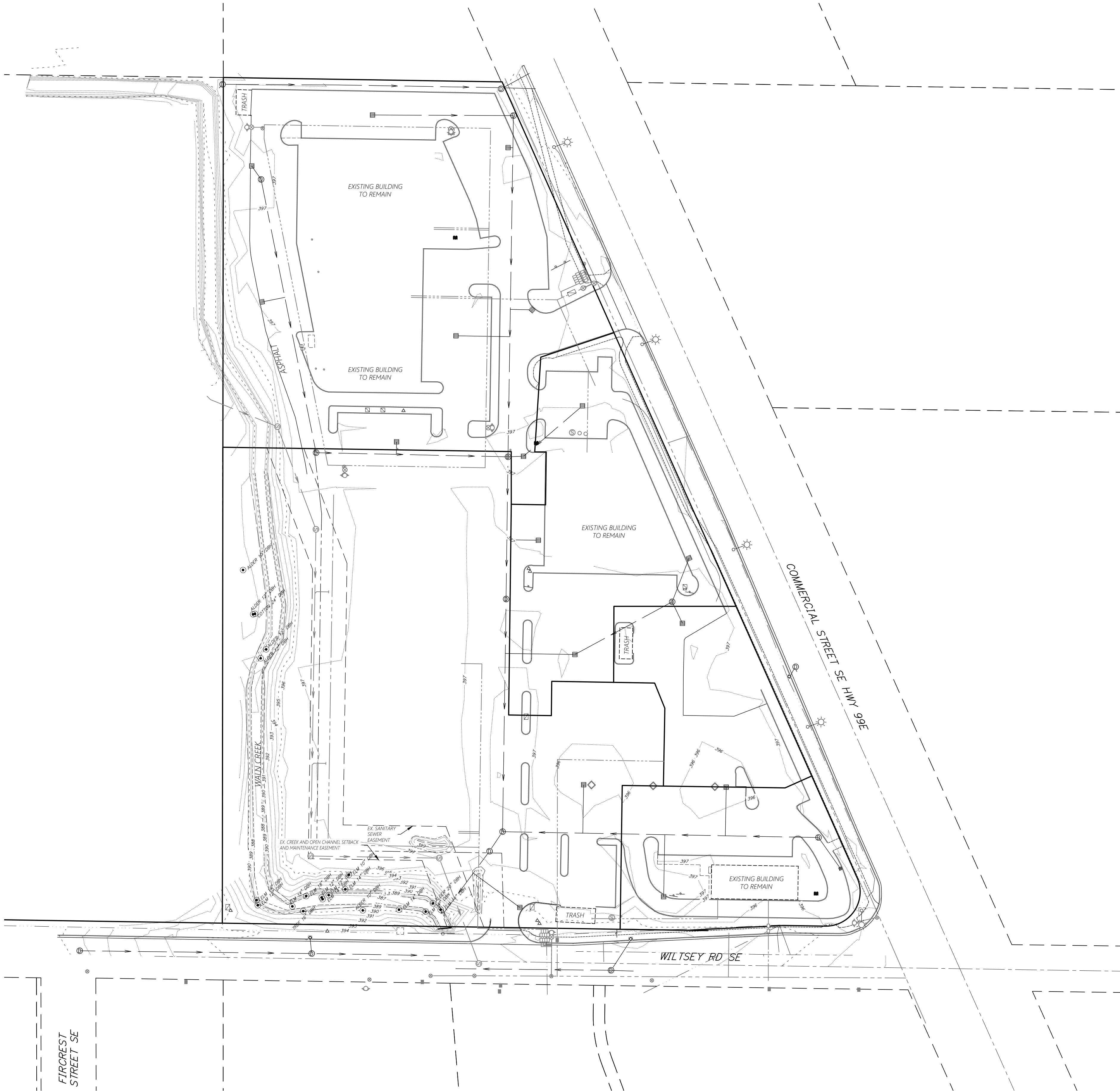
Design: M.D.G.  
Drawn: A.R.T.  
ProjMgr: B.M.G.  
Date: MAY-22  
Scale: AS SHOWN  
As-Built:



EXPIRES: 06-30-2023

JOB # 6837

SDR2

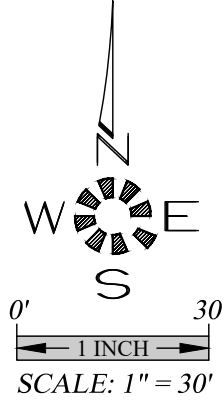
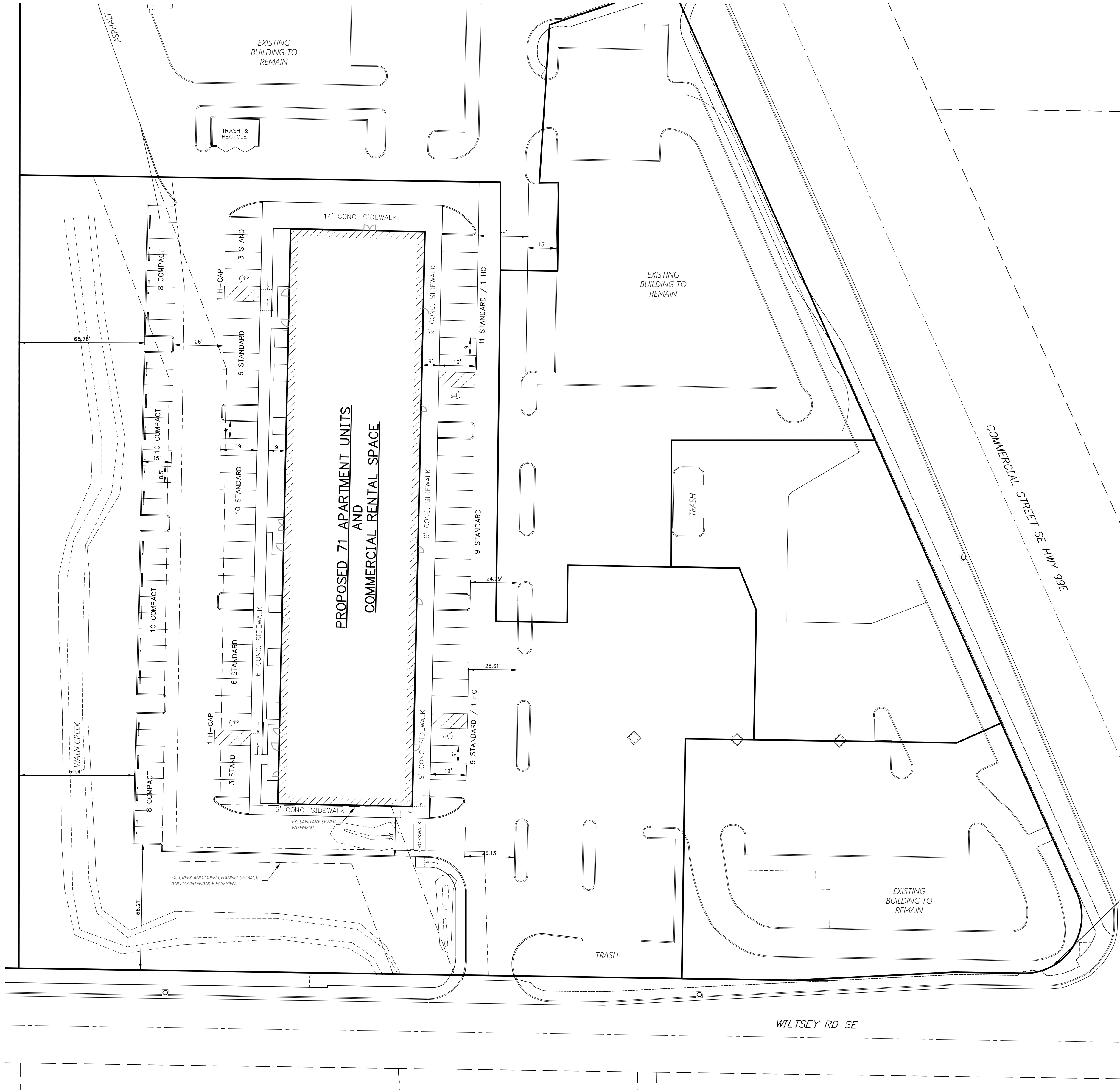


J:\6837\6837 - Anthony's Place\Drawings\Draw 18\6837.dwg, 3-SITE, 5/5/2022, 3:23:44 PM, A:\Draw

**71 TOTAL APARTMENT UNITS**  
**10 STUDIO UNITS**  
**14 1-Bd. UNITS**  
**47 2-Bd. UNITS**

**107 TOTAL PARKING STALLS**  
**56 STANDARD STALLS**  
**47 COMPACT STALLS**  
**4 HANDICAP STALLS**

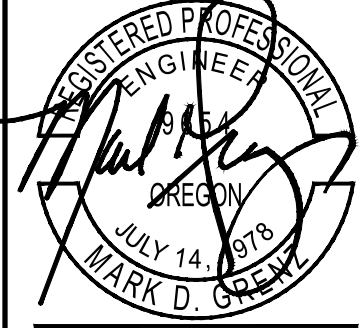
**SITE PLAN**  
**1 TRASH / RECYCLE**



MULTI/TECH ENGINEERING EXEMPT FROM  
LIABILITY IF NOT STAMPED APPROVED  
**NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE**

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

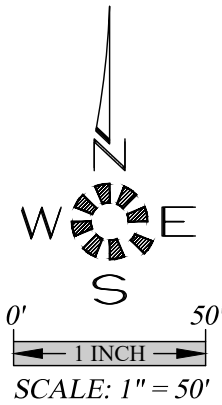
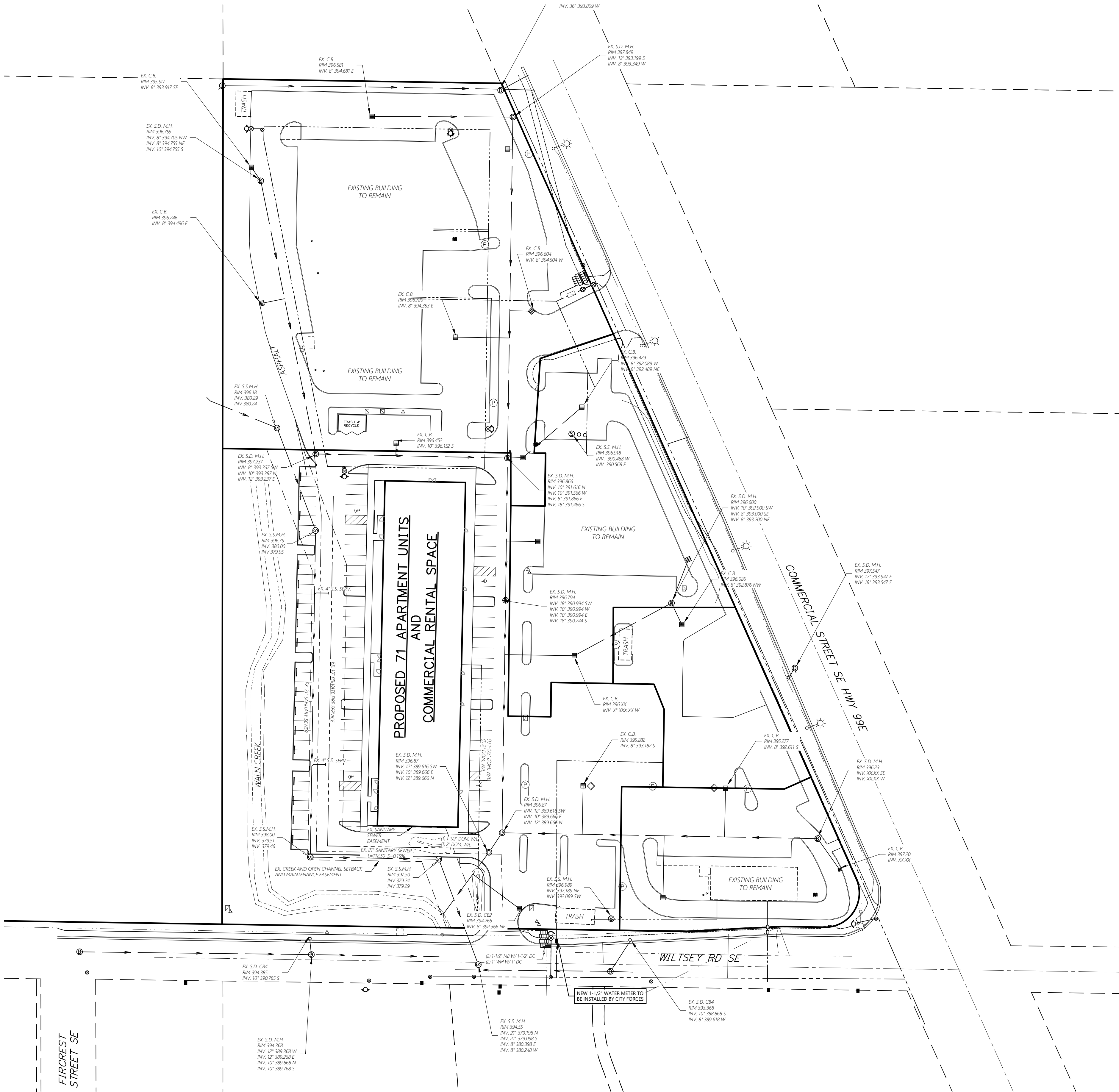
6837p 3-SITE  
Design: M.D.G.  
Drawn: A.R.T.  
ProjMgr: B.M.G.  
Date: MAY-22  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_



EXPIRES: 06-30-2023

JOB # 6837

**SDR3**



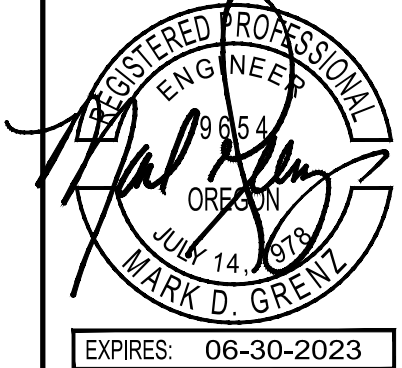
UTILITY PLAN

ANTHONY'S PLACE

MULTITECH ENGINEERING EXEMPT FROM  
LIABILITY IF NOT STAMPED APPROVED  
NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: C.F.S./A.R.T.  
ProjMgr: B.M.G.  
Date: MAY-22  
Scale: AS SHOWN  
As-Built:

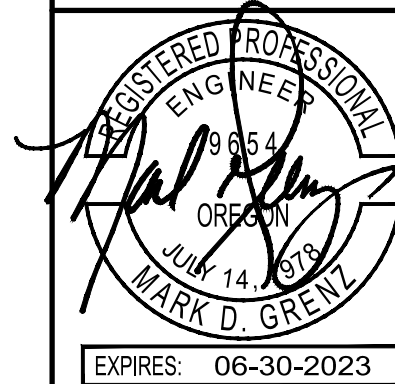


EXPIRES: 06-30-2023

JOB # 6837

SDR4





JOB # 6837

Design: M.D.G.  
 Drawn: C.F.S./A.R.T.  
 ProjMgr: B.M.G.  
 Date: May-22  
 Scale: AS SHOWN

As-Built:

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION

NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

## ANTHONY'S PLACE

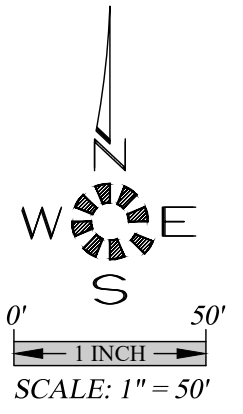
# GRADING AND DRAINAGE PLAN



**ENGINEERING SERVICES, INC.**  
1155 13th ST. S.E. SALEM, OR. 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260  
[www.mtengineering.net](http://www.mtengineering.net) [office@mtengineering.net](mailto:office@mtengineering.net)

**4336 COMMERCIAL ST. S.E.  
SALEM, OREGON 97302**

**SEC. 14, T. 8 S., R. 3 W., W.M.**  
**CITY OF SALEM**  
**MARION COUNTY, OREGON**



**MULTI/TECH**  
ENGINEERING SERVICES, INC.

1155 13th St. S.E. SALEM, OR. 97302  
PH. (503) 363 - 9227 FAX (503) 364-1260  
[www.mtengr.com](http://www.mtengr.com) office@mtengr.com

