

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

MODIFICATION OF CONDITONAL USE AND ZONE CHANGE CASE NO.: CU-ZC17-14MOD1

APPLICATION NO. : 19-104587-ZO

NOTICE OF DECISION DATE: APRIL 26, 2019

SUMMARY: A proposed modification to the Conditional Use Permit approval granted to the Union Gospel Mission (UGM) of Salem for the proposed relocation of their men's shelter from its current downtown location at 345 Commercial Street NE to the proposed new location on property located in the 700 to 800 blocks of Commercial Street NE. The purpose of the proposed modification is to incorporate the two remaining properties located on the eastern half of the block located at 253 to 275 Division Street NE into the proposed development. No change to the maximum number of persons approved to be served at the shelter is proposed and all conditions of approval established under the original conditional use permit will continue to apply.

REQUEST: A modification of Conditional Use Permit and Zone Change Case No. CU-ZC17-14 to modify the conditional use permit approval for the relocation of the Union Gospel Mission (UGM) of Salem's men's shelter to incorporate two additional properties located at 253 to 275 Division Street NE into the proposed development. No change to the maximum number of persons approved to be served at the shelter is proposed and all conditions of approval established under the original conditional use permit will continue to apply.

The subject property, including the two additional properties proposed to be included in the development, totals approximately 2.54 acres in size, is zoned CB (Central Business District) and CO (Commercial Office) with Riverfront Overlay, and is located in the 700 to 800 blocks of Commercial Street NE and at 253 to 275 Division Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, 1900, 2000 & 2100).

APPLICANT: Craig Chaney of Merrick Lentz Architecture on behalf of the Union Gospel Mission of Salem

LOCATION: 700-800 Block of Commercial St NE and 253-275 Division St NE

CRITERIA: Salem Revised Code (SRC) Chapter 240.010(d)

FINDINGS: The findings are in the attached Decision dated April 26, 2019.

DECISION: The **Planning Administrator APPROVED** Conditional Use CU-ZC17-14MOD1 subject to the applicable standards of the Salem Revised Code, the findings contained in the attached Decision, and the findings and conditions adopted in the original approval for Conditional Use / Zone Change Case No. CU-ZC17-14.

The rights granted by the attached decision must be exercised, or an extension granted, by May 30, 2021 or this approval shall be null and void.

Application Deemed Complete:	<u>March 7, 2019</u>
Notice of Decision Mailing Date:	<u>April 26, 2019</u>
Decision Effective Date:	<u>May 14, 2019</u>
State Mandate Date:	<u>July 5, 2019</u>

Case Manager: Bryce Bishop, 503-540-2399, bbishop@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., Monday, May 13, 2019. 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 240. 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 Hearings Officer will review the appeal at a public hearing. The Hearings Officer 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.

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

Conditional Use / Zone Change Case No. CU-ZC17-14 approved the proposed relocation of the UGM's men's shelter from its current downtown location at 345 Commercial Street NE to the proposed new location on property located in the 700 to 800 blocks of Commercial Street NE. In addition to the approval of the conditional use permit to allow the relocation of the UGM's men's shelter, a zone change to change the zoning of the

property from CO (Commercial Office) to CB (Central Business District) was also approved.

2. After additional requested information was provided by the applicant, the application was deemed complete for processing on March 7, 2019, and notice was mailed, pursuant to SRC requirements, on March 14, 2019. The state-mandated 120-day local decision deadline for the application is July 5, 2019.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The subject property is designated "River Oriented Mixed-Use" on the Salem Area Comprehensive Plan map.

2. Zoning

The majority of the subject property is zoned CB (Central Business District). The two additional properties located at 253 to 275 Division Street NE proposed to be included in the development with this modification request are zoned CO (Commercial Office). The entire subject property, including the two additional CO zoned lots to be included in the development, is also within the Riverfront Overlay Zone. The zoning of surrounding properties is as follows:

North: Across D Street NE, CB (Central Business District) with Riverfront Overlay;
South: Across Division Street NE, CO (Commercial Office) with Riverfront Overlay Zone;
East: Across Commercial Street NE, CB (Central Business District) with General Retail/Office Overlay;
West: Across alley, CO (Commercial Office) with Riverfront Overlay Zone.

3. Background/Proposal

The application under review by the Planning Administrator is a modification of the conditional use permit approval for the relocation of the Union Gospel Mission of Salem's Men's shelter from its current location in the downtown to the proposed new location a short distance to the north on property located in the 700 to 800 blocks of Commercial Street NE (**Attachment A**).

On February 9, 2018, the Salem Hearings Officer approved the original conditional use permit request. The Hearings Officer's decision was subsequently appealed to the City Council and the Council voted to affirm the Hearings Officer's decision, with modifications, and approve the conditional use permit subject to additional conditions of approval (**Attachment B**).

Since the City Council's May 29, 2018, decision, the UGM purchased the abutting property located at 275 Division Street NE and is in the process of acquiring the property located at 253 Division Street NE. Once the property at 253 Division Street is acquired, the UGM will

own all of the property located on the eastern half of the block between Division Street and D Street. However, because these two additional Division Street properties were not included in the original conditional use permit request, the UGM is required to modify their original conditional use permit in order to include them in the approval and allow them to be used to accommodate the proposed relocated shelter.

The conditional use permit modification application submitted by the UGM seeks to include the Division Street properties into their conditional use permit approval for the shelter relocation. The proposed modification does not change the maximum number of persons approved to be served at the shelter and all conditions of approval established under the original conditional use permit will continue to apply. As shown on the preliminary site plan (**Attachment C**), the proposed shelter will continue to be located on the southern portion of the property; the existing retail store, with a possible future addition, is still located on the northern portion of the property; the shared off-street parking area to serve both uses continues to be located in the middle of the property between them; and vehicular access to the site will continue to be provided from two proposed driveway approaches onto Commercial Street NE and the alley which runs along the western side of the property.

4. Applicant's Plans and Statement.

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The preliminary site plan submitted by the applicant depicting the proposed development, and in support of the proposal, is included as **Attachment C**.

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment D**.

5. 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.

6. Public Comments

Notice of the proposal was mailed to property owners and tenants within 250 feet of the subject property. A total of five public comments were received on the proposal. Of the five comments received, four expressed support for the proposed modification and one expressed concern and opposition.

The comment received in opposition to the proposed modification objects to the proposal, in summary, based on the following:

A. New Conditional Use Permit Required.

The comment received indicates that the proposal requires submittal of a new application for conditional use permit, rather than a modification of the existing conditional use permit, because the proposal does not meet the approval criteria for a modification of a conditional use permit.

The comment received indicates, in summary, that the proposed modification is substantially inconsistent with the conditions of the original approval because the conditions of the original approval were specifically intended to address and mitigate the impacts of client access to the property from the alley rather than Division Street. By relocating the main client entry to the shelter to Division Street, the impacts of clients entering the shelter from this location have not been properly considered or addressed in the original conditions of approval.

The comment received also indicates that the proposed modification will result in significant changes to the physical appearance of the development, use of the site, and impacts on surrounding properties due to a proposed increase in building's size and location by expanding onto the two new properties and a corresponding relocation of the shelter's primary client entry from the alley to Division Street. It is explained that relocation of the shelter's main client entry to Division Street results in:

- Less room for shelter clients to gather than was identified on the original plan;
- Increased safety concerns for shelter clients having to contend with delivery, waste collection, and other service vehicles using the Division Street cul-de-sac;
- Less safety associated with, and passive visual surveillance provided for, the shelter client entry due to its location further from the retail store and the entrances used by UGM employees and guests; and
- Increased impacts of undesirable activity occurring on surrounding property, most notably the adjacent property to the south located at 250 Division Street NE which is occupied by the State of Oregon Teacher Standards and Practices Commission.

Staff Response: As indicated in the written statement provided by the applicant (**Attachment D**) and in the findings included under Section 9 of this decision, the requested conditional use permit modification meets the approval criteria established under SRC 240.010(d). As such, an application for a new conditional use permit is not required.

The incorporation of the two additional properties into the proposed development and the corresponding extension of the proposed building onto these properties, together with the relocation of the primary shelter guest entrance, do not represent a significant change to the physical appearance of the development or use of the site. Rather, as indicated in the written statement provided by the applicant, the proposed modification facilitates an improved building design and site design with an improved arrangement of internal and external space to better meet the needs of the individuals it will serve and the conditions of the original approval, such as providing a pedestrian connection between the main guest entrance and a public sidewalk in an abutting street (Condition 4), increased area to accommodate secure storage of guests' belongings (Condition 7),

exterior gathering space visible from within the building (Condition 8), and an indoor restroom available to men 24 hours a day (Condition 11).

The proposed modification similarly will not result in a development which is substantially inconsistent with the original conditions of approval. As identified in the findings included under Section 9 of this decision, all eleven conditions established under the original conditional use approval will continue to apply to the proposed development. These conditions of approval were established to help to minimize any potential adverse impacts of the use on the immediate neighborhood. Conditions established specifically with regard to the guest entry require a pedestrian connection between the primary guest entry and the public sidewalk in an abutting street (Condition 4), and require the guest entry to be located away from the Commercial Street frontage (Condition 8). The proposed entry onto Division Street satisfies both of these conditions of approval and provides for a safer and more visible entry area for guests than was proposed under the original approval.

B. Additional Recommended Condition of Approval:

The comment received also indicated that should a new conditional use permit not be required for the proposal, additional conditions of approval should be incorporated into the modified conditional use permit requiring the applicant to reorient the primary client entry to the shelter such that the entrance and outside storage and waiting areas are accessed from and oriented to the north, facing the applicant's parking lot. It is explained that this proposed condition would comply with the conditions of the existing conditional use permit, allow for increased passive surveillance by both UGM employees and by the future Police station, and significantly decrease adverse impacts to neighboring properties.

Staff Response: As identified under the findings included in Section 9 of this decision, the proposed modification will not result in an increase in the intensity of the proposed development and all conditions established as part of the original conditional use approval will continue to apply. These conditions of approval were established to mitigate the impacts of the proposed use. The proposed modification does not request a substantial or significant change to the original approval. The proposed reorientation of the main guest entry away from the alley and instead to Division Street results in a safer and more visible guest entry into the proposed facility that better conforms to the conditions of approval.

In addition, the property is located within the Riverfront Overlay Zone. Within the Riverfront Overlay Zone the design review standards require a primary building entrance to be provided on each building façade facing a street. 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. Because the subject property has frontage on both Commercial Street and Division Street, either both façades of the building facing Commercial Street and Division Street must each include primary building entrances or a single primary entrance at the corner of Commercial Street and Division Street may be provided. Provision of a guest entry at the corner of Commercial

Street and Division Street would conflict with Condition 8 which requires the primary entrance for emergency shelter users to not be located along the Commercial Street frontage, and provision of the primary entrance on the north side of the building facing the parking lot, as suggested in the comment provided, would not conform to the design review standards of the Riverfront Overlay Zone. As such, the proposed relocated entrance facing Division Street conforms to both the design standards of the Riverfront Overlay Zone and the conditions of the original approval.

7. City Department Comments

- A. The Salem Fire Department, Building and Safety Division, and Public Works Department reviewed the proposed modification and indicated they have no objections to it.

8. 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 from any public agencies or public and private service providers.

9. Conditional Use Permit Modification Approval Criteria.

SRC 240.005(a)(2) provides that no use for which a conditional use permit has been granted shall be expanded, relocated, or changed to another conditional use, and no building or structure devoted to such use shall be structurally altered or enlarged, unless a new conditional use permit, or a modification of an existing conditional use permit, has been granted.

Pursuant to SRC 240.010(a), a conditional use permit approval may be modified after its effective date if the proposed modification meet the criteria set forth in SRC 240.010(d). Proposed modifications that do not meet the applicable criteria require submittal of an application for a new conditional use permit.

Pursuant to SRC 240.010(d), the modification of a conditional use permit shall be granted if the following criteria are met:

- (1) *The proposed modification is not substantially inconsistent with the conditions of the original approval; and*
- (2) *When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.*

The following subsections are organized with the approval criteria shown in ***bold italic***, followed by findings evaluating the proposed modification for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the modification, or for the issuance of certain conditions to ensure the criteria are met.

A. SRC 240.010(d)(1): *The proposed modification is not substantially inconsistent with the conditions of the original approval; and*

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposed modification will apply all the conditions of the existing Conditional Use approval for lots 3300, 1600, 1700, 1800 and 1900 to lots 2000 and 2100. All lots are located contiguous to each other and are on the same block. Lots 2000 and 2100 are the smallest lots on the block, representing about 9.6% of the total site area on the block, and are located on the southwest corner, adjacent to the alley and Division Street, on the side closest to the Downtown core and away from Commercial Street. These lots are located on the dead end of Division Street adjacent to the alley, arguably the best location on the block to situate the proposed use, with the least expected impact to the neighborhood. The applicant indicates that their small size means that extension of the proposed use to them should not increase the impact of the shelter facility. The two lots are within the Riverfront Overlay Zone and this zone includes "Relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993." as an Additional Conditional Use, SRC 617.015(c), Table 617-2. The applicant explains that the UGM shelter satisfies these specific pre-requisites because it is an existing non-profit shelter that is currently in the CB zone, and it has been at its current location continuously since 1953. The applicant indicates there is nothing in the location, characteristics, use, adjacencies, or configuration of lots 2000 and 2100 that would make the conditions of the existing Conditional Use determination less effective or insufficient to address the concerns underlying the establishment of those conditions in the original determination if the Conditional Use is modified to include them. The applicant explains that inclusion of the parcels will permit the applicant to better address some of the conditions. The applicant indicates the parcels will be especially important in allowing the design of a gracious primary pedestrian entrance courtyard for shelter users that is large enough to prevent cueing and loitering along public streets and in the alley, and allow those users to be shielded from Commercial Street NE. It will also facilitate the design of a large, secure and safe area for storage of the clientele's personal belongings. The applicant also explains the use of the additional parcels enhances the ability to provide transparency from multiple points within the facility to the exterior gathering spaces, enhancing the passive surveillance of those approaching the shelter entrance courtyard.

Staff concurs with the findings included in the applicant's written statement. As identified by the applicant, the proposed modification of the conditional use permit to incorporate the two additional properties into the development, as well as the corresponding increase in the size of the building and the relocation of the primary client entrance from the alley to Division Street as a result of the two additional properties being incorporated into the development, results in an improved design for the shelter that better meets the conditions of approval of the original conditional use permit, better meets the needs the individuals that will be served by the shelter, and better meets the programmatic needs of the facility.

The original conditional use permit approval included the following eleven conditions:

- **Condition 1:** As a condition of the future development of the property, the applicant shall install video surveillance cameras and appropriate signage that capture video of the entire surface of the alleyway from Division to D Street NE. Video files shall be continuously stored on site for no less than 14 days. Camera and sign locations shall be determined at the time of site plan review and design review.
- **Condition 2:** As a condition of the future development of the property, appropriate signage directing patrons to the outside waiting areas on the property and discouraging loitering or obstructing the public sidewalk shall be installed on the property. Signage shall be at locations and in a form determined at the time of site plan review and design review.
- **Condition 3:** As a condition of the future development of the property, a State Highway approach/access permit shall be obtained for each proposed driveway connection onto Commercial Street NE.
- **Condition 4:** A pedestrian connection shall be provided within the development to connect the main guest entrance into the proposed shelter to a public sidewalk within an abutting street. If the only means of connecting to a public sidewalk within an abutting street is via the existing alley, the pedestrian connection shall be visually contrasted from the alley either by a change in material or a grade separation above the alley in a manner that will not impeded vehicular access to the ally.
- **Condition 5:** Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.
- **Condition 6:** The shelter and transitional housing facility shall be limited to a maximum number of 300 overnight occupants, of which a minimum of 78 beds shall be committed for transitional housing occupants.
- **Condition 7:** The applicant shall install secure, covered storage for client personal belongings.
- **Condition 8:** The design of the proposed shelter shall incorporate the following additional requirements:
 - a) Exterior gathering spaces shall be visible from within the buildings;
 - b) Shrubs shall not exceed 36inches in height; and
 - c) The primary entrance for emergency shelter users shall not be located along the Commercial Street frontage.

- **Condition 9:** The site's grounds shall be monitored 24-hours a day by staff through video surveillance or patrols.
- **Condition 10:** As a condition of site plan review applicant submittal, the applicant shall provide a photometric plan identifying the site's proposed lighting fixtures, placements, and illumination intensity.
- **Condition 11:** The shelter shall provide an indoor restroom to be available to men twenty-four hours a day.

The above identified conditions were placed on the approval of the original conditional use permit in order to ensure the proposed shelter conformed to the conditional use permit approval criteria and that any reasonably likely impacts of the use on the immediate neighborhood are minimized.

Under the proposed modification, all eleven of the original conditions of approval will continue to apply and therefore no aspect of the proposed modification will be inconsistent with the original conditions of approval. Under the proposed modification video surveillance of the alley will be provided to ensure safety as required under Condition 1; signage directing clients to outside waiting areas on the property and discouraging loitering and obstruction of the public sidewalk will be provided as required under Condition 2; the development will be required to obtain State Highway access permits for the proposed driveways onto Commercial Street as required under Condition 3; a pedestrian connection is provided between the main guest entry into the shelter and a public sidewalk within an abutting street – in the case of the proposed modification, Division Street – as required under Condition 4; any outside storage areas will be screened as required under Condition 5; the proposed shelter will continue to be limited to a maximum of 300 overnight occupants, of which a minimum of 78 beds shall be committed to transition housing occupants, as required under Condition 6; secure covered storage for client and personal belongings will be provided as required under Condition 7; the primary entrance for shelter users is not located along the Commercial Street frontage, the proposed exterior gathering space in front of the main shelter entrance will be visible from within the building, and shrubs will be limited in height as required under Condition 8; the site will be monitored by staff 24-hours a day as required under Condition 9; a photometric plan identifying the site's proposed light fixtures, placements, and illumination intensity will be provided as required under Condition 10; and a restroom available to men 24-hours a day will be provided as required under Condition 11.

Because all eleven conditions of approval applicable to the original conditional use permit will continue to apply to the proposed modification, the proposed modification is not substantially inconsistent with the conditions of the original approval. The proposed modification therefore conforms to this approval criterion.

B. SRC 240.010(d)(2): When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Finding: The written statement provided by the applicant (**Attachment D**) indicates, in summary, that modifying the Conditional Use to include lots 2000 and 2100 will not result in an increase of the proposed Men's Shelter building program. The applicant explains that the site will remain limited to 300 total overnight beds, with a minimum of 78 transitional beds, per the conditions; the program for supporting functions and their proposed areas within the building will not change significantly; the building height, massing, and modulation will be similar; and the general proposed configuration will not change. The applicant indicates that the new shelter building will continue to be located on the south end of the property, the existing retail building will remain on the north end of the property, and parking will be located between.

The applicant explains that approval of the proposed modification will not alter the proposed use of the site as permitted by CU-ZC17-14. The existing downtown Non-Profit Shelter with more than 75 beds will be relocated to this site as permitted as a conditional use under the Riverfront Overlay zone and approved in the project action noted above, with no change to the conditions of approval or to the proposed program provided as a basis for the original Conditional Use application. The applicant indicates that, as noted previously, the proposed shelter use will be located at the south end of the property and the existing retail use will remain at the north end of the property, in substantial conformance to the original approved application.

The applicant indicates that approval of the modification of the Conditional Use will not increase the impact on surrounding properties. The applicant explains that, conversely, the additional site area made available by approval of the modification to include lots 2000 and 2100 will allow some conditions to be addressed with enhanced solutions that further reduce the potential impacts on the surrounding properties. The applicant indicates that with the additional site area a large entry courtyard is now proposed that will provide an off street gathering and queuing space, accessed from the Division Street and screened from Commercial Street. The entry courtyard will discourage loitering on Commercial Street, Division Street, and in the alley. The applicant explains that transparent walls looking into the courtyard will serve to increase the monitoring of pedestrians by building staff and that the additional lots will also provide area to meet the requirement for screened and secure space for bicycles, and a larger personal effects storage space. The applicant also indicates that the additional property allows these elements to be oriented in such a way to provide an efficient and clear arrangement of the many design elements that need to interact at the building entry, while enhancing security and streamlining user interactions and access to the facility.

Staff concurs with the findings included in the applicant's written statement. Under the modification, the proposed shelter facility will continue to remain on the southern portion of the site, there is no proposed increase to the maximum number of overnight occupants the facility is approved to serve, and all of the conditions established as part of the original conditional use permit approval to mitigate the potential impacts of the use on the immediate neighborhood will continue to apply.

Though incorporation of the two additional properties located at 253 and 275 Division Street NE into the proposed development allows for a portion of the use to extend onto those properties, thereby resulting in a larger building, the proposed additional building space does not represent a substantial change to the physical appearance of the development or use of the site and the added area allows for an improved building design and an improved interior spatial layout within the interior of the building, as indicated by the applicant, in order to better meet the programmatic functions of the building and meet user needs.

In addition, incorporation of the two additional properties also allows for improved access for shelter users to the site with a large open front entry area off of Division Street that will be clearly visible from within the building by UGM staff to ensure improved visual surveillance and safety. Under the original approval, the main guest entry area was a long narrow corridor located to the back of the building where visual surveillance was limited and the only pedestrian access to the entry was provided via the alley. In order to improve pedestrian safety and mitigate the impacts of the main guest entry being oriented towards the alley, a condition of approval, Condition 4, was established requiring a pedestrian connection to be provided within the development to connect the main guest entrance to the public sidewalk within an abutting street. If the option to connect the main guest entrance to the sidewalk in an abutting public street was not possible, only then could the alley be used to make that connection but only when a visually distinct or raised pedestrian path was provided in the alley.

In addition to Condition 4 being established to mitigate the impacts of the original proposed alley access for shelter guests, the Hearings Officer also imposed Condition 1 which required the primary guest entrance to the shelter to either be reoriented to Commercial Street or video surveillance be provided along the full length of the alley. Condition 1, however, was later modified upon appeal to eliminate the option of orienting the main guest entry toward Commercial Street and additional Condition 8 was established requiring the primary entrance for the emergency shelter to not be located along the Commercial Street frontage.

The relocated guest entry facing Division Street proposed with this modification better meets Condition 4 by providing a direct and highly visible pedestrian connection between the main guest entry and the public sidewalk in Division Street; thereby eliminating the need to attempt to improve the safety of the alley for primary pedestrian access. The relocated guest entry facing Division Street also conforms to Condition 8 which requires the primary shelter entrance to not be located along the Commercial Street frontage.

The proposed modification incorporating the two additional properties into the development and the resulting extension of the building onto portions of those properties together with the relocation of the primary guest entry to face Division Street, rather than the ally, do not result in a significant change to the physical appearance of the development or the use of the site. The proposed modification will also not result in significant changes to impacts on surrounding properties because the intensity of the

use is not proposed to change, the maximum number of allowed overnight guests will remain the same, and all of the conditions established as part of the original approval to mitigate the impacts of the proposed development will continue to apply.

The proposed modification allows for a facility that is better designed to meet the needs of the individuals it serves and provides for improved access and safety. The proposed modification conforms to this approval criterion.

10. Effect on Expiration Period of Original Approval:

The final decision on Conditional Use Permit and Zone Change Case No. CU-ZC17-14 was issued on May 30, 2018. Pursuant to SRC 300.850, Table 300-3, the various components of the original application are set to expire on the following dates:

Original Expiration Periods:

- | | |
|---------------------------|-----------------------------|
| ▪ Zone Change: | <u>No Expiration Period</u> |
| ▪ Conditional Use Permit: | <u>May 30, 2020</u> |

Pursuant to SRC 240.010(e), when a conditional use permit approval is modified, the effect of the modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

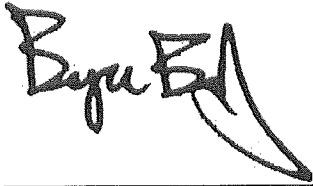
Because other land use approvals are still required before development of the proposed shelter can commence, and because roughly one year of time has elapsed since the original conditional use permit approval was issued on May 30, 2018, the original expiration date for the Conditional Use Permit shall be extended for a period of one year. As such, the expiration date for the modified Conditional Use Permit is as follows:

New Expiration Period:

- | | |
|---------------------------|---------------------|
| ▪ Conditional Use Permit: | <u>May 30, 2021</u> |
|---------------------------|---------------------|

IT IS HEREBY ORDERED

The requested modification of Conditional Use Permit and Zone Change Case No. CU-ZC17-14 to modify the conditional use permit approval for the relocation of the Union Gospel Mission (UGM) of Salem's men's shelter to incorporate two additional properties located at 253 to 275 Division Street NE into the proposed development; affecting property totaling approximately 2.54 acres in size, zoned CB (Central Business District) and CO (Commercial Office) with Riverfront Overlay, and located in the 700 to 800 blocks of Commercial Street NE and at 253 to 275 Division Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, 1900, 2000 & 2100), is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in the original approval of Conditional Use Permit and Zone Change Case No. CU-ZC17-14.



Bryce Bishop, Planner II
Planning Administrator Designee

Attachments: A. Vicinity Map
B. Final Decision Approving Conditional Use Permit and Zone Change Case
No. CU-ZC17-14
C. Modified Site Plan
D. Applicant's Written Statement

Application Deemed Complete: March 7, 2019
Notice of Decision Mailing Date: April 26, 2019
Decision Effective Date: May 14, 2019
State Mandated Decision Date: July 5, 2019

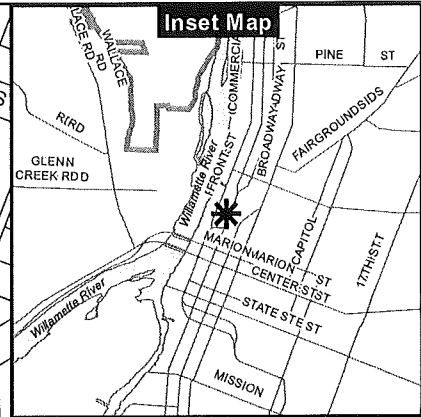
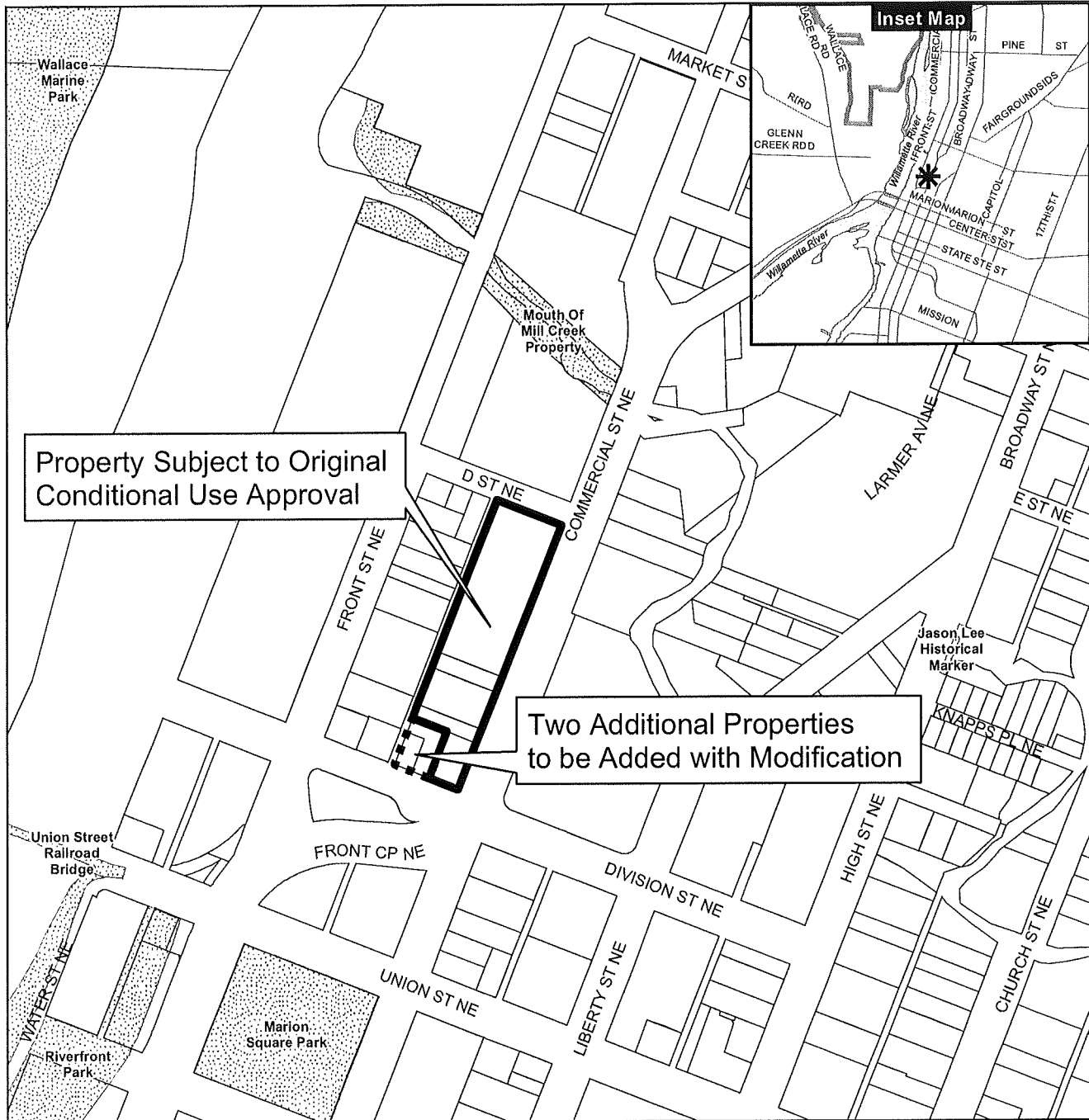
A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Monday, May 13, 2019, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of 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 notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. The Hearings Officer may amend, rescind, or affirm the action or refer the matter to staff for additional information.

