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503-588-6173*

DECISION OF THE PLANNING COMMISSION

**CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2
ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO.: DR-
SPR-ADJ-DAP19-04**

APPLICATION NO. : 19-111033-DR, 19-111034-RP, 19-111037-ZO

NOTICE OF DECISION DATE: July 10, 2019

REQUEST: A consolidated application for the relocation of the Ike Box (eating and drinking establishment) consisting of the proposed approximate 5,223 square-foot building, new vehicle use area, and modifications to driveways on Cottage Street and Court Street.

The application includes the following:

- 1) A Class 3 Design Review and Class 3 Site Plan review for the proposed building;
- 2) A Class 2 Driveway Approach Permit for the proposed driveway onto Cottage Street and Court Street; and
- 3) A Class 2 Adjustment to:
 - a) Allow portions of the proposed building adjacent to Court Street NE, and Cottage Street NE to be setback less than 5 ft. as required under SRC 522.010(b);
 - b) Reduce the minimum 5-foot vehicle use area setback required to zero feet, pursuant to SRC 522.010(b) to the north property line;
 - c) Reduce 15 percent landscaping for the development to 7 percent;
 - d) Reduce required parking spaces from 35 spaces to 10 spaces; and
 - e) Reduce the required 22-foot driveway width to 21-foot 1-inch for the existing driveway on Court Street.
 - f) Reduce the off-street loading space requirement from one space to zero spaces.

The subject property is approximately 0.33 acres in size, zoned CB (Central Business District) within the General Retail/Office Overlay Zone, and located at 220 Cottage Street NE (Marion County Assessor Map and Tax Lot Number: 073W27AA00400).

APPLICANT: First Presbyterian Church for Ike Box

LOCATION: 220 Cottage Street NE / 97301

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

FINDINGS: The findings are in the attached exhibit dated July 10, 2019.

NOTICE OF DECISION

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



DECISION: The Planning Commission **APPROVED** Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP19-04 subject to the following conditions of approval:

CLASS 3 SITE PLAN REVIEW

Condition 1: The landscaping island abutting Court Street shall be reduced to provide a 22-foot wide drive aisle for two way traffic.

Condition 2: The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

Condition 3: The applicant shall install street trees along the property frontages pursuant to SRC Chapters 86 and 803.

Condition 4: The applicant shall close the existing southerly driveway approach along Cottage Street NE, reconstruct curb and re-stripe on-street parking pursuant to PWDS.

VOTE:

Yes 7 No 0 Absent 2 (Griggs, Pollock) Abstain 0


Brian McKinley, Vice 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>July 26, 2021</u>
Class 3 Site Plan Review	<u>July 26, 2023</u>
Class 2 Adjustment	<u>July 26, 2021</u>
Class 2 Driveway Approach Permit	<u>July 26, 2021</u>

Application Deemed Complete:	<u>June 17, 2019</u>
Public Hearing Date:	<u>July 9, 2019</u>
Notice of Decision Mailing Date:	<u>July 10, 2019</u>
Decision Effective Date:	<u>July 26, 2019</u>
State Mandate Date:	<u>October 15, 2019</u>

Case Manager: Olivia Glantz, OGlantz@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.**

Thursday, July 25, 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
DR-SPR-ADJ-DAP19-04 Decision
July 10, 2019
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300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 225, 250 & 804. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the 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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FACTS & FINDINGS

CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO. DR-SPR-ADJ-DAP19-04

JULY 10, 2019

PROCEDURAL FINDINGS

1. On May 8, 2019, CB Two Architects, on behalf of the applicant, First Presbyterian Church, and property owner, the First Presbyterian Church, filed an application for a consolidated Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit the relocation of the Ike Box (eating and drinking establishment) consisting of the proposed approximate 5,223 square-foot building, new vehicle use area on property located in the 220 Cottage Street NE (**Attachment A**).
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on June 17, 2019. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on June 19, 2019. Notice was also posted on the subject property pursuant to SRC requirements by the applicant's representative on June 26, 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 July 9, 2019. The state-mandated 120-day local decision deadline for the application is October 15, 2019.

BACKGROUND

The application under review by the Planning Commission is a consolidated Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit for the relocation of the Ike Box to 220 Cottage Street NE.

The proposed Ike Box is approximately 8,733 square feet in size and two stories in height. Vehicular access to the proposed vehicle use area is proposed to be provided from a reconfigured driveway approach onto Cottage Street NE and Court Street NE.

The proposed site/development plans are included in **Attachment B**. The proposed building elevations are included as **Attachment C**. The written statement provided by the applicant addressing the proposal's conformance with the applicable approval criteria is included in **Attachment D**.

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 relocation of the Ike Box (eating and drinking establishment) consisting of the proposed approximate 5,223 square-foot building, new vehicle use area on property located in the 220 Cottage Street NE. The Class 2 Driveway Approach Permit was determined unnecessary, since the applicant has not proposed a change to either driveway.

Vehicular access to the site will be provided from existing driveway approaches onto Cottage Street NE, as well as from Court Street NE.

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:

- Site Plan: **Attachment B**
- Building Elevations Plans: **Attachment C**

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

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 "Central Business District" on the Salem Area Comprehensive Plan map.

2. Zoning

The subject property is zoned CR (Retail Commercial) and is located within the General Retail/Office Overlay Zone. The zoning of surrounding properties is as follows:

North: CR (Retail Commercial) with General Retail/Office Overlay;

South: Across Court Street NE, PA (Public Amusement)

East: CR (Retail Commercial) with General Retail/Office Overlay

West: Across Cottage Street NE, CR (Retail Commercial), with General Retail/Office Overlay

3. Natural Features

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance

defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves.” There are three trees proposed for removal on the subject property. The trees are cedar trees located on the north property line and do not require a removal permit.

There are several trees that are located within the public street right-of-way that 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).

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

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or hydric (*wetland-type*) soils. Compliance with the requirements of the DSL, if necessary, will be coordinated between the applicant and DSL staff.

