

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta informacion, por favor llame
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DECISION OF THE PLANNING COMMISSION

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No.: DR-SPR-ADJ-DAP18-05

APPLICATION NO. : 18-114698-DR, 18-113680-RP, 18-114699-ZO and 18-113713-ZO

NOTICE OF DECISION DATE: September 19, 2018

SUMMARY: Design review, site plan review, adjustment, and driveway approach permit application for a proposed building and parking area for an outpatient medical services use.

REQUEST: A consolidated Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit application to develop a building of approximately 9,964 square feet and a parking area for an outpatient medical services use on a property zoned ESMU (Edgewater/Second Street Mixed Use) and located at 245 Patterson Street NW 97304 (Polk County Assessor Map and Tax Lot 073W21DC04000). The Adjustments are requested to provide a maximum setback of approximately 25 feet from Patterson Street NW and 2nd Street NW where a maximum setback of 10 feet is allowed, to place the building along approximately 38% of the frontage on 2nd Street NW where a minimum of 50% is required, and to provide a 20-foot-wide vehicle maneuvering area north of the building where a 22-foot-wide vehicle maneuvering area is required.

APPLICANT/OWNER: Mike Studer

REPRESENTATIVE(S): Gretchen Stone for CB Two Architects

LOCATION: 245 Patterson Street NW / 97304

CRITERIA: Class 3 Design Review: SRC 225.005(e)(2)
Class 3 Site Plan Review: SRC 220.005(f)(3)
Class 2 Adjustment: SRC 250.005(d)(2)
Class 2 Driveway Approach Permit: 804.025(d)

FINDINGS: The facts are in the attached exhibit dated September 19, 2018.

DECISION: The Planning Commission **APPROVED** Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No.: DR-SPR-ADJ-DAP18-05 subject to the following conditions of approval:

Condition 1: Provide pedestrian amenities between the proposed parking lot and the Second Street NW right-of-way to include a paved plaza at least 10 feet by 10 feet adjoining the west side of the pedestrian connection, at least one permanent bench, and pedestrian-scale lighting illuminating the bench.

Condition 2: Provide pedestrian amenities between the building and the Patterson Street NW right-of-way to include a paved plaza or permeable-surface outdoor seating area at least 10 feet deep by 15 feet wide adjoining the pedestrian connection.

Condition 3: Provide at least one transparent window in each room on the south side of the building, except for restrooms, storage rooms, and janitorial closets.

~~**Condition 4:** Provide awnings over the secondary entrances at the northeast and northwest corners of the building.~~

Condition 5 ~~4~~: If pavement for vehicle maneuvering area is added north of the building outside of the alley right-of-way, provide a minimum 5-foot-wide paved pedestrian walkway or landscaping between the building and the nearest edge of the vehicle maneuvering area.

Condition 6 ~~5~~: Convey land for dedication of right-of-way to equal a 20-foot radius at the corner of Patterson Street NW and Second Street NW.

Condition 7 ~~6~~: Widen the alley to equal a 20-foot-wide improvement abutting the subject property to accommodate two-way traffic accessing the proposed off-street parking.

Condition 8 ~~7~~: Construct sidewalk improvements along the entire frontages of Patterson Street NW and Second Street NW where the existing sidewalk does not conform to *Public Works Design Standards (PWDS)*, including the existing curb ramp at the intersection.

Condition 9 ~~8~~: Close all unused existing driveway approaches.

Condition 10 ~~9~~: Design and construct a storm drainage system for the new and replaced impervious surfaces in compliance with SRC Chapter 71 and 2014 *Public Works Design Standards (PWDS)*.

Condition 11 ~~10~~: Dedicate sufficient right-of-way along the northern boundary of the subject property to widen the existing public alley to a width of 20 feet.

Condition 12 ~~11~~: The property shall be developed according to the approved site plan and elevations included as Attachment B of the staff report, as modified by the conditions of approval.

~~**Condition 13:** Any further adjustments beyond those approved in this decision shall require a future land use action.~~

VOTE:

Yes 8 No 0 Absent 1 (Smith) Abstain 0



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>October 5, 2020</u>
Class 3 Site Plan Review	<u>October 5, 2022</u>
Class 2 Adjustment	<u>October 5, 2020</u>
Class 2 Driveway Approach Permit	<u>October 5, 2020</u>

Application Deemed Complete:	<u>August 14, 2018</u>
Public Hearing Date:	<u>September 4, 2018 & September 18, 2018</u>
Notice of Decision Mailing Date:	<u>September 19, 2018</u>
Decision Effective Date:	<u>October 5, 2018</u>
State Mandate Date:	<u>December 12, 2018</u>

Case Manager: Pamela Cole, pcole@cityofsalem.net

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., October 4, 2018.** 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) 220, 225, 250 & 804. 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 Salem City Council will review the appeal at a public hearing. After the hearing, the Salem 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.

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

FACTS & FINDINGS

CLASS 3 DESIGN REVIEW/CLASS 3 SITE PLAN REVIEW/CLASS 2 ADJUSTMENT/CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO. DR-SPR-ADJ-DAP18-05 SEPTEMBER 19, 2018

PROCEDURAL FINDINGS

On June 29, 2018, a consolidated Class 3 Site Plan Review and Class 2 Driveway Approach Permit application was submitted by Gretchen Stone of CB Two Architects via email to the case planner, who was out of the office on that day. On July 2, 2018, the case planner entered the applications into the permit database, notified the applicant's representative that the ESMU (Edgewater/Second Street Mixed Use) zone and Mixed Use Comprehensive Plan designation had taken effect prior to the application's submittal date, and advised the applicant to revise the application to comply with the new designations, development standards, and design review standards or guidelines. The applicant submitted a Class 3 Design Review application and Class 2 Adjustment application on July 9, 2018.

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 consolidated application was deemed complete for processing on August 14, 2018. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on August 15, 2018. Notice was also posted on the subject property by the applicant's representative pursuant to SRC requirements on August 22, 2018.

The public hearing on the proposed Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach application was scheduled for September 4, 2018. The state-mandated 120-day local decision deadline for the application is December 12, 2018.

On September 4, 2018, the Planning Commission held a public hearing, received evidence and testimony regarding the application, and granted a request for a continuation to September 18, 2018. Subsequent to the close of the hearing on September 18, 2018, the Planning Commission conducted deliberations and voted to approve the Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach application subject to 11 of the 13 conditions of approval recommended by staff.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Mixed Use". The subject property is within the Urban Growth Boundary, the Urban Service Area, and the West Salem Urban Renewal Area.

2. Zoning

The subject property is zoned ESMU (Edgewater/Second Street Mixed Use). The zoning of surrounding properties is as follows:

North: Across alley, CO (Commercial Office)
East: Across Patterson Street NW, SCI (Second Street Craft Industrial Corridor)
South: Across Second Street NW, ESMU (Edgewater/Second Street Mixed Use)
West: ESMU (Edgewater/Second Street Mixed Use)

3. Natural Features

Trees: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045. No protected trees have been identified on the site plan for removal.

Wetlands: The Salem-Keizer Local Wetland Inventory (LWI) shows that there are no wetland area(s) mapped on the property. The property has hydric soil inclusions.

Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), no mapped landslide hazard areas exist on the subject property.

4. Neighborhood Association Comments

The subject property is located within the West Salem Neighborhood Association (West Salem). Notice was provided to West Salem and surrounding property owners within 250 feet of the subject property. West Salem submitted no written comments. Tyson Pruett, Co-Chair and Land Use Board Member, testified at the September 4, 2018 hearing that West Salem had not taken an official position on the proposal.

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.

One citizen stated that she liked the plans and appreciated spaces being developed thoughtfully had the following concerns:

- The proposal would add traffic, noise, and dust to a fairly quiet residential alley. The plans show curved curbs into the both ends of the staff parking area which indicate that they would be using the alley from both ends. Is it possible to remove the planned curve on the west end of the parking area so that staff can only enter from Patterson Street NW?

Staff response: The area is mostly residential at this time, but the lots on the south side of the alley are zoned ESMU (Edgewater Street Mixed Use), and the lots on the north side of the alley are zoned CO (Commercial Office). The alley currently accommodates two-way traffic and will continue to do so. The proposed curved curb enables drivers to maneuver safely into the proposed parking spaces from the west end of the alley.

- Noise and dirt/dust during construction should be limited to reasonable working hours and have limited noise disturbance.

Staff response: The proposed development will be subject to the City's noise ordinance, which limits construction to the hours between 7:00 am and 10:00 pm.

One citizen emailed that he is supportive of the proposal and the owners' goal but disturbed by the applicant's failure to design a proposal that meets the requirements of the new ESMU zone. The full statement is included in Attachment E of the September 4, 2018 staff report and summarized below:

- Adjustment request for maximum building setback and building frontage. The applicant has not provided evidence or data in support of their statements regarding conflicts in the code, site constraints, programming needs, overhead power lines, or green stormwater treatment. The applicant ignores the "pedestrian environment" stipulated in the ESMU zone and offers no documentation that pedestrian safety would be improved on Second Street. The applicant compares the proposal to newer commercial developments but ignores the recently adopted zoning. The applicant fails to acknowledge that the "front yard" of a parking lot and "front yard" of a residence are in stark contrast rather than transitional.

Staff response: Staff's findings are included in Section 10.

- Adjustment request for building frontage on Second Street. The applicant could propose a different building footprint as well as a different parking lot design more amenable to the ESMU parcel. An L-shaped or rectangular building would better meet the ESMU requirements. An alternative corner entrance might better address the ESMU pedestrian interface requirements. The applicant does not address requirements for parking to be behind or alongside the building on Second Street. The applicant does not address traffic and pedestrian interfaces along Second Street.

Staff response: Staff's findings are included in Section 10.

- Adjustment criteria. The cumulative impact from the adjustments has not been adequately addressed nor has evidence been provided that the adjustments are still consistent with the overall purpose of the zone. Accordingly, staff should not have deemed the application complete.

Staff response: Staff found that the applicant provided sufficient information for review. Staff's findings are included in Section 10.

- Design standards. The applicant does not address SRC 535.020(a)(2)(A), requiring a primary building entrance for each façade facing a street or a single primary building entrance at the corner where the streets intersect.

Staff response: The applicant is not required to address each design review standard when the applicant has requested review under the design review guidelines.

Two citizens testified in opposition at the September 4, 2018 hearing, stating that the application did not meet the criteria, and requested that the record be held open.

One citizen testified in opposition at the September 4, 2018 hearing and testified at the September 18, 2018 hearing, stating that accessory structures on his property cross the property line he shares with the subject property, and requested that the applicant contact him to resolve the issue.

Tory Banford of the Urban Development Department submitted a statement prior to the September 18, 2018 hearing that the West Salem Urban Renewal Advisory Board had unanimously voted to support the application.

One citizen who had testified in opposition at the September 4, 2018 hearing submitted a statement prior to the September 18, 2018 hearing proposing that the Planning Commission adopt the staff report and all conditions therein.

Tyson Pruett, the Vice Chair of the West Salem Urban Renewal Advisory Board, testified in support of the application at the September 18, 2018 hearing.

6. City Department Comments

- A. The Building and Safety Division reviewed the proposal and indicated no concerns.
- B. The Fire Department commented, "Fire has no concerns with the zoning adjustment or driveway approach. Approved fire department access and water supply will be required for the building. Fire will review for items including these at time of building permit plan review. It appears the building will have a fire sprinkler system and fire hydrant installed. It appears fire department access is provided off of public streets."

- C. The Public Works Department reviewed the proposal and provided a memorandum of findings regarding street and City utility improvements required to serve the development and recommended conditions of approval to ensure conformance with the applicable standards 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. No comments were received.

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

8. CLASS 3 DESIGN REVIEW APPROVAL CRITERIA

SRC Chapter 225.005(e)(2) provides that:

A Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

SRC 535.015 provides that developments with the ESMU zone, other than single family uses, two family uses, and multiple family development not in a mixed-use building, shall comply with all of the applicable design review guidelines or design review standards set forth in SRC 535.020. The applicant chose review under the design review guidelines.

Building orientation and design (535.020(a)(1))

- (A) Buildings facing Edgewater Street or Second Street shall create safe, pleasant, and active pedestrian environments.

Finding: The corresponding design standard requires a primary building entrance for each building façade facing a street, or, if a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect. In this case, the applicant has requested adjustments to allow the building to be set back more than the allowed 0 or 10 feet from the street in order for green stormwater improvements to be constructed in the setbacks. The proposed adjustments are addressed in Section 8 of this report. The proposed positioning of the building makes a corner entrance impractical.

The main entrance is located facing the parking lot. This location is logical; for an outpatient medical services use, many customers will have appointments and will be using private vehicles to access the site.

Although the proposal does not provide a primary entrance at the corner or a primary entrance on both facades, it does provide a pedestrian connection from Second Street NW to the primary entrance and a pedestrian connection and secondary entrance from Patterson Street NW at the northeastern corner of the building.

The area between the public sidewalk and building will include green stormwater treatment areas and other landscaping that will improve the appearance of the site and provide safe and pleasant pedestrian environment. The slope and extent of the proposed stormwater swale precludes pedestrian amenities between the south side of the building and the public sidewalk. To encourage an active pedestrian environment, the Planning Commission adopts the following conditions:

Condition 1: Provide pedestrian amenities between the proposed parking lot and the Second Street NW right-of-way to include a paved plaza at least 10 feet by 10 feet adjoining the west side of the pedestrian connection, at least one permanent bench, and pedestrian-scale lighting illuminating the bench.

Condition 2: Provide pedestrian amenities between the building and the Patterson Street NW right-of-way to include a paved plaza or permeable-surface outdoor seating area at least 10 feet deep by 15 feet wide adjoining the pedestrian connection.

With the conditions of approval, the proposal meets the guideline.

- (B) Ground floor building facades facing Edgewater Street and Second Street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

Finding: The corresponding design standard requires transparent windows on a minimum of 65 percent of the ground floor façade facing Second Street NW; the windows shall not be mirrored or treated in such a way as to block visibility into the building and shall have minimum visible transmittance of 37 percent.

Although the proposal does not meet the design standard, the applicant's floor plans indicate that windows are provided in all treatment rooms and in the swimming pool room on the south side of the building that faces Second Street NW. The elevations indicate fewer windows than shown on the floor plan. To ensure that windows are provided, the Planning Commission adopts the following condition:

Condition 3: Provide at least one transparent window in each room on the south side of the building, except for restrooms, storage rooms, and janitorial closets.

With the condition of approval, the proposal meets the guideline.

- (C) Buildings shall be human scale and avoid long monotonous exterior walls. To minimize the appearance of bulk and divide overall building mass, building offsets and building articulation shall be provided throughout building facades.

Finding: The corresponding design standard requires that building offsets shall be provided for building frontages greater than 75 feet in width; building frontages two or more stories in height may be constructed without required building offsets on the first

floor, but all additional floors shall incorporate building offsets; building offsets shall be a minimum four feet in depth and shall be provided at intervals of not more than 40 feet along the building frontage; and building offsets may extend into required setbacks.

The proposed building frontages exceed 75 feet. The proposed design incorporates setback offsets on the south and east sides of the building that vary from about three feet to nine feet in depth. The elevation drawings indicate significant articulation in rooflines, awnings, and materials.

The proposal meets the guideline.

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

Finding: The corresponding design standard requires that weather protection, in the form of awnings or canopies, shall be provided along a minimum of 90 percent of the length of the ground floor building façade adjacent to sidewalks or pedestrian connections; awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way.

The proposed design includes pedestrian connections adjacent to the building at the main entry, northwest entry, and northeast entry. The proposed elevation drawings clearly indicate a deep awning over the primary entry facing west toward the parking lot but do not indicate awnings at the secondary doorways facing north. The Planning Commission found that the north-facing doorways are exits, not entrances, and awnings are not required.

The proposal meets the guideline.

Landscaping for open sales areas (535.020(b)(1))

- (A) Landscaping shall be utilized to provide adequate screening of open sales areas.

Finding: This guideline is not applicable.

Design and location of off-street parking (535.020(c)(1))

- (A) Parking structures located adjacent to Edgewater Street shall include space for ground floor commercial uses along their Edgewater Street frontage in order to create a safe, pleasant, and active pedestrian environment.

Finding: This guideline is not applicable.

- (B) Where possible, access to parking serving activities along Edgewater Street shall be provided from a local street or an alley.

Finding: This guideline is not applicable.

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.

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

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposal includes a request to develop a building of approximately 9,964 square feet and a parking area for an outpatient medical services use. The following is a summary of the use and development standards of the ESMU zone (SRC Chapter 535).

Development Standards – ESMU Zone:

SRC 535.005(a) - Uses:

Except as otherwise provided in Chapter 535, the permitted, special, conditional and prohibited uses in the ESMU zone are set forth in Table 535-1.

Finding: Outpatient Medical Services uses are allowed in the ESMU zone as a permitted use.

SRC 535.010(b) – Grade separated street frontage:

Portions of property street frontage that are separated from the grade of the street with a road ramp above the grade of the property line abutting the street are exempt from setbacks abutting a street, building frontage standards, off-street parking location standards, and design review guidelines and standards for building location, orientation, and design.

Finding: This standard is not applicable.

SRC 535.010(c) -- Lot Standards:

There is no minimum lot area, lot width, or lot depth. The minimum street frontage requirement is 16 feet.

Finding: The proposed development has approximately 240 feet of frontage on Second Street NW and 125 feet of frontage on Patterson Street NW.

SRC 535.010(d) – Setbacks:

North (interior side or rear): Adjacent to the north is an alley. No setback is required abutting an alley.

Finding: The proposed building is set back more than eight feet from the alley. The proposed parking and vehicle use area takes access directly from the alley. The proposal meets the standard.

West (interior side or rear): Adjacent to the west is a property zoned ESMU and occupied by a single-family dwelling. No building setback is required abutting an ESMU zone. A minimum 5-foot-wide landscaped setback with Type A landscaping is required between a vehicle use area and abutting ESMU zone.

Finding: The proposed vehicle use area is 5 feet or more from the property line, and landscaping is proposed within the setback. A new 6-foot-tall wood fence is proposed along the property line. The proposal meets the standard.

South (abutting street): Adjacent to the south is the right-of-way for Second Street NW. For a use other than single family, two family, or multiple family, there is a minimum building setback of 0 feet; a setback greater than 0 feet, up to a maximum setback of up to 10 feet, is permitted if the space is used for pedestrian amenities. The minimum setback to a parking and vehicle use area is six to 10 feet per SRC Chapter 806.

Finding: The proposed building is approximately 22 to 25 feet from Second Street NW. The applicant has requested an adjustment to allow this setback exceeding the maximum of 10 feet. Findings for the adjustment are in Section 8 of this report. Parking and vehicle use areas are set back 10 feet from the street and meet the standard.

East (abutting street): Adjacent to the east is the right-of-way for Patterson Street NW. For a use other than single family, two family, or multiple family, there is a minimum building setback of 0 feet; a setback greater than 0 feet, up to a maximum setback of up to 10 feet, is permitted if the space is used for pedestrian amenities. The minimum setback to a parking and vehicle use area is six to 10 feet per SRC Chapter 806.

Finding: The proposed building is approximately 12 to 25 feet from Patterson Street NW. The applicant has requested an adjustment to allow this setback exceeding the maximum of 10 feet. Findings for the adjustment are in Section 8 of this report. Parking and vehicle use areas are not adjacent to the street.

SRC 535.010(e) - Lot Coverage, Height, Building Frontage:

There is no maximum lot coverage allowance. The maximum building height allowance and accessory structure height allowance for the proposed use is 50 feet. There is a minimum building frontage of 50 percent applicable to development sites along Second Street, except that where a development site has frontage on Edgewater Street or Second Street and a side street, the minimum building frontage requirement does not apply to the side street frontage.

Finding: The proposed lot coverage is approximately 28.5 percent. The maximum height of the proposed buildings is approximately 25 feet, less than the maximum height allowance. Less than 50 percent of the building is placed at the Second Street NW frontage, and the applicant has requested an adjustment to that standard. Findings for the adjustment are in Section 8 of this report.

SRC 535.010(f) - Landscaping:

Landscaping within the ESMU zone shall be provided as set forth in this subsection.

- (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 proposal includes landscaped areas in the setbacks and vehicle use area, and the proposed landscaped area of 33 percent exceeds the development site landscape requirement. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

SRC 535.010(g) – Pedestrian Access:

All development in the ESMU zone, other than development of single family and two family uses, shall comply with the following pedestrian access standards: (1) A pedestrian connection shall be provided from the public sidewalk to the primary building entrance.

(2) A pedestrian connection through the parking area to the primary building entrance shall be provided when that parking area contains more than 12 parking spaces.

(3) On development sites with multiple buildings, pedestrian connections shall be provided to connect the buildings. Pedestrian connections shall be the most practical, direct route

(4) Pedestrian connections shall be paved, a minimum of five feet in width, and defined by visual contrast or tactile finish texture.

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

Finding: A paved pedestrian connection 5 feet in width is proposed from the Second Street NW public sidewalk to the primary building entrance. A paved pedestrian connection 5 feet in width is proposed from the Patterson Street NW public sidewalk to a secondary building entrance. A paved pedestrian connection 5 feet in width is provided through the parking area to the primary entrance. The paved pedestrian connections will be of different material than the parking lot, providing visual contrast. Wheel stops or curbs are proposed to prevent encroachment of vehicles onto the pedestrian connections.

SRC 535.010(h) – Project Enhancements:

All development in the ESMU zone, other than development of single family and two family uses, shall include four or more of the following project enhancements:

- (1) Closure of one driveway approach on Edgewater Street;
- (2) Joint parking agreement under SRC 806.020(a)(5) or implementation of a plan to satisfy off-street parking requirements through alternative modes of transportation under SRC 806.015(e)(2);
- (3) Cast iron or wrought iron fencing adjacent to Edgewater Street or Second Street;
- (4) Pedestrian connections that are:
 - (A) Constructed with pavers, scored or colored cement, and/or stamped asphalt;
 - (B) Elevated above the parking area and driveway; or
 - (C) Defined with landscaping or building features such as canopies, awnings, or arcades;
- (5) Replacement of existing surface parking areas with new development of buildings or structures;
- (6) Provision of one or more of the following pedestrian-oriented design features on property adjacent to Edgewater Street or Second Street:
 - (A) Pedestrian scale lighting not more than 16 feet in height; or
 - (B) Plazas or other outdoor spaces open to the public;
- (7) A minimum of seven percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of ten percent interior landscaping within parking areas greater than 50,000 square feet in size;
- (8) Installation of landscaping and irrigation using a plan designed by an Oregon landscape architect;
- (9) Development of a mixed-use building;
- (10) Construction of a building where at least 75 percent of the building frontage is constructed contiguous to the minimum building setback line;
- (11) Provision of underground, structured, or tuck-under parking. For purposes of this paragraph, "tuck-under parking" means parking placed at grade with a building constructed above it;
- (12) Construction of one or more buildings at least two stories in height;
- (13) Construction of planter bays, each a minimum of 50 square feet in size, to meet minimum interior parking area landscaping requirements;
- (14) Construction of planter bays below the surface grade of parking areas to accommodate surface water runoff; or
- (15) Use of native plant materials to meet minimum landscaping requirements.

Finding: The proposal includes the following project enhancements: pedestrian connections elevated above the parking area and driveway (item 4); replacement of

an existing parking area with new development of buildings (item 5); interior parking lot landscaping exceeding seven percent (item 7); and installation of landscaping and irrigation using a plan designed by an Oregon landscape architect (item 8).

SRC 535.010(j) – Off-Street Parking:

(1) *Locations of parking.* Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

(2) *Parking for existing buildings.* Except for new single family, two family, or multiple family uses, there is no minimum off-street parking requirement for development sites with buildings in existence as of June 13, 2018, and located between Rosemont Avenue and Wallace Road, provided there is no increase in building square footage and any existing parking is not reduced, except as necessary to comply with state and federal law, including the Americans with Disabilities Act.

(3) *Minimum number of spaces required.* Within the ESMU zone, the minimum number of off-street parking spaces required for dwelling units in a multiple family development shall be one per dwelling unit.

Finding: The proposed off-street surface parking area and vehicle maneuvering area meets the location standard, as it would be located behind the building if the Patterson Street NW frontage is considered the front or beside the building if the Second Street NW frontage is considered the front. It would not be located between the building and either street. Items (2) and (3) are not applicable.

SRC 535.010(k) – Screening:

Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.

Finding: No concertina or barbed wire fencing is proposed.

Design Review:

SRC 535.015 provides that developments with the ESMU zone, other than single family uses, two family uses, and multiple family development not in a mixed-use building, shall comply with all of the applicable design review guidelines or design review standards set forth in SRC 535.020.

Finding: A Class 3 Design Review application has been submitted for the proposed multi-family development, and findings are included in Section 6 of this report.

Solid Waste Service Area 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 applicant submitted a statement that receptacles will be smaller than 1 cubic yard, therefore the standards of SRC 800.055 are not applicable.

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; or, within a mixed-use zone, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum number of off-street parking spaces required for an Outpatient Medical Services use one space per 350 square feet.
- 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 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: The proposed 9,964-square-foot building requires a minimum of 28 off-street parking spaces ($9,964 / 350 = 28.47$). The maximum off-street parking allowance for the use is 49 spaces ($28 \times 1.75 = 49$). There are 31 proposed off-street parking spaces, consistent with the minimum and maximum off-street parking requirements.

Thirteen of the proposed parking spaces are designated as compact spaces (46% of required spaces and 42% of all spaces). Carpool/vanpool spaces are not required for the proposed use.

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

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family and Two Family shall be developed and maintained as provided in this section.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
1. The development of new off-street parking and vehicle use areas.
 2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
 3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 4. The paving of an un-paved area.

Finding: Off-street parking and vehicle use area development standards apply to the new off-street parking area.

- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

Finding: The proposed parking spaces are not located in 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.

Where an off-street parking or vehicular use area is located adjacent to a building or structure, 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: The proposed spaces meet all applicable perimeter setbacks and setbacks from buildings. The site plan and written statement for the Adjustment to allow a 20-foot-wide vehicle maneuvering area indicate that the public alley will be increased to 20 feet in width north of the building. No setback is required between a public alley and the building. If additional pavement width for the vehicle maneuvering area is created south of the alley but is not dedicated to the City as part of the public alley, a 5-foot-wide paved pedestrian walkway or landscaped strip would be required between the building and the vehicle maneuvering area. The site plan does not include a 5-foot separation. To ensure compliance with the proposed standard, the Planning Commission adopts the following condition:

Condition 4: If pavement for vehicle maneuvering area is added north of the building outside of the alley right-of-way, provide a minimum 5-foot-wide paved pedestrian walkway or landscaping between the building and the nearest edge of the vehicle maneuvering area.

- d) *Interior Landscaping.* Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

Finding: The parking area is approximately 10,000 square feet. Interior landscaping of 5 percent is required. Proposed interior parking lot landscaping is approximately 25 percent including the landscaped area around the track.

- 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 off-street parking spaces are sufficient to meet the minimum dimensions for standard and compact sized parking spaces. The vehicle maneuvering area, including the alley and private property behind the parking spaces abutting the alley is adequate. The applicant has requested an adjustment to the minimum width of 22 feet required for a two-way drive aisle between Patterson Street NW and the parking spaces abutting the alley. Findings for the adjustment are included in Section 8 of this report.

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

Finding: The proposed off-street parking area is developed consistent with the additional standards for grade, surfacing, drainage, striping, marking and signage. Bumper guards or wheel barriers are provided to prevent encroachment into required pedestrian pathways and landscaping. Lighting will meet the standards of SRC 806.

The proposed parking area has more than 6 spaces and is required to be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge. The proposed site plan indicates a minimum 6-foot-tall sight obscuring fence will be provided screening the development from abutting residential uses to the west.