# TREE CONSERVATION PLAN

## ANTHONY'S PLACE

NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

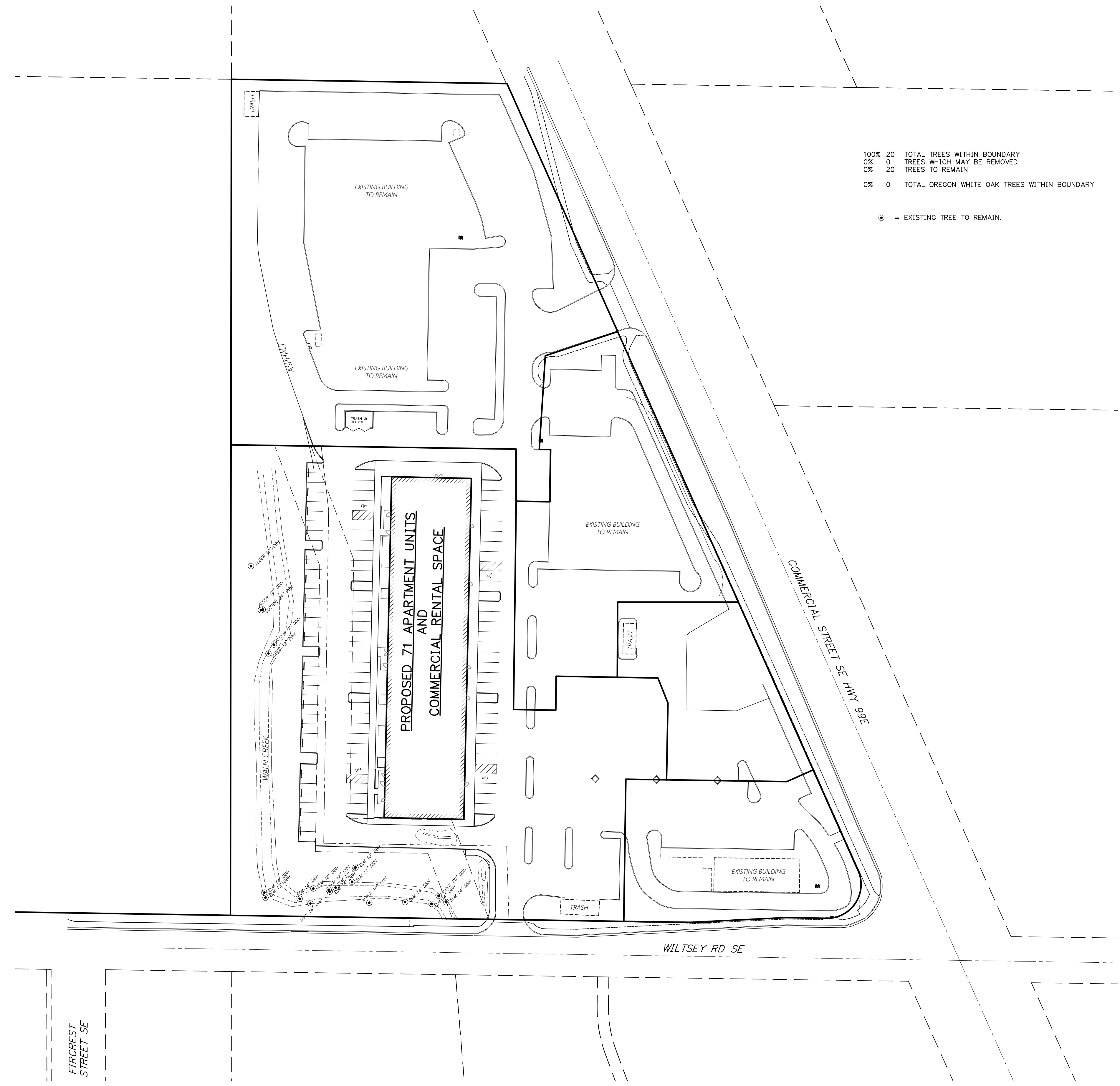
Design: M.D.G.  
 Drawn: C.F.S./A.R.T.  
 ProjMgr: B.M.G.  
 Date: May-22  
 Scale: AS SHOWN  
 As-Built:



EXPIRES: 06-30-2023

JOB # 6837

## SDR6







## GENERAL LANDSCAPE NOTES:

### General:

- All local, municipal, state, and federal laws regarding uses, regulations, governing or relating to any portion of the work depicted on these plans are hereby incorporated into and made part of these specifications and their provision shall be carried out by the Contractor. The Contractor shall at all times protect the public throughout the construction process.
- The Contractor shall carefully correlate construction activities with earthwork contractor and other site development.
- The Contractor shall verify drawing dimensions with actual field conditions and inspect related work and adjacent surfaces. Contractor shall verify the accuracy of all finish grades within the work area. The Contractor shall report to the Landscape Design & Consultants LLC (LDC) or Owner all conditions which prevent proper execution of this work.
- The exact location of all existing utilities structures and underground utilities, which may not be indicated on the drawings, shall be determined by the Contractor. The Contractor shall protect existing structures and utility services and is responsible for their replacement if damaged.
- The Contractor shall keep the premises free from rubbish and debris at all times and shall arrange material storage to not interfere with the operation of the project. All unused material, rubbish, and debris shall be removed from the site.
- All plant material and planting supplies shall be warranted for a period of not less than one year from the completion date of installation. All replacement stock shall be subjected to the same warranty requirement as the original stock. Any damage due to replacement operations shall be repaired by the Contractor. At the end of the warranty period, inspections shall be made by LDC, Owner/General Contractor. All plant and lawn areas not in a healthy growing condition shall be removed and replaced with plants and turf cover of a like kind and size before the close of the next planting season.

### Grading / Erosion Control:

- The design and placement of the building on the site lends itself to minimal slope conditions with positive drainage being maintained around the entire building. In this case standard landscaping procedures of topsoil, lawn, and a two inch layer of bark mulch on all planting beds will be sufficient to control erosion.
- Seed recommendation is Pro Time 700 Low Profile or approved equal over the jute netting at a rate of 2 lbs. per 1000 sq. feet. The address of Pro Time is 1712 SE Ankeny, Portland OR 97214. Phone 503-239-7518. There email is [info@protimeinc.com](mailto:info@protimeinc.com)
- The work limits shown on this plan shall clearly be marked in the field prior to construction. No disturbance beyond the work limits shall be permitted.
- Grading shall be performed during optimal weather conditions.
- Erosion control measures shall be constructed in conjunction with all clearing and grading activities, and in such a manner as to ensure that sediment and sediment-laden water does not enter the drainage system or violate applicable water standards.
- Prior to the commencement of construction activities, Contractor shall place orange construction fencing around perimeters of construction impact areas, and sediment fencing at downhill portions of the site. Contractor is responsible for proper installation, maintenance, replacement, and upgrading of all erosion and sediment control measures, in accordance with local, state, and federal regulations.

### Plant Material:

- Contractor shall verify all plant & tree quantities with LDC or Owner prior to construction.
- In the event of a discrepancy between plants materials listed on the drawings, the drawings shall govern the plant species and quantities required.
- Plant material shall be first quality stock and shall conform to the code of standards set forth in the current edition of the *American Standards for Nursery Stock* sponsored by the American Association of Nurserymen, Inc. (AAN)
- Species and variety as specified on the drawings and delivered to the site shall be certified true to there genus, species and variety and as defined within the current edition International Code of Nomenclature for Cultivated Plants.
- Obtain freshly dug, healthy, vigorous plants nursery-grown under climatic conditions similar to those in the locality for the project for a minimum of two years. Plants shall have been lined out in rows, annually cultivated, sprayed, pruned, and fertilized in accordance with good horticultural practice. All container plants shall have been transplanted or root pruned at least once in the past three years. Balled-and burlapped (B&B) plants must come from soil which will hold a firm root ball. Heeled in plants and plants from cold storage are not acceptable.
- Planting stock shall be well-branched and well-formed, sound, vigorous, healthy, free from disease, sun-scaled, windburn, abrasion, and harmful insects or insect eggs; and shall have healthy, normal, unbroken root systems. Deciduous trees and shrubs shall be symmetrically developed, uniform habit of growth, with straight trunks or stems, and free from objectionable disfigurements. Evergreen trees and shrubs shall have well-developed symmetrical tops with typical spread of branches for each particular species or variety. Only vines and ground cove plants well-established shall be used. Plants budding into leaf or having soft growth shall be sprayed with an anti-desiccant at the nursery before digging.
- Contractor shall not make substitutions of plant materials. If required landscape material is not obtainable, submit proof of non-availability and proposal for use of equivalent material. When authorized, adjustments of contract amount (if any) will be made by change order.
- Plant sizes and grading shall conform to the latest edition of American Standard for Nursery Stock as sponsored by the American Association of Nurserymen Inc. (AAN)
- All vegetation shown on this plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use. All vegetation not so maintained shall be replaced wit new vegetation at the beginning of the next growing season.

### Planting:

- Planting shall be installed between March 1<sup>st</sup> to April 30<sup>th</sup> or between October 1<sup>st</sup> to November 30<sup>th</sup>. If planting is installed outside these times frames, additional measures may be needed to ensure survival and shall be pre-approved by the owner.
- Plant material shall be transported to the sit in a timely manner to minimize on-site storage. Where storage is required, all plants shall be kept moist and shaded.
- Plant stock shall be handled in a manner that will not break, scrape, or twist any portion of the plant. Protect plants at all times from conditions that can damage the plant (e.g., sun, wind, freezing conditions).
- Provide the following clearance for planting of trees where applicable:  
Maintain 30 feet vision triangles at all intersections and corners  
5 feet from all street/parking lot light standards  
10 feet from fire hydrants  
5 feet from all utility vaults, meter boxes, water meters, etc.
- No trees or shrubs shall be planted on existing or proposed utility lines.
- All shrub beds shall receive a minimum 2" layer of bark mulch evenly applied immediately after panting is completed. All plant beds shall drain away from buildings.
- Excavate plant pits for shrubs and trees as follows:  
Container stock: width = 2 times the container diameter, depth = container depth.  
Bare root stock: width = 2 times the widest diameter of the root, depth = of root system.  
B & B: width = 2 times ball diameter, depth = ball depth.  
Scarify sides and bottom of plant pits to roughen surfaces.
- Place plants plumb in the pit. Backfill with native soil or top soil mixture to the original plant soil line, and tap solidly around the ball and roots. Water plants immediately after planting if soil is not saturated to the surface.

### Lawn Areas /Hydro-Seeding/Sod:

- All lawn area shall be seeded unless otherwise directed by Owner to install Sod. Seed or Sod shall be procured through Kuenzi Turf Nursery. Seed or Sod shall be Rhizomatous Tall Fescue (RTF). Seed mix shall be applied at a rate of 10 lbs. per 1000 sq. feet. Contact Kuenzi Turf Nursery at (503)585-8337 or approved equal.
- All areas shown on the plan shall be seeded between March 1<sup>st</sup>, and May 1<sup>st</sup>, or between September 1<sup>st</sup> and October 15<sup>th</sup>.
- Scarify soil surface to a depth of 3 inches, to ensure adequate seed contact with soil.
- Prior to seeding, clearly delineate seeding limits using flags or non-toxic paint.
- Hydro-seed application rate shall be 60 lbs. per 100 gallons of hose work or 75 lbs. per 100 gallons of tower work
- If, at the end of one complete growing season, the planted and seeded area fail to exhibit well-established plant communities, or exhibit patchiness in the patterns of vegetative cover, supplemental seeding and planting shall occur.
- Seeding of slopes greater that 30% shall be done by Hydro Seeding using a seed mix of Pro Time 700 Low Profile or approved equal at a rate of 2 lbs. per 1000 sq. feet.

### Top Soil Mixture:

- A 2" to 4" layer of garden care compost, mushroom compost or similar material sterilized at 105 degrees Fahrenheit shall be incorporated into the existing soil prior to planting and seedings/sod lawns. Incorporate into existing soil prior to planting the following fertilizers at a rate specified per 1000 sq. ft. of planting area.  
20 lbs. 10-6-4 50% Slow Release  
30 lbs. 38-0-0 Nitroform  
10 lbs. Iron Sulfate 21%  
20 lbs. 0-18-0 Super Phosphate  
25 lbs. Dolomite Lime  
10 lbs. 13-0-11 Potassium Nitrate

### Bark Mulch:

- All shrub beds shall receive a minimum 2" layer of fine hemlock or fir bark mulch evenly applied immediately after panting is completed. All plant beds shall drain away from buildings.

### Bio Swales/Detention Ponds/Vegetated Swales/Rain Gardens:

- Bark Mulch shall not be applied to Bio Swales/Detention Ponds/ Vegetated Swales or Rain Gardens.

### Weed Control Agent:

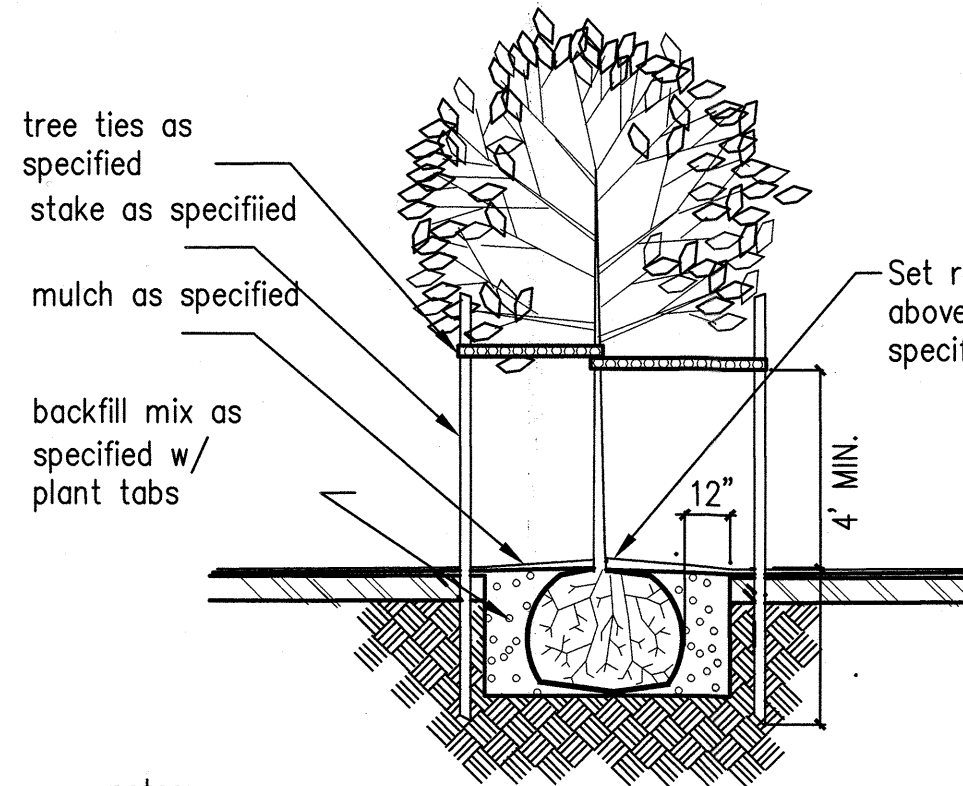
- Apply casoron as a weed control agent after planting as per manufactures specified recommendations around building or approved equal.

### Non-Native Plant Species:

- All non-native, invasive plant species shall be removed from the site.

### Poly Jute Netting:

- Tight net Poly Jute Netting shall be installed on Bio Swales/Detention Ponds/Vegetated Swale and Rain Gardens as a soil stabilizer and erosion control agent. Jute Netting shall be installed with anchoring pins as per manufactures recommendations prior to planting. Recommend DeWitt PJN4216 Erosion Control Poly Jute Netting and DeWitt anchor pins or approved equal.

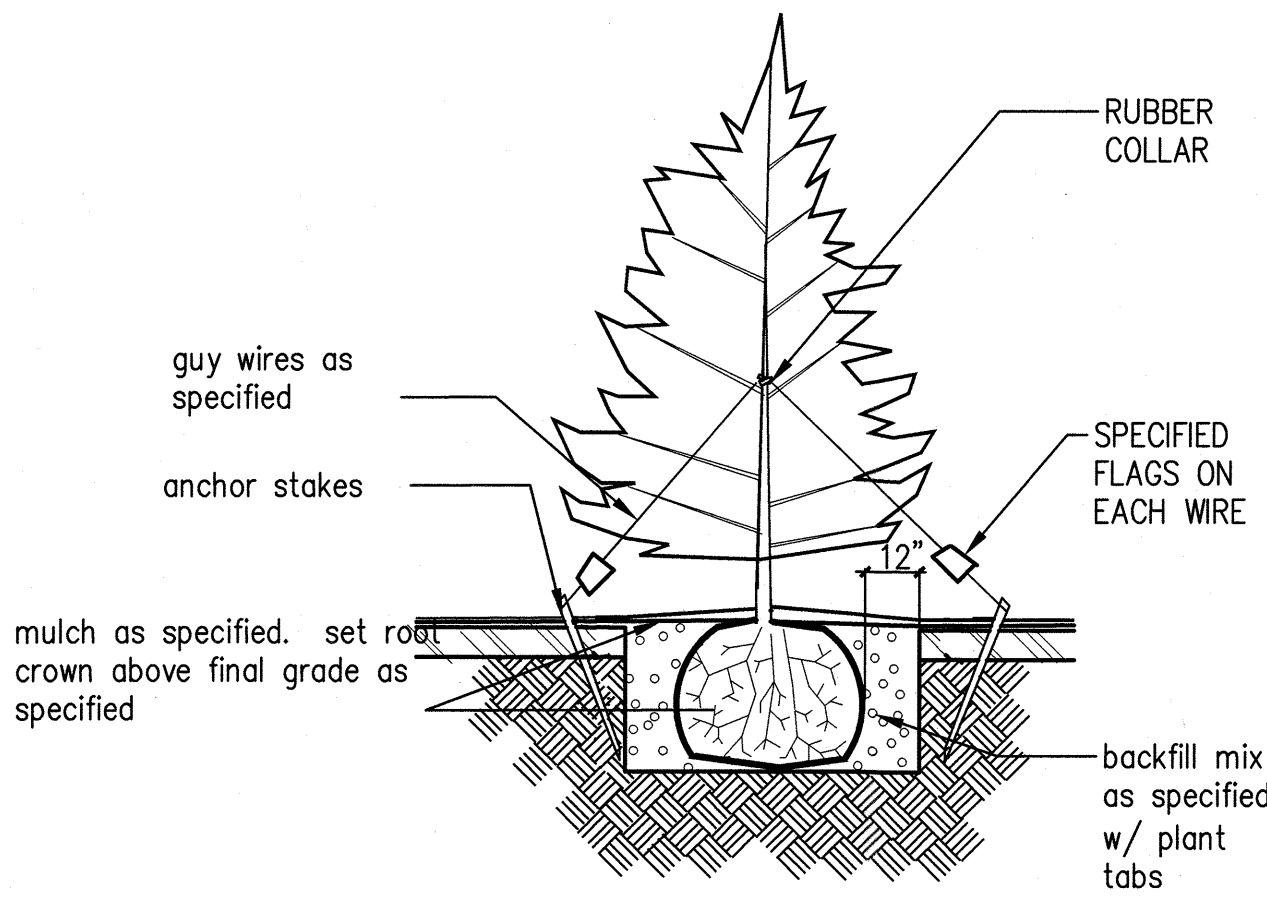


notes:

- cut and remove all bindings from the top and sides of the root ball prior to backfilling
- remove stakes and ties one year after planting

### DECIDUOUS TREE PLANTING DETAIL

NOT TO SCALE

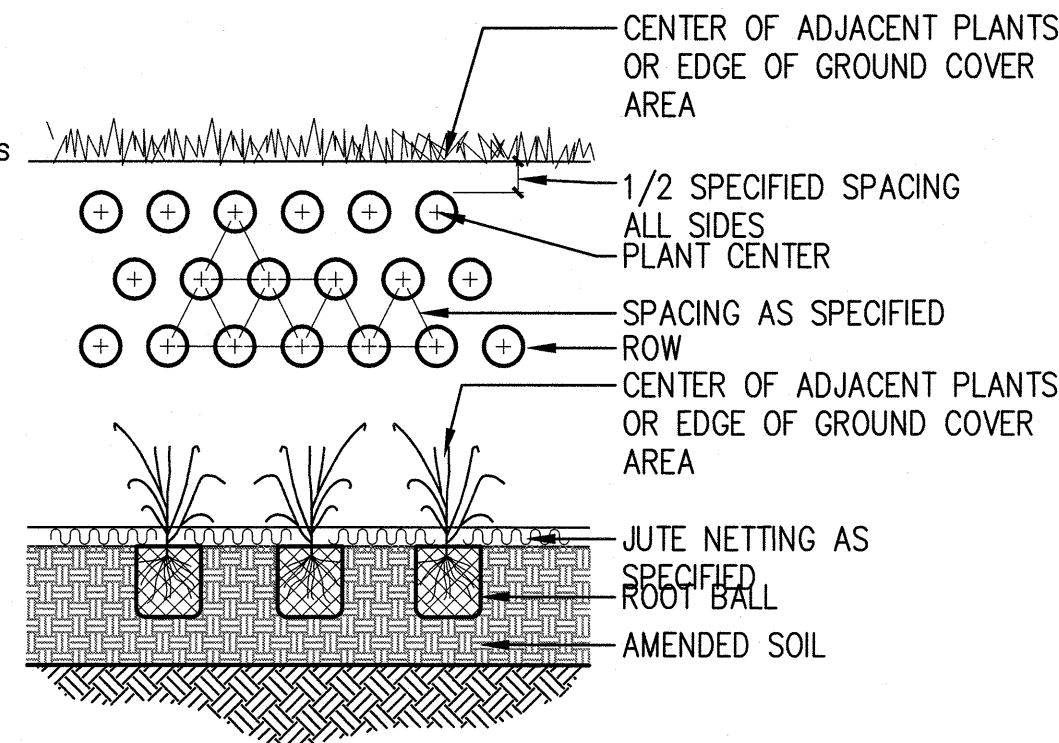


notes:

- cut and remove all bindings from the top and sides of the root ball prior to backfilling
- remove stakes and ties one year after planting

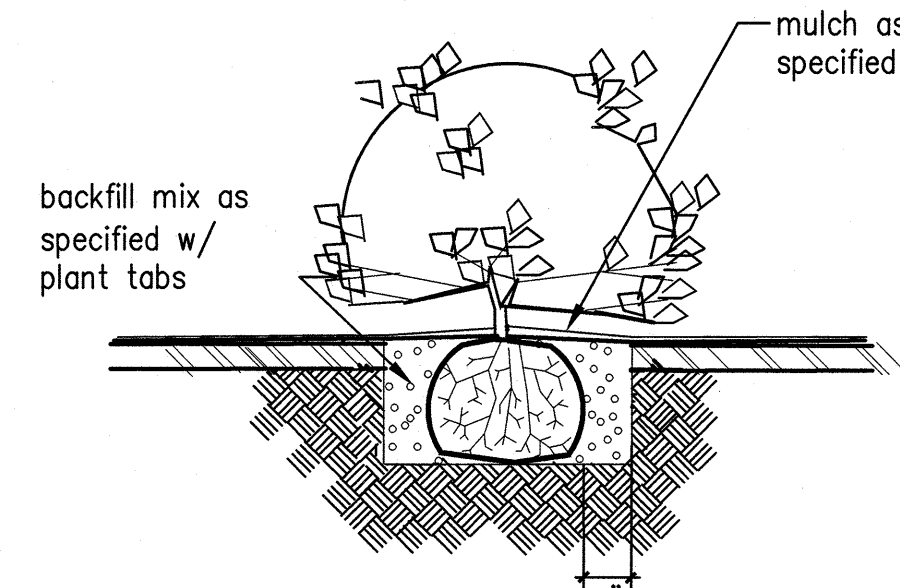
### CONIFEROUS TREE PLANTING DETAIL

NOT TO SCALE



### PLANTING plugs and 4" pots

NOT TO SCALE



notes:

- cut and remove all bindings from the top and sides of the root ball prior to backfilling
- remove stakes and ties one year after planting

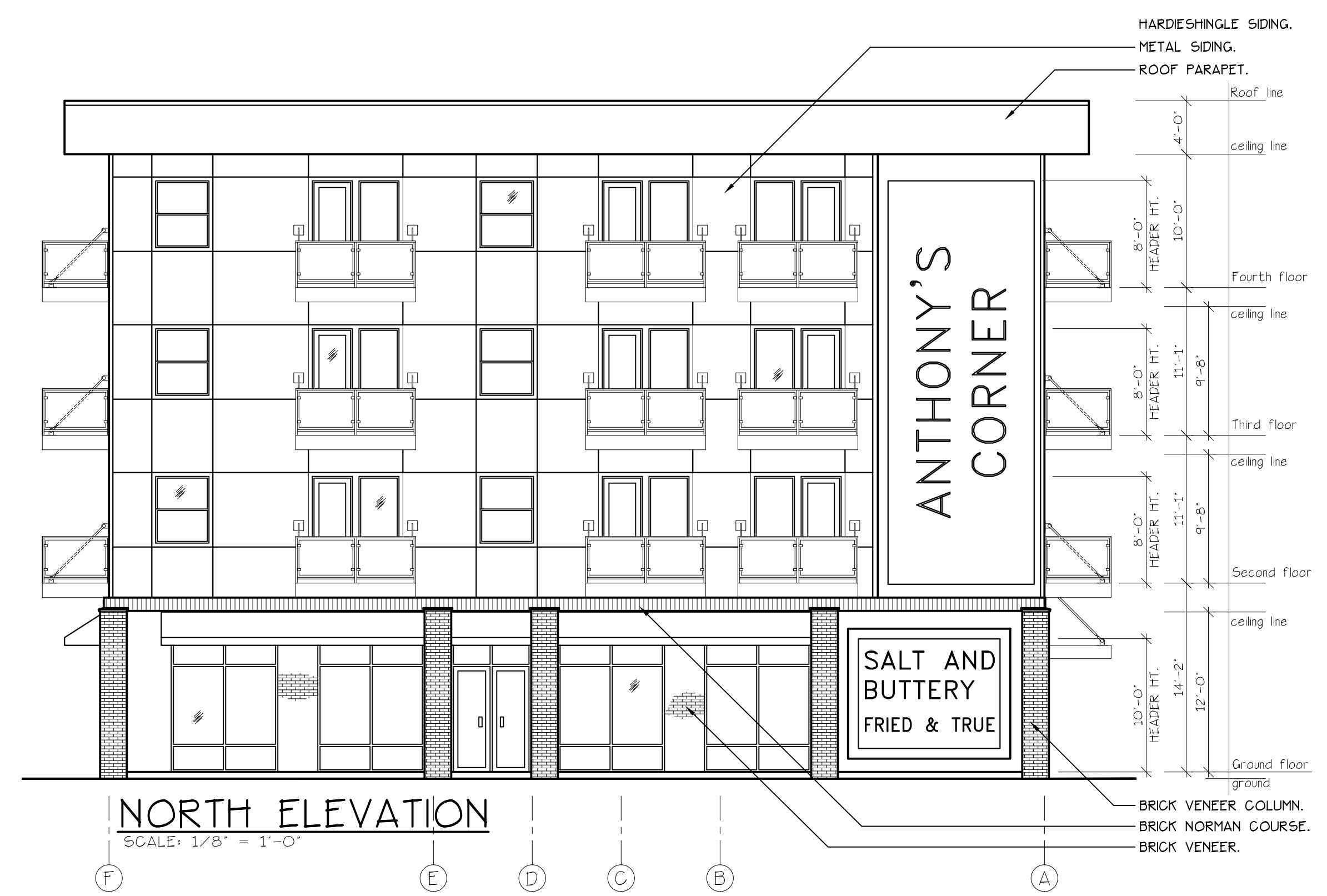
### shrub PLANTING DETAIL

NOT TO SCALE

## PLANT PALETTE

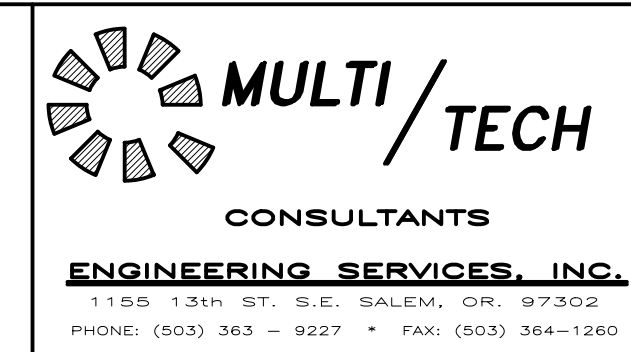
QTY.	SYM	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
<b>TREES</b>						
13	T-1	Acer rubrum 'Armstrong'	Armstrong Red Maple	1 1/2"- 2" cal.	B & B	6' Standard
2	T-2	Fraxinus latifolia	Oregon Ash	1 1/2"- 2" cal.	B & B	Full
5	T-3	Pyrus calleryana 'Capital'	Capital Flowering Pear	1 1/2"- 2" cal.	B & B	6' Standard
<b>SHRUBS</b>						
36	S-1	Abelia grandiflora 'Ed Goucher'	Edward Goucher Abelia	3 gal.	cont.	Full
5	S-2	Cornus stolonifera 'Kelsey'	Kelsey Dwarf Redwig Dogwood	3 gal.	cont.	Full
125	S-3	Festuca glauca Elijah Blue	Elijah Blue Festuca Grass	1 gal.	cont.	Planted 3' o/c
125	S-4	Mahonia repens	Creeping Mahonia	1 gal.	cont.	Planted 3' o/c
29	S-5	Daphne odora	Winter Daphne	3 gal.	cont.	Full
31	S-7	Ligustrum japonicum Texanum	Texas Wax-Leaf Privet	5 gal.	cont.	Full
21	S-8	Pennisetum alopecuroides Hameln	Dwarf Fountain Grass	3 gal.	cont.	Full
21	S-9	Pennisetum setaceum 'Purpureum'	Purple Fountain Grass	3 gal.	cont.	Full
19	S-10	Prunus laurocerasus 'Otto Lukens'	Otto Lukens Laurel	3 gal.	cont.	Full
37	S-11	Pieris japonica 'Astrid' Compacta	Astrid Japanese Andromeda Compacta	5 gal.	cont.	Full
10	S-12	Rhododendron 'Unique'	Unique Rhododendron	3 gal.	w/buds	Full
10	S-13	Spiraea japonica 'Magic Carpet'	Magic Carpet Spirea	3 gal.	cont.	Full
8	S-14	Spiraea japonica 'Double Pink'	Double Pink Spirea	3 gal.	cont.	Full

CONTRACTOR TO VERIFY ALL QUANTITIES OF PLANT MATERIALS WITH LANDSCAPE DESIGN & CONSULTANTS PRIOR TO INSALLATION  
PLANT MATERIAL SUBSTITUTIONS MAY BE MADE BY THE OWNER FOR PLANT MATERIALS OF SIMILAR HABIT, FLOWERING CHARACTERISTIC  
AND/OR STRUCTURE OF GROWTH DUE TO AVAILABILITY, WATER, SOIL, AND SUN REQUIREMENTS.



ANTHONY'S PLACE  
APARTMENTS

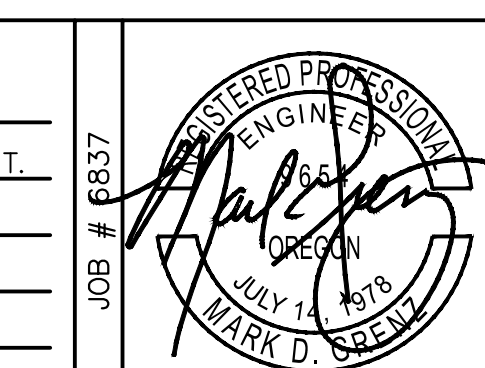
BUILDING  
ELEVATIONS



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

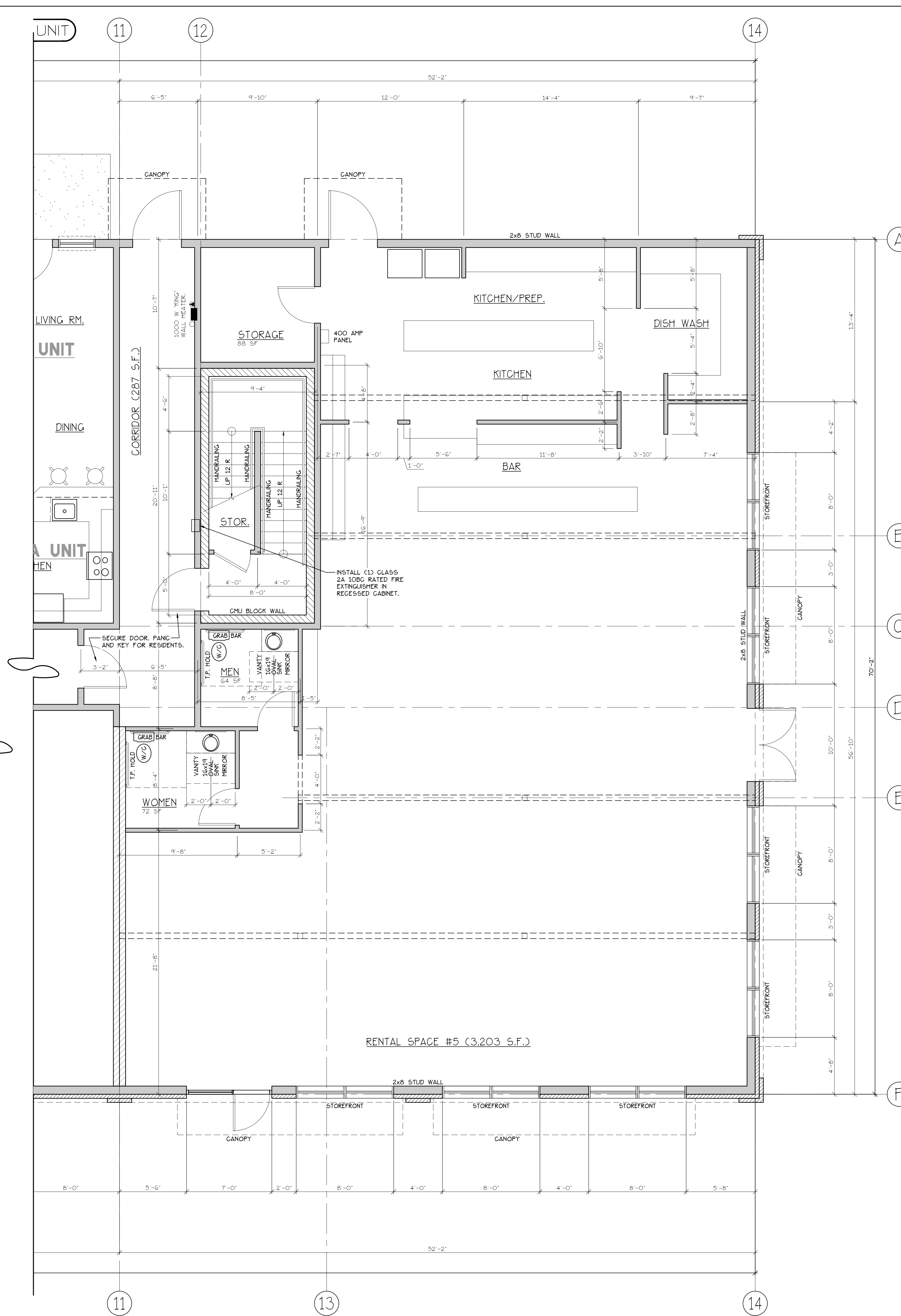
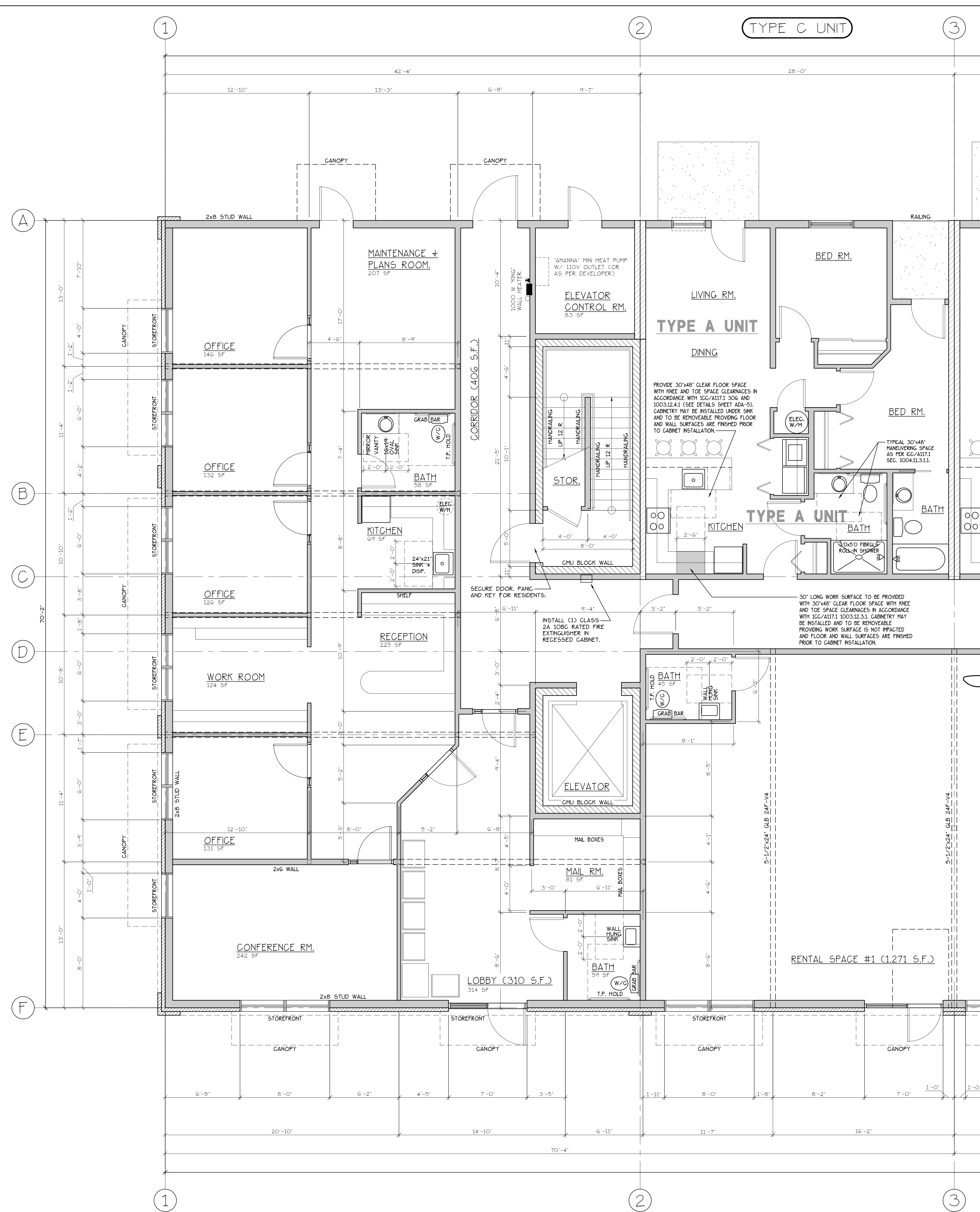
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

BUILDING/PROJECT: A2.00/ELEV  
Design: P.L.M.  
Drawn: G.I.D./A.R.T.  
Checked: M.D.G.  
Date: Feb-22  
Scale: AS SHOWN



A2.00





GROUND FLOOR PLAN  
(CHANDICAP ADAPTABLE/ACCESSIBLE)

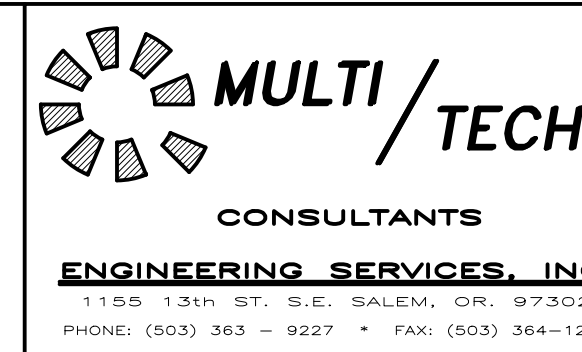
- INDICATES ELECTRICAL SEPARATION WALL.
- INDICATES CMU BLOCK WALL.
- INDICATES WOOD STUD WALL PER PLAN.

WINDOW SCHEDULE							HEADERS	
NO.	SIZE	TYPE	MFG.	COLOR	INSUL.	REMARKS		
1	16'4"	VNLT STAT	MLGARD	WHITE	YES	STATIONARY - FROSTED	2F#1	4x12
2	2'4"	VNLT SGL	MLGARD	WHITE	YES	SINGLE HUNG W/ SCREEN - FROSTED	2F#1	4x12
3	3'0"	VNLT SGL	MLGARD	WHITE	YES	SINGLE HUNG W/ SCREEN	2F#1	4x12
4	3'0"	VNLT STAT	MLGARD	WHITE	YES	STATIONARY	2F#1	4x12
5	4'0"	VNLT SGL	MLGARD	WHITE	YES	SINGLE HUNG W/ SCREEN	2F#1	4x12
6	4'0"	VNLT STAT	MLGARD	WHITE	YES	STATIONARY	2F#1	4x12
7	3'0"	CASEMENT	MLGARD	WHITE	YES	CASEMENT W/ SCREEN	2F#1	4x12

- NOTES:
- ALL LOWER FLOOR OPERABLE WINDOWS + HARDWARE TO COMPLY WITH D.S.S.C. 2019 CHAPTER 11 SEC. 1107.2 ON TO ICC/ANSI A117.1 THEN SEC. 1002.1.3. OPERABLE PARTS SHALL COMPLY WITH SEC. 304. SEE "OPERABLE WINDOWS IN ACCESSIBLE LOCATIONS" DETAIL ON SHEET ADA-5.
  - FOR WINDOW PLACEMENT SEE "WINDOW PLACEMENT FOR EGRESS + FALL PROTECTION" DETAIL ON SHEET ADA-6.
  - MAX. U-VALUE FOR ALL WINDOWS AS PER TABLE 401.1(2) OESSE U-0.32.
  - WINDOW SILLS MORE THAN 72" ABOVE FINISH GRADE SHALL BE A MINIMUM OF 3/4" ABOVE FINISH FLOOR SURFACE (OR) BE INSTALLED WITH WINDOW OPENING.

ANTHONY'S PLACE  
APARTMENTS

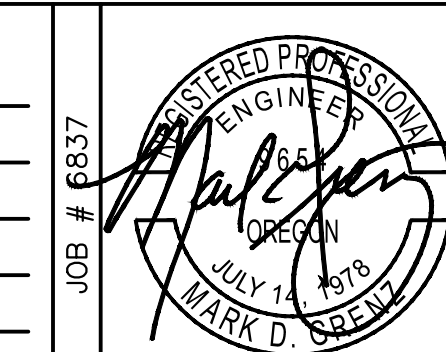
DETAILED GROUND  
FLOOR PLANS



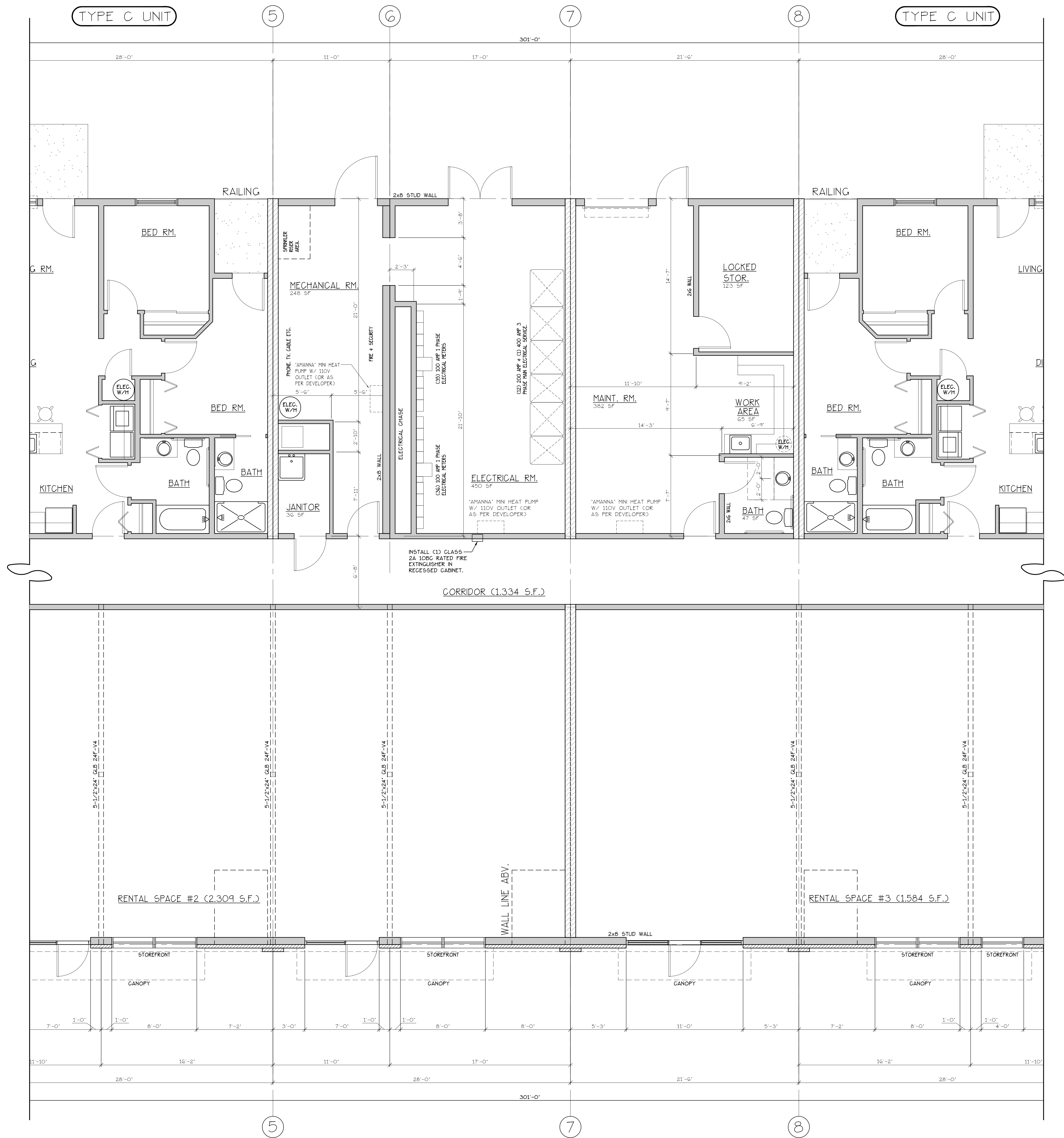
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: P.L.M.  
Drawn: G.L.D.  
Checked: M.D.G.  
Date: Feb-22  
Scale: AS SHOWN



A1.41



GROUND FLOOR PLAN  
(CHANDICAP ADAPTABLE/ACCESSIBLE)

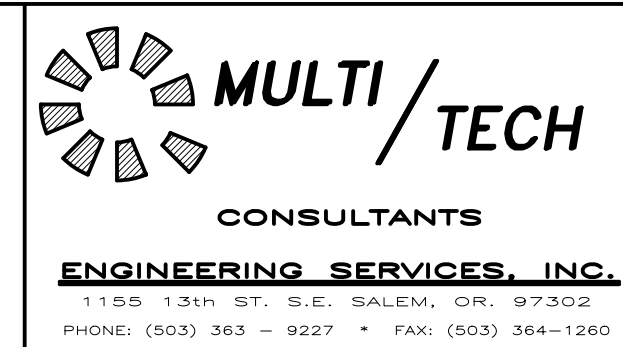
- INDICATES ELECTRICAL SEPARATION WALL.
- INDICATES CMU BLOCK WALL.
- INDICATES WOOD STUD WALL PER PLAN.

WINDOW SCHEDULE						
QTY	SIZE	TYPE	MFG.	COLOR	REMARKS	HEADERS
1	16'46"	VNTL STAT	MLGARD	WHITE	STATIONARY - FROSTED	2F#1 4x12
2	20'46"	VNTL SGL	MLGARD	WHITE	SINGLE HUNG W/ SCREEN - FROSTED	2F#1 4x12
3	30'00"	VNTL SGL	MLGARD	WHITE	SINGLE HUNG W/ SCREEN	2F#1 4x12
4	30'00"	VNTL STAT	MLGARD	WHITE	STATIONARY	2F#1 4x12
5	40'00"	VNTL SGL	MLGARD	WHITE	SINGLE HUNG W/ SCREEN	2F#1 4x12
6	40'00"	VNTL STAT	MLGARD	WHITE	STATIONARY	2F#1 4x12
7	30'46"	CASEMENT	MLGARD	WHITE	CASEMENT W/ SCREEN	2F#1 4x12

- NOTES:
- ALL LOWER FLOOR OPERABLE WINDOWS + HARDWARE TO COMPLY WITH 2018 IBC, 2018 CHAPTER 11 SEC. 1107.2 ON TO IBC/ANSI A117.1 THEN SEC. 1002.1.3. OPERABLE PARTS SHALL COMPLY WITH SEC. 309. SEE 'OPERABLE WINDOWS IN ACCESSIBLE LOCATIONS' DETAIL ON SHEET A2-40.
  - FOR WINDOW PLACEMENT SEE 'WINDOW PLACEMENT FOR EGRESS + FALL PROTECTION' DETAIL ON SHEET A2-40.
  - MAX. U-VALUE FOR ALL WINDOWS AS PER TABLE 401.1(2) OESG U-0.32.
  - WINDOW SILLS MORE THAN 72" ABOVE FINISH GRADE SHALL BE A MINIMUM OF 36" ABOVE FINISH FLOOR SURFACE (OR) BE INSTALLED WITH WINDOW OPENING.

ANTHONY'S PLACE  
APARTMENTS

DETAILED GROUND  
FLOOR PLANS

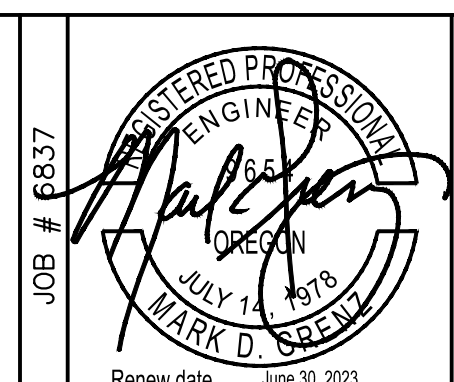


NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

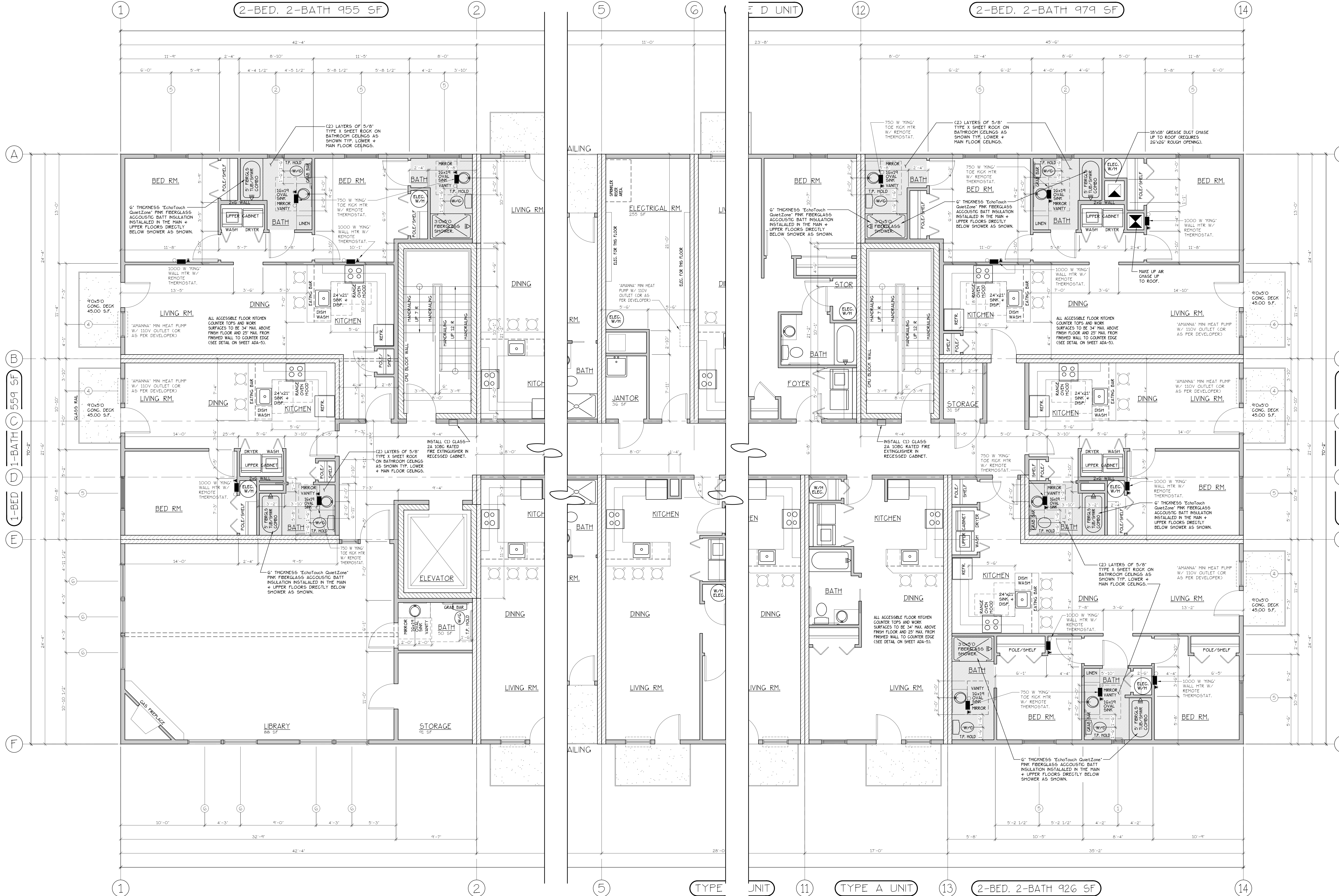
BUILDING/PROJECT  
A1-42FLOOR2

Design: P.L.M.  
Drawn: G.L.D.  
Checked: M.D.G.  
Date: Feb-22  
Scale: AS SHOWN



A1.42





SECOND FLOOR PLAN  
(HANDICAP ADAPTABLE/ACCESSIBLE)

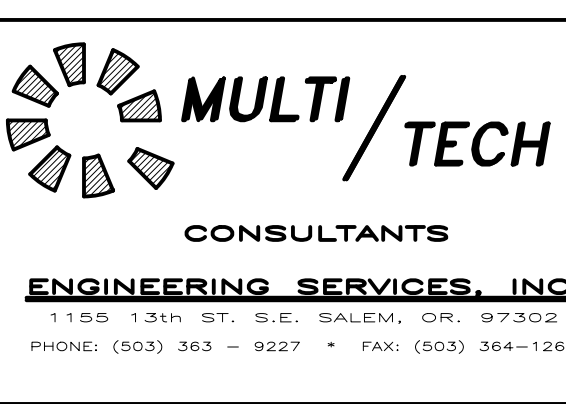
- INDICATES ELECTRICAL SEPARATION WALL.
- INDICATES CMU BLOCK WALL.
- INDICATES WOOD STUD WALL PER PLAN.

