

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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503-588-6173*

## DECISION OF THE PLANNING COMMISSION

**Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case  
No. DR-SPR-ADJ17-02**

**APPLICATION NO. : 16-117414-DR, 16-117416-RP & 16-117418-ZO**

**NOTICE OF DECISION DATE: May 3, 2017**

**REQUEST:** A consolidated application for a proposed mixed-use development consisting of a five-story building with 40 multiple-family residential dwelling units above ground floor commercial space and parking, together with an approximate 3,307 square-foot single-story commercial retail building, on property approximately 0.53 acres in size and located at 245 Court Street NE.

The application includes the following:

- 1) A Class 3 Design Review and Class 3 Site Plan review for the proposed development; and
- 2) A Class 2 Adjustment to:
  - a) Eliminate the minimum 6-foot to 10-foot parking and vehicle use area setback required, pursuant to SRC 806.035(c)(5), between the ground-floor parking garage of the five-story building and Front Street NE;
  - b) Eliminate the minimum 5-foot parking and vehicle use area setback required, pursuant to SRC 806.035(c)(3), between the proposed surface parking lot and the northern property line;
  - c) Reduce the minimum 5-foot-wide landscape strip required, pursuant to SRC 806.035(c)(4), between the proposed surface parking lot and open parking garage near the north property line; and
  - d) Allow the proposed surface parking lot and ground floor garage parking serving the proposed multiple family residential dwelling units to be developed without a turnaround as required under SRC 806.040(a).

The subject property is zoned CB (Central Business District) within the Front Street Overlay Zone and is located at 245 Court Street NE (Marion County Assessor Map and Tax Lot Number: 073W22DC09100).

**APPLICANT:** M Parkside Living LLC, (PDQ Investments LLC, Paul Gehlar, Daphne Schneider)

**LOCATION:** 245 Court Street NE / 97301

**CRITERIA:** Class 3 Design Review: 225.005(e)(2)  
Class 3 Site Plan Review: 220.005(f)(3)  
Class 2 Adjustment: 250.005(d)(2)

**FINDINGS:** The facts and findings are in the attached Exhibit dated May 3, 2017.

**DECISION:**

The Planning Commission **APPROVED** Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment Case No. DR-SPR-ADJ17-02 subject to the following conditions of approval:

**CLASS 3 SITE PLAN REVIEW**

**Condition 1:** The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

**Condition 2:** Obtain a revocable permit for the proposed balconies on Court Street NE and Front Street NE to encroach into the right-of-way.

**Condition 3:** Along all street frontages, the applicant shall replace the existing public sidewalks and curb ramps that do not meet the Public Works Design Standards and close all unused driveways.

**CLASS 2 ADJUSTMENT**

**Condition 1:** The 40 off-street parking spaces located within the secure surface parking area and the ground floor parking garage of the development shall be assigned to the residential units within the development.

**VOTE:**

**Yes 8      No 0      Absent 1 (Blasi)      Abstention 0**



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Rich Fry, President  
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Class 3 Design Review	<u>May 19, 2019</u>
Class 3 Site Plan Review	<u>May 19, 2021</u>
Class 2 Adjustment	<u>May 19, 2019</u>

Application Deemed Complete:	<u>April 3, 2017</u>
Public Hearing Date:	<u>May 2, 2017</u>
Notice of Decision Mailing Date:	<u>May 3, 2017</u>
Decision Effective Date:	<u>May 19, 2017</u>
State Mandate Date:	<u>August 1, 2017</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net

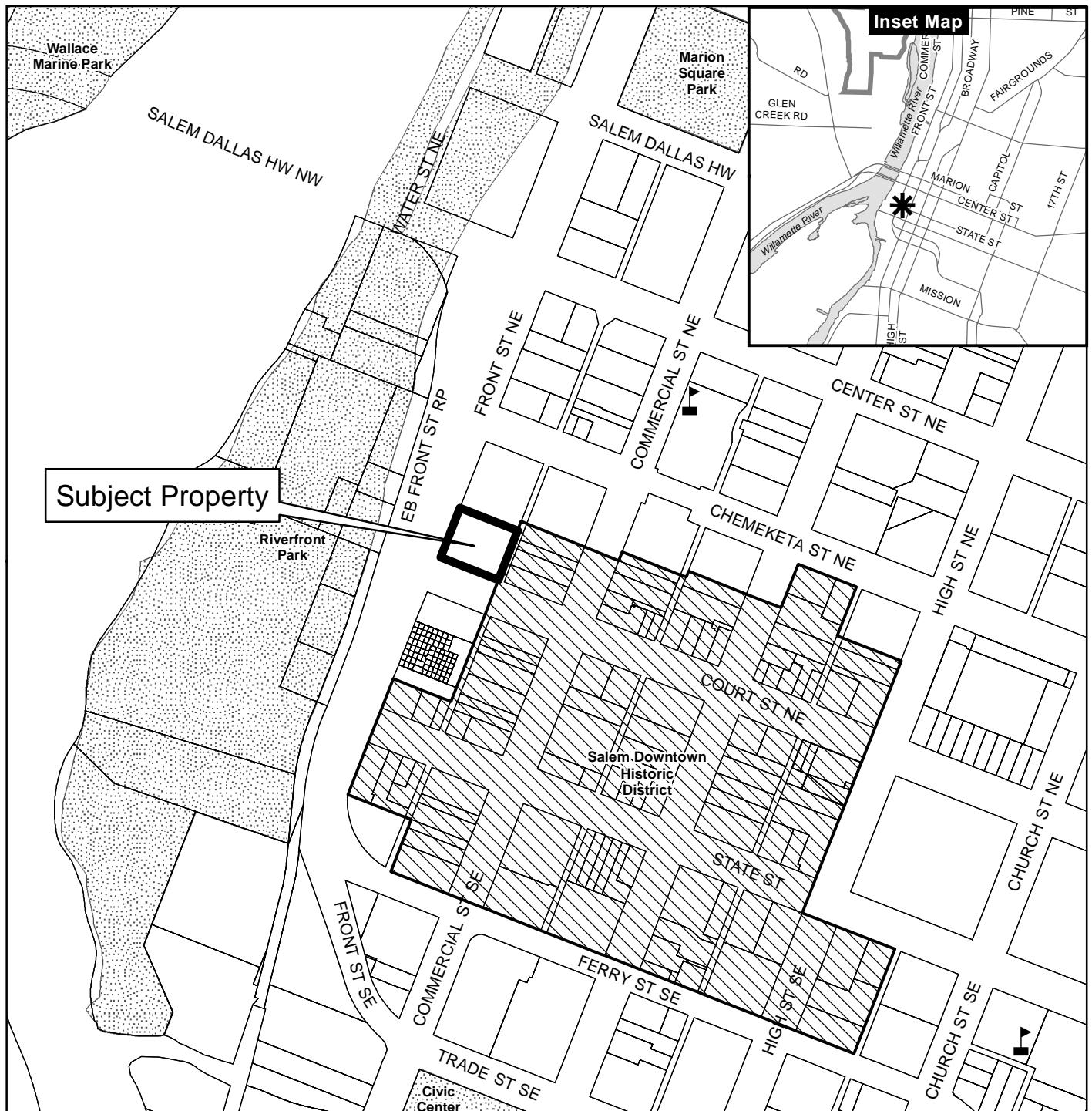
*B.B.*

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., May 18, 2017**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the applicable provisions of the code. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

# Vicinity Map

## 245 Court Street NE



### Legend

- Taxlots
- Urban Growth Boundary
- City Limits

- Outside Salem City Limits
- Historic District
- Schools



Community Development Dept.

0 100 200 400 Feet



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## **FACTS & FINDINGS**

### **CLASS 3 DESIGN REVIEW/CLASS 3 SITE PLAN REVIEW/CLASS 2 ADJUSTMENT CASE NO. DR-SPR-ADJ17-02**

**MAY 3, 2017**

#### **PROCEDURAL FINDINGS**

CB Two Architects, on behalf of the applicant and property owner M Parkside Living, LLC, filed an application for a consolidated Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment for a proposed mixed-use development consisting of a five-story building with 40 multiple-family residential dwelling units above ground floor commercial space and parking, together with an approximate 3,307 square-foot single-story commercial retail building, on property located at 245 Court Street NE.

Because multiple land use applications are required in connection with the proposed development, the applicant, pursuant to SRC 300.120(c), chose to consolidate the applications and process them together as one. When multiple applications are consolidated, the review process for the application shall follow the highest numbered procedure type required for the land use applications involved, and the Review Authority for the application shall be the highest applicable Review Authority under the highest numbered procedure type.

Based on these requirements, the proposed consolidated application is required to be reviewed by the Planning Commission and processed as a Type III procedure.

After additional requested information was provided by the applicant, the application was deemed complete for processing on April 3, 2017. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on April 12, 2017. Notice was also posted on the subject property by the applicant's representative pursuant to SRC requirements on April 18, 2017.

The public hearing on the proposed Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment application was scheduled for May 2, 2017. The state-mandated 120-day local decision deadline for the application is August 1, 2017.

On May 2, 2017, the Planning Commission held a public hearing and received evidence and testimony regarding the application. Subsequent to the close of the hearing, the Planning Commission conducted deliberations and voted to approve the Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment application subject to the conditions of approval recommended by staff.

#### **SUBSTANTIVE FINDINGS**

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

The subject property is designated "Central Business District" on the Salem Area Comprehensive Plan map.

##### **2. Zoning**

The subject property is zoned CB (Central Business District) and is located within the Front Street Overlay Zone. The zoning of surrounding properties is as follows:

North: CB (Central Business District) with Front Street Overlay

South: Across Court Street NE, CB (Central Business District) with Front Street Overlay

East: CB (Central Business District) within the Salem Downtown Historic District

West: Across Front Street NE, CB (Central Business District)

### **3. Natural Features**

**Trees:** The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

There are no trees located on the subject property, but there are, however, street trees located adjacent to the subject property within the rights-of-way of Court Street NE and Front Street NE. Because there are no trees located on the subject property, the tree preservation requirements of SRC Chapter 808 are not applicable to the proposed development. Removal of any trees from within the right-of-way of public streets is subject to the requirements of SRC Chapter 86 (Trees on City Owned Property).

**Wetlands:** According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways.

**Landslide Hazards:** According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is therefore not required in conjunction with the proposed development.

### **4. Neighborhood Association Comments**

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CANDO) neighborhood association. No comments were received from the neighborhood association.

### **5. Public Comments**

All property owners within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property.

No public comments were received prior to the public hearing. At the May 2, 2017, public hearing testimony from two area property owners was provided:

- A. Requesting additional parking to be included in the development beyond the minimum one space per dwelling unit required under the code; and
- B. Questioning whether noise from the nearby rail line was considered in the review of the proposed development.

**Finding:** Because the proposed development is located within the City's Downtown Parking District, a minimum of one off-street parking space is required per dwelling unit for the multiple-family portion of the development; there is no minimum off-street parking requirement for the non-residential uses included in the development. Because the proposed development meets minimum off-street parking requirements, there is no basis under the code to require additional spaces beyond the minimum requirements of SRC Chapter 806 (Off-Street Parking, Loading, and Driveways).

The subject property is located in proximity to a railroad line which runs parallel to Front Street along its western side. In order for the proposed development to be approved, it must meet the applicable approval criteria and development standards included in the Salem Revised Code (SRC). None of the approval criteria or development standards applicable to the proposed development included under the SRC, however, require consideration of noise from the adjacent railroad line in review of the proposal.

## **6. City Department Comments**

- A. The Building and Safety Division reviewed the proposal and indicated no comments.
- B. The Fire Department reviewed the proposal and provided comments indicating the following items that will need to be addressed at the time of building permit review for the proposed development:
  - Location of the proposed fire line under building slab;
  - Fire sprinklers, access, aerial access, fire alarms, and others.
- C. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development and recommended conditions of approval to ensure conformance with the applicable requirements of the SRC.

## **7. Public Agency & Private Service Provider Comments**

Notice of the proposal was provided to public agencies and to public & private service providers. The Salem-Keizer School District reviewed the proposal and provided comments that, in summary, indicate the subject property is served by Bush Elementary School, Leslie Middle School, and South Salem High School. Students are eligible for transportation to elementary, middle school, high school. The School District estimates that the proposed development will result in the addition of approximately 14 students for grades K through 12. They explain that sufficient school capacity exists at Leslie Middle School and South Salem High School, but sufficient capacity does not currently exist at Bush Elementary School.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 DESIGN REVIEW**

### **8. CLASS 3 DESIGN REVIEW APPROVAL CRITERIA**

Salem Revised Code (SRC) 225.005(e)(2) sets forth the criteria that must be met before approval can be granted to an application for Class 3 Design Review. Pursuant to SRC 225.005(e)(2) an application for a Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

The design review guidelines applicable to development within the Front Street Overlay Zone are established under SRC 633.025(a)-(d). The following subsections are organized with the Front Street Overlay Zone design review guidelines shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review guidelines.

#### **A. SRC 633.025(a) Building Location, Orientation and Design**

- **Building Location (SRC 633.025(a)(1)(A)):**

***(i) Buildings shall be located to reinforce pedestrian orientation.***

**Finding:** The written statement provided by the applicant indicates the development proposal has buildings sited adjacent to the street frontage on Front Street and also Court Street NE where public sidewalks currently exist.