SRC 806.040 - Driveway Development Standards.

Unless otherwise provided under the UDC, driveways for uses or activities other than single family or two family shall be developed and maintained as provided in this section.

- a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, 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 driveway approaches to the driveways shall conform to SRC chapter 804.

Finding: The single driveway into the main parking area complies because an adequate turnaround area is always available. The existing alley provides access to the proposed north parking area from both directions, is proposed to be widened to accommodate two-way traffic, and provides an adequate turnaround area.

- b) *Location.* Driveways shall not be located within required setbacks except where:
- (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Finding: The proposed driveway into the main parking area provides direct access to the street. The proposed driveway into the north parking area provides direct access to the alley.

c) *Setbacks and landscaping.*

(1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:

(A) The driveway provides direct access to the street, alley, or abutting property.

(B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

(2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).

(3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC_chapter 807.

Finding: The proposed driveway into the main parking area provides direct access to the street, and no setback is required abutting the street. The proposed driveway into the north parking area provides direct access to the alley. The driveways are set back more than 5 feet from the west property line, exceeding the minimum setback.

d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-7.

Finding: The proposed driveway into the main parking area exceeds the minimum width of 22 feet for a two-way driveway. The applicant has requested an adjustment to reduce the driveway width to a paved width of 20 feet within the public alley serving the north parking area. Findings are included in Section 8 of this report.

e) *Surfacing.* All driveways shall be paved with a hard surface material meeting the Public Works Design Standards.

Finding: The proposed driveway into the main parking area and the proposed widening of the alley to the north parking area will meet this standard.

- f) *Drainage*. Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Finding: The proposed driveway into the main parking area and the proposed widening of the alley to the north parking area will meet this standard.

- g) *"No Parking" signs*. Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

Finding: The proposed driveways are less than 60 feet long and no signs are required.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for any 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.

An outpatient medical services use is required to have the greater of 4 bicycle spaces or one space per 3,500 square feet.

Finding: The proposed development is for a 9,964-square-foot building, which requires a minimum of 4 bicycle parking spaces. The proposed site plan and floor plans indicate that four bicycle parking spaces will be provided.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- a) *Location*. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet 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.
- c) *Dimensions*. Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) *Bicycle Racks*. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

Finding: Four proposed bicycle parking spaces are 2 feet wide by 6 feet long, located adjacent to the pedestrian access, and within 50 feet of the main entry.

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 806.070 – Proximity of Off-Street Loading Areas to Use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 - Amount of Off-Street Loading.

For outpatient medical services uses of 5,000 to 60,000 square feet, one off-street loading space 12 feet by 19 feet by 12 feet is required, or an off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.

Finding: The applicant provided a statement that the use will not require a delivery vehicle exceeding a maximum combined vehicle and load rating of 8,000 pounds. No off-street loading space is not required for the proposed development.

Landscaping

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

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

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

Natural Resources

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree

conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Finding: No protected trees have been identified on the site plan for removal.

SRC 601 – Floodplain:

Finding: No mapped floodplain areas exist on the subject property.

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.

Finding: According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas. The property has hydric soil inclusions.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), no mapped landslide hazard areas exist on the subject property.

Public Works Finding: With completion of the conditions of approval and approval of the adjustment for the vehicle maneuvering area, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 - Landslides.

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: Patterson Street NW and Second Street NW meet the right-of-way width and pavement width standards per the Salem TSP, with exception of the radius at the corner. The applicant shall convey land for dedication of right-of-way to equal a 20-foot radius at the corner of Patterson Street NW and Second Street NW.

The development is proposing that a portion of the off-street parking take access from the adjacent alley, which currently has a width of 16 feet. The minimum width for a two-way driveway is 22 feet pursuant to Table 804-2 of the Salem Revised Code. However, the maximum width for alley right-of-way is 20-feet pursuant to SRC Table 803-1. The applicant is proposing to widen the alley to equal a 20-foot-wide improvement abutting the subject property to accommodate two-way traffic in the

existing alley, thereby mitigating the negative impact to the transportation system. With approval of the adjustment to reduce the vehicle maneuvering area from 22 feet to 20 feet, the proposed access provides for safe, orderly, and efficient circulation of traffic into and out of the proposed development.

The existing sidewalks along the frontages of Patterson Street NW and Second Street NW may not meet *PWDS*. As a condition of a building permit, the applicant is required to construct sidewalk improvements along the entire frontages of Patterson Street NW and 2nd Street NW where the existing sidewalk does not conform to *PWDS*, including the existing curb ramp at the intersection.

The Planning Commission adopts the following conditions to ensure that the proposal meets this criterion:

- Condition 5:** Convey land for dedication of right-of-way to equal a 20-foot radius at the corner of Patterson Street NW and Second Street NW.
- Condition 6:** Widen the alley to equal a 20-foot-wide improvement abutting the subject property to accommodate two-way traffic accessing the proposed off-street parking.
- Condition 7:** Construct sidewalk improvements along the entire frontages of Patterson Street NW and Second Street NW where the existing sidewalk does not conform to *Public Works Design Standards (PWDS)*, including the existing curb ramp at the intersection.

Criterion 3:

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

Finding: The proposed driveway access onto Second Street NW provides for safe turning movements into and out of the property. Additional existing driveway approaches shall be closed.

The Planning Commission adopts the following condition to ensure that the proposal meets this criterion:

- Condition 8:** Close all unused existing driveway approaches.

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. The

applicant is proposing connections to the water main in Patterson Street NW and sewer connections to the existing main located in the alley to the north of the subject property.

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

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the *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 *PWDS*.

The Planning Commission adopts the following condition to ensure that the proposal meets this criterion:

Condition 9: Design and construct a storm drainage system for the new and replaced impervious surfaces in compliance with SRC Chapter 71 and 2014 *Public Works Design Standards (PWDS)*.

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

10. CLASS 2 ADJUSTMENT APPROVAL 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.

Adjustment 1: *To provide a maximum setback of approximately 25 feet from Patterson Street NW and 2nd Street NW where a maximum setback of 10 feet is allowed*

Finding: The applicant notes several reasons for the greater setback – unspecified conflicts with/in the code, site constraints including existing overhead power lines and required green stormwater infrastructure, and programming needs.

The applicant does not cite specific codes that are in conflict with each other. The code requirement for setbacks abutting a street is clear – the setback is 0 feet but may be increased to a maximum of 10 feet if pedestrian amenities are provided. The proposal does not include any pedestrian amenities between the building and the

streets and seeks to increase the maximum setback to up to 25 feet. The east side of the building is approximately 12 feet to 25 feet from Patterson Street NW. The south side of the building is approximately 22 feet to 25 feet from Second Street NW.

The applicant cited site constraints including existing overhead power lines. The existing conditions plan indicates that power lines cut across the northeast corner of the subject property, intersecting with the property line abutting the alley approximately 24 feet from Patterson Street NW and intersecting with the property line abutting Patterson Street NW approximately 63 feet from the alley. However, the notes on the plan indicate that these overhead lines are to be relocated in coordination with the utility company. Staff is unable to determine the future location of the power lines or verify that the location would interfere with the building location. Other overhead power lines are located in the Patterson Street NW right-of-way and would not affect the building location.

The applicant also cited requirements for green stormwater treatment as a site constraint. The applicant's statement, site plan, and preliminary civil plans indicate that the required green stormwater treatment facilities will be placed in the area between the building and the streets. The site plan indicates the swale on the south side of the building, and the preliminary civil plan sheet for surfacing indicates the swale wrapping around the south corner of the building to the east side. The location of the landscaped green stormwater treatment swale shown on the civil plan affects the entire south side of the building and approximately one third of the east side of the building. Due to the slope of the facilities toward the center of the swale, pedestrian amenities may not be placed in or directly abutting these areas.

The purpose of the maximum setback of 10 feet including pedestrian amenities is to create an active and inviting environment for pedestrians. While the proposed site plan does not currently indicate pedestrian amenities, areas not affected by the proposed stormwater facilities could be used for such amenities. With Conditions 1 and 2, the request equally or better meets the purpose of the development standard:

Condition 1: Provide pedestrian amenities between the proposed parking lot and the Second Street NW right-of-way to include a paved plaza at least 10 feet by 10 feet adjoining the west side of the pedestrian connection, at least one permanent bench, and pedestrian-scale lighting illuminating the bench.

Condition 2: Provide pedestrian amenities between the building and the Patterson Street NW right-of-way to include a paved plaza or permeable-surface outdoor seating area at least 10 feet deep by 15 feet wide adjoining the pedestrian connection.

Adjustment 2: *To place the building along approximately 38% of the frontage on 2nd Street NW where a minimum of 50% is required*

Finding: SRC 535.010(e) requires minimum building frontage of 50 percent applicable to development sites along Second Street, between Rosemont Avenue and

Wallace Road, except that where a development site has frontage on Edgewater Street or Second Street and a side street, the minimum building frontage requirement does not apply to the side street frontage. The minimum building frontage applies on Second Street NW.

The purpose of the standard is encourage buildings adjacent to the street right-of-way and reduce frontage devoted to parking in order to create a more inviting environment for pedestrians.

The unique indoor/outdoor track requires a split parking lot design and makes it difficult to provide required parking, pedestrian connections, and landscaping within 50 percent or less of the frontage on Second Street NW. To maintain the track and proposed building area and increase the building frontage to meet the standard, the applicant would need to reconfigure the southern part of the building, reduce spaces in the main parking area, add spaces in the northern parking area, and reconfigure the northern part of the building.

Although the proposal does not meet the frontage standard or the maximum building setbacks, it does meet the standard requiring parking beside or behind the building instead of in front of it, and the building frontage on Patterson Street NW is significant. The proposed design, with the conditions of approval above, will include some pedestrian amenities on both street frontages. Landscape plantings including trees will also be provided along the entire frontage other than the driveways, paved pedestrian connection, and paved pedestrian amenity.

The single driveway on Second Street NW, located approximately 75 feet away from the pedestrian connection to the main entrance, separates pedestrian traffic from vehicular traffic and improves pedestrian safety. A second pedestrian connection on Patterson Street NW also provides safe pedestrian access.

The proposed design, with conditions of approval, equally or better meets the purpose of the standard.

Adjustment 3: *To provide a 20-foot-wide vehicle maneuvering area north of the building where a 22-foot-wide vehicle maneuvering area is required*

Finding: The applicant is requesting a Class 2 adjustment to allow a 20-foot-wide vehicle maneuvering area north of the building where a 22-foot-wide vehicle maneuvering area is required. The minimum width for a two-way driveway is 22 feet pursuant to Table 804-2 of the Salem Revised Code. The current alley between Patterson Street NW and the proposed staff parking area will also function both as a two-way drive aisle and a two-way interior driveway, and SRC Table 806-6 and SRC Table 806-7 require the total width of the paved area to be a minimum of 22 feet. The maximum width for alley right-of-way is 20-feet pursuant to Table 803-1 of the Salem Revised Code. The development is proposing that a portion of the off-street parking take access from the adjacent alley, which currently has a width of 14 feet.

The purpose of the minimum drive aisle and driveway width of 22 feet is to provide adequate room for vehicles to pass in two-way traffic. Since the approach is located within an existing alley right-of-way, the Assistant City Traffic Engineer has determined that 20 feet is adequate for two-way traffic within an alley access. The proposed vehicle maneuvering area configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

The proposal for a 20-foot-wide alley equally or better meets the standard. To ensure compliance with this criterion, the Planning Commission adopts the following condition:

Condition 10: Dedicate sufficient right-of-way along the northern boundary of the subject property to widen the existing public alley to a width of 20 feet.

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 is not located within a residential zone.

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: The purpose of the Edgewater/Second Street Mixed-Use Corridor (ESMU) zone is to implement the mixed-use comprehensive plan map designation, identify allowed uses, and establish development standards that promote pedestrian-oriented mixed-use development in keeping with a "main street" character along both Edgewater Street and Second Street NW.

The cumulative effect of the adjustments will be redevelopment of vacant property for a permitted use in the zone; a building with offsets, roofline articulation, and street-facing windows for visual interest; pedestrian amenities along both street frontages; extensive landscaping; safe pedestrian connections; alley access to required parking; and setbacks similar to those of existing buildings on the north side of Second Street NW.

The proposal, with the condition below, meets the purpose of the zone.

Condition 11: The property shall be developed according to the approved site plan and elevations included as Attachment B of the staff report, as modified by the conditions of approval.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 DRIVEWAY APPROACH PERMIT

11. CLASS 2 DRIVEWAY APPROVAL PERMIT CRITERIA

Per SRC 804.015(a), a driveway approach permit shall be obtained prior to constructing any driveway approach. A driveway approach permit is not required for construction of a driveway approach permit that requires a state highway access permit. The proposed driveway on River Bend Road NW requires a Class 2 Driveway Approach Permit per SRC 804.025(a)(2), the proposed driveway access to Wallace Road NW, which is regulated by the Oregon Department of Transportation, does not require a driveway approach permit.

SRC 804.025(d) states that a Class 2 Driveway Approach Permit shall be granted if:

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway meets the standards of this Chapter and the *PWDS*.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

Finding: There are no site conditions prohibiting the location of the proposed driveway.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

Finding: The proposed driveway is not accessing onto an arterial street.

Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

Finding: The subject property abuts two local streets. The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the *PWDS* vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, our analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: The proposed driveway is in the same location as an existing driveway and does not result in any adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approach is located on a Local street and minimizes the impact to adjacent streets and intersections by closing additional existing driveway approaches.

Criterion 9:

The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed driveway approach is not located in the vicinity of a residentially zoned area.

CONDITIONS

Condition 1: Provide pedestrian amenities between the proposed parking lot and the Second Street NW right-of-way to include a paved plaza at least 10 feet by 10 feet adjoining the west side of the pedestrian connection, at least one permanent bench, and pedestrian-scale lighting illuminating the bench.

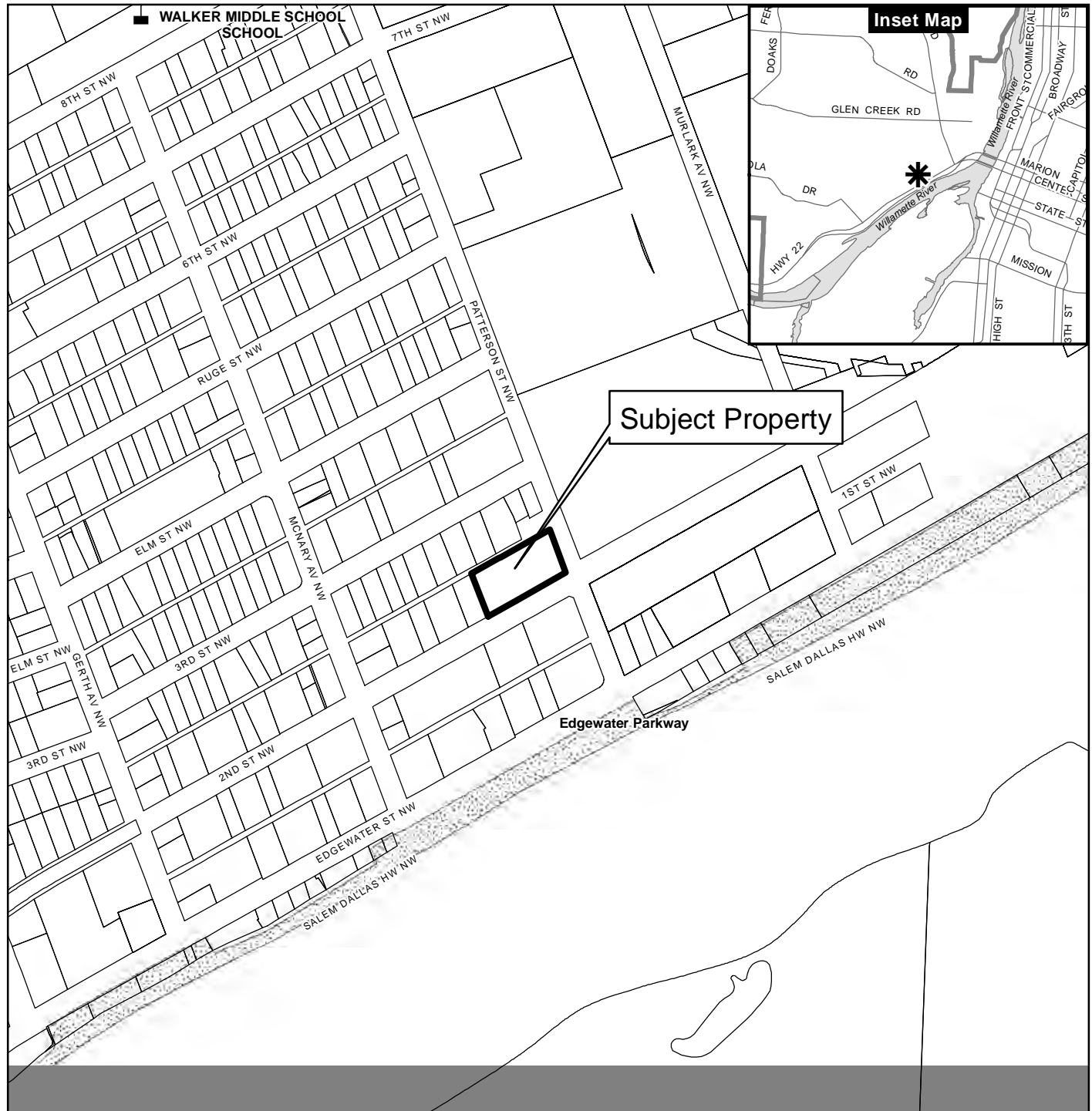
Condition 2: Provide pedestrian amenities between the building and the Patterson Street NW right-of-way to include a paved plaza or permeable-

surface outdoor seating area at least 10 feet deep by 15 feet wide adjoining the pedestrian connection.

- Condition 3:** Provide at least one transparent window in each room on the south side of the building, except for restrooms, storage rooms, and janitorial closets.
- Condition 4:** If pavement for vehicle maneuvering area is added north of the building outside of the alley right-of-way, provide a minimum 5-foot-wide paved pedestrian walkway or landscaping between the building and the nearest edge of the vehicle maneuvering area.
- Condition 5:** Convey land for dedication of right-of-way to equal a 20-foot radius at the corner of Patterson Street NW and Second Street NW.
- Condition 6:** Widen the alley to equal a 20-foot-wide improvement abutting the subject property to accommodate two-way traffic accessing the proposed off-street parking.
- Condition 7:** Construct sidewalk improvements along the entire frontages of Patterson Street NW and Second Street NW where the existing sidewalk does not conform to *Public Works Design Standards (PWDS)*, including the existing curb ramp at the intersection.
- Condition 8:** Close all unused existing driveway approaches.
- Condition 9:** Design and construct a storm drainage system for the new and replaced impervious surfaces in compliance with SRC Chapter 71 and 2014 *Public Works Design Standards (PWDS)*.
- Condition 10:** Dedicate sufficient right-of-way along the northern boundary of the subject property to widen the existing public alley to a width of 20 feet.
- Condition 11:** The property shall be developed according to the approved site plan and elevations included as Attachment B of the staff report, as modified by the conditions of approval.