WINDOW SCHEDULE						HEADERS	
NO.	SIZE	TYPE	MFG.	COLOR	INSUL.	REMARKS	
1	16x16	VINTL STAT.	MILGARD	WHITE	YES	STATIONARY - FROSTED	DF#1 4x12
2	20x40	VINTL SGL.	MILGARD	WHITE	YES	SINGLE HUNG W/ SCREEN - FROSTED	DF#1 4x12
3	30x60	VINTL SGL.	MILGARD	WHITE	YES	SINGLE HUNG W/ SCREEN	DF#1 4x12
4	30x60	VINTL STAT.	MILGARD	WHITE	YES	STATIONARY	DF#1 4x12
5	40x60	VINTL SGL.	MILGARD	WHITE	YES	SINGLE HUNG W/ SCREEN	DF#1 4x12
6	40x60	VINTL STAT.	MILGARD	WHITE	YES	STATIONARY	DF#1 4x12
7	30x46	CASEMENT	MILGARD	WHITE	YES	CASEMENT W/ SCREEN	DF#1 4x12

- NOTES:
- ALL LOWER FLOOR OPERABLE WINDOWS + HARDWARE TO COMPLY WITH O.S.S.C. 2019 CHAPTER 11 SEC. 1107.2 ON TO ICC/ANSI A117.1 THEN SEC. 1002.13. OPERABLE PARTS SHALL COMPLY WITH SEC. 304. SEE "OPERABLE WINDOWS IN ACCESSIBLE LOCATIONS" DETAIL ON SHEET ADA-5.
  - FOR WINDOW PLACEMENT SEE "WINDOW PLACEMENT FOR EGRESS + FALL PROTECTION" DETAIL ON SHEET ADA-6.
  - MAX. U-VALUE FOR ALL WINDOWS AS PER TABLE 401.1(2) OESG U-0.32.
  - WINDOW SILLS MORE THAN 72" ABOVE FINISH GRADE SHALL BE A MINIMUM OF 36" ABOVE FINISH FLOOR SURFACE (OR) BE INSTALLED WITH WINDOW OPENING.

ANTHONY'S PLACE  
APARTMENTS

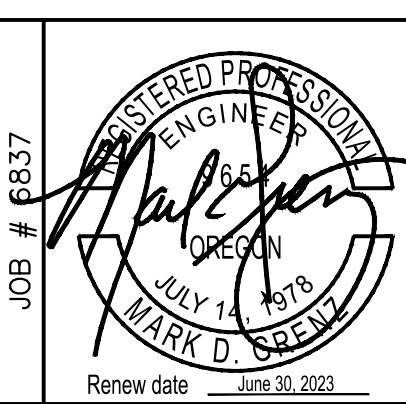
DETAILED SECOND  
FLOOR PLANS



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: P.L.M.  
Drawn: G.L.D.  
Checked: M.D.G.  
Date: Feb-22  
Scale: AS SHOWN







**THIRD FLOOR PLAN**  
SCALE: 1/8" = 1'-0"  
(HANDICAP ADAPTABLE/ACCESSIBLE)

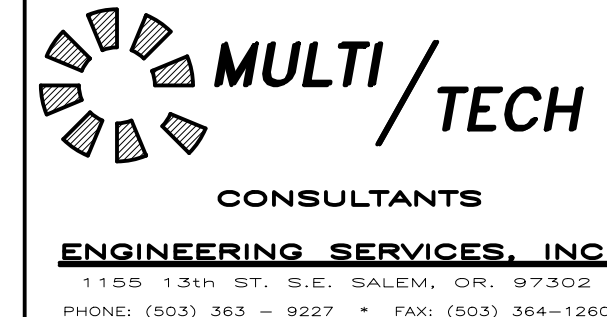
- INDICATES ELECTRICAL SEPARATION WALL.  
- INDICATES CMU BLOCK WALL.  
- INDICATES WOOD STUD WALL PER PLAN.

WINDOW SCHEDULE						HEADERS
QTY	SIZE	TYPE	MFG.	COLOR	REMARKS	
1	16x46	VNLT STAT	MILGARD	WHITE	STATIONARY - FROSTED	DF#1 412
1	20x46	VNLT SGL	MILGARD	WHITE	SINGLE HUNG W/ SCREEN - FROSTED	DF#1 412
1	30x60	VNLT SGL	MILGARD	WHITE	SINGLE HUNG W/ SCREEN	DF#1 412
1	30x60	VNLT STAT	MILGARD	WHITE	STATIONARY	DF#1 412
1	40x60	VNLT SGL	MILGARD	WHITE	SINGLE HUNG W/ SCREEN	DF#1 412
1	40x60	VNLT STAT	MILGARD	WHITE	STATIONARY	DF#1 412
1	30x46	CASEMENT	MILGARD	WHITE	CASEMENT W/ SCREEN	DF#1 412

- NOTES:
- ALL LOWER FLOOR OPERABLE WINDOWS + HARDWARE TO COMPLY WITH D.S.S.C. 2014 CHAPTER 11 SEC. 1107.2 ON TO ICC/ANSI A117.1 THEN SEC. 1002.13. OPERABLE PARTS SHALL COMPLY WITH SEC. 304. SEE "OPERABLE WINDOWS IN ACCESSIBLE LOCATIONS" DETAIL ON SHEET ADA-5.
  - FOR WINDOW PLACEMENT SEE "WINDOW PLACEMENT FOR EGRESS + FALL PROTECTION" DETAIL ON SHEET AB-40.
  - MAX. U-VALUE FOR ALL WINDOWS AS PER TABLE 401.1(2) OESG U-0.32.
  - WINDOW SILLS MORE THAN 72" ABOVE FINISH GRADE SHALL BE A MINIMUM OF 36" ABOVE FINISH FLOOR SURFACE (OR) BE INSTALLED WITH WINDOW OPENING.

**ANTHONY'S PLACE  
APARTMENTS**

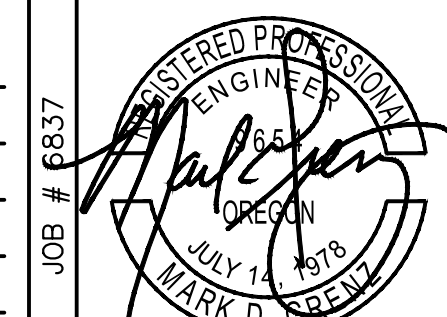
**DETAILED THIRD  
FLOOR PLANS**



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

**DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.**

Design: P.L.M.  
Drawn: G.L.D.  
Checked: M.D.G.  
Date: Feb-22  
Scale: AS SHOWN







**FOURTH FLOOR PLAN**  
SCALE: 1/8" = 1'-0"  
CHANDICAP ADAPTABLE/ACCESSIBLE

FOURTH FLOOR AREA = 20,373 S.F.  
FOURTH FLOOR COMMON SPACE = 2,096 S.F.

DOOR SCHEDULE									
DOORS					FRAMES				
NO.	WIDTH	HEIGHT	THICK	TYPE	MATL.	FINISH	TYPE	MATERIAL	FINISH
11	4'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	A	METAL	PANT.
12	4'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	B	METAL	PANT.
13	4'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	C	METAL	PANT.
14	3'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	D	METAL	PANT.
15	3'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	E	METAL	PANT.
16	3'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	F	METAL	PANT.
17	3'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	G	METAL	PANT.
18	3'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	H	METAL	PANT.
19	6'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	I	METAL	PANT.
20	3'-0"	8'-0"	1 3/4"	MTL.	GLAD.	PANT.	J	METAL	PANT.
21	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	K	METAL	PANT.
22	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	L	METAL	PANT.
23	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	M	METAL	PANT.
24	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	N	METAL	PANT.
25	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	O	METAL	PANT.
26	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	P	METAL	PANT.
27	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	Q	METAL	PANT.
28	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	R	METAL	PANT.
29	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	S	METAL	PANT.
30	3'-0"	8'-0"	1 3/8"	MTL.	GLAD.	PANT.	T	METAL	PANT.

\* ACCESSIBLE POCKET DOORS MUST STOP FULLY OPEN WITH THEIR OPERATING HANDLES FULLY EXPOSED.  
\*\* TO PROVIDE MINIMUM 32" NET CLEAR WIDTH PER ICC/A117.1 SEC. 1004.5.2.1 WHEN FULLY OPENED.

NOTE: ALL ACCESSIBLE DOORS SHALL BE PROVIDED WITH LEVER DOOR HARDWARE + OTHER OPERATING DEVICES IN COMPLIANCE WITH ICC/ANSI A117.1 SECTIONS 309.4.4 + 404.2.6.

#### GENERAL NOTES:

- ALL EXTERIOR WALLS TO BE 2 X 6 STUDS. ALL OTHER WALLS TO BE 2 X 4 STUDS UNLESS OTHERWISE NOTED.
- FIRE BLOCK CONCEALED SPACES (VERTICAL + HORIZONTAL) AS PER OSBC 718.2.2 AND OSBC 718.2.3.
- PRIOR TO INSTALLATION OF FIBERGLASS TUB/SHOWER + SHOWER UNITS, SHEET ROCK SHALL BE APPLIED TO STUD WALLS AS INDICATED ON PLANS.
- ALL BATH FANS TO HAVE MIN. 80 CFM RANGE HOOD EXHAUST FANS TO HAVE MIN. 150 CFM.
- ELECTRIC OUTLETS IN FIRE RATED WALLS MAY NOT BE BACK TO BACK AND MUST BE SEPARATED BY HORIZONTAL DISTANCE OF 2'-0".
- ALL EXTERIOR FLOOD LIGHTING SHALL BE CONNECTED TO HOUSE PANELS LOCATED IN THE BUILDING.
- AS PER OEES HIGH-EFFICIENCY LIGHTING SYSTEMS - A MINIMUM OF 50 PERCENT OF THE LAMPS IN PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL BE COMPACT OR LINEAR FLUORESCENT, OR A LIGHTING SOURCE THAT HAS A MINIMUM EFFICACY OF 40 LUMENS PER INPUT WATT.
- ALL TYPE 'A' ACCESSIBLE UNITS REQUIRE THE PATIO TO BE AT SAME LEVEL AS DWELLING UNIT.

#### HANDICAP UNIT NOTES:

THE UNITS HAVE BEEN DESIGNED TO COMPLY WITH OSBC 2019 REVISED TO BE EFFECTIVE JANUARY 1, 2020. CHAPTER 11 OF THE OSBC 2019 AS REVISED INCORPORATES AS PART OF IT, AMERICAN NATIONAL STANDARD ICC/ANSI A117.1-1003. WITHIN ICC/ANSI A117.1, CHAPTER 10 SETS OUT SPECIFIC CODE REQUIREMENTS FOR DWELLING AND SLEEPING UNITS. CHAPTER 10 SETS OUT THE CODE REQUIREMENTS THAT ALL GROUND FLOOR UNITS MUST MEET.

THE INTENT IS THAT 'ALL' UNITS ARE TO BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE.

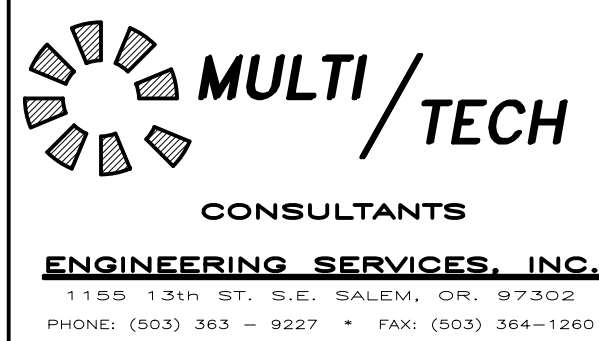
WITHIN THE PROJECT THERE ARE TYPE 'A' UNITS WHICH MUST MEET SPECIFIC REQUIREMENTS SET OUT IN ICC/ANSI A117.1, CHAPTER 10, SECTION 1003.

WITHIN THE PROJECT THERE ARE ALSO TYPE 'B' UNITS WHICH MUST MEET SPECIFIC REQUIREMENTS SET OUT IN ICC/ANSI A117.1, CHAPTER 10, SECTION 1004. ALL ACCESSIBLE FLOOR UNITS WITHIN THIS PROJECT ARE TO BE TYPE 'B' UNITS UNLESS SPECIFICALLY DESIGNATED TYPE 'A' UNITS. WITHIN THESE TYPE 'B' UNITS THE MAIN BATHROOM (OR ONLY BATHROOM) SHALL BE DESIGNATED AS AN OPTION 'B' ADAPTABLE BATHROOM WHICH MUST MEET THE REQUIREMENTS OF ICC/ANSI A117.1 SECTION 1004.11.3.2.

ATTACHED TO THE DRAWING SETS ARE SHEETS ADA-1 THRU ADA-5 THAT SET OUT SPECIFIC INFORMATION FROM OSBC 2019, CHAPTER 10 AS WELL AS THE REFERENCED DOCUMENTS. THE DRAWINGS SET OUT SPECIFIC MINIMUM ELEMENTS AND DIMENSIONS THAT MUST BE MET TO ASSURE COMPLIANCE WITH THIS CODE.

**ANTHONY'S PLACE  
APARTMENTS**

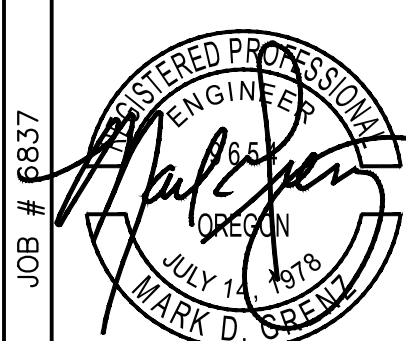
**FOURTH FLOOR  
PLAN**



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: P.L.M.  
Drawn: G.I.D./A.R.T.  
Checked: M.D.G.  
Date: Feb-22  
Scale: AS SHOWN

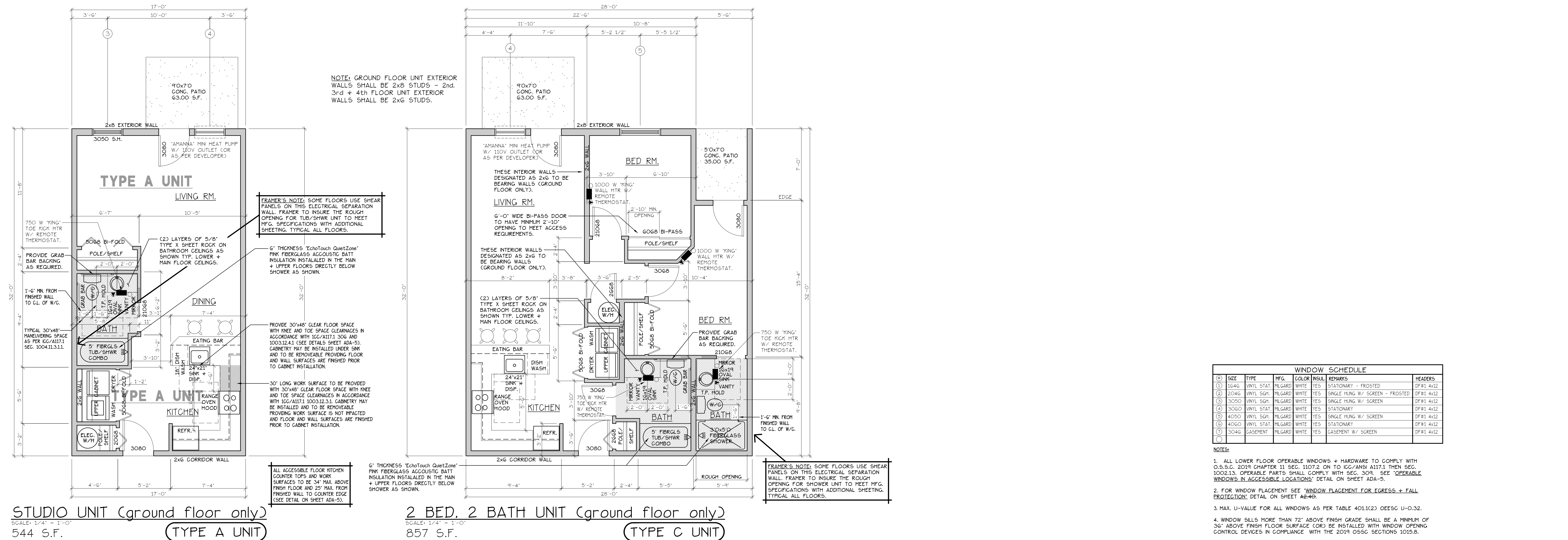


**A1.37**









WINDOW SCHEDULE							
Q	SIZE	TYPE	MFG.	COLOR	INSUL.	REMARKS	HEADERS
①	3046	WNL STAT	MLGARD WHITE	YES	STATIONARY - FROSTED		DF#1 4x12
②	3046	WNL STAT	MLGARD WHITE	YES	SINGLE HUNG W/ SCREEN - FROSTED		DF#1 4x12
③	3050	WNL STAT	MLGARD WHITE	YES	SINGLE HUNG W/ SCREEN - FROSTED		DF#1 4x12
④	3060	WNL STAT	MLGARD WHITE	YES	STATIONARY		DF#1 4x12
⑤	4050	WNL STAT	MLGARD WHITE	YES	SINGLE HUNG W/ SCREEN		DF#1 4x12
⑥	4060	WNL STAT	MLGARD WHITE	YES	STATIONARY		DF#1 4x12
⑦	3046	CASEMENT	MLGARD WHITE	YES	CASEMENT W/ SCREEN		DF#1 4x12