Landslide Hazards: According to the City’s adopted landslide hazard susceptibility maps, there are no mapped landslide hazard areas on the subject property. There are 3 activity points associated with building permits for public buildings. The cumulative total of 3 points indicates a low landslide hazard risk. Pursuant to SRC Chapter 810, no geologic assessment, or geotechnical report is required for development of the property.

4. Neighborhood Association Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CANDO) neighborhood association. As of the date of the public hearing, no comments have been received from the neighborhood association.

5. Public Comments

All property owners within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property. As of the public hearing, no comments have been received from surrounding property owners.

6. City Department Comments

- A. The Building and Safety Division reviewed the proposal and indicated that building permits will be required.
- B. The Fire Department reviewed the proposal and provided comments indicating that Fire Department access and water supply are required. The Fire Department indicates that they will review for these items, and other requirements, at the time of building permit plan review.

- 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 E**.

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 the public hearing, the following comments were received:

- A. Portland General Electric (PGE) reviewed the proposal and provided comments indicating development cost per current tariff and service requirements.

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

8. CLASS 3 DESIGN REVIEW APPROVAL CRITERIA

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

The design review guidelines applicable to development within the General Retail/Office Overlay Zone are established under SRC 632.025(a). The following subsections are organized with the General Retail/Office 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 633.025(a) Building Location, Orientation and Design

▪ *Building Setbacks (SRC 632.025(a)(1)(A)):*

- (i) Building setbacks from the street shall be minimized (see Figure 632-1). Buildings constructed contiguous with the street right-of-way are preferred.***

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the existing building has some articulation, which does not allow the entire building to be contiguous to the street right-of-way. Both street frontages (Cottage Street and Court Street) will have minimal setbacks. The frontage along Cottage Street NE will abut the sidewalk for 34-feet of the 130-foot frontage or 26%, the remainder of the building will be set back 5-feet from the property line. The frontage along Court Street NE will abut the sidewalk for 22-feet of the 110-foot frontage or 20%, the remainder of the building will be set back 12-feet from the property line to accommodate a porch. The building's front façade is oriented towards Court Street which is adjacent to the south property line,

facing the Oregon World War II Memorial and the Capitol Mall. The building's street facades are articulated to break up its mass and provide visual relief; building setbacks vary from 0 to 12 feet.

The applicant explains that setbacks are minimized to the degree possible with the current building configuration and the need for accessibility into the building.

The Planning Commission concurs with the findings included in the applicant's written statement. This design review guideline requires building setbacks from the street to be minimized and indicates that buildings constructed contiguous with the street right-of-way are preferred.

As shown on the proposed site plan (**Attachment B**) and building elevations (**Attachment C**), the proposed building will be two stories in height and is located so as to be brought forward on site within close proximity to the public streets. Based on the proposed two-story height of the building and setbacks which have been minimized from the public street right-of-way, the building will portray the compact urban form desired within the General Retail/Office Overlay Zone.

Because the proposed building is not setback from the street more than 12-feet on either side of the building adjacent to Court Street and Cottage Street, and because the building compensates for the slightly increased setbacks from the street to include a covered porch abutting Court Street it will maintain the appearance of the compact urban form called for in the downtown core of the City. Therefore, the proposal conforms to this design guideline.

▪ **Building Orientation and Design (SRC 632.025(a)(2)(A)):**

(i) Buildings shall create safe, pleasant, and active pedestrian environments.

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the building is sited to promote visibility and improve community access. Setback areas will be outdoor eating areas which will improve the pedestrian experience. This proposed design provides pedestrian enhancements that do not currently exist at this location.

The Planning Commission concurs with the findings included in the applicant's written statement. The proposal is creating outdoor seating areas, accessible entrances from the public sidewalk, and the areas between the sides of the building adjacent to Court Street and Cottage Street include outdoor eating areas and accessible paths into the building. The proposed facility conforms to this design guideline.

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

Finding: The written statement provided by the applicant (**Attachment D**) indicates that awnings along the façade facing Cottage Street NE will be provided above the entrance and several windows, which is approximately 50% of the facade. Awnings on the existing

façade along Court Street are not proposed, as the applicant states they would not be complementary to the architectural details of the building. The Court Street facade will, however, have a large covered porch for outdoor seating, which is approximately 50% of the building facade. Due to structural elements of the existing structure, the awnings must be lightweight and fabric.

The Planning Commission concurs with the findings included in the applicant's written statement. The intent of the weather protection required under this design guideline is to provide protection from the sun and rain in order to ensure a comfortable and inviting environment for pedestrians along the sidewalk. The location of the building will be inviting to pedestrians and the proposal does provide some cover over each entrance facing Court Street and Cottage Street. The proposal conforms to this design guideline.

(iii) Above grade pedestrian walkways shall not be provided to property located within the Salem Downtown Historic District.

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposed facility is not located within Salem's Downtown Historic District and therefore this restriction does not apply.

The Planning Commission concurs with the findings included in the applicant's written statement. The subject property is located at the eastern end of the City's downtown core. It is not located within the Salem Downtown Historic District. This approval criterion is therefore not applicable.

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

9. CLASS 3 SITE PLAN REVIEW APPROVAL CRITERIA

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

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 the relocation of an existing 8,773 square-foot two-story building (Ike Box) and new vehicle use area.

The subject property is designated "Central Business District" on the Salem Area Comprehensive Plan Map and zoned CR (Retail Commercial) within the General Retail/Office Overlay Zone. The allowed uses and applicable development standards of the CR zone are set forth under SRC Chapter 522. The requirements of the General Retail/Office Overlay Zone are set forth under SRC Chapter 632.

The proposed development conforms to SRC Chapter 522, 632, and all other applicable development standards of the Salem Revised Code as follows:

SRC CHAPTER 522 (CR ZONE) & CHAPTER 632 (GENERAL RETAIL/OFFICE OVERLAY ZONE)

SRC 522.005(a) & SRC 632.010 - Allowed Uses:

The subject property is proposed for the relocation of the Ike Box, which is classified as a Retail Sales and service, eating and drinking use under SRC 400.045(a).

Allowed uses within the CR zone are identified under SRC 522.005(a), Table 522-1. Retail Sales and Service, eating and drinking is identified as a permitted use in the table and is therefore a permitted use in the CR zone.

Because the property is located within the General Retail/Office Overlay Zone, it is also subject to the requirements of that overlay zone. Pursuant to SRC 632.010, any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the overlay zone. Because Retail Sales and Service is allowed within the underlying CR zone, it is also allowed in the General Retail/Office Overlay Zone.

SRC 522.010(a) - Lot Standards:

The subject property is currently 0.33 acres in size and approximately 131-feet by 108-feet. Lot standards within the CR zone are established under SRC 522.010(a), Table 522-2. Within the CR zone there are no minimum lot area, width, or depth requirements. The minimum street frontage requirement for lots within the CR zone developed for uses other than Single Family is 16 feet. Within the General Retail/Office Overlay Zone there are no minimum lot area, dimension, or street frontage standards; therefore the lot standards of the CR zone apply. The existing property conforms to the lot area, width, depth, and street frontage requirements of the CR zone.

SRC 524.010(b) - Setbacks:

Setback requirements for buildings and accessory structures within the CR zone are established under SRC 522.010(b), Table 522-3 and 522-4. Pursuant to SRC 522.010(b), Table 522-3 and 522-4, setback requirements for parking and

vehicle use areas within the CR zone are based on the requirements of SRC Chapter 806 (Off-Street Parking, Loading, and Driveways). SRC 806.035(c) establishes perimeter setback requirements for parking and vehicle use areas adjacent to streets, interior property lines, and buildings.

Additional setback requirements are also established under the design review guidelines of the General Retail/Office Overlay Zone pursuant to SRC 632.025. The setbacks established in the overlay zone are in addition to the setbacks established in the underlying zone. Findings establishing how the proposed development conforms to the applicable design review guidelines of the General Retail/Office Overlay Zone are established under Section 9 of this report.

Based on the requirements of SRC 522.010(b), Table 522-3 and 522-4, and SRC Chapter 806.035(c), the buildings, accessory structures, and off-street parking and vehicle use areas included within the development are required to have the following setbacks:

Required Setbacks		
Abutting Street		
Buildings ⁽¹⁾	5 ft.	
Parking and Vehicle Use Areas ⁽²⁾	Min. 6 ft. to 10 ft.	Per alternative setback methods under SRC 806.035(c)(2)
Interior Side		
Buildings	None	
Parking and Vehicle Use Areas ⁽²⁾	Min. 5 ft. with Type A Landscaping ⁽³⁾	
Interior Rear		
Buildings	None	
Accessory Structures	None	
Parking and Vehicle Use Areas	Min. 5 ft. with Type A Landscaping ⁽²⁾	
<p style="text-align: center;"><u>Notes</u></p> <p>(1) <u>Building Setback Abutting Street:</u> In addition to the above identified setbacks abutting a street required in the CR zone, the design review guidelines of the General Retail/Office Overlay Zone require building setbacks to be minimized from the street and that buildings constructed contiguous to the street right-of-way are preferred (SRC 632.025(a)(1)(i)). These standards and guidelines are in conflict with each other and the applicant has applied for a Class 2 Zoning Adjustment to the 5-foot setback of the CR zone.</p> <p>(2) <u>Required Landscaping:</u> Pursuant to SRC 807.015(a), Table 807-1, Type A Landscaping requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area.</p>		

As illustrated on the site plan, the proposed building satisfies the minimum setback requirements of SRC Chapter 522 and SRC Chapter 806 with the exception of the following:

- **Building Setback Abutting Street.** As summarized in the table above, the CR zone requires buildings to be setback 5 ft. from the property line abutting the street. As shown on the site plan, the proposed building has a varying setback adjacent to the street. In some locations the building is constructed contiguous to the property line abutting the street and in other locations the building is setback between 0 ft. and 12 ft. Since the entire building is not proposed to be set back 5 ft. from the street right-of-way, the building does not meet the building setback from the street required by in the CR zone; instead, the building has been designed to conform to the General Retail/Office Overlay Zone design guidelines that call for building setbacks from the street to be minimized. Because the CR zone street setback requirement is not met, a Class 2 Adjustment to this standard has been requested in conjunction with the proposal.
- **Parking & Vehicle Use Area Setback Interior Side.** Setbacks for surface parking lot and vehicle uses are established under SRC 522.010(b), Table 522-3 and 522-4. Pursuant to this requirement, surface parking lot and vehicle use areas are required to be setback a minimum of 5 ft. from the north property line.

As shown on the site plan, the driveway leading to the vehicle use area is proposed to be 0-feet from the north property line, where 5-feet is required. Because the proposed surface parking lot/vehicle use areas adjacent to the north property line does not meet the minimum required setback, a Class 2 Adjustment to this standard has been requested as part of the application.

In all other areas of the site, the proposal meets setback requirements for buildings, and parking and vehicle use areas. Adjacent to the east (*interior rear*) property line there is no minimum setback required for buildings, and the vehicle use area exceeds the minimum required 5-foot landscaped setback.

Analysis of the Class 2 Adjustment request to reduce the required setbacks abutting the street and the north property, and findings demonstrating conformance with the Class 2 Adjustment approval criteria, are included in Section 11 of this report.

SRC 524.010(c) - Lot Coverage:

Lot coverage requirements within the CR zone are established under SRC 522.010(c), Table 522-5. Within the CR zone there is no maximum lot coverage requirement for buildings and accessory structures.

There is also no maximum lot coverage requirement for buildings and accessory structures within the General Retail/Office Overlay Zone.

SRC 522.010(c) - Height:

Height requirements for buildings and accessory structures within the CR zone are established under SRC 522.010(c), Table 524-5. Within the CR zone the maximum height is 50-feet for buildings or accessory structures. The proposed building is approximately 25-feet above grade.

SRC 522.010(d) - Landscaping:

Landscaping requirements within the CR zone are established under SRC 522.010(d). Within the CR zone landscaping is required as follows:

- Setbacks. Required setbacks must be landscaped as required under SRC Chapter 807 (Landscaping).
- Parking & Vehicle Use Areas. Parking and vehicle use areas must be landscaped pursuant to the requirements of SRC Chapter 807 (Landscaping) and SRC Chapter 806 (Off-Street Parking, Loading, & Driveways).
- Development site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

Development Site 15 percent. The applicant has provided as part of the site plan that the development site is 14,300 square feet, which requires 2,145 square feet of landscaping. The applicant is proposing 1,028 square feet or 7 percent of the development site. Because the proposal does not meet the minimum landscaping requirement, a Class 2 Adjustment to this standard has been requested as part of the application.

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 Court Street NE and Cottage Street NE. Adjacent to the north and east property lines there is no minimum required setback for buildings, but there is a minimum required 5-foot setback for parking and vehicle use areas.

A Class 2 Adjustment to allow the proposed for the building to be setback less than 5 ft. from Cottage Street, and Court Street has been requested with the application, as well as a Class 2 Adjustment to reduce the required parking, vehicle use area setbacks from the north property line and 15 percent development site landscaping.

Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 11 of this report.

Parking & 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 proposed site plan indicates that the total surface parking area on the site equals approximately 6,081 square feet.

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

Summary of Parking Area Interior Landscaping		
Parking Area Size	Interior Landscaping Required (Min. 5%)	Interior Landscaping Provided
6,081 ft. ²	304 ft. ²	1,028 ft. ²

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

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

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

SRC CHAPTER 805 (VISION CLEARANCE)

SRC Chapter 805 (Vision Clearance) establishes standards for clear and unobstructed visibility at intersections of streets, alleys, flag lot accessway, and driveways in order to ensure vehicular, bicycle, and pedestrian safety.

The proposed building and existing driveways meet the applicable standards of SRC 805.

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		
Eating and Drinking Establishment	1 space per 250 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 8,733 square-foot building requires 35 off-street parking spaces. The applicant is proposing 10 parking spaces. Because the proposal does not meet the minimum parking requirement, a Class 2 Adjustment to this standard has been requested as part of the application.

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 facility includes a combination of both standard sized and compact parking spaces.

As shown on the proposed site plan, the proposal will include a total of eight standard sized parking spaces and two compact sized parking spaces. The two compact spaces provided represents 20 percent of the overall 10 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 ⁽¹⁾
90° Standard Stall	9 ft. x 19 ft.	24 ft.
90° Compact Stall ⁽²⁾	8 ft. x 15 ft.	22 ft.

	8 ft.- 6 in. x 15 ft.	
<u>Notes</u>		
(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 for the proposal, 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 outside of the proposed parking garage and the minimum 8-foot 6-inch width inside the parking garage where compact stalls are located next to posts. The compact stalls also exceed the minimum 15-foot stall depth.

The parking stalls within the development are served by 24-foot-wide and 25-foot-wide drive aisles in conformance with the requirements of SRC 806.035(e), Table 806-6.

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 facility. The proposed driveway along the north property is for one-way traffic and greater than 12-feet. The second driveway for the most part exceed the minimum 22-foot required width. There is a small section where the landscaping projects into the 22-foot drive aisle. The following condition is to ensure two-way traffic can be accommodated on site:

Condition 1: The landscaping island abutting Court Street shall be reduced to provide a 22-foot wide drive aisle for two way traffic.

As conditioned, the proposals conforms 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		
Eating and Drinking Establishment	1 space per 1,000 ft. ²	

Based on the above identified minimum bicycle parking requirements, the proposed 8,773 square-foot facility requires the following bike parking:

Bicycle Parking Summary		
Use	Minimum Spaces Req.	Spaces Provided
Eating and Drinking Establishment	8	
Total:	8	8

As shown on the proposed site plan and indicated in the above table, a total of 8 bicycle parking spaces are provided for the facility. All eight of the spaces are located at the front of the building next to the main entry and adjacent to the right of way. The 8 bicycle parking spaces proposed meet the 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 on the site plan the bicycle parking spaces provided are in proximity to and easily accessible from the building entrances of the facility in conformance with the requirements of SRC 806.060(a).

Bicycle Parking Access. SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance. The bicycle parking is located in the front of the building near the main entry and near the public right-of-way.

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		
Retail Sales and Service	Buildings 5,000 ft. ² to 60,000 ft. ²	1 Spaces (12'W x 30'L x 14'H)

Based on the above identified minimum off-street loading requirements, the proposed 103,780 square-foot building requires a minimum of one off-street loading spaces. The applicant is not proposing a loading space be provided off-street as required under SRC 806.070, a Class 2 Adjustment has been requested with the application to allow this required loading space to be located within the public street right-of-way. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 11 of this report.

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 proposal includes one trash collection area meeting the definition of a solid waste service area under SRC 800.010(e). The solid waste service area is located behind the building near the northeast property line.

As shown on the site plan for the proposed development, the solid waste service area is uncovered, enclosed by an six-foot-tall perimeter wall, has an interior dimension within the enclosure of approximately 12ft in. in width by 8 ft.-6 in. in depth, has a front opening of 12 feet, 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.

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

Condition 2: 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.”

The subject property has four cedar trees which will be removed. Any removal of trees or native vegetation will be required to comply with the requirements of SRC Chapter 808. There are also existing trees present in the rights-of-way of both Cottage Street NE and Court Street NE. 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).

SRC CHAPTER 809 (WETLANDS):

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

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

SRC CHAPTER 810 (LANDSLIDE HAZARDS)

According to the City’s adopted landslide hazard susceptibility maps, there are no mapped landslide hazard areas on the subject property. There are 3 activity points associated with building permits for public buildings. The cumulative total of 3 points indicates a low landslide hazard risk. Pursuant to SRC Chapter 810, no geologic assessment, or geotechnical report is required for development of the property.

- (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 Cottage Street NE and Court Street NE. Cottage Street NE is designated as a local street within the City’s Transportation System Plan (TSP) requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. Cottage Street NE is currently improved to an approximate width of 60 feet within a 98-foot-wide right-of-way adjacent to the subject property.

Court Street NE is designated as a major arterial streets within the TSP requiring a 68-foot-wide improvement within a 96-foot-wide right of way. Court Street is currently improved to an approximate width of 57 feet within a 98-foot-wide right-of-way.

Cottage Street NE and Court Street NE are fully urbanized with lane widths that meet or exceed Salem Transportation System Plan requirements, except for street trees. As a condition of approval, street trees are required to be installed along these frontages. No special setbacks or right-of-way dedication are required along Court Street because the existing rights-of-way exceed the standards for major arterial streets.

Condition 3: The applicant shall install street trees along the property frontages pursuant to SRC Chapters 86 and 803.

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 the driveway approach onto Court Street NE. A one-way driveway approach is proposed from the subject property onto Cottage Street NE. Both driveway accesses provides for safe turning movements into and out of the property. The existing driveway onto Court Street does not meet the standard width for two-way traffic and the applicant has requested an adjustment which is addressed below in Section 11.

Pedestrian access to and throughout the property will be provided by the public sidewalks within the rights-of-way of Cottage Street, and Court Street; and a pedestrian path along the building to provide access to all entrances of the Ike Box. By locating off-street parking behind the building and away from the majority of pedestrian activity occurring in the front of the building, directing the majority of vehicular traffic into and out of the facility to one main driveway approach onto Court Street, and providing sidewalks around the perimeter of the site within the abutting streets potential areas of pedestrian and vehicle conflict are minimized.

There are two existing driveways located along Cottage Street NE, the applicant is proposing to close the southerly driveway to accommodate the new building. The southerly driveway access onto Cottage Street NE shall be closed pursuant to SRC 804.060(a)(4) and on-street parking shall be re-stripped pursuant to PWDS.

Condition 4: The applicant shall close the existing southerly driveway approach along Cottage Street NE, reconstruct curb and re-stripe on-street parking pursuant to PWDS.

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. The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

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 eight development standards of the SRC. The Class 2 Adjustment requests approval to:

- a) Allow portions of the proposed building adjacent to Court Street NE, and Cottage Street NE to be setback less than 5 ft. as required under SRC 522.010(b);
- b) Reduce the minimum 5-foot vehicle use area setback required to zero feet, pursuant to SRC 522.010(b) to the north property line;
- c) Reduce 15 percent landscaping for the development to 7 percent;
- d) Reduce required parking spaces from 35 spaces to 10 spaces;
- e) Reduce the required 22-foot driveway width to 21-foot 1-inch for the existing driveway on Court Street; and
- f) Reduce the off-street loading space requirement from one space to zero spaces.

Allow portions of the proposed building adjacent to Court Street NE, and Cottage Street NE to be setback less than 5 ft. as required under SRC 522.010(b);

The written statement provided by the applicant (**Attachment D**) explains that building setback standards found in Table 522 state the setbacks for buildings abutting streets is 5 ft although the General Retail overlay has a standard that the building is contiguous to the right of way and no more than 10 ft from the right of way. The applicant explains that the intent is to meet the General Retail overlay and that the CR zone does not provide for an exception for the overlay.

Since the applicant is meeting the intent of the overlay, the proposed setback adjustment is equally or better meeting the intent of the Code.

The Planning Commission concurs with the findings included in the applicant's written statement, the proposal is relatively unique to have a property zone CR (Retail Commercial) and within the General Retail/Office Overlay. The purpose of the overlay is to provide for downtown buildings near streets is to ensure that buildings are sited in a manner to support a compact and higher density urban form where buildings are located in close proximity to the street to promote an active and engaging pedestrian environment.

As indicated in the applicant's written statement, the building has been sited to minimize setbacks from the right-of-way to the extent possible, based on the existing configuration of the building. The building has been positioned on the site so as to present a significant presence on the southern portion of the site adjacent to Cottage Street, and Court Street. This approval criterion is met.

Reduce the minimum 5-foot vehicle use area setback required to zero feet, pursuant to SRC 522.010(b) to the north property line;

The CR zone requires a 5-foot setback for vehicle use areas next to a side or rear property line. The site has an existing driveway located on the north property line. The subject property is currently a gravel parking area used for the YMCA building across Cottage Street. The relocation of the Ike Box puts some constraints on fitting an existing building on this particular site. In order for the building to be located near the right-of-way, the site will have to use the existing driveway approach that is located on the north property line. The redevelopment of the site is a better use than the existing gravel parking area and will be developed to be inviting for pedestrians.

The location of the Ike Box near Cottage Street is better for pedestrians. Since the existing driveway approach is being utilized, the driveway must be located on the north property line in order to provide adequate access. The proposed adjustment from 5-ft to 0-ft, is equally suited for the subject property.

Reduce 15 percent landscaping for the development to 7 percent;

The development will not be able to provide the required 15 percent minimum landscape area for the overall site as it is limited due to site size and development requirements. The proposal provides 7 percent landscaping, the remaining open areas that are not used for parking and vehicle use are mostly pedestrian access including accessible ramps. The current Ike Box site has

minimal landscaping, which is true for most commercial developments in the area; this proposal will be consistent with the surrounding neighborhood.

The redevelopment of the existing gravel parking area will increase the amount of landscaping, equally meeting the intent of the standard.

Reduce required parking spaces from 35 spaces to 10 spaces;

The proposal is providing 10 new parking spaces; however, the code requires a minimum of 36. The relocation of Ike Box is utilizing the existing building which has been its home since 2004 and is an intrinsic part of the community. The Ike Box currently is located in conjunction with the YMCA and provides no off-street parking for the eating and drinking establishment. The existing building has a basement, which makes it much larger than the building will be once it is moved. The 10 spaces will be an added due to the relocation and will make the parking for the business overall better. Many of the Ike Box's customers work in the area and walk rather than drive. The new site about 250 feet away will have no impact to their existing customer base as adequate on-street parking is available in this area so customers who do drive will continue to utilize available on street parking in the same manner as they are accustomed.

The proposed relocation is just outside of the downtown parking district where no parking would be required for the proposed use. Since the Ike Box will be providing more parking for the current customer base, the proposed development equally meets the intent of the standard.

Reduce the required 22-foot driveway width to 21-foot 1-inch for the existing driveway on Court Street; and

The existing driveway is 21' 1", which is 11" less than the standard for two-way traffic. The driveway is currently being used in the current configuration. The Assistant Traffic Engineer has reviewed the proposal and determined the existing driveway is sufficient to support the use and provide for safe ingress and egress of the site.

Reduce the off-street loading space requirement from one space to zero spaces.

Based on requirements found in SRC 806.075, 1 off-street loading space is required for this development proposal. However, it cannot practically be provided due to site size, building configuration, and limited vehicle use area available with this development. The applicant wishes to utilize the street for loading that will not fit in the off-street parking areas which is consistent with other developments in this area and their existing situation which does not provide an off-street loading space. There will be no impact to surrounding developments as deliveries to their current location on Cottage Street NE are infrequent and are reasonably accommodated on streets in the area for this and other businesses with similar site constraints.

The purpose of this standard is to ensure that sufficient loading is provided on-site to serve developments and that such loading areas are not located on other properties. Though loading will take place within the right-of-way and not be located on the subject property, it is located immediately adjacent to the property and will be similar to the existing Ike Box and other uses in the downtown area.

The requested adjustment equally meets the underlying purpose of the standard. 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.

Finding: The subject property is zoned CR (Retail Commercial) with General Retail/Office Overlay and located in the city's downtown area. 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 General Retail/Office Overlay Zone promotes an active and inviting urban and pedestrian-oriented district within the core of the downtown. Though an adjustment to eight different standards has been requested in conjunction with the proposed facility, the adjustments will not cumulatively result in a project that is inconsistent with the overall purposes of the CR zone or the General Retail/Office Overlay Zone.

The requested adjustments are the minimum necessary to accommodate development of the proposed relocation of the Ike Box which represents a redevelopment of an underutilized downtown property that will serve and benefit not only the downtown and surrounding area but also the City as a whole. This approval criterion is met.

11. CLASS 2 DRIVEWAY APPROACH PERMIT APPROVAL CRITERIA

- (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;***
- (2) No site conditions prevent placing the driveway approach in the required location;***
- (3) The number of driveway approaches onto an arterial are minimized;***
- (4) The proposed driveway approach, where possible:***
 - (A) Is shared with an adjacent property; or***
 - (B) Takes access from the lowest classification of street abutting the property;***
- (5) The proposed driveway approach meets vision clearance standards;***
- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;***
- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;***
- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and***
- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.***

Finding: A Class 2 Driveway Approach permit is required for the maintenance, repair, or replacement of an existing permitted driveway approach. The application does not include the maintenance, repair, or replacement of the existing approaches and therefore a driveway approach permit is not required.

The proposed development is not altering the existing driveways, which does not require a driveway approach permit. The Planning Commission inadvertently noticed for the driveway approach application after the applicant altered the proposal to request an adjustment (Section 11) to the width of the existing driveway.

Since the application is not needed the decision criteria is not applicable.

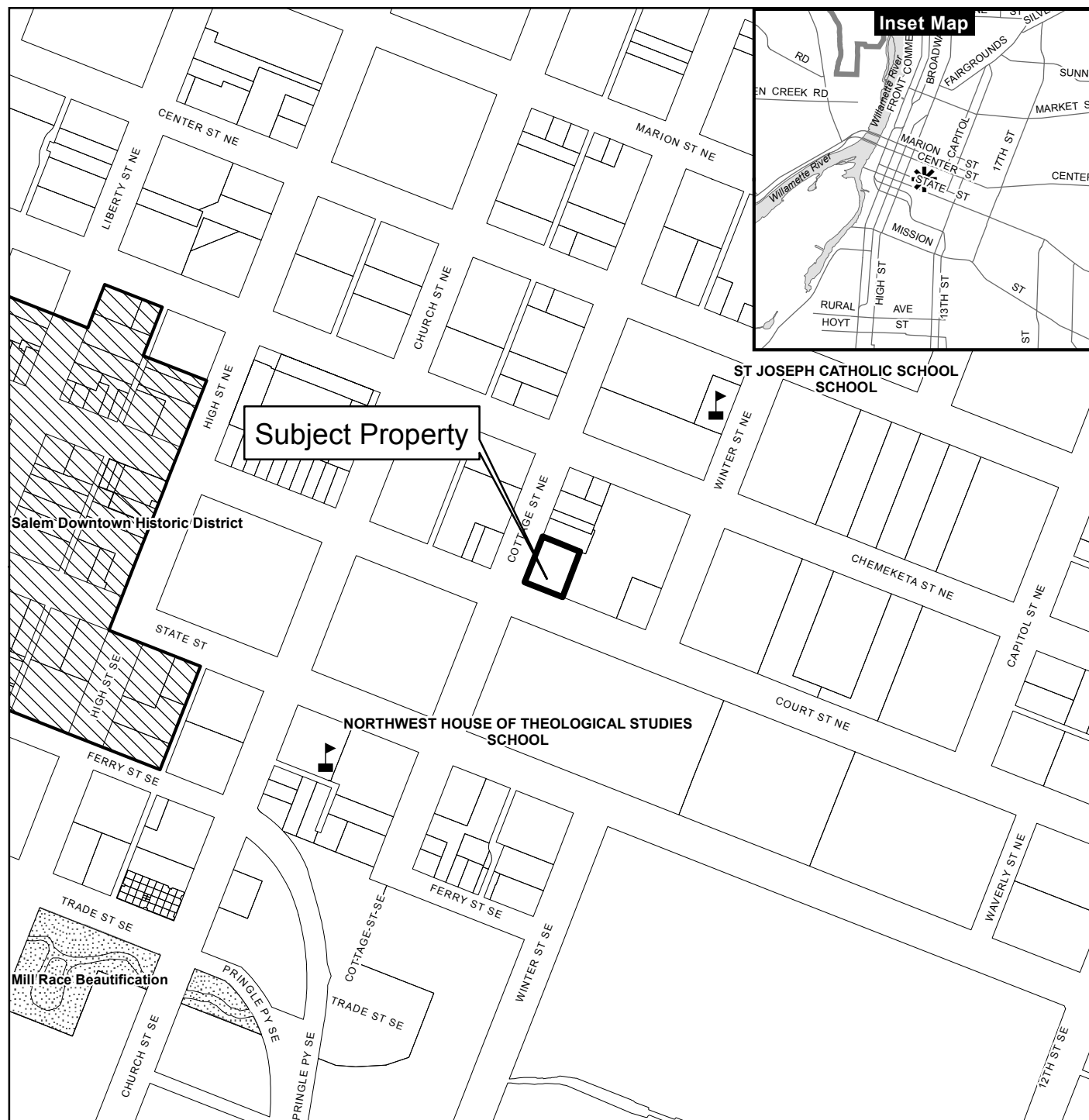
CONCLUSION

Based on the facts and findings presented herein, the Planning Commission 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. Site Plan
C. Building Elevations & Renderings
D. Applicant's Written Statement
E. Public Works Department Comments

Prepared by Olivia Glantz, Planner III

Vicinity Map 220 Cottage Street



Legend

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

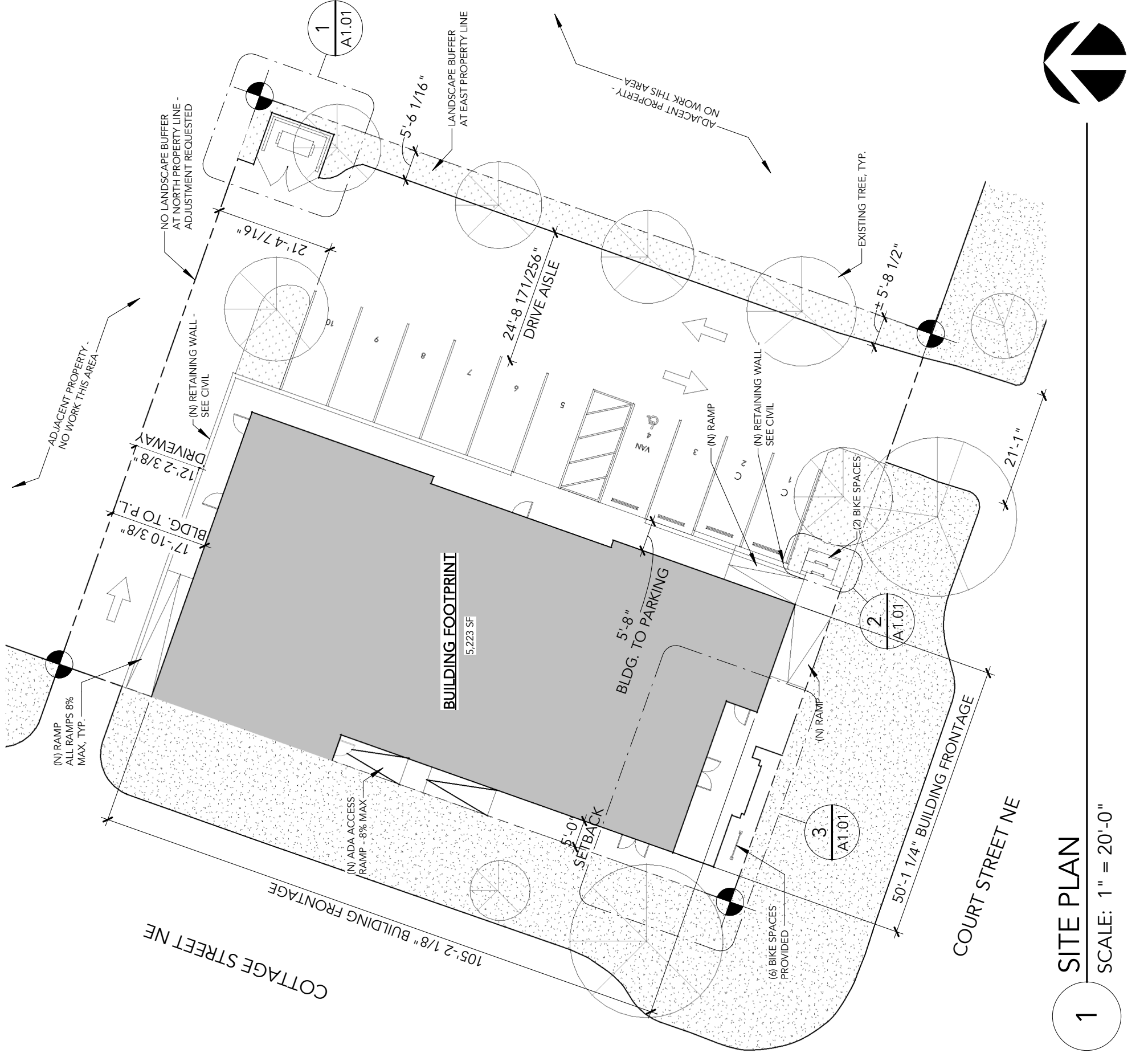
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





SITE INFORMATION	
LOT AREA	±14,300 SF
ZONE	CR - RETAIL COMMERCIAL GENERAL RETAIL/OFFICE OVERLAY
USE	EATING AND DRINKING ESTABLISHMENT
LOT WIDTH	±110'-0"
LOT DEPTH	± 130'-0"

SITE AREA	
TYPE	AREA
BUILDING FOOTPRINT	5,223 SF (36% SITE)
SIDEWALK	1,933 SF
LANDSCAPING	1,063 SF
PARKING	6,081 SF
TOTAL SITE AREA	14,300 SF

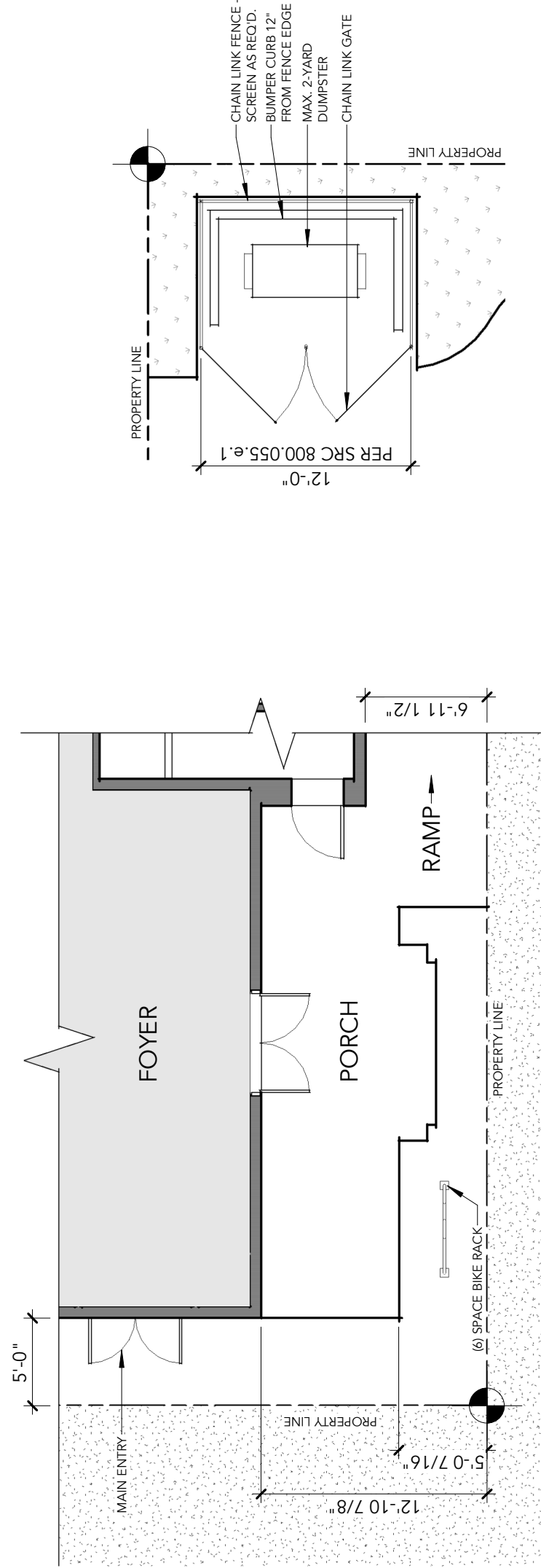
BUILDING AREA	
TYPE	AREA
BUILDING FOOTPRINT	5,223 SF
SECOND FLOOR	3,551 SF
TOTAL BUILDING AREA	8,774 SF

PARKING SCHEDULE	
TYPE	COUNT
90 deg - 9' x 19' - STANDARD	7
90 deg - 9' x 19' - ADA VAN	1
90 deg - 9' x 18' - COMPACT	2
TOTAL PARKING	10*

MINIMUM PARKING REQUIRED PER TABLE 806-1
EATING & DRINKING ESTABLISHMENTS = 1/250 SF
BUILDING AREA = 8,774 SF / 250 = 36 MIN.
ACTUAL PROVIDED = 10*

COMPACT STALLS PER 806.015.b:
MAXIMUM = 75% OF MINIMUM REQUIRED
36 x 75% = 24; 2 < 24; **OK**
*ADJUSTMENT REQUESTED

LANDSCAPING AREA	
TYPE	AREA
TOTAL SITE AREA	14,300 SF
TOTAL LANDSCAPING AREA	1,028 SF*
TOTAL LANDSCAPING AREA / TOTAL SITE AREA = 1,028 / 14,300 = 7%; LANDSCAPED AREA REQUIRED PER 522.005.D.3 = 15% MIN. 7% < 15%; TO BE TYPE A , TYP.	
TYPE	AREA
PARKING AREA	6,081 SF
PARKING LANDSCAPING AREA	1,028 SF
PARKING LANDSCAPING AREA / PARKING AREA = 1,028 / 6,081 = 17% LANDSCAPED AREA REQUIRED PER TABLE 806-5: 5%; 17% > 5%; OK	



3 ENTRY SETBACKS
SCALE: 1/8" = 1'-0"

1 SOLID WASTE REC.
SCALE: 1/8" = 1'-0"

IKE BOX RELOCATION

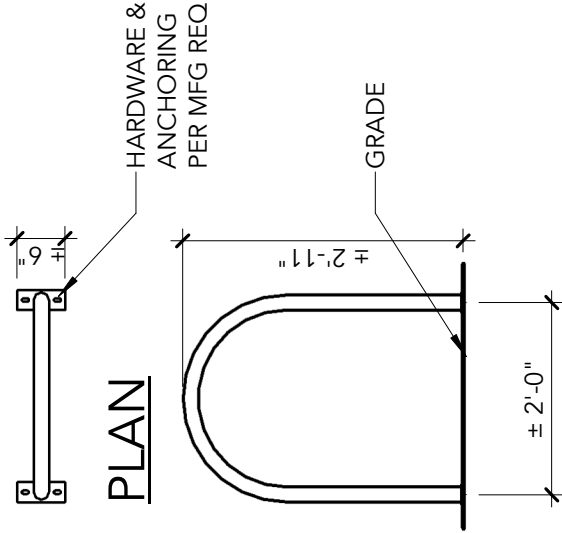
220 COTTAGE STREET NE SALEM, OR 97301

CB Two ARCHITECTS
A LIMITED LIABILITY COMPANY
500 Liberty Street SE, Suite 100
Salem, Oregon 97301
Ph: 503.480.8700 / Fx: 503.480.8701

Project Status	
Date: Issue Date	
Rev: Date:	

ENLARGED
PLANS /
SITE
DETAILS

A1.01



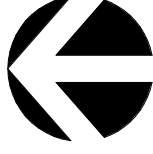
BASIS OF DESIGN : DERO HOOP RACK,
BLACK POWDERCOATING. PROVIDE
OWNER OPTION TO ADD LOGO.

2 BIKE RACK DETAIL
SCALE: 1/2" = 1'-0"

Project Status	
Date:	Issue Date
Rev:	Date:

