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503-588-6173*

## DECISION OF THE PLANNING COMMISSION

**CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2  
ADJUSTMENT CASE NO.: DR-SPR-ADJ19-03**

**APPLICATION NO. : 19-107578-DR, 19-107580-RP, 19-107582-ZO**

**NOTICE OF DECISION DATE:** June 6, 2019

**SUMMARY:** A consolidated application for development of the Union Gospel Mission (UGM) of Salem's proposed new relocated men's shelter.

**REQUEST:** A consolidated application for development of the Union Gospel Mission (UGM) of Salem's proposed new relocated men's shelter. The application includes the following:

- 1) A Class 3 Design Review to determine the proposed development's conformance with the applicable design review guidelines of the Riverfront Overlay Zone;
- 2) A Class 3 Site Plan review for the proposed development; and
- 3) A Class 2 Adjustment to:
  - a) Reduce the minimum required off-street parking for the proposed non-profit shelter from a minimum of 167 spaces, as required under SRC 806.015(a), to 47 spaces;
  - b) Allow a continuous 3-foot-tall hedge to be substituted for the minimum 3-foot-tall brick, stone, or finished concrete wall, required under SRC 806.035(c)(2)(D), to screen the proposed off-street parking area located between the existing retail store and the proposed new shelter from Commercial Street NE;
  - c) Eliminate the minimum 5-foot setback, as required under 806.080(b)(2), between the proposed off-street loading space for the shelter and the abutting alley; and
  - d) Eliminate the minimum 5-foot-wide landscape strip or paved pedestrian walkway, required under SRC 806.035(c)(4), between the proposed parking space and driveway and the southernmost portions of the existing retail store building.

The subject property totals approximately 2.57 acres in size, is zoned CB (Central Business District) and CO (Commercial Office) within the Riverfront Overlay Zone, and is located in the 700 to 800 blocks of Commercial Street NE and 253 to 275 Division Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, 1900, 2000 & 2100).

**APPLICANT:** Union Gospel Mission of Salem

**LOCATION:** 700 to 800 Blocks of Commercial St NE & 253 to 275 Division St NE, Salem, OR 97301

**NOTICE OF DECISION**

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

**CITY OF Salem**  
AT YOUR SERVICE

**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)

**FINDINGS:** The facts and findings are in the attached exhibit dated June 6, 2019.

**DECISION:** The Planning Commission **APPROVED** Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ19-03 subject to the following conditions of approval:

**CLASS 3 SITE PLAN REVIEW**


- Condition 1:** The Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment decision shall not be valid without an approved final decision on Conditional Use Modification Case No. CU-ZC17-14MOD1.
- Condition 2:** Any existing building on the subject property that will be located over a property line as a result of required right-of-way dedication along Commercial Street shall be removed prior to right-of-way dedication.
- Condition 3:** Prior to building permit approval, an approved final decision on Replat Case No. REP19-03 is required.
- Condition 4:** Prior to the approval of any occupancy for the shelter building, the final plat for Replat Case No. REP19-03 shall be recorded.
- Condition 5:** The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.
- Condition 6:** ~~Provide a tree protection plan for the existing Norway Maple street tree near the corner of Division Street NE and Commercial Street NE. This tree shall be preserved and protected pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500.~~ The Norway Maple located in the right-of-way of Division Street NE, near the corner of Division Street NE and Commercial Street NE, shall be saved unless approval to remove the tree is obtained pursuant to SRC Chapter 86.
- Condition 7:** Prior to the approval of any occupancy for the shelter building, convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Commercial Street NE, ~~including sufficient right-of-way to accommodate public infrastructure at the property corners and a property line radius at the~~ intersection of D Street NE and Commercial St NE.
- Condition 8:** Construct a shared use path, street lights, landscape strip, and street trees along the frontage of Commercial Street NE in accordance with PWDS.
- Condition 9:** Complete construction of the Division Street NE cul-de-sac. This improvement shall include curb, gutter, storm drainage, and the removal of existing asphalt along the frontage of Division Street NE and between Division Street NE and Commercial Street NE.

**Condition 10:** Construct sidewalk and landscaping where Division Street NE abuts Commercial Street NE to complete the Commercial Street NE pedestrian and bicycle connections.

**Condition 11:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

**VOTE:**

**Yes 6      No 0      Absent 3** (Levin, Schweickart, Wright)

  
Chane Griggs, 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>June 22, 2021</u>
Class 3 Site Plan Review	<u>June 22, 2023</u>
Class 2 Adjustment	<u>June 22, 2021</u>

Application Deemed Complete:	<u>May 14, 2019</u>
Public Hearing Date:	<u>June 4, 2019</u>
Notice of Decision Mailing Date:	<u>June 6, 2019</u>
Decision Effective Date:	<u>June 22, 2019</u>
State Mandate Date:	<u>September 11, 2019</u>

Case Manager: Bryce Bishop, [bbishop@cityofsalem.net](mailto: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., Friday, June 21, 2019.** 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. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

## **FACTS & FINDINGS**

### **CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO. DR-SPR-ADJ-19-03**

**JUNE 6, 2019**

## **PROCEDURAL FINDINGS**

1. On March 20, 2019, AKS Engineering & Forestry filed, on behalf of the applicant, the Union Gospel Mission of Salem, an application for a consolidated Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment for development of the Union Gospel Mission of Salem's proposed new relocated men's shelter on property located in the 700 to 800 blocks of Commercial Street NE and 253 to 275 Division Street NE (**Attachment A**).
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on May 14, 2019. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on May 15, 2019. Notice was also posted on the subject property pursuant to SRC requirements by the applicant's representative on May 23, 2019.
3. The public hearing on the proposed Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment application was held on June 4, 2019. The state-mandated 120-day local decision deadline for the application is September 11, 2019.

## **BACKGROUND**

On February 9, 2018, the Salem Hearings Officer approved Conditional Use / Zone Change Case No. CU-ZC17-14. This was an approval for a Conditional Use Permit, to allow the relocation the Union Gospel Mission (UGM) of Salem's existing Non-Profit Shelter located in the downtown at 345 Commercial Street NE to the proposed new location in the 700 to 800 blocks of Commercial Street NE with an expanded capacity to serve approximately 300 persons, as well as a Zone Change to change the zoning of the property from CO (Commercial Office) to CB (Central Business District) in order to establish the existing UGM retail store located at the northern end of the property as a permitted conforming use. The Hearings Officer's decision was appealed to the City Council and the Council subsequently voted to affirm the Hearings Officer's decision, with modifications, and approve the conditional use permit subject to additional conditions of approval (**Attachment B**).

Subsequent to 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 (**Attachment C**). 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 the two additional Division Street properties were not included in the original conditional use permit request, the UGM was 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 UGM filed the required conditional use permit modification (Case No. CU-ZC17-14MOD1) and on April 26, 2019, the conditional use



permit modification was approved by the Planning Administrator (**Attachment D**) subject to all conditions of approval established under the original decision. On May 13, 2019, the conditional use permit modification decision was appealed by the owners of adjacent property located at 250 Division Street NE. The public hearing on the appeal of the conditional use permit modification decision is scheduled before the City's Hearings Officer on June 12, 2019.

In addition to the conditional use permit modification, the UGM also filed an application for a replat (Case No. REP19-03) to consolidate the five properties included under the original conditional use permit approval, located in the 700 to 800 blocks of Commercial Street NE, and the two additional properties included under the conditional use permit modification, located at 253 to 275 Division Street NE, into one lot in order to accommodate the proposed development. On May 10, 2019, the replat application was approved by the Planning Administrator (**Attachment E**).

### **PROPOSAL**

The application under review by the Planning Commission is a consolidated Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment for development of the Union Gospel Mission of Salem's proposed new relocated men's shelter located in the 700 to 800 blocks of Commercial Street NE and 253 to 275 Division Street NE.

As shown on the site plan, the proposed new shelter facility is approximately 58,282 square feet in size and located at the southern end of the property adjacent to Commercial Street NE and Division Street NE. UGM's existing retail store will remain at the northern end of the property and a shared off-street parking area will be provided in the middle of the site serving both the proposed new shelter and the existing retail store. In addition to the new shelter and the existing retail store, the existing office building located at the southwestern corner of the property adjacent to Division Street and the alley (*253 Division Street*) will remain.

Vehicular access to the site will be provided from two proposed driveway approaches onto Commercial Street NE, as well as from the alley which runs along the western side of the property.

### **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 plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Existing Conditions Plan: **Attachment F**
- Site, Lighting & Security, Open Space & Signage, Landscaping, and Utility Plans: **Attachment G**
- Building Floor Plans & Elevations: **Attachment H**

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

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **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 properties located at the southwestern corner of the site, at 253 to 275 Division Street NE, are zoned CO (Commercial Office). The entire property is located within the Riverfront Overlay Zone. The zoning of surrounding properties is as follows:

<b>Zoning of Surrounding Properties</b>	
North	Across D Street NE - CB (Central Business District) with Riverfront Overlay Zone
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 Zone
West	Across alley, CO (Commercial Office) with Riverfront Overlay Zone

### **3. Site Analysis**

The subject property consists of seven existing properties (Marion County Assessor Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, 1900, 2000 & 2100) and totals approximately 2.57 acres in size. On May 10, 2019, tentative approval was issued for a replat (Case No. REP19-03) to consolidate the existing lots which comprise the subject property into one lot in order to accommodate the proposed development.

The topography of the property is flat and, as identified on the existing conditions plan (**Attachment F**), includes several existing buildings and off-street parking areas. All of the existing buildings and structures on the site are proposed to be removed with the redevelopment of the property, with the exception of the retail store at the northern end of the property and the existing office building located at the southwestern corner of the subject property which will remain. The existing off-street parking area serving the retail store will be redeveloped and expanded to serve both the retail store and the

new shelter facility. Other existing off-street parking areas on the site will be removed in order to accommodate the new shelter.

The subject property has frontage on Commercial Street NE along its eastern boundary, D Street NE along its northern boundary, Division Street NE along its southern boundary, and an alley runs along its western boundary.

The section of Commercial Street abutting the subject property is designated as a Parkway under the City's Transportation System Plan (TSP) and is under the jurisdiction of the Oregon Department of Transportation (ODOT).

The sections of D Street and Division Street which abut the subject property are designated as local streets in the City's TSP.

Primary vehicular access to the subject property is currently provided via five existing driveways onto Commercial Street NE. Vehicular access is also available from the alley along the property's western boundary. As shown on the proposed site plan, the number of driveways onto Commercial Street will be reduced from five to two. No driveway access is proposed onto either Division Street or D Street, and alley access will be maintained.

Because Commercial Street is under the jurisdiction of the Oregon Department of Transportation, the two proposed driveway approaches onto Commercial Street require ODOT approval.

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

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

#### **5. Public Comments**

Notice of the proposal was mailed to property owners and tenants within 250 feet of the subject property. Notice of public hearing was also posted on the subject property.

Subsequent to the publication of the staff report, but prior to the public hearing, one comment was received from an adjacent property owner objecting to the proposal based on the following issues:

- The design review, site plan review, and adjustment application cannot be reviewed until the appeal on the corresponding conditional use permit modification (Case No. CU-ZC17-14MOD1) is resolved;
- The proposed use is not allowed in the zone; and
- A traffic impact analysis is needed to study the potential pedestrian and bicycle impacts of the proposed development so that the development will include adequate facilities to accommodate pedestrian and bicycle traffic.

**Finding:** The issues identified were addressed at the public hearing where it was explained that:

- The Planning Commission is allowed take action on the consolidated design review, site plan review, and adjustment application prior to resolution of the appeal of the conditional use permit modification because Condition 1 of the design review, site plan review, and adjustment approval provides that the decision shall not be valid without an approved final decision on Conditional Use Modification Case No. CU-ZC17-14MOD1;
- The proposed non-profit shelter is an allowed use on the CO zoned properties at 253 to 275 Division Street NE because the Riverfront Overlay Zone, pursuant to SRC 617.015(c), allows the relocation of an existing non-profit shelter from the CB zone serving more than 75 people that has continually existed in the CB zone as of September 1, 1993, as an additional conditional use within the overlay zone; and
- The proposed development does not generate a sufficient number of vehicle trips to require a Transportation Impact Analysis (TIA) under SRC Chapter 803.015; and the SRC does not include provisions requiring a traffic impact analysis for pedestrian and bicycle traffic.

In addition, a comment was received from the applicant objecting to recommended conditions of approval 6, 7, and 8. The applicant's objections to these conditions were addressed at the public hearing and the Planning Commission voted to modify conditions 6 and 7.

The above referenced comments provided prior to the public hearing are included as **Attachment L**.

## **6. City Department Comments**

A. The Building and Safety Division reviewed the proposal and indicated there are no site issues with the proposed development.

B. The Fire Department reviewed the proposal and provided comments indicating that:

- Aerial access is required for the proposed new building. Aerial access will be on the north side of the building and must be 26 feet in width.
- Fire hydrants may be sufficient in number based on current flow tests. Fire hydrants are required to be located within 100 feet of the FDC.
- If access is widened to 20 feet on the alley, no turnaround is required because access would be maintained around the structure.

The Fire Department indicates that the proposed development appears to meet the identified requirements and that these items will be reviewed at the time of building permit.

C. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development

and recommended conditions of approval to ensure conformance with the applicable requirements of the SRC. Comments from the Public Works Department are included as **Attachment J**.

## 7. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. As of the date of completing this staff report, the following comments were received:

- A. Salem Electric reviewed the proposal and indicated that Salem Electric will provide electric service according to the rates and policies at the time of construction.
- B. Portland General Electric (PGE) reviewed the proposal and indicated that development cost will be determined per current tariff and service requirements and that any developer driven relocation of existing PGE equipment will be done at developer's cost.

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

## 8. CLASS 3 DESIGN REVIEW APPROVAL CRITERIA

Because the subject property is located within the Riverfront Overlay Zone, design required is required for the proposed development pursuant to SRC 617.025.

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

The design review guidelines applicable to development within the Riverfront Overlay Zone are established under SRC 617.030(a)-(d). The following subsections are organized with the Riverfront Overlay Zone design review guidelines shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review guidelines. Lack of compliance with the design review guidelines is grounds for denial of the Class 3 Design Review application, or for the issuance of conditions to ensure the design review guidelines are met.

### A. SRC 617.030(a) Building Location, Orientation, and Design

#### ▪ ***Building Location (SRC 617.030(a)(1)(A)):***

##### ***(i) Building setbacks from the street shall be minimized.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the preliminary site plan shows that the façade abutting Commercial Street NE is set back between 8 inches and 6 feet from the property line abutting this street. Therefore, the standard for maximum

setback (12 feet) that applies to the frontage along this street is met. The building setback along Division Street NE is the minimum necessary to accommodate the entry plaza in front of the Division Street entrance. This pedestrian plaza provides a valuable pedestrian amenity that, while not strictly required under a guideline or standard for this façade, is a feature that is required elsewhere under the Riverfront Overlay Design Review guidelines and standards. The applicant explains that, further, the pedestrian plaza is consistent with the purpose of the Riverfront Overlay to create a pedestrian-oriented district. The applicant indicates that the office building in the southwest corner of the site, fronting Division Street NE, will remain in its current location with the existing setback

Staff concurs with the findings included in the applicant's written statement. This design review guideline requires building setbacks from the street to be minimized. The corresponding design review standard to this guideline calls for buildings setbacks adjacent to the street between 0 feet and 12 feet. As shown on the proposed site plan (**Attachment G**) and building elevations (**Attachment H**), the majority of the proposed shelter will be three stories in height and located on the property in such a manner that the building is building brought forward on the site in close proximity to both Commercial Street and Division Street.

As indicated in the applicant's written statement, and shown on the site plan, the entire frontage of the building adjacent to Commercial Street, and the assembly room portion of the building adjacent to Division Street, is setback no further than 12 feet from the public street rights-of-way in conformance with both the design review standard and this applicable design review guideline.

The only portion of the building which is setback a greater distance from the street than the other portions of the building is the guest entry lobby area facing Division Street. This portion of the building is setback approximately 54 feet from the Division Street right-of-way in order to provide an open and inviting treed plaza entry area for shelter guests. This area represents a relatively small percentage of the building's overall street frontage and is framed to the west by the existing office building, which is proposed to remain, and the assembly room portion of the shelter to the east. Though this portion of the building is setback a slightly greater distance from Division Street, it is done so in order provide an improved, safer, and more functional entry area on the south side of the building. Nowhere along the perimeter of the proposed building is it setback from the street in order to accommodate vehicles or parking. Instead, the building is placed in close proximity to both Commercial Street and Division Street with minimized setbacks that achieve the compact urban form intended for development within the CB zone and the Riverfront Overlay Zone while at the same time providing for an enhanced pedestrian environment leading to the building from Division Street. This design review guideline is met.

▪ **Building Orientation and Design (SRC 617.030(a)(2)(A)):**

- (i) ***The riverfront and Mill Creek, where applicable, shall be incorporated into the proposed development as public amenities.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the project site is not adjacent to the riverfront or Mill Creek and therefore it is not possible to incorporate the riverfront or Mill Creek into the planned project as public amenities.

Staff concurs with the findings included in the applicant's written statement. The subject property is located between D Street to the north, Division Street to the south, Commercial Street to the east, and an alley to the west. The subject property does not front on the Willamette River and it is not located adjacent to Mill Creek. This design review guideline is therefore not applicable to the proposed development.

- (ii) ***Building facades adjacent to the riverfront shall facilitate pedestrian interaction by incorporating pedestrian arcades and plazas.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the project does not involve building façades adjacent to the riverfront and therefore this guideline does not apply. The applicant explains, however, that the project does provide a pedestrian plaza at the Division Street NE entrance, which will facilitate pedestrian interaction to the maximum extent practical along this route to and from the riverfront.

Staff concurs with the findings included in the applicant's written statement. The subject property is not located adjacent to the riverfront of the Willamette River and therefore the proposed building has no facades adjacent to the riverfront where pedestrian arcades and plazas can be incorporated to facilitate pedestrian interaction. As indicated by the applicant the project does, however, include a pedestrian plaza adjacent to Division Street in keeping with the spirit of this design guideline to facilitate pedestrian interaction, but because the proposed building is not located adjacent to the riverfront this design review guideline is not applicable to the proposed development.

- (iii) ***Ground floor building facades facing the riverfront 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 (see Figure 617-1).***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the project does not involve ground floor building façades facing the riverfront; therefore, this guideline does not apply.

Staff concurs with the findings included in the applicant's written statement. The subject property is not located adjacent to the riverfront of the

Willamette River and therefore the proposed building has no ground floor facades adjacent to the riverfront where transparent windows can be provided to promote a sense of interaction between activities in the building and activities in the public realm. This design review guideline is therefore not applicable to the proposed development.

- (iv) *Ground floor building facades facing a 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 written statement provided by the applicant (**Attachment I**) indicates that the building elevations provided show that the ground floor building façades facing the streets include transparent windows.

Staff concurs with the findings included in the applicant's written statement. The proposed new shelter building faces Commercial Street to the east and Division Street to the south. As illustrated on the building elevations for the eastern and southern facades of the building, ground floor windows are provided at regular intervals throughout the ground floor building facing Commercial Street, as well as throughout the ground floor façade of the building facing Division Street. The windows provided along these ground floor facades ensure an active and engaging pedestrian environment along the street where a sense of interaction is created between activities in the building and activities in the public realm. The transparent windows provided on the ground floor façade of the building facing the pedestrian plaza off Division Street also promote additional safety and security by allowing visual surveillance of the plaza area from inside the building. This design review guideline is met.

- (v) *Upper floors of buildings facing the riverfront shall incorporate decks and balconies (see Figure 617-1).***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the project does not involve building façades facing the riverfront; therefore, this guideline does not apply.

Staff concurs with the findings included in the applicant's written statement. The subject property is not located adjacent to the riverfront of the Willamette River and therefore the proposed building does not face the riverfront. This design review guideline is therefore not applicable to the proposed development.

- (vi) *New buildings shall be designed to minimize noise impacts from surrounding industrial uses and streets.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the project site does not abut industrial uses. Nearby industrial uses and the streets that serve them are generally located to the



west and north of the project site. The new building is located on the south end of the site and is separated from nearby industrial uses by a public alley. The entrances to the new building are generally sited away from industrial uses in the area.

Staff concurs with the findings included in the applicant's written statement. The proposed shelter is separated from heavier industrial uses to the north and west of the subject property. This separation, together with the orientation of the proposed building away from these uses, serve to minimize noise impacts from these uses. This design review guideline is met.

**B. SRC 617.030(b) Open Space**

▪ **Private Open Space (SRC 617.030(b)(1)(A)):**

- (i) ***Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that this project does not involve residential dwelling units; therefore, this guideline does not apply.

Staff concurs with the findings included in the applicant's written statement. The proposed building will serve as a non-profit shelter, not a residential development, and though the shelter will also include beds for the UGM's transitional housing program, independent residential dwelling units are not provided in the building. This design review guideline is therefore not applicable to the proposed development.

**C. SRC 617.030(c) Site Access**

▪ **Vehicle Access (SRC 617.030(c)(1)(A)):**

- (i) ***Vehicle access and driveway approaches onto Front Street shall be minimized. Joint use driveways providing access to Front Street are preferred (see Figure 617-3).***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the project site is not located on Front Street; therefore, this guideline does not apply.

Staff concurs with the findings included in the applicant's written statement. The subject property has frontage on Commercial Street, D Street, and Division Street. The subject property does not have frontage on Front Street. This design review guideline is therefore not applicable to the proposed development.

- (ii) ***Public pedestrian access shall be provided between the river and Front Street to create an interconnected pedestrian circulation system.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the project site is not located on the river or Front Street; therefore, this guideline does not apply.

Staff concurs with the findings included in the applicant's written statement. The subject property is not located between the Willamette River and Front Street. Therefore, there is no location on the subject property whereby pedestrian access between the Willamette River and Front Street can be provided. This design review guideline is therefore not applicable to the proposed development.

**D. SRC 617.030(d) Off-Street Parking and Loading**

▪ **Off-Street Parking (SRC 617.030(d)(1)(A)):**

- (i) ***Off-street parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district (see Figure 617-4).***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the off-street surface parking areas will be located beside the buildings, as shown on the Preliminary Site Plan, and that parking areas are not planned between any buildings and a street.

Staff concurs with the findings included in the applicant's written statement. As shown on the proposed site plan (**Attachment G**), the proposed development includes one off-street surface parking area that is located in the center of the site between the existing retail store and the proposed new shelter building. The new proposed off-street parking area is located to the north, and to the side, of the new proposed shelter building. Parking is not proposed between the building and the street. As shown on the site plan (**Attachment G**), the proposed off-street parking area occupies approximately 285 feet of the site's Commercial Street frontage. The corresponding design standard to this design guideline limits parking areas to occupying no more than 50 percent of the street frontage of the lot. Based on the dimensions of the subject property, the site has approximately 678 feet of frontage on Commercial Street. The 285 feet (approximately 42 percent) of street frontage the proposed parking lot occupies along Commercial Street does not exceed the maximum 50 percent allowed under the corresponding design standard. Because the proposed parking area is located to the side of the building, rather than between the building and the street; because the amount of street frontage the parking lot occupies along Commercial Street falls below the amount allowed under the corresponding design review standard; and because the proposed parking area will be buffered from the street and sidewalk with landscaping,

the proposed parking area has been designed with a location, orientation, and scale supportive of a pedestrian-oriented mixed-use residential and commercial district. This design review guideline is met.

- (ii) ***The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the off-street surface parking area will be shared with the neighboring retail store that is owned and operated by the Applicant. The applicant explains that the shared parking configuration, along with the included adjustment to the minimum parking requirements, will minimize the amount of land needed to accommodate off-street parking in accordance with these guidelines.

Staff concurs with the findings included in the applicant's written statement. The proposed off-street parking area located between the existing retail store and the new shelter building will serve both the shelter and the retail store. The provision of off-street parking to serve both the shelter and the retail store in one central location on the site minimizes the amount of land needed to accommodate off-street parking. This, together with the requested reduction to the minimum required off-street parking for the proposed shelter, acts to minimize the amount of land needed to accommodate off-street parking. This design review guideline is met.

▪ **Off-Street Loading (SRC 617.030(d)(2)(A)):**

- (i) ***Off-street loading areas shall be located so as to minimize their visibility from the street.***

**Finding:** The written statement provided by the applicant (**Attachment I**) indicates that the loading area is located behind the building, adjacent to the abutting alley, as shown on the Preliminary Site Plan. The applicant explains that the loading area will therefore not be visible from Division Street NE and will be minimally visible from Commercial Street NE. This guideline is met.

Staff concurs with the findings included in the applicant's written statement. The loading area for the proposed shelter building is located adjacent to the northwest corner of the building next to the alley. The loading area is not located between the building and the street. It will not be visible from Division Street to the south and its location behind/beside the building, setback away from Commercial Street, will minimize its visibility from Commercial Street. This design review guideline is met.

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

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

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

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

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

**Finding:** The proposed development is an approximate 58,282 square-foot non-profit shelter that will replace the UGM's existing downtown men's shelter at 345 Commercial Street NE.

The subject property is designated "River-Oriented Mixed Use" on the Salem Area Comprehensive Plan Map and is zoned CB (Central Business District) and CO (Commercial Office) within the Riverfront Overlay Zone. The allowed uses and applicable development standards of the CB zone are set forth under SRC Chapter 524. The allowed uses and applicable development standards of the CO zone are set forth under SRC Chapter 521. The requirements of the Riverfront Overlay Zone are set forth under SRC Chapter 617.

The proposed development conforms to SRC Chapters 521, 524, 617, and all other applicable development standards of the Salem Revised Code as follows:

### **SRC CHAPTER 524 (CB ZONE), 521 (CO ZONE), & CHAPTER 617 (RIVERFRONT OVERLAY ZONE)**

#### ***SRC 524.005(a), 521.005, & SRC 617.015 - Allowed Uses:***

The subject property is proposed to be developed with a new men's homeless shelter serving a maximum of 300 overnight occupants to replace the UGM's existing men's shelter in the downtown. Under the City's Use Classification Chapter (SRC 400), homeless shelters are classified as a Non-Profit shelter use pursuant to SRC 400.040(c). The Non-Profit shelter use is described as follows:

***Characteristics. Nonprofit shelters are characterized by lodging establishments operated by nonprofit organizations that provide overnight accommodations and temporary shelter for the homeless and other***

*vulnerable populations. Individual bath and cooking facilities may or may not be provided.*

**Examples.** *Homeless shelters; congregate shelters.*

Allowed uses within the CB zone are identified under SRC 524.005(a), Table 524-1, and allowed uses within the CO zone are identified under SRC 521.005, Table 521-1. Within both the CB and CO zones, Non-Profit Shelters are allowed but they are limited in the maximum number of persons they may serve. The maximum 300 persons to be served by the proposed shelter exceeds the maximum number of persons allowed under the CB and CO zones, but because the subject property is located within the Riverfront Overlay Zone, the uses allowed with the overlay zone supersede those uses allowed in the underlying zones unless otherwise identified in the overlay zone.

The Riverfront Overlay Zone, pursuant to SRC 617.015, provides the following in terms of the uses allowed in the overlay zone:

**“Except as otherwise provided in this section [emphasis added], any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Riverfront Overlay Zone.”**

Pursuant to SRC 617.015(c), Table 617-2 (Additional Conditional Uses), the Riverfront Overlay Zone allows, as an additional conditional use regardless of what the underlying zones allow, the:

**“Relocation of an existing nonprofit shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993.”**

Pursuant to SRC 617.015(c), Table 617-2, the proposed relocated shelter is allowed as a conditional use in the Riverfront Overlay Zone. On May 29, 2018, the City Council approved the original conditional use permit for the proposed relocated shelter (Case No. CU-ZC17-14) on the property that UGM owned at that time, which included the five existing properties located in the 700 to 800 blocks of Commercial Street NE. However, subsequent to the City Council’s approval, 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 (**Attachment C**). 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.

Because the two additional Division Street properties were not included in the original conditional use permit request, the UGM was required to modify their original conditional use permit to include these two properties in order for them to be used to accommodate the proposed relocated shelter. The UGM filed the required conditional use permit modification (Case No. CU-ZC17-14MOD1) and on April 26, 2019, the conditional use permit modification was approved by the

Planning Administrator (**Attachment D**) subject to all conditions of approval established under the original City Council decision. On May 13, 2019, the conditional use permit modification decision was appealed. The public hearing on the appeal of the conditional use permit modification decision is scheduled before the City's Hearings Officer on June 12, 2019.

Because the two additional properties on Division Street are needed in order to accommodate the proposed shelter, and because the modification to the original approved conditional use permit to include these two properties is currently on appeal, the following condition of approval shall apply in order to ensure that the proposed use has received its necessary conditional use permit approval to be allowed in the overlay zone:

**Condition 1:** The Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment decision shall not be valid without an approved final decision on Conditional Use Modification Case No. CU-ZC17-14MOD1.

***SRC 524.010(a) & 521.010(a) - Lot Standards:***

The subject property is currently comprised of seven existing properties. Five of these properties are zoned CB (Central Business District) and the remaining two properties located in the southwestern portion of the site are zoned CO (Commercial Office). All of the properties, however, are within the Riverfront Overlay Zone.

Due to the location of the proposed new shelter building over some of these existing property lines, and the location of the existing property lines in relation to the proposed off-street parking area, the UGM filed an application to replat and consolidate the existing properties (*Lots 1-4 of Block 54 and Lots 1-4 of Block 55 of the Salem plat*) into one lot approximately 2.57 acres in size in order to accommodate the proposed development. Tentative approval of the replat was issued on May 10, 2019.

The minimum lot size and dimension requirements applicable to the subject property based on its existing zoning are included under SRC 524.010(a) (*CB Zone lot standards*) and SRC 521.010(a) (*CO Zone lot standards*). There are no minimum lot size or dimension requirements established under the Riverfront Overlay Zone.

A summary of the applicable minimum lot size and dimension requirements is provided in the following table:

Lot Size & Dimension Standards			
	CB Zone	CO Zone	Riverfront Overlay Zone
Lot Area	None	Min. 6,000 ft. <sup>2</sup>	None
Lot Width	None	None	None

Lot Depth	None	None	None
Street Frontage	Min. 16 ft.	Min. 16 ft.	None

As shown on the approved replat tentative plan (**Attachment K**), the consolidated lot resulting from the proposed replat is approximately 2.57 acres in size with lot dimensions of approximately 165 feet by 678 feet. The proposed consolidated lot therefore exceeds the minimum lot area, dimension, and street frontage requirements of both the CB and CO zones and does not result in the creation of a non-conforming unit of land.

As previously identified, tentative plan approval of the replat was issued on May 10, 2019. The appeal deadline for this decision is May 28, 2019. In order to ensure that the seven existing properties which currently make up the subject property are consolidated into one lot in order to accommodate the proposed development, a condition of approval is recommended later in this report, Condition No. 4.

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

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

Setback requirements for buildings, accessory structures, and parking and vehicle use areas within the CO zone are established under SRC 521.010(b), Table 521-3 and Table 521-4.

Additional setback requirements are also established under the design review guidelines of the Riverfront Overlay Zone pursuant to SRC 617.030. As provided under SRC 617.020, the setbacks established in the overlay zone are in addition to the setbacks established in the underlying zone; however, if the setbacks in the overlay zone conflict with the setbacks applicable in the underlying zone, the setbacks of the overlay zone are the applicable standard. Findings establishing how the proposed development conforms to the applicable design review guidelines of the Riverfront Overlay Zone are established under Section 8 of this report.