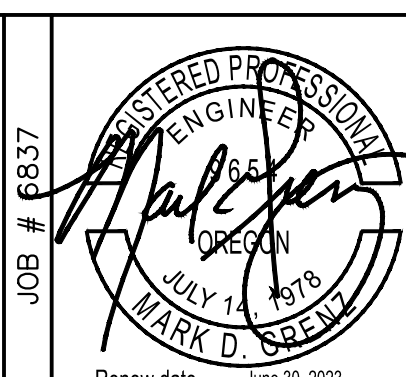
**NOTES:**

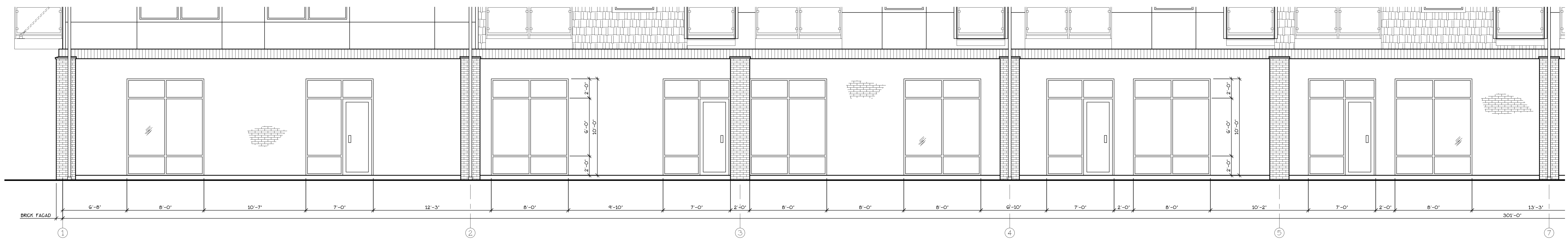
1. ALL LOWER FLOOR OPERABLE WINDOWS + HORIZONTALS TO COMPLY WITH 0.5.6.2 2019 CHAPTER 11 SEC. 1107.2 ON TO ICC/ANSI A117.1 THEN SEC. 1002.13. OPERABLE PARTS SHALL COMPLY WITH SEC. 304. SEE 'OPERABLE WINDOWS IN ACCESSIBLE LOCATIONS' DETAIL ON SHEET ADA-5.
2. FOR WINDOW PLACEMENT SEE 'WINDOW PLACEMENT FOR EGRESS + FALL PROTECTION' DETAIL ON SHEET A6-40.
3. MAX. U-VALUE FOR ALL WINDOWS AS PER TABLE 401.1(2) 0.085 U-0.32.
4. WINDOW SILLS MORE THAN 72" ABOVE FINISH GRADE SHALL BE A MINIMUM 36" ABOVE FIRST FLOOR SURFACE (OR) BE INSTALLED WITH WINDOW OPENING CONTROL DEVICES IN COMPLIANCE WITH THE 2019 0565 SECTIONS 1015.8.
5. FOR WINDOW PLACEMENT SEE 'WINDOW PLACEMENT FOR EGRESS + FALL

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

BUILDING/PLOT:1  
A1.40FLRUMITS

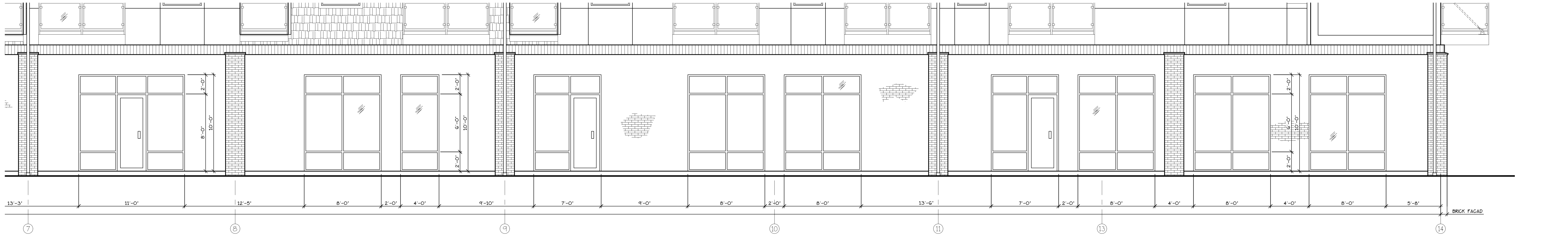
Design: P.L.M.  
Drawn: G.I.D.  
Checked: M.D.G.  
Date: Feb-22  
Scale: AS SHOWN





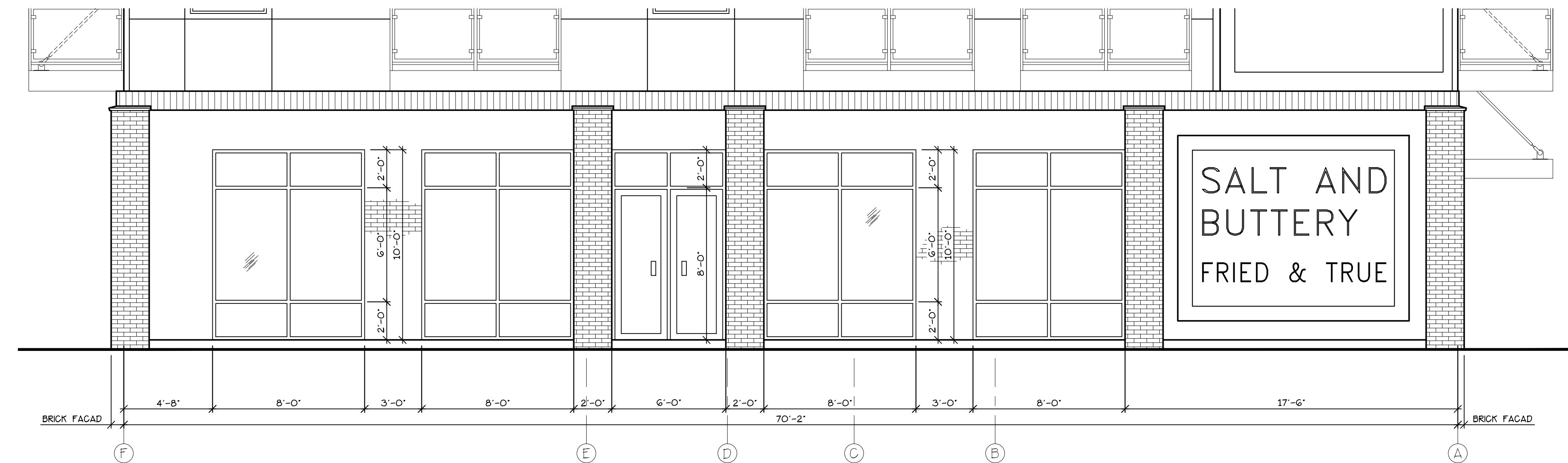
EAST ELEVATION STOREFRONT GLASS

SCALE: 1/4" = 1'-0"



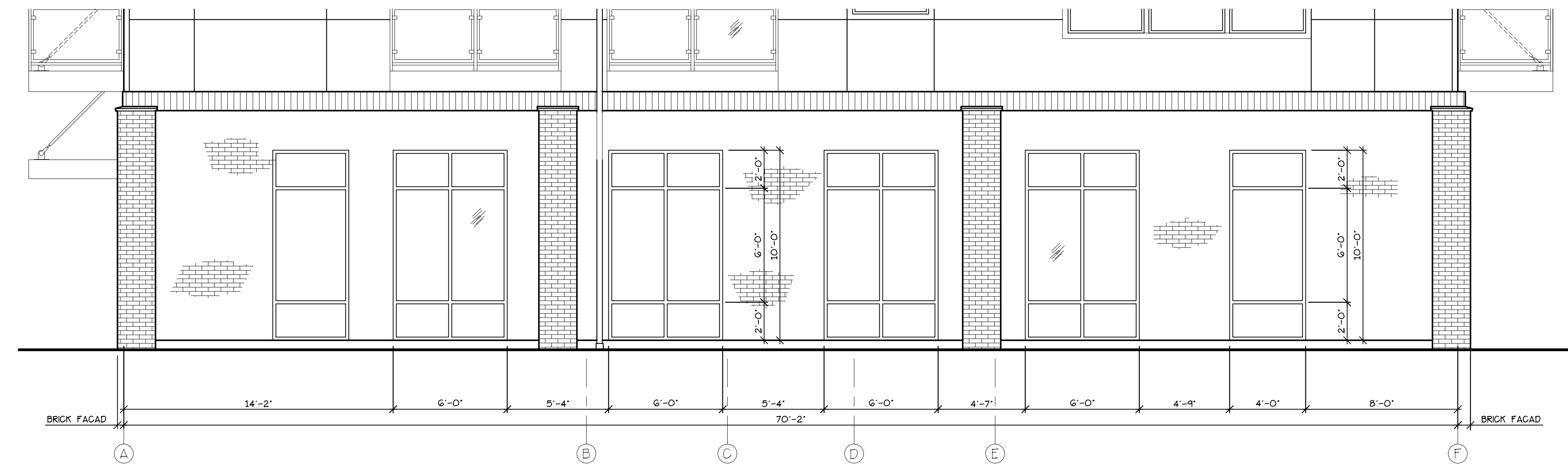
EAST ELEVATION STOREFRONT GLASS

SCALE: 1/4" = 1'-0"



NORTH ELEVATION STOREFRONT GLASS

SCALE: 1/4" = 1'-0"

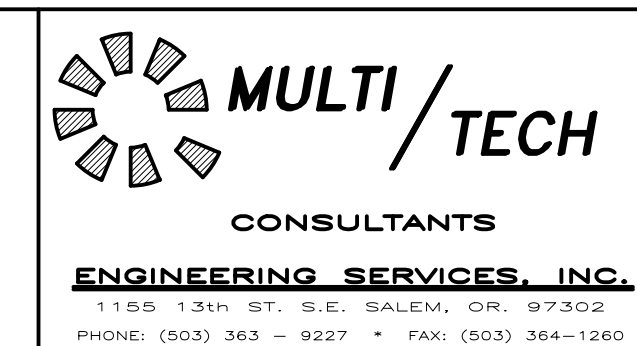


SOUTH ELEVATION STOREFRONT GLASS

SCALE: 1/4" = 1'-0"

ANTHONY'S PLACE  
APARTMENTS

STOREFRONT GLASS  
LAYOUT PLAN



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

BUILDING/PROJECT: AZ10GLASS

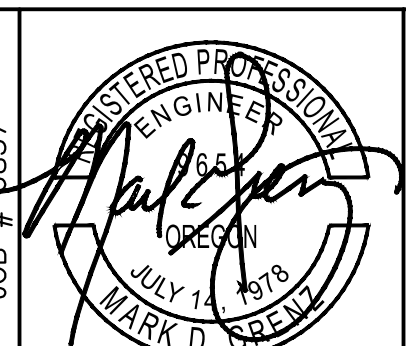
Design: P.L.M.

Drawn: G.L.D.

Checked: M.D.G.

Date: Feb-22

Scale: AS SHOWN



A2.10

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

VARIANCE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO. VAR-SPR- ADJ22-02; 5775 COMMERCIAL STREET SE - 97306 AMANDA NO. 22-116638-PLN AND 22-107794-RP	} } } } }	<b><u>CASE NO. VAR-SPR-ADJ22-02</u></b>  FINDINGS OF FACT, CONCLUSIONS, AND DECISION
--	-----------------------	---

---

**DATE AND PLACE OF HEARING:**

A properly noticed public hearing before the City of Salem Hearings Officer was held remotely September 28, 2022.

**APPEARANCES:**

<u>Staff:</u>	Aaron Panko, Planner III
<u>Neighborhood Association:</u>	Jake Krishan, Chair, South Gateway Neighborhood Association. Letter dated September 19, 2022.
<u>Proponents:</u>	Brandie Dalton, Multi-Tech Engineering on behalf of Applicant, Rushing Commercial Crossing LLC.
<u>Opponents:</u>	None.

**SUMMARY OF THE APPLICATION AND HEARING:**

**BACKGROUND**

On April 12, 2022, Class 3 Site Plan Review and Class 2 Adjustment applications were accepted for processing for development of the subject property. On August 12, 2022, a Variance application was included in the submittal. After receiving additional information, the collective applications were deemed complete for processing on September 6, 2022. The 120-day state mandated decision deadline for this collective application is January 4, 2023.

The public hearing before the City of Salem Hearings Officer was scheduled for September 28, 2022, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on September 9,

2022. Public hearing notice was also posted on the property by the applicant on September 15, 2022, pursuant to SRC requirements.

## **PROPOSAL**

The applicant has submitted Variance, Class 3 Site Plan Review, and Class 2 Adjustment applications for development of a new mixed-use building containing 71-dwelling units and 11,998 square feet of retail commercial floor area with associated site improvements for property located at 5775 Commercial Street SE.

## **FINDINGS OF FACT AND CONCLUSIONS**

### **1. Salem Area Comprehensive Plan (SACP) designation**

The Hearings Officer notes that between the time the application was filed and the time of the hearing, the Comprehensive Plan designation and zoning for the property changed. At the time the application was originally submitted, the Salem Area Comprehensive Plan (SACP) map designation for the subject property was "Commercial." On August 24<sup>th</sup>, as a result of the Our Salem project, the SACP map designation was changed to Mixed Use for the subject property. The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

### **2. Zoning and Surrounding Land Uses**

The Hearings Officer notes that at the time the application was originally submitted, the subject property was zoned CR (Retail Commercial). Pursuant to SRC 300.220(e), approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted. On August 24<sup>th</sup>, as a result of the Our Salem project, the zoning map was changed to MU-III (Mixed Use-III) for the subject property. The zoning of surrounding properties following the August 24<sup>th</sup> zoning changes are as follows:

North: MU-III (Mixed Use-III)  
South: Across Wiltsey Road SE; RM-II (Multi-Family Residential)  
East: Across Commercial Street SE; MU-III (Mixed Use-III)  
West: MU-III (Mixed Use-III)

### **2. Site Analysis**

The subject property is part of an existing development site which is approximately 6.9 acres in size. SUB-ADJ19-07 was approved in October 2019 to divide the development site into five lots, the subject property is Lot 2 of SUB-ADJ19-07 and is approximately 2.95 acres in size. The portion of the development site subject to the requested Variance, Class 3 Site Plan Review, and Class 2 Adjustment is currently vacant, while the rest of the development site is developed as a retail shopping center.

The subject property abuts Commercial Street SE to the east and Wiltsey Road SE to the south. Commercial Street SE is designated as a Major Arterial and Wiltsey Road SE is designated as a Collector within the Salem Transportation System Plan (TSP). The property abuts Waln Creek on the west and southwest.

### **3. Neighborhood and Citizen Comments**

The subject property is located within the South Gateway Neighborhood Association (SGNA). Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On August 10, 2022, the applicant contacted SGNA with the updated request, including the Variance application, meeting the requirements of SRC 300.310(c). Notice of the public hearing was provided to SGNA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of the staff report, no public comments had been received. The Hearings Officer notes that no member of the public signed in or appeared at the public hearing.

The Hearings Officer notes a letter from SGNA to staff dated September 19, 2022, included in the record as an attachment to the staff report. In that letter, SGNA expressed concerns regarding the Adjustment request, which seeks to eliminate the requirement to provide a pedestrian pathway to other existing buildings on the same development site. As discussed in the hearing, the Adjustment request has been narrowed to eliminating one pedestrian pathway.

The Hearings Officer notes that Findings addressing the Adjustment request can be found in Section 8 of this decision. In summary, the Hearings Officer finds that pedestrian connections are required to be provided to the existing buildings to the north (5755-5757 Commercial Street SE) and to the building located to the northeast (5765 Commercial Street SE) where there is an existing established pedestrian network. However, the Hearings Officer finds that a separate connection leading towards the existing Taco Bell at 5795 Commercial Street SE is not warranted, as that path would terminate abruptly at the property line, in a vehicle parking lot. The pedestrian pathway from the primary entrance of the proposed mixed-use building leading to the public sidewalk on Wiltsey Road SE can be used by pedestrians as a continuous pathway to access the entrance to the Taco Bell from the existing pedestrian pathway leading to the sidewalk on Commercial Street SE. All newly constructed internal pedestrian pathways shall be designed and constructed in conformance with the design, materials, and lighting requirements of Chapter 800, ensuring safety and ease of mobility for pedestrians.

### **4. City Department and Public Agency Comments**

The Public Works Department reviewed the proposal and provided a memo which is included in the record as Attachment E to the staff report.

The Salem Building and Safety Division reviewed the proposal and indicated no concerns.