As illustrated by the site plan for the development, the proposed five-story multiple family building is located on the western portion of the site at the corner of Court Street and Front Street and the single-story commercial retail building is located on the eastern portion of the site next to Court Street and the alley. Both buildings are proposed to be constructed contiguous to the property lines abutting Front Street and Court Street and a courtyard area is proposed to be provided between them. Vehicular access to the development is proposed to be taken from the existing alley. Off-street surface parking is located behind the buildings, and the proposed structured parking on the ground floor of the proposed multiple family building is separated from Court Street by ground floor commercial uses and visually screened from view of Front Street by decorative pre-finished decorative metal screening.

By locating the proposed buildings contiguous to the property lines abutting Court Street and Front Street, siting off-street surface parking behind the buildings, screening ground floor structured parking from view along Front Street, and limiting vehicular access to the site to the existing alley rather than constructing new driveway approaches from the street, the public right-of-way along Court Street and Front Street is reinforced as an area for people and pedestrian activity rather than vehicles and vehicular access. As such, the proposed design of the site and location of the buildings reinforce the pedestrian orientation of the street. The proposed development conforms to this design guideline.

**▪ *Building Orientation and Design (SRC 633.025(a)(2)(A)):***

***(i) Buildings adjacent to Front Street shall take advantage of views to Riverfront Park and the Willamette River by providing building facades with windows. Bay windows are preferred on upper floors.***

**Finding:** The written statement provided by the applicant indicates that the building provides generous glazing on its west, south and east facades. The west façade faces Riverfront Park and the Willamette River. Resident units as well as common use areas on the first floor offer generous views to both of these amenities.

The development includes one building adjacent to Front Street, the proposed five-story multi-family building. As illustrated by the elevation drawings of this proposed building, windows are distributed throughout the upper floors of its western façade affording views of Riverfront Park and the Willamette River as required by this design guideline. In addition, windows are also distributed throughout the building's southern and eastern facades providing views to the surrounding area. Windows are not provided on the northern façade due to its location contiguous to the northern property line. Because the northern façade of the building is contiguous to the northern property line, openings are precluded under the building code.

Because the proposed multiple-family building provides windows throughout not only its western façade facing Riverfront Park and the Willamette River, but also its southern and eastern facades, the building has been designed to both take advantage of views to the park and the river as required by this design guideline, but also views to take advantage of views to the surrounding area. The proposed development conforms to this design guideline.

**(ii) *The height of the ground floor of a building shall be greater than the height of any upper floors.***

**Finding:** The written statement provided by the applicant indicates that the ground floor elevation for the proposed development is 15 feet and the elevation of the upper floors is proposed at approximately 10 feet-6 inches.

The development includes two buildings, a proposed five-story multiple family building and a single-story commercial retail building. Because the proposed commercial retail building is only one-story in height, this design review guideline is not applicable to that building. This design review guideline does, however, apply to the five-story multiple family building.

As illustrated by the cross section drawings for the multiple-family building, the floor-to-ceiling height of the ground floor of the building is approximately 14 feet and the floor-to-ceiling height of the upper floors of the building is approximately 9 feet. Because the ground floor height of the building exceeds the height of its upper floors, the proposed development conforms to this design guideline.

**(iii) *Architectural detailing shall be provided that horizontally divides the ground floor and second floor facades of a building.***

**Finding:** The written statement provided by the applicant indicates that aside from the larger ground floor elevation, different building materials and colors are proposed for the first floor which provides additional interest and horizontal division between the ground floor and the building's upper floors.

Because the proposed commercial retail building is only one-story in height, this design review guideline is not applicable to that building.

This design guideline does, however, apply to the proposed five-story multiple family building. As illustrated by the elevation drawings of the proposed building, different materials and color are utilized to provide distinction and contrast between, as well as horizontally divide, the ground floor and second floor portions of the building's facades.

In addition to differences in color and material, the proposed façade of the building also incorporates large storefront windows and canopies. The storefront windows are included on the building's ground floor façade along Court Street, and at the corner of Court Street and Front Street. These larger windows help to provide contrast and distinction between the smaller windows of the second and upper floor facades and help to further visually divide the ground floor façade of the building from its second floor facade. Canopies are provided on the ground floor façades facing Court Street and Front Street. These canopies provide an additional horizontal visual element that divides the ground floor façade from the second floor façade.

By providing differences in materials and color, and incorporating large storefront windows and canopies on the ground floor, the design of the proposed building incorporates architectural detailing to divide the ground floor and second floor facades. The proposed development conforms to this design guideline.

(iv) ***Weather protection, in the form of awnings, canopies, or arcades appropriate to the design of the building, shall be provided along ground floor building facades adjacent to a street in order to create a comfortable and inviting pedestrian environment.***

**Finding:** The written statement provided by the applicant indicates that the building will include generous awnings above windows and other ground floor openings.

As illustrated by the site plan and elevation drawings for the proposed development, canopies are provided at regular intervals along the street facing facades of both the five-story multiple family building and the single-story commercial retail building. Provision of these canopies at regular intervals along the street facing facades of the buildings ensures that weather protection is provided to create a comfortable and inviting pedestrian environment. The proposed development conforms to this design guideline.

## **B. SRC 633.025(b) Open Space**

- **Private Open Space (SRC 633.025(b)(1)(A)):**

(i) ***Buildings adjacent to Front Street shall take advantage of views to Riverfront Park and the Willamette River by providing private open space for residential units on upper building floors.***

**Finding:** The written statement provided by the applicant indicates that each residential unit includes a balcony or deck, including the west elevation which faces Front Street and Riverfront Park.

As illustrated on the open space plan for the development, each of the 40 proposed dwelling units in the multiple family building includes private open space in the form of a balcony. The balconies range in size from 48 square feet to 84 square feet and include no dimension that is less than six feet.

By providing open space for not only those residential units facing Riverfront Park and the Willamette River, but also for every other dwelling unit in the building, the proposed development conforms to this design guideline.

## **C. SRC 633.025(c) Site Access**

- **Vehicle Access (SRC 633.025(c)(1)(A)):**

(i) ***Vehicle access to off-street parking areas shall not be provided directly from Front Street.***

**Finding:** The written statement provided by the applicant indicates that vehicle access to off-street parking will not be provided from Front Street. All access to off-street parking is provided from the alley that parallels Front Street to the east.

Vehicular access to the proposed development will be taken from the existing alley. No vehicle access is proposed directly to Front Street. The proposed development conforms to this design guideline.

#### **D. SRC 633.025(d) Off-Street Parking and Loading**

- **Off-Street Parking (SRC 633.025(d)(1)(A)):**

- (i) ***Off-street parking areas shall be located to reinforce pedestrian orientation.***

**Finding:** The written statement provided by the applicant indicates that all off-street parking is provided behind buildings or within the garage.

The proposed development includes both off-street surface parking and structured parking on the ground floor of the proposed five-story multiple family building. The surface parking included in the development is located to the rear of the lot behind the proposed buildings as required by this design guideline.

The structured parking included within the development is located on the ground floor of the multiple family building. In order to reinforce the pedestrian orientation of the street along Court Street, the proposed structured parking on the ground floor of the multiple family building is designed to be visually screened from Front Street by decorative pre-finished metal screens within the ground floor openings of the building.

By locating off-street parking behind the proposed buildings and screening the ground floor structured parking within the multiple family building from Front Street, the parking within the development is located and designed to reinforce pedestrian orientation. The proposed development conforms to this design guideline.

### **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 SITE PLAN REVIEW**

#### **9. CLASS 3 SITE PLAN REVIEW APPROVAL CRITERIA**

Site plan review is required for any development that requires a building permit, unless the development is identified as being exempt from site plan review under SRC 220.005(a)(2). Class 3 Site Plan Review is required for development proposals that involve a land use decision or limited land use decision as defined under ORS 197.015. Because the proposed development involves a Class 3 Design Review and Class 2 Adjustment, the proposed site plan review must be processed as a Class 3 Site Plan Review.

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria.

- (A) ***The application meets all applicable standards of the UDC.***

**Finding:** The proposed development is a mixed-use development consisting of a five-story building with 40 multiple-family residential dwelling units above ground floor commercial space and parking, together with an approximate 3,307 square-foot single-story commercial retail building.

The subject property is designated “Central Business District” on the Salem Area Comprehensive Plan Map and zoned CB (Central Business District) within the Front Street Overlay Zone. The allowed uses and applicable development standards of the CB zone are set forth under SRC Chapter 524. The requirements of the Front Street Overlay Zone are set forth under SRC Chapter 633.

The proposed development conforms to SRC Chapter 531, 633, and all other applicable development standards of the Salem Revised Code as follows:

**SRC CHAPTER 524 (CB ZONE) & CHAPTER 633 (FRONT STREET OVERLAY ZONE)**

***SRC 524.005(a) & SRC 633.010 - Allowed Uses:***

The subject property is proposed to be developed as a mixed-use development consisting of 40 multiple family dwelling units and commercial uses.

Allowed uses within the CB zone are identified under SRC 524.005(a), Table 524-1. Both multiple family residential and a variety of commercial and office uses are permitted within the CB zone.

Because the property is located within the Front Street Overlay Zone, it is also subject to the requirements of that overlay zone. Pursuant to SRC 633.010, any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the overlay zone. Because multiple family residential and a variety of commercial and office uses are allowed within the underlying CB zone, those uses are also allowed in the Front Street Overlay Zone.

***SRC 524.010(a) - Lot Standards:***

The subject property consists of two separate lots, Lot 5 and a portion of Lot 6 of block 49 of the Salem subdivision plat.

Lot standards within the CB zone are established under SRC 524.010(a), Table 524-2. Within the CB zone there are no minimum lot area, width, or depth requirements. The minimum street frontage requirement for lots within the CB zone developed for uses other than Single Family is 16 feet.

Within the Front Street Overlay Zone there are no minimum lot area, dimension, or street frontage standards; therefore the lot standards of the CB zone apply.

Both of the existing lots which comprise the subject property conform to the lot area, width, depth, and street frontage requirements of the CB zone. However, because the proposed five-story multiple family building will be located over the lot line between Lot 5 and Lot 6, a Property Boundary Verification will be required to be approved prior to building permit approval in order to allow the proposed building to be located over the common lot line between the existing lots.

***SRC 524.010(b) - Setbacks:***

Setback requirements for buildings and accessory structures within the CB zone are established under SRC 524.010(b), Table 524-3. Pursuant to SRC 524.010(b), Table 524-3, setback requirements for parking and vehicle use areas within the CB zone are based on the requirements of SRC Chapter 806 (Off-Street Parking, Loading, and Driveways). SRC 806.035(c) establishes perimeter setback requirements for parking and vehicle use areas adjacent to streets, interior property lines, and buildings.

Additional setback requirements are also established under the design review guidelines of the Front Street Overlay Zone pursuant to SRC 633.025. The setbacks established in the overlay zone are in addition to the setbacks established in the underlying zone. Findings establishing how the proposed development conforms to the applicable design review guidelines of the Front Street Overlay Zone are included under Section 8 of this order.

Based on the requirements of SRC 524.010(b), Table 524-3, and SRC Chapter 806.035(c), the buildings, accessory structures, and off-street parking and vehicle use areas included within the development are required to have the following setbacks:

Required Setbacks		
<b>Abutting Street</b>		
Buildings <sup>(1)</sup>	0 ft. or 10 ft.	Applicable to all streets other than Front Street.
Accessory Structures	0 ft. or 10 ft.	
Parking and Vehicle Use Areas <sup>(2)</sup>	Min. 6 ft. to 10 ft.	Per alternative setback methods under SRC 806.035(c)(2)
<b>Interior Side</b>		
Buildings	None	
Accessory Structures	None	
Parking and Vehicle Use Areas <sup>(2)</sup>	Min. 5 ft. with Type A Landscaping <sup>(3)</sup>	Per SRC 806.035(c)(3)
	None	Applicable abutting an alley. (Per SRC 806.035(c)(1)(A)(i))
<b>Interior Rear</b>		
Buildings	None	
Accessory Structures	None	
Parking and Vehicle Use Areas <sup>(2)</sup>	Min. 5 ft. with Type A Landscaping <sup>(3)</sup>	Per SRC 806.035(c)(3)
	None	Applicable abutting an alley. (Per SRC 806.035(c)(1)(A)(i))
<b>Notes</b>		
(1) <u>Building Setback Abutting Front Street:</u> The required building setback adjacent to Front Street NE is governed by the Front Street Overlay Zone (SRC 633.025(a)(1)).		
(2) <u>Parking Garage Perimeter Setbacks:</u> Perimeter setbacks for parking garages are the same as required for surface parking lots except as otherwise provided under SRC 806.035(c)(5).		
(3) <u>Required Landscaping:</u> Pursuant to SRC 807.015(a), Table 807-1, Type A Landscaping requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area.		

As illustrated on the site plan for the proposed development, the proposed buildings are constructed contiguous to the south property line abutting Court Street in conformance with setback requirements.

There are no setback requirements from the east property line abutting the alley for either the single-story commercial building or the off-street parking and vehicle use areas.

The proposed multiple family building is constructed contiguous to the west property line abutting Front Street, as required by the design review guidelines of the Front Street Overlay zone; but because a portion of the ground of this building is occupied by a parking garage, the ground floor parking garage portion of the building is required to be setback a minimum of 6 feet to 10 feet as required under SRC 806.035(c)(5).