Based on the requirements of SRC 524.010(b), Table 524-3; SRC 806.035(c); and SRC 521.010(b), Table 521-3 & Table 521-4, the buildings, accessory structures, and off-street parking and vehicle use areas included within the development are required to have the following setbacks:

Required Setbacks		
	CB Zone	CO Zone
<b>Abutting Street</b>		
Buildings <sup>(1)</sup>	0 ft. or 10 ft.	Min. 12 ft.
Accessory Structures	0 ft. or 10 ft.	Min. 12 ft.
Parking and Vehicle Use Areas	Min. 6 ft. to 10 ft. <i>(Per alternative setback methods under SRC 806.035(c)(2))</i>	Min. 12 ft.
<b>Abutting Alley</b>		
Buildings	None	None <i>(Zone-to-Zone Setback not required abutting alley)</i>
Accessory Structures		
Parking and Vehicle Use Areas	None <i>(Per SRC 806.035(c)(1)(A)(i))</i>	None <i>(Zone-to-Zone Setback not required abutting alley)</i>
<b>Interior Side</b>		
Buildings	None	None <i>(Zone-to-Zone Setback abutting Commercial Zone)</i>
Accessory Structures	None	None <i>(Zone-to-Zone Setback abutting Commercial Zone)</i>
Parking and Vehicle Use Areas	Min. 5 ft. with Type A Landscaping <sup>(2)</sup> <i>(Per SRC 806.035(c)(3))</i>	Min. 5 ft. with Type A Landscaping <sup>(2)</sup> <i>(Zone-to-Zone Setback abutting Commercial Zone)</i>
<b>Interior Rear</b>		
Buildings	None	None <i>(Zone-to-Zone Setback abutting Commercial Zone)</i>
Accessory Structures	None	None <i>(Zone-to-Zone Setback abutting Commercial Zone)</i>
Parking and Vehicle Use Areas	Min. 5 ft. with Type A Landscaping <sup>(2)</sup> <i>(Per SRC 806.035(c)(3))</i>	Min. 5 ft. with Type A Landscaping <sup>(2)</sup> <i>(Zone-to-Zone Setback abutting Commercial Zone)</i>
<p style="text-align: center;"><b>Notes</b></p> <p>(1) <u>Setback Abutting Street</u>: In addition to the above identified setbacks abutting a street required in the CB and CO zones, the design review guidelines of the Riverfront Overlay Zone require building setbacks to be minimized from the street (SRC 617.030(a)(1)(A)(i)). Because the “minimized” setback from the street design review guideline of the overlay conflicts with the required setbacks abutting a street in the CB and CO zones, the “minimized” setback from the street design review guideline of the</p>		



overlay zone is the applicable setback.

- (2) Required Landscaping: Pursuant to SRC 807.015(a), Table 807-1, Type A Landscaping requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area.

As illustrated on the site plan, the proposed development conforms to the minimum setback requirements of SRC Chapter 524, SRC Chapter 521, and SRC Chapter 806 with the exception of the following:

- **Off-Street Parking Area Abutting Commercial Street.** Setbacks for the proposed off-street parking area adjacent to Commercial Street are established under SRC 806.035(c)(2)(A)-(E). Pursuant to this requirement, off-street parking areas are required to be setback a minimum of 6 ft. to 10 ft. from the street in combination with either a minimum 3-foot-tall screening wall, grade drop, berm, or landscape strip.

As shown on the site plan, the off-street parking area adjacent to Commercial Street is setback a minimum of 6 feet as required by SRC 806.035(c)(2)(D), but instead of including a minimum 3-foot-tall brick, stone, or finished concrete wall to buffer the parking spaces from the street, a continuous 3-foot tall English Laurel hedge is proposed. In order to allow the 3-foot tall continuous hedge to be substituted for the required 3-foot tall wall, a Class 2 Adjustment has been requested by the applicant. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

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

As illustrated on the site plan, all of the proposed off-street parking and vehicle use areas on the site meet the minimum required 5-foot separation from the exterior wall of the buildings with the exception of the driveway and single parking space abutting the southernmost portions of the existing retail store building. Because the proposed driveway and parking space in this location do not meet the required 5-foot separation, a Class 2 Adjustment to this standard has been requested by the applicant. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

- **Loading Area Abutting Alley.** Despite off-street parking areas, buildings, and accessory structures not requiring setbacks abutting an alley, SRC 806.080(b)(2) requires a minimum 5-foot landscaped setback between loading areas and interior property lines. The western property line of the subject property is considered an interior property line;

therefore, a minimum 5-foot landscape setback is required. As illustrated on the site plan, one loading space is proposed adjacent to the northwest corner of the proposed shelter building. The loading space abuts the alley and does not meet the minimum required 5-foot setback. Because the proposed loading space does not meet the minimum required 5-foot setback, a Class 2 Adjustment has been requested by the applicant to eliminate the required setback. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

- **Existing Building Located at Southeast Corner of Property.** As shown on the existing conditions plan (**Attachment F**), there are several existing structures located throughout the subject property. The future proposed redevelopment of the site will result in the removal of all of these existing structures with the exception of the retail store building located on the northern portion of the property and the office building located at the southwest corner of the site.

Because a separate replat application has been approved to consolidate the seven existing smaller properties which currently make up the site into one large lot in order to accommodate the proposed development, setbacks to existing structures will generally be increased and lot coverage will be decreased; thereby ensuring conformance with required setbacks and lot coverage requirements until such structures are removed. One exception, however, applies to the existing building located at the southeast corner of the site near Division Street and Commercial Street. As shown on the existing conditions plan, this building is located adjacent to the property line abutting Commercial Street. However, as indicated later in this decision, 10.5 feet of right-of-way is required to be dedicated adjacent to Commercial Street in order to bring the right-of-width of Commercial Street along the frontage of the property into conformance with minimum right-of-way width requirements of the Salem Transportation System Plan (TSP). Due to the location of this existing building, the required right-of-way dedication along Commercial Street will result in the building being located over the property line and projecting into the right-of-way of Commercial Street.

In order to ensure the required right-of-way dedication along Commercial Street will not result in the creation of non-conforming building which projects into the public street right-of-way, the following condition of approval shall apply:

- Condition 2:** Any existing building on the subject property that will be located over a property line as a result of required right-of-way dedication along Commercial Street shall be removed prior to right-of-way dedication.

In all other areas of the site, the proposed new shelter building, associated accessory structures, and reconfigured off-street parking area meet setback requirements for buildings, accessory structures, and parking and vehicle use

areas. The existing retail store building at the northern end of the site and the existing office building on the southwestern portion of the site will remain and are not proposed to be altered or enlarged with this application.

Because the subject property is currently comprised of seven existing properties, these properties are required to be consolidated into one lot in order to accommodate the proposed development; otherwise the proposed new shelter building will be located over these existing property lines and required setbacks for the development will not be met. As previously identified, a replat has been approved (Replat Case No. REP19-03) to consolidate the existing properties into one lot.

In order to ensure that the seven existing properties which currently make up the subject property are consolidated into one lot, the proposed new shelter building will not be located over existing property lines, and setback requirements for the proposed development will be met, the following conditions of approval shall apply:

**Condition 3:** Prior to building permit approval, an approved final decision on Replat Case No. REP19-03 is required.

**Condition 4:** Prior to the approval of any occupancy for the shelter building, the final plat for Replat Case No. REP19-03 shall be recorded.

***SRC 524.010(c) & SRC 521-010(c) - Lot Coverage:***

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

Lot coverage requirements within the CO zone are established under SRC 521.010(c), Table 521-5. Within the CO zone the maximum lot coverage requirement for buildings and accessory structures is 60 percent. As illustrated on the site plan, the existing office building and those portions of the proposed new shelter building and its associated accessory structures cover approximately 53.9 percent of the CO zoned portion of the subject property. The proposed development therefore conforms to maximum 60 percent lot coverage requirement of the CO zone.

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

***SRC 524.010(c) & SRC 521.010(c) - Height:***

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

Height requirements within CO zone are established under SRC 521.010(c), Table 521-5. Height requirements are also established within the Riverfront Overlay Zone under SRC 617.020(b), Table 617-4. Within both the CO zone

and the Riverfront Overlay Zone the maximum height limit applicable to the proposed development is 70 feet.

As shown on the elevation drawings, the proposed new shelter building will be up to three stories in height and the height of the highest point on the building, the mechanical penthouse, is 52 feet. The height of the majority of the remainder of the building is less than that. The proposed development therefore conforms to maximum height requirements.

***SRC 524.010(d) & SRC 521.010(d)- Landscaping:***

Landscaping requirements within the CB zone are established under SRC 524.010(d). Landscaping requirements within the CO zone are established under SRC 521.010(d). Within both the CB and CO zones landscaping is required as follows:

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

In addition to the above identified landscaping, the CO zone also requires a minimum of 15 percent of the development site to be landscaped.

There are no specific additional landscaping requirements established under the Riverfront Overlay Zone.

Setback Landscaping. As identified earlier in this report, the only required setbacks for the development apply to buildings, accessory structures, and parking and vehicle use areas adjacent to streets; as well as a 5-foot-wide landscaped setback between the proposed loading space and the alley along the western property line.

A Class 2 Adjustment has been requested by the applicant to eliminate the minimum required 5-foot landscaped setback between the loading space and the alley. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

As shown on the proposed landscape plan, setbacks provided adjacent to Commercial Street, Division Street, and D Street will be landscaped.

Parking & Vehicular Use Area Landscaping. SRC 806.035(d) establishes interior landscaping requirements for parking areas greater than 5,000 square feet in size.

Pursuant to SRC 806.035(d)(2), Table 806-5, parking areas less than 50,000 square feet in size are required to provide a minimum of 5 percent interior landscaping. Review of the site plan indicates that the proposed off-street parking area is approximately 34,937 square feet in size.

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

Summary of Parking Area Interior Landscaping		
Parking Area Size	Interior Landscaping Required (Min. 5%)	Interior Landscaping Provided
34,937 ft. <sup>2</sup>	1,747 ft. <sup>2</sup>	3,010 ft. <sup>2</sup>

As evidenced by the table above, the proposed off-street parking area includes interior landscaping which exceeds the minimum landscaping requirements of SRC 806.035(d)(2).

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

As shown on the site plan, a total of 114 off-street parking spaces are provided for the proposed development. Based on the minimum tree planting requirement of 1 tree for every 12 parking spaces, the proposed parking area is required to include a minimum of 10 trees. As shown on the landscape plan, 13 trees are provided and spaced throughout the parking area which satisfies the parking area tree planting requirements of SRC 806.035(d)(3).

Development Site Landscaping. The CO zone, pursuant to SRC 521.010(d)(3) requires a minimum of 15 percent of the development site to be landscaped. The portion of the subject property that is zoned CO is approximately 10,735 square feet in size. Based on the minimum 15 percent development landscaping requirement, a minimum of 1,610 square feet of the CO zoned portion of the development site is required to be landscaped.

As shown on the landscaping plan, approximately 1,904 square feet of the CO zoned portion of the development site will be landscaped, which exceeds the minimum development site landscaping requirements of SRC 521.010(d)(3).

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

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

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

Minimum Off-Street Vehicle Parking. Minimum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-1. The minimum off-street parking requirement for the proposed development is as follows:

Minimum Off-Street Parking		
Non-Profit Shelter	1 space per 350 sq. ft.	
Retail Sales	1 space per 250 sq. ft.	
Office	1 space per 350 sq. ft.	

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

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

Off-Street Parking Summary				
Use	Building Area	Minimum Spaces Req.	Maximum Spaces	Spaces Provided
Non-Profit Shelter	58,282 ft. <sup>2</sup>	167	292	47
Retail Sales	15,403 ft. <sup>2</sup>	62	109	62
Office	1,722 ft. <sup>2</sup>	5	13	5
<b>Total:</b>		<b>234</b>	<b>414</b>	<b>114</b>

As shown on the site plan for the proposed development, a total of 114 off-street parking spaces are provided. The 114 parking spaces provided fall below the minimum required 234 spaces. Because the proposed development does not provide the minimum number of required off-street parking spaces, the applicant has requested a Class 2 Adjustment to reduce the minimum required off-street parking for the proposed shelter. The proposed development does however, provide the minimum number of required spaces for the existing retail store and the existing office building. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

Compact Parking. SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the required off-street parking spaces. The proposed development includes a combination of both standard sized and compact parking spaces.

As shown on the site plan, the proposed development will include a total of 55 standard sized parking spaces and 59 compact sized parking spaces. The 59

compact spaces provided represent 51.8 percent of the overall 114 spaces provided; therefore not exceeding the maximum 75 percent limit.

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

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

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

As shown on the site plan, both standard size and compact size parking stalls are provided. The standard size stalls conform to the minimum required 9-foot width and 19-foot depth. The compact size stalls conform to the minimum required 8-foot width and 15-foot depth.

The parking stalls within the development are served by drive aisles that range in width from 22 feet to 26 feet in conformance with the requirements of SRC 806.035(e), Tale 806-6.

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

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

As shown on the site plan, the layout of the proposed parking stalls, drive aisles, and driveways within the parking area allow for vehicles to circulate to entrance and exit points without any dead-ends in conformance with SRC 806.040(a).

Driveways. SRC 806.040(d) establishes minimum driveway width standards. Pursuant to SRC 806.040(d), Table 806-7, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet. As shown on the proposed site plan, only two-way driveways are provided to serve the proposed development. All of the driveways exceed the minimum 22-foot required width and therefore conform to this standard.

***Bicycle Parking:***

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

Minimum Bicycle Parking		
Non-Profit Shelter	The greater of 4 spaces, or: 1 space per 3,500 ft. <sup>2</sup> for the first 50,000 ft. <sup>2</sup> ; Plus additional 1 space per 7,000 ft. <sup>2</sup> for 50,000 to 100,000 ft. <sup>2</sup>	
Office	The greater of 4 spaces, or: 1 space per 3,500 ft. <sup>2</sup> for the first 50,000 ft. <sup>2</sup>	

The written statement provided by the applicant indicates that the project involves a new building for a nonprofit shelter use and an office use. As shown on the proposed site plan, the shelter is required to have a minimum of 15 bike parking spaces and the office building is required to have a minimum of 4 bike parking spaces. The total number of bike parking spaces provided for the development equals 28 spaces. Of the total bike parking spaces provided, 24 are located within a covered bike parking area adjacent to the plaza entry area on the south side of the building adjacent to Division Street and the remaining four are located adjacent to Division Street in proximity to the entry to the existing office building. The 28 bicycle parking spaces proposed exceed minimum bicycle parking requirements.

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

As previously indicated, 24 of the 28 bicycle parking spaces provided are located adjacent to the entry for shelter guests on the south side of the building adjacent to Division Street. The remaining four spaces are located adjacent to Division Street in proximity to the entry to the existing office building.

All of the bicycle parking spaces proposed are located within a convenient distance of, and are clearly visible from, the primary entrances to the buildings. These spaces are also located within 50 feet of the primary building entrances



they are located adjacent to. The proposed bike spaces conform to the location standards of SRC 806.060(a).

Bicycle Parking Access. SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance.

As shown on the site plan, all of the proposed bicycle parking areas included within the development have direct access to the public right-of-way and the primary building entrance in conformance with the access requirements of SRC 806.060(b).

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

***Loading:***

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

Minimum Loading		
Non-Profit Shelter	Buildings 5,000 ft. <sup>2</sup> to 60,000 ft. <sup>2</sup>	1 Space (12'W x 30'L x 14'H)
Office	Buildings less than 5,000 ft. <sup>2</sup>	None

The written statement provided by the applicant indicates that the project involves a new building for a nonprofit shelter use and an office use. As shown on the site plan, the proposed shelter is required to have a minimum of one loading space. Based on the size of the office building, a loading space is not required.

As shown on the site plan, one off-street loading space meeting the applicable dimension requirements is provided adjacent to the northwest corner of the proposed shelter building. The proposed development satisfies the minimum off-street loading space requirement.

**SRC 800.055 (SOLID WASTE SERVICE AREAS)**

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

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

The proposed facility includes one trash collection area meeting the definition of a solid waste service area under SRC 800.010(e). The proposed solid waste service area is located to the north of the shelter building adjacent to the alley along the west side of the subject property.

As shown on the site plan for the proposed development, the solid waste service area is uncovered; enclosed by a 7 ft.-4 in. tall perimeter wall; has an interior dimension within the enclosure of approximately 16 ft. in depth by 22 ft. in width; has a front opening of approximately 15 ft.-3 in.; and is free of vertical obstructions above the receptacles.

Pursuant to SRC 800.055(f)(1)(A), the 12-foot-wide by 45-foot-long vehicle operation area required to service the solid waste service area is proposed to be located directly in front of the enclosure and into the adjacent alley.

The proposed solid waste service area appears to meet the applicable standards of SRC Chapter 800.055. At the time of building permit review, the location and features of the proposed solid waste service area will be reviewed for conformance with applicable development standards of SRC 800.055. In order to ensure the proposed trash/recycling area conforms to the applicable standards of SRC 800.055, the following condition of approval shall apply:

**Condition 5:** The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

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

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

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

As shown on the existing conditions plan, there are trees existing on the subject property. However, based on the type of development proposed, a tree conservation plan is not required in conjunction with the proposed development. Any removal of trees from the property to accommodate the proposed development must comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

In addition to the existing trees located on the subject property, there are also existing trees within the rights-of-way of both Commercial Street and Division Street. Because these trees are located within the public street right-of-way,

they are classified as City trees. Removal of any trees from the public street right-of-way is subject to the requirements of SRC Chapter 86 (Trees on City Owned Property).

Comments provided by the Public Work Department (**Attachment J**) indicate that in order to comply with the requirements of SRC Chapter 86 and Salem Administrative Rule 109-500, the existing 31-inch Norway Maple located in the public right-of-way near the corner of Commercial Street NE and Division Street NE will need to be preserved and protected. As such, the following condition of approval was recommended:

**Condition 6:** Provide a tree protection plan for the existing Norway Maple street tree near the corner of Division Street NE and Commercial Street NE. This tree shall be preserved and protected pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500.

Prior to the public hearing, however, the applicant provided comments (**Attachment L**) objecting to this condition due to the possibility that the tree cannot be saved due to the location of the proposed building and the improvements proposed in the public right-of-way. In consideration of the comments provided by the applicant, staff recommended revisions to the condition that the Planning Commission approved. As such Condition 6 is revised as follows:

**Condition 6:** ~~Provide a tree protection plan for the existing Norway Maple street tree near the corner of Division Street NE and Commercial Street NE. This tree shall be preserved and protected pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500.~~ The Norway Maple located in the right-of-way of Division Street NE, near the corner of Division Street NE and Commercial Street NE, shall be saved unless approval to remove the tree is obtained pursuant to SRC Chapter 86.

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

Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways. The subject property also does not contain any hydric or wetlands-type soils. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the future development of the subject property.

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

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

## **CONDITIONS OF APPROVAL OF CONDITIONAL USE PERMIT**

On May 29, 2018, the City Council approved Conditional Use Permit/Zone Change Case No. CU-ZC17-14. The decision approved the conditional use permit request filed by the UGM of Salem to relocate their existing men's shelter to the subject property as well as a requested zone change to change the zoning of the subject property to CB (Central Business District) to allow the existing retail store to become a legal conforming use.

The City Council's decision on the conditional use permit included 11 conditions of approval.

Subsequent to the City Council's May 29, 2018, decision the UGM filed an application to modify their original conditional use permit to incorporate two additional properties located at the southwestern corner of the subject property into their conditional use permit approval. On May 13, 2019, the requested conditional use permit modification was approved subject to all of the conditions of approval established under the original conditional use permit approval.

Pursuant to SRC 300.820(b), conditions of approval shall be construed and enforced, in all respects, as provisions of the Unified Development Code (UDC) relating the use and development of land. Because conditions of approval are required to be construed as development standards, the proposed development conforms to the 11 conditions of approval of the conditional use permit 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.*

Response: As shown on the Site Lighting and Security Camera Plan (**Attachment G**), security cameras are proposed to be installed on the existing retail store building, next to the trash enclosure area, and on the new proposed shelter building to capture video surveillance of the entire alley. Per the condition, the applicant will be required to store the video files on site for no less than 14 days. The

proposed development conforms to this condition of approval.

- **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.*

Response: As shown on the Sign Concept Plan (**Attachment G**), directional signs are provided at key locations adjacent to, and on, the proposed shelter building to direct not only patrons, but also visitors and volunteers, to designated entrances and waiting areas. The signs also include language prohibiting loitering and obstruction of the sidewalk. The proposed development conforms to this condition of approval.

- **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.*

Response: In order for the two proposed driveway approaches onto Commercial Street NE to be constructed, ODOT approval will be required. The ODOT State Highway approach/access permit review and approval process occurs separately from the City's development review process. ODOT approval of the proposed driveway approvals will be required. The proposed development will therefore conform to this condition of approval.

- **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.*

Response: As shown on the proposed site plan (**Attachment G**), the main guest entrance to the shelter is proposed on the southern side of the building adjacent to Division Street. A safe and direct pedestrian connection between the main guest entry and the sidewalk on Division Street is provided in the form of an open landscaped plaza.

The secondary alternative of having to direct guests to the alley and then to the sidewalk on Division Street is not necessary in this case because the proposed development has been able to incorporate an open plaza between the building and the street.

- **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.*

Response: As shown on the site plan (**Attachment G**), the proposed development includes covered outdoor bike parking to meet the bicycle parking requirements of SRC Chapter 806, but it does not include any outside storage areas. As such the screening required by the condition of approval is not applicable to the proposed development.

- **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.*

Response: Based on this condition of approval, the proposed shelter is limited to serving a maximum of 300 overnight occupants. As identified on the building floor plans (**Attachment H**), the third floor plan for the shelter building shows the accommodations provided for the UGM's transitional housing program. The identified program residence apartments will accommodate the minimum required 78 transitional housing beds. The proposed development will therefore conform to this condition of approval.

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

Response: As shown on the proposed building floor plans (**Attachment H**), the first floor plan for the shelter identifies a baggage hot room. This room has been provided to meet the requirement of providing a secure covered storage area for client and personal belongings. The proposed development conforms to this condition of approval.

- **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.

Response: As shown on the proposed site plan and building elevations, the proposed exterior gathering space on the south side of the building adjacent to Division Street will be clearly visible from inside the building due to the transparent windows provided in the building looking into this space. As illustrated on the landscape plan, shrubs will be provided throughout the development that will conform to the maximum 36 inch height. The proposed primary entrance for shelters users has also been located in such a manner that it is not located along the Commercial Street frontage, but is instead oriented towards Division Street. The proposed development conforms to this condition of approval.

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

Response: As shown on the site plan, in addition to video surveillance cameras being installed along the alley, cameras are also proposed to be installed on the shelter building to provide video surveillance of the site's grounds. The proposed development conforms to this condition of approval.

- **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.*

Response: As part of the applicant's submittal materials, a Site Lighting and Security Camera Plan (**Attachment G**) was submitted showing the placement and illumination intensity of lighting proposed throughout the site. As shown on the plan, lighting is provided along the alley, along streets, around existing and proposed buildings, and throughout the parking lot. The proposed development conforms to this condition of approval.

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

Response: As shown on the proposed building floor plans (**Attachment H**), the first floor plan for the shelter identifies a 24-hour restroom located off the secure entry vestibule on the south side of the building. This restroom will be available for men twenty-four hours a day. The proposed development conforms to this condition of approval.

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

**Finding:** The subject property abuts Commercial Street NE, Division Street NE, and D Street NE. Commercial Street is designated as a parkway street within the City's Transportation System Plan (TSP) requiring an 80-foot-wide improvement within a 120-foot-wide right-of-way. Commercial Street is currently improved to an approximate width of 86 feet within a 109.5-foot-wide right-of-way adjacent to the subject property. Because Commercial Street is also a State Highway, it is under the jurisdiction of the Oregon Department of Transportation.

Division Street and D Street are designated as local streets within the TSP requiring a 30-foot-wide improvement within a 60-foot-wide right of way. Division Street is currently improved to an approximate width of 40 feet within a 76-foot-wide right-of-way adjacent to the subject property. D Street is currently improved to an approximate width of 36 feet within a 60-foot-wide right-of-way.

As indicated in the comments from the Public Works Department (**Attachment J**), the existing configuration of Commercial Street NE does not meet current standards for its street classification under the TSP. Because the right-of-way width of Commercial Street is currently below that which is required under the TSP, the following condition of approval was recommended:

**Condition 7:** Prior to the approval of any occupancy for the shelter building, convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Commercial Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Prior to the public hearing, however, the applicant provided comments (**Attachment L**) objecting to the vague wording of the condition requiring dedication of an unspecified amount of "sufficient right-of-way to accommodate public infrastructure at the property corners." In consideration of the comments provided by the applicant, staff recommended revisions to the condition to specify that the additional right-of-way was necessary to provide a property line radius at the intersection of D Street and Commercial Street. The Planning Commission approved the revisions to the condition; therefore, Condition 7 is revised as follows:

**Condition 7:** Prior to the approval of any occupancy for the shelter building, convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Commercial Street NE, ~~including sufficient right-of-way to accommodate public infrastructure at the property corners~~ and a property line radius at the intersection of D Street NE and Commercial St NE.

As requested by the applicant and shown on the proposed site plan, Commercial Street has been approved for an alternative street design pursuant to SRC 803.065. The improvement will include a shared use path, street lights, landscape strip, and street trees. In order to ensure Commercial Street NE conforms to the applicable requirements of the TSP, the following condition of approval shall apply:



**Condition 8:** Construct a shared use path, street lights, landscape strip, and street trees along the frontage of Commercial Street NE in accordance with PWDS.

Division Street NE meets the right-of-way width and pavement width standards per the Salem TSP. However, the improvement is lacking adequate curb and landscaping. In order to ensure Division Street NE conforms to the applicable requirements of the TSP, the following condition of approval shall apply:

**Condition 9:** Complete construction of the Division Street NE cul-de-sac. This improvement shall include curb, gutter, storm drainage, and the removal of existing asphalt along the frontage of Division Street NE and between Division Street NE and Commercial Street NE.

D Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore no additional street improvements are required as a condition of the proposed development.

In regards to pedestrian and bicycle traffic and circulation, the alternative street standard proposed for Commercial Street includes a shared use path combining bicycle and pedestrian circulation on a wider 10-foot-wide sidewalk/path along the Commercial Street frontage of the property. In order to provide a transition for bicyclists on the shared use path along Commercial Street back to the bike lane on Front Street, the following condition of approval shall apply:

**Condition 10:** Construct sidewalk and landscaping where Division Street NE abuts Commercial Street NE to complete the Commercial Street NE pedestrian and bicycle connections.

The transportation system as proposed and recommended to be conditioned provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development. This approval criterion is met.

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

**Finding:** Primary vehicular access to the development is proposed to be provided via two driveway approaches onto Commercial Street NE. Access will also be available from the existing alley. No driveway approaches are proposed from the subject property onto either Division Street or D Street. The driveway approaches onto Commercial Street are under the jurisdiction of the Oregon Department of Transportation and require separate permits.

Pedestrian access to and throughout the proposed development will be provided by the public sidewalks within the rights-of-way of Commercial Street, Division Street, and D Street; and the pedestrian plaza on the south side of the building adjacent to Division Street. By locating off-street parking to the side of the proposed building, as required under the Riverfront Overlay Zone, and away

from the building entrances which are oriented to the surrounding streets, potential areas of pedestrian and vehicle conflict are minimized.

The parking, vehicle use areas, and driveways as proposed facilitate safe and efficient movement of vehicles, bicycles, and pedestrians. This approval criterion is met.

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

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

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. In order to ensure compliance with the requirements of SRC Chapter 71, the following condition of approval shall apply:

**Condition 11:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS)*.

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 Public Works Standards.

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

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

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

- (A) *The purpose underlying the specific development standard proposed for adjustment is:***
- (i) *Clearly inapplicable to the proposed development; or***
  - (ii) *Equally or better met by the proposed development.***

**Finding:** The proposal includes a Class 2 Adjustment to four development standards of the SRC. The Class 2 Adjustment requests approval to:

- a) Reduce the minimum required off-street parking for the proposed non-profit shelter from a minimum of 167 spaces, as required under SRC 806.015(a), to 47 spaces;
- b) Allow a continuous 3-foot-tall hedge to be substituted for the minimum 3-foot-tall brick, stone, or finished concrete wall, required under SRC 806.035(c)(2)(D), to screen the proposed off-street parking area located between the existing retail store and the proposed new shelter from Commercial Street NE;
- c) Eliminate the minimum 5-foot setback, as required under 806.080(b)(2), between the proposed off-street loading space for the shelter and the abutting alley; and
- d) Eliminate the minimum 5-foot-wide landscape strip or paved pedestrian walkway, required under SRC 806.035(c)(4), between the proposed parking space and driveway and the southernmost portions of the existing retail store building.

Off-Street Parking Reduction for Proposed Non-Profit Shelter.

The written statement provided by the applicant (**Attachment I**) indicates that a Class 2 adjustment is included in the application to reduce the minimum number of required vehicle parking spaces for the nonprofit shelter use from 167 spaces to 47 spaces, under Section 806.015 of the UDC. The applicant indicates that they understand that the underlying purpose of parking minimums is to provide enough on-site parking to accommodate the majority of traffic generated by the uses on-site. The minimum parking requirement for a nonprofit shelter use, per UDC 806.015 is unnecessarily high and is not needed to meet the underlying purpose of the standard. The applicant indicates that UGM clients typically do not own or use personal vehicles to transport themselves to the facility for services and have no need to store personal vehicles on-site. It is explained that the facility is being relocated from the Downtown Parking District, which has no on-site parking requirement, and the historical demand for vehicular parking has been met with shared facilities within the Downtown Parking District.

As a matter of comparison, the applicant indicates they reviewed other nearby jurisdictions and their parking requirements for homeless shelters, and the following summary is an estimate of the parking the subject application/use would generate in each jurisdiction's equivalent of the Central Business District zone:

Jurisdiction	Minimum Requirement	Parking Required
Eugene, OR	1 space per 40 beds	8 spaces
Redmond, OR	1 space per room or 1 per employee	27 spaces
Sacramento, CA	1 per 10 dwelling units	30 (1 bed per dwelling unit)

Salt Lake City, UT	1 per 10 beds	30 spaces
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The applicant indicates that based on the requirements in jurisdictions comparable to the City of Salem, 30 spaces is a reasonable minimum parking requirement that meets the underlying purpose of the minimum parking standard. Therefore, the adjusted minimum parking requirement (47 spaces) exceeds the minimum requirements in comparable jurisdictions.

The applicant explains that based on the UGM's experience with the existing facility, they estimates they will need  $\pm 8$  spaces for volunteers (1 vehicle per volunteer),  $\pm 13$  staff (1 vehicle per employee), and visitors, and  $\pm 8$  spaces for clients ( $\pm 1$  in 40 have vehicles), resulting in a maximum estimated demand of 29 parking spaces. With the requested adjustment to the minimum parking requirement, 47 parking spaces will be sufficient to meet this demand. Therefore, the adjustment equally meets the purpose of the minimum parking standard to provide enough on-site parking to accommodate the majority of traffic generated by the nonprofit shelter use on-site.

Staff concurs with the findings included in the applicant's written statement. As identified by the applicant the purpose of the minimum off-street parking requirements of SRC Chapter 806 is to ensure there are sufficient parking spaces available on site to meet the parking demand for a proposed use without creating impacts and congestion on adjacent streets and within the surrounding neighborhood.