The Salem Fire Department reviewed the proposal and indicated that the Oregon Fire Code requires two means of Fire Department access which in this case are provided from Commercial and Wiltsey. Aerial Fire Department access is required to be a minimum of 26 feet wide and located 15-30 feet from the structure. The building FDC shall be within 100 feet of a fire hydrant as measured along an approved route in an approved location.

Salem-Keizer Public Schools has reviewed the proposal and provided a memo which is included in the record as Attachment F to the staff report.

## **5. Analysis of Variance Criteria**

The Hearings Officer notes that SRC Chapter 245.005(a)(1) provides that unless otherwise provided in the UDC, buildings, structures, or land shall not be developed contrary to the applicable development standards of the UDC unless a variance has been granted pursuant to this chapter.

The Hearings Officer notes that on December 7, 2020, Conditional Use Permit Case No. CU20-08 was approved for the subject property subject to five conditions of approval. The applicant is requesting a Variance to eliminate Condition 4 from CU20-08, which requires the applicant to provide building offsets of at least four feet in depth along all exterior walls greater than 75 feet in length at 40-foot intervals. The Hearings Officer notes that there is no testimony in opposition to this request.

SRC Chapter 245.005(d) establishes the following approval criteria for a variance:

### Criterion 1:

There is an unreasonable hardship or practical difficulty created by the physical characteristics of the land.

**Finding:** The Hearings Officer notes that the applicant states that because the building type is mixed-use, and that each of the uses has unique spatial needs, a practical difficulty is created in providing a building that provides four-foot offsets at 40-foot intervals. The proposed building design does include recessed private balconies for residential units on the upper floors of the building. The applicant indicates that full compliance with Condition 4 would require a full redesign of the proposed mixed-use building that would likely result in the loss of residential and commercial units and delay in construction creating a hardship for the applicant and for community housing needs.

The Hearings Officer notes that the criterion requires the hardship or practical difficulty be due to the physical characteristics of the land. The Hearings Officer is not convinced that the nature of a proposed building design is responsive to this criterion. But the Hearings Officer also notes information in the staff report regarding the location of the riparian corridor associated with Waln Creek within the western and southern boundaries of the property. At the hearing, the applicant's representative pointed out that there is a practical



difficulty in complying with Condition 4 from CU20-08 because of the shape of the property and the location of Waln Creek on the west and south sides. The Hearings Officer notes that there was not testimony to the contrary. While it is a close call, the Hearings Officer finds that there is substantial evidence in the record to conclude that the location of Waln Creek on the property, when combined with Condition 4 from CU20-08, creates an unreasonable hardship or practical difficulty in developing the site. The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 2:

The variance will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity.

**Finding:** The Hearings Officer notes that in August 2022, the Our Salem project approved a zone change for the subject property to MU-III (Mixed Use-III). While the proposed development has not been reviewed under the new MU-III zoning standards, the Hearings Officer notes that the MU-III zone does not include building façade design standards for mixed-use buildings, and mixed-use buildings are not subject to the multiple family design review standards in SRC Chapter 702. The Hearings Officer concludes that if Condition 4 is removed the proposed building would still conform with applicable zoning standards with respect to building offsets and articulation. Because of the building's location and setback, the building will not have a great degree of visibility from Commercial Street SE, Wiltsey Road SE, or abutting properties. The Hearings Officer notes that there is no testimony or evidence in the record alleging adverse effects to the public health, safety, and welfare to property or improvements in the vicinity. The Hearings Officer finds that the proposal satisfies this criterion.

Because the Hearings Officer concludes that the proposal satisfies the criteria, the Hearings Officer grants the variance request to remove Condition 4 from CU20-08.

## **6. 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.

**Finding:** The Hearings Officer notes that the applicant is requesting approval for development of a new mixed-use building containing 71-dwelling units and 11,998 square feet of retail commercial floor area.

The Hearings Officer notes the somewhat unusual relationship of the application to the property's zoning. At the time the application was originally submitted, the subject property was zoned CR (Retail Commercial). Pursuant to SRC 300.220(e), approval or

denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted. The following is staff's uncontested summary of the applicable use and development standards of the CR zone, which the Hearings Officer accepts and incorporates as part of this decision:

### **Use and Development Standards – CR (Retail Commercial) Zone:**

*SRC 522.005(a) – Uses:*

**Finding:** Permitted, special and conditional uses for the CR zone are found in SRC Chapter 522, Table 522-1. Multiple family residential uses require a conditional use permit in the CR zone per Table 522-1. A Conditional Use Permit (CU20-08) has been previously granted approving development of a new mixed-use building including approximately 15,000 square feet of commercial space and 71 apartment units for the subject property subject to five conditions of approval listed below:

*Condition 1: The multiple family use shall contain no more than 71 dwelling units.*

*Finding: The proposed multiple family residential use contains 71 dwelling units and is consistent with this condition of approval.*

*Condition 2: Open space of 3,408 square feet, or 48 square feet times the number of dwelling units proposed shall be provided in the form of private balconies, common open space within the building, roof top garden, or any combination of the above listed forms that equals 3,408 square feet, or 48 square feet times the number of dwelling units proposed.*

*Finding: The applicant indicates that open space is provided within the mixed-use building, including 747 square feet for a library, 1,284 square feet for a gym, and 747 square feet for a roof terrace. In addition, each of the 71 dwelling units has private open space in the form of patios or balconies equaling a total of 3,308 square feet. In total, the open space provided for the building is approximately 6,081 square feet, in excess of the minimum required by Condition 2.*

*Condition 3: Windows shall be provided in all habitable rooms of the dwellings, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths.*

*Finding: All habitable rooms have windows that face the abutting off-street parking area and open space areas, in compliance with Condition 3.*

*Condition 4: An offset of at least 4 feet in depth shall be provided along all exterior walls greater than 75 feet in length or width at 40-foot intervals but shall not be required on the first floor.*

*Finding: The proposed mixed-use building does not include the required four-foot offset at 40-foot intervals. The applicant has requested, and the Hearings Officer has approved a Variance to remove this condition of approval. The applicant need not comply with this condition.*

*Condition 5: Weather protection in the form of awnings or canopies shall be provided along the ground floor building façade for a minimum of 75 percent of the length of the building façade for any wall which includes entrances for non-residential uses. Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet.*

*Finding: The applicant indicates that awnings provided on the proposed plans do not comply with this condition of approval, but states that if required, the applicant will provide additional awnings to meet the 75 percent minimum standard. The applicant shall comply with this condition of approval.*

**Condition 1:** Weather protection in the form of awnings or canopies shall be provided along the ground floor building façade for a minimum of 75 percent of the length of the building façade for any wall which includes entrances for non-residential uses. Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet.

The Hearings Officer finds that with this Condition and with the approved Variance request, the application satisfies the requirements of CU20-08, and therefore satisfies the standard from SRC 522.005(a).

*SRC 522.010(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the CR zone. All uses are required to have a minimum of 16 feet of street frontage.

**Finding:** The subject property is proposed Lot 2 from Tentative Subdivision Case No. SUB-ADJ19-07. This lot is approximately 2.93 acres in size and has approximately 347 feet of frontage along Wiltsey Road SE, exceeding the minimum lot standards of the CR zone. Prior to issuance of any civil site work or building permits for the proposed development, the final plat for SUB-ADJ19-07 shall be recorded.

**Condition 2:** The final plat for Tentative Subdivision Case No. SUB-ADJ19-07 shall be recorded prior to issuance of any civil site work or building permits.

The Hearings Officer finds that with this Condition the application satisfies the requirements SRC 522.010(a).

*SRC 522.010(b) – Setbacks:*

**North:** Adjacent to the north is property zoned MU-III (Mixed Use-III) that is part of the same development site as the subject property. Tentative subdivision and adjustment Case No. SUB-ADJ19-07 approved the lot configuration with no minimum interior building or vehicle use area setback required abutting the property line to the north.

**South:** Adjacent to the south is Wiltsey Road SE. There is a minimum five-foot building setback and 6–10-foot vehicle use area setback required abutting a street.

**Finding:** The proposed mixed-use building is setback from the street by approximately 87 feet, and the proposed vehicle use area is setback approximately 62 feet, in compliance with the minimum setback requirement. The Hearings Officer concludes that the application satisfies this standard.

**East:** Adjacent to the east is property zoned MU-III (Mixed Use-III) that is part of the same development site as the subject property. Tentative subdivision and adjustment Case No. SUB-ADJ19-07 approved the lot configuration with no minimum interior building or vehicle use area setback required abutting the property line to the east.

**West:** Adjacent to the west is property zoned MU-III (Mixed Use-III). There is no minimum interior setback requirement adjacent to a mixed-use zone, vehicle use areas require a minimum setback of five feet.

**Finding:** The proposed vehicle use area is setback approximately 60 feet and the proposed mixed-use building is setback approximately 135 feet, in compliance with the minimum setback requirement. The Hearings Officer concludes that the application satisfies this standard.

*SRC 522.010(c) – Lot Coverage, Height:*

There is no maximum lot coverage standard in the CR zone, the maximum height allowance for all buildings and structures is 50 feet.

**Finding:** The Hearings Officer notes that the proposed mixed-use building is approximately 50 feet and 10 inches. The maximum height allowance in the CR zone (the property's zone at the time the application was deemed complete) is 50 feet. The applicant has requested an Adjustment to increase the maximum height for the proposed building. Analysis and findings approving this Adjustment can be found in Section 8 of this decision. The Hearings Officer concludes that with the approved adjustment, the application satisfies this standard.

*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.

**Finding:** The subject property is proposed Lot 2 of SUB-ADJ19-07 which is approximately 127,812 square feet in size, requiring a minimum of 18,172 square feet of landscape area ( $127,812 \times 0.15 = 19,171.8$ ). The site plan indicates that approximately 34,899 square feet (27%) of the development site will be landscaped, exceeding the minimum requirement. The Hearings Officer concludes that the application satisfies this standard.

*SRC 522.015(a) – Design Review:*

Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC Chapter 702.

**Finding:** Pursuant to SRC 702.005(b)(B), multiple family design review is not required for multiple family development within a mixed-use building. Multiple family design review is not required for the proposed development. The Hearings Officer concludes that this standard is not applicable.

## **General Development Standards SRC 800**

*SRC 800.055(a) – Applicability.*

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

**Finding:** The site plan indicates that a new solid waste and recycling service area is provided at the southeast corner of the site near the water quality and detention basin. The following is a summary of applicable design standards for the solid waste and recycling service area:

*SRC 800.055(b) – Solid Waste Receptacle Placement Standards.*

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 1) Pad area. In determining the total concrete pad area for any solid waste service area:
  - a. The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
  - b. The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
  - c. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

**Finding:** The design and materials for the slab is not indicated in the proposed plans but will be reviewed for conformance with this development standard at the time of building permit review. The proposed enclosure is large enough that the receptacles may face each other with four feet or more of separation provided.

**Condition 3:** Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.

The Hearings Officer concludes that with this Condition, the application satisfies this standard.

2) Minimum Separation.

- a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
- b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure. The Hearings Officer concludes that the application satisfies this standard.

3) Vertical Clearance.

- a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.

**Finding:** It does not appear that a roof is proposed for the solid waste enclosure, therefore the Hearings Officer concludes this standard is not applicable.

*SRC 800.055(d) – Solid Waste Service Area Screening Standards.*

- 1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- 2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

**Finding:** The solid waste service area is completely enclosed and screened from view from surrounding streets and abutting property. The Hearings Officer concludes that the application satisfies this standard.

*SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.*

When enclosures are used for required screening or aesthetics, such enclosure shall conform to the following standards:

- 1) Front Opening of Enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

**Finding:** The enclosure has two openings approximately 12 feet in width, at the time of building permit review the applicant shall provide construction details verifying the front openings are a minimum of 12 feet in width in compliance with this provision. The Hearings Officer concludes that the application satisfies this standard.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

**Finding:** The design and materials for the enclosure walls, or measures of preventing damage to the enclosure, are not indicated in the application materials but will be reviewed for conformance with this development standard at the time of building permit review.

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The enclosure gates are less than 15 feet in length, the angle of the swing of the gates is not indicated in the application materials but will be reviewed for conformance with this development standard at the time of building permit review.

*SRC 800.055(f) – Solid Waste Service Area Vehicle Access.*

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The proposed vehicle operation area appears to meet the minimum dimensional requirements for service vehicle access and will be reviewed for conformance with this development standard at the time of building permit review.

*SRC 800.065 – Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, 2-4 family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

**Finding:** The pedestrian access standards of SRC Chapter 800 apply to the proposed development.



*SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets.*

- (A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

**Finding:** The subject property abuts Wiltsey Road SE to the south; the site plan indicates that a pedestrian connection is provided between the primary building entrance and Wiltsey Road SE in compliance with this provision.

- (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

**Finding:** There do not appear to be any existing or planned transit stops along the Wiltsey Road SE frontage, therefore the Hearings Officer concludes this standard is not applicable.

*SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site.*

- (A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.
- (B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:
- (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
  - (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or
  - (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

**Finding:** The proposed site plan does not show any pedestrian connections provided between the mixed-use building and the other existing buildings on the development site. The applicant has requested an adjustment to eliminate the requirement to provide pedestrian connections between buildings located on the same development site. Findings for the Adjustment request can be found in Section 8 of this decision. The Hearings Officer notes that the adjustment to eliminate the pedestrian connection to the current Taco Bell building is approved, so that the pedestrian connection will not end at the property line in the middle of the site.

*SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.*

(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

**Finding:** There are no proposed off-street parking areas that exceed 25,000 square feet in size or include four or more consecutive drive aisles; therefore, this standard is not applicable.

(B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

**Finding:** The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

*SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.*

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

**Finding:** There is not a planned pedestrian path or trail in the proximity of the subject property. Wiltsey Road SE is listed on the on-street bike network with an existing developed bike lane.

*SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties.*

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

- (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
  - (i) Single family;
  - (ii) Two family;
  - (iii) Group living;
  - (iv) Industrial;
  - (v) Infrastructure and utilities; and
  - (vi) Natural resources.

**Finding:** The existing/proposed development site does not abut any properties where a shared vehicular access is provided; therefore, a pedestrian connection to abutting properties is not required.

*SRC 800.065(b)(1) – Design and Materials.*

Required pedestrian connections shall be in the form of a walkway or may be in the form of a plaza. Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

*SRC 800.065(b)(2) – Design and Materials.*

Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

**Finding:** Proposed pedestrian connections are five feet in width. The type of material proposed for the pedestrian connections is not listed in the application materials, and the method for protecting pedestrians adjacent to walkways is not clearly provided. In addition, with conditions of approval requiring revisions to the site plan at the time of building permit, including additional pedestrian pathways, it is not possible to determine compliance with this provision. At the time of building permit, the applicant shall demonstrate that all applicable standards of this section and SRC 800.065(c) are met.

**Condition 4:** At the time of building permit, the applicant shall demonstrate that required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).

With this condition, the Hearings Officer concludes that the application satisfies this standard.

*SRC 800.065(c) – Lighting.*

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

**Finding:** The application materials do not provide sufficient detail to determine compliance with this development standard. With Condition 4, at the time of building permit review, the plans will be reviewed for conformance with applicable exterior lighting development standards. The Hearings Officer concludes that with condition 4 the application satisfies this standard.

*SRC 800.065(d) – Applicability of standards to development sites comprised of lots under separate ownership.*

- (1) When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.
- (2) Where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site beyond just the lot, or lots, proposed for development and any contiguous lots under the same ownership, the required pedestrian connections shall be extended to the boundaries of the lot, or lots, proposed for development and any contiguous lots under the same ownership in order to allow for future extension of required pedestrian connections through the other lots within the development site in conformance with the standards in this section.

**Finding:** The proposed development site includes four existing tax lots, 083W13CD / 00300, 00400, 00700, and 01000. The subject property (083W13CD00700) appears to be under the same ownership as 083W13CD00300. The other two lots appear to have a separate owner. The pedestrian access standards of Chapter 800 shall also apply to the existing site located at 5765 Commercial Street SE (083W13CD00300).

### **Streets and Right-of-Way Improvements, Connectivity SRC 803**

*SRC 803.030(a) and SRC 803.035(a) – Street Spacing.*

Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of-way line along one axis, and not less than 120 feet and not more than 400 feet from the right-of-way line to right-of-way line along the other axis.

**Finding:** Street and right-of-way improvements and connectivity requirements were addressed with the previously approved subdivision decision for the subject property (SUB-ADJ19-07).

### **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 each proposed new use or activity.

*SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.*

Required off-street parking shall be located on the same development site as the use or activity it serves.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* Multi-family residential uses require a minimum of one space per dwelling unit, and retail commercial uses require a minimum of one space per 250 square feet of floor area.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* The maximum number of off-street parking spaces shall not exceed 1.75 times the minimum number of spaces required.

**Finding:** Off-street parking requirements for each of the proposed uses within the mixed-use building and the existing development site are indicated in the table below.

Use	Floor Area / Units	Parking Requirement	Minimum Parking
Multi-Family Residential	71 Units	One space per dwelling unit	71
Eating and Drinking Establishment (Coffee Shop)	1,271 SF	One space per 250 SF	5
Personal Service (Nail Salon)	2,309 SF	One space per 350 SF	7
General Retail	1,584 SF	One space per 250 SF	4
General Retail	1,440 SF	One space per 250 SF	6
Eating and Drinking Establishment (Restaurant)	3,203 SF	One space per 250 SF	13
<b>Existing Uses</b>			
5755 Commercial Street SE			
Aaron's	9,140 SF	1 space per 900 SF	10
5757 Commercial Street SE			
Little Caesars	1,436 SF	One space per 250 SF	6
Stop N Save	2,531 SF	One space per 250 SF	10

DeDe's	1,463 SF	One space per 250 SF	6
NNPT Fitness	1,792 SF	One space per 350 SF	5
Tan Republic	1,498 SF	One space per 350 SF	4
Sunny Nails	1,298 SF	One space per 350 SF	4
5765 Commercial Street SE			
The 19 <sup>th</sup> at Battlecreek	2,898 SF	One space per 250 SF	12
Laundry Mat	2,441 SF	One space per 350 SF	7
T Mobile	1,361 SF	One space per 350 SF	4
Subway	2,475 SF	One space per 350 SF	7
5795 Commercial Street SE			
Taco Bell	2,400 SF	One space per 250 SF	10
<b>Total</b>			<b>191</b>

The proposed multi-family use contains a total of 71 dwelling units requiring a minimum of 71 off-street parking spaces and the proposed mix of commercial uses require 35 spaces for a total parking requirement of 106 spaces for the mixed-use building. The other existing uses on the development site require 85 parking spaces for a total minimum off-street parking requirement of 191 spaces.