Vicinity Map

245 Patterson Street NW



Legend

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

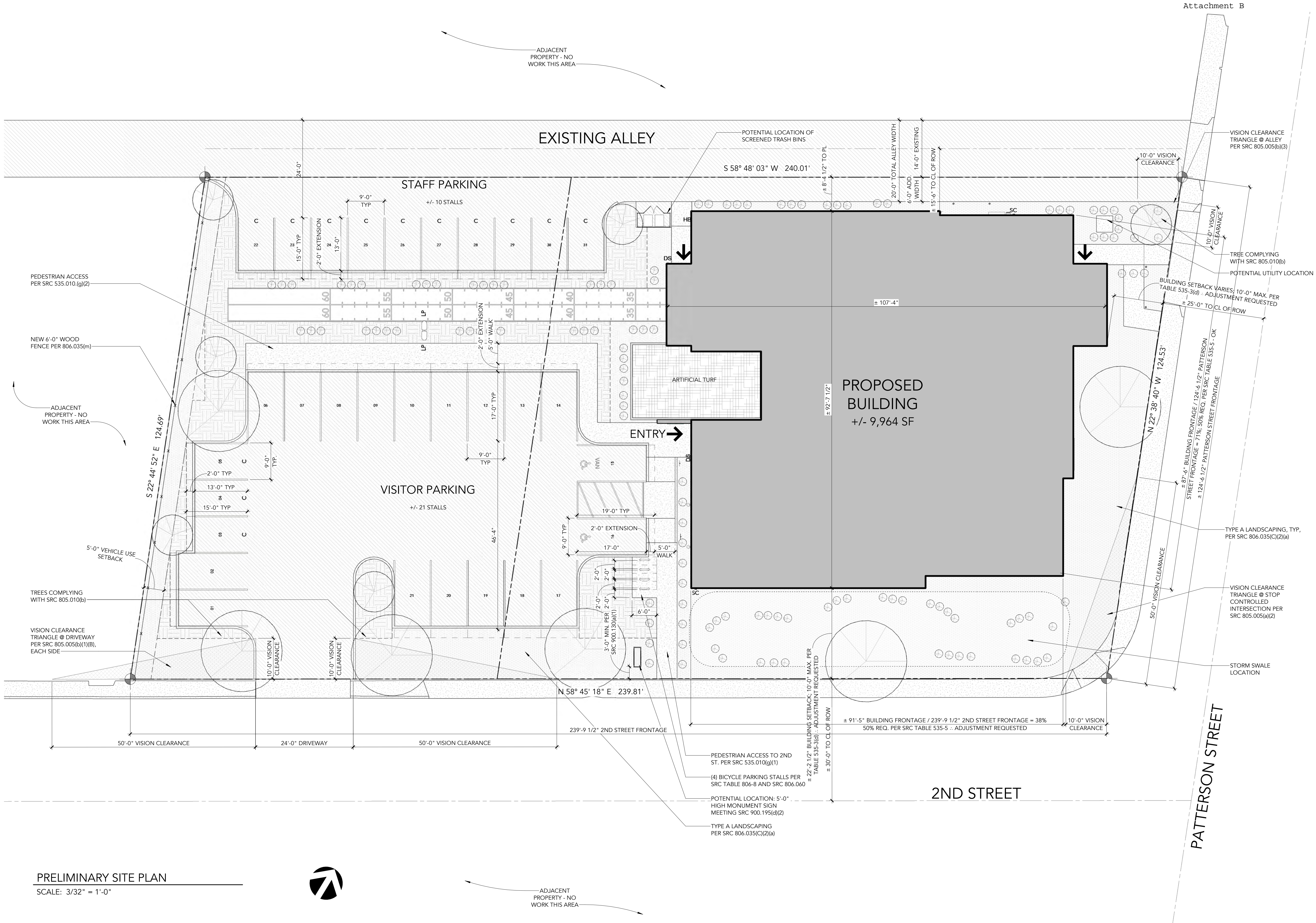
- Parks

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Community Development Dept.

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0 100 200 400 Feet





SITE INFORMATION

LOT AREA	±29,566 SF
ZONE	ESMU: EDGEWATER/SECOND STREET MIXED USE
USE	HEALTH SERVICES; OUTPATIENT MEDICAL SERVICES AND LABORATORIES
LOT WIDTH	±124'-7"
LOT DEPTH	±239'-11"

SITE AREA

TYPE	AREA
TURF	565 SF
BUILDING FOOTPRINT	8,431 SF
SIDEWALK	1,487 SF
LANDSCAPING	9,441 SF
PARKING	9,602 SF
TOTAL SITE AREA	29,566 SF

BUILDING AREA

TYPE	AREA
BUILDING FOOTPRINT	8,431 SF
MEZZANINE	969 SF
TURF	565 SF
TOTAL BUILDING AREA	9,964 SF

BUILDING COVERAGE

TYPE	AREA
TOTAL SITE AREA	29,566 SF
BUILDING FOOTPRINT	8,431 SF
BUILDING FOOTPRINT / TOTAL SITE AREA = 8,431 / 29,566 = 29%	
MAX LOT COVERAGE PER TABLE 535-5 = NO MAX	
29% < 100%; OK	

LANDSCAPING AREA

TYPE	AREA
TOTAL SITE AREA	29,566 SF
TOTAL LANDSCAPING AREA	9,441 SF
TOTAL LANDSCAPING AREA / TOTAL SITE AREA = 9,441 / 29,566 = 32% LANDSCAPED AREA	
REQUIRED PER SRC 805.010(b)(3) = 15% MIN.	
32% > 15%; OK TO BE TYPE A, TYP.	
TYPE	AREA
PARKING AREA	9,602 SF
PARKING LANDSCAPING AREA	2,171 SF
PARKING LANDSCAPING AREA / PARKING AREA = 2,171 / 9,602 = 23% LANDSCAPED AREA	
REQUIRED PER TABLE 806-5: 5%	
23% > 5%; OK	

PARKING SCHEDULE

TYPE	COUNT
90 deg - 9' x 19' - STANDARD	16
90 deg - 9' x 19' - ADA VAN	1
90 deg - 9' x 19' - ADA	1
90 deg - 9' x 15' - COMPACT	13
TOTAL PARKING	31

MINIMUM REQUIRED PER TABLE 806-1, HEALTH SERVICES; OUTPATIENT MEDICAL SERVICES AND LABORATORIES = 1/350 SF
BUILDING AREA = 9,964 SF / 350 = 28 MIN.
MAXIMUM ALLOWED PER TABLE 806-2 FOR MORE THAN 20 SPACES: 1.75x MINIMUM = 49 MAXIMUM; 28 < 49; **OK**
COMPACT STALLS, PER 806.015(b); MAXIMUM = 75% OF MINIMUM REQUIRED = 28 x 75% = 21
18 < 21; **OK**

BICYCLE PARKING PER TABLE 806-8, HEALTH SERVICES; OUTPATIENT MEDICAL SERVICES AND LABORATORIES = THE GREATER OF 1 PER 3,500 SF OR 4
9,907 / 3,500 = 2.8 > 4 SPACES REQUIRED
4 BICYCLE PARKING SPACES PROVIDED; **OK**

LEGEND

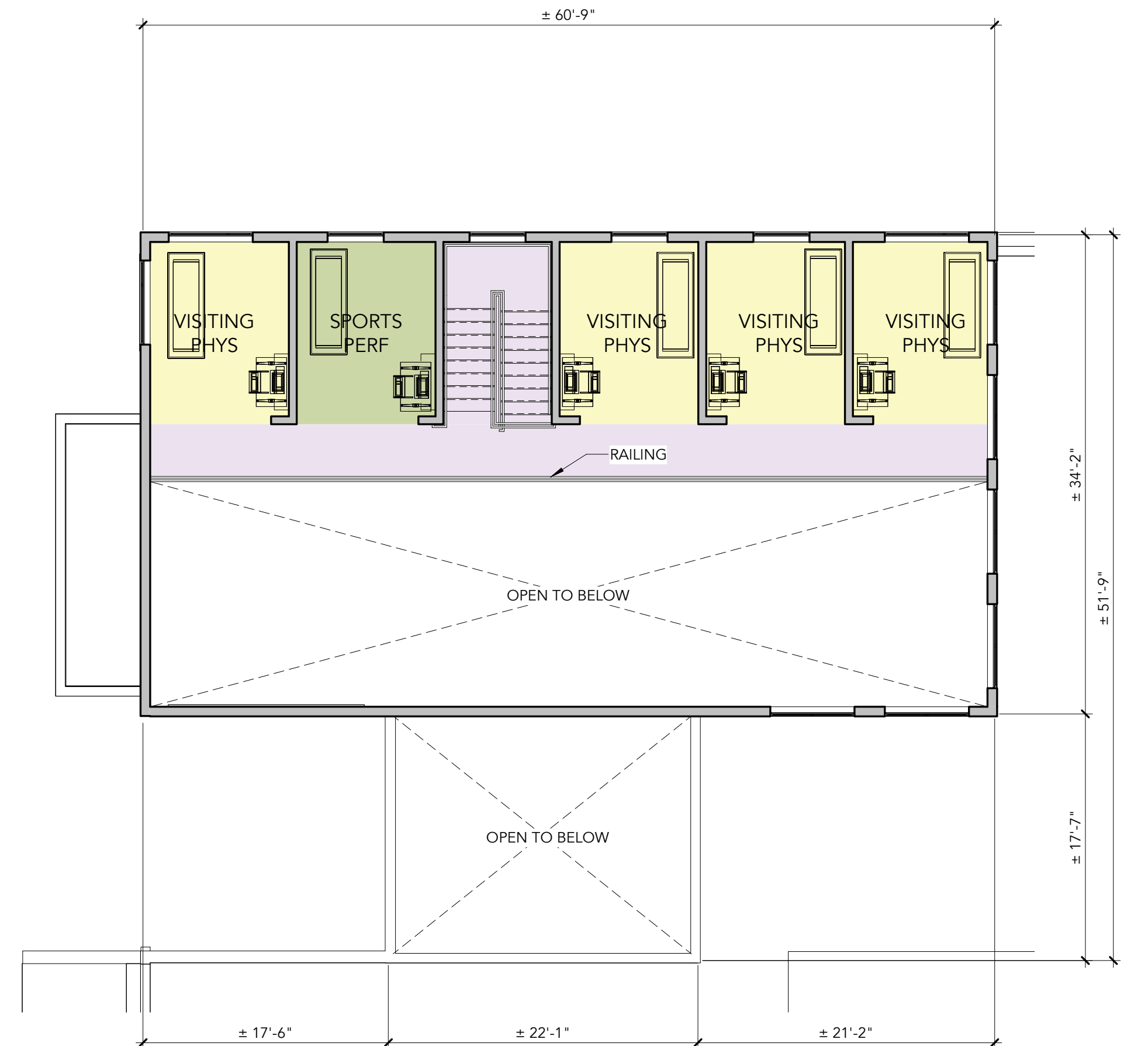
OBJECT/ PATTERN	DESCRIPTION(S)
---	- PROPERTY LINE
---	- SETBACK LINES
---	- FENCE LINE
---	- ACCESSIBLE PATH FROM BUILDING TO PUBLIC WAY
---	- BUILDING FOOTPRINT
---	- TOTAL LANDSCAPE AREA
---	- AREA INCLUDED IN PARKING LANDSCAPE CALCULATION
---	- PROPERTY DATUM POINT

PRELIMINARY SITE PLAN

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



PRELIMINARY GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



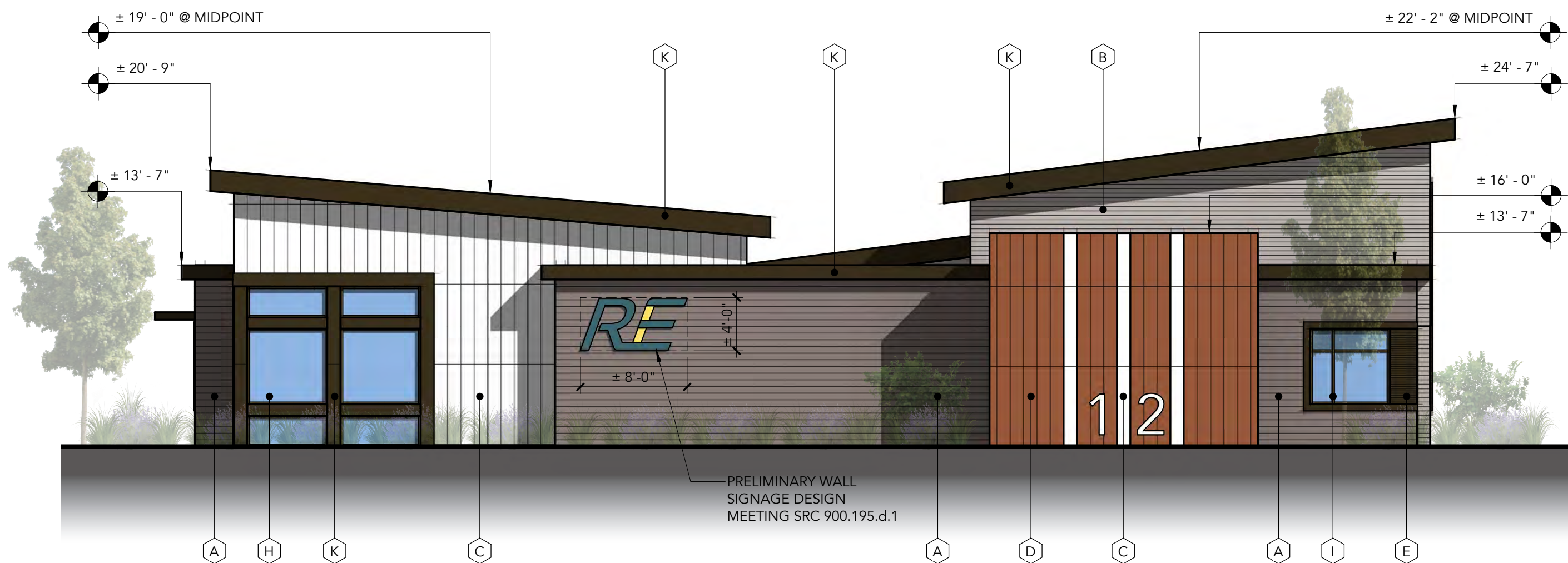
COLOR LEGEND					
CHIROPRACTOR	187 SF	NWRA (ORTHO)	548 SF	SHARED SPACE	2288 SF
MASSAGE THERAPIST	130 SF	OFFICE	73 SF	SPORTS PERFORMANCE	5124 SF
NUTRITION / SENSORY	123 SF	SHARED SERVICE	247 SF	VISITING PHYSICIAN	507 SF

PRELIMINARY MEZZANINE FLOOR PLAN
SCALE: 1/8" = 1'-0"



NORTH ELEVATION

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



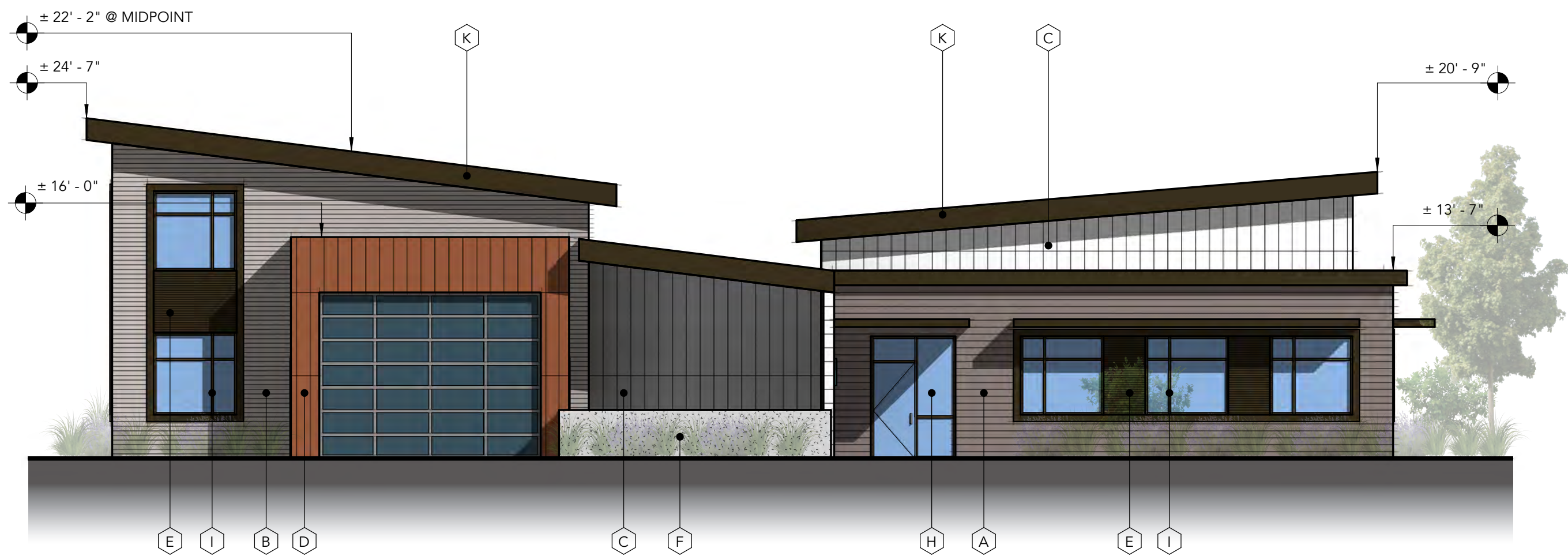
EAST ELEVATION

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



SOUTH ELEVATION

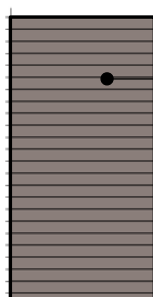
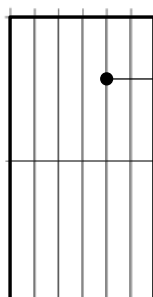
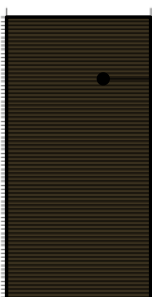
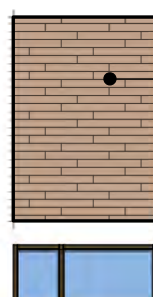
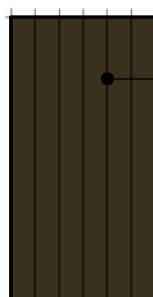
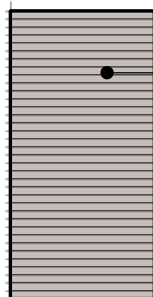
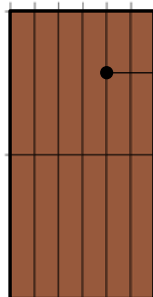
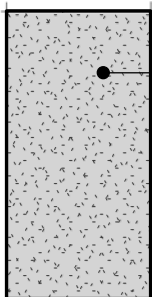
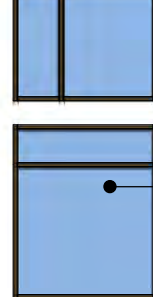

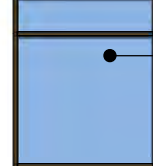
SCALE: 1/8" = 1'-0"



WEST ELEVATION

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

PRELIMINARY MATERIALS

 <p>LAP SIDING A</p> <p>MATERIAL: FIBER CEMENT EXPOSURE: 6" COLOR: MEDIUM BROWN</p>	 <p>PANEL SIDING C</p> <p>MATERIAL: METAL TYPE: 1' X 6' COLOR: WHITE</p>	 <p>PANEL SIDING E</p> <p>MATERIAL: METAL TYPE: 2" CORRUGATED COLOR: DARK BRONZE</p>	 <p>ACCENT SIDING G</p> <p>MATERIAL: WOOD COLOR: TBD, STAINED</p>	 <p>ROOFING J</p> <p>MATERIAL: METAL TYPE: STANDING SEAM COLOR: DARK BRONZE</p>
 <p>LAP SIDING B</p> <p>MATERIAL: FIBER CEMENT EXPOSURE: 4" COLOR: LIGHT GRAY</p>	 <p>PANEL SIDING D</p> <p>MATERIAL: METAL TYPE: 1' X 6' COLOR: RUST</p>	 <p>BLOCK WALL F</p> <p>TYPE: GROUND FACE COLOR: TBD</p>	 <p>WINDOW I</p> <p>MATERIAL: VINYL COLOR: BROWN</p>	 <p>COPING K</p> <p>MATERIAL: SHEET METAL COLOR: DARK BRONZE</p>
		 <p>STOREFRONT H</p> <p>MATERIAL: ALUMINUM COLOR: DARK BRONZE</p>		



2ND & PATTERSON CORNER



PATTERSON LOOKING SOUTH

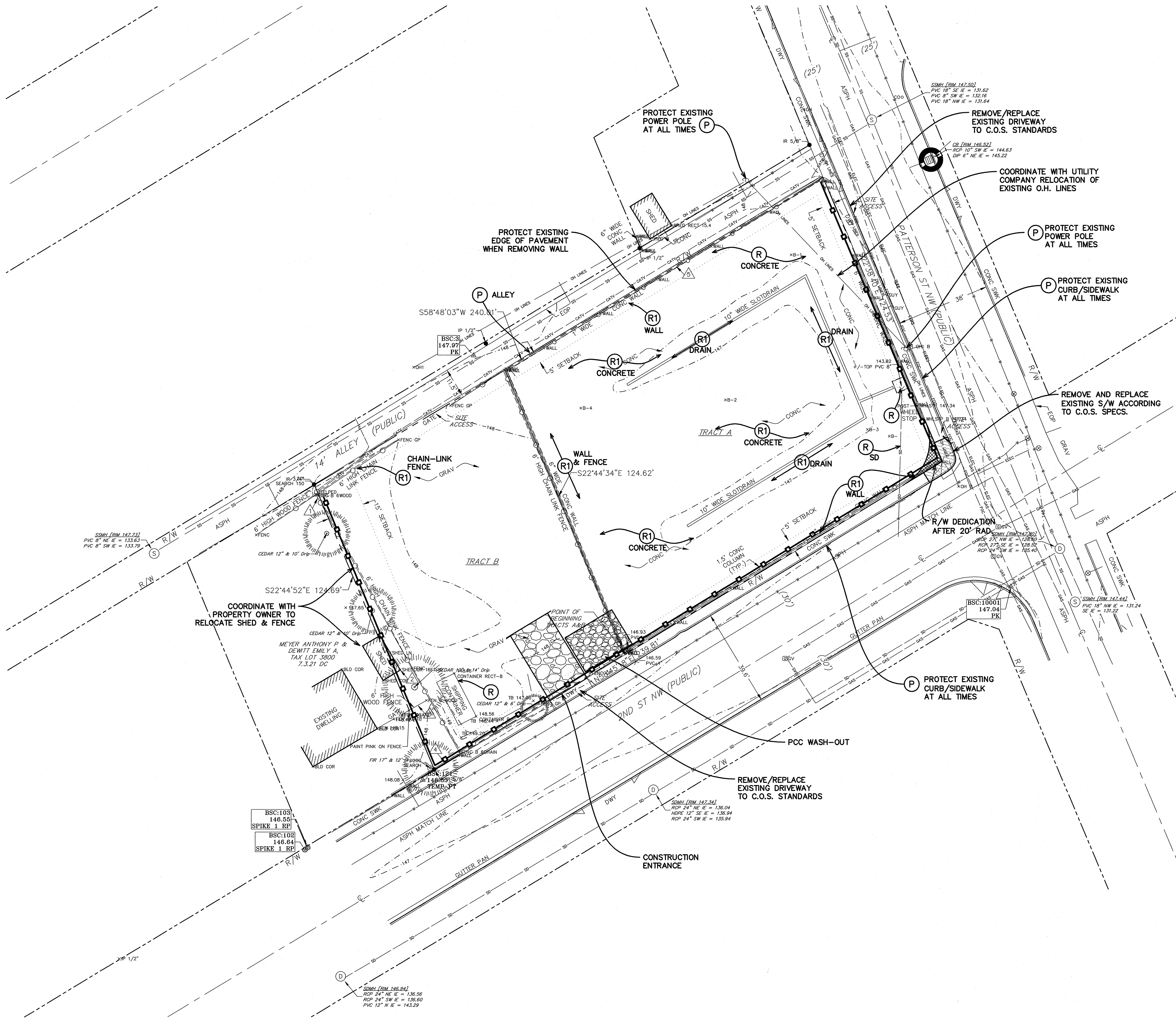


PATTERSON ELEVATION

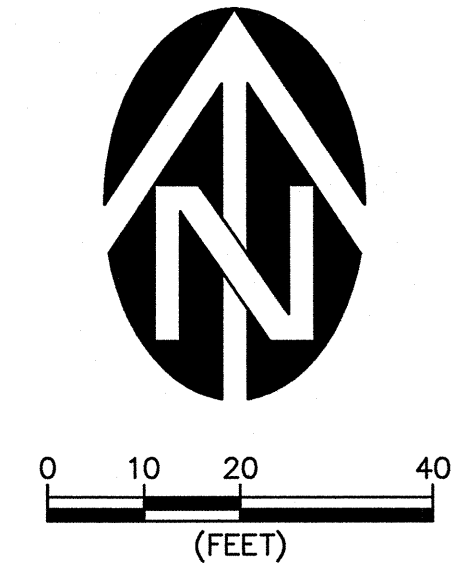


ENTRY FROM 2ND

6/1/2018 4:30:22 PM
R:\Drawings\ARCHITECTS\NWRA\Civil\Plots\C2\ExistingCondensePlanC.dwg, (C2.0 job)



Attachment D



DEMOLITION LEGEND

- (P) CONTRACTOR TO SAVE & PROTECT AT ALL TIMES.
- (R) REMOVED BY OTHERS.
- (R1) CONTRACTOR TO REMOVE.
- (R2) CONTRACTOR TO RELOCATE.
- (S) SAWCUT.

EROSION CONTROL LEGEND

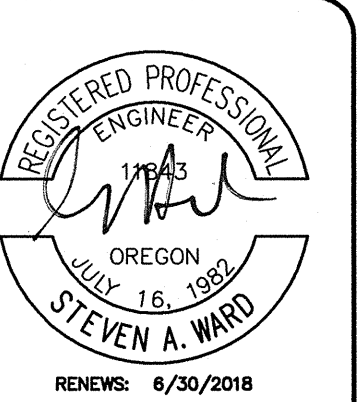
- SILT FENCE
SEE DTL
- BIO BAG INLET PROTECTION
SEE DTL
- BIO BAG
- FLOW DIRECTION

NOTE:

NO STOCKPILING OF MATERIAL ALLOWED ON SITE.

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

WE

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Phone: (503) 585-2474 Fax: (503) 585-3966
E-mail: westech@westech-eng.com

CB TWO ARCHITECTS
NORTHWEST REHABILITATION ASSOCIATES

**EXISTING CONDITIONS,
DEMOLITION PLAN, AND
EROSION CONTROL PLAN**

DRAWING
C2.0

JOB NUMBER
3087.0000