As explained by the applicant, the proposed off-street parking reduction for the relocated men's shelter from a minimum of 167 spaces to 47 spaces equally meets the underlying purpose of the off-street parking requirement because the 47 spaces proposed will adequately meet the parking demand for the proposed use.

Because the proposed facility will serve individuals who typically do not own vehicles, the potential of generating a need to accommodate 167 off-street parking spaces on the site for only the proposed shelter is minimal. As identified in the applicant's written statement, the minimum off-street parking requirement for the proposed shelter of 1 space per 350 square feet is unnecessarily high when compared to the parking requirements for homeless shelters in other comparable jurisdictions where a similar sized facility would have a minimum off-street parking requirement ranging from 8 to 30 spaces.

In addition, the existing men's shelter has a long history of operation at its current downtown location where off-street parking spaces are limited and no off-street parking issues has arisen.

As explained by the applicant, the anticipated actual parking demand for the shelter, based on UGM's history and experience with operating the existing shelter, totals approximately 29 spaces (*including approximately 8 spaces for volunteers, 13 spaces for staff and visitors, 8 spaces for clients*). The 47 spaces proposed exceeds the anticipated demand for the facility and is more than would be required for the proposed facility in other similar jurisdictions. In addition to providing a sufficient number of off-street parking spaces to meet the anticipated

demand for the shelter, the proposed off-street parking area will also include a sufficient number of spaces to meet the minimum parking requirement for the existing retail store and the existing office building which is to remain. Because the number of spaces proposed to serve the shelter meet or exceed the anticipated demand, the proposed adjustment equally meets the underlying purpose of the minimum off-street parking standard. This approval criterion is therefore met.

#### Continuous 3-Foot-Tall Hedge to Substitute for 3-Foot-Tall Wall

The written statement provided by the applicant (**Attachment I**) indicates that a Class 2 Adjustment is requested to substitute a 3-foot-high hedge for the 3-foot-high wall specified under the Method D option for perimeter parking landscape screening described in UDC Section 806.035(c)(2)(D). This standard applies to the perimeter setback and landscaping requirements between the off-street parking area and the abutting right-of-way along Commercial Street NE. The applicant indicates that Method D requires a minimum setback of 6 feet in combination with a 3-foot high concrete wall and the applicant is requesting approval to use a 3-foot tall hedge instead of a wall to meet the screening requirement.

The applicant indicates that the intent of the screen is to provide a visual barrier between the parking area and abutting uses. The applicant explains that the hedge at maturity will meet the opacity standard under 807.015(e)(2) and the parking area will not be visible through the hedge from the abutting street. The applicant indicates that the hedge will provide the same degree of visual screening of the parking area from the abutting street and therefore the intent of the buffer under criterion (a) is met.

Staff concurs with findings included in the applicant's written statement. The intent of requiring a 3-foot-tall-wall adjacent to parking areas abutting a street is to visually obscure the parking area from the street and buffer the parking area from pedestrians along the sidewalk.

As identified on the landscaping plan, the hedge proposed between the parking area and Commercial Street is an Otto Luyken, O.L. English Laurel. This is a compact evergreen species that grows to only 3 ft.-4 ft. in height. Because the hedge is an evergreen species it will keep its foliage throughout the year and serve to visually buffer and obscure the proposed parking lot from Commercial Street in the same manner as the required wall. Because the proposed hedge equally meets the purpose of the required screening standard for parking areas abutting a street, this approval criterion is met.

#### Landscape Setback Between Loading Space and Alley

The written statement provided by the applicant (**Attachment I**) indicates that a Class 2 Adjustment is requested to reduce the minimum setback between the loading area and the rear property line abutting the alley—required under Section 806.080 of the UDC—from 5 feet to 0 feet. The applicant indicates that the underlying purpose of loading area development standards are to ensure that access to and from loading facilities will not have a negative effect on traffic safety or other transportation functions of the abutting right-of-way and to ensure compatibility with dissimilar uses on abutting property. Reducing the setback will

have no effect on the property abutting the rear property line. This property is a public alley that is primarily used as a secondary means of motor vehicle access to abutting property. The use of this abutting area for loading is compatible with this purpose and will not disrupt traffic operations on the streets that provide primary access to the site. The applicant explains that the loading area and the abutting public alley are similar uses where a landscape buffer is not typically necessary to ensure compatibility.

The applicant indicates that granting the adjustment would treat the loading area in the same way that other vehicle use areas are treated under UDC Section 806.035(c)(A)(i), which states that perimeter setbacks are not required for vehicle use areas abutting an alley.

Staff concurs with the findings included in the applicant's written statement. The purpose of requiring loading areas to be setback and landscaped abutting interior front, side, and rear property lines is to provide a setback and buffer between abutting properties. In the case of the proposed development, however, the western interior property line abuts an alley intended to provide vehicular access to the subject property and surrounding properties, rather than an abutting property. As such, a landscape strip between the loading space and the alley does not serve the intended purpose of buffering between abutting properties and is therefore not applicable to the proposed development. The area of required landscaping would apply only for a length of 30 feet along the alley adjacent to the loading space, but no other landscaping along the alley is required. The proposed development will also be consistent with other developments abutting alleys where a landscaped setback is not provided to buffer development from the alley, but instead the alley is used as an area where a variety of vehicles, including personal vehicles, trucks, and garbage trucks, access and service property. The proposed adjustment conforms to this approval criterion.

#### Landscape Strip/Pedestrian Path Between Parking Area & Retail Store.

The written statement provided by the applicant (**Attachment I**) indicates that a Class 2 Adjustment is requested to reduce the minimum required width of the landscape buffer/pedestrian walkway between vehicle use areas and southernmost wall of the existing retail store, as required under Section 806.035(c)(4) of the UDC. The applicant indicates that the purpose of the parking area development standards are to promote areas that are safe and attractive for motorists and pedestrians. The minimum 5-foot-wide walkway is provided with a wheel stop to prevent vehicle from encroaching into the walkway in front of the parking stall. With the included adjustment, the configuration of this vehicle use area and the paved walkway adjacent to the buildings on-site will be substantially similar to the standard configuration shown in Figure 806-6 of the UDC. The parking stall subject to this adjustment will provide safe access to the building entrances and therefore equally meets the underlying purpose of the standard.

Staff concurs with the findings included in the applicant's written statement. The requested adjustment affects only a relatively small area of the proposed parking area abutting the southernmost portions of the existing retail store building where one proposed parking stall and a portion of the driveway do not include the

minimum required 5-foot-wide landscape strip or 5-foot-wide paved pedestrian walkway. Provision of the required 5-foot separation would result in a need to shift the driveway and parking stall further to the south which would require a small shift in the driveway location and potentially require the elimination of additional parking spaces. This approval criterion is met.

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

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

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

**Finding:** The majority of the subject property is zoned CB (Central Business District) and each of the requested adjustments affect portions of the proposed development that are located in the CB zoned area of the site. Pursuant to SRC 524.001, the CB (Central Business District) zone serves Salem and the region as a principal center of business and commerce and allows a compact arrangement of retail and commercial enterprises together with office, financial, cultural, entertainment, governmental, and residential uses designed and situated to afford convenient access by pedestrians. The Riverfront Overlay Zone furthers the purposes of the CB zone by promoting an active and inviting urban and pedestrian-oriented district within the downtown that also emphasizes access to and along the Willamette River.

Though an adjustment to four different standards has been requested in conjunction with the proposed development, the adjustments will not cumulatively result in a project that is inconsistent with the overall purposes of the CB zone or the Riverfront Overlay Zone.

The requested adjustments are the minimum necessary to accommodate development of the proposed new shelter which will represent a redevelopment of an underutilized property that will help the UGM to better meet the needs of the City's homeless population which will benefit not only other properties in the CB zone but the larger community. This approval criterion is met.

## **CONCLUSION**

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

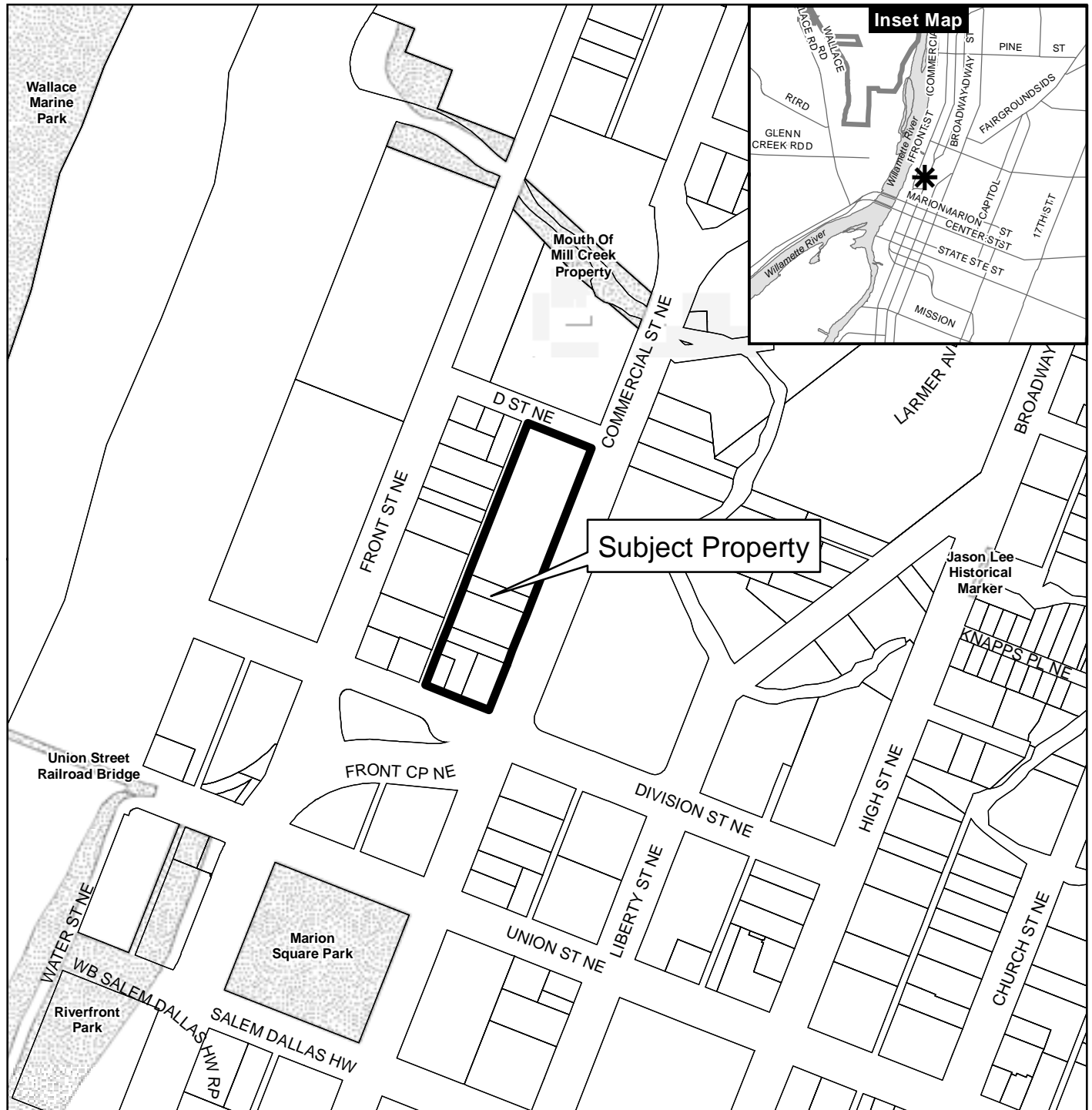
- Attachments:**
- A. Vicinity Map.
  - B. City Council Decision on Conditional Use / Zone Change Case No. CU-ZC17-14 (May 29, 2018).
  - C. Additional Properties Acquired Subsequent to Original Conditional Use Permit Approval.
  - D. Planning Administrator Decision on Modification of Condition Use Permit Case No. CU-ZC17-14MOD1 (April 26, 2019).
  - E. Planning Administrator Decision on Replat Case No. REP19-03 (May 10, 2019).
  - F. Existing Conditions Plan.
  - G. Site, Lighting & Security, Open Space & Signage, Landscaping, & Utility Plans.
  - H. Building Floor Plans & Elevations.
  - I. Applicant's Written Statement.
  - J. Public Works Department Comments.
  - K. Replat Tentative Plan.
  - L. Comments Provided Prior to Public Hearing.

Prepared by Bryce Bishop, Planner II



# 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 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**

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

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 29<sup>th</sup> day of May, 2018.

ATTEST:

City Recorder

A handwritten signature in black ink, appearing to read "Justin J. Stalder", written over the "ATTEST:" and "City Recorder" text.

Checked by: Bryce Bishop

*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

NOTICE OF DECISION

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

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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](mailto: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.

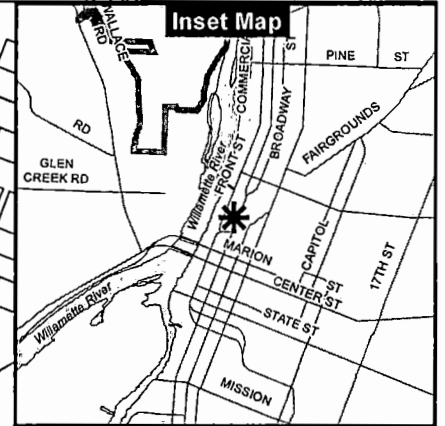
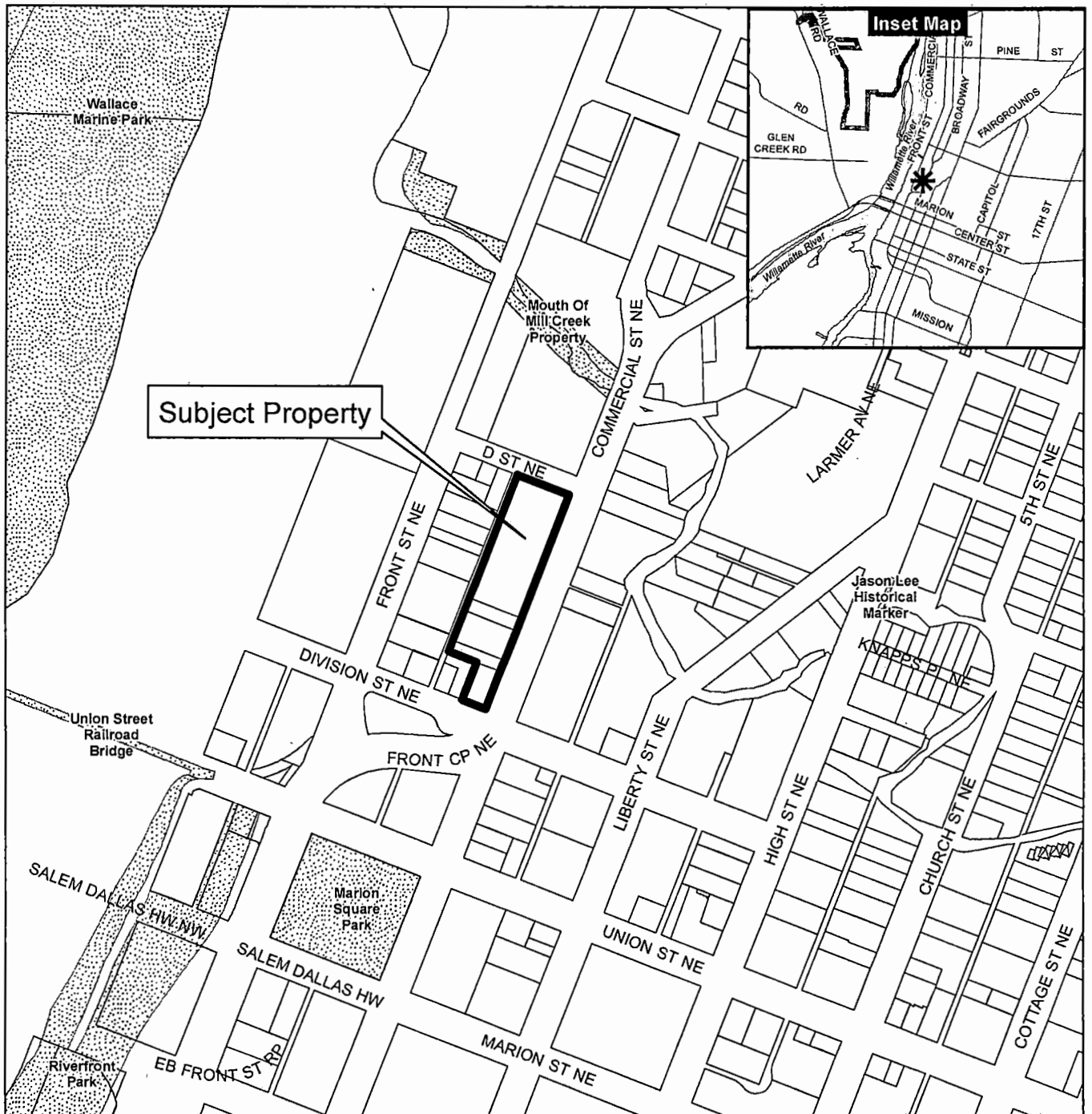
The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

**<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

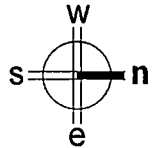
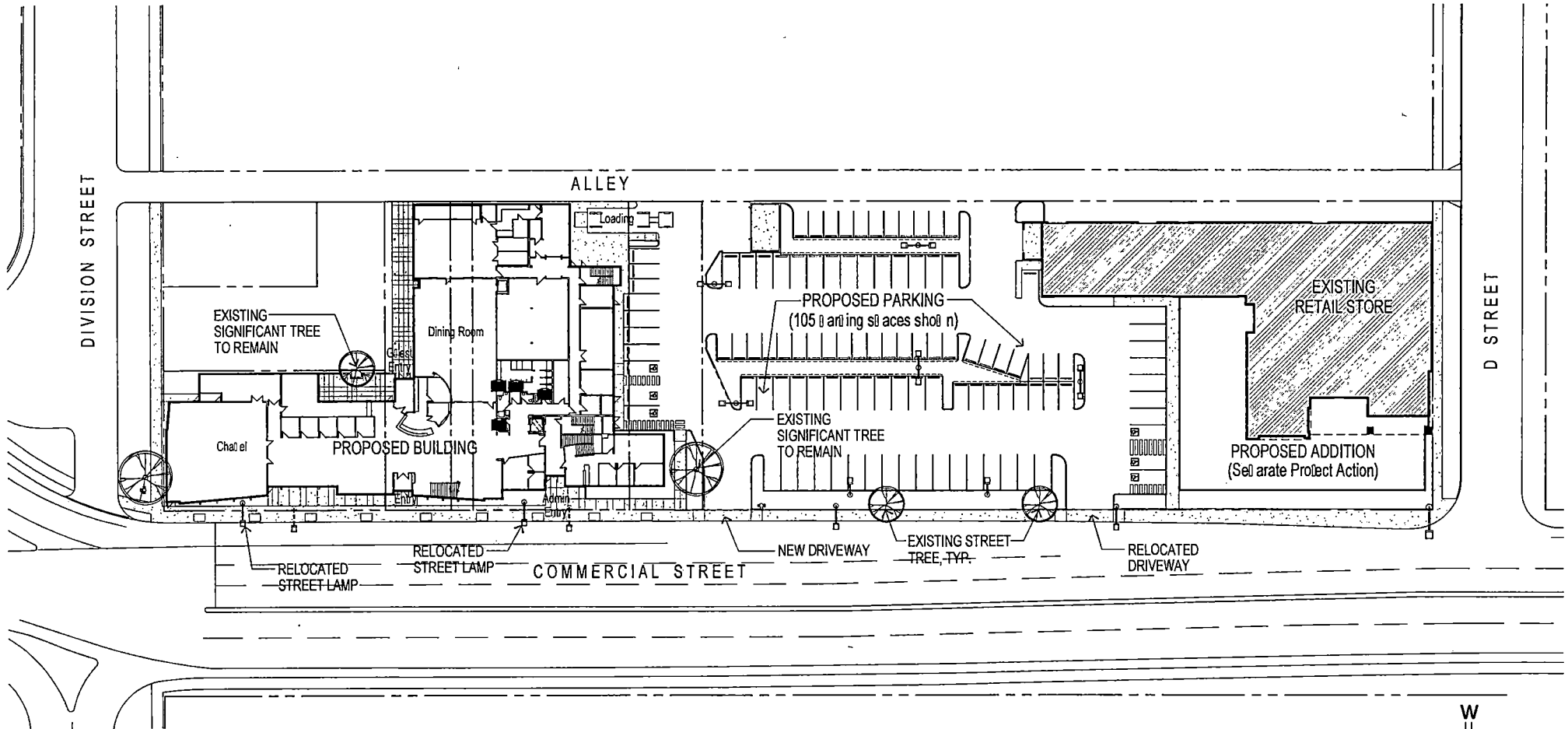
Parks

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**MERRICK LENTZ ARCHITECT**  
 ARCHITECTURE - PLANNING  
 12815 NE 126th Place . Kirkland, WA . 98034

Project Name:  
**UGM Salem - Commercial St NE Emergency Shelter**  
**Conditional Use Permit**

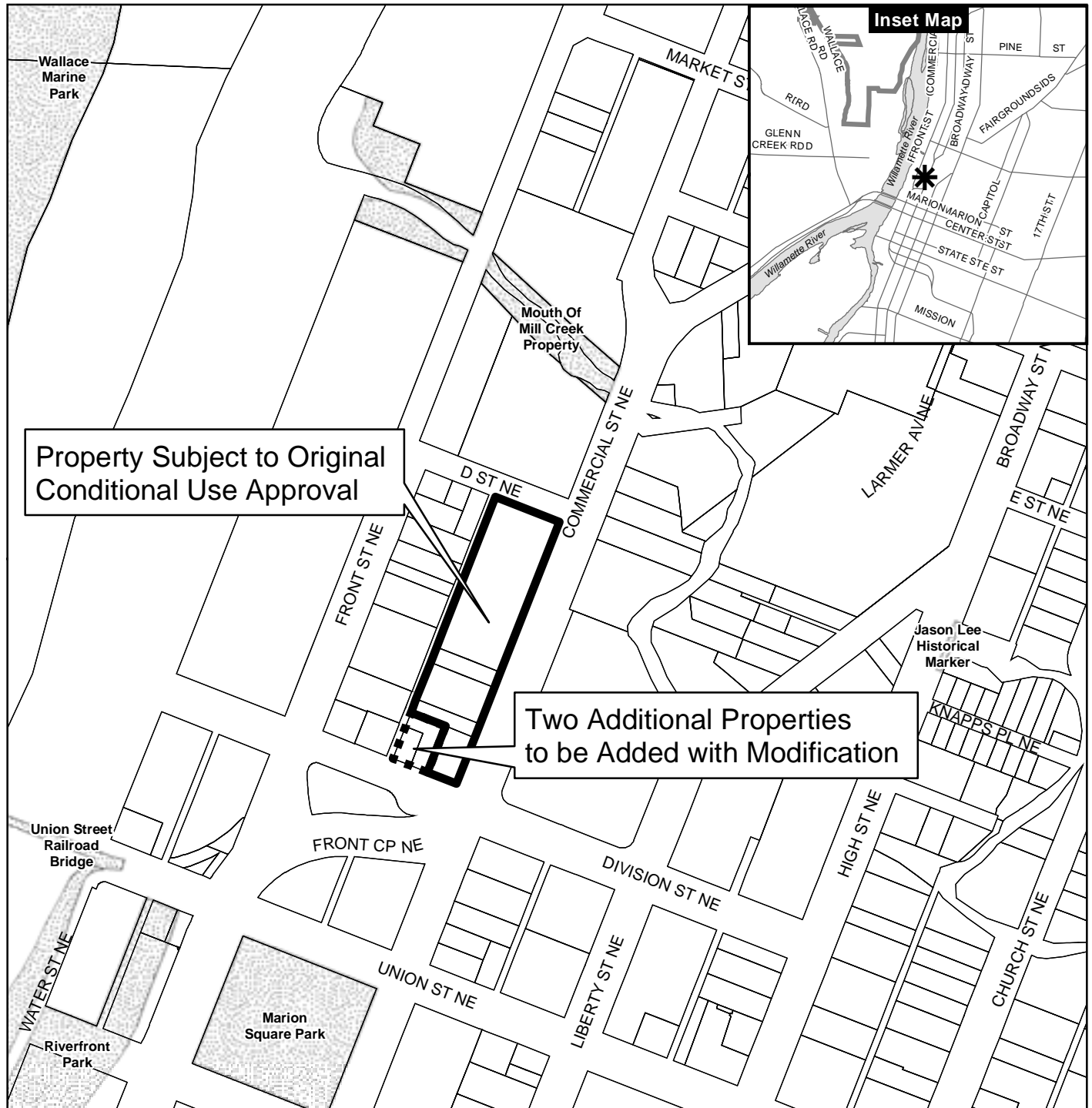
Description:  
**Proposed Site Plan**

Date: 11/27/17  
 Scale: 1" = 50'-0"









Drawing Number:  
**CU1.2**

## Vicinity Map

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



### Legend

-  Taxlots
  Outside Salem City Limits
  Parks
-  Urban Growth Boundary
  Historic District
-  City Limits
  Schools
 
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## NOTICE OF DECISION

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



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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](mailto: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.

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

## DECISION OF THE PLANNING ADMINISTRATOR

**REPLAT CASE NO.:** REP19-03

**APPLICATION NO. :** 19-106447-LD

**NOTICE OF DECISION DATE:** May 10, 2019

**SUMMARY:** An application to consolidate seven existing properties into one lot approximately 2.57 acres in size in order to accommodate the proposed relocation and development of the Union Gospel Mission (UGM) of Salem's men's shelter.

**REQUEST:** A replat to consolidate seven existing properties (comprised of Lots 1-4 of Block 54 and Lots 1-4 of Block 55 of the Salem plat) into one lot approximately 2.57 acres in size. The subject property 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 253 to 275 Division Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, 1900, 2000 & 2100).

**APPLICANT:** Union Gospel Mission of Salem

**LOCATION:** 700 to 800 Blocks of Commercial Street NE & 253 to 275 Division Street NE / 97301

**CRITERIA:** Salem Revised Code 205.025(d)

**FINDINGS:** The findings are in the attached Decision dated May 10, 2019.

**DECISION:** The Planning Administrator **APPROVED** Replat Case No. REP19-03 subject to the following conditions of approval:

**Condition 1:** For the existing slope easement (Reel 189, Page 1300) shown to be vacated on the replat tentative plan, the applicant shall either:

- a) Obtain City approval to quitclaim the easement prior to final plat approval; or
- b) Show the existing slope easement on the final plat.

The rights granted by the attached decision must be exercised, or an extension granted, by **May 29, 2021** or this approval shall be null and void.

Application Deemed Complete:	<u>March 21, 2019</u>
Notice of Decision Mailing Date:	<u>May 10, 2019</u>
Decision Effective Date:	<u>May 29, 2019</u>
State Mandate Date:	<u>July 19, 2019</u>

**Case Manager:** Bryce Bishop, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net),

**NOTICE OF DECISION**

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

**CITY OF Salem**  
AT YOUR SERVICE



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., Tuesday, May 28, 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(s) 205. 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: MSD  
CHECKED BY: NSW  
SCALE: AS NOTED  
DATE: 04/30/2018

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Nick White*

**OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS**

**RENEWS: 6/30/18**

REVISIONS

**NOTES:**

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBERS 18031110, 18031115, 18031156, 18031166. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED FEBRUARY 16-21, 2018.
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON MARION COUNTY BENCHMARK 1021. ELEVATION = 150.93 FEET (NGVD 29).
4. THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY
5. SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
6. BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
7. CONTOUR INTERVAL IS 1 FOOT.
8. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.



EXISTING		EXISTING	
DECIDUOUS TREE		STORM SEWER CLEAN OUT	
CONIFEROUS TREE		STORM SEWER CATCH BASIN	
FIRE HYDRANT		STORM SEWER AREA DRAIN	
WATER BLOWOFF		STORM SEWER MANHOLE	
WATER METER		GAS METER	
WATER VALVE		GAS VALVE	
DOUBLE CHECK VALVE		GUY WIRE ANCHOR	
AIR RELEASE VALVE		UTILITY POLE	
SANITARY SEWER CLEAN OUT		POWER VAULT	
SANITARY SEWER MANHOLE		POWER JUNCTION BOX	
SIGN		POWER PEDESTAL	
STREET LIGHT		COMMUNICATIONS VAULT	
MAILBOX		COMMUNICATIONS JUNCTION BOX	
		COMMUNICATIONS RISER	

RIGHT-OF-WAY LINE	_____
BOUNDARY LINE	=====
PROPERTY LINE	_____
CENTERLINE	-----
CURB	=====
EDGE OF PAVEMENT	-----
RAIL ROAD TRACK	-----+-----+-----+-----+-----
FENCE LINE	-----○-----○-----○-----○-----
GRAVEL EDGE	.....
POWER LINE	----- FWR ----- FWR
OVERHEAD WIRE	----- OWR ----- OWR
COMMUNICATIONS LINE	----- COM ----- COM
FIBER OPTIC LINE	----- FFO ----- FFO
GAS LINE	----- GAS ----- GAS
STORM SEWER LINE	----- STM ----- STM
SANITARY SEWER LINE	----- SAN ----- SAN
WATER LINE	----- WAT ----- WAT







consultant

project name



Union Gospel Mission  
of Salem

Men's Recovery  
and  
Services Center

715 Commercial St. NE  
Salem, OR 97301

site plan / design review

drawing title

PRELIMINARY  
SITE PLAN

drawn by

checked by

5/1/19	DESIGN REVIEW REVISIONS
3/18/19	DESIGN REVIEW
issued	date description

## SUMMARY TABLE

ZONE:	CB (89.8% OF SITE AREA - 94,045sf) CO (10.2% OF SITE AREA - 10,721sf)
TOTAL SITE AREA:	104,766 SF
GROSS FLOOR AREA:	TOTAL: 58,282 SF SHELTER USE: 51,285 SF OFFICE USE: 6,997 SF
BUILDING HEIGHT:	52'-0"
PARKING:	FULL SIZE 50 SPACES COMPACT 59 SPACES ACCESSIBLE 5 (FULL SIZE) SPACES TOTAL 114 SPACES
LOT COVERAGE:	BUILDINGS 40,492 SF (38.7%) PARKING 38,360 SF (36.6%) SIDEWALKS 13,707 SF (13.1%) TOTAL 92,559 SF (88.4%)

## PROPOSED ADJUSTMENTS

1. MINIMUM PARKING REQUIREMENT FOR SHELTER BUILDINGS.
2. A CONTINUOUS 36" TALL HEDGE IN LIEU OF A 36" TALL DECORATIVE SCREENING WALL AT THE 6' PARKING SETBACK FROM COMMERCIAL ST.
3. N.E. REMOVE THE 5' LANDSCAPE BUFFER TO ALLEY FOR LOADING SPACE.
4. MINIMUM SETBACK BETWEEN VEHICLE USE AREAS AND BUILDINGS

## PARKING NOTES

REQUIRED PARKING	AREA	SF/SPACE	REQ. SPACES
USE			
SHELTER BUILDING			
SHELTER USE	58,282 SF	1/350 SF*	167 SPACES*
EXISTING RETAIL STORE BUILDING			
RETAIL USE	15,403 SF	1/250 SF	62 SPACES
EXISTING OFFICE BUILDING			
OFFICE USE	1722 SF	1/350 SF	5 SPACES
TOTAL			234 SPACES*

\* APPLICANT IS PURSUING AN ADJUSTMENT PER CHAPTER 250 TO THE REQUIRED PARKING LOAD FOR THE SHELTER USE. PLEASE REFER TO THE INCLUDED NARRATIVE FOR DETAILED FINDINGS.