The maximum off-street parking allowance is 1.75 times the minimum requirement, or 287 spaces ( $191 \times 1.75 = 286.5$ ). There are currently 248 off-street parking spaces provided for the existing development site, the proposed site plan indicates that 95 new off-street parking spaces will be provided for a total of 344 off-street parking spaces which exceeds the maximum allowance for the development site.

**Condition 5:** Prior to building permit approval the applicant shall provide an updated site plan and parking analysis demonstrating the off-street parking requirements of SRC Chapter 806 are met for the development site.

Carpool/vanpool parking spaces are not required for multi-family residential or retail commercial uses. As proposed and conditioned, the Hearings Officer concludes that the application satisfies the parking requirements of this section.

*SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.*

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Adjacent to Buildings and Structures:** The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

**Finding:** As indicated in the setback findings in the CR zone above, the vehicle use area setbacks comply with required setbacks abutting streets and interior lot lines. Off-street parking and vehicle use areas are setback greater than five feet of exterior walls, in compliance with applicable setback requirements. The Hearings Officer concludes that the application satisfies this standard.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped.

A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet and shall have a minimum width of 5 feet.

**Finding:** The proposed off-street parking area is approximately 41,500 square feet in size requiring a minimum of 2,075 square feet of interior parking area landscaping. However, as conditioned, the proposed off-street parking area will need to be reconfigured to comply with maximum off-street parking requirements of SRC Chapter 806. The site plan provided for the building permit application shall demonstrate all applicable standards of Chapter 806 are met, including interior landscaping.

- e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

**Finding:** The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- f) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are shown on the proposed site plan.

The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806, required compact parking spaces shall be marked and signed per SRC 806.035(k)(2). The subject property does not abut residentially zoned property; the additional landscaping and fencing requirements are not applicable. The Hearings Officer

concludes that the application satisfies this standard.

### **Bicycle Parking**

#### *SRC 806.045 - General Applicability.*

Bicycle parking shall be provided and maintained for each proposed new use or activity.

#### *SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.*

Bicycle parking shall be located on the same development site as the use or activity it serves.

#### *SRC 806.055 - Amount of Bicycle Parking.*

Table 806-9 provides the minimum bicycle parking requirements for each proposed use.

**Finding:** Bicycle parking requirements for each of the proposed uses within the mixed-use building are indicated in the table below.

<b>Use</b>	<b>Floor Area / Units</b>	<b>Bicycle Parking Requirement</b>	<b>Minimum Bicycle Parking</b>
Multi-Family Residential	71 Units	One space per 10 dwelling units	7
Eating and Drinking Establishment (Coffee Shop)	1,271 SF	The greater of 4 spaces or 1 space per 1,000 sq. ft.	4
Personal Service (Nail Salon)	2,309 SF	The greater of 4 spaces or 1 space per 3,500 sq. ft.	4
General Retail	1,584 SF	The greater of 4 spaces; or 1 space per 10,000 sq. ft. for the first 50,000 sq. ft.	4
General Retail	1,440 SF	The greater of 4 spaces; or 1 space per 10,000 sq. ft. for the first 50,000 sq. ft.	4
Eating and Drinking Establishment (Restaurant)	3,203 SF	The greater of 4 spaces or 1 space per 1,000 sq. ft.	4
<b>Total</b>			<b>27</b>

A minimum of 27 bicycle parking spaces are required for the proposed mixed-use building. Bicycle parking is not indicated on the site plan; however, the applicant's statement indicates that bicycle racks will be provided on site and located in convenient locations. At the time of building permit, the applicant shall demonstrate that the proposal complies with minimum bicycle parking requirements and all applicable development standards of SRC Chapter 806.



**Condition 6:** At the time of building permit, the applicant shall demonstrate that the proposal complies with minimum bicycle parking requirements and all applicable development standards of SRC Chapter 806.

With this condition, the Hearings Officer concludes that the application satisfies this standard.

*SRC 806.060 – Bicycle Parking Development Standards.*

- (a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
  - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
  - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.
- (c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
  - (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
  - (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** Bicycle parking is not indicated in the applicant's development plans. Condition 6 requires the applicant at the time of building permit to demonstrate that required bicycle parking complies with the minimum amounts specified in Table 806-9 and all applicable development standards of SRC Chapter 806. The Hearings Officer concludes that with Condition 6 the application satisfies this standard.

### **Off-Street Loading Areas**

#### *SRC 806.065 - General Applicability.*

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

#### *SRC 806.075 - Amount of Off-Street Loading.*

For multi-family residential uses containing 50-99 dwelling units, a minimum of one loading space is required. Uses in the retail sales and service category require a minimum of one loading space for floor area between 5,000 and 60,000 square feet. Loading spaces for the multi-family residential use shall be a minimum 12 feet in width, 19 feet in length, and 12 feet of unobstructed vertical clearance. Loading spaces for the commercial use shall be a minimum of 12 feet in width, 30 feet in length, and 14 feet of unobstructed vertical clearance.

**Finding:** The proposed mixed-use building includes a 71-unit multiple family residential use requiring one loading space, and approximately 11,278 square feet of ground floor commercial space requiring one loading space. The applicant indicates that the uses and activities proposed within the mixed-use building do not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds, therefore, pursuant to SRC 806.075(a), an off-street parking may be used in place of required off-street loading spaces. The Hearings Officer concludes that the application satisfies this standard.

### **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.

**Finding:** Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

*SRC 807.030(d) – Tree Replanting Requirements.*

In addition to the landscaping required under this chapter, when existing trees, as defined under SRC Chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.

**Finding:** The applicant's existing conditions plan indicates that there are 20 trees on the subject property with no trees proposed for removal. The Hearings Officer concludes that the application satisfies this standard.

## **Natural Resources**

*SRC 601 – Floodplain Overlay Zone:* Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no Special Flood Hazard Areas subject to the requirements of SRC Chapter 601 exist on the subject property.

*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 20 inches in diameter at breast height (dbh) and any other tree with a dbh of 30 inches or greater but excluding Tree of Heaven, Empress Tree, Black Cottonwood, and Black Locust) (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.

Waln Creek flows along the southern and western boundary of the subject property. The applicant's existing conditions plan shows 20 trees located on the subject property, with all trees proposed for preservation. No native vegetation within the riparian corridor of Waln Creek is proposed for removal.

All trees designated for preservation shall be marked and protected during construction. Any tree designated for preservation shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a certificate of final occupancy.

*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 wetland 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 shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the

vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

*SRC 810 – Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property. The proposed activity of a mixed-use building adds 3 activity points to the proposal, which results in a total of 3-points. Therefore, the proposed development is classified as a low landslide risk and a geological assessment is not required for the proposed development.

Based on the above, the Hearings Officer finds that the application satisfies SRC 220.005(f)(3), Criterion 1.

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.

**Finding:** Commercial Street SE abuts the subject property and has adequate right-of-way, but not an adequate half-width street improvement pursuant to the Salem TSP. However, this section of Commercial Street SE has been approved for an alternative street standard consistent with SUB-ADJ19-07 and pursuant to SRC 803.065(a)(3) because of existing mature street trees along a portion of the frontage that make construction conforming to the standards undesirable. The street is finished with curb, gutter, and sidewalk improvements along the entire frontage of the property. Pursuant to SRC 86.015(e), the applicant shall provide additional street trees to the maximum extent feasible along all street frontages.

Wiltsey Road SE abuts the subject property and has an adequate half-width right-of-way of 30 feet on the development side. This street is fully improved and meets the current standard for a Collector street. No improvements are warranted as a condition of subdivision approval.

Based on the above, the Hearings Officer finds that the application satisfies SRC 220.005(f)(3), Criterion 2.

Criterion 3:

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

**Finding:** The existing driveway access onto Wiltsey Road SE provides for safe turning movements into and out of the property. Based on the above, the Hearings Officer finds that the application satisfies SRC 220.005(f)(3), Criterion 3.

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.

**Finding:** The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is a city-owned sewer main on the subject property within an existing *Sanitary Sewer Pipeline Easement* (Marion County Reel 2856, Page 300). There is also a *Creek and Open Channel Setback and Maintenance Easement* (Marion County Reel 2856, Page 299) on the subject property for Waln Creek. The plans submitted show no new structures within these easements, however; they do depict construction of the parking lot within the *Creek and Open Channel Setback and Maintenance Easement*. The easement document specifies that placement of buildings, fences, fill, or plant material which would obstruct the natural flow of Waln Creek are not allowed to be placed within the easement area except as authorized by the City.

In addition, the property is subject to conditions of subdivision tentative plan approval SUB-ADJ19-07 which required "an engineered analysis along Waln Creek abutting the subject property to determine the base flood elevations and floodway boundaries" (Condition 6). WEST Consultants submitted an analysis that demonstrates channel improvements are necessary along Waln Creek. Construction of the proposed parking area within the drainage easement may prevent the City from making the necessary improvements.

Prior to building permit issuance, the applicant shall be required to demonstrate to satisfaction of the Public Works Director that the parking area can be feasibly constructed without obstructing the natural flow of Waln Creek within the easement area pursuant to SRC 65.090, and obtain all applicable permits, including but not limited to an excavation fill permit pursuant to SRC 65.110.

**Condition 7:** Obtain all applicable permits regarding placement of fill and parking within existing City easements, including but not limited to an excavation fill permit pursuant to SRC 65.110.

The applicant submitted a Drainage Analysis that states that the project does not meet the definition of a Large Project pursuant to SRC 70.005 which would require the project to comply with PWDS Appendix 4E related to green stormwater infrastructure (GSI). The applicant has not set aside any area on-site for GSI. The Public Works Department has

reviewed the analysis and does not believe sufficient information has been provided to demonstrate that the project is exempt from GSI requirements. At time of development, the applicant Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

**Condition 8:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

With Condition 7 and Condition 8, based on the above, the Hearings Officer finds that the application satisfies SRC 220.005(f)(3), Criterion 4. As conditioned, the Hearings Officer finds that the application satisfies SRC 220.005(f)(3) and the Class 3 Site Plan review is approved.

## **7. Analysis of Class 2 Adjustment Criteria**

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

### Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

**Finding:** The applicant is requesting two Class 2 Adjustments to:

- 1) Increase the maximum building height from 50 feet, per Table 522-5, to 50 feet and 10 inches.
- 2) Eliminate the requirement to provide pedestrian pathways connecting between other existing buildings on the development site per SRC 800.065(a)(2).

### *1) Increase the maximum building height allowance:*

The applicant is requesting an Adjustment for the maximum height allowance for the proposed mixed-use building. The Hearings Officer notes that at the time the application was submitted, the property was zoned CR (Retail Commercial) which has a maximum height allowance of 50 feet. The zoning for the property was recently (but after the application was deemed complete) changed to MU-III (Mixed Use-III) as a result of the Our Salem project. The maximum height allowance for buildings in the MU-III zone is 70 feet. The proposed building exceeds the maximum height allowance by 10 inches, for a total building height of 50 feet and 10 inches. Due to the architectural design of the building, the applicant indicates that the requested adjustment is necessary to add areas of visual interest by breaking up and offsetting the roof line. Because of the location and setback of the building in relation to abutting properties and streets, the minor increase in height will

have no effect on adjacent uses. In addition, new buildings in the MU-III zone could be built to a height of 70 feet, greater than the height of the proposed building.

The Hearings Officer finds that in this case, the request to increase the maximum height of the proposed building equally or better meets the intent of this provision. The Hearings Officer finds that this adjustment satisfies the criterion.

*(2) To eliminate the requirement to provide pedestrian pathways connecting between other existing buildings on the development site:*

SRC 800.065(a)(2) requires that pedestrian connections be provided between buildings on the same development site to connect the primary building entrances of all of the buildings. The proposed site plan does not show pedestrian connections being provided to existing buildings to the north (5755-5757 Commercial Street SE) and to the east (5765 Commercial Street SE), however, there is an existing pedestrian network provided between these existing buildings and the public sidewalk along Commercial Street SE. The applicant shall be required to provide a pedestrian connection from the proposed mixed-use building to the existing pedestrian network at 5755-5765 Commercial Street SE.

Also located on the same development site is an eating and drinking establishment (Taco Bell) to the southeast at 5795 Commercial Street SE. The Hearings Officer notes that there is not an existing on-site pedestrian network on the development site that provides a connection to this building, but there is a pedestrian connection between the primary entrance and the public sidewalk along Commercial Street SE.

The subject property proposed for development, 5775 Commercial Street SE, is owned by Rushing Commercial Crossing LLC. The property located at 5795 Commercial Street SE is owned by Rushing Wiltsey Crossing LLC. SRC 800.065(d)(2) provides that where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site and beyond the lot proposed for development, the required pedestrian connection shall be extended to the boundaries of the lot proposed for development to allow for future extension of required pedestrian connections.

In this case, the proposed lot line (Lot 2, SUB-ADJ19-07), is located within the existing off-street parking area surrounding 5795 Commercial Street SE. Chapter 800 would require a new pedestrian connection be provided through the existing parking lot to the lot line, resulting in a loss of landscaping and off-street parking, while the pedestrian pathway would not be required to complete the connection to the building. The result is that the pathway would terminate in the middle of the parking lot at the property line. The proposed development creates a pedestrian connection from the mixed-use building to the public sidewalk on Wiltsey Road SE. This public sidewalk can then be used to access the eating and drinking use at 5795 Commercial Street SE (the current Taco Bell). The Hearings Officer notes that the neighborhood association objects to the removal of the pedestrian connections, but it is not clear to the Hearings Officer whether that was because the

neighborhood association believed all the pedestrian connections were at issue, or that generally the pedestrian connections between buildings should be provided. In this case, weighing the safety of pedestrians following the connection to the property line in the middle of a parking area against the general requirement, the Hearings Officer finds that the proposal, to include the pedestrian connections to the North and East, but not to require a pathway leading towards the property line shared with 5795 Commercial Street SE, equally or better meets the intent of this provision—which is for the safety and convenience of pedestrians.

**Condition 9:** The applicant shall provide pedestrian connections between the proposed mixed-use building and existing buildings to the north (5755-5757 Commercial Street SE) and to the east (5765 Commercial Street SE) in compliance with the development standards of SRC Chapter 800. A pedestrian pathway leading from the proposed mixed-use building to 5795 Commercial Street SE is not required.

The Hearings Officer concludes that with this Condition, the request to remove the pedestrian connection between the proposed building and the property line with 5795 Commercial Street SE satisfies the criterion.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

**Finding:** The proposed development includes a multi-family residential use, however the subject property is located within the CR (Retail Commercial) zone; therefore, the Hearings Officer finds that Criterion 2 is not applicable to either request for adjustment.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

**Finding:** Two separate Class 2 Adjustments have been requested with this development. The Hearings Officer has evaluated each of the adjustments separately for conformance with the Adjustment approval criteria. The Hearings Officer finds that the cumulative impact of the adjustments results in an overall project which remains consistent with the intent and purpose of the zoning code.

The Hearings Officer notes that any future development, beyond what is shown in the proposed plans, must conform to all applicable development standards of the UDC, unless adjusted through a future land use action. To assure that development on the site remains consistent with the intent and purpose of the zoning code, the Hearings Officer imposes the following condition:



**Condition 10:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

With this condition, the Hearings Officer finds that the requests for both Class 2 Adjustments satisfy the criteria.

## **DECISION**

Based upon the Facts and Findings contained in this Final Decision, the Hearings Officer **APPROVES** the request for a variance, site plan review, and adjustment, for the proposed development of a new mixed-use building containing 71-dwelling units and 11,998 square feet of retail commercial floor area for property approximately 2.95 acres in size and located at 5775 Commercial Street SE subject to the following conditions of approval:

### **SITE PLAN REVIEW:**

- Condition 1:** Weather protection in the form of awnings or canopies shall be provided along the ground floor building façade for a minimum of 75 percent of the length of the building façade for any wall which includes entrances for non-residential uses. Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet.
- Condition 2:** The final plat for Tentative Subdivision Case No. SUB-ADJ19-07 shall be recorded prior to issuance of any civil site work or building permits.
- Condition 3:** Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.
- Condition 4:** At the time of building permit, the applicant shall demonstrate that required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).
- Condition 5:** Prior to building permit approval the applicant shall provide an updated site plan and parking analysis demonstrating the off-street parking requirements of SRC Chapter 806 are met for the development site.
- Condition 6:** At the time of building permit, the applicant shall demonstrate that the proposal complies with minimum bicycle parking requirements and all applicable development standards of SRC Chapter 806.

- Condition 7:** Obtain all applicable permits regarding placement of fill and parking within existing City easements, including but not limited to an excavation fill permit pursuant to SRC 65.110.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

**ADJUSTMENTS:**

- Condition 9:** The applicant shall provide pedestrian connections between the proposed mixed-use building and existing buildings to the north (5755-5757 Commercial Street SE) and to the east (5765 Commercial Street SE) in compliance with the development standards of SRC Chapter 800. A pedestrian pathway leading from the proposed mixed-use building to 5795 Commercial Street SE is not required.
- Condition 10:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

DATED: October 11, 2022



James K. Brewer, Hearings Officer