Because the building setback required under the Front Street Overlay Zone adjacent to Front Street conflicts with the perimeter parking garage setback required under SRC Chapter 806, the applicant has requested a Class 2 Adjustment to eliminate the parking garage setback adjacent to Front Street in order to allow the entire building to be placed contiguous to west property line abutting Front Street as required by the Front Street Overlay Zone. Findings establishing how this requested Class 2 Adjustment conforms to the applicable Class 2 Adjustment approval criteria are included under Section 10 of this order.

Abutting the north property line there is no minimum setback required for the multiple family building, but there is a minimum 5-foot setback required for the proposed off-street surface parking spaces. As shown on the site plan, the proposed off-street parking spaces are not setback the minimum required distance of 5 feet as required under SRC 806.035(c)(3). In order to address this requirement, the applicant has requested a Class 2 Adjustment to eliminate the minimum required 5-foot setback. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 11 of this report.

Parking and Vehicle Use Area Setback Adjacent to Buildings and Structures. In addition to required setbacks from property lines as identified above, SRC 806.035(c)(4) requires parking and vehicle use areas adjacent to buildings and structures to be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip, planted to Type A landscaping standards, or a minimum 5-foot-wide paved pedestrian walkway.

Under the proposed development, this required 5-foot parking and vehicle use area setback applies where the off-street surface parking areas are located adjacent to the proposed multiple family building and the proposed single-story commercial building.

As illustrated on the site plan, the off-street surface parking areas within the development are separated from the proposed buildings with either a landscape strip or pedestrian connection except where parking space No. 21 is located adjacent to the northeast corner of the multiple family building. In this area a landscape setback of only 2 foot-11 inches is provided. The applicant has requested a Class 2 Adjustment to reduce the width of the required landscape strip in this location. Findings establishing how this requested Class 2 Adjustment conforms to the applicable Class 2 Adjustment approval criteria are included under Section 10 of this order.

***SRC 524.010(c) - Lot Coverage:***

Lot coverage requirements within the CB zone are established under SRC 524.010(c), Table 524-4. Within the CB zone there is no maximum lot coverage requirement for buildings and accessory structures.

There is also no maximum lot coverage requirement for buildings and accessory structures within the Front Street Overlay Zone.

***SRC 524.010(c) - Height:***

Height requirements for buildings and accessory structures within the CB zone are established under SRC 524.010(c), Table 524-4. Within the CB zone there are no minimum or maximum height restrictions for buildings or accessory structures.

***SRC 524.010(d) - Landscaping:***

Landscaping requirements within the CB zone are established under SRC 524.010(d). Within the CB zone landscaping is required as follows:

- Setbacks. Required setbacks must be landscaped as required under SRC Chapter 807 (Landscaping).
- Parking & Vehicle Use Areas. Parking and vehicle use areas must be landscaped pursuant to the requirements of SRC Chapter 807 (Landscaping) and SRC Chapter 806 (Off-Street Parking, Loading, & Driveways).

Setback Landscaping. As identified earlier in this report, the only required setbacks for the development apply to proposed ground floor parking garage of the multiple family building adjacent to Front Street and the off-street surface parking spaces adjacent to the north property line. There are no setbacks required adjacent to the southern property line abutting Court Street or the eastern property line abutting the alley.

The applicant has requested a Class 2 Adjustment to eliminate the required parking garage setback adjacent Front Street and the surface parking lot setback adjacent to the north property line. Findings establishing how these requested Class 2 Adjustments conform to the applicable Class 2 Adjustment approval criteria are included under Section 10 of this order.

Parking & Vehicular Use Area Landscaping. SRC 806.035(d) establishes interior landscaping requirements for parking areas greater than 5,000 square feet in size. Pursuant to SRC 806.035(d)(1)(F), interior landscaping is not required for parking garages.

Pursuant to SRC 806.035(d)(2), Table 806-5, parking areas less than 50,000 square feet in size are required to provide a minimum of 5 percent interior landscaping.

A summary of the parking area interior landscaping required and provided for the development is included in the table below.

Summary of Parking Area Interior Landscaping		
Parking Area Size	Interior Landscaping Required (Min. 5%)	Interior Landscaping Provided
6,362 ft. <sup>2</sup>	318 ft. <sup>2</sup>	494 ft. <sup>2</sup>

As evidenced by the table above, the off-street surface parking areas within the development include interior landscaping which exceeds the minimum landscaping requirements of SRC 806.035(d)(2).

In addition to requiring a specific percentage of the interior area of a parking lot to be landscaped, SRC 806.035(d)(3) requires a minimum of 1 deciduous shade tree to be planted within the off-street parking area for every 12 parking spaces provided.

As shown on the site plan, a total of 22 off-street surface parking spaces are included within the proposed development. Based on the minimum tree planting requirement of 1 tree for every 12 parking spaces, the proposed parking area is required to include a minimum of 2 trees. As shown on the landscaping plan for the proposed development, 3 trees are provided which exceeds the parking area tree planting requirements of SRC 806.035(d)(3).

### **SRC CHAPTER 806 (OFF-STREET PARKING, LOADING, & DRIVEWAYS)**

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for minimum and maximum off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

#### ***Off-Street Parking:***

Minimum Off-Street Vehicle Parking. Minimum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-1. Notwithstanding Table 806-1, SRC 806.005(b) provides that within the City's Downtown Parking District off-street parking is only required for residential uses falling under the Household Living use category.

The subject property is located within the boundaries of the Downtown Parking District. As such, there is no minimum off-street parking required for the proposed 3,307 square-foot single-story commercial building or the ground floor non-residential uses included within the five-story multiple family building. Parking is, however, required for the proposed 40 multiple family dwelling units.

The minimum off-street parking requirement for the proposed development is as follows:

<b>Minimum Off-Street Parking</b>		
Multiple Family	1 space per dwelling unit	Applicable to Multiple Family consisting of 4 or more dwelling units within the CSDP area.
Non-Residential Uses	None	Applicable to non-residential uses within the Downtown Parking District.

Maximum Off-Street Vehicle Parking. Maximum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-2. The maximum number of allowed parking spaces is based upon the minimum number of spaces required for the proposed development. If the minimum number of spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum allowed parking is 1.75 times the minimum number of spaces required.

Based on the above identified minimum and maximum off-street parking requirements, the proposed 40-unit mixed-use development requires the following off-street parking:

Off-Street Parking Summary			
Use	Minimum Spaces Req.	Maximum Spaces	Spaces Provided
Multiple Family	40		
Non-Residential Uses	None		
<b>Total:</b>	<b>40</b>	<b>70</b>	<b>42</b>

As shown on the site plan for the proposed development, a total of 42 parking spaces are provided. Forty of the proposed parking spaces will be dedicated to the multiple family units and the remaining two spaces will be for the rest of the development.

The 42 parking spaces provided exceed the minimum 40 spaces required for the development but also do not exceed the maximum 70 spaces allowed.

Compact Parking. SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the required off-street parking spaces.

The proposed development includes a total of 14 compact parking spaces. The 14 compact parking spaces proposed equal approximately 33.3 percent of the overall 42 spaces provided; therefore not exceeding the maximum 75 percent limit.

The proposed compact spaces within the development do not exceed the maximum number of spaces allowed and therefore conform to this standard.

Off-Street Parking Area Dimensions. SRC 806.035(e), Table 806-6, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them. Based on the layout of the parking spaces within the development, the proposed parking stalls and access aisles must meet the following standards:

Minimum Parking Stall & Drive Aisle Dimensions			
Stall Type	Parking Stall Dimension	Drive Aisle Width <sup>(1)</sup>	
90° Standard Stall	9 ft. x 19 ft.	24 ft.	
90° Compact Stall <sup>(2)</sup>	8 ft. x 15 ft.	22 ft.	
	8 ft.- 6 in. x 15 ft.		
Notes			
<p>(1) <u>Drive Aisle Width Serving Standard and Compact Stalls:</u> Pursuant to SRC 806, Table 806-6, when a parking lot drive aisle serves both standard and compact size parking stalls of 80 degrees or more, the drive aisle shall be a minimum of 24 feet.</p> <p>(2) <u>Compact Stall Dimension Next to Wall or Post:</u> Pursuant to SRC 806, Table 806-6, compact sized parking stalls next to a wall or post must be a minimum of 8-foot 6-inches in width.</p>			

As shown on the proposed site plan for the development, both standard size and compact size parking stalls are provided. The standard size stalls conform to the minimum required 9-foot width and 19-foot depth (with the front two feet of several of the stalls proposed to be landscaped as allowed under SRC 806.035(g)).

The compact size stalls conform to the minimum required 8-foot width outside of the proposed ground floor parking garage and the minimum 8-foot 6-inch width inside the parking garage where compact stalls are located next to posts. The compact stalls also exceed the minimum 15-foot stall depth.

The parking stalls within the development are served by 24-foot-wide drive aisles in conformance with the requirements of SRC 806.035(e), Table 806-6.

Access. SRC 806.040(a) establishes access requirements for off-street parking areas. Pursuant to the requirements of this subsection, off-street parking and vehicle use areas are required to have either:

- Separate driveways for ingress and egress; or
- A single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access.

The proposed development includes two distinct off-street parking areas. One of the parking areas is intended to serve the proposed 40 multiple family dwelling units within the five-story multiple family building and consists 40 spaces in the form of both structured parking within the proposed parking garage and surface parking. The other parking area is intended to serve the rest of the development and consists of two surface parking spaces located off the alley along the eastern boundary of the subject property.

The proposed two parking spaces off the alley will be accessed from the alley and have a maneuvering area behind them that exceeds the minimum 24-foot maneuvering depth required from the back of the proposed stalls to the opposite side of the alley.

The proposed 40 parking spaces serving the multiple family dwelling units will be secure parking with access provided by a gated driveway off the alley. As shown on the site plan, the drive aisle serving these spaces dead-ends without a turnaround as required under SRC 806.040(a). Because the proposed parking area serving the multiple family building does not have a turnaround, the applicant has requested a Class 2 Adjustment to allow the parking area to be developed without the required turnaround. Findings establishing how this requested Class 2 Adjustment conforms to the applicable Class 2 Adjustment approval criteria are included under Section 10 of this order.

### ***Bicycle Parking:***

Minimum Bicycle Parking. Minimum bicycle parking requirements are established under SRC Chapter 806, Table 806-8. The minimum bicycle parking requirement for the proposed development is as follows:

Minimum Bicycle Parking		
Multiple Family	The greater of 4 spaces or 0.1 spacer per dwelling unit	Applicable to the proposed multiple family dwelling units.
Eating and Drinking Establishments	The greater of 4 spaces or 1 space per 1,000 ft. <sup>2</sup>	
Retail Sales	The greater of 4 spaces or 1 space per 10,000 ft. <sup>2</sup>	Applicable to the proposed commercial tenant space within the buildings.
Office	The greater of 4 spaces or 1 space per 3,500 ft. <sup>2</sup>	

Based on the above identified minimum bicycle parking requirements, the proposed 40-unit mixed-use development requires the following bike parking:

Bicycle Parking Summary		
Portion of Development	Minimum Spaces Req.	Spaces Provided
Multiple Family	4	
Non-Residential Uses	4	
<b>Total:</b>	<b>8</b>	<b>15</b>

As shown on the site plan for the proposed development and summarized in the table above, a total of 15 bicycle parking spaces are provided for the development. Eight of the spaces are provided in the courtyard area between the two buildings and seven of the spaces are located within an interior bike storage area in the proposed multiple family building. The proposed development exceeds minimum bicycle parking requirements.

**Bicycle Parking Location.** SRC 806.060(a) requires bicycle parking areas to be located within a convenient distance of, and clearly visible from, the primary entrance of a building, but in no event shall the bicycle parking area be located more than 50 feet from the primary building entrance.

Bicycle parking within the development is located within the courtyard area between the two proposed buildings. An interior bike storage area is also provided within the proposed multiple family building. The proposed parking spaces within the development are in proximity to and easily accessible from the building entrances of the development in conformance with the requirements of SRC 806.060(a).

**Bicycle Parking Access.** SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance. As discussed earlier in this report, bicycle parking within the development is located in the courtyard area between the two proposed buildings and within an interior storage area in the proposed multiple family building. The proposed bike parking spaces within the development have direct access to the public right-of-way and to building entrances in conformance with the requirements of SRC 806.060(b).

**Bicycle Parking Dimensions.** SRC 806.060(c) requires bicycle parking spaces to be a minimum of 2 feet in width by 6 feet in depth, and served by a minimum 4-foot-wide access aisle. The bicycle parking spaces shown on the proposed site plan conform to the minimum depth requirement of 6 feet, the minimum width requirement of 2 feet, and the minimum aisle width requirement of 4 feet.

#### ***Loading:***

Minimum loading requirements are established under SRC Chapter 806, Table 806-9. The minimum loading requirement for the proposed development is as follows:

Minimum Loading		
Multiple Family	0 to 49 dwelling units	None
Eating and Drinking Establishments	Buildings Less than 5,000 ft. <sup>2</sup>	
Retail Sales	Buildings Less than 5,000 ft. <sup>2</sup>	None
Office	Buildings Less than 5,000 ft. <sup>2</sup>	

Based on the above identified minimum off-street loading requirements, the proposed 40 unit mixed-use development is not required to include an off-street loading space.

#### **SRC 800.050(a) (FENCE HEIGHT)**

SRC 800.050(a) establishes standards for the maximum heights of fences. The proposed development includes a proposed 6-foot-tall picket fence, which will be no more than 25 percent opaque, located in the courtyard area between the two buildings to separate the portion of the courtyard reserved for the residents of the development from the rest of the courtyard. In addition, a 6-foot-tall black chain link fence with black vinyl slats is proposed around the perimeter of the surface parking lot located on the northern half of the property serving the proposed multiple family units.