ADJUSTED REQUIRED PARKING	AREA	SF/SPACE	REQ. SPACES
USE			
SHELTER			
SHELTER USE	58,282 SF		47 SPACES**
EXISTING RETAIL STORE BUILDING			
RETAIL USE	15,403 SF	1/250 SF	62 SPACES
EXISTING OFFICE BUILDING			
OFFICE USE	1722 SF	1/350 SF	5 SPACES
TOTAL			114 SPACES**

\*\*ADJUSTED REQUIREMENT

### PROPOSED PARKING

FULL SIZE	55 SPACES
COMPACT	59 SPACES
TOTAL	114 SPACES

### BICYCLE PARKING

USE	AREA	SPACES	REQ. SPACES	PROPOSED
SHELTER	58,282 SF	1/3500 SF***	15 SPACES	
OFFICE	1722 SF	4 min.	4 SPACES	
TOTAL			19 SPACES	24 SPACES*

\*\*\*FOR THE FIRST 50,000 SF, 1/7000 SF THEREAFTER, ROUNDED TO NEAREST WHOLE NUMBER.

## LANDSCAPING NOTES

PROPOSED TOTAL LANDSCAPING AREA:	12,207 SF
TOTAL SITE AREA*:	104,766 SF
PERCENTAGE OF SITE AREA LANDSCAPED:	11.7 %

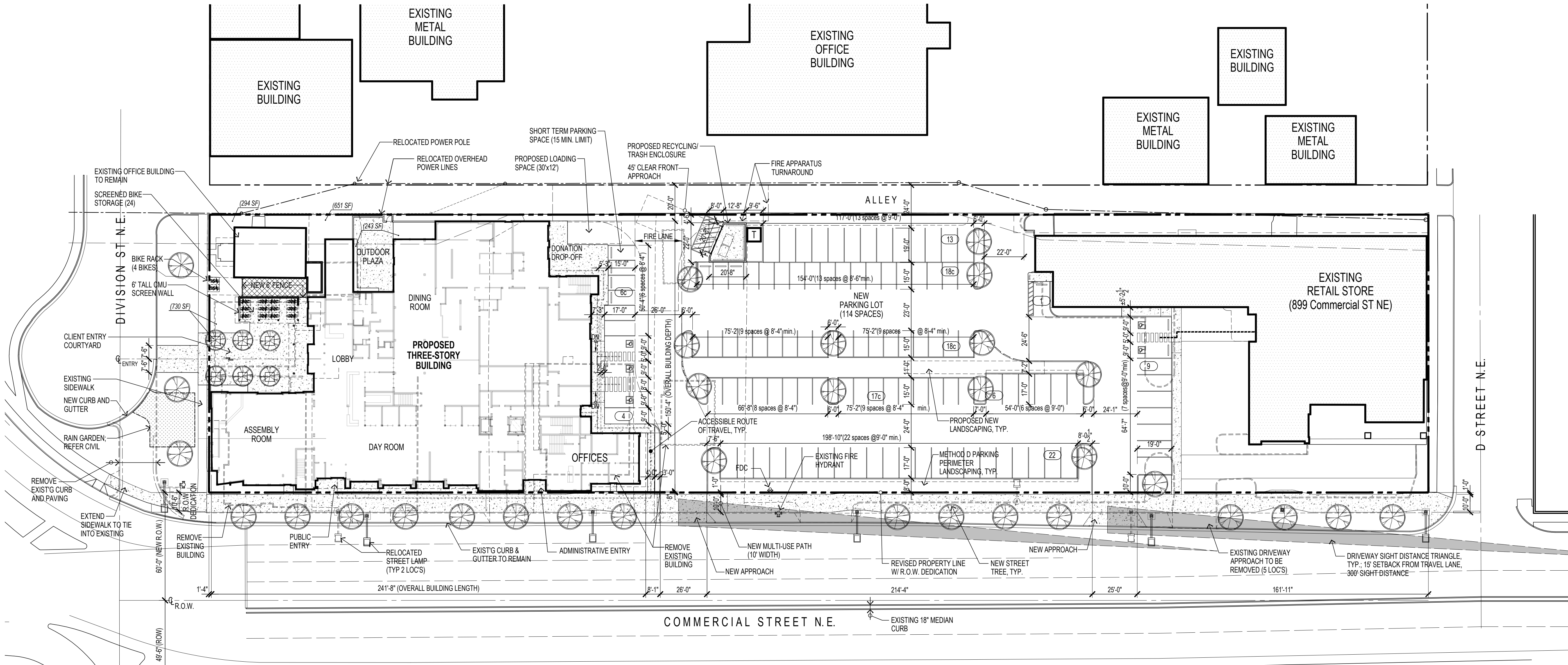
SITE AREA ZONED CO:	10,721 SF
CO ZONE LANDSCAPING REQUIRED (15%):	1608 SF
CO ZONE LANDSCAPING PROPOSED:	1904 SF

\*EXCLUDES 10'-6" RIGHT-OF-WAY DEDICATION.

## PARKING LOT LANDSCAPING NOTES

OFF STREET PARKING AREA:	41,897 SF
INTERIOR LANDSCAPING REQUIRED (5% MIN):	2095 SF
INTERIOR PARKING LANDSCAPING PROPOSED:	3674 SF

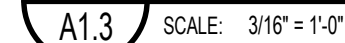
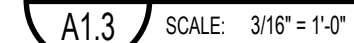
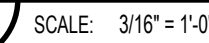
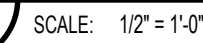
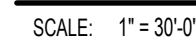
REQUIRED INTERIOR TREES (1/12 STALLS):	10 Trees
PROPOSED INTERIOR TREES:	13 Trees



## PRELIMINARY SITE PLAN

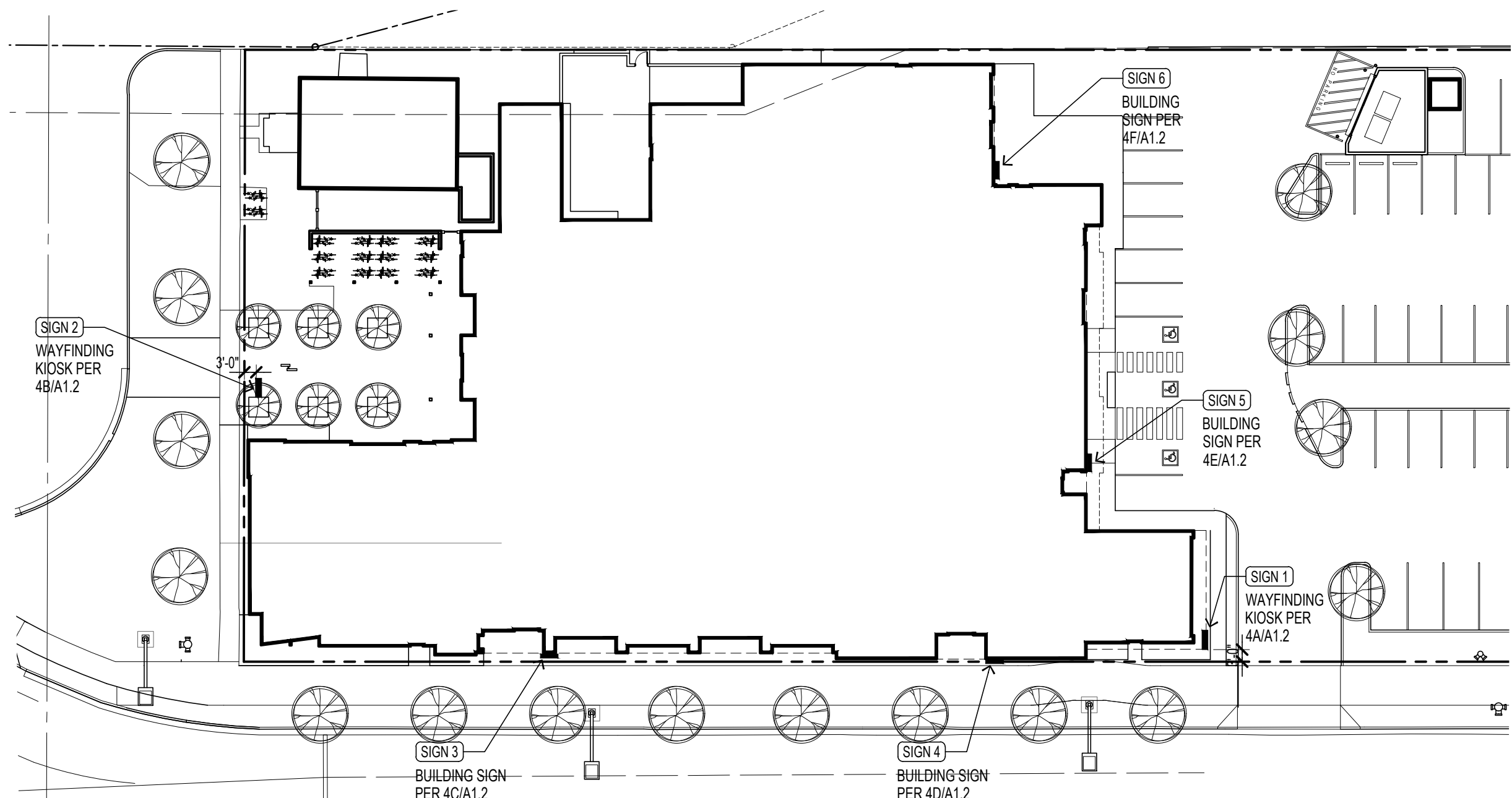
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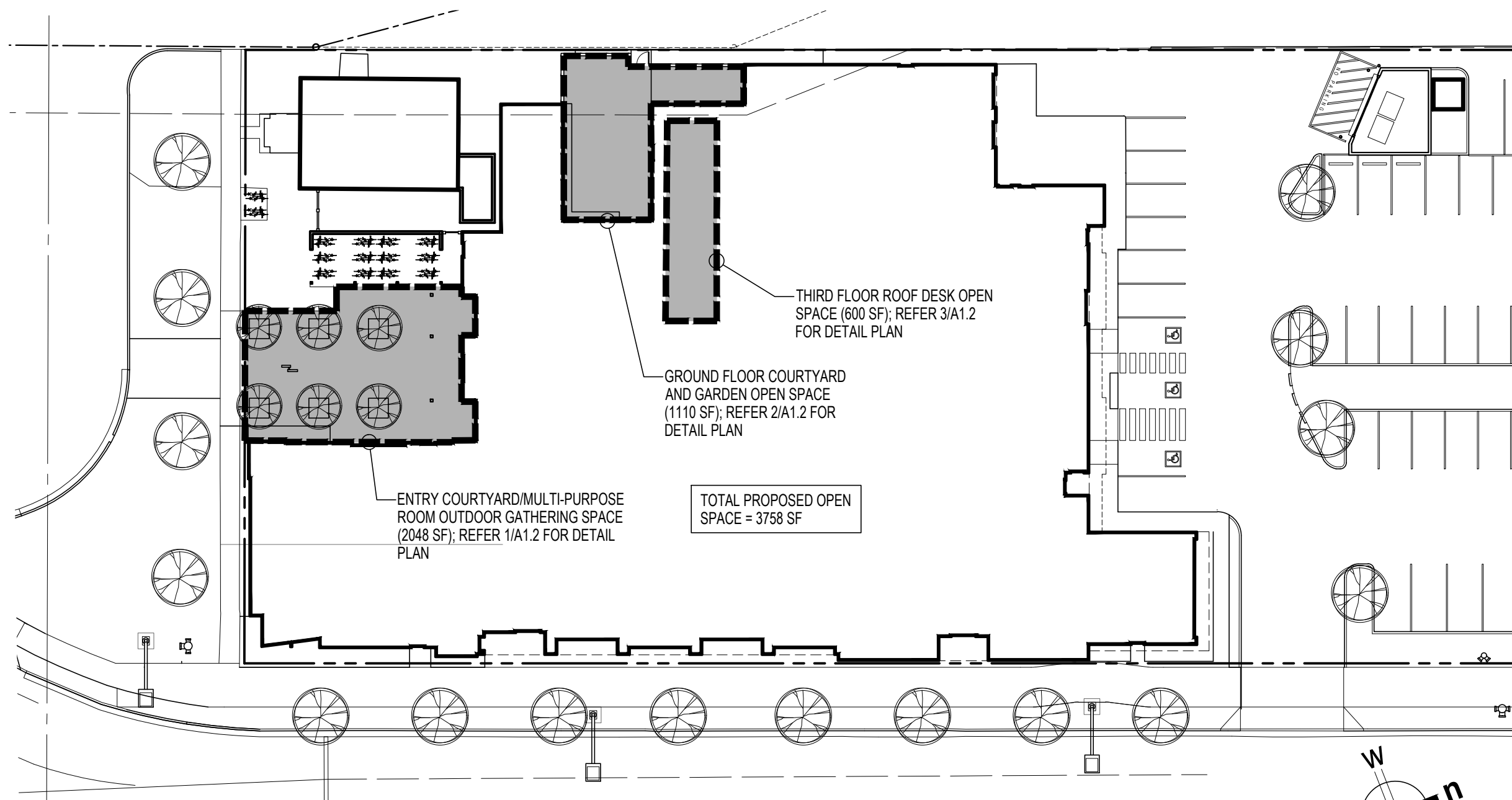
TYPE	DESCRIPTION	LOCATION	MANUF.	MODEL	LAMP	FINISH	NOTES
B1	Bollard	Exterior	Hydrel	3120C H6 4COB 40Kk MVOLT SYM STG	72W LED	Steel Gray	
C1	Surface-mounted Cylider	Exterior	Lumiere Lighting	9004-W2-RW-LED3590-M-M-BK-L1-UNV-WIS	10W LED Up/Dn	Black	Cutoff fixture
C2	Surface-mounted Cylider	Exterior	Lumiere Lighting	9004-W1-RW-LED3590-W-BK-L2-UNV-WIS	20W LED Dn	Black	Cutoff fixture
C3	Surface-mounted Cylider	Exterior	Lumiere Lighting	1003-A2-RCS-RW-LED3590-F-BK-L2-UNV-RSM	2-20W LED Dn	Black	
D1	Recessed LED Downlight 4" aperture	Exterior	Aculux	AS4SQ A 22LM 35K 80CRI 35D GZ1 MVOLT ICAT 4SQDBV BD BLSF	22.5W LED	Black	
D2	Recessed LED Downlight 3" aperture	Exterior	Aculux	AS3SQ D G4 12LM 35K 80CRI 35D GZ1 MVOLT ICAT 3SQD BD SF	11W LED	Black	
F1-X'	Parking Lot Area Light	Exterior	Lithonia	DSF1 LED P5 30K T4M MVOLT SPA (EGS) DDBXD	138W LED	Dark Bronze	Pole height Indicated; EGS Shield at *; Cut-off fixture w/ forward wide throw
F2-X'	Parking Lot Area Light	Exterior	Lithonia	DSF1 LED P5 30K T5M MVOLT SPA (EGS) DDBXD	138W LED	Dark Bronze	Pole height Indicated; Type V throw; EGS at *
F3-X'	Parking Lot Area Light	Exterior	Lithonia	DSF1 LED P3 30K T4M MVOLT SPA (EGS) DDBXD	102W LED	Dark Bronze	Pole height Indicated; forward wide throw
W1	Wall Pack Area Light	Exterior	Lithonia	WST LED P3 4000K VW MVOLT DDBXD	50W LED	Dark Bronze	Sloped Ceiling: 1:12 Slope w/ 36" length at low end. Flat ceiling at "A".
W2	Wall Pack Area Light	Exterior	Lithonia	WST LED P2 3000K VW MVOLT DDBXD	25W LED	Dark Bronze	Install per NEC 700.148.15 so that lighting activates when power is interrupted.
W3	Wall Pack Area Light	Exterior	Lithonia	WST LED P2 3000K VW MVOLT DDBXD	25W LED	Dark Bronze	Wall-mounted Exit Sign LED, Battery Backup. Green Letters
(E)WP1	Existing Wall Pak	Exterior			250W MH		
(E)WP2	Existing Wall Pak	Exterior			250W MH		
(E)	Existing Wall Entry Fixture	Exterior			100W MH		





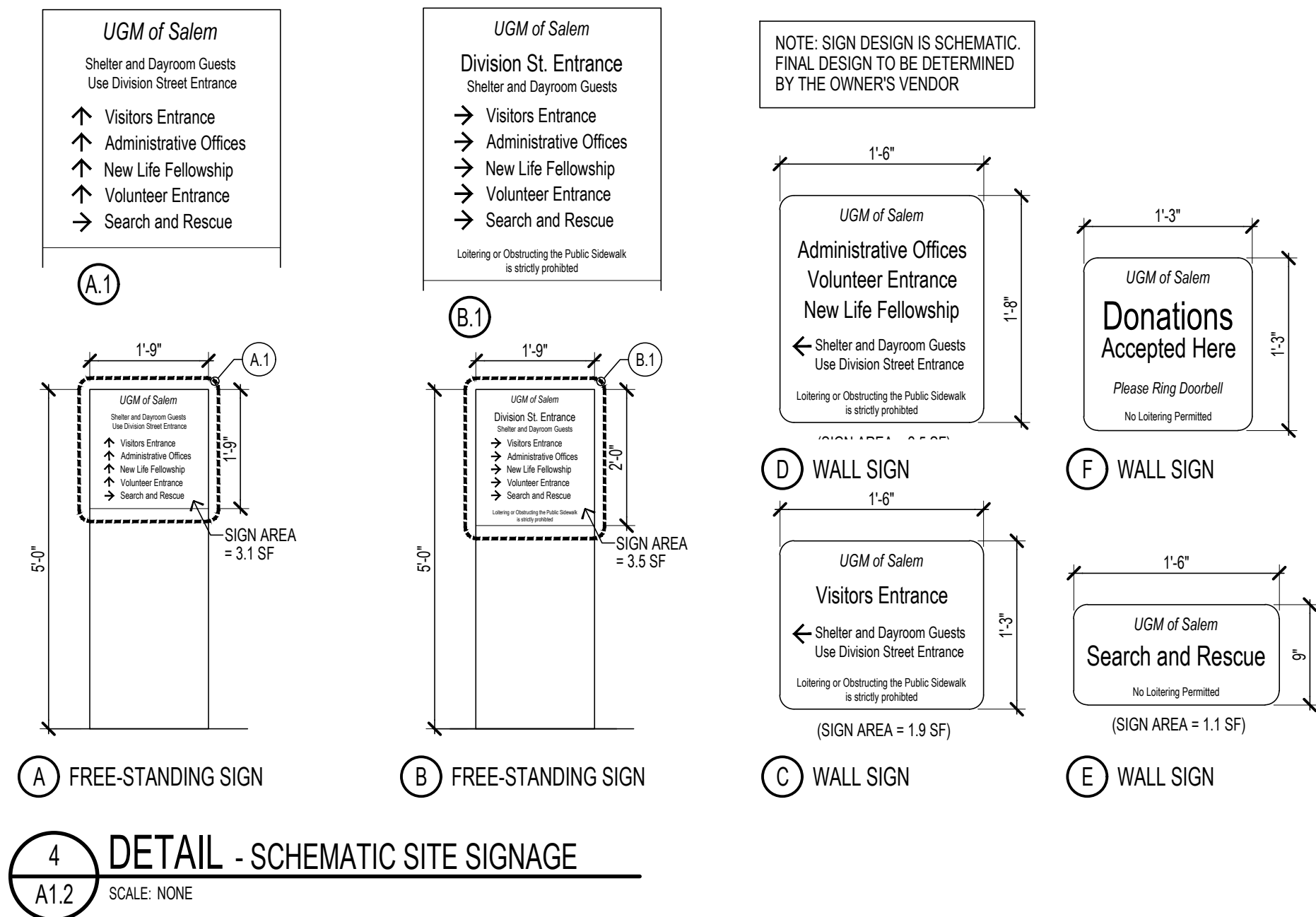
SIGNAGE SITE PLAN

SCALE: 1" = 30'-0"



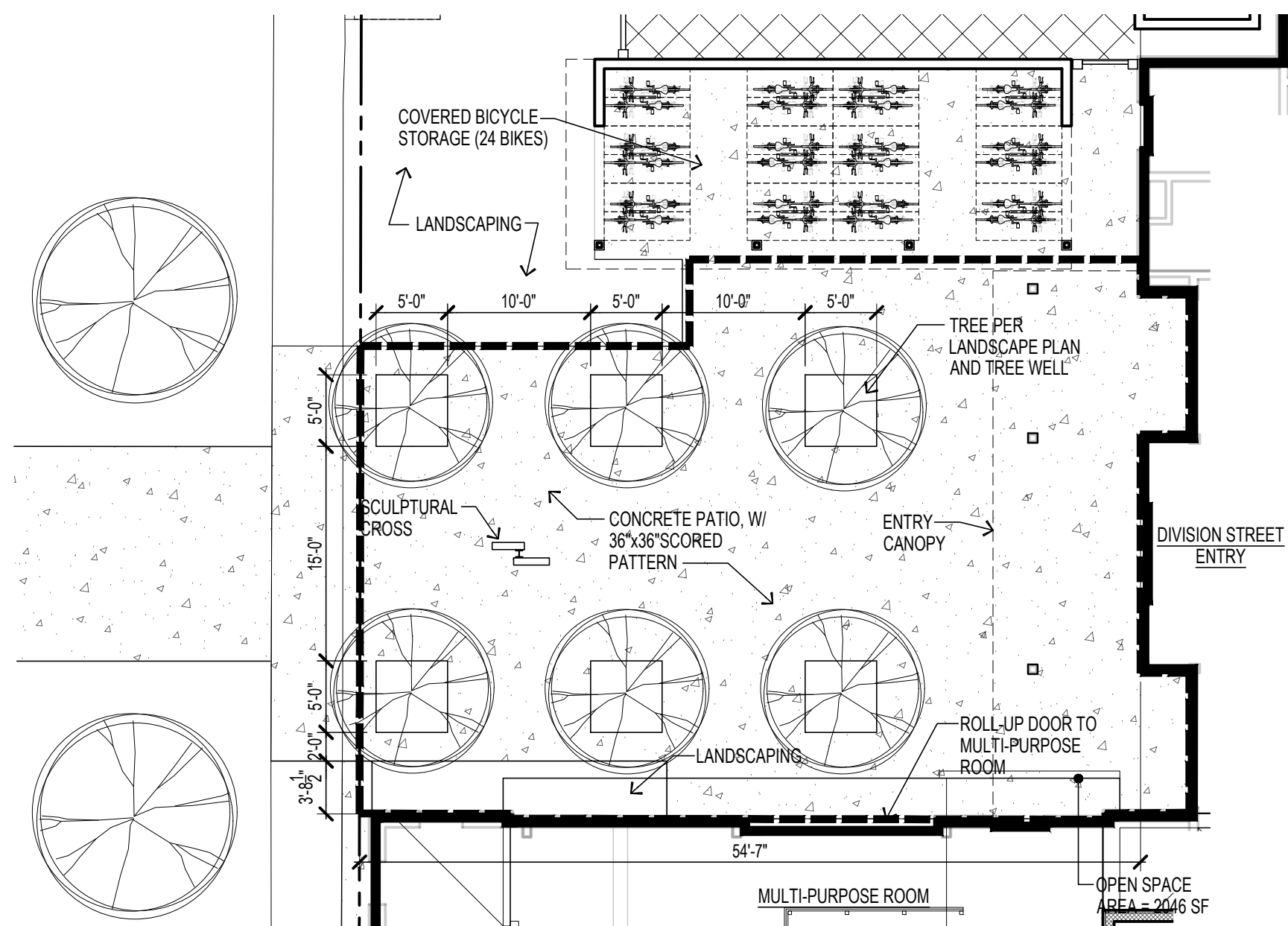
OPEN SPACE SITE PLAN

SCALE: 1" = 30'-0"



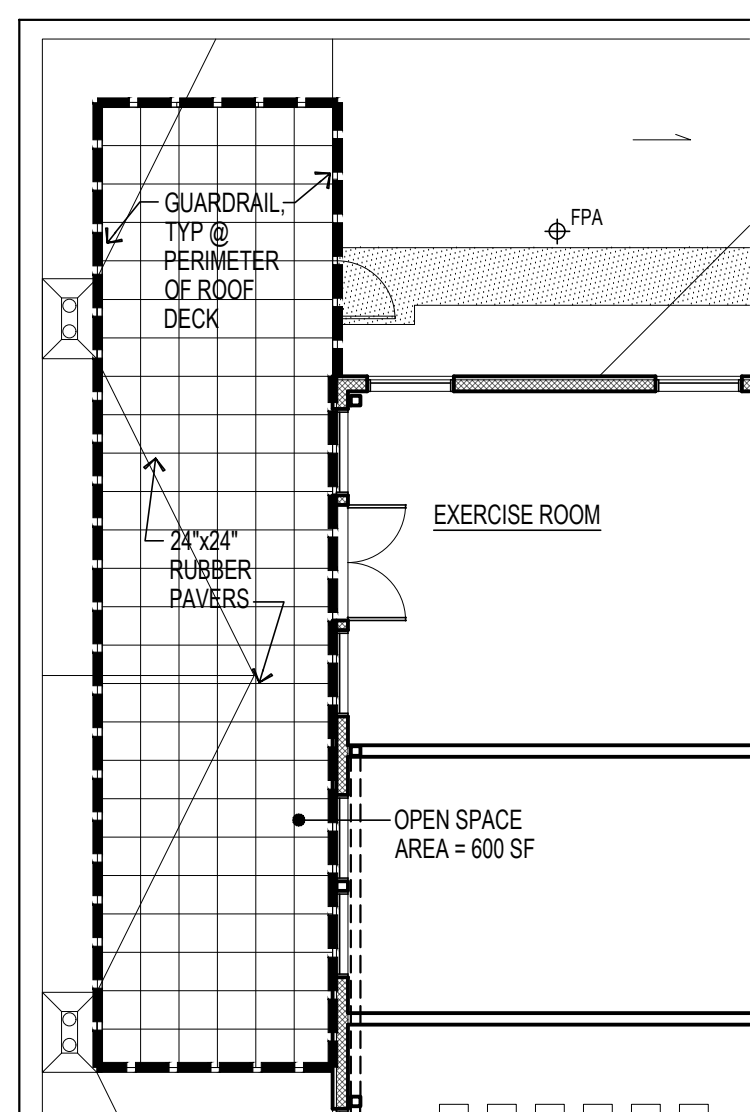
DETAIL - SCHEMATIC SITE SIGNAGE

SCALE: NONE



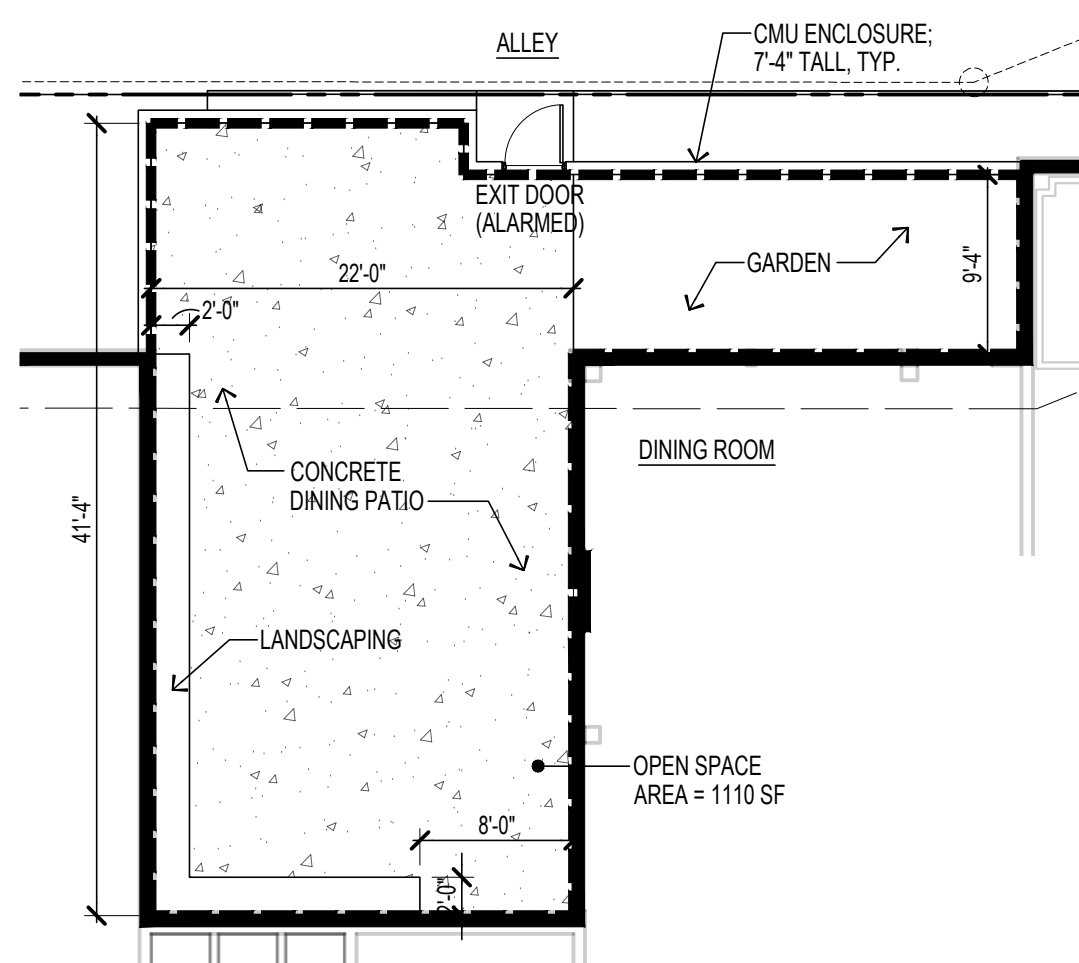
OPEN SPACE PLAN - ENTRY COURTYARD

SCALE: 1" = 10'-0"



OPEN SPACE PLAN - ROOF DECK

SCALE: 1" = 10'-0"



OPEN SPACE PLAN - ENTRY COURTYARD

SCALE: 1" = 10'-0"

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project name



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Men's Recovery  
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Services Center

715 Commercial St. NE  
Salem, OR 97301

site plan / design review

drawing title

OPEN SPACE PLANS

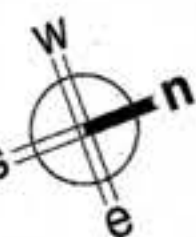
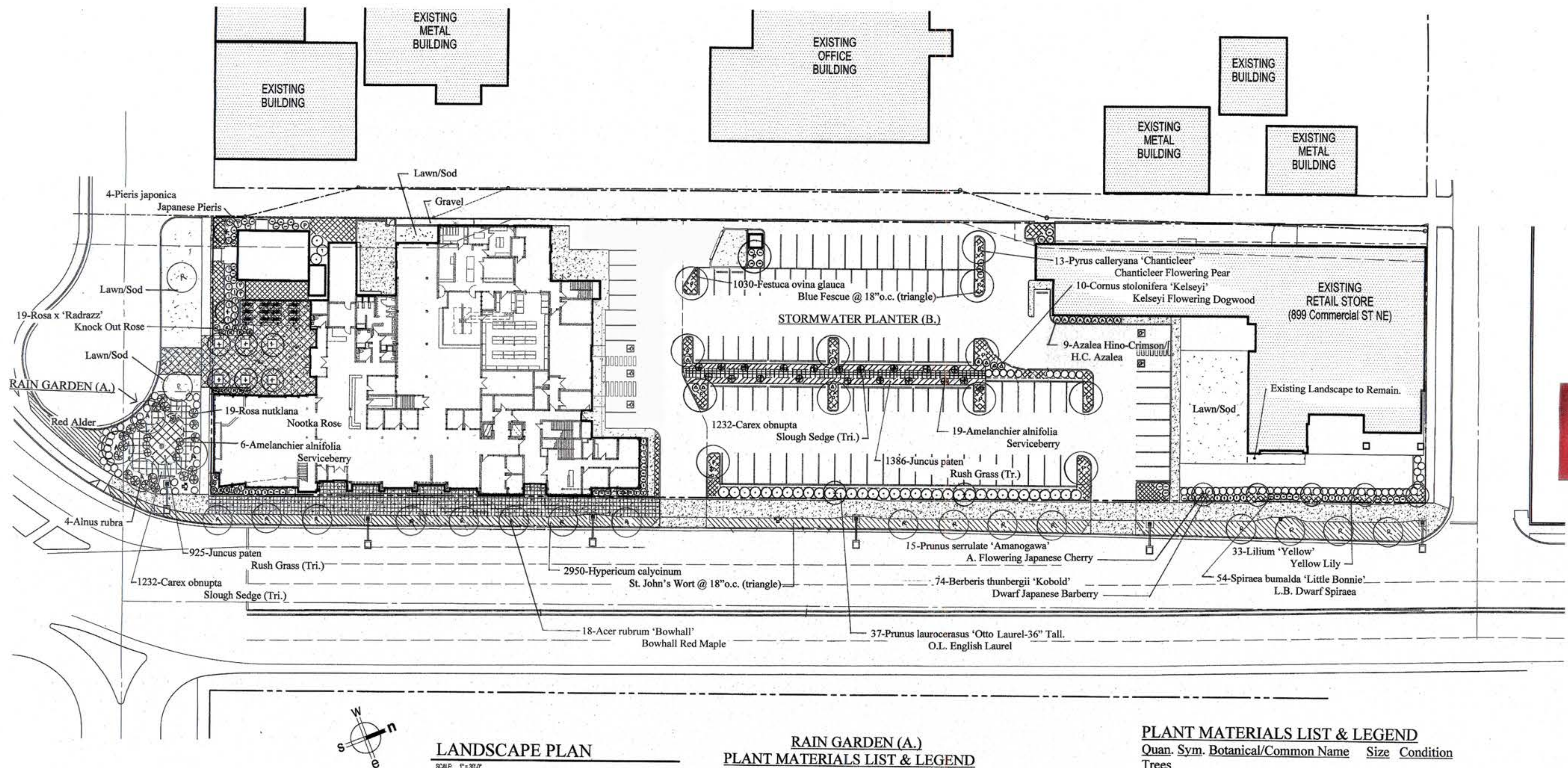
SIGN CONCEPT PLAN

drawn by  
checked by

5/1/19 DESIGN REVIEW REVISIONS  
3/18/19 DESIGN REVIEW  
issued date description

A1.2





## LANDSCAPE PLAN

SCALE: 1" = 30'-0"

### Irrigation Notes:

- Automatic Irrigation System will be installed, design or Notes will be shown at Permit stage of project.
- No Irrigation will be in right-of-way, street trees will be watered by landscape contractor for (1) one year, as apart of their landscape contract.