cc: Alan Kessler, GIS

Vicinity Map

700 to 800 Blocks of Commercial Street NE; 253 to 275 Division Street NE



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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COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

May 30, 2018

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

**NOTICE OF FINAL LAND USE DECISION Conditional Use / Quasi-Judicial Zone Change
Case No. CU-ZC17-14
for property located at 700-800 Blocks of
Commercial Street NE**

YOU ARE HEREBY NOTIFIED that the City Council at their May 29, 2018 session, adopted findings affirming and modifying the Hearings Officer's decision for the Union Gospel Mission of Salem's Conditional Use and Quasi-Judicial Zone Change application. A copy of the Order is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after May 30, 2018**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director
and Planning Administrator

Attachment: Order

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF THE APPEAL) ORDER NO. 2018-04 CU-ZC17-14
OF DECISION OF THE HEARINGS) CONDITIONAL USE /
OFFICER FOR CONDITIONAL USE /) QUASI-JUDICIAL ZONE CHANGE
QUASI-JUDICIAL ZONE CHANGE) CASE NO. CU-ZC17-14
CASE NO. CU-ZC17-14)

This matter coming regularly for hearing before the City Council, at its April 23, 2018, meeting, and subsequently deliberated upon, at its May 14, 2018, meeting; and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming and modifying the decision of the Hearings Officer in Conditional Use/Quasi-Judicial Zone Change Case No. CU-ZC17-14, and approving the application.

PROCEDURAL FINDINGS:

- (a) On November 14, 2017, Jeff Tross, of Tross Consulting, Inc., filed a consolidated conditional use permit and quasi-judicial zone change application on behalf of the applicant and property owner, the Union Gospel Mission of Salem, to allow for the relocation of the UGM's existing men's shelter at 345 Commercial Street NE to a proposed new location in the 700 to 800 blocks of Commercial Street NE and to change the underlying zoning of the property from CO (Commercial Office) to CB (Central Business District).
- (b) On December 20, 2017, a public hearing on the proposal was conducted before the Hearings Officer. Prior to the close of the public hearing a request was received by David Glennie to hold the hearing open to allow for additional time to review the proposal and provide additional comments. The Hearings Officer closed the public hearing and held open the record until January 5, 2018, for the submission of new evidence, and January 22, 2018, for rebuttal by the applicant.
- (c) On February 9, 2018, after receiving additional evidence and argument from the public and final rebuttal from the applicant, the Hearings Officer issued a decision approving the quasi-judicial zone change and approving the conditional use permit, subject to conditions of approval (**Exhibit 1**).
- (d) On February 23, 2018, an appeal of the Hearings Officer's decision was filed by Mr. Glennie (the appellant).
- (e) On April 23, 2018, the City Council conducted a hearing to receive evidence and testimony regarding the appeal of the Hearings Officer's February 9, 2018, decision.
- (f) After receiving evidence and testimony on the appeal, a request was made by the applicant and the appellant to leave the record open to allow for the submission of additional evidence and argument in response to new information and materials presented during the public hearing. The City Council granted the request and voted to close the public hearing and leave the written record open until April 30, 2018, for the submission of new evidence and argument; May 7, 2018, for rebuttal from all parties (but no new evidence); and May 11, 2018 for final argument from the applicant.
- (g) On May 14, 2018, the City Council conducted deliberations on the appeal and voted to affirm the Hearings Officer's decision approving the application, subject to modifications to the

conditions of approval of the conditional use permit as provided herein. The City Council hereby adopts the findings of fact and conclusions of law in the Hearings Officer's decision in their entirety; together with the supplemental findings of fact included in **Exhibit 2**.

- (h) The original state mandated local decision deadline for this application was March 21, 2018. Subsequent extensions to the state mandated local decision deadline granted by the applicant have extended the 120-day local decision deadline to May 30, 2018.

SUBSTANTIVE FINDINGS:

The City Council adopts the following findings for this decision:

- (a) As provided in the February 9, 2018, Hearings Officer Decision, the requested quasi-judicial zone change to change the zoning of the subject property from CO (Commercial Office) to CB (Central Business District) meets all of the criteria for approval of a quasi-judicial zone change set forth in SRC 265.005(e). The CB zone is equally or better suited for the property than the existing CO zone. The zone change complies with all applicable provisions of the Salem Area Comprehensive Plan, Statewide Planning Goals, and administrative rules adopted by the Department of Land Conservation and Development. The zone change will not significantly affect a transportation facility and the property is currently served with public facilities and services necessary to support the uses allowed by the CB zone.
- (b) The February 9, 2018, Hearings Officer Decision established five conditions of approval to minimize the reasonably likely adverse impacts of the proposed use on the immediate neighborhood in conformance with SRC 240.005(d). During the course of the proceedings before the City Council on the appeal of the Hearings Officer's decision, the following six additional conditions of approval were recommended by the Applicant and staff:

Condition 6: The shelter and transitional housing facility shall be limited to a maximum number of 300 overnight occupants, of which a minimum of 78 beds shall be committed for transitional housing occupants.

Condition 7: The applicant shall install secure, covered storage for client personal belongings.

Condition 8: The design of the proposed shelter shall incorporate the following additional requirements:

- a) Exterior gathering spaces shall be visible from within the buildings;
- b) Shrubs shall not exceed 36 inches in height; and
- c) The primary entrance for emergency shelter users shall not be located along the Commercial Street frontage.

Condition 9: The site's grounds shall be monitored 24-hours a day by staff through video surveillance or patrols.

Condition 10: As a condition of site plan review application submittal, the applicant shall provide a photometric plan identifying the site's proposed lighting fixtures, placements, and illumination intensity.

Condition 11: The shelter shall provide an indoor restroom to be available to men twenty-four hours a day.

The above conditions respond to comments received during the application review process and further demonstrate that the potential adverse impacts of the proposed use can be minimized by conditions of approval as required by SRC 240.005(d)(2).

- (c) Additional Condition No. 8.c requires the primary entrance for shelter users to not be located along the Commercial Street NE frontage. This condition of approval was proposed by the Applicant and recommended by staff in order to direct shelter users away from Commercial Street so as to minimize impacts from pedestrian congestion in the front of the building along Commercial Street NE. This condition of approval, however, conflicts with Condition No. 1 established in the Hearings Officer's decision which requires the primary customer entrance to be either oriented to Commercial Street or to the alley, in conjunction with video surveillance of the alleyway.

In the Applicant's final written argument dated May 11, 2018, the Applicant requested Condition No. 1 of the Hearings Officer's decision be modified as follows to reflect the Applicant's election of the video surveillance option allowed under the condition, in lieu of orienting client access and storage off Commercial Street:

Condition 1: As a condition of the future development of the property, the applicant ~~shall either reorient the development so that the primary customer entrance and outside storage and waiting areas are accessed from and oriented towards Commercial Street NE, rather than the alley, or~~ shall install video surveillance cameras and appropriate signage that capture video of the entire surface of the alleyway from Division to D Street NE. Video files shall be continuously stored on site for no less than 14 days. Camera and sign locations shall be determined at the time of site plan review and design review.

- (d) As provided in the supplemental findings of fact, included as **Exhibit 2**, the evidence and testimony included in the record, and the February 9, 2018, Hearings Officer Decision, included as **Exhibit 1**, except as modified herein, the requested conditional use permit to allow the relocation of the Applicant's existing non-profit shelter from its existing location at 345 Commercial Street NE, to the proposed new location in the 700 to 800 blocks of Commercial Street NE, with an expanded capacity meets all of the criteria for approval of a conditional use permit set forth in SRC 240.005. The proposed use is a conditional use within the Riverfront Overlay Zone; the reasonably likely adverse impacts of the proposed use on the immediate neighborhood can and will be minimized through the conditions of approval established for this decision; and the proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development pattern of surrounding property.
- (e) The supplemental findings of fact, attached hereto as **Exhibit 2** are incorporated to this decision as if set forth herein.
- (f) The February 9, 2018, Hearings Officer's Decision, attached hereto as **Exhibit 1**, except as modified herein, is incorporated into this decision as if set forth herein; specifically, the findings of fact pertaining to SRC 240.005(d) and the related conditions of approval beginning on page 18 and ending on page 26 are expressly superseded by this Order and the supplemental findings of fact adopted as **Exhibit 2**.
- (g) The City Council therefore APPROVES the application for the conditional use permit and quasi-judicial zone change, as proposed and subject to the additional recommended conditions of approval and the proposed modification to Condition No. 1.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Hearings Officer's decision for Conditional Use Permit and Quasi-Judicial Zone Change Case No. CU-ZC17-14 is hereby modified to include the revisions to Condition 1 shown in ~~bold strikethrough~~ below; together with the following additional conditions of approval shown in underline:

- Condition 1:** As a condition of the future development of the property, the applicant ~~shall either reorient the development so that the primary customer entrance and outside storage and waiting areas are accessed from and oriented towards Commercial Street NE, rather than the alley, or~~ shall install video surveillance cameras and appropriate signage that capture video of the entire surface of the alleyway from Division to D Street NE. Video files shall be continuously stored on site for no less than 14 days. Camera and sign locations shall be determined at the time of site plan review and design review.
- Condition 6:** The shelter and transitional housing facility shall be limited to a maximum number of 300 overnight occupants, of which a minimum of 78 beds shall be committed for transitional housing occupants.
- Condition 7:** The applicant shall install secure, covered storage for client personal belongings.
- Condition 8:** The design of the proposed shelter shall incorporate the following additional requirements:
- a) Exterior gathering spaces shall be visible from within the buildings;
 - b) Shrubs shall not exceed 36 inches in height; and
 - c) The primary entrance for emergency shelter users shall not be located along the Commercial Street frontage.
- Condition 9:** The site's grounds shall be monitored 24-hours a day by staff through video surveillance or patrols.
- Condition 10:** As a condition of site plan review application submittal, the applicant shall provide a photometric plan identifying the site's proposed lighting fixtures, placements, and illumination intensity.
- Condition 11:** The shelter shall provide indoor restroom to be available to men twenty-four hours a day.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the City Council this 29th day of May, 2018.

ATTEST:

City Recorder

A handwritten signature in black ink, appearing to read "Rusty Ann Stillmeyer". The signature is written in a cursive, flowing style.

Checked by: Bryce Bishop

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

NOTICE OF DECISION



Exhibit 1

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

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / QUASI-JUDICIAL ZONE CHANGE CASE NO. CU-ZC17-14

APPLICATION NO. : 17-122248-ZO & 17-122249-ZO

NOTICE OF DECISION DATE: FEBRUARY 9, 2018

SUMMARY: A consolidated application for a Conditional Use Permit and Zone Change for the proposed relocation of the Union Gospel Mission (UGM) of Salem's men's shelter.

REQUEST: A consolidated application for a Conditional Use Permit and Zone Change for the proposed relocation of the Union Gospel Mission (UGM) of Salem's men's shelter from its current downtown location at 345 Commercial Street NE to a proposed new location on property located in the 700 to 800 blocks of Commercial Street NE.

The application includes the following:

- 1) A Conditional Use Permit to allow the relocation the UGM's existing Non-Profit Shelter with an expanded capacity to serve approximately 300 persons; and
- 2) A Zone Change to change the zoning of the property from CO (Commercial Office) with Riverfront Overlay to CB (Central Business District) with Riverfront Overlay in order to establish the existing UGM retail store located at the northern end of the property as a permitted conforming use rather than an existing non-conforming use.

The subject property totals approximately 2.3 acres in size, is currently zoned CO (Commercial Office) with Riverfront Overlay, and is located in the 700 to 800 blocks of Commercial Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, & 1900).

APPLICANT: Dan Clem for Union Gospel Mission of Salem

LOCATION: 700-800 Blocks of Commercial Street NE / 97301

CRITERIA: Conditional Use: SRC Chapter 240.005(d)
Quasi-Judicial Zone Change: SRC Chapter 265.005(e)(1)

FINDINGS: The findings are in the attached Order dated February 9, 2018.

DECISION: The Hearings Officer **APPROVED** Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14 subject to the following conditions of approval:

Condition 1: As a condition of the future development of the property, the applicant shall either reorient the development so that the primary customer entrance and outside storage and waiting areas are accessed from and oriented towards Commercial Street NE, rather than the alley, or shall install video surveillance

cameras and appropriate signage that capture video of the entire surface of the alleyway from Division to D Street NE. Video files shall be continuously stored on site for no less than 14 days. Camera and sign locations shall be determined at the time of site plan review and design review.

Condition 2: As a condition of the future development of the property, appropriate signage directing patrons to the outside waiting areas on the property and discouraging loitering or obstructing the public sidewalk shall be installed on the property. Signage shall be at locations and in a form determined at the time of site plan review and design review.

Condition 3: As a condition of the future development of the property, a State Highway Approach/access permit shall be obtained for each proposed driveway connection onto Commercial Street NE.

Condition 4: A pedestrian connection shall be provided within the development to connect the main guest entrance into the proposed shelter to a public sidewalk within an abutting street. If the only means of connecting to a public sidewalk within an abutting street is via the existing alley, the pedestrian connection shall be visually contrasted from the alley either by a change in material or a grade separation above the alley in a manner that will not impede vehicular access to the alley.

Condition 5: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

The rights granted by the attached decision for Conditional Use Case No. CU-ZC17-14 must be exercised, or an extension granted, by **February 27, 2020** or this approval shall be null and void.

Application Deemed Complete: November 21, 2017
Public Hearing Date: December 20, 2017
Notice of Decision Mailing Date: February 9, 2018
Decision Effective Date: February 27, 2018
State Mandate Date: April 20, 2018

Case Manager: Bryce Bishop, bbishop@cityofsalem.net; 503.540.2399

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., February 26, 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) 240 and 265. 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 City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

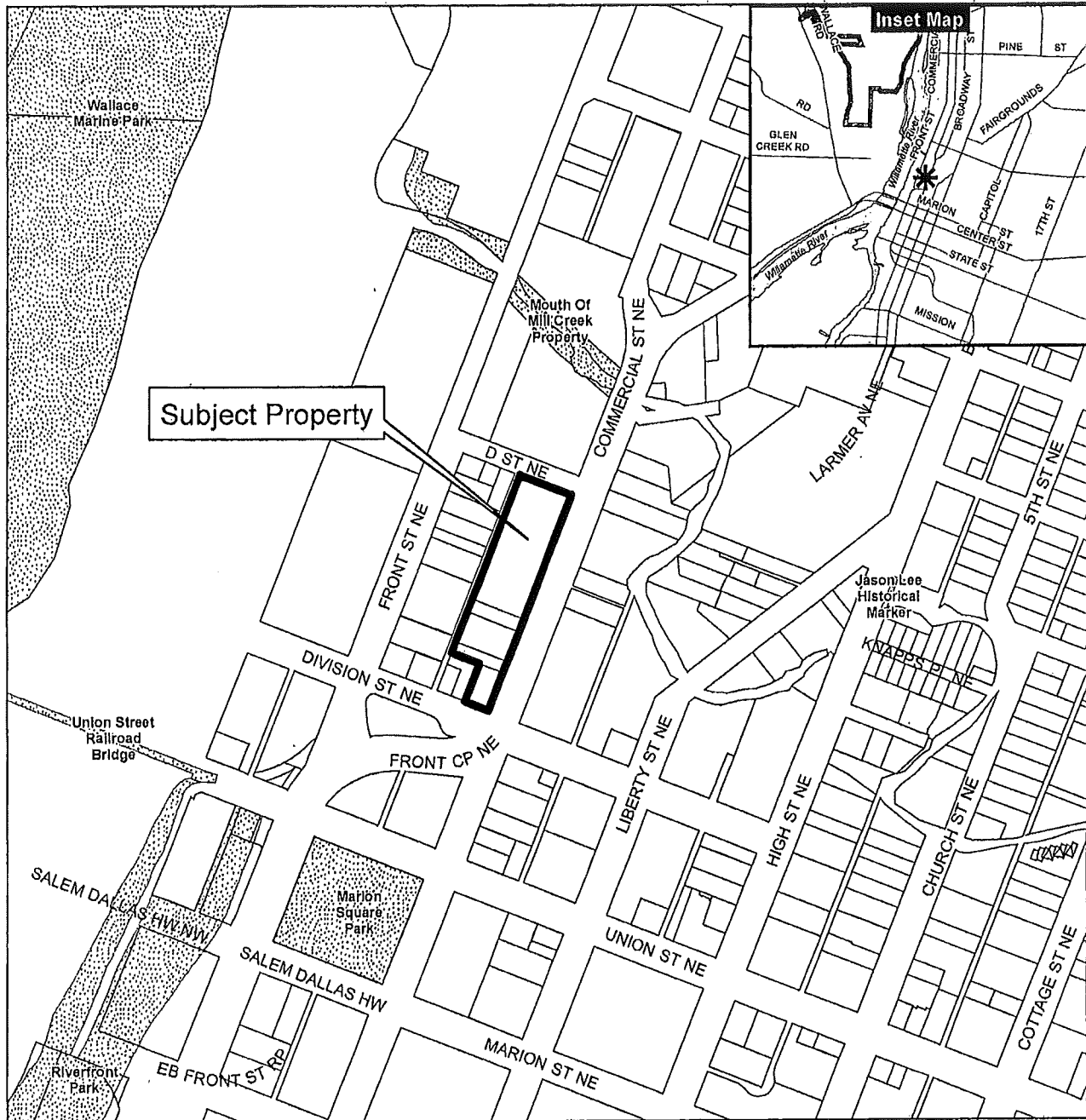
The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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Vicinity Map

700 to 800 Blocks of Commercial Street NE



Legend

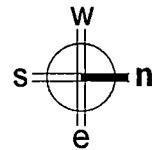
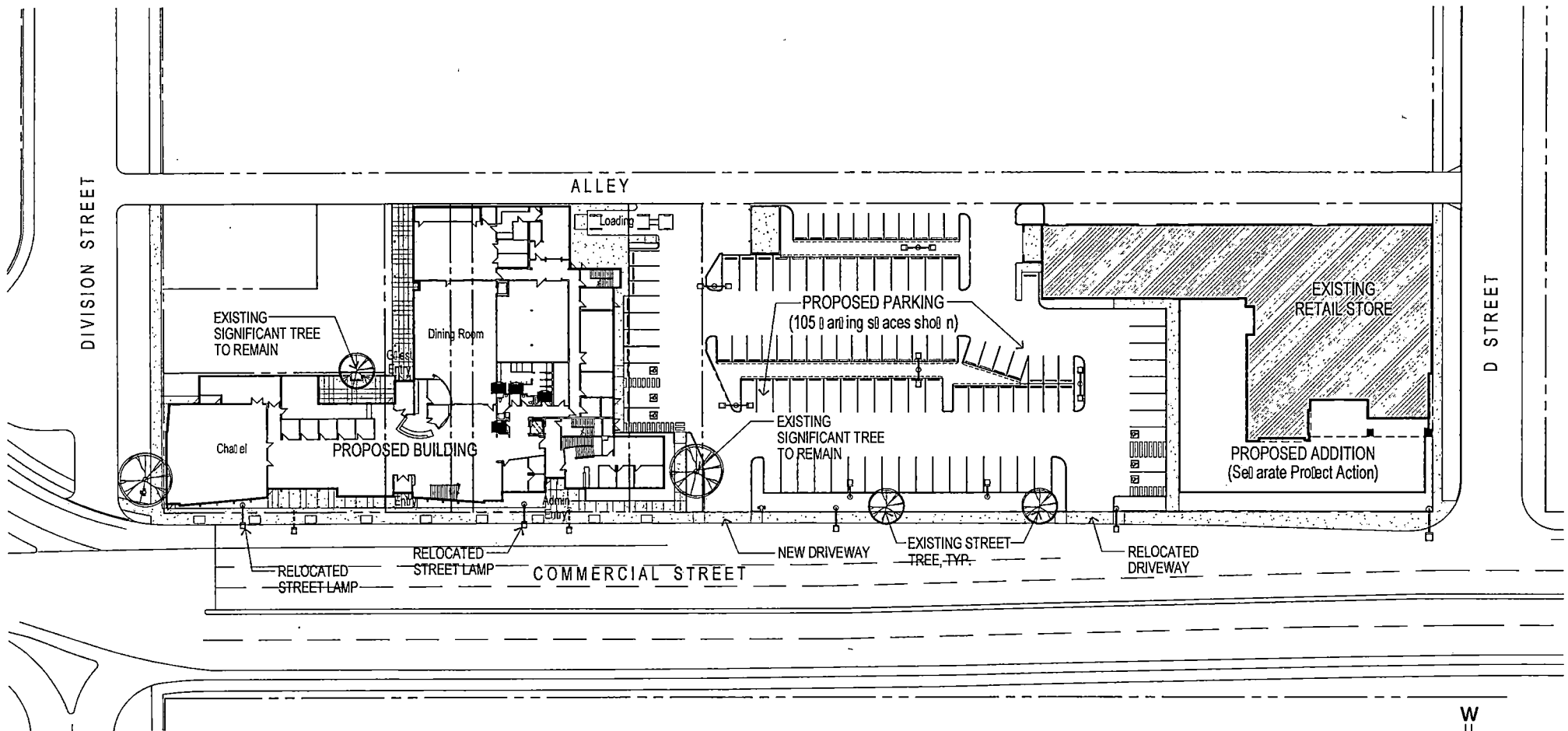
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

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

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0 100 200 400 Feet





LANDSCAPING NOTES

PROPOSED PERIMETER LANDSCAPING: 5388 SF
PROPOSED TOTAL LANDSCAPING AREA: 8731 SF
TOTAL SITE AREA: 104,712 SF
PERCENTAGE OF SITE AREA LANDSCAPED: 8.34 %

PARKING LOT LANDSCAPING NOTES

OFF STREET PARKING AREA: 41,897 SF
INTERIOR LANDSCAPING REQUIRED (5% MIN): 2095 SF
INTERIOR LANDSCAPING PROPOSED: 3343 SF

REQUIRED INTERIOR TREES (1/12 STALLS): 10 Trees
PROPOSED INTERIOR TREES: 13 Trees

PARKING NOTES

REQUIRED PARKING			
USE	AREA	SF/SPACE	REQ. SPACES
SHELTER			
SHELTER USE	51,285 SF	1/350 SF*	146 SPACES*
ADMINISTRATION	6,997 SF	1/350 SF	20 SPACES
THRIFT STORE			
RETAIL	9185 SF	1/250 SF	37 SPACES
RETAIL (FURNITURE)	2797 SF	1/900 SF	4 SPACES
WAREHOUSE	2682 SF	1/1500 SF	2 SPACES
OFFICE	739 SF	1/350 SF	3 SPACES
TOTAL			212 SPACES*

PROPOSED PARKING	
FULL SIZE	58 SPACES
COMPACT	55 SPACES
TOTAL	113 SPACES

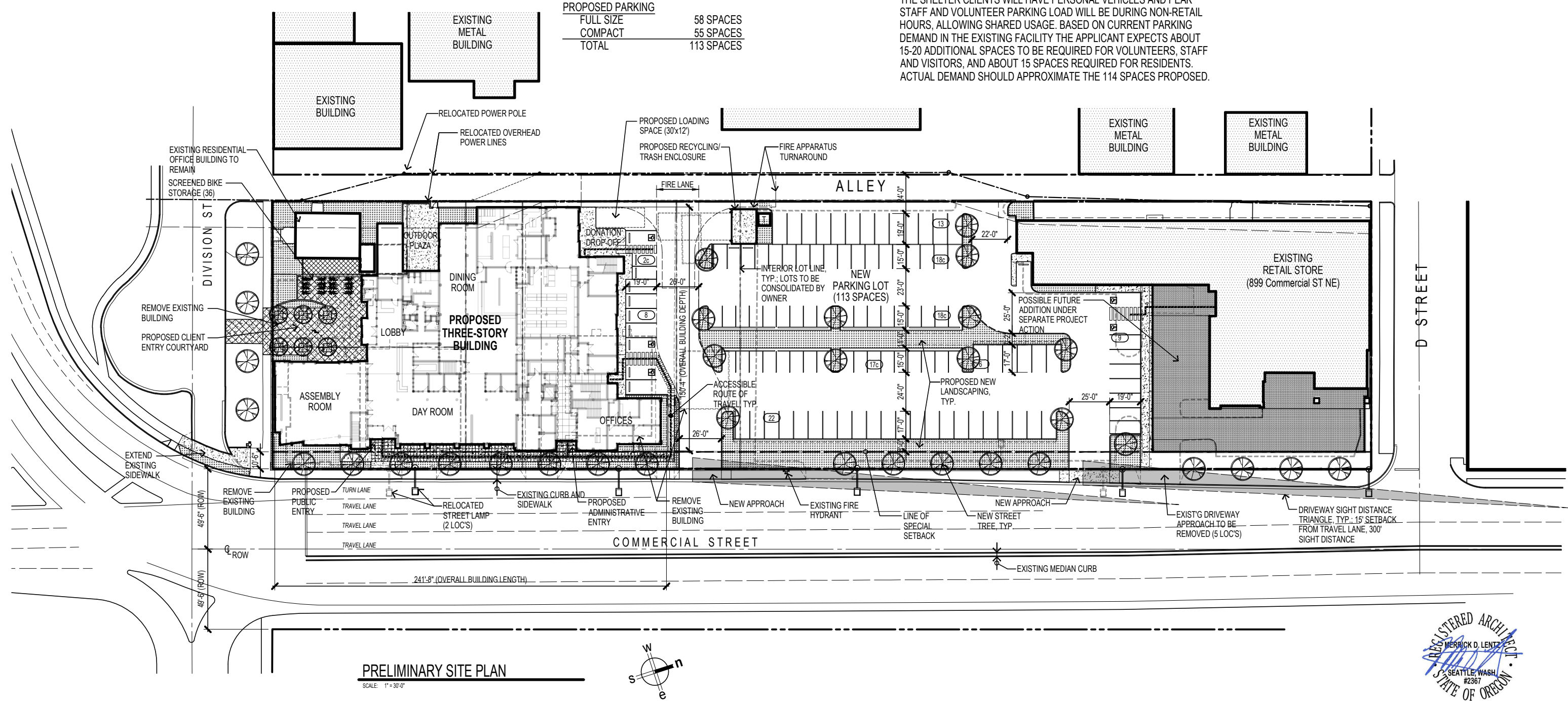
BICYCLE PARKING				
USE	AREA	SPACES	REQ. SPACES	PROPOSED
SHELTER	58,282 SF	1/3500 SF**	16 SPACES	32 SPACES
RETAIL	15,403 SF	4 MIN.	4 SPACES	4 SPACES

**FOR THE FIRST 50,000 SF. 1/7000 SF THEREAFTER.

* NOTE: APPLICANT WILL PURSUE AN ADJUSTMENT PER CHAPTER 250 TO THE REQUIRED PARKING LOAD FOR THE SHELTER USE. 1 SPACE PER 350 GROSS SF GREATLY EXCEEDS THE ACTUAL PARKING DEMAND FOR THIS USE BASED ON ESTABLISHED HISTORICAL USAGE. VERY FEW OF THE SHELTER CLIENTS WILL HAVE PERSONAL VEHICLES AND PEAK STAFF AND VOLUNTEER PARKING LOAD WILL BE DURING NON-RETAIL HOURS, ALLOWING SHARED USAGE. BASED ON CURRENT PARKING DEMAND IN THE EXISTING FACILITY THE APPLICANT EXPECTS ABOUT 15-20 ADDITIONAL SPACES TO BE REQUIRED FOR VOLUNTEERS, STAFF AND VISITORS, AND ABOUT 15 SPACES REQUIRED FOR RESIDENTS. ACTUAL DEMAND SHOULD APPROXIMATE THE 114 SPACES PROPOSED.

PROPOSED ADJUST

1. REQUIRED PARKING.
2. SINGLE LOADING SPACE FOR THE SHELTER INSTEAD OF THE TWO REQUIRED BY THE CODE.
3. MAXIMUM SETBACK ALONG DIVISION ST. INCREASED FROM 12'-0", TO ALLOW THE CONSTRUCTION OF THE ENTRY COURTYARD, AND MEET CONDITIONS OF THE CONDITIONAL USE PERMIT.
4. PARKING SETBACK FROM DIVISION REDUCED TO 6', WITH A MAX. 36" HIGH HEDGE.
5. REMOVE THE 5' LANDSCAPE BUFFER TO ALLEY FOR LOADING SPACE.
6. FRONTAGE MODULATION REQUIREMENTS: TO BE ADDRESS IN DESIGN REVIEW.
7. DUMPSTER SETBACK?



Union Gospel Mission of Salem

CONDITIONAL USE PERMIT CU-ZC17-14 MODIFICATION for

Proposed New Men's Shelter at 715-745 Commercial Street - Lots 2000 and 2100

Proposal to Modify CU-ZC17-14 to extend Conditional Use Determination to Lots 2000 and 2100.

BACKGROUND

The Union Gospel Mission of Salem (UGM) proposes to relocate its men's shelter, currently located at 345 Commercial Street NE in the downtown Central Business District, to the north at a site along the west side of Commercial Street, north of Division Street. UGM's administrative offices and retail/resale store are currently located on this block with the administrative office mid-block at 745 Commercial, and the retail store at the north end of the block at 885-899 Commercial, bordering D Street. The retail store has been at this location since 1987, and the administrative offices have been there since 2009.

The UGM ownership along Commercial Street is composed of six contiguous lots that extend from Division Street to D Street. These are identified as Tax Lots 1600, 1700, 1800, 1900 and 2000, on Marion County Assessor's map 7-3W-22DB; and Tax Lot 3300 on map 7-3W-22AC. The six lots are addressed as 715, 745, 771, and 885-899 Commercial St. NE, and 275 Division Street SW. The retail store is on Tax Lot 3300, and the administration office is in a separate building on Tax Lot 1700. An old house occupies parcel 1600, an office building is on Tax Lot 1900, and an electric motor repair shop occupies Tax Lot 2000. Additionally, UGM has executed a purchase agreement with the owner of Tax Lot 2100, the lone remaining parcel on the block not owned by UGM, the address of which is 253 Division Street, and is occupied by an existing residence converted to a commercial office building.

The contiguous site totals 2.57 acres. Lots 3300, 1600, 1700, 1800, and 1900 are currently zoned CB, having been rezoned recently under project action CU-ZC17-14. This project action also

granted a Conditional Use Permit for the proposed UGM Shelter relocation with conditions. Tax Lots 2000 and 2100 remain zoned CO, and are not included in the existing Conditional Use Permit determination. All lots on the block are within the Riverfront Overlay (RO) Zone, Area 2 (SRC Chapter 617). It is designated River Oriented Mixed-Use on the Comprehensive Plan (SACP) map.

The River Oriented Mixed-Use designation and Riverfront Overlay Zone were adopted by the City in 1998 to promote the redevelopment and renewal of the older industrial and commercial area north of the downtown central business district. The intent of the Riverfront Overlay Zone is to "...promote a mixed-use residential and commercial district with an emphasis on office development and pedestrian access to and along the Willamette River." (SRC Chapter 617.001). Area 1 of the Overlay is between the Willamette River and Front Street, and is designated for multiple family high density residential use. Area 2 is between Front Street and Commercial Street, and is currently designated CO, which allows both office uses and multifamily residential use (SRC Chapter 521).

The site for the new Salem Police facility, recently acquired by the City, is directly east across Commercial Street from the UGM property. It is zoned CB, but is not within the Overlay Zone.

In 2014, the City Council amended the Riverfront Overlay Zone to include non-profit shelters serving more than 75 persons as an "Additional Conditional Use" (Code Amendment Case CA14-03, Ordinance Bill 19-14). The amendment was requested by the UGM in anticipation of relocating its shelter to this site with an expanded capacity to address its persistent need to serve more individuals than its current site allowed. Prior to the Code Amendment shelters were included as a Conditional Use in the CO zone, but were limited to serving a maximum of 75 persons. The provision in the RO zone is limited to "Relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993." (SRC 617.015(c), Table 617-2). Because shelters were previously a Conditional Use in the underlying CO zone it is important to note that the Code

Amendment did not introduce a completely new use to this location, but only altered the allowable scope of that use, and limited it to satisfaction of specific pre-requisites. The existing Conditional Use Permit decision determined that the proposed UGM shelter at this location satisfies these specific pre-requisites because it is an existing non-profit shelter that is currently in the CB zone, and it has been at its current location continuously since 1953.

The Proposal

Permit action CU-ZC17-14 approved with conditions a Condition Use Permit for the relocation of the men's shelter to Tax Lots 3300, 1600, 1700, 1800 and 1900 and the rezone of those lots to CB. UGM requests a modification to the CU-ZC17-14 Conditional Use Permit to extend the determination and its conditions to the remaining lots on the block under their current or contracted ownership, Tax Lots 2000 and 2100, pursuant to the requirements of SRC Section 240.010. UGM has acquired Tax Lot 2000 and has executed a sale and purchase agreement for Tax Lot 2100 which will bring that property under UGM ownership by October 1, 2019. UGM acquired these additional lots after the Land Use Conditional Use and Rezone action was underway, so they are not included in the original rezone or land use determination. This Conditional Use Permit Modification will permit the relocated UGM men's shelter to utilize the entire site for the development and better meet the conditions required by the City Council determination, making the highest and best use of the property.

UGM proposes the modification of the Conditional Use Permit but is not requesting a rezone of lots 2000 and 2100. The Conditional Use Permit for the proposed use is a provision of the Riverfront Overlay Zone and is applicable regardless of whether the underlying base zone is rezoned to CB or remains CO. For this reason this Land Use action is limited to the Conditional Use modification and does not include a rezone of the two CO lots.

Preliminary Site Plan

A preliminary site plan is provided with this application to show a concept of how the site could

be redeveloped for the proposed shelter. This site plan is preliminary but incorporates conditions assigned to the approval of the CU-ZC17-14 application, and is subject to the City's required Site Plan Review process.

The preliminary plan shows the new shelter situated at the south end of the site. It is planned to be a multi-story building providing approximately 58,000 square feet of space. The new facility will replace the existing administration building, the old house, the office building and the electric motor repair shop building currently on the building site. The retail store will remain at its current location at the north end of the property, with a possible future addition. Parking is provided between the existing and new buildings, with 113 spaces shown. Access to the property is provided by two driveways to Commercial St. and by the alley that runs along the west side of the site. A median in Commercial Street prevents left turns into or out of the Commercial Street driveways, restricting traffic to right-in/right-out southbound movements. Client access to the proposed shelter is from Division Street, as required by the conditions of the 2018 determination. The existing office building on Tax Lot 2100 will remain under this proposal and will be used in support of the proposed new shelter.

Surrounding Land Uses and Transportation Facilities

The immediate neighborhood surrounding the UGM site is characterized by a mix of commercial retail, service, office, and industrial activities, and the major transportation corridors north of downtown. The surrounding properties, and those across the bordering streets, have experienced little change in use since the adoption of the Overlay Zone. The major change to date has been on the property to the east across Commercial Street, which has been vacated by the former car dealership, and acquired by the City for the new Police facility.

West of the alley FCC Inc. occupies Tax Lot 2200, and a heating and cooling contractor occupies Tax Lots 2300 and 2400. West of the site, along Front Street, the McNary Square office building is on Tax Lot 2600 (map -22DB). A vacant auto repair shop is on Tax Lot 2300, and a tavern is on D Street just east of Front, on Tax Lot 2700. An office building is at D Street and the alley, on

Tax Lot 2800 (map -22AC). South of Division Street, the offices of the State Teachers Standards and Practices Commission is on Tax Lot 3301.

The west side of Front Street is currently occupied mainly by commercial and industrial uses. Cascade Door & Millwork Co. and Building Materials Bargain Center are on Tax Lot 2000. A church now occupies part of that former commercial space. A warehouse building, planned for redevelopment as a residential care facility is on Tax Lot 1900 (map - 22AC). The extensive Truitt Bros. food processing operation is located along both sides of Front Street, north of Mill Creek. The Truitt site west of Front Street is now zoned RH (Multiple Family High Rise Residential) which reflects the intent of the River Oriented Mixed-Use designation. However, the industrial operation is included as a "Continued Use" in the Riverfront Overlay Zone, SRC 617.015(a), which provides for its continuing use, intensification, and enlargement, and there as yet is no proposal or approved plan for the redevelopment of that property.

The lands north of D Street, between Commercial and Front and extending to Mill Creek, include the Grocery Outlet store on Tax Lot 3200, and a vacant industrial building west of the grocery store on Tax Lot 2900 (map - 22AC). Those two properties are currently zoned CB, as a result of separate, recent Zone Changes requested by the property owners (DR-ZC-VAR-SPR 12-04, and ZC14-01). North of the creek an office building is located on Tax Lot 1000. North of the office property is an industrial warehouse along Front Street on Tax Lot 1100, and School District 24J's Riverfront Learning Center, a facility providing special programs for high school-age students with specialized learning needs, on Tax Lot 600.

As noted, the new Salem Police facility will be directly east across Commercial St. from the UGM property, on Tax Lot 800 (map -22AC). That site is also zoned CB. An office building is located north of the Police facility site.

There is no property in residential use in the immediate neighborhood surrounding the proposed UGM site. The nearest residential use is the Broadway Town Square development located north

of Belmont Street, a half-block east of Liberty Street, approximately three blocks from the site of the proposed UGM shelter. Two single family homes are located along the north side of Market Street east of Commercial St.

The UGM site is served by the major transportation routes that extend north of the downtown core. The primary access to the site is Commercial St. NE, which borders the east side of the property. This street is classified as a Parkway on the Salem Transportation System Plan (STSP, Map 3-1 Street Plan). This street classification is defined for an average daily traffic (ADT) volume of 30,000-60,000 vehicles per day (Table 3-1). It is the highest volume classification for an urban street in the STSP (the Freeway classification applies to Interstate 5). Front Street, a half-block to the west, is classified as a Minor Arterial, which is defined for an ADT of 7,000-20,000 vehicles per day. An active freight railroad line runs along Front Street at grade, without separation from vehicle travel lanes.

Division Street, which borders the south end of the site, extends east from Front Street and ends in a cul-de-sac. It does not connect to Commercial Street.

Summary

Conditional Use Permit CU-ZC17-14 has been issued to allow UGM to relocate its men's shelter to the site, excluding Tax Lots 2000 and 2100. The proposed Conditional Use Permit Modification to include lots 2000 and 2100 in the determination will allow UGM full use of the property when relocating from its longtime home in the downtown core. The use of the two lots allows the development to better address the conditions imposed by CU-ZC17-14 while eliminating land use "islands" at the southwest corner of the property and encouraging the highest and best use of the entire property. The proposed location is separate from, and minimizes its proximity to, any existing residential development. The proposal is consistent with the specific terms of the Code Amendment adopted in 2014 to allow the shelter in the RO zone.

CRITERIA

Conditional Use Modification Criteria, SRC 240.010(d)

The proposed relocation of the UGM shelter to a portion of the site including lots 2000 and 2100 requires modification of the standing Conditional Use Permit. Note that the May 28, 2018 Conditional Use Permit approval for Lots 3300, 1600, 1700, 1800, and 1900, contiguous to these lots, determined that the proposed use with conditions satisfies the City's approval criteria. The criteria for a Conditional Use Permit Modification are addressed as follows:

(d) *Criteria.* An application for modification of a conditional use permit approval shall be granted if all of the following criteria are met:

- (1) The proposed modification is not substantially inconsistent with the conditions of the original approval;

The proposed modification would apply all the conditions of the existing Conditional Use approval for lots 3300, 1600, 1700, 1800 and 1900 to lots 2000 and 2100. All lots are located contiguous to each other and are on the same block. Lots 2000 and 2100 are the smallest lots on the block, representing about 9.6% of the total site area on the block, and are located on the southwest corner, adjacent to the alley and Division Street, on the side closest to the Downtown core and away from Commercial Street. These lots are located on the dead end of Division Street adjacent to the alley, arguably the best location on the block to situate the proposed use, with the least expected impact to the neighborhood. Their small size means that extension of the proposed use to them should not increase the impact of the shelter facility. The two lots are within the Riverfront Overlay Zone and this zone includes "Relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993." as an Additional Conditional Use, SRC 617.015(c), Table 617-2. The UGM shelter satisfies these specific pre-requisites because it is an existing non-profit shelter that is currently in the CB zone, and it has been at its current location continuously since 1953. There is nothing in the location, characteristics, use, adjacencies or configuration of lots 2000 and 2100 that would make the conditions of the existing CU determination less effective or

insufficient to address the concerns underlying the establishment of those conditions in the original determination if the CU is modified to include them. In fact, the inclusion of the parcels will permit the applicant to better address some of the conditions. The parcels will be especially important in allowing the design of a gracious primary pedestrian entrance courtyard for shelter users that is large enough to prevent cueing and loitering along public streets and in the alley, and allow those users to be shielded from Commercial Street NE. It will also facilitate the design of a large, secure and safe area for storage of the clientele's personal belongings. Finally, the use of the additional parcels enhances the ability to provide transparency from multiple points within the facility to the exterior gathering spaces, enhancing the passive surveillance of those approaching the shelter entrance courtyard. For these reasons this criteria is satisfied.

- (2) When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Modifying the Conditional Use to include lots 2000 and 2100 will not result in an increase of the proposed Men's Shelter building program. The site will remain limited to 300 total overnight beds, with a minimum of 78 transitional beds, per the conditions. The program for supporting functions and their proposed areas within the building will not change significantly. The building height, massing and modulation will be similar, although the length of the building's Commercial Street façade will likely be reduced, since lots 2000 and 2100 may be used, allowing the building to have a more rectangular shape. This should result in a slight reduction of the perceived scale of the building to the neighborhood. However, the proposed configuration will not change: The new shelter building will be located on the south end of the property, the existing retail building will remain on the north end of the property, and parking will be located between.

Approval of the proposed modification will not alter the proposed use of the site as permitted by CU-ZC17-14. The existing downtown Non-Profit Shelter with more than 75 beds will be relocated to this site as permitted as a conditional use under the Riverfront

Overlay zone and approved in the project action noted above, with no change to the conditions of approval or to the proposed program provided as a basis for the original Conditional Use application. As noted previously, the Shelter use will be located at the south end of the property and the existing retail use will remain at the north end of the property, in substantial conformance to the original approved application.

Approval of the modification of the Conditional Use will not increase the impact on surrounding properties. Conversely, the additional site area made available by approval of the modification to include lots 2000 and 2100 will allow some conditions to be addressed with enhanced solutions that further reduce the potential impacts on the surrounding properties. With the additional site area the applicant proposes a large entry courtyard that will provide an off street gathering and cueing space, accessed from the Division Street and screened from Commercial Street. The entry courtyard will discourage loitering on Commercial Street, Division Street, and in the alley. Transparent walls looking into the courtyard will serve to increase the monitoring of pedestrians by building staff. The additional lots will also provide area to meet the requirement for screened and secure space for bicycles, and a larger personal effects storage space. In addition, the additional property allows these elements to be oriented in such a way to provide an efficient and clear arrangement of the many design elements that need to interact at the building entry, while enhancing security and streamlining user interactions and access to the facility. For these reasons this criteria is satisfied.

Conditions

The applicant proposes to modify Conditional Use Permit CU-ZC17-14 (for the adjacent lots) to extend it together with all of its Conditions to lots 2000 and 2100. These conditions are as follows:

Condition 1: As a condition of the future development of the property, the applicant shall install

video surveillance cameras and appropriate signage that capture video of the entire surface of the alleyway from Division to D Street NE. Video files shall be continuously stored on site for no less than 14 days. Camera and sign locations shall be determined at the time of site plan review and design review.

Condition 2: As a condition of the future development of the property, appropriate signage directing patrons to the outside waiting areas on the property and discouraging loitering or obstructing the public sidewalk shall be installed on the property. Signage shall be at locations and in a form determined at the time of site plan review and design review.

Condition 3: As a condition of the future development of the property, a State Highway Approach/access permit shall be obtained for each proposed driveway connection onto Commercial Street NE.

Condition 4: A pedestrian connection shall be provided within the development to connect the main guest entrance into the proposed shelter to a public sidewalk within an abutting street. If the only means of connecting to a public sidewalk within an abutting street is via the existing alley, the pedestrian connection shall be visually contrasted from the alley either by a change in material or a grade separation above the alley in a manner that will not impede vehicular access to the alley.

Condition 5: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

Condition 6: The shelter and transitional housing facility, shall be limited to a maximum number of 300 overnight occupants, of which a minimum of 78 beds shall be committed for transitional housing occupants.

Condition 7: The applicant shall install secure, covered storage for client personal belongings.

Condition 8: The design of the proposed shelter shall incorporate the following additional requirements:

- a) Exterior gathering spaces shall be visible from within the buildings;
- b) Shrubs shall not exceed 36 inches in height; and
- c) The primary entrance for emergency shelter users shall not be located along the Commercial Street frontage.

Condition 9: The site's grounds shall be monitored 24-hours a day by staff through video surveillance or patrols.

Condition 10: As a condition of site plan review application submittal, the applicant shall provide a photometric plan identifying the site's proposed lighting fixtures, placements, and illumination intensity.

Condition 11: The shelter shall provide indoor restroom to be available to men twenty four hours a day.

Summary

The Conditional Use Permit modification will provide for the shelter use with the capacity and facilities to serve the needs of the community while best utilizing the characteristics and features of the property. This proposal will serve to consolidate the primary activities of the Union Gospel Mission at a single site and creates an opportunity for the future redevelopment and renewal of its current downtown location.

As was demonstrated in the original Conditional Use application the proposed modification is compatible with the existing uses and the intended land use pattern of the immediate surrounding area. The shelter location is consistent with the intent of the RO zone and the RDURA. The existing transportation system is adequate to serve the proposed uses. Additionally, the modification satisfies the criteria set forth in SRC 240.010(d), and will enable the applicant to

produce a building solution that exceeds the minimum requirements set forth in the conditions, ensuring a facility that positively contributes to the growth, vibrance and well-being of the Riverfront/North Downtown neighborhood and city of Salem.

For the facts and reasons presented, the proposal satisfies the criteria for a modification to Conditional Use Permit CU-ZC17-14 to include Lots 2000 and 2100.