Pursuant to SRC 800.050(a)(1)(B), fences within non-residential zones shall not exceed a maximum height of 12 feet; provided, however, fences located within 10 feet of a property line abutting a street shall not exceed a maximum height of 8 feet and shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence.

As shown on the proposed site plan, both the proposed see-through 6-foot picket fence located in the courtyard area between the buildings and the sight-obscurning 6-foot chain link fence located around the perimeter of the off-street surface parking area serving the proposed multiple family dwelling units will conform to the height and transparency requirements applicable in the CB zone under SRC 800.050(a)(1)(B).

#### **SRC 800.055 (SOLID WASTE SERICE AREAS)**

SRC 800.055 establishes standards that apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

A solid waste service area is defined under SRC 800.010(e) as, "An area designed and established for the purpose of satisfying the local collection franchisee service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively."

The proposed development includes one trash collection area meeting the definition of a solid waste service area under SRC 800.010(e). The solid waste service area is located on the eastern portion of the site next to the alley. As shown on the Site Details plan for the proposed development, the solid waste service area is proposed to accommodate two 2-yard trash containers. The proposed solid waste service area is uncovered, enclosed by a 6-foot-tall perimeter wall, has an interior dimension within the enclosure of approximately 12.81 feet in width by 19.49 feet in depth, and is free of vertical obstructions above the receptacles,

Pursuant to SRC 800.055(f)(1)(B), the 12-foot-wide by 45-foot-long vehicle operation area required to service the solid waste service area is proposed to be located within the alley because the receptacles proposed to be utilized are 2 cubic yards in size and will not be required to be maneuvered manually more than 45 feet into position for servicing.

The proposed solid waste service area appears to meet the applicable standards of SRC Chapter 800.055. At the time of building permit review, the location and features of the proposed solid waste service area will be reviewed for conformance with applicable development standards of SRC 800.055. In order to ensure the proposed

trash/recycling area conforms to the applicable standards of SRC 800.055, the following condition of approval is established:

**Condition 1:** The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

Because the solid waste service area is proposed to be uncovered it is also subject to Administrative Rule 109-012 Appendix D which requires a Trash Area Management Plan.

### **SRC CHAPTER 808 (PRESERVATION OF TREES & VEGETATION)**

The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

There are no trees located on the subject property, but there are, however, street trees located adjacent to the subject property within the rights-of-way of Court Street NE and Front Street NE. Because there are no trees located on the subject property, the tree preservation requirements of SRC Chapter 808 are not applicable to the proposed development. Removal of any trees from within the right-of-way of public streets is subject to the requirements of SRC Chapter 86 (Trees on City Owned Property).

### **SRC CHAPTER 809 (WETLANDS):**

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways.

### **SRC CHAPTER 810 (LANDSLIDE HAZARDS)**

According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is therefore not required in conjunction with the proposed development.

### **SRC CHAPTER 76 (PERMITS, STREETS, AND PUBLIC WAYS)**

As shown on the Open Space Plan for the development, private balconies are provided for the proposed residential dwelling units that project into the right-of-way of Court Street NE and Front Street NE. Comments provided from the Public Works Department indicate that encroachments into the right-of-way are not authorized without approval from the Public Works Director, and are subject to the conditions outlined in SRC 76.160. In order to ensure compliance with the requirements of SRC 76.160, the following condition of approval is established:

**Condition 2:** Obtain a revocable permit for the proposed balconies on Court Street NE and Front Street NE to encroach into the right-of-way.

**(B) 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:** The subject property abuts Front Street NE and Court Street NE. Front Street is designated as a parkway street within the City's Transportation System Plan (TSP) requiring an 80-foot-wide improvement within a 120-foot-wide right-of-way. Front Street is currently improved to an approximate width of 110 feet to 120 feet within a 158-foot to 168-foot-wide right-of-way adjacent to the subject property. Because Front Street is also a State Highway, it is under the jurisdiction of the Oregon Department of Transportation.

Court Street is designated as a collector street within the TSP requiring a 34-foot-wide improvement within a 60-foot-wide right of way. Court Street is currently improved to an approximate width of 70 feet within a 100-foot wide right-of-way adjacent to the subject property.

As indicated in the comments from the Public Works Department, both Front Street and Court Street meet the right-of-way and pavement width standards per the Salem TSP. This criterion is met.

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

**Finding:** Vehicular access to the development is proposed to be provided via the existing alley along the eastern side of the property. No driveway approaches are proposed from the subject property onto Front Street or Court Street. Pedestrian access to and throughout the interior of the development will be provided by the public sidewalks within the rights-of-way of Court Street and Front Street and by internal pedestrian connections provided on the east side of the single-story commercial building and within the courtyard between the commercial building and the five-story multiple family building.

The proposed driveway access onto the alley provides for safe turning movements into and out of the property. In order to ensure safe pedestrian and vehicular access along Front Street and Court Street, the following condition of approval is established:

**Condition 3:** Along all street frontages, the applicant shall replace the existing public sidewalks and curb ramps that do not meet the Public Works Design Standards and close all unused driveways.

The proposed development, as conditioned, provides for the safe and efficient movement of vehicles, bicycles, and pedestrians into and out of the proposed development. This approval criterion is met.

**(D) 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 utility plan for the proposed development. Water, sewer, and stormwater infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (PWDS) and to the satisfaction of the Public Works Director. The applicant is advised that a

sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT**

### **10. CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria.

**(A) *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 has requested four Class 2 Adjustments in conjunction with the proposed development. The adjustments requested by the applicant include:

- a) A proposed elimination of the minimum 6-foot to 10-foot parking and vehicle use area setback required, pursuant to SRC 806.035(c)(5), between the ground-floor parking garage of the five-story building and Front Street NE;
- b) A proposed elimination of the minimum 5-foot parking and vehicle use area setback required, pursuant to SRC 806.035(c)(3), between the proposed surface parking lot and the northern property line;
- c) A proposed reduction to the minimum 5-foot-wide landscape strip required, pursuant to SRC 806.035(c)(4), between the proposed surface parking lot and open parking garage near the north property line; and
- d) A proposal to allow the proposed surface parking lot and ground floor garage parking serving the proposed multiple family residential dwelling units to be developed without a turnaround as required under SRC 806.040(a).

**Parking Garage Abutting Front Street.** The written statement provided by the applicant indicates that the off-street parking areas, as illustrated on the proposed site plan, are located behind the buildings and the plaza, or located in an open garage away from the street. It is explained that the parking areas will be accessed from a public alley that runs north and south between Court Street and Chemeketa Street, adjacent to the site's eastern property line. It is indicated that, due to site constraints, providing a 5-foot landscape perimeter setback for the entirety of the offsite parking areas is not practical to allow for required off-street parking for the residential units and it reduces effective and efficient maneuvering for vehicles, bicycles, and pedestrians. It is explained that by locating parking in the open garage and behind the proposed retail structure and plaza, the minimum separation of parking and vehicle use areas from the public sidewalk on Court Street is 35 feet. This allows for conformance with the pedestrian oriented site and

development design standards of both the Central Business Zone (SRC 524.010) and the Front Street Overlay Zone (633.025).

The applicant indicates that in order to provide required residential parking the mixed-use building includes a podium type design to allow for an open garage under the residential units on the upper floors. It is explained that the mixed-use building has been sited along the Court Street and Front Street property lines as desired by SRC 524.010(a) and SRC 633.025(1)(B), but the creative use of the structural design to provide a portion of the required parking on the ground floor of the building conflicts with the parking garage setback requirements of SRC 806.035(c); therefore triggering the need for an adjustment to the parking garage setback adjacent Front Street. The applicant indicates that a screen wall will be constructed to provide a separation and buffering to the parking areas adjacent to Front Street, therefore, meeting the intent of SRC806.035.

The purpose of establishing a standard requiring parking garages to be setback a minimum distance of 6 feet to 10 feet from property lines abutting streets is to ensure that the parking garage is appropriately buffered from the public street right-of-way as is required for off-street surface parking lots. However, because the subject property is also located within the Front Street Overlay Zone, additional design review standards and guidelines are established to promote a specific development pattern. In the case of the Front Street Overlay Zone that development pattern includes buildings located either contiguous to the public street right-of-way, or with setbacks that are minimized from the street right-of-way, and parking areas that are setback from the street behind buildings so as to promote an urban appearance and enhance pedestrian orientation of the public street right-of-way.

As identified under Section 8 of this order, the proposed 5-story multiple family building adjacent to Front Street has been sited in conformance with the Front Street Overlay Zone design review guidelines which require buildings to be located to reinforce pedestrian orientation. However, the minimum 6-foot to 10-foot parking garage setback under SRC 806.035(c)(5) conflicts with the Front Street Overlay Zone requirements in this case forcing a portion of the ground floor of the building to be setback further than the building's upper floors. Instead of setting back the ground floor parking garage portion of the building further than the upper floors the applicant has located the ground floor and upper floor facades of the building contiguous to the property line abutting Front Street and provided decorative screening on the ground floor to screen the proposed garage parking from pedestrians on Front Street.

By locating the proposed building contiguous to the property line along Front Street and providing decorative screening complementary to the overall design of the building to buffer and obscure the visibility of the ground floor garage parking from the right-of-way, the eastern side of Front Street is further defined and framed in an urban, pedestrian-oriented, aesthetic as required by the Front Street Overlay Zone and in a manner that equally meets the intent of the perimeter parking garage setback requirement of SRC Chapter 806. The proposed adjustment conforms to this approval criterion.

Parking Setback Abutting North Property Line. The written statement provided by the applicant indicates that an adjustment is also necessary for the open parking that abuts the parking for the neighboring property to the north. It is explained that this situation is an existing condition with both parking areas currently only being separated by a curb. It is explained that the proposed development, while not able to correct that non-conforming condition, will reduce the amount of non-conformity by providing a site obscuring fence to provide screening and greater physical separation between the two parking areas at the property line which do not currently exist at this location.

The purpose of requiring a 5-foot landscaped setback between parking areas and interior property lines is to provide visual separation and buffering between parking areas. Due to minimum off-street parking requirements and constraints resulting from the size of the site, the minimum required 5-foot parking and vehicle use area setback abutting the north property line was not able to be provided. Instead of providing a 5-foot landscaped setback, the proposed development provides a 6-foot-tall sight-obscuring fence to visually separate the parking areas along the north property, together with a 2-foot-wide strip of landscaping that will serve as a bio-swale at the north end of the proposed parking spaces.

The proposed fencing to vertically screen the proposed parking from the abutting property to the north, together with the proposed 2-foot landscape strip/bio-swale along the north property line, equally meet the underlying purpose of the minimum required 5-foot parking setback to visually separate and break up continuous areas of parking. The proposed adjustment conforms to this approval criterion.

Landscape Strip between Surface Parking & Parking Garage. The written statement provided by the applicant indicates that an additional area within the development where a required 5-foot parking setback is not provided is near the north property line where the off-street parking and the mixed use building's open garage are adjacent to each other. It is explained that in this location the landscape bed is reduced to 2'10" in width which allows for full sized parking spaces and improved maneuvering.

The applicant indicates that as proposed, the site design provides the code required interior landscaping percentages and required residential parking. While it does not completely meet the standards of SRC 806.035, it does meet the intended purpose of the code.

This requested adjustment affects only a small portion of the proposed site where one surface parking stall (stall No. 21 on the site plan) happens to be located adjacent to another parking stall located within the proposed garage (stall No. 20 on the site plan). Because the eastern side of the proposed parking garage is designed to be open and not enclosed, the surface parking stall (stall No. 21) appears visually to be more located adjacent to another surface parking stall than the exterior wall of a building. As such, the need for a 5-foot landscape setback in this location is diminished. The proposed development still includes a 2-foot 10-inch-wide landscape strip in this area and provides more than the minimum required 5-foot-wide landscape strip to the west of stall No. 40 to the south. The proposed adjustment conforms to this approval criterion.

Parking Area without Turnaround. The written statement provided by the applicant indicates that because a turnaround area is not provided within the residential parking lot or garage, an adjustment SRC 806.040(a) is also needed. The applicant explains that this standard was established to assist with access and that the request is reasonable as the proposed parking is gated and the spaces are assigned. It is indicated that restricting access and providing assigned spaces removes access issues that would otherwise exist therefore eliminating the need for a turnaround within the development.

The underlying purpose of establishing a standard requiring separate ingress or egress driveways, or an onsite turnaround area for parking areas with a single point of ingress and egress, is to ensure that vehicles can enter and exit from a development without having to back out long distances or onto the public street right-of-way which can pose a hazard.

Forty of the proposed parking spaces included within the development are dedicated to the 40 multiple family dwelling units included in the development. Twenty of the spaces are surface parking spaces located on the northern half of the site and the remaining 20

spaces are parking garage spaces located on the ground floor of the five-story multiple family building. Though an on-site turnaround is not provided for these spaces, the proposed development still equally meets the underlying purpose of the standard by preventing individuals from needing to back out long distances or onto the public right-of-way. This is done by assigning parking to the individual dwelling units and restricting access to the parking area to only those individuals who have an assigned space. By assigning spaces and limiting access to the parking area, an assigned parking space will always be available when an individual enters the parking area; thereby preventing the need to exit the parking area because a parking space could not be found. The proposed adjustment conforms to this approval criterion.