RAIN GARDEN (A.)				
PLANT MATERIALS LIST & LEGEND				
Quan.	Sym.	Botanical/Common Name	Size	Condition
<b>Trees</b>				
4	(A)	Alnus rubra/ Red Alder	2" cal.	B & B
<b>Shrubs</b>				
6	(+)	Amelanchier alnifolia/ Serviceberry	3 gal.	Container
19	(*)	Rosa nutkana/ Nootka Rose	3 gal.	Container
<b>Ground Covers</b>				
1232	(##)	Carex obnupta/ Slough Sedge (Tri.)	9" o.c.	Plugs
925	(xxx)	Juncus paten/ Rush Grass (Tri.)	9" o.c.	Plugs
<b>VEGETATIVE SWALE (B.)</b>				
<b>Shrubs</b>				
19	(+)	Amelanchier alnifolia/ Serviceberry	9" o.c.	Plugs
<b>Ground Covers</b>				
1232	(##)	Carex obnupta/ Slough Sedge (Tri.)	9" o.c.	Plugs
1386	(///)	Juncus paten/ Rush Grass (Tr.)	9" o.c.	Plugs

## PLANT MATERIALS LIST & LEGEND

Quan.	Sym.	Botanical/Common Name	Size	Condition
<b>Trees</b>				
18	(R)	Acer rubrum 'Bowhall' Bowhall Red Maple	2" cal.	B & B
15	(+)	Prunus serrulate 'Amanogawa'/ A. Flowering Japanese Cherry	2" cal.	B & B
13	(P)	Pyrus calleryana 'Chanticleer'/ Chanticleer Flowering Pear	2" cal.	B & B
<b>Shrubs</b>				
9	(A)	Azalea Hino-Crimson/ Hino Crimson Azalea	3 gal.	Container
74	(O)	Berberis thunbergii 'Kobold'/ Dwarf Japanese Barberry	3 gal.	Container
10	(A)	Cornus stolonifera 'Kelsey'/ Kelsey Flowering Dogwood	2 gal.	Container
1030	(x)	Festuca ovina glauca/ Blue Fescue @ 18"o.c. (triangle)	1 gal.	Container
33	(I)	Lilium 'Yellow'/ Yellow Lily	2 gal.	Container
4	(P)	Pieris japonica/ Japanese Pieris	5 gal.	Container
54	(-)	Spiraea bumalda 'Little Bonnie'/ L.B. Dwarf Spiraea	3 gal.	Container
37	(O)	Prunus laurocerasus 'Otto Luyken'/ O.L. English Laurel	3 gal.	Container
19	(R)	Rosa x 'Radrazz'/ Knock Out Rose	3 gal.	Container
<b>Ground Covers</b>				
2950	(///)	Hypericum calycinum/ St. John's Wort @ 18"o.c. (triangle) 4"		Pots

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ARCHITECTURE - PLANNING

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Landscape Architect

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project name

**Hope**  
Has a New Address

Union Gospel Mission  
of Salem

Men's Recovery  
and  
Services Center

715 Commercial St. NE  
Salem, OR 97301

design review

drawing title

**Landscape Plan**

drawn by

AJL

checked by

AJL

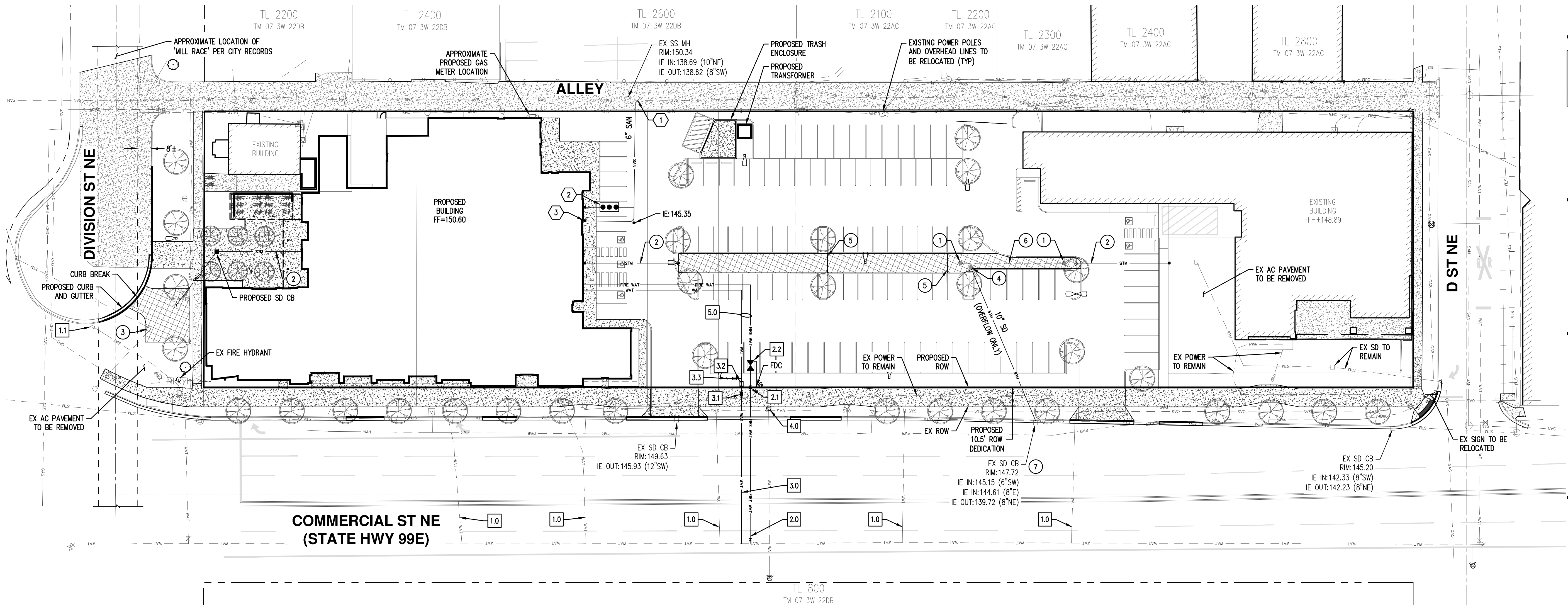
Landscape Change 4/8/19 - AJL

Landscape Change 4/23/19 - AJL

issued date 4/3/19

**L1.1**





**STORM DRAIN (SD) KEYED NOTES**

1. BEEHIVE OVERFLOW, RIM: 147.80.
2. ROOF DRAIN STUB.
3. EXISTING STORM DRAIN CATCH BASIN, CONVERT TO BEEHIVE OVERFLOW.
4. EMERGENCY OVERFLOW.
5. CHECK DAM.
6. PERFORATED STORM DRAIN.
7. CONNECT TO EXISTING SD CB, OVERFLOW ONLY.

**SANITARY SEWER (SS) KEYED NOTES**

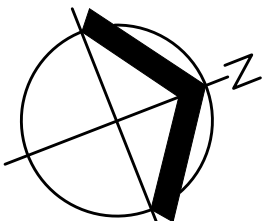
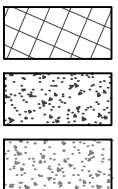
1. CONNECT NEW SANITARY SEWER TO EXISTING.
2. PROPOSED GREASE INTERCEPTOR.
3. SS SERVICE AT BUILDING, 6" IE: 145.60.

**WATER AND FIRE KEYED NOTES**

- 1.0 EXISTING SERVICE TO BE ABANDONED.
- 1.1 EXISTING SERVICE TO REMAIN.
- 2.0 NEW 6" FIRE SERVICE, DIRECTIONAL BORE OR SURFACE RESTORATION PER ODOT STANDARDS.
- 2.1 ISOLATION VALVE AT PROPERTY LINE.
- 2.2 6" DCDA WITH FDC.
- 3.0 NEW 2" DOMESTIC SERVICE, DIRECTIONAL BORE OR SURFACE RESTORATION PER ODOT STANDARDS.
- 3.1 NEW 2" WATER METER.
- 3.2 NEW 2.5" DOUBLE CHECK ASSEMBLY.
- 3.3 IRRIGATION DOUBLE CHECK AND POINT OF CONNECTION.
- 4.0 EXISTING FIRE HYDRANT, 1560 GPM, 74 PSI STATIC PRESSURE PER HYDRANT FLOW TEST 18-103805-WA, 70 PSI RESIDUAL.
- 5.0 COMMON TRENCH (1) 6" C900 FIRE SERVICE AND (1) 2" SCH 80 DOMESTIC SERVICE.

**LEGEND**

- PROPOSED GSI FACILITY (APPROXIMATE)
- PROPOSED CONCRETE SURFACING
- EXISTING CONCRETE SURFACING



SCALE: 1" = 30 FEET

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Union Gospel Mission  
of Salem

**Men's Emergency  
Shelter**

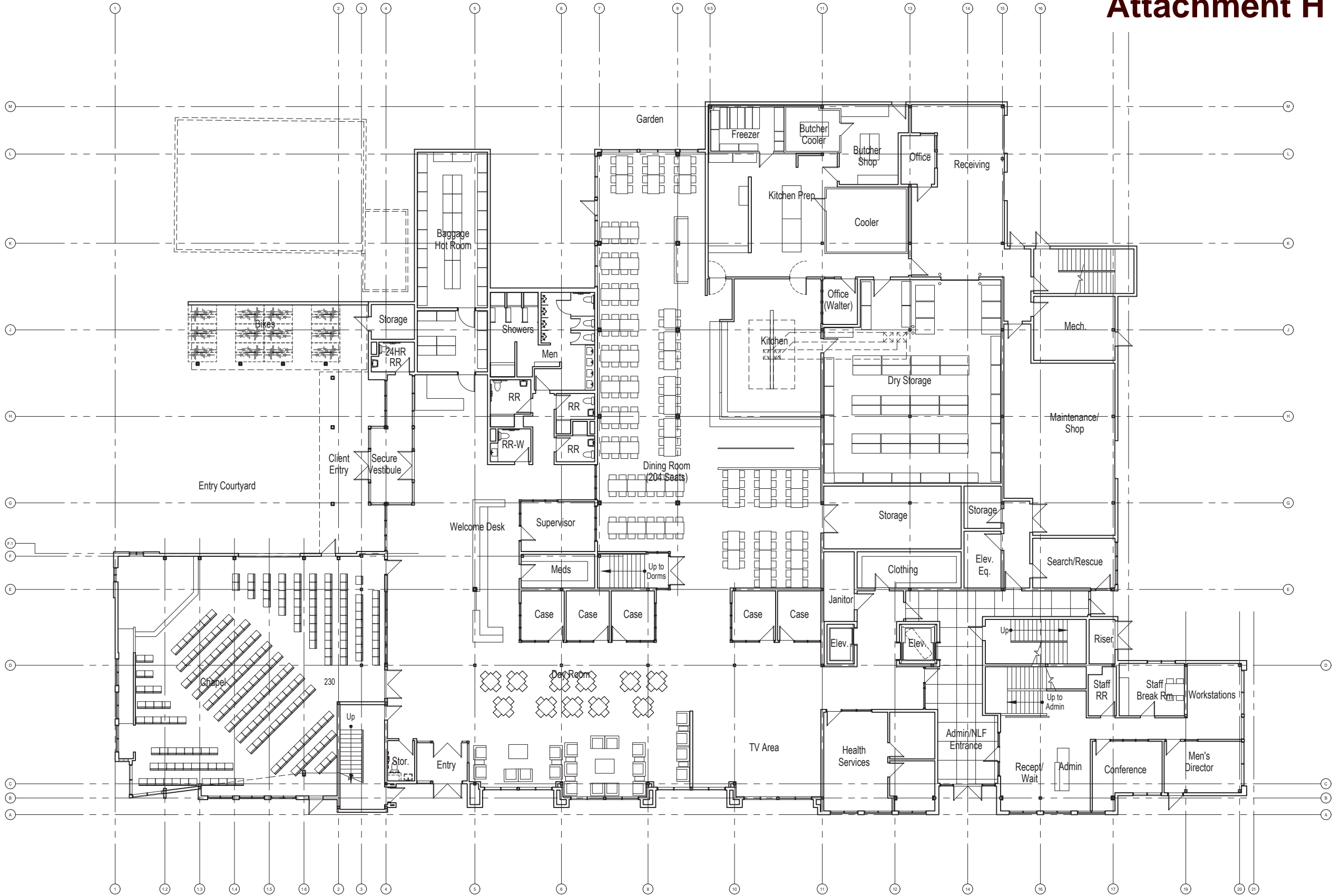
715 Commercial St. NE  
Salem, OR 97301

**SITE PLAN REVIEW**

drawing title  
**PRELIMINARY  
COMPOSITE UTILITY  
PLAN**

drawn by	LG
checked by	RM
3/19/2019	LAND USE SUBMITTAL
5/2/2019	COMPLETENESS RESUBMITTAL
issued	date description





FIRST FLOOR PLAN

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

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FIRST FLOOR PLAN

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SECOND FLOOR PLAN

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

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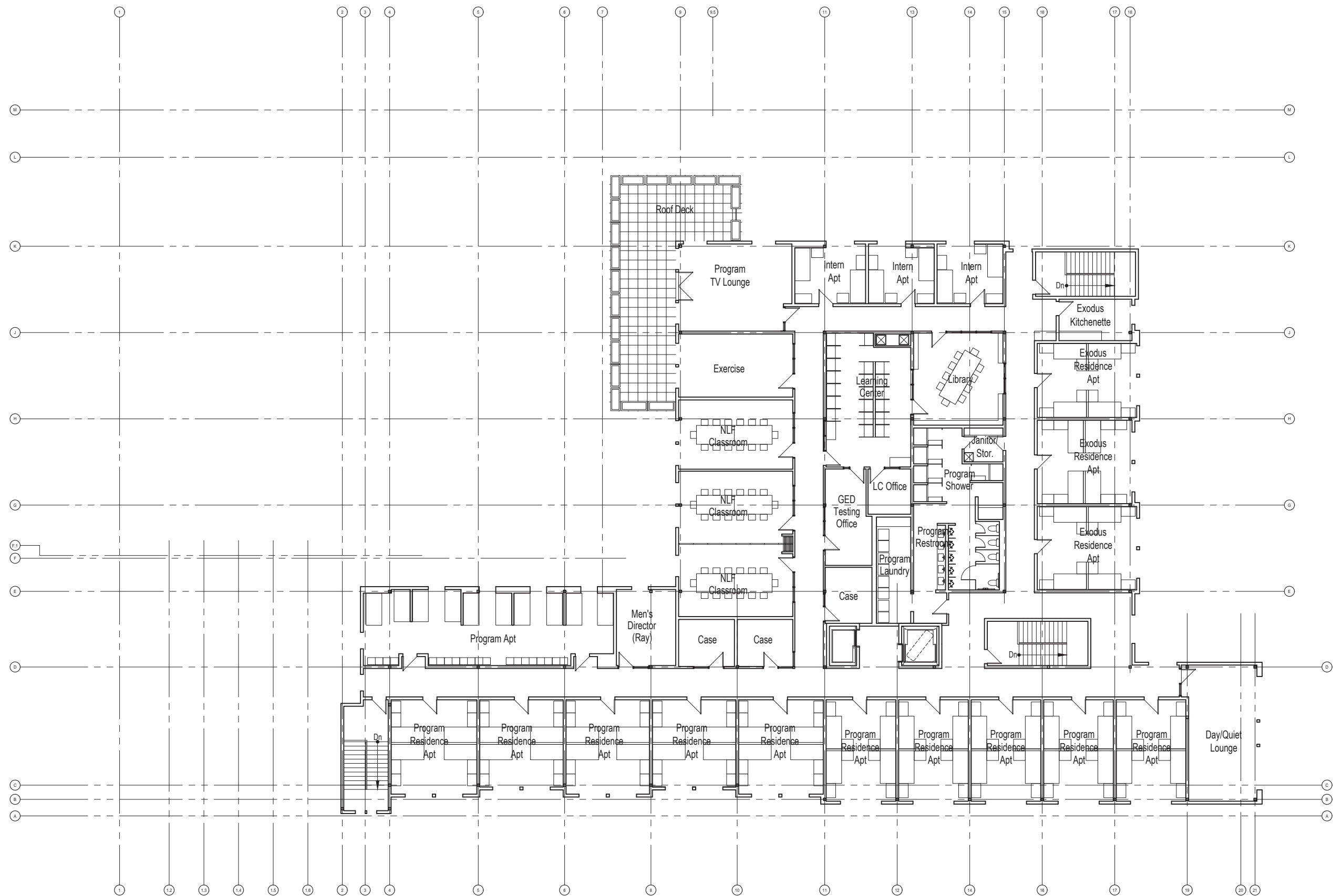
SECOND FLOOR PLAN

drawn by

checked by

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issued date description

A2.2



THIRD FLOOR PLAN

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

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Salem, OR 97301

site plan / design review

drawing title

THIRD FLOOR PLAN

drawn by

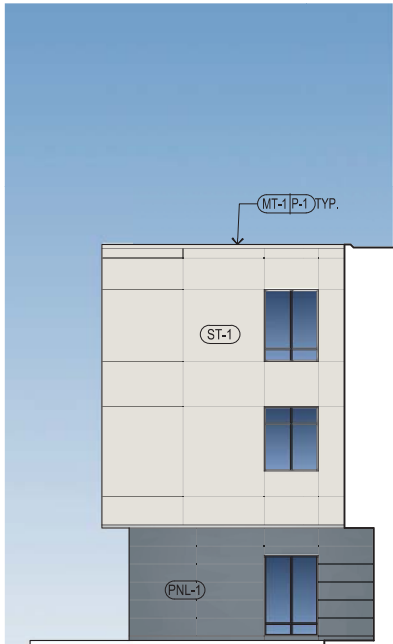
checked by

issued	date	description
3/18/19	DESIGN REVIEW	



ELEVATION - EAST (COMMERCIAL ST. N.E.)

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



ELEVATION - WEST (PARKING LOT)

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



ELEVATION - NORTH

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

EXTERIOR FINISH SCHEDULE

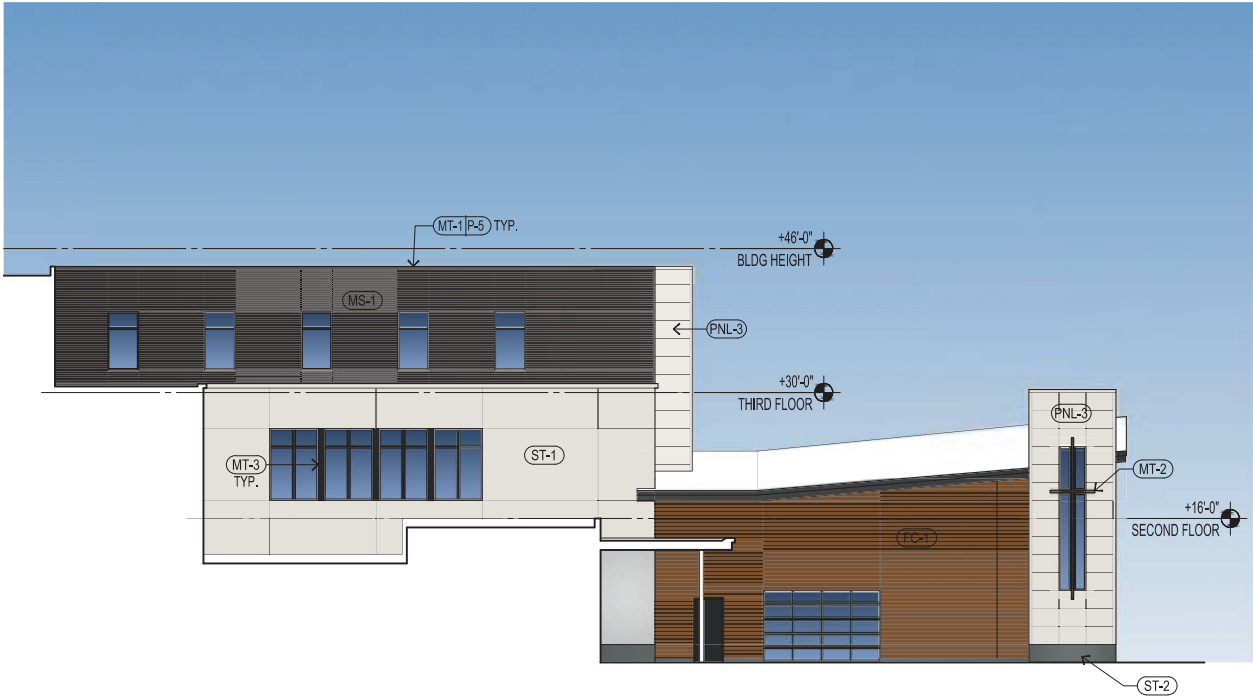
TAG	DESCRIPTION	MANUFACTURER	MODEL/FINISH	NOTES
BR-1	Brick Veneer Panel	The Best Panel Company 270.788.3535	Ubl-A-Crete System #710 Winter Storm	With corner units and loose thin bricks for details as required; grout color:
ST-1	Direct-Applied System: Acrylic Dryvit stucco over cement board	Dryvit	Dryvit Cement Board 1/2" Color: P-1	
ST-2	Plaster Base: Direct-Applied System	Dryvit	Dryvit Cement Board 1/2" Color: P-4	w/ high impact reinforcing mesh
PNL-1	Fiber Cement Panel		Color: P-1	24" panel, stacked layup, vertical seams per elev.; Conceal fasteners
PNL-2	Fiber Cement Panel		Color: P-2	24" x 96" panel, running bond layup w/ 50% offset; Conceal fasteners
PNL-3	Fiber Cement Panel		Color: P-2	24" panel, stacked layup, vertical seams per elev.; Conceal fasteners
FC-1	Fiber Cement Lap siding	Woodstone 800.663.9844	Rustic Series Color: Mountain Cedar	Caulk; OSB 223, or eq.
MS-1	Metal Siding, Corrugated	AEP-Span 800.733.4955	No-Wave Corrugated Color: Slate Gray	Horizontal orientation
AWN-1	Fabric-covered Awning	Fabric: Sunbrella	Color: Black Clarity 80008-0000	Architect to make final color selection from Manufacturer's color samples
MT-1	Prefinished metal trim/finishing		Color: P-3, unless noted otherwise	
MT-2	Steel Fabrication per elevation	Various	Color: P-3, unless noted otherwise	
MT-3	Prefinished aluminum brake metal panel		Color: Match storefront system color	
MT-4	Prefinished aluminum brake metal panel		Color: P-3, unless noted otherwise	
MT-5	Prefinished metal trim		Color per elevation	
SF-1	Storefront system	Kaeneer	Tribal VG 451T Color: Permafluor Charcoal	Front-Glazed
SF-2	Curtain Wall system	Kaeneer	1600 Wall System 4 Color: Permafluor Charcoal	
TR-1	1x1_FRC Trim (3/4" nom.)		Finish: Smooth Color: Per Elevation	Match adjacent finish color if not designated
TR-2	3/4x3_FRC Trim (1" nom.)		Finish: Smooth Color: Per Elevation	Match adjacent finish color if not designated

EXTERIOR PAINT COLORS

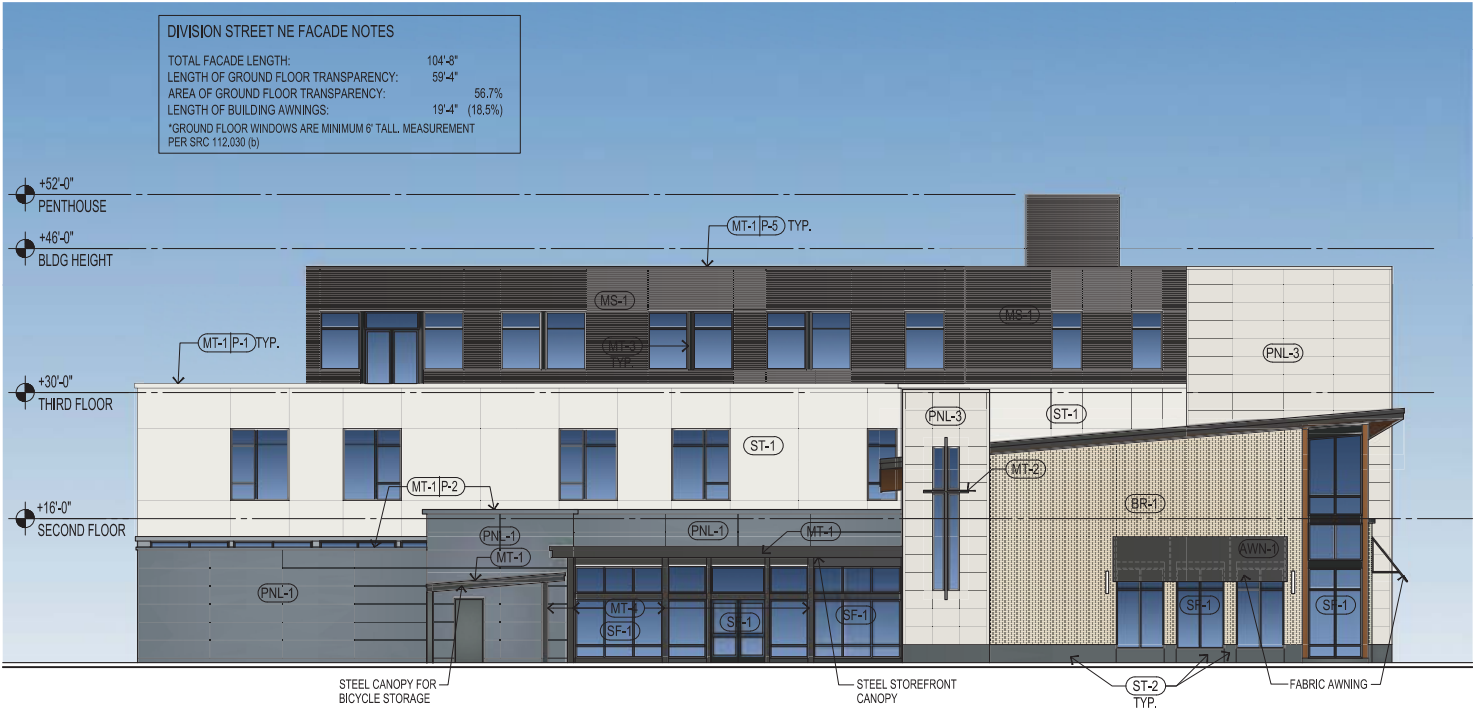
TAG	MANUFACTURER	COLOR	FINISH
P-1	Sherrin Williams	S81708-Objets White	
P-2	Sherrin Williams	S815249-Storm Cloud	
P-3	Sherrin Williams	S817380-Iron Ore	
P-4	Sherrin Williams	S817075-Webb Gray	
P-5	Sherrin Williams	Match AEP Siding Color	







ELEVATION - EAST (ENTRY COURTYARD)  
SCALE: 3/32" = 1'-0"



ELEVATION - SOUTH (DIVISION ST. N.E.)  
SCALE: 3/32" = 1'-0"



ELEVATION - SOUTH (INTERIOR COURTYARD)  
SCALE: 3/32" = 1'-0"



ELEVATION - WEST (ALLEY)  
SCALE: 3/32" = 1'-0"



consultant

Union Gospel Mission  
of Salem

Men's Recovery  
and  
Services Center

715 Commercial St. NE  
Salem, OR 97301

site plan / design review

drawing title

EXTERIOR ELEVATIONS  
(COLOR)

drawn by

checked by

3/18/19 DESIGN REVIEW

issued date description



VIEW FROM SOUTHEAST



CLIENT ENTRY

UNPUBLISHED WORK  
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site plan / design review

drawing title  
EXTERIOR  
PERSPECTIVE VIEWS

drawn by  
checked by

3/18/19 DESIGN REVIEW  
issued date description



# **Union Gospel Mission Class 3 Site Plan Review, Class 3 Design Review, and Class 2 Adjustments**

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**Date:** May 7, 2019

**Submitted to:** City of Salem  
555 Liberty Street SE, #305  
Salem, OR 97301

**Applicant:** Union Gospel Mission of Salem  
745 Commercial Street NE  
Salem, OR 97301



**AKS**  
ENGINEERING & FORESTRY

3700 River Road N, Suite 10  
Keizer, OR 97303  
(503) 400-6028

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## **Exhibits**

- Exhibit A:** Application Form & Checklists
- Exhibit B:** Preliminary Plans
- Exhibit C:** Trip Generation Estimate Form
- Exhibit D:** Property Ownership
- Exhibit E:** Pre-Application Written Summary
- Exhibit F:** CU-ZC17-14
- Exhibit G:** Preliminary Stormwater Report
- Exhibit H:** Correspondence With State Historic Preservation Office

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# Land Use Application for Class 3 Site Plan Review, Class 3 Design Review, and Class 2 Adjustments

<b>Submitted to:</b>	City of Salem Planning Department 555 Liberty Street SE, #305 Salem, OR 97301
<b>Applicant/Owner:</b>	Union Gospel Mission of Salem 745 Commercial Street NE Salem, OR 97301
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 10 Keizer, OR 97303 Contact: Zach Pelz, AICP (pelzz@aks-eng.com) Contact: Ryan Mosher (mosherr@aks-eng.com) Phone: (503) 400-6028 Fax: (503) 400-7722
<b>Site Location:</b>	700-800 block of Commercial Street NE between Division Street NE and D Street NE
<b>Marion County Assessor's Map:</b>	073W22AC, Tax Lot 3300 073W22DB, Tax Lots 1600, 1700, 1900, 2000, and 2100
<b>Site Size:</b>	±2.57 acres
<b>Comprehensive Plan Designation:</b>	River Oriented Mixed-Use
<b>Zoning Districts:</b>	Central Business District (CB) Commercial Office (CO) Riverfront Overlay



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## **I. Executive Summary**

Union Gospel Mission of Salem (Applicant) is pleased to submit this consolidated application to the City of Salem for a Class 3 site plan review, a Class 3 design review, and Class 2 adjustments for the relocation and expansion of their men's shelter from their current downtown location within the Central Business District.