In order to ensure that the proposed parking spaces within the development are assigned spaces; therefore ensuring a turnaround will not be required, the following condition of approval is established:

**Condition 1:** The 40 off-street parking spaces located within the secure surface parking area and the ground floor parking garage of the development shall be assigned to the residential units within the development.

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

**Finding:** The subject property is zoned CB (Central Business District) with Front Street Overlay and located in the downtown. Because the subject property is not located within a residential zone, and because it's located in an area characterized predominantly as commercial rather than residential, this approval criterion is not applicable to the proposed development.

**(C) *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:** Pursuant to SRC 524.001, the CB (Central Business District) zone serves Salem and the region as a principal center of business and commerce and allows a compact arrangement of retail and commercial enterprises together with office, financial, cultural, entertainment, governmental, and residential uses designed and situated to afford convenient access by pedestrians. The Front Street Overlay Zone furthers the purposes of the CB zone by promoting an active and inviting urban and pedestrian-oriented district within the core of the downtown that takes advantage of its proximity to Riverfront Park and the Willamette River.

Though four adjustments have been requested in conjunction with the proposed development, the adjustments will not cumulatively result in a project that is inconsistent with the overall purposes of the CB zone or the Front Street Overlay Zone.

The requested adjustments are the minimum necessary and will provide a consistent and cohesive development that will benefit the downtown area by providing increased housing opportunities in the downtown core, improved pedestrian safety, and an improved pedestrian environment along Court Street and Front Street. The proposed adjustment conforms to this approval criterion.

## **CONCLUSION**

Facts & Findings

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ17-02

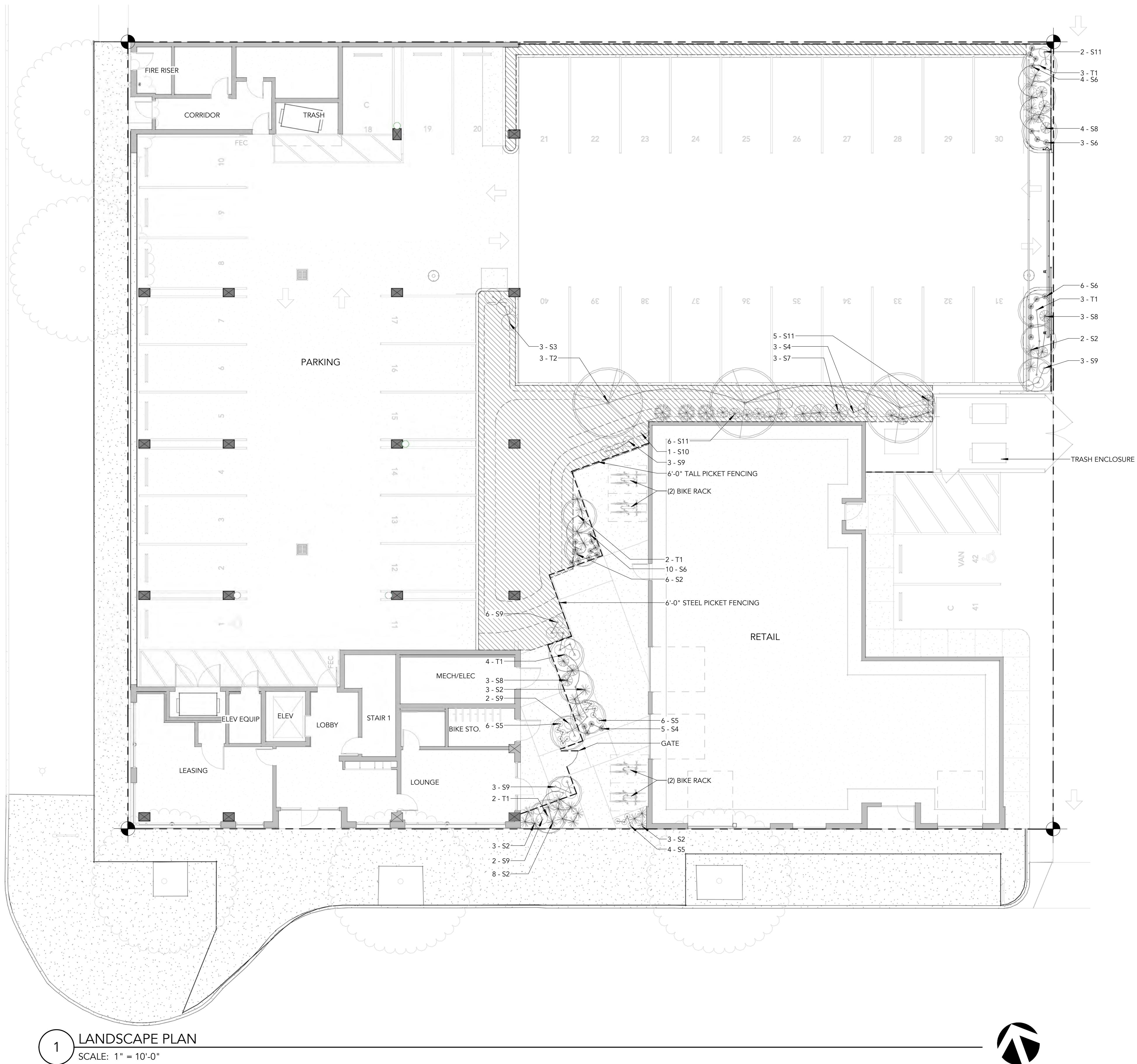
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Based on the facts and findings presented herein, the proposed Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment, as conditioned, satisfy the applicable criteria contained under SRC 225.005(e)(2), SRC 220.005(f)(3), and SRC 250.005(d)(2).

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### PLANT SCHEDULE

	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>			
T1	ACER CIRCINATUM	VINE MAPLE (MULTI-TRUNK)	6'-8'
<b>SHRUBS</b>			
S1	ABELIA G. SHERWOODII	SAME	5 GAL.
S2	CAREX EVERGOLD	EVERGOLD SEDGE	1 GAL.
S3	CORNUS KELSEYII	SAME	5 GAL.
S4	EUONYMUS J. 'BUTTERSCOTCH'	SAME	2 GAL.
S5	IRIS PALLIDA 'VARIEGATA'	SAME	1 GAL.
S6	LIRIOPE M. 'BIG BLUE'	SAME	1 GAL.
S7	MAHONIA AQUIFOLIUM	OREGON GRAPE	5 GAL.
S8	NANDINA D. 'GULF STREAM'	SAME	2 GAL.
S9	POLYSTICHUM MUNITUM	SWORD FERN	2 GAL.
S10	SARCOCOCCA CONFUSA	SAME	5 GAL.
S11	SARCOCOCCA HUMILIS	SAME	2 GAL.
BIO-SWALE, SEE BIO-SWALE PLANT LEGEND & NOTES			

### BIO-SWALE PLANT LEGEND

ZONE 1: PROFILE 0"-12" WET/MOIST ZONE  
PER CITY REQUIREMENT ALL ZONE 1 PLANTS SHALL BE TRIANGULAR SPACED 12" O.C.:

BOTANICAL NAME	COMMON NAME	SIZE	SPACING
BSW 1 ARGOTIS EXARATA	SPIKE BENTGRASS	1 GAL.	12" O.C.
BSW 2 CAREX OBNUPTA	SLOUGH SEDGE	1 GAL.	12" O.C.
BSW 4 CAREX STIPATA	SAWBEAK SEDGE	1 GAL.	12" O.C.
BSW 5 JUNCUS EFFUSUS PACIFICUS	COMMON RUSH	1 GAL.	12" O.C.

DO NOT PLANT WITHIN 48" OF BIO-SWALE PIPING, BIO-BAGS, RIP RAP OR OTHER OTHER PLANT MATERIAL

### BIO-SWALE NOTES:

1. BIO-SWALES SHALL UTILIZE IMPORTED 70/30 BLEND TOP SOIL FOR SIDE SLOPES EXCEPT FOR THE BOTTOM 12" (REFER TO CIVIL DRAWINGS) WHICH REQUIRES 18" DEPTH OF APPROVED STORMWATER QUALITY MIX. ALL STORMWATER QUALITY SOIL MIX SHALL CONFORM TO CITY OF SALEM OREGON STORMWATER MANAGEMENT STANDARDS.
2. REFER TO CIVIL ENGINEERING DRAWINGS FOR LOCATIONS OF STORMWATER QUALITY SOIL MIX (SEE DETAIL).
3. LANDSCAPE CONTRACTOR TO PROVIDE AND INSTALL ALL APPROVED STORMWATER QUALITY SOIL MIX.
4. LANDSCAPE CONTRACTOR TO COORDINATE WITH CIVIL GRADING PLAN. PROVIDE AND PLACE 2" TOPDRESS DEPTH OF PEA GRAVEL IN THE BOTTOM PROFILE OF THE BIO-SWALES AFTER PLANTING. CARE SHALL BE TAKEN TO NOT DAMAGE THE PLANTS. LANDSCAPE CONTRACTOR TO COORDINATE WITH CIVIL FOR ALL BIO-SWALE AREAS FOR EROSION CONTROL.
5. IRRIGATION SHALL PROVIDE COMPLETE AND EVEN COVERAGE OF ALL BIO-SWALE AND LANDSCAPE AREAS AND BE COMPLETED PRIOR TO ANY PLANTINGS
6. LANDSCAPE CONTRACTOR TO PROVIDE AND PLANT FROM BIO-SWALE LEGEND.

### NOTE:

CHARLES MANGUM AND ASSOCIATES WILL DESIGN AN UNDERGROUND, FULLY AUTOMATED IRRIGATION SYSTEM AFTER THE LANDSCAPE PLAN HAS BEEN APPROVED BY THE CITY OF SALEM.

LANDSCAPE  
PLAN

SP-8

NOT FOR CONSTRUCTION

COURT STREET  
245 COURT STREET NE SALEM, OREGON 97301

Issue: SP

Date: 02/08/2017

Rev: Description: Date:

CB|Two  
ARCHITECTS  
A LIMITED LIABILITY COMPANY

500 Liberty Street SE, Suite 100 • Salem, Oregon 97302  
Ph. 503.460.6700 / Fx. 503.460.6701

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REGISTERED ARCHITECT  
STATE OF OREGON  
AARON RAY TERPENING  
Salem, Oregon  
5525

PERMIT SET

**CB|Two**  
ARCHITECTS

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STRUCTURAL:  
FROELICH ENGINEERS  
503.624.7005

MECH\_ELEC\_PLUMB:  
HAINES ENGINEERING  
503.990.8888

COURT STREET

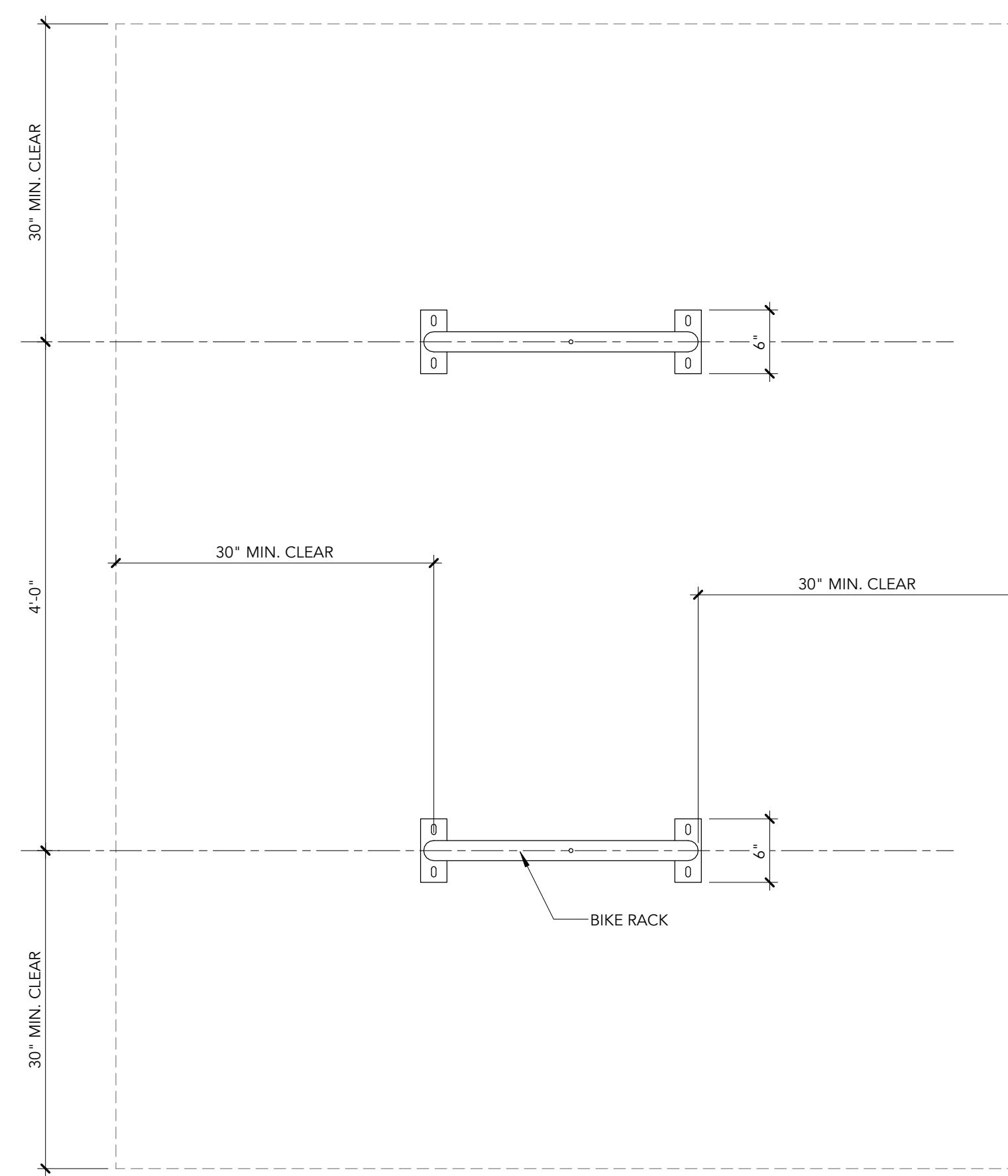
245 COURT STREET NE SALEM, OREGON 97301

Issue:	SP
Date:	03/23/2017
Rev:	Description: Date:

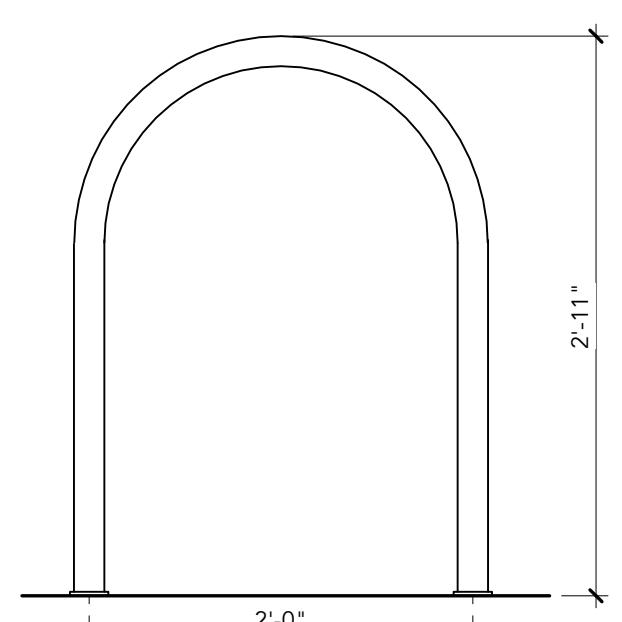
SITE DETAILS

SP-2.1

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PLAN

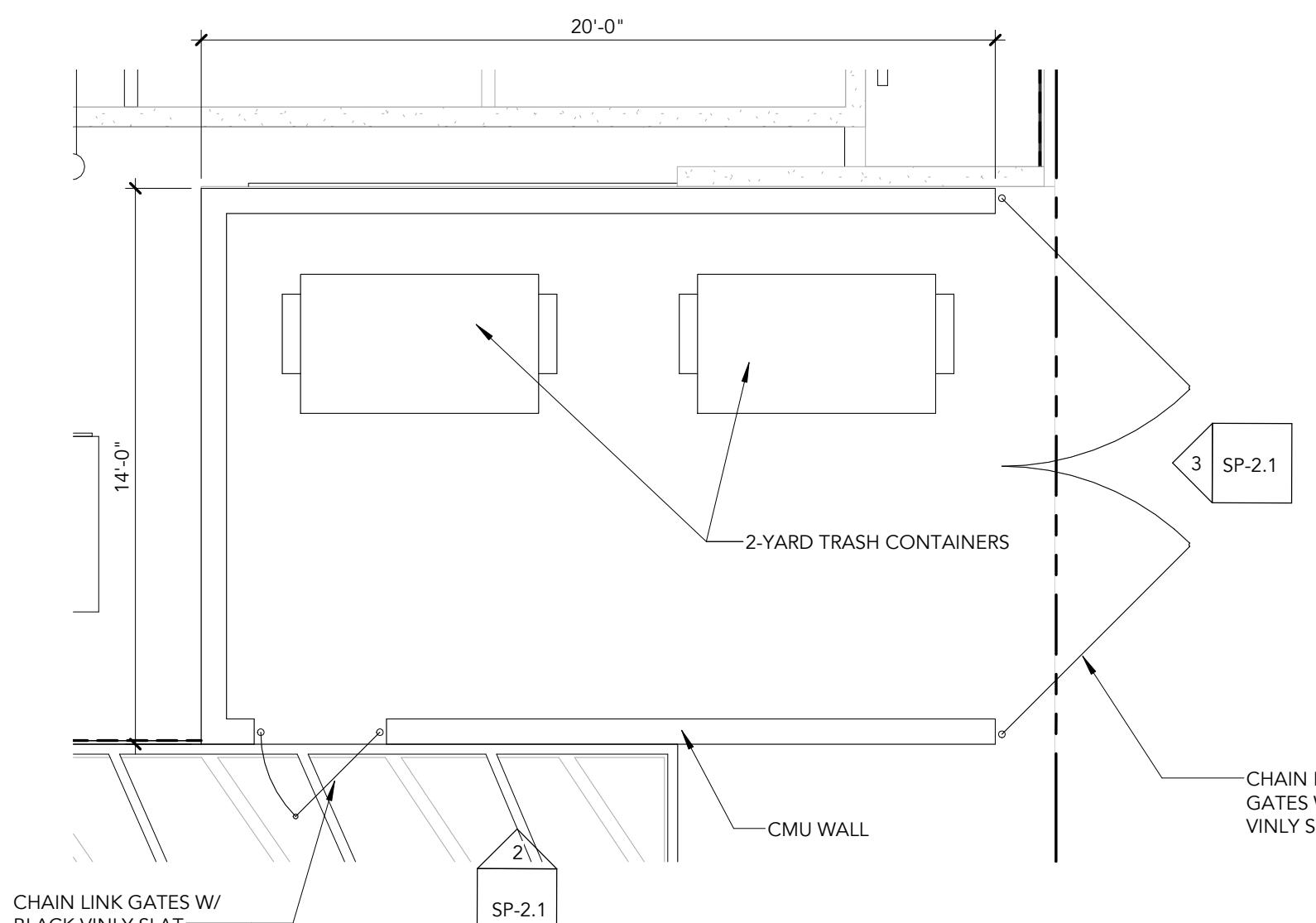


ELEVATION

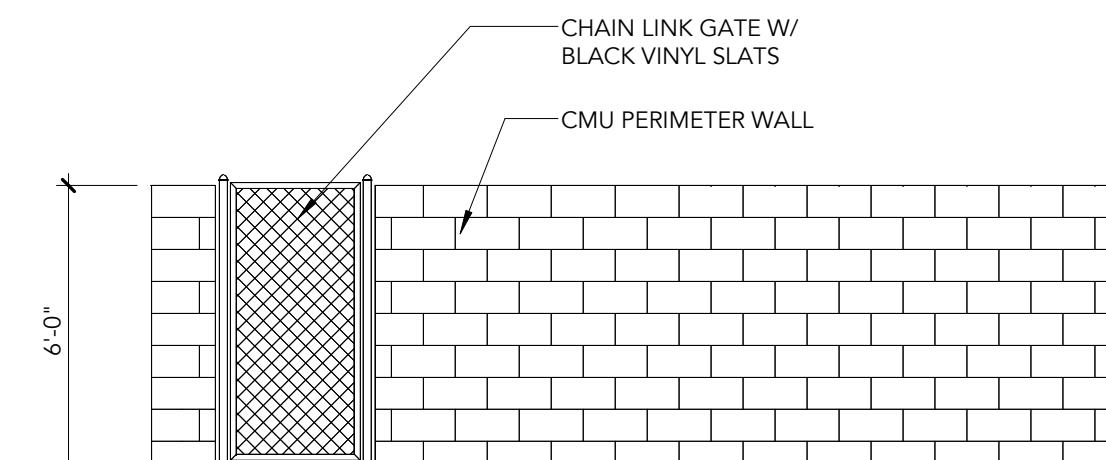
BASIS OF DESIGN : DERO HOOP RACK

4 BIKE RACK DETAIL

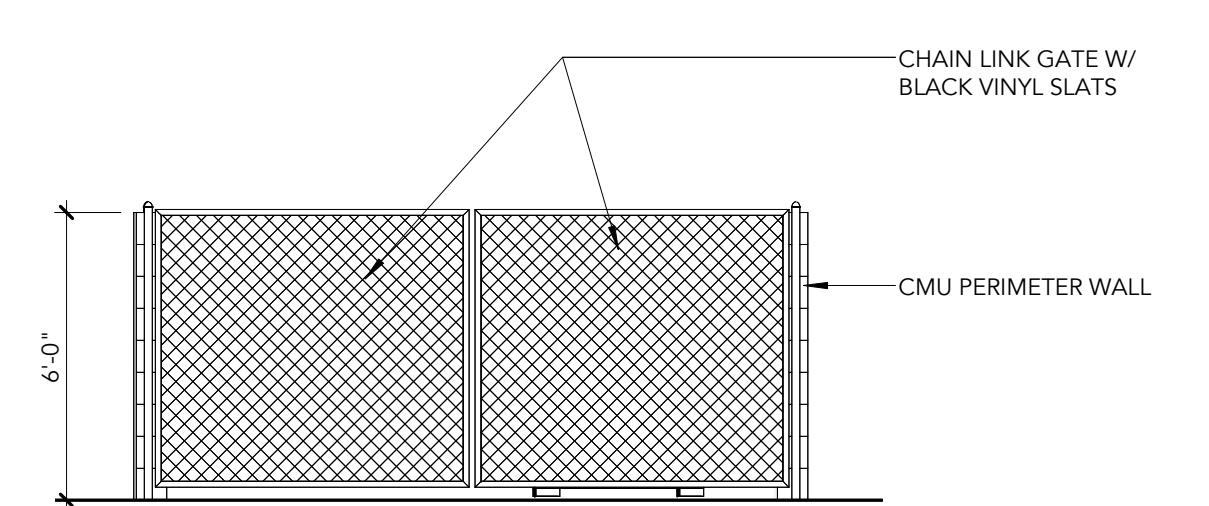
SCALE: 1" = 1'-0"



1 TRASH ENCLOSURE PLAN  
SCALE: 1/4" = 1'-0"



2 TRASH ENCLOSURE - SIDE  
SCALE: 1/4" = 1'-0"



3 TRASH ENCLOSURE - ALLEY  
SCALE: 1/4" = 1'-0"

Architectural floor plan of a building with the following key features and labels:

- Exterior Balconies:**
  - Top Left: PRE-FAB STEEL BALCONY 10' WIDE X 6' DEEP 60 S.F.
  - Top Middle: PRE-FAB STEEL BALCONY 10' WIDE X 6' DEEP 60 S.F.
  - Top Right: PRE-FAB STEEL BALCONY 12' WIDE X 6' DEEP 72 S.F.
  - Top Far Right: PRE-FAB STEEL BALCONY 8' WIDE X 6' DEEP 48 S.F.
  - Right Side: PRE-FAB STEEL BALCONY 8' WIDE X 6' DEEP 48 S.F.
  - Bottom Left: PRE-FAB STEEL BALCONY 8' WIDE X 6' DEEP 48 S.F.
  - Bottom Middle: PRE-FAB STEEL BALCONY 8' WIDE X 6' DEEP 48 S.F.
  - Bottom Far Right: PRE-FAB STEEL BALCONY 14' WIDE X 6' DEEP 84 S.F.
- Rooms and Suites:**
  - SUITE - B1 (Top Left, Middle Left, Middle Right)
  - SUITE - B2 (Bottom Left, Middle Left)
  - SUITE - A2 (Middle Right)
  - SUITE - C1 (Top Right, Middle Right)
  - SUITE - C2 (Bottom Left)
  - SUITE - C3 (Bottom Right)
  - CORRIDOR (Center, Middle)
  - STAIR 2 (Left Side, Middle)
  - TRASH (Left Side, Middle)
  - FEC (Bottom Middle, Middle Right)
  - DW (Dishwasher symbols throughout the plan)
  - UP (Upward arrows indicating stairs)
  - SP-4 (Labels for specific points: 1, 2, 3, 4, 5, 6, 7, 8, 9, H, J)
  - Dimensions: 5'-2" (between two columns in the middle), 15'-6 1/2" (between two columns in the bottom middle)
- Other:**
  - Labels A, B, C, D, E, F, G, H, J placed around the perimeter.
  - Circle 1: SP-4 (Top Left), 1 (Top Left), 2 (Top Left), 1 (Top Right), 2 (Top Right), 5 (Middle Left), 5 (Middle Right), 1 (Bottom Left), 1 (Bottom Right), 9 (Bottom Left), 9 (Bottom Right).
  - Circle 2: SP-6 (Top Left), 3 (Top Left), 2 (Top Right), 3 (Top Right), 2 (Bottom Left), 3 (Bottom Right), H (Bottom Right), J (Bottom Right).
  - Circle 3: SP-6 (Top Right), 3 (Top Right), 2 (Bottom Right), 3 (Bottom Right), H (Bottom Right), J (Bottom Right).
  - Circle 4: SP-4 (Bottom Middle).
  - Circle 5: SP-6 (Bottom Middle).

## OPEN SPACE PLAN (TYPICAL APARTMENT LEVEL)

---

SCALE: 1/8" = 1'-0"

1

# OPEN SPACE PLAN

# SP-3

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FROELICH ENGINEERS  
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HAINES ENGINEERING  
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COURT STREET  
245 COURT STREET NE SALEM, OREGON 97301

EXTERIOR  
ELEVATIONS -  
BLDG B

SP-4

MATERIAL LEGEND

	MATERIAL: PRE-FINISHED METAL SIDING COLOR: 1
	MATERIAL: PRE-FINISHED METAL SIDING COLOR: 2
	MATERIAL: PRE-FINISHED METAL SIDING COLOR: 3
	MATERIAL: PRE-FINISHED METAL SIDING TRIM (SAME AS 'A')
	MATERIAL: PRE-FINISHED METAL SIDING TRIM (SAME AS 'B')
	MATERIAL: PRE-FINISHED METAL SIDING TRIM (SAME AS 'C')
	MATERIAL: PRE-FINISHED METAL PARAPET CAP TBD
	MATERIAL: PRE-FINISHED METAL PARAPET CAP TBD
	MATERIAL: BRICK - RUNNING BOND
	MATERIAL: BRICK - SOLDIER
	MATERIAL: PRE-MANUF. ROOF CANOPY COLOR: -
	MATERIAL: PRE-MANUF. BALCONY
	MATERIAL: PRE-FINISHED METAL SCREEN COLOR: -
	MATERIAL: CMU WALL, PAINT
	MATERIAL: CONCRETE WALL, PAINT COLOR: -
	MATERIAL: PRE-FAB CONCRETE CAP COLOR: -

NOT FOR CONSTRUCTION



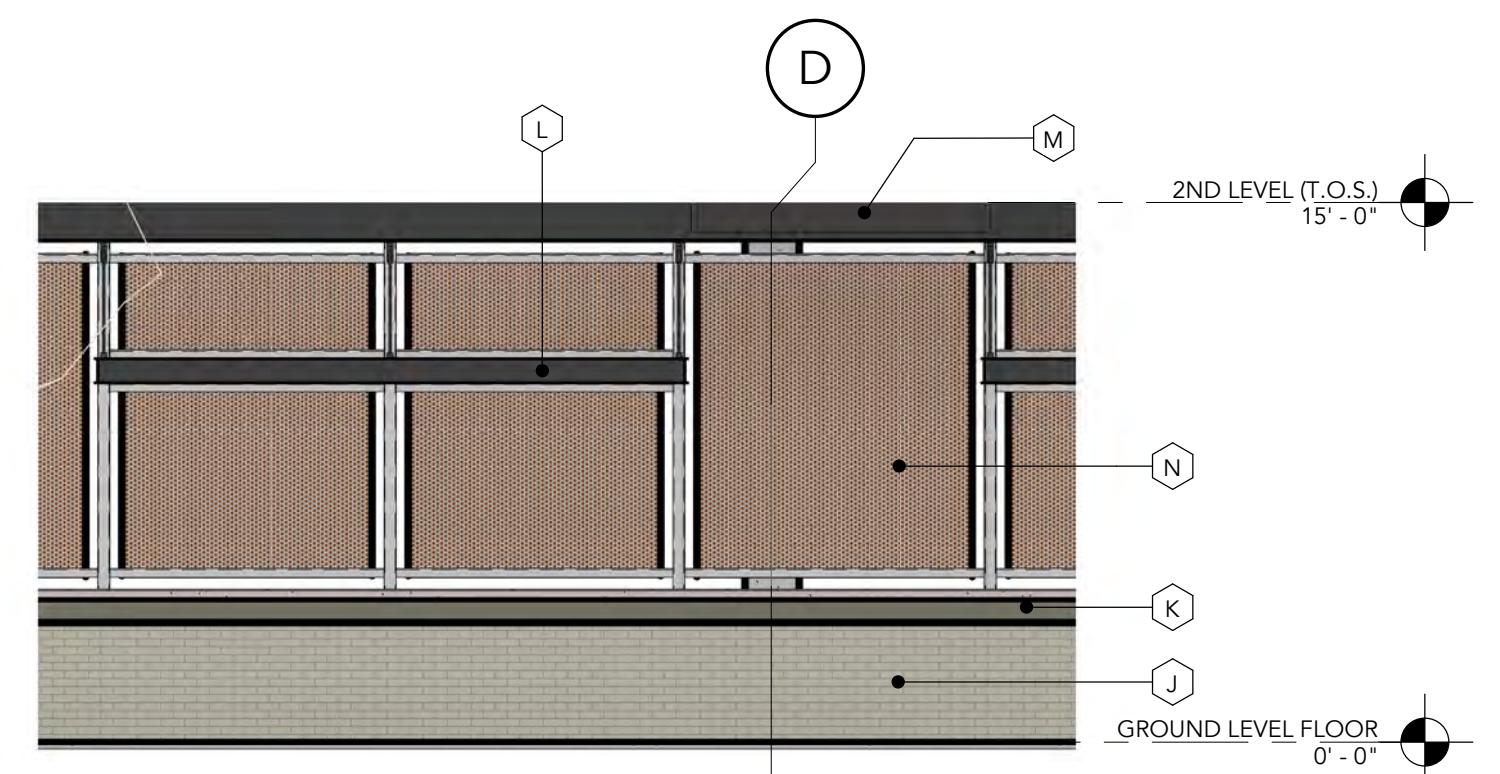
4 WEST ELEVATION

SCALE: 3/32" = 1'-0"



2 SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



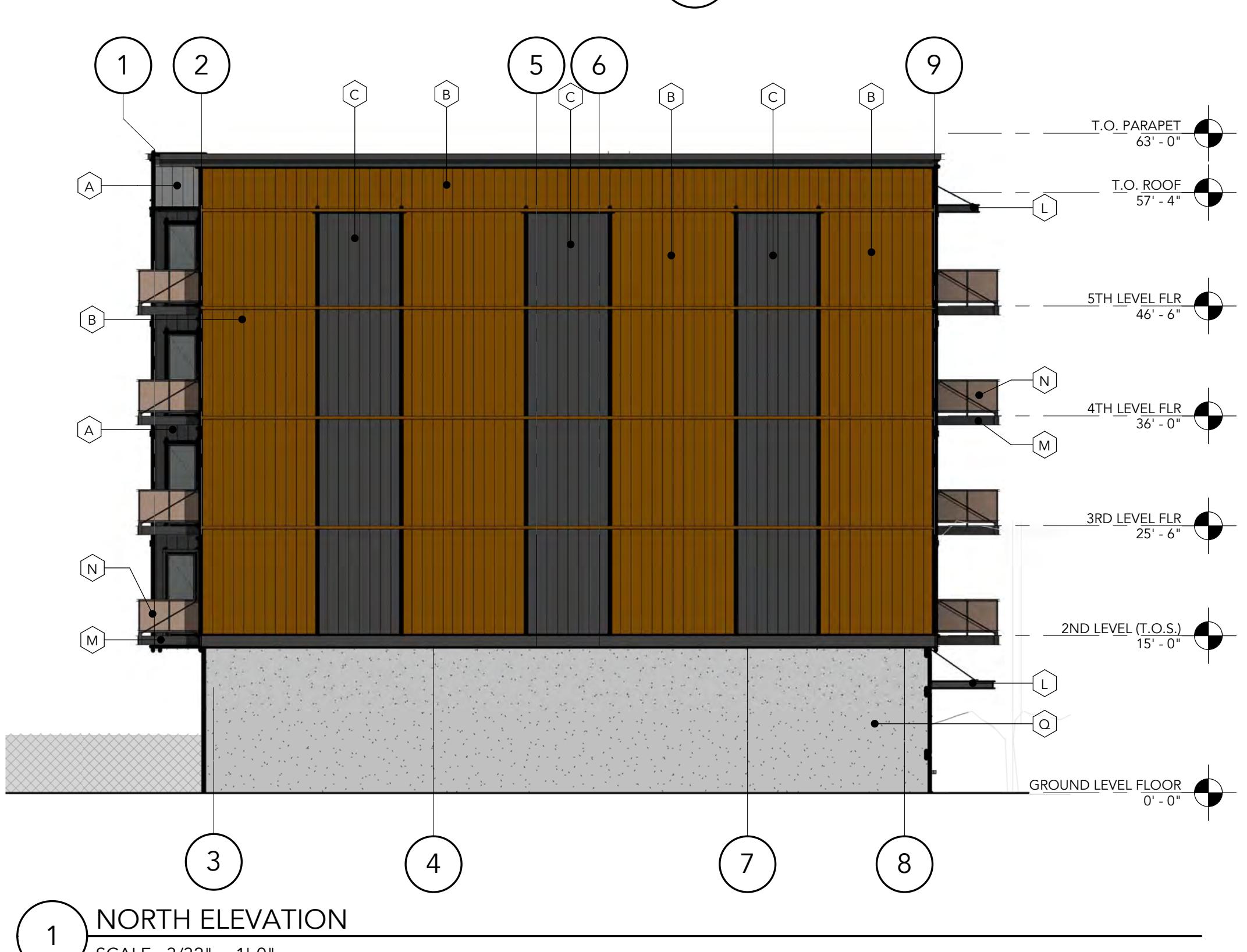
5 ENLARGED - WEST ELEVATION

SCALE: 3/16" = 1'-0"



3 EAST ELEVATION

SCALE: 3/32" = 1'-0"



1 NORTH ELEVATION

SCALE: 3/32" = 1'-0"

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COURT STREET  
245 COURT STREET NE SALEM, OREGON 97301

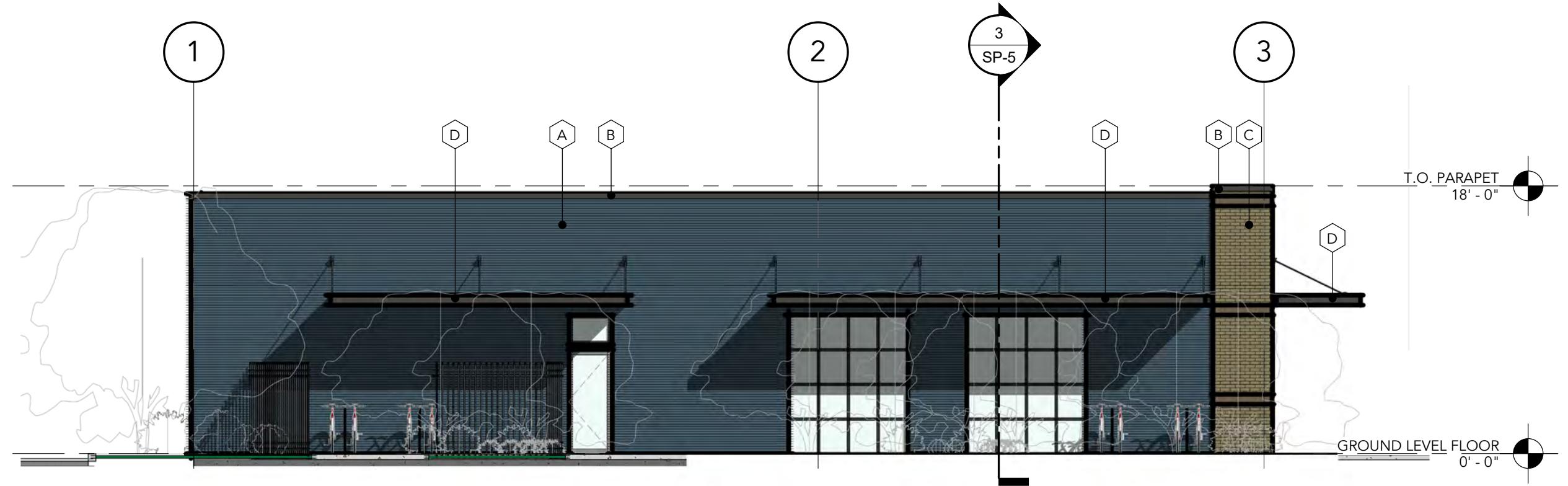
Issue: SP  
Date: 02/08/2017  
Rev: Description: Date:

EXT.  
ELEVATIONS &  
SECTIONS -  
BLDG A

SP-5

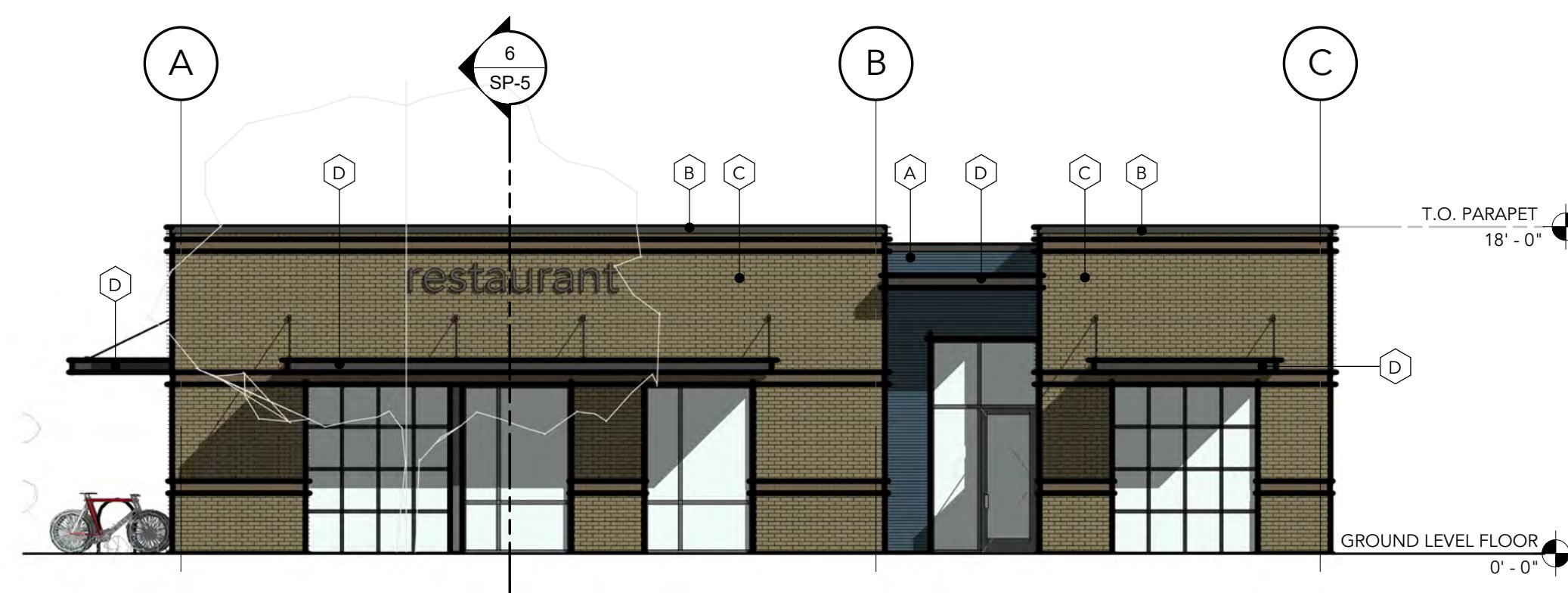
EXTERIOR MATERIAL & COLOR LEGEND:

- [A] HORIZONTAL METAL SIDING  
COLOR - 1
- [B] TRIM  
COLOR - TBD
- [C] BRICK - RUNNING BOND  
MUTUAL MATERIALS, SEATTLE CREAM
- [D] CANOPY  
COLOR - TBD



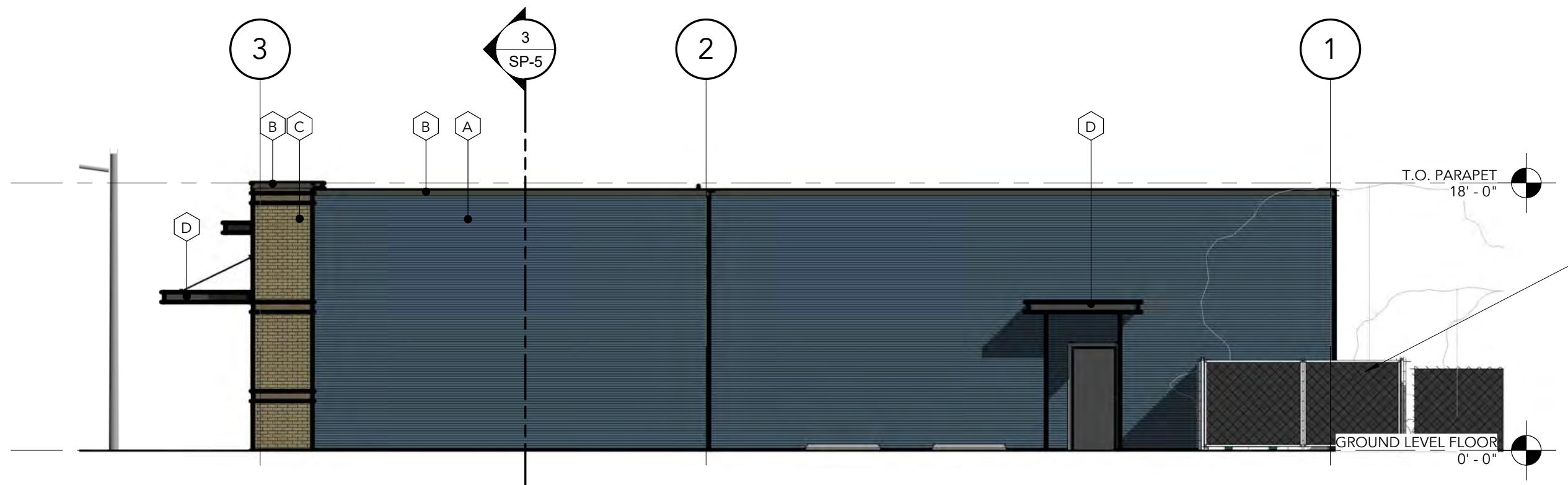
4 WEST ELEVATION - BUILDING A

SCALE: 1/8" = 1'-0"



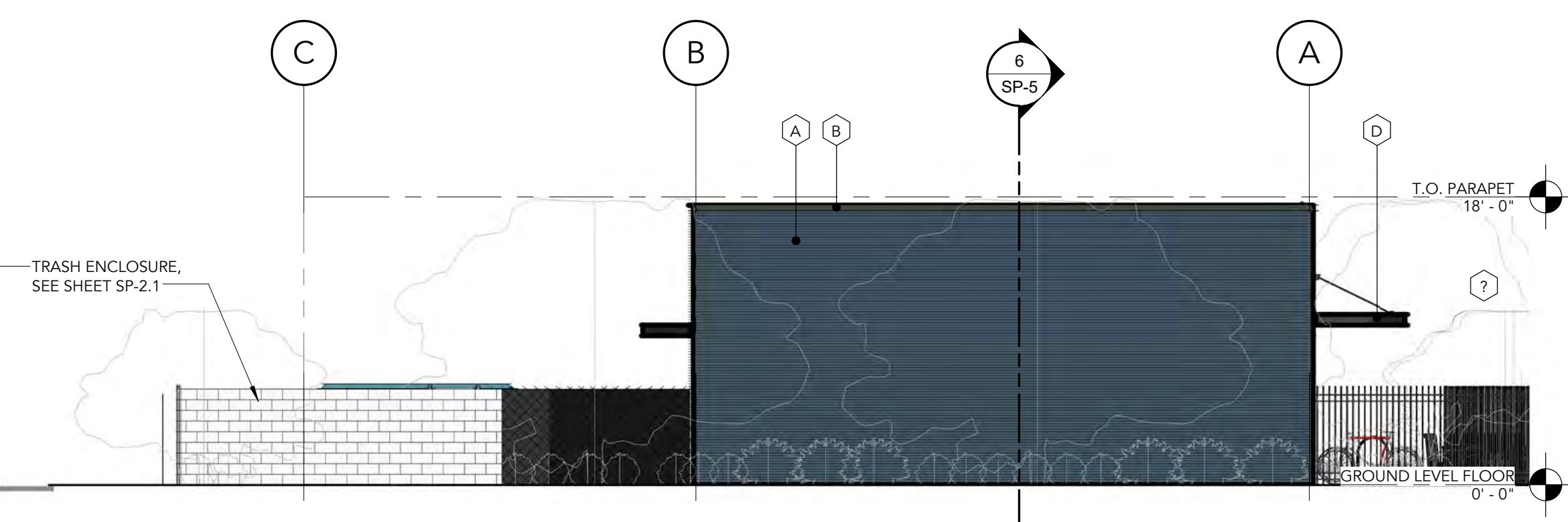
1 SOUTH ELEVATION - BLDG A (COURT STREET)

SCALE: 1/8" = 1'-0"



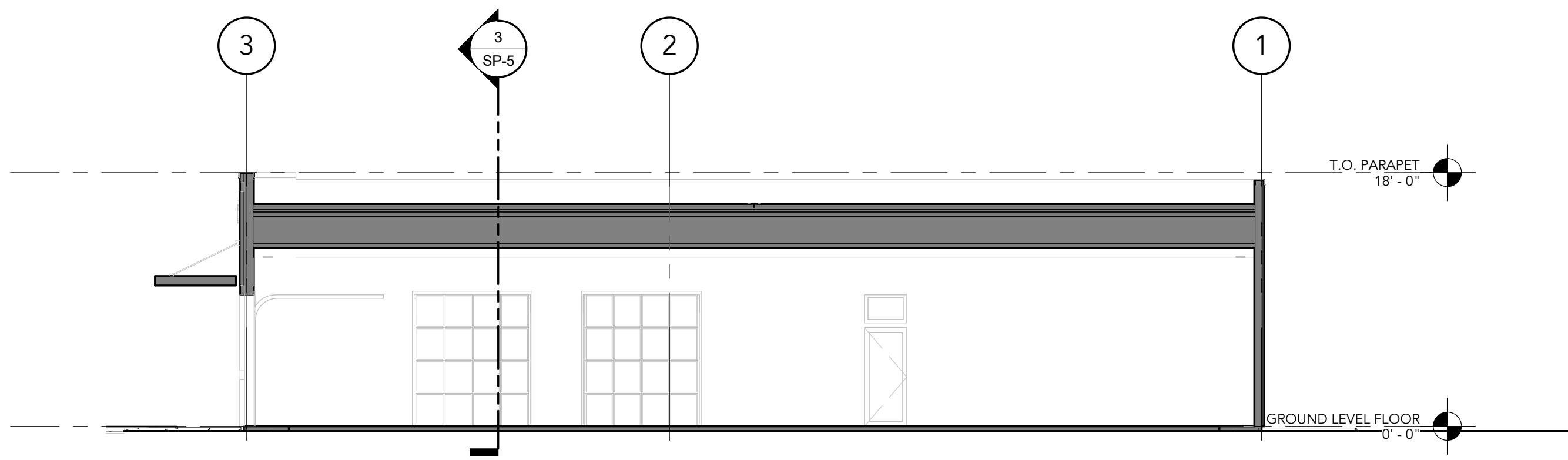
5 EAST ELEVATION - BUILDING A (ALLEY)

SCALE: 1/8" = 1'-0"



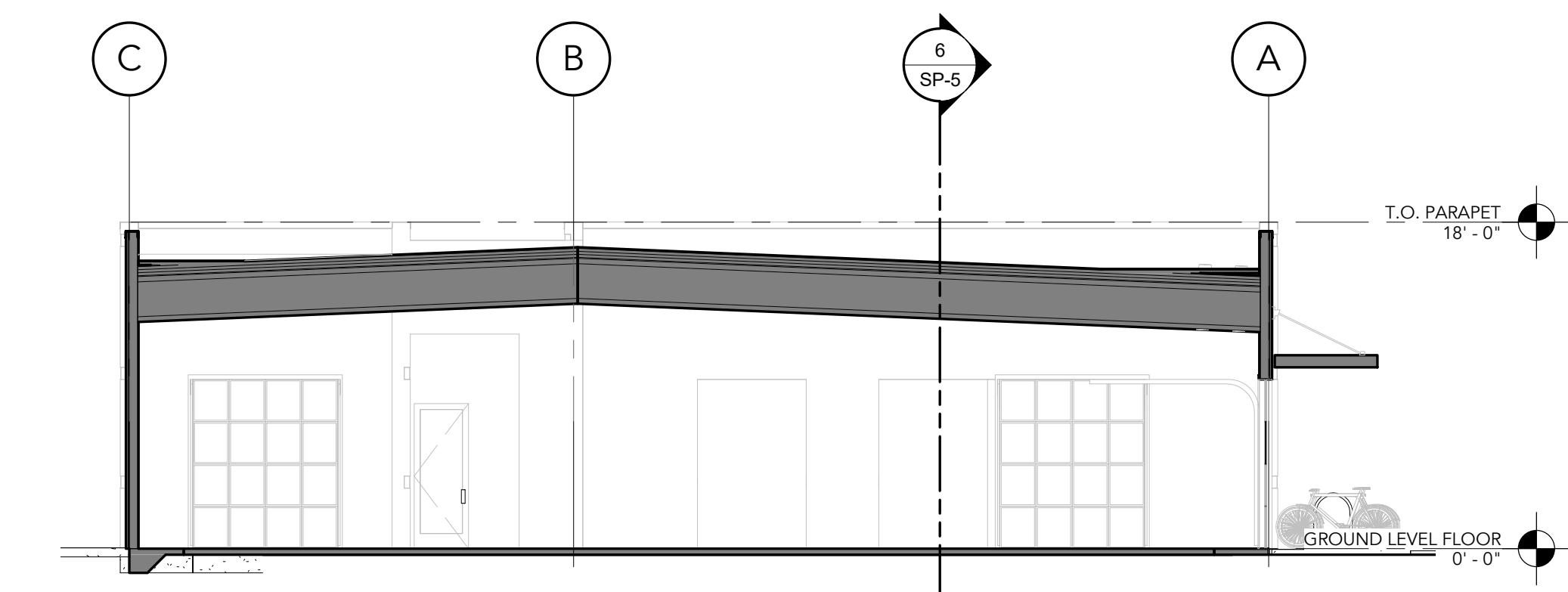
2 NORTH ELEVATION - BUILDING A

SCALE: 1/8" = 1'-0"



6 SECTION THRU BUILDING A

SCALE: 1/8" = 1'-0"



3 LONGITUDINAL SECTION THRU BUILDING A

SCALE: 1/8" = 1'-0"



CONCEPT SKETCH #4 - VIEW FROM COURT STREET (LOOKING NORTHWEST)



CONCEPT SKETCH #1 - VIEW FROM FRONT-COURT INTERSECTION (LOOKING EAST)



CONCEPT SKETCH #5 - COURT STREET ELEVATION (LOOKING NORTHEAST)



CONCEPT SKETCH #2 - FRONT STREET ELEVATION (LOOKING NORTHEAST)



CONCEPT SKETCH #6 - VIEW FROM ABOVE (LOOKING NORTHWEST)



CONCEPT SKETCH #3 - VIEW FROM FRONT STREET (LOOKING SOUTHEAST)

COURT STREET

245 COURT STREET NE SALEM, OREGON 97301

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RENDERS

SP-7