The essential components of this application include:

- A Class 3 site plan review for relocation of the Union Gospel Mission's (UGM) men's shelter
- A Class 3 design review to meet the design guidelines under the Riverfront Overlay Zone
- A Class 2 adjustment to the minimum parking requirement for the nonprofit shelter
- A Class 2 adjustment to the minimum setback requirement between the loading area and the alley
- A Class 2 adjustment to the minimum width of the pedestrian walkway the parking areas and the existing retail store
- A Class 2 adjustment to allow a 3-foot-high hedge to be substituted for a 3-foot-high wall to meet the screening requirement for the perimeter setback between the parking lot and Commercial Street NE.

The City of Salem Revised Code (SRC) requires a Class 3 site plan review and a Class 3 design review be considered through a Type III procedure. This written statement includes findings of fact demonstrating that the application complies with all applicable approval standards. These findings are supported by substantial evidence, including preliminary plans and other written documentation. This information provides the necessary basis for the City of Salem to review the application and forward it to the Planning Commission with a recommendation for approval.

## **II. Background**

The purpose of Union Gospel Mission of Salem (UGM) is to help the neediest of our community break the cycle of homelessness, addiction, and incarceration, as men and women experience dynamic transformation and become contributing members of our community. This application will permit the relocation of the current UGM men's shelter to the subject property. The expanded shelter will provide those in need with clean clothing, food, shelter, meals; as well as education, employment, and transition services such as GED exam preparation, resume and interview coaching, and connections to employers. The relocated facility will allow UGM to expand these services to up to 300 persons.

This is the latest application submitted to the City of Salem associated with this project. Other applications that have been submitted include: a Conditional Use Permit and Zone Change approved under Case No. CU-ZC17-14, a modification to that permit to include the portion of the southwest corner of the property in that permit, and a tentative replat to consolidate the lots on the property into a single lot. The Conditional Use Permit, as modified, allows the relocation of the UGM nonprofit shelter with expanded capacity to the subject property.

## **II. Site Description/Setting**

The subject site consists of multiple tax lots spanning  $\pm$  2.57 acres on the west side of Commercial Street NE between Division Street NE and D Street NE. The property includes Central Business District (CB) and Commercial Office (CO) zoning designations and is located in the Riverfront Overlay District. The property is currently developed with the UGM retail store, parking, the UGM administrative offices, Mike's Electric, an existing residence, and office buildings. One of the existing office buildings in the southwest corner of

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the site will be occupied by the UGM administrative offices. Property to the north, across D Street NE, is in the CB Zone with the Riverfront Overlay and is developed with a Grocery Outlet store. Property to the south, across Division Street NE, is in the CO Zone and is improved with an office building. The western boundary of the property abuts an alley. The properties to the west of the alley are in the CO Zone and are improved with office and storage buildings. The property across Commercial Street NE is the site of the new City of Salem police station.

### III. Applicable Review Standards

#### SALEM REVISED CODE

Title 10: Unified Development Code

CHAPTER 220. SITE PLAN REVIEW

220.005. Site plan review.

(b) Classes. The three classes of site plan review are:

- (1) Class 1 site plan review. Class 1 site plan review is site plan review for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.
- (2) Class 2 site plan review. Class 2 site plan review is required for any development that requires a building permit, other than development subject to Class 1 site plan review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.
- (3) Class 3 site plan review. Class 3 site plan review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:
  - (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
  - (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
  - (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
  - (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;

- 
- (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
  - (F) Requires a variance, adjustment, or conditional use permit.

**Response:** This application includes four Class 2 adjustments which require deviation from the clear and objective standards in the Unified Development Code (UDC). A Class 3 site plan review is necessary.

(c) Procedure type.

- (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

**Response:** This application for a Class 3 site plan review is part of a consolidated application with a Class 3 design review and is, therefore, being processed as a Type III procedure.

(d) Submittal requirements for Class 1 site plan review. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:

- (1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

**Response:** The names and addresses of the Applicant, owner, and authorized representatives are listed on page 1 of this narrative and on the application form in Exhibit A. This requirement is met.

- (2) The address or location of the subject property and its assessor's map and tax lot number;

**Response:** The address and location of the subject property, and the assessor's map and tax lot number are listed on page 1 of this narrative and on the application form in Exhibit A. The subject property is further described in the Site Description/Setting section on page 2. This requirement is met.

- (3) The size of the subject property;

**Response:** The size of the subject property is listed on page 1. This requirement is met.

- (4) The comprehensive plan designation and zoning of the subject property;

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**Response:** The comprehensive plan designation and zoning of the subject property is listed on page 1 and described in the Executive Summary on page 2. This requirement is met.

(5) The type of application(s);

**Response:** The type of application is indicated on the cover of this narrative. This requirement is met.

(6) A brief description of the proposal; and

**Response:** A brief description of the project is provided in the Executive Summary on page 2. This requirement is met.

(7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

**Response:** Signatures are provided in the Land Use Application and Checklists in Exhibit A. This requirement is met.

(e) Submittal requirements for Class 2 and Class 3 site plan review.

(1) Class 2 site plan review. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

(A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (i) The total site area, dimensions, and orientation relative to north;
- (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
- (iii) Loading areas, if included in the proposed development;
- (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
- (v) An indication of future phases of development on the site, if applicable;
- (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;

- 
- (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
  - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
  - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
  - (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

**Response:** Preliminary Plans with the required information listed above are included in Exhibit B. These requirements are met.

- (B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
  - (i) The total site area, dimensions, and orientation relative to north;
  - (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
  - (iii) The location of the 100-year floodplain, if applicable.

**Response:** An Existing Conditions Plan with the required information is included in Exhibit B of this application. This requirement is met.

- (C) A completed trip generation estimate for the proposed development, on forms provided by the City.

**Response:** The completed Trip Generation Estimate (TGE) Form was submitted to the City and is included in Exhibit C. This requirement is met.

- (2) Class 3 site plan review. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:
  - (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;

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**Response:** The submittal requirements for a Class 2 site plan review have been provided as previously indicated. This requirement is met.

(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;

**Response:** This information is provided in the Site Description/Setting section on page 2. This requirement is met.

(C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

**Response:** These elements are included on the Preliminary Site Plan in Exhibit B, as applicable. This requirement is met.

(D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;

**Response:** Elevations and contour intervals are shown on the Existing Conditions Plan included in Exhibit B. This requirement is met.

(E) The location of drainage patterns and drainage courses, if applicable;

**Response:** Exhibit B includes an Existing Conditions Plan with contour intervals that generally dictate existing drainage patterns. To the extent it applies, this requirement is met.

(F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;

**Response:** The Preliminary Composite Utility Plan, with the required information, is provided in Exhibit B. This requirement is met.

(G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

**Response:** A summary table containing the required information (as applicable) is shown on the Preliminary Site Plan in Exhibit B. This requirement is met.

(H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and



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**Response:** A Geotechnical Report is not required for this project under SRC chapter 810. This requirement does not apply.

(I) A Transportation Impact Analysis, if required by SRC chapter 803.

**Response:** The completed TGE form is included in Exhibit C. The project is estimated to result in less than 1,000 average daily trips on to a parkway. Therefore, a Transportation Impact Analysis is not required by SRC chapter 803. This requirement does not apply.

(f) Criteria.

(3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:

(A) The application meets all applicable standards of the UDC;

**Response:** The applicable standards of the UDC are addressed in this narrative. This criterion is met.

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

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the site will be accessed with two driveways—one relocated and one existing—designed with right-in/right-out turning movements from Commercial Street NE. The improved site reduces the number of access points from Commercial Street NE and, thus, reduces the number of potential conflict points when compared to existing conditions. A completed TGE form is included in Exhibit C showing that the project will result in 164 trips per day. The project is not anticipated to generate enough new trips to require a TIA that would be used to identify negative impacts that require mitigation. This criterion is met.

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

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the site will be accessed with two driveways—one relocated and one existing—designed with right-in/right-out turning movements to and from Commercial Street NE. The driveways and access aisles through the parking lot will meet all applicable City standards to facilitate safe and efficient movement of vehicles and bicycles. Pedestrian walkways meeting applicable City standards are provided to facilitate safe and efficient movements of pedestrians. This criterion is met.

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

**Response:** Utilities are planned to be provided to the site as shown on the Preliminary Composite Utility Plan in Exhibit B. This criterion is met.

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CHAPTER 225. DESIGN REVIEW

225.005. Design review.

- (a) Applicability. Design review approval is required for development applications that are subject to design review standards and guidelines.

**Response:** Design review is applicable and included in this application.

(b) Classes.

- (1) Class 1 design review is design review that requires the application of design review standards only.
- (2) Class 2 design review is design review that requires the application of design review guidelines, for projects that are limited to building alterations that will be contained within the footprint of the existing building and utilize the same building materials and same window and facade designs.
- (3) Class 3 design review is design review that requires the application of design review guidelines.
- (4) If any portion of the proposed development does not meet all of the applicable design review standards, the entire development shall be subject to Class 3 design review.

**Response:** This project requires the application of design review guidelines. A Class 3 design review is required.

(c) Procedure type.

- (1) Class 1 design review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 design review is processed as a Type II procedure under SRC chapter 300.
- (3) Class 3 design review is processed as a Type III procedure under SRC chapter 300.

**Response:** This application for a Class 3 design review is being processed as a Type III procedure.

(d) Submittal requirements.

- (1) Submittal requirements for pre-application conference. In addition to the submittal requirements for a pre-application conference under SRC chapter 300, an application for a Class 1, Class 2, or Class 3 design review pre-application conference shall include the following:
  - (A) An existing conditions plan showing:
    - (i) Existing site conditions;
    - (ii) The use of all adjacent buildings;
    - (iii) The zoning of the site and adjacent properties;
    - (iv) Topography of the site; and

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(v) Location of all trees and prominent landscape features.

(B) Schematic plans for the proposed development.

**Response:** The Applicant attended a pre-application conference and the Pre-Application Summary provided by Public Works is included in Exhibit E. The Applicant did not receive a Pre-Application Summary from the Planning Department. These requirements are met.

(2) Submittal requirements for Class 1, Class 2, and Class 3 design review. In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1, Class 2, or Class 3 design review shall include the following:

(A) A proposed site plan showing:

(i) The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.

(ii) All existing and proposed walls and fences, including the location, height, type of design, and composition.

(iii) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.

(iv) Locations and dimensions of all existing and proposed outdoor storage areas, including, but not limited to, trash collection and recycling areas.

(B) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.

(C) A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained, or planted; the amount, height, type, and location of landscaped areas, planting beds, and plant materials and provisions for irrigation.

(D) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.

(E) An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.

(F) A statement as to whether the application is intended to meet the standards or the guidelines.

**Response:** Preliminary Plans showing the information required above are included in Exhibit B of this application. The Class 3 Design Review application included in this consolidated submittal

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is intended to meet the applicable design review guidelines for the Riverfront Overlay District. This requirement is met.

(e) Criteria.

(\*\*\*)

- (2) A Class 2 or Class 3 design review shall be approved if all of the applicable design review guidelines are met.

**Response:** Findings addressing all the applicable design review guidelines for the Riverfront Overlay District are provided in this narrative, as applicable. This criterion for a Class 3 design review is met.

(\*\*\*)

CHAPTER 250. ADJUSTMENTS

250.005. Adjustments.

(a) Applicability.

(1) Classes.

(\*\*\*)

- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

**Response:** There are four adjustments included in this application:

1. A Class 2 adjustment is included in this application to reduce the minimum number of required parking spaces for the non-profit shelter use from 167 spaces to 47 spaces.
2. A Class 2 adjustment to reduce the minimum setback between the loading area and the alley from 5 feet to 0 feet.
3. A Class 2 adjustment to reduce the minimum required width of the landscape buffer/pedestrian walkway between vehicle use areas and an adjacent building.
4. A Class 2 adjustment to substitute a 3-foot-high hedge for the 3-foot-high wall specified under Method D option for perimeter parking landscape screening.

All the adjustments included in this application request reductions of numerical standards greater than 20%. Therefore Class 2 adjustments are required and included in this application.

- (2) Prohibition. Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;

- 
- (E) Modify the applicability of any requirement under the UDC;
  - (F) Modify a development standard specifically identified as non-adjustable;
  - (G) Modify a development standard that contains the word "prohibited";
  - (H) Modify a procedural requirement under the UDC;
  - (I) Modify a condition of approval placed on property through a previous planning action;
  - (J) A design review guideline or design review standard; or
  - (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

**Response:** The prohibitions listed in (A) through (K) above do not apply to the adjustments included in this application. The project meets the design review guidelines, as applicable. This standard is met.

- (b) Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

**Response:** The Class 2 adjustments included in this application are being processed with a Class 3 design review. Consolidated applications of different procedure types are processed under the higher number procedure. Therefore, a Type III procedure is necessary.

- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:
  - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
    - (A) The total site area, dimensions, and orientation relative to north;
    - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
    - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
    - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;

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- (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
  - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

**Response:** Preliminary Plans with the information required in (A) through (F) above are included in Exhibit B. This requirement is met.

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
  - (A) The total site area, dimensions, and orientation relative to north;
  - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
  - (C) The location of the 100-year floodplain, if applicable; and
  - (D) The location of drainage patterns and drainage courses, if applicable.

**Response:** The Existing Conditions Plan in Exhibit B includes the required information. This requirement is met.

(d) Criteria.

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- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
  - (A) The purpose underlying the specific development standard proposed for adjustment is:
    - (i) Clearly inapplicable to the proposed development; or
    - (ii) Equally or better met by the proposed development.

**Response:** There are four adjustments included in this application:

UDC Section 806.015(a): A Class 2 adjustment is included in this application to reduce the minimum number of required vehicle parking spaces for the nonprofit shelter use from 167 spaces to 47 spaces, under Section 806.015 of the UDC. Chapter 806 of the UDC does not include a statement that clearly articulates the purpose underlying the minimum parking requirements in Section 806.015. However, the Applicant understands that the underlying purpose of parking minimums is to provide enough on-site parking to accommodate the majority of traffic generated by the uses on-site. The minimum parking requirement for a nonprofit shelter use, per UDC 806.015 is unnecessarily high and is not

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needed to meet the underlying purpose of the standard. UGM clients typically do not own or use personal vehicles to transport themselves to the facility for services and have no need to store personal vehicles on-site. The facility is being relocated from the Downtown Parking District, which has no on-site parking requirement, and the historical demand for vehicular parking has been met with shared facilities within the Downtown Parking District.

As a matter of comparison, the Applicant has reviewed other nearby jurisdictions and their parking requirements for homeless shelters, and the following summary is an estimate of the parking the subject application/use would generate in each jurisdiction's equivalent of the Central Business District zone:

Jurisdiction	Minimum Requirement	Parking Required
Eugene, OR	1 space per 40 beds	8 spaces
Redmond, OR	1 space per room or 1 per employee	27 spaces
Sacramento, CA	1 per 10 dwelling units	30 (1 bed per dwelling unit)
Salt Lake City, UT	1 per 10 beds	30 spaces

Based on the requirements in jurisdictions comparable to the City of Salem, 30 spaces is a reasonable minimum parking requirement that meets the underlying purpose of the minimum parking standard. Therefore, the adjusted minimum parking requirement (47 spaces) exceeds the minimum requirements in comparable jurisdictions.

Based on their experience with the existing facility, UGM estimates they will need  $\pm 8$  spaces for volunteers (1 vehicle per volunteer),  $\pm 13$  staff (1 vehicle per employee), and visitors, and  $\pm 8$  spaces for clients ( $\pm 1$  in 40 have vehicles), resulting in a maximum estimated demand of 29 parking spaces. With the requested adjustment to the minimum parking requirement, 47 parking spaces will be sufficient to meet this demand. Therefore, the adjustment equally meets the purpose of the minimum parking standard to provide enough on-site parking to accommodate the majority of traffic generated by the nonprofit shelter use on-site. This criterion is met for the included parking adjustment.

UDC Section 806.080(b)(2): A Class 2 Adjustment is included to reduce the minimum setback between the loading area and the rear property line abutting the alley—required under Section 806.080 of the UDC—from 5 feet to 0 feet. Section 806.080 of the UDC does not include a purpose statement. The Applicant understands the underlying purpose of loading area development standards are to ensure that access to and from loading facilities will not have a negative effect on traffic safety or other transportation functions of the abutting right-of-way and to ensure compatibility with dissimilar uses on abutting property. Reducing the setback will have no effect on the property abutting the rear property line. This property is a public alley that is primarily used as a secondary means of motor vehicle access to abutting property. The use of this abutting area for loading is compatible with this purpose and will not disrupt traffic operations on the streets that provide primary access to the site. The loading area and the abutting public alley are similar uses where a landscape buffer is not typically necessary to ensure compatibility. Granting the adjustment would treat the loading area in the same way that other vehicle use areas are treated under UDC Section 806.035(c)(A)(i), which states that perimeter



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setbacks are not required for vehicle use areas abutting an alley. Therefore, the adjustment to the loading area setback equally meets the underlying purpose of the standard. This criterion is met.

UDC Section 806.035(c)(4): A Class 2 Adjustment is included in this application to reduce the minimum required width of the landscape buffer/pedestrian walkway between vehicle use areas and southernmost wall of the existing retail store, as required under Section 806.035(c)(4) of the UDC. Section 806.035 of the UDC does not include a purpose statement. The Applicant generally understands the purpose of parking area development standards are to promote areas that are safe and attractive for motorists and pedestrians. The minimum 5-foot-wide walkway is provided with a wheel stop to prevent vehicle from encroaching into the walkway in front of the parking stall. With the included adjustment, the configuration of this vehicle use area and the paved walkway adjacent to the buildings on-site will be substantially similar to the standard configuration shown in Figure 806-6 of the UDC. The parking stall subject to this adjustment will provide safe access to the building entrances. Therefore, the project, as planned, equally meets the underlying purpose of the standard. This criterion is met.

UDC Section 806.035(c)(2)(D): A Class 2 adjustment is included to substitute a 3-foot-high hedge for the 3-foot-high wall specified under the Method D option for perimeter parking landscape screening described in UDC Section 806.035(c)(2)(D). This standard applies to the perimeter setback and landscaping requirements between the off-street parking area and the abutting right-of-way along Commercial Street NE. Method D requires a minimum setback of 6 feet in combination with a 3-foot high concrete wall. The Applicant requests approval to use a 3-foot tall hedge instead of a wall to meet the screening requirement. The Applicant understands that the intent of the screen is to provided a visual barrier between the parking area and abutting uses. The hedge at maturity will meet the opacity standard under 807.015(e)(2) and the parking area will not be visible through the hedge from the abutting street. The hedge will provide the same degree of visual screening of the parking area from the abutting street. Therefore, the proposed landscaping meets the intent of the buffer under criterion (a) above. This criterion is met.

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

**Response:** The project is not located in, nor is it adjacent to, a residential zone. This criterion does not apply.

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

**Response:** This application includes four adjustments. All the adjustments are located within the CB Zone. The language in Section 525.001 of the UDC that is most relevant to the adjustments included in this application states that the purpose of the CB Zone is to allow for compact arrangement of uses designed and situated to afford convenient access by pedestrians. The four adjustments requested will reduce the size and impact of the vehicle use areas on-site to allow for a more compact arrangement of the planned uses



for the site. Furthermore, the project includes additional facilities and amenities to afford convenient access by pedestrians, as stated in the purpose of the CB Zone. Therefore, the project, as planned, is more consistent with the stated purpose of the CB Zone than the project would be without the included adjustments. This criterion is met.

- (e) **Transfer of adjustments.** Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

**Response:** The Applicant acknowledges that the adjustments shall run with the land.

**CHAPTER 521. CO—COMMERCIAL OFFICE**

**521.005. Uses.**

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CO zone are set forth in Table 521-1.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.

TABLE 521-1: Uses		
Use	Status	Limitations & Qualifications
<b>Lodging</b>		
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.

**Response:** This consolidated Site Plan Review application involves the relocation of an existing nonprofit shelter, serving more than 75 people, that continually existed in the CB Zone as of September 1, 1993. A portion of the property is within the CO Zoning District. The entire property is within the boundaries of the Riverfront Overlay Zone, which allows a nonprofit shelter with over 75 beds, that continually existed in the CB Zone as of September 1, 1993, as a conditional use. This use was approved for the property under CU-ZC17-14 (See Exhibit F). A modification of CU-ZC17-14 has been submitted separately to modify this decision to apply the conditional use determination to the portion of the site in the CO Zone. With the modification to CU-ZC17-14, this standard is met.

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**521.010. Development Standards.**

Development within the CO zone must comply with the development standards set forth in this section.

- (a) **Lot Standards.** Lots within the CO zone shall conform to the standards set forth in Table 521-2.

TABLE 521-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
<b>LOT AREA</b>		
All other uses	Min. 6000 sq. ft.	
<b>LOT WIDTH</b>		

All other uses	None	
<b>LOT DEPTH</b>		
All uses	None	
<b>STREET FRONTAGE</b>		
All Other Uses	Min. 16 ft.	

**Response:** This consolidated Site Plan Review application does not involve the creation of new lots. This standard does not apply.

- (b) Setbacks. Setbacks within the CO zone shall be provided as set forth in Tables 521-3 and 521-4.

TABLE 521-3: SETBACKS		
Requirement	Standard	Limitations & Qualifications
<b>ABUTTING STREET</b>		
<b>Buildings</b>		
All uses	Min 12 ft	
<b>Accessory Structures</b>		
Accessory to all other uses	Min. 12 ft.	Not applicable to transit stop shelters.
<b>Vehicle Use Areas</b>		
All uses, other than Single Family and Two Family	Min. 12 ft.	
<b>INTERIOR FRONT</b>		
<b>Buildings</b>		
All Other Uses	Zone-to-Zone Setback (Table 521-4)	
<b>Accessory Structures</b>		
Accessory to all other uses	Zone-to-Zone Setback (Table 521-4)	
<b>Vehicle Use Areas</b>		
All other uses	Zone to Zone Setback (Table 521-4)	
<b>INTERIOR SIDE</b>		
<b>Buildings</b>		
All other uses	Zone-to-Zone Setback (Table 521-4)	
<b>Accessory Structures</b>		
Accessory to all other uses	Zone-to-Zone Setback (Table 521-4)	
<b>Vehicle Use Areas</b>		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 521-4)	
<b>INTERIOR REAR</b>		
<b>Buildings</b>		
All other uses	Zone-to-Zone Setback (Table 521-4)	
<b>Accessory Structures</b>		
Accessory to all other uses	Zone-to-Zone Setback (Table 521-4)	
<b>Vehicle Use Areas</b>		
All other uses	Zone-to-Zone Setback (Table 521-4)	

**Response:** As discussed previously, the CO zoning designation applies to the portion of the property in the southwest corner of the property. The existing office building will remain on the CO-zoned portion of the site. The existing building setback is greater than 12 feet from the southern property boundary abutting Division Street SE. The applicable zone-to-zone setbacks are addressed below. This standard is met.

TABLE 521-4: ZONE-TO-ZONE SETBACKS			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Residential Zone	Buildings and Accessory Structures	Min. 15 ft.	Type C
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Commercial Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Public zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Limitations and Qualifications: Zone-to-Zone setbacks are not required abutting an alley.			

**Response:** The portion of the lot in the CO Zone that abuts the CB Zone is shown on the Preliminary Site Plan in Exhibit B. The CO Zone and the abutting CB Zone are both commercial zoning designations identified in Table 110-1 in Section 110.025 of the UDC. There is not a setback requirement that applies between the existing buildings in the CO Zone and the abutting Commercial Zone (CB). The portion of the site in the CO Zone does not contain a vehicle use area. Therefore, the applicable zone-to-zone setbacks on the CO zoned portion of the property are met.

- (e) Lot Coverage; Height. Buildings and accessory structures within the CO zone shall conform to the lot coverage and height standards set forth in Table 521-5.

TABLE 521-5 LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
<b>LOT COVERAGE</b>		
<b>Buildings and Accessory Structures</b>		
All Uses	Max 60%	
<b>REAR YARD COVERAGE</b>		
<b>Buildings</b>		
All Uses	N/A	
<b>ACCESSORY STRUCTURES</b>		
Accessory to all uses	No Max.	
<b>HEIGHT</b>		
<b>Buildings</b>		
Single Family and Two Family	Max 35 ft.	

Multiple Family, Residential Care, Nursing Care, and Short-term Commercial Lodging	Max 50 ft.	
All other uses	Max. 70 ft.	
Accessory Structures		
Accessory to all other uses	Max. 70 ft.	

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the existing and new building will occupy less than 60% of the CO-zoned portion of the property. As shown in the building elevations in Exhibit B, buildings over 70 feet high are not planned. These standards are met.

#### CHAPTER 524. CB—CENTRAL BUSINESS DISTRICT

##### 524.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 524-1.

TABLE 524-1: Uses		
Use	Status	Limitations & Qualifications
<b>Lodging</b>		
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.

**Response:** This consolidated Site Plan Review application involves the relocation of an existing nonprofit shelter, serving more than 75 people, that continually existed in the CB Zone as of September 1, 1993. The property is within the boundaries of the Riverfront Overlay Zone, which allows relocation of an existing nonprofit shelter, serving more than 75 people, that continually existed in the CB Zone as of September 1, 1993, as a conditional use. This use was approved for the property under CU-ZC17-14 (See Exhibit F). This standard is met.

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##### 524.010. Development Standards.

Development within the CB zone must comply with the development standards set forth in this section.

- (a) Lot Standards. Lots within the CB zone shall conform to the standards set forth in Table 524-2.

TABLE 524-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
<b>LOT AREA</b>		
All uses	None	
<b>LOT WIDTH</b>		
All uses	None	
<b>LOT DEPTH</b>		
All uses	None	

STREET FRONTAGE			
All Uses	Other	Min. 16 ft.	

**Response:** In preparation for this application, a separate Tentative Replat application was submitted to consolidate the lots on the property into a single lot. This application does not involve creating or reconfiguring lots. Therefore, this section does not apply.

(b) Setbacks. Setbacks within the CB zone shall be provided as set forth in Tables 524-3.

TABLE 524-3: SETBACKS		
Requirement	Standard	Limitations & Qualifications
<b>ABUTTING STREET</b>		
<b>Buildings</b>		
All uses	0 ft. or 10 ft.	
<b>Accessory Structures</b>		
Accessory to all other uses	0 ft. or 10 ft.	Not applicable to transit stop shelters.
<b>Vehicle Use Areas</b>		
All uses	Per SRC chapter 806	
<b>INTERIOR FRONT</b>		
<b>Buildings</b>		
All Other Uses	None	
<b>Accessory Structures</b>		
Accessory to all other uses	None	
<b>Vehicle Use Areas</b>		
All other uses	Per SRC chapter 806	
<b>INTERIOR SIDE</b>		
<b>Buildings</b>		
All other uses	None	
<b>Accessory Structures</b>		
Accessory to all other uses	None	
<b>Vehicle Use Areas</b>		
All uses, other than Single Family and Two Family	Per SRC chapter 806	
<b>INTERIOR REAR</b>		
<b>Buildings</b>		
All other uses	None	
<b>Accessory Structures</b>		
Accessory to all other uses	None	
<b>Vehicle Use Areas</b>		
All other uses	Per SRC chapter 806	

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the minimum setback requirement (0 feet) that applies between a new building and the front property line along Commercial Street NE, and from the southern property line abutting Division Street NE, is met. A separate Tentative Replat application was submitted to consolidate the lots on the property into a single lot. The consolidated lot occupies the entire block; therefore, there are no interior lot lines on-site. Responses to the applicable standards for vehicle use area setbacks are provided in Section 806 of this narrative. These standards are met.

- (c) Lot Coverage; Height. Buildings and accessory structures within the CB zone shall conform to the lot coverage and height standards set forth in Table 524-4.

TABLE 524-4 LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
<b>LOT COVERAGE</b>		
Buildings and Accessory Structures		
All Uses	No Max.	
<b>REAR YARD COVERAGE</b>		
Buildings		
All Uses	N/A	
<b>ACCESSORY STRUCTURES</b>		
Accessory to all uses	No Max.	
<b>HEIGHT</b>		
Buildings		
All uses	No Max.	
Accessory Structures		
Accessory to all other uses	No Max.	

**Response:** As shown in Table 254-4, there are no maximum lot coverage or height standards that apply to the portion of the property in the CB Zone. These standards are met.

#### CHAPTER 617. RIVERFRONT OVERLAY ZONE

##### 617.015. Uses.

Except as otherwise provided in this section, any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Riverfront Overlay Zone.

- (a) Continued uses. Industrial uses, including, but not limited to, canned, frozen, and preserved fruits, vegetables, and food specialties, existing within the Riverfront Overlay Zone that were allowed as permitted, special, or conditional uses on December 1, 1998, but which would otherwise be made nonconforming uses by this chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.
- (1) A continued use may be intensified, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards of the Industrial Commercial (IC) Zone.
  - (2) A continued use may be extended onto vacant land. The extension of a continued use onto vacant land must comply with all applicable standards for the Industrial Commercial (IC) Zone.
  - (3) Change of use to a non-industrial use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Riverfront Overlay Zone.

- (4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Riverfront Overlay Zone.
- (5) Continued uses are exempt from the development standards and the design review guidelines and design review standards of this chapter. Upon termination of continued use status, the development standards and the design review guidelines and design review standards of this chapter shall apply.

**Response:** This project does not involve continued industrial uses. This section does not apply.

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- (c) *Additional conditional uses.* The uses set forth in Table 617-2 are additional conditional (C) uses in the Riverfront Overlay Zone.

TABLE 617-2. ADDITIONAL CONDITIONAL USES		
Use	Status	Limitations & Qualifications
<b>Lodging</b>		
Nonprofit shelters	C	Relocation of an existing nonprofit shelter from the CB zone serving more than 75 people, provided the shelter continually existing in the CB zone as of September 1, 1993.

(\*\*\*)

**Response:** The property is within the boundaries of the Riverfront Overlay Zone, which allows the relocation of an existing nonprofit shelter, serving more than 75 people, that continually existed in the CB Zone as of September 1, 1993, as a conditional use. This use was approved for the property under CU-ZC17-14 (See Exhibit F). A modification of CU-ZC17-14 has been submitted separately to apply the conditional use determination to the portion of the site in the CO Zone. With the modification to CU-ZC17-14, this standard is met.

#### 617.020. Development standards.

Development within the Riverfront Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

- (a) *Dwelling unit density.* Dwelling unit density within the Riverfront Overlay Zone shall conform to the standards set forth in Table 617-2.
- (b) *Height.* Buildings and accessory structures within the Riverfront Overlay Zone shall conform to the height standards set forth in Table 617-4.

TABLE 617-4. HEIGHT		
Requirements	Standards	Limitations & Qualifications
Height		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max. 70 ft.	

**Response:** The building elevations provided in Exhibit B show that the planned buildings will be less than 70 feet in height. This standard is met.

617.030. Design review guidelines and design review standards.

(a) Building location, orientation, and design.

(1) Building location.

(A) Design review guidelines.

(i) Building setbacks from the street shall be minimized.

**Response:** This Preliminary Site Plan in Exhibit B shows that the façade abutting Commercial Street NE is set back between 8 inches and 6 feet from the property line abutting this street. Therefore, the standard for maximum setback (12 feet) that applies to the frontage along this street is met. The building setback along Division Street NE is the minimum necessary to accommodate the entry plaza in front of the Division Street entrance. This pedestrian plaza provides a valuable pedestrian amenity that, while not strictly required under a guideline or standard for this façade, is a feature that is required elsewhere under the Riverfront Overlay Design Review guidelines and standards. Further, the pedestrian plaza is consistent with the purpose of the Riverfront Overlay to create a pedestrian-oriented district. The office building in the southwest corner of the site, fronting Division Street NE, will remain in its current location with the existing setback. This guideline is met.

(B) Design review standards.

(i) Setback abutting street. Buildings shall have the following setbacks abutting a street:

(aa) Minimum: zero feet.

(bb) Maximum: 12 feet.

(ii) Interior side setback. Buildings shall have no minimum interior side setback.

**Response:** This Preliminary Site Plan in Exhibit B shows that the new building façade abutting Commercial Street NE is less than 12 feet from the property line abutting this street. The standard along this street is met. The building setback along Division Street NE is the minimum necessary to accommodate the entry plaza in front of the Division Street entrance. This pedestrian plaza provides a valuable pedestrian amenity that, while not strictly required under a guideline or standard for this façade, is a feature that is required elsewhere under the Riverfront Overlay Design Review guidelines and standards. Further,



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the pedestrian plaza is consistent with the purpose of the Riverfront Overlay to create a pedestrian-oriented district. The guideline corresponding to this standard is met.

(2) Building orientation and design.

(A) Design review guidelines.

- (i) The riverfront and Mill Creek, where applicable, shall be incorporated into the proposed development as public amenities.

**Response:** The project site is not adjacent to the riverfront or Mill Creek. Therefore, it is not possible to incorporate the riverfront or Mill Creek into the planned project as public amenities. This guideline does not apply.

- (ii) Building facades adjacent to the riverfront shall facilitate pedestrian interaction by incorporating pedestrian arcades and plazas.

**Response:** The project does not involve building façades adjacent to the riverfront. Therefore, this guideline does not apply. However, the project does provide a pedestrian plaza at the Division Street NE entrance, which will facilitate pedestrian interaction to the maximum extent practical along this route to and from the riverfront.

- (iii) Ground floor building facades facing the riverfront 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 (see Figure 617-1).

**Response:** The project does not involve ground floor building façades facing the riverfront. Therefore, this guideline does not apply.

- (iv) Ground floor building facades facing a 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.

**Response:** The building elevations provided in Exhibit B show that the ground floor building façades facing the streets include transparent windows. This guideline is met.

- (v) Upper floors of buildings facing the riverfront shall incorporate decks and balconies (see Figure 617-1).

**Response:** The project does not involve building façades facing the riverfront. Therefore, this guideline does not apply.

- (vi) New buildings shall be designed to minimize noise impacts from surrounding industrial uses and streets.

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**Response:** The project site does not abut industrial uses. Nearby industrial uses and the streets that serve them are generally located to the west and north of the project site. The new building is located on the south end of the site and is separated from nearby industrial uses by a public alley. The entrances to the new building are generally sited away from industrial uses in the area. This guideline is met.

(B) Design review standards.

- (i) Buildings adjacent to the riverfront shall include at least one primary building entrance facing the Willamette River.

**Response:** The project does not involve buildings adjacent to the riverfront. This standard does not apply.

- (ii) A primary building entrance shall be provided on each building facade 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 (see Figure 617-2).

- (aa) *Alternative standard for existing buildings.* Notwithstanding subsection (a)(2)(B)(ii) of this section, where a building existing on December 1, 1998, has a primary building entrance facing a street, such entrance may be relocated but not eliminated. The relocated entrance must face a street.

**Response:** The Preliminary Site Plan in Exhibit B shows that building entrances are provided on Commercial Street NE and Division Street NE. The existing entrance to the existing office building on Division Street NE will be preserved. This standard is met.

- (iii) Ground floor building facades facing the riverfront shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

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- (aa) *Alternative standard for existing buildings.* Notwithstanding subsection (a)(2)(B)(iii) of this section, where a building existing on December 1, 1998, does not include transparent windows on a minimum of 65 percent of the ground floor facade facing the riverfront, the percentage of transparent windows existing on the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection (a)(2)(B)(iii) may be added without meeting the minimum ground floor facade window percentage of 65 percent.

**Response:** This project does not involve ground floor building facades facing the riverfront or modifications to existing buildings. This standard and the corresponding guidelines do not apply.

- (iv) Ground floor building facades facing a street shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

- (aa) *Alternative standard for existing buildings.* Notwithstanding subsection (a)(2)(B)(iv) of this section, where a building existing on December 1, 1998, does not include transparent windows on a minimum of 65 percent of the ground floor facade facing a street, the percentage of transparent windows existing on the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection (a)(2)(B)(iv) may be added without meeting the minimum ground floor facade window percentage of 65 percent.

**Response:** The building elevations in Exhibit B include calculations showing the percentage of each ground floor facade occupied by transparent windows. The guideline that corresponds to this standard is met for the ground floor frontages along each street.

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- (v) Building offsets and articulation shall be provided for building frontages greater than 100 feet in length in order to create pedestrian scale. Building offsets shall be a minimum of four feet in depth and shall be provided at intervals of not more than 40 feet along the building frontage.

**Response:** The building footprint on the Preliminary Site Plan in Exhibit B shows the building offsets and articulation planned for the project. Along the Commercial Street NE frontage, the plans show offsets at least 4 feet in depth at intervals not more than 40 feet. The offset is measured from the outermost façade the front of the offset front wall. The building façade along the southern wall of the assembly room prevents this standard from being met along the Division Street NE frontage. The design guidelines that correspond to this standard are met.

- (vi) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to a street. Awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC 76.160.

- (aa) *Alternative standard for existing buildings.* Notwithstanding subsection (a)(2)(B)(vi) of this section, where a building existing on December 1, 1998, does not include weather protection, in the form of awnings or canopies, along a minimum of 50 percent of the length of a ground floor facade adjacent to a street, the percentage of weather protection along the ground floor facade shall not be reduced. Additional weather protection meeting the sidewalk clearance requirements in subsection (a)(2)(B)(vi) of this section may be added without meeting the minimum weather protection standard of 50 percent.

**Response:** The East Elevation on Sheet A3.1 in Exhibit B shows that awnings or canopies are provided along 74.5% of the length of the ground floor façade along Commercial Street NE. This standard is met.

- (b) Open space.
  - (1) Private open space.
    - (A) Design review guidelines.

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- (i) Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.

**Response:** This project does not involve residential dwelling units. This guideline does not apply.

(B) Design review standards.

- (i) A minimum of 48 square feet of private open space shall be provided for each dwelling unit. The private open space shall have no dimension less than six feet and shall be directly accessible from the dwelling unit through a doorway.

**Response:** This project does not involve residential dwelling units. This standard does not apply.

(c) Site access.

(1) Vehicle access.

(A) Design review guidelines.

- (i) Vehicle access and driveway approaches onto Front Street shall be minimized. Joint use driveways providing access to Front Street are preferred (see Figure 617-3).
- (ii) Public pedestrian access shall be provided between the river and Front Street to create an interconnected pedestrian circulation system.

**Response:** The project site is not located on the river or Front Street. These guidelines do not apply.

(B) Design review standards.

- (i) Public pedestrian access, in the form of a sidewalk, street, or alley, shall be provided between the river and Front Street at least every 400 feet. The public pedestrian access shall not be less than 12 feet in width.

**Response:** The project site is not located on the river or Front Street. This standard does not apply.

(d) Off-street parking and loading.

(1) Off-street parking.

(A) Design review guidelines.

- (i) Off-street parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district (see Figure 617-4).

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- (ii) The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.

**Response:** The off-street surface parking areas will be located beside the buildings, as shown on the Preliminary Site Plan in Exhibit B, and will be shared with the neighboring retail store that is owned and operated by the Applicant. The shared parking configuration, along with the included adjustment to the minimum parking requirements, will minimize the amount of land needed to accommodate off-street parking, in accordance with these guidelines. Parking areas are not planned between any buildings and a street. These guidelines are met.

(B) Design review standards.

- (i) Off-street surface parking areas shall be located behind or beside buildings and structures (see Figures 617-4 and 617-5).

**Response:** The off-street surface parking areas will be located beside the buildings as shown on the Preliminary Site Plan in Exhibit B. Parking areas are not planned between any buildings and a street. This standard is met.

- (ii) Off-street parking shall not be located within the Willamette Greenway riparian buffer set forth in SRC chapter 600.

**Response:** The project site is not located adjacent to the Willamette River. Therefore, off-street parking will not be located within the Willamette Greenway riparian buffer. This standard is met.

- (iii) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that:

- (aa) Where a lot has frontage on two public streets, including a side street, an off-street surface parking area may occupy more than 50 percent of the side street frontage.
- (bb) On lots abutting Front Street, multi-level parking structures may occupy more than 50 percent of the Front Street frontage, provided the parking structures include space for ground floor commercial uses along their entire Front Street frontage.

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the parking lot will occupy less than 50% of the street frontage of the lot on Commercial Street NE. This standard is met.

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(2) Off-street loading.

(A) Design review guidelines.

- (i) Off-street loading areas shall be located so as to minimize their visibility from the street.

**Response:** The loading area is located behind the building, adjacent to the abutting alley, as shown on the Preliminary Site Plan in Exhibit B. Therefore, the loading area will not be visible from Division Street NE and will be minimally visible from Commercial Street NE. This guideline is met.

(B) Design review standards.

- (i) Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

**Response:** The loading area is located behind the building, adjacent to the abutting alley, as shown on the Preliminary Site Plan in Exhibit B. The loading area is not planned between a building or a structure and a street. This standard is met.

**CHAPTER 800. GENERAL DEVELOPMENT STANDARDS**

**800.015. Lot standards, generally.**

- (a) *Buildings to be on a lot.* Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the new buildings included in this application are located entirely on a lot. This standard is met.

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**800.035. Setbacks.**

- (a) *Setbacks to be unobstructed.* Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.
- (b) *Permitted projections into required setbacks.* Permitted projections into required setbacks are set forth in Table 800-2.

**Response:** This project does not involve projections into any required setback, and the setbacks will be unobstructed, as shown on the Preliminary Site Plan in Exhibit B. This standard is met.

**800.040. Special setbacks.**

- (a) *Generally.* To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established.

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No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.

- (b) *Setback distance required; how measured.* The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.

**Response:** The property is subject to a special setback equal to 60 feet from the centerline of Commercial Street NE. This setback line is located  $\pm 10.5$  feet to the west of the current property line abutting Commercial Street NE. This portion of the lot within this special setback is planned to be dedicated to the City to provide the total right-of-way width for ultimate build-out of Commercial Street NE, as planned for in the Salem Transportation System Plan (TSP). With this dedication, the special setback will no longer apply to the site.

- (c) *Relationship to other required setbacks.* The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.

**Response:** This portion of the lot within this special setback is planned to be dedicated to the City to provide the total right-of-way width for Commercial Street NE planned for in the TSP. With this dedication, the special setback will no longer apply to the site.

- (d) *Permitted structures and paving within special setbacks.* The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:
- (1) Transit stop shelters.
  - (2) Signs and their supporting members.
  - (3) Fences.
  - (4) Off-street parking, other than minimum required off-street parking, provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.

**Response:** This portion of the lot within this special setback is planned to be dedicated to the City to provide the total right-of-way width for Commercial Street NE planned for in the TSP. With this dedication, the special setback will no longer apply to the site. Therefore, none of these permitted structures are planned within the special setback.

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## CHAPTER 803.

## STREETS AND RIGHT-OF-WAY IMPROVEMENTS

### 803.010.

### Streets, generally.

Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction



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strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

**Response:** Commercial Street NE is designated as a parkway in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way. Commercial Street NE currently has an 86-foot-wide improvement within a 108-foot-wide right-of-way. With this project application, 10 feet 6 inches of right-of-way width will be dedicated to the City to complete half of the planned right-of-way (60 feet), on the development side, measured from the centerline of Commercial Street SE. As shown on the Existing Conditions Plan in Exhibit B, Commercial Street NE has an 86-foot improved width. A multi-use path is planned as shown on the Preliminary Site Plan to provide facilities for pedestrians and bicyclists. This standard is met.

803.015. Traffic impact analysis.

- (a) Purpose. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:
  - (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.

**Response:** A completed Trip Generation Estimate Form was submitted to the City and is included as Exhibit C with this application. The project is anticipated to result in less than 1,000 average daily trips onto a parkway (Commercial Street NE). Therefore, this condition does not exist for this project, and a traffic impact analysis (TIA) is not required.

- (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.

**Response:** A completed Trip Generation Estimate Form was submitted to the City and is included as Exhibit C with this application. The project is anticipated to result in 164 new trips, and the City has not identified any documented traffic problems that warrant further study. Therefore, this condition does not apply to the project, and a traffic study is not required.

- (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

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**Response:** A completed Trip Generation Estimate Form was submitted to the City and is included as Exhibit C with this application. The City has not informed the Applicant of any traffic engineering analyses indicating that the project will result in unacceptable levels of service on the transportation network serving the site. Therefore, this condition does not apply to the project, and a traffic study is not required.

- (c) Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.

**Response:** The Applicant intends to dedicate 10.5 feet of right-of-way on the development side of Commercial Street NE, as requested by the City. As shown in the Preliminary Site Plan in Exhibit B, this right-of-way is planned to be improved with a multiuse path. This standard is met.

- (d) Exception. An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

**Response:** An exception under this section is not required.

**CHAPTER 806. OFF-STREET PARKING, LOADING AND DRIVEWAYS**

**806.005. Off-street parking; when required.**

- (a) General applicability. Off-street parking shall be provided and maintained as required under this chapter for:
- (1) Each proposed new use or activity.
  - (2) Any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.
  - (3) Any intensification, expansion, or enlargement of a use or activity.

**Response:** Off-street parking is provided for each new use, as shown on the Preliminary Site Plan in Exhibit B.

- (b) Applicability to Downtown Parking District. Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.

**Response:** The planned project is not in the Downtown Parking District. This section does not apply. However, in order to provide additional justification for the adjustment to the minimum parking requirement that applies to the relocated shelter, the Applicant would like the City to consider that this facility is relocating to this site from their current location at 345 Commercial Street NE, within the Downtown Parking District. The current facility does not include uses or activities falling under household living and has been operating without

providing off-street parking. Therefore, the included adjustment to the minimum parking requirement is justified.

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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 in the following locations:

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(c) *Central business district zone.* Within the Central Business (CB) Zone:

- (1) Off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; and
- (2) Off-street parking for employees or residents may be located within 2,000 feet of the development site containing the use or activity it serves

**Response:** As shown on the Preliminary Site Plan in Exhibit B, off-street parking is located on the same site as the use it serves. This standard is met.

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806.015. Amount off-street parking.

(a) Minimum required off-street parking. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1

Table 806-1: Minimum Off-Street Parking		
Use	Minimum Number of Spaces Required <sup>1</sup>	Limitations & Qualifications
<b>Lodging</b>		
Nonprofit shelters	1 per guest room	Applicable to nonprofit Shelters serving victims of domestic violence
	1 per 350 sq. ft.	Applicable to all other nonprofit shelters
<b>Retail Sales and Service</b>		
Retail Sales	1 per 250 sq. ft.	Applicable to all other retail sales located within all zones except the MU-I or MU-II zone.

**Response:** This application involves a new building containing a ±58,282-square-foot nonprofit men's shelter. Parking will be provided in a reconfigured parking lot that will provide space for the shelter and existing retail store. This application does not involve changes to the existing retail store, but findings addressing the parking requirements for the store are included in this application to show that the parking requirements for the store will continue to be met by the reconfigured parking lot.

The nonprofit shelter requires a minimum of 167 parking spaces under this section ( $\pm 58,282 \text{ square feet} / 350 \text{ square feet} = \pm 166.52$ ). The retail store requires a minimum of 62 spaces ( $\pm 15,403 \text{ square feet} / 250 \text{ square feet} = \pm 61.61$ ). The reused office building requires a minimum of 5 parking spaces ( $\pm 1,722 \text{ square feet} / 350 \text{ square feet} = 4.92$ ). A

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Class 2 Adjustment is included with this application to reduce the minimum amount of off-street parking required for the nonprofit shelter use from 167 spaces site to 47 spaces. The parking lot is planned with 114 spaces. Forty-seven of these spaces will be provided for the nonprofit shelter, 62 spaces will be provided for the retail store, and 5 spaces will be provided for the reused office building. The minimum parking standard for the retail store and office building are met. With the included adjustment, the minimum standard for the nonprofit shelter is met.

- (b) Compact parking. Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.

**Response:** Compact parking spaces are planned as shown on the Preliminary Site Plan in Exhibit B. Approximately 52% ( $59 / 113 = .522$ ) of the parking spaces planned will be compact spaces. This standard is met.

- (c) Carpool and vanpool parking. New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

**Response:** This application does not involve parking for uses in the public services industrial use classifications or the business and professional services use category. Therefore, this standard does not apply.

- (d) Maximum off-street parking. Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Table 806-2: Maximum Off-Street Parking	
Minimum Number of Off-Street Parking Spaces Required (From Table 806-1)	Maximum Number of Off-Street Parking Spaces Allowed
20 Spaces or Less	2.5 times minimum number of spaces required.
More than 20 Spaces	1.75 times minimum number of spaces required.

**Response:** As previously discussed, Table 806-1 requires a minimum of 62 spaces for the retail store. Class 2 Adjustment is included to reduce the minimum requirement for the nonprofit shelter to 47 spaces. The repurposed administrative office building requires a minimum of 5 spaces. A minimum of 114 spaces are required for the project with the included adjustment. The maximum number of spaces allowed for the site with the included adjustment is 170 ( $97 \times 1.75 = 169.75$ ). As shown on the Preliminary Site Plan in Exhibit B, 114 parking spaces are planned for the site. The standard is met.

- (e) Reductions to required off-street parking through alternative modes of transportation.

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- (1) Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
  - (2) Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.

**Response:** As discussed previously in this narrative, the clients of the UGM men's shelter do not typically own or use personal vehicles to travel to and from the facility. Walking and biking are the most common forms of transportation used by clients. The Preliminary Site Plan in Exhibit B shows a bicycle storage facility to hold 24 bikes, in addition to a new multiuse path along Commercial Street NE. These facilities included in the project will provide for the use of the alternative transportation modes most commonly used by the clientele of the UGM men's shelter. A reduction to the minimum number of vehicular spaces, as described in the Class 2 Adjustment included in this application, is justified.

806.020. Method of providing off-street parking.

- (a) General. Off-street parking shall be provided through one or more of the following methods:
  - (1) Ownership. Ownership in fee by the owner of the property served by the parking;
  - (2) Easement. A permanent and irrevocable easement appurtenant to the property served by the parking;
  - (3) Lease Agreement. A lease agreement with a minimum term of five years; such agreement may be utilized for:
    - (A) Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
    - (B) All uses in the Central Business (CB) Zone;
  - (4) Lease or rental agreement in parking structure. A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845; such agreement may be utilized for:
    - (A) Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
    - (B) All uses in the Central Business (CB) Zone;

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- (5) Joint parking agreement. A joint parking agreement between the owners of two or more uses or activities, buildings or structures, or lots may be approved by the City. Joint use of required off-street parking spaces through a joint parking agreement may occur where two or more uses or activities on the same or separate development sites are able to share the same parking spaces because their parking demands occur at different times. Joint parking shall meet the following standards:
    - (A) Proximity of joint parking to uses or activities served. Joint parking areas shall be located as set forth in SRC 806.010.
    - (B) Compatible hours of operation. The hours of operation for the uses or activities subject to a joint parking agreement shall not substantially overlap and there shall be no substantial conflict in the principal operating hours.

**Response:** Off-street parking is provided through ownership of the property. This standard is met.

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806.035. Off-street parking and vehicle use area development standards for uses or activities other than single family and two family.

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 shall 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 unpaved area.

**Response:** This application includes new off-street parking and vehicle use areas. The standards in this section apply.

(b) Location.

- (1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.

**Response:** As shown on the Preliminary Site Plan in Exhibit B, off-street parking or vehicle use areas are not planned in required setbacks. This standard is met.

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- (2) Carpool and vanpool parking. Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

**Response:** Carpool or vanpool parking is not planned. This standard does not apply.

- (3) Underground parking. Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

**Response:** This project does not involve underground parking. This standard does not apply.

(c) Perimeter setbacks and landscaping.

(1) Perimeter setbacks and landscaping, generally.

- (A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, 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. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:

- (i) Off-street parking and vehicle use areas abutting an alley.
- (ii) Vehicle storage areas within the IG zone.
- (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
- (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
- (v) Underground parking.

**Response:** As shown on the Preliminary Site Plan in Exhibit B, a landscaped perimeter setback is provided along the portion of the parking lot abutting Commercial Street NE. The western portion of the parking area abuts an alley. Therefore, perimeter setbacks are not required along the western boundary of the parking area. This standard is met.

- (B) Perimeter landscaping. Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.



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**Response:** The off-street parking area will be set back from Commercial Street NE and landscaped according to Method D below. A Class 2 adjustment is included in this application to substitute a 3-foot-high hedge for the 3-foot-high wall specified under Method D. With the included adjustment, this standard is met.

- (2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.
  - (A) Method A. The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
  - (B) Method B. The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides, and shall be landscaped according to the Type A standard set forth in SRC chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.
  - (C) Method C. The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
  - (D) Method D. The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.



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- (E) Method E. The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.

**Response:** The off-street parking area will be set back from Commercial Street NE and landscaped according to Method D above. A Class 2 adjustment is included in this application to substitute a 3-foot-high hedge for the 3-foot-high wall specified under Method D. With the included adjustment, this standard is met.

- (3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

**Response:** As shown in the Preliminary Site Plan in Exhibit B, the western perimeter of the parking area abuts an alley along the rear property line. Therefore, a perimeter setback along this property line is not required, as described under UDC Section 806.035(c)(1)(A)(i). The off-street parking area will be set back from Commercial Street NE more than 5 feet and landscaped according to Method D as described above. This standard is met.

- (4) Setback adjacent to buildings and structures. Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

**Response:** The Preliminary Site Plan in Exhibit B shows that the planned vehicle use and parking areas will be set back from the buildings with a paved pedestrian walkway. A Class 2 Adjustment is included in this application to reduce the minimum width of this setback along the wall of the existing retail store. Elsewhere on the site, the minimum 5-foot standard is met. With the included adjustment, this standard is met.

- (5) Perimeter setbacks and landscaping for parking garages. Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
- (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.

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(B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.

(C) Any parking garage abutting an alley.

**Response:** Parking garages or parking structures are not planned for this project. This standard does not apply.

(d) Interior landscaping.

(1) Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:

(A) Vehicle storage areas.

(B) Vehicle display areas.

(C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.

(D) Gravel off-street parking areas, approved through a conditional use permit.

(E) Underground parking.

(F) Parking garages.

**Response:** Interior landscaping is planned for the parking area, as shown on the Preliminary Site Plan in Exhibit B. This standard is met.

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(e) Off-street parking area dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:

(1) Vehicle storage areas.

(2) Vehicle display areas.

**Response:** The dimensions for the planned parking areas are shown on the Preliminary Site Plan in Exhibit B. The dimensions shown conform to the minimum and maximum off-street parking dimension set forth in Table 806-6. This project does not include vehicle storage areas or vehicle display areas. This standard is met.

(f) Grade. Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

**Response:** The project site is relatively flat, and the off-street parking and vehicle use areas will not exceed a maximum grade of 10%. This standard is met.

(g) Surfacing. Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking

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space may be landscaped with ground cover plants (see Figure 806-9). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

- (1) Vehicle storage areas within the IG zone.
- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

**Response:** The parking and vehicle use areas shown on the Preliminary Site Plan in Exhibit B are planned with surfaces that are intended to comply with the City's Public Works Design Standards. This standard is met.

- (h) **Drainage.** Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

**Response:** Stormwater management is provided as shown on the Preliminary Composite Utility Plan in Exhibit B. These facilities have been designed and stamped by a licensed Civil Engineer and are intended to comply with the City's Public Works Design Standards. This standard is met.

- (i) **Bumper guards or wheel barriers.** Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.

**Response:** Bumper guards and wheel barriers are planned as shown on the Preliminary Site Plan in Exhibit B, as necessary. The parking has been designed so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property. This project does not involve vehicle storage areas or vehicle sales display areas. This standard is met.

- (j) **Off-street parking area striping.** Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.
- (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (4) Gravel off-street parking areas, approved through a conditional use permit.

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**Response:** Off-street parking areas will be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6, as shown on the Preliminary Site Plan in Exhibit B. This project does not involve vehicle storage areas, vehicle sales display areas, temporary and seasonal gravel off-street parking areas, or gravel off-street parking areas approved through a conditional use permit. This standard does not apply.

(k) **Marking and signage.**

- (1) Off-street parking and vehicle use area circulation. Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
- (2) Compact parking. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
- (3) Carpool and vanpool parking. Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

**Response:** Future marking and signage will conform to the Manual of Uniform Traffic Control Devices as necessary. This standard can be met.

- (l) **Lighting.** Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

**Response:** The project site does not abut residentially-zoned properties. Therefore, lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially-zoned property, or property used for uses or activities falling under household living. Lighting for off-street parking will not cast glare onto the street. This standard is met.

- (m) **Off-street parking area screening.** Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

**Response:** The project site does not abut residentially-zoned properties. This standard does not apply.

806.040. **Driveway development standards for uses or activities other than single family or two family.**

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.

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**Response:** The project will be accessed with two two-way driveways that have been designed according to applicable City standards. This standard is met.

- (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.

**Response:** The driveways shown on the Preliminary Site Plan in Exhibit B provide direct access to the street. This standard is met.

- (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.

**Response:** The planned driveways do not abut a street, as shown on the Preliminary Site Plan in Exhibit B. This standard does not apply.

- (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).

**Response:** The planned driveways do not abut a street, as shown on the Preliminary Site Plan in Exhibit B. This standard does not apply.

- (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.

**Response:** The planned driveways do not abut interior front, side, or rear property lines, as shown on the Preliminary Site Plan in Exhibit B. This standard does not apply.

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

Table 806-7: Minimum Driveway Width		
Type of Driveway	Width	Inside Radius of Curves & Corners
One-Way Driveway	12 ft.	25 ft., measured at curb or pavement edge
Two-Way Driveway	22 ft.	25 ft., measured at curb or pavement edge

- (e) Surfacing. All driveways shall be paved with a hard surface material meeting the Public Works Design Standards.
- (f) Drainage. Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (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.

**Response:** The two-way driveways shown on the Preliminary Site Plan in Exhibit B are greater than 22 feet in width; will be paved with a hard-surfaced material; will be designed, graded, and drained according to Public Works Design Standards; and, will be appropriately signed as necessary. These standards are met.

806.045. Bicycle parking; when required.

- (a) General applicability. Bicycle parking shall be provided as required under this chapter for:
  - (1) Each proposed new use or activity.
  - (2) Any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.
  - (3) Any intensification, expansion, or enlargement of a use or activity.

**Response:** The bicycle parking requirements apply.

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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.

**Response:** As shown in the Preliminary Plans in Exhibit B, the planned bicycle parking is located on the same development site as the use it will serve. This standard is met.

806.055. Amount of bicycle parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

Table 806-8: Minimum Bicycle Parking		
Use	Minimum Number of Spaces Required	Limitations & Qualifications
Nonprofit shelters	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.;	

	plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Office	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	

**Response:** This project involves a new building for a nonprofit shelter use and office use. The ±58,282-square-foot nonprofit shelter requires 14 spaces for the first 50,000 square feet (50,000 square feet / 3,500 square feet = ±14.29) and 1 space for the remaining 8,282 square feet (8,282 square feet / 7,000 square feet = ±1.18). Four spaces are required for the existing 1,722 square-foot office building. It total, 19 bicycle spaces are required for the project. As shown on the Site Plan in Exhibit B, 24 spaces are planned. This standard is met.

**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.

**Response:** The Preliminary Site Plan shows the bike parking areas located within 50 feet of the building entrance on Division Street NE. The standard is met.

- (b) **Access.** Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.

**Response:** The Preliminary Site Plan shows that bike parking areas located within direct access to the public right-of-way on Division Street NE.

- (c) **Dimensions.** Bicycle parking spaces shall be a minimum of six feet by two feet, and shall be served by a minimum four-foot-wide access aisle.

**Response:** The Preliminary Site Plan shows the bike parking areas are a minimum of 6 feet by 2 feet and will 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.

**Response:** The bicycle parking area is planned to be served by bicycle racks that will accommodate the bicyclist's own locking device.

**806.065. Off-street loading areas; when required.**

- (a) **General applicability.** Off-street loading shall be provided and maintained as required under this chapter for:
- (1) Each proposed new use or activity.



- (2) Any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity.
- (3) Any intensification, expansion, or enlargement of a use or activity.

**Response:** This project involves new uses on the site that require an off-street loading space. The provisions of this section apply.

(\*\*\*)

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.

- (a) *Off-street parking used for loading.* 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.

**Response:** The Preliminary Site Plan in Exhibit B shows the required loading area is provided on the same development site as the new men's shelter it serves. The project does not rely on off-street parking used for loading. This standard is met.

806.075. Amount of off-street loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-9

Table 806-9: Minimum Off-Street Loading; Dimensions						
Use Category/Use	Minimum Number of Spaces Required		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Business and professional services	none	Less than 5,000 sq. ft.	N/A	N/A	N/A	
Nonprofit membership assembly	1	5,000 to 60,000 sq. ft.	12 ft.	19 ft.	12 ft.	

**Response:** The new men's shelter (a nonprofit membership assembly building) will be ±58,282 square feet of floor area. The Preliminary Site Plan in Exhibit B shows one loading space provided for the new men's shelter building that exceeds the dimensional requirement under this standard. The repurposed office building is less than 5,000 square feet in area and does not require a loading space. This standard is met.

806.080. Off-street loading development standards.

Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.

- (a) *Location.* Off-street loading areas shall not be located within required setbacks.



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**Response:** An adjustment is included in this application to reduce the setback between the loading space and the rear property line from 5 feet to 0 feet. With the included adjustment, this standard is met.

(b) *Perimeter setbacks and landscaping.*

- (1) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setback and landscaping standards set forth under SRC 806.035(c)(2).
- (2) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas 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 landscaping standard of SRC chapter 807.

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the loading space does not abut a street. An adjustment is included in this application to reduce the setback between the loading space and the rear property line from 5 feet to 0 feet. With the included adjustment, this standard is met.

(c) *Dimensions.* Loading areas shall conform to the minimum dimensions set forth in Table 806-9.

**Response:** The Preliminary Site Plan in Exhibit B shows one loading space provided for the new men's shelter building that exceeds the dimensional standard in Table 806-9. This standard is met.

(d) *Maneuvering.* Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.

**Response:** As shown on the Preliminary Site Plan in Exhibit B, the loading space has been designed to accommodate the safe operation of a delivery vehicle. This standard is met.

(e) *Surfacing.* All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:

- (1) Temporary and seasonal gravel loading areas, approved pursuant to SRC chapter 701.
- (2) Gravel loading areas, approved through a conditional use permit.

**Response:** The loading space shown on the Preliminary Site Plan in Exhibit B is planned with a surface that is intended to comply with the City's Public Works Design Standards. This standard is met.

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

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**Response:** The loading space shown on the Preliminary Site Plan in Exhibit B is planned with drainage that is intended to comply with the City's Public Works Design Standards. This standard is met.

(g) *Lighting.* Lighting for off-street loading areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

**Response:** The project is not adjacent to residentially zoned property, or property used for uses or activities falling under the household living category. The loading space shown on the does not abut a street. Therefore, the illumination shown on the Preliminary Site Plan will not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living or cast glare onto the street. This standard is met.

#### **IV. Conclusion**

The required findings have been made, and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the Salem Revised Code. The evidence in the record is substantial, and the City Planning Commission can rely upon this information in the approval of the application.



# MEMO

**TO:** Bryce Bishop, Planner II  
Community Development Department

**FROM:** *For* Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department *JD*

**DATE:** May 28, 2019

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
DR-SPR-ADJ19-03 (19-107580-RP)  
715 COMMERCIAL STREET NE  
RELOCATION OF UGM OF SALEM

## PROPOSAL

To construct the Union Gospel Mission (UGM) of Salem's proposed new relocated men's shelter in a CB (Central Business District) and CO (Commercial Office) zone; and located at the 700-to-800 blocks of Commercial Street NE and 253 to 275 Division Street NE (Marion County Assessor's Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, 1900, 2000 & 2100).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to the approval of any occupancy for the shelter building, convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Commercial Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
2. Construct a shared use path, street lights, landscape strip, and street trees along the frontage of Commercial Street NE in accordance with PWDS.
3. Complete construction of the Division Street NE cul-de-sac. This improvement shall include curb, gutter, storm drainage, and the removal of existing asphalt along the frontage of Division Street NE and between Division Street NE and Commercial Street NE.
4. Construct sidewalk and landscaping where Division Street NE abuts Commercial Street NE to complete the Commercial Street NE pedestrian and bicycle connections.
5. Design and construct a storm drainage system at the time of development in

Code authority references are abbreviated in this document as follows: *Salem Revised Code (SRC)*; *Public Works Design Standards (PWDS)*; *Salem Transportation System Plan (Salem TSP)*; and *Stormwater Management Plan (SMP)*.

compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

6. Provide a tree protection plan for the existing Norway Maple street tree near the corner of Division Street NE and Commercial Street NE. This tree shall be preserved and protected pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500.

## **FACTS**

### **Streets**

#### 1. Commercial Street NE

- a. Standard—This street is designated as a Parkway street in the Salem TSP and is under the jurisdiction of the ODOT. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 86-foot improvement within a 109.5-foot-wide right-of-way abutting the subject property.

#### 2. Division Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 40-foot improvement within a 76-foot-wide right-of-way abutting the subject property.

#### 3. D Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 36-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

#### 4. Alley

- a. Standard—The standard for an Alley classification is right-of-way measuring 10 to 20 feet, with improvements detailed in Public Works Standard Plan Numbers. 304 and 305.

- b. Existing Condition—The alley abutting the subject property is paved and has a right-of-way width of 16.5 feet.

### **Storm Drainage**

#### **1. Existing Condition**

- a. A 6-inch storm main is located in Commercial Street NE.

### **Water**

#### **1. Existing Conditions**

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in Commercial Street NE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

### **Sanitary Sewer**

#### **1. Existing Condition**

- a. An 8- to 10-inch sewer main is located in the alley abutting the western boundary of the subject property.

### **CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

**Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)**

**Finding**—With completion of the conditions above, 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.

Pursuant to SRC Chapter 86 and *Salem Administrative Rule* 109-500, the existing Norway Maple street tree near the corner of Commercial Street NE and Division Street NE shall be preserved and protected. At the time of building permit application, the

applicant shall provide a tree protection plan for the existing Norway Maple street tree near the corner of Division Street NE and Commercial Street NE.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory the subject property does not contain any wetland areas.

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

**Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately**

**Finding—**The existing configuration of Commercial Street NE does not meet current standards for its classification of street per the Salem TSP. Prior to the approval of any occupancy for the shelter building, the applicant shall convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Commercial Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners. The proposed development is subject to a special setback equal to 60-feet from centerline on the development side of Commercial Street NE.

Commercial Street NE has been approved for an alternative street design pursuant to SRC 803.065. As a condition of development, Boundary street improvements are required and will include a shared use path, street lights, landscape strip, and street trees.

Division Street NE meets the right-of-way width and pavement width standards per the Salem TSP. However, the improvement is lacking adequate curb and landscaping. The applicant shall complete construction of the Division Street NE cul-de-sac. This improvement shall include curb, gutter, storm drainage, and the removal of existing asphalt along the frontage of Division Street NE and between Division Street NE and Commercial Street NE.

D Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore no additional street improvements are required as a condition of the proposed development.

**Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians**

**Finding—**The applicant is proposing to relocate two driveway accesses onto Commercial Street NE. Commercial Street NE is under the jurisdiction of ODOT. The applicant shall coordinate with ODOT for access taken from Commercial Street NE. The proposed accesses appear to comply with the vision clearance standards of SRC Chapter 805 and provide for safe turning movements into and out of the property.

**Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development**

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

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

The applicant shall design and construct all utilities water, sewer and storm drainage\\pubwks\PWFiles\Group\pubwks\PLAN\_ACT\PAFinal19\Site Plan Review\19-107580-RP\_715 Commercial St NE.doc 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 Public Works Standards.

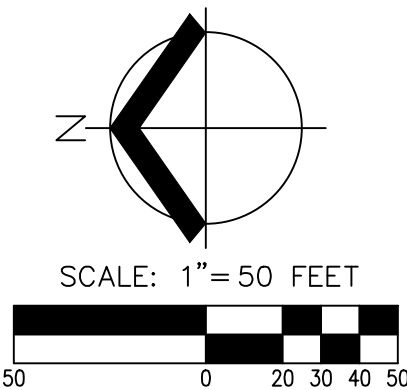
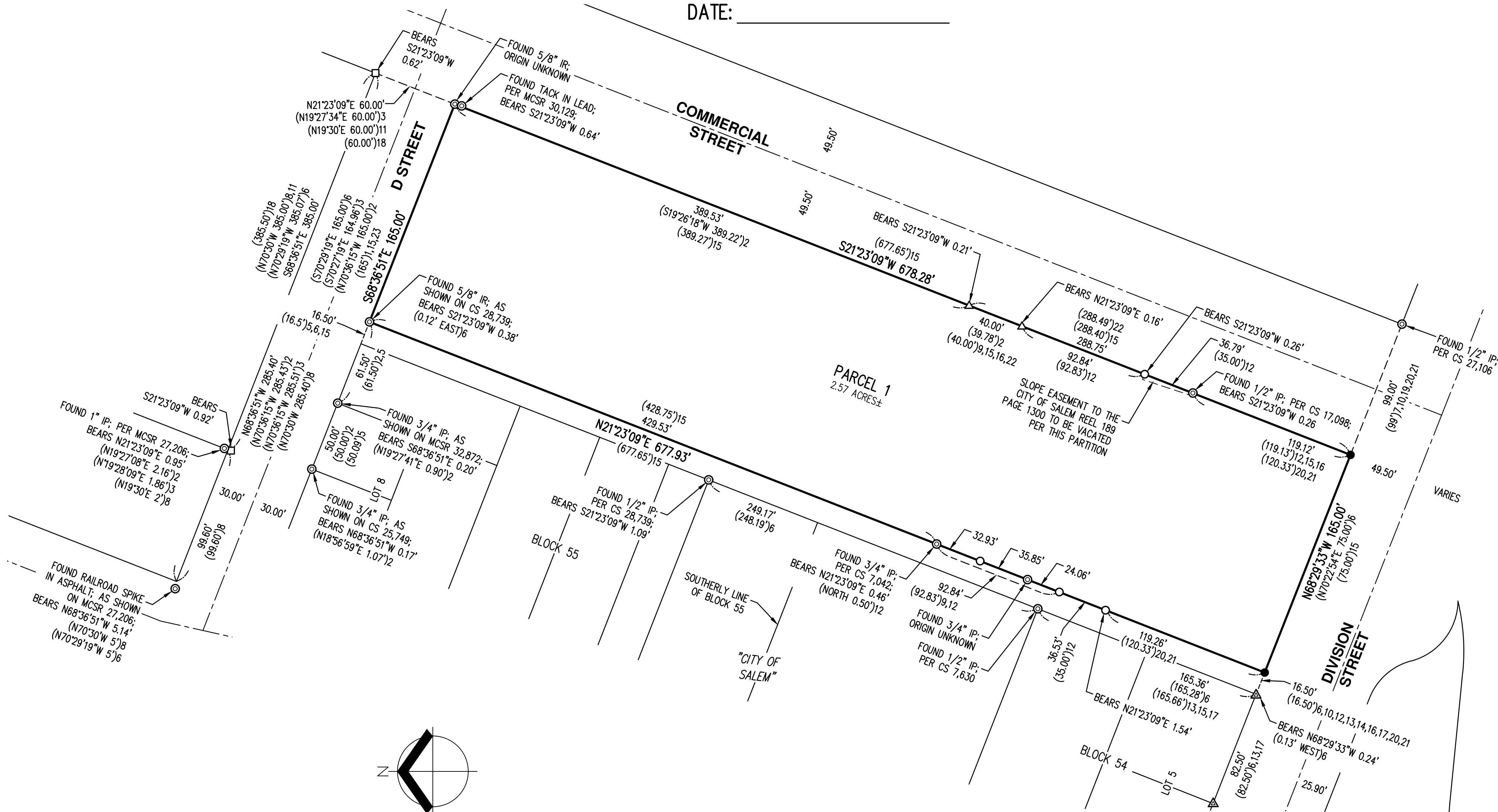
Prepared by: Jennifer Scott, Program Manager  
cc: File



# PARTITION PLAT

A REPLAT OF LOTS 1-4 OF BLOCK 54 AND LOTS 1-4 OF BLOCK 55 OF THE PLAT OF  
"CITY OF SALEM" LOCATED IN THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF SECTION 22,  
TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,  
CITY OF SALEM, MARION COUNTY, OREGON

DATE: \_\_\_\_\_



**LANDOWNERS**  
UNION GOSPEL MISSION OF SALEM, OR  
P.O. BOX 431  
745 COMMERCIAL ST NE  
SALEM, OR 97308  
  
RICK YURK  
260 LUTHER ST S  
SALEM, OR 97302

**TENTATIVE REPLAT  
PREPARED FOR**  
UNION GOSPEL MISSION OF SALEM, OR  
P.O. BOX 431  
745 COMMERCIAL ST NE  
SALEM, OR 97308

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
**REVIEW**  
**COPY**  
OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS  
RENEWS: 6/30/20

JOB NAME:	UNION GOSPEL
JOB NUMBER:	6441
DRAWN BY:	CC
CHECKED BY:	NW
DRAWING NO.:	6441ROS

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD STE 100  
TUALATIN, OR 97062  
P: 503.563.6151  
F: 503.563.6152  
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**AKS**  
ENGINEERING • SURVEYING • NATURAL RESOURCES  
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE



Mr. Gerald Bieze  
9th Street LLC  
Second and Center St. LLC  
1118 Northshore Road  
Lake Oswego, OR 97034

June 3, 2019

Salem Planning Division  
Community Development Department  
Attn: Bryce Bishop, Case Manager  
555 Liberty Street SE, Room 305  
Salem, OR 97301

**Re: Comments regarding Case No. DR-SPR-ADJ19-03 – consolidated application for Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment**

Mr. Bishop and the City of Salem Planning Commission:

I received a Land Use Hearing Notice for the consolidated application (“**Consolidated Application**”) in the above-referenced case. I am submitting these written comments on behalf of myself, Gerald Bieze, and on behalf of the Oregon business entities, 9th Street LLC and Second and Center St. LLC, which own the real property located at 250 Division Street NE.

We support the Union Gospel Mission’s (“**UGM**”) efforts to provide shelter to those in need. We support thoughtful developments where the zoning, design, and site plan conform with the neighborhood and community. And we support decisions that take into consideration the very real concerns of the adjacent and neighboring property owners. We believe that a development of this size and scale deserves thoughtful planning and process. We would like to see a development that provides essential shelter services in a manner that does not negatively or disproportionately impact neighboring property owners. As proposed, this Consolidated Application will not achieve this result.

We have three primary concerns regarding this application. First, there is no jurisdiction for the Planning Commission (or any decisionmaker) to review this matter at this time. Second, the zoning of the properties that are the subject of this Consolidated Application expressly prohibit the development proposed. And third, because of the unique nature of this proposed development, and the expected impacts that it will bring to pedestrian, bicycle, and vehicle flow, a Traffic Impact Analysis is required.

**I. Jurisdiction**

As a preliminary matter, review of this Consolidated Application is premature. Neither the Planning Commission nor any other decisionmaker has jurisdiction to undergo this review, because the Consolidated Application is dependent upon the approval of another land use

application, for which a final decision has not yet been made. Specifically, this Consolidated Application requires a final decision on the land use application in Case No. CU-ZC17-14MOD1, proposing modification to an existing conditional use permit (“**Modification Application**”).

The Modification Application proposes to expand an existing conditional use permit to include two additional properties. Those additional properties are located at 253-275 Division St. NE (also known as Tax Lots 2000 and 2100) (the “**Additional Properties**”). In the current Consolidated Application, both the design review and the site plan review wholly rely upon the approval of the Modification Application, because the location, orientation, design, and site plan of the development include the Additional Properties as key components. The Modification Application, however, is currently pending before the Review Authority—the City Hearings Officer. No final decision has been made. *See* the Salem Unified Development Code (“**UDC**” or “**Code**”) § 300.520(f)(3) (providing that the final decision in a Type II land use application is that of the Review Authority).

The UDC disallows the processing of a land use application that is “dependent upon the approval of another land use application,” and expressly provides that the application upon which the other is dependent “*shall* be processed first.” SRC § 300.120(a)(3) (emphasis added). The only exception the Code provides is when the relevant applications are consolidated for review, which the Applicant did not do in this case. There is, therefore, no jurisdiction for this review until the decision upon which the Consolidated Application relies is final. No condition of approval would allow for the processing of a later application when the Code mandates that the application upon which the latter is predicated be processed first.

The Code’s jurisdictional prerequisite is as prudent as it is practical. It is prudent because it is an efficient use of the City’s resources to defer review of a land use decision to a time when the decision upon which the application is predicated has been decided. It is also more efficient for the Applicant and any other parties interested in the proposal. To allow for review in any other order could easily result in a needless process, such as if the foundational application is never approved, or if the foundational application is approved with conditions that require changes affecting the subsequent application, such as for plans of site and design. The Code’s jurisdictional prerequisite is practical because it avoids duplicative review when, as here, the Consolidated Application must fail for the same reasons that the underlying application must fail. Accordingly, because the Modification Application is not yet final, the Planning Commission has no jurisdiction to review this Consolidated Application and, pursuant to SRC § 300.120(a)(3), any review or approval of the Consolidated Application at this time would be void.

## **II. Zoning**

A Class 3 site plan review requires that the application meet all applicable standards of the UDC. SRC § 220.005(f)(3)(a). Under the UDC, the current zoning on the Additional Properties does not allow for the proposed development. An application that lacks compliance with an approval criterion must either be denied, or else approved concurrently with conditions of approval that would ensure that the applicable criteria are met. Here, there is no condition of approval that would bring the proposal in conformance with the UDC, when the proposed use of

the properties is specifically prohibited in the applicable zone. The Consolidated Application cannot meet the Code and must be denied.

The Additional Properties—which have not received final land use approval but have nonetheless been included in this Consolidated Application for the siting of the UGM shelter—are located within the Commercial Office Zone (“**CO Zone**”) and the Riverfront Overlay Zone (“**Overlay Zone**”). Within the Overlay Zone, any use that is permitted in the underlying zone is equally permitted in the Overlay Zone. SRC § 617.015. Inversely, any use that is prohibited in the underlying zone is equally prohibited in the Overlay Zone. SRC § 617.015. In the underlying CO Zone, room and board (i.e. a shelter) serving more than 75 persons is expressly prohibited. SRC §521.005, Table 521-1. Because a shelter serving more than 75 persons is expressly prohibited in the underlying CO Zone, it is also prohibited in the Overlay Zone.

In striking contrast to the CO Zone’s clear prohibition, the Central Business District Zone (“**CB Zone**”) does allow for the possible siting of a nonprofit shelter serving more than 75 persons, as a conditional use, so long as the shelter meets certain criteria. SRC § 524.005(a), Table 524-1. The Code narrowly defines this allowance for large shelters within the CB Zone. In the CB Zone, the criteria include that: (1) the relocation remains *within the CB zone*; and (2) there is no increase in bed capacity. SRC § 524.005(a), Table 524-1 (emphasis added). The Overlay Zone also provides for a similarly narrow exception, allowing, as a conditional use, the “[r]elocation of an existing nonprofit shelter *from the CB zone*.” SRC § 617.015(c), Table 617-2 (emphasis added). The Overlay Zone exception is silent on a shelter’s capacity. This exception provided in the Overlay Zone is precise. The exception is targeted to shelters moving *from* the CB Zone. “From” implies that the shelter is leaving the zone. Here, the Applicant has proposed the shelter to stay within the CB Zone and expand onto another zone—the CO Zone. The possibility of siting a large shelter in the CO Zone is not only entirely absent from the precisely worded, narrow exception provided within the Overlay Zone, but is also specifically prohibited in the CO Zone, where the use is proposed for expansion. The following table illustrates the Code’s allowance for large shelters in each of the three Zones at issue:

ZONING ALLOWANCE FOR SHELTERS SERVING OVER 75 PERSONS	
OVERLAY ZONE	Conditional Use
CB ZONE	Conditional Use
CO ZONE	Prohibited Use

The Consolidated Application erroneously assumes that the Overlay Zone amended both the CB Zone and the CO Zone with regard to the relocation of large shelters. Based on the explicit text of the Code, the accompanying legislative history, and the treatment of this development in previous land use applications, this is not an accurate assumption. For example, when comparing the Overlay’s Zone’s silence on capacity with the CB Zone’s limitation on capacity, the decision in the original application (requesting a conditional use / quasi-judicial zone change (the “**Original Application**”), states: “Had the intent of the code been for the CB zone limitation on increased capacity to equally apply to the Riverfront Overlay Zone, the CB zone limitation on capacity *would have been included in the Riverfront Overlay Zone as well.*” (emphasis added). By the same logic, if the intent of the Code had been for the Overlay Zone to amend or supersede the CO Zone, the Code would have so stated. Alternatively, the Code could

have avoided specifying any particular zone, rather than expressly identifying the CB Zone only. Or the Code could have amended the CO Zone in regard to large shelters, just as it did the CB Zone. Instead, the Overlay Zone and the CB Zone jointly provide for a narrow exception for large shelters from the CB Zone to relocate to another area within the CB Zone. The CO Zone was not at all amended and continues to expressly prohibit shelters over 75 persons.

In an explanation of the legislative history behind Ordinance 59-93—the ordinance that amended the CB Zone to allow for certain shelters serving more than 75 persons—a supplemental finding from the Original Application states that the ordinance “*amended the CB zone* by adding a provision allowing, as a conditional use, the relocation of larger than 75-person homeless shelter facilities in existence as of September 1, 1993 from one CB Zone *to another*, providing there was no increase in bed capacity.” (emphasis added). Interpreting the Code as allowing large shelters to relocate from one CB Zone *to another* CO Zone would not make sense with this finding. The only reasonable interpretation is to read this finding and the text of the UDC as providing for the relocation from one CB Zone *to another* CB Zone. Consistent with this finding, and the clear text of the Code, we view the Overlay Zone as amending the CB Zone. In contrast, the CO Zone was not amended with regard to nonprofit shelters (of any capacity).

This interpretation is also consistent with the approval of the Original Application, which only considered the relocation of the shelter from the CB Zone to the CB Zone. The Original Application requested to rezone certain properties proposed for this development from the CO Zone to the CB Zone. That request was approved, thereby placing the majority of the properties subject to the current Consolidated Application within the CB Zone. The Additional Properties, however, were never requested nor approved for this development—nor could they be—because of the express prohibition of large shelters within the CO Zone. To even consider this Consolidated Application, a rezone changing the zoning of the Additional Properties from the CO Zone to the CB Zone would be required, or the Code would need to be amended, by either changing the Overlay Zone to amend and supersede the CO Zone, just as it did the CB Zone, or by changing the CO Zone to allow an exception similar to the exception contained in the CB Zone. As proposed, the Consolidated Application does not meet the City’s zoning code and must be denied.

### **III. Traffic Impact**

Pursuant to SRC § 220.005(f)(3), a Class 3 site plan review must meet both of the following requirements:

“(C) 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”; and

“(D) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.”

The Consolidated Application does not meet these criteria. The proposed development does not provide for a safe, orderly, or efficient circulation of traffic, and the negative impacts to the transportation system have not been adequately mitigated. The orientation of the building, considering its nature, size, and scale, is not designed to facilitate the safe and efficient movement of vehicles, bicycles, or pedestrians. The Consolidated Application emphasizes the impacts of the proposed development on vehicles, specifically focusing on parking and vehicle count. This emphasis on vehicles is misplaced. Parking and vehicle count are not the primary traffic concerns generated by this proposal; our main concerns arise from the anticipated impacts of the development on other aspects of the transportation system. Furthermore, while the Consolidated Application speaks to the lack of private vehicle use by shelter clients, the use of public transportation and the effects on traffic in this location with any anticipated public transportation use by such a significant number of people is not mentioned.

The Applicant provided a Trip Generation Estimate showing a net increase of 164 average daily trips generated from the proposed development. The Applicant asserts that this Trip Generation Estimate does not trigger the need for a Traffic Impact Analysis; however, a review of the Code demonstrates that a Traffic Impact Analysis is, in fact, required.

SRC § 803.015(a) states: “[t]he purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.” The definition of “traffic”, however, is not confined to the movement of vehicles. Traffic includes the movement of people and things. *See, e.g.*, SRC § 803.030(b)(4) (discussing street spacing requirements as they relate to “vehicular, pedestrian, or bicycle traffic”).

The Applicant has proposed a 300-person shelter where “[w]alking and biking are the most common forms of transportation.” Applicant Statement, Page 36. In the proposed location for this development, no commercial overnight lodging currently exists. A proposal bringing 300 individuals to a new area where residents of the development will predominantly walk and bike is undoubtedly going to have a significant impact on traffic, especially when the term “traffic” is intended to include more than vehicle traffic.

When read in its proper context, the Code clearly requires a Traffic Impact Analysis in a situation such as this where a proposed development will have a significant impact on pedestrian traffic:

“The purpose of a traffic impact analysis is to ensure that development generating a significant amount of [*pedestrian and bicycle traffic*] provides the facilities necessary to accommodate the [*pedestrian and bicycle traffic*] impacts of the proposed development.” SRC § 803.015(a).

An applicant *shall* provide a Traffic Impact Analysis if “[t]he increased [*pedestrian and bicycle traffic*] resulting from the development will contribute to documented [*pedestrian or traffic traffic*] problems, based on current accident rates, [*pedestrian and bicycle traffic*] volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.” SRC § 803.015(b)(2).

Even without the proposed 300-bed shelter, issues with pedestrian safety and problems with pedestrian traffic, loitering, camping, and the accumulation of personal property and persons already exist on Division Street NE, as evidenced by the nine police actions related to pedestrian traffic that have occurred along Division Street NE in recent years. The areas immediately surrounding shelters in Oregon of a similar capacity experience these same concerns. It would be remiss to assume that these issues will be mitigated without a plan for mitigation or any study of the likely increase in frequency and severity of pedestrian traffic and the accompanying, identified concerns with a development of this size. These current issues will most certainly increase with the proposed development, yet the pedestrian and bicycle traffic and existing concerns have not been addressed in this Consolidated Application, nor studied in a Traffic Impact Analysis.

A Traffic Impact Analysis should be required for this Consolidated Application, so that the Applicant may provide adequate facilities to accommodate the pedestrian and bicycle traffic and mitigate the anticipated traffic impacts. The Applicant has already acknowledged that significant traffic impacts are anticipated by the proposal, which should have triggered the need for a Traffic Impact Analysis pursuant to SRC § 803.015(b). In the Original Application, the Applicant explained: “the facility will be likely to attract a large amount of pedestrian traffic” and that “measures should be taken to discourage loitering on or obstructing the public sidewalk.” CU-ZC17-14, February 9, 2018, page 23. The Hearings Officer noted: “Regarding pedestrian and bicycle traffic, the proposed shelter will generate increased amounts [of] pedestrian and bicycle activity in the area.” Thus, both the Applicant and the Hearings Officer acknowledge that the proposal will cause a significant increase in bicycle and pedestrian traffic and that steps need to be taken to address the issue. In particular, the impacts to pedestrian traffic crossing Commercial Street from the east and crossing Front CP NE from the south as clients travel from the Marion Square Park need to be studied. In addition, the effect of large numbers of pedestrian and bicycle traffic within the Division Street cul-de-sac need to be considered. Appropriate measures cannot be taken if the impacts are not even studied. A Traffic Impact Analysis is needed, due to the nature of this development as a large overnight shelter, and the anticipated adverse impacts to pedestrian, bicycle (as well as other personal property), and vehicle flow—adverse impacts which already exist and which will exponentially increase if this Consolidated Application is approved as proposed.

The Traffic Impact Analysis should also consider the adequacy of the proposed bicycle storage facilities. The Consolidated Application proposes a bicycle storage unit with a capacity to hold 24 bicycles. For a 300-person shelter, where biking is one of the “most common forms of transportation,” this storage capacity seems grossly inadequate. For vehicles, the Applicant proposes to reduce the number of parking spaces required, because the majority of shelter clients walk or bike, leading to an abnormally low count of vehicle users among shelter clients. Yet there is no proposal to address the relative higher popularity of walking and biking. If one requirement is reduced, the other should logically rise. If parking spaces are reduced due to the abnormally low use of personal vehicles, then bicycle storage must be increased and pedestrian impacts must be studied, due to the corresponding higher use of walking and biking modes of transportation.

Pedestrian safety, pedestrian traffic, loitering, camping, and the accumulation of persons, personal property, and bicycles around the proposed development are an issue primarily because the proposed client entry is currently located along and oriented toward Division Street NE. The Applicant's current design proposal includes a large courtyard entry that expands the entryway from Division Street NE to the point of building access. This creates a high likelihood that shelter users will extend from the entry way into the Division Street NE cul-de-sac. If the Division Street NE cul-de-sac functions as an extended entry way, then the sidewalk and cul-de-sac will accumulate with pedestrian traffic, bicycles, and personal property, and the sidewalk and the Division Street cul-de-sac will become an unsafe place for all users.

The Original Application approved of a client entry that was oriented toward the alleyway, rather than along Division Street NE, yet this Consolidated Application proposes to relocate the client entry and redirect an entirely new traffic flow for bicycles, pedestrians, and vehicles onto Division Street NE. This is a significant change from the approval of the Original Application, and it has been proposed without additional studies of the significant traffic impacts. As discussed above, the Code required a Traffic Impact Analysis that studies the impacts to all forms of traffic. The client entry point must be selected with careful consideration of the traffic impacts that will arise from the orientation of the building, yet the traffic impacts created by a development oriented toward Division Street NE have not been considered.

In conclusion, this Consolidated Application may not be considered until the Modification Application has reached a final decision. Even if the Planning Commission were to consider the Consolidated Application, it must be denied because the Zoning specifically prohibits this development. Finally, this Consolidated Application cannot be approved without a proper Traffic Impact Analysis to study the impacts of all types of traffic, including the anticipated significant increase in pedestrian and bicycle traffic, as well as the unknown potential impacts of public transportation use.

Very truly,

  
\_\_\_\_\_  
Gerald Bieze

On behalf of Gerald Bieze and on behalf of 9th Street LLC,  
and Second and Center St. LLC.



June 4, 2019

Bryce Bishop  
Planner II  
City of Salem  
555 Liberty Street SE, Suite 305  
Salem, OR 97301

**RE: Applications for a Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustments (Case No. DR-SPR-ADJ-19-03)**

Dear Mr. Bishop:

Thank you for reviewing the above referenced application. We have some concerns regarding some of the draft conditions of approval contained in the staff report. Please forward these comments to the Planning Commission for June 4<sup>th</sup> public hearing. We respectfully request amending the draft conditions of approval to address the following concerns:

Condition 6 currently reads:

*Provide a tree protection plan for the existing Norway Maple street tree near the corner of Division Street NE and Commercial Street NE. This tree shall be preserved and protected pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500.*

The Applicant does not object to making reasonable efforts to protect the tree. The Applicant is concerned that the wording of this condition requires the tree to be preserved and would prevent the Applicant from requesting to remove the tree under the applicable criteria in SRC Chapter 86 if necessary. Therefore, the Applicant respectfully requests the Planning Commission consider amending Condition 6 to read:

*Provide a tree protection plan for the existing Norway Maple street tree near the corner of Division Street NE and Commercial Street NE. The plan shall evaluate strategies for the preservation of this tree pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500 and shall recommend appropriate and reasonable mitigation if preservation is infeasible.*

Condition 7 currently reads:

*Prior to the approval of any occupancy for the shelter building, convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Commercial Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.*

The Applicant is concerned that the language in this condition as presently drafted could require right-of-way dedication in addition to the half-width right-of-way dedication of 60 feet as shown on the plans. The Applicant respectfully requests the Planning Commission amend Condition 6 to clarify that dedication will not be required in addition to what is shown on the approved plans.



Condition 8 currently reads:

*Construct a shared use path, street lights, landscape strip, and street trees along the frontage of Commercial Street NE in accordance with PWDS.*

The Applicant intends to construct the shared use path as shown on the current plans. The Applicant is concerned that the condition as worded could prevent a design exception if one should be necessary to construct the facilities as shown on the submitted plans. The Applicant respectfully requests that the condition be amended to read:

*Construct a shared use path, street lights, landscape strip, and street trees along the frontage of Commercial Street NE in accordance with the approved plans.*

Thank you again for your excellent work in reviewing our application and considering our proposed amendments to the draft conditions of approval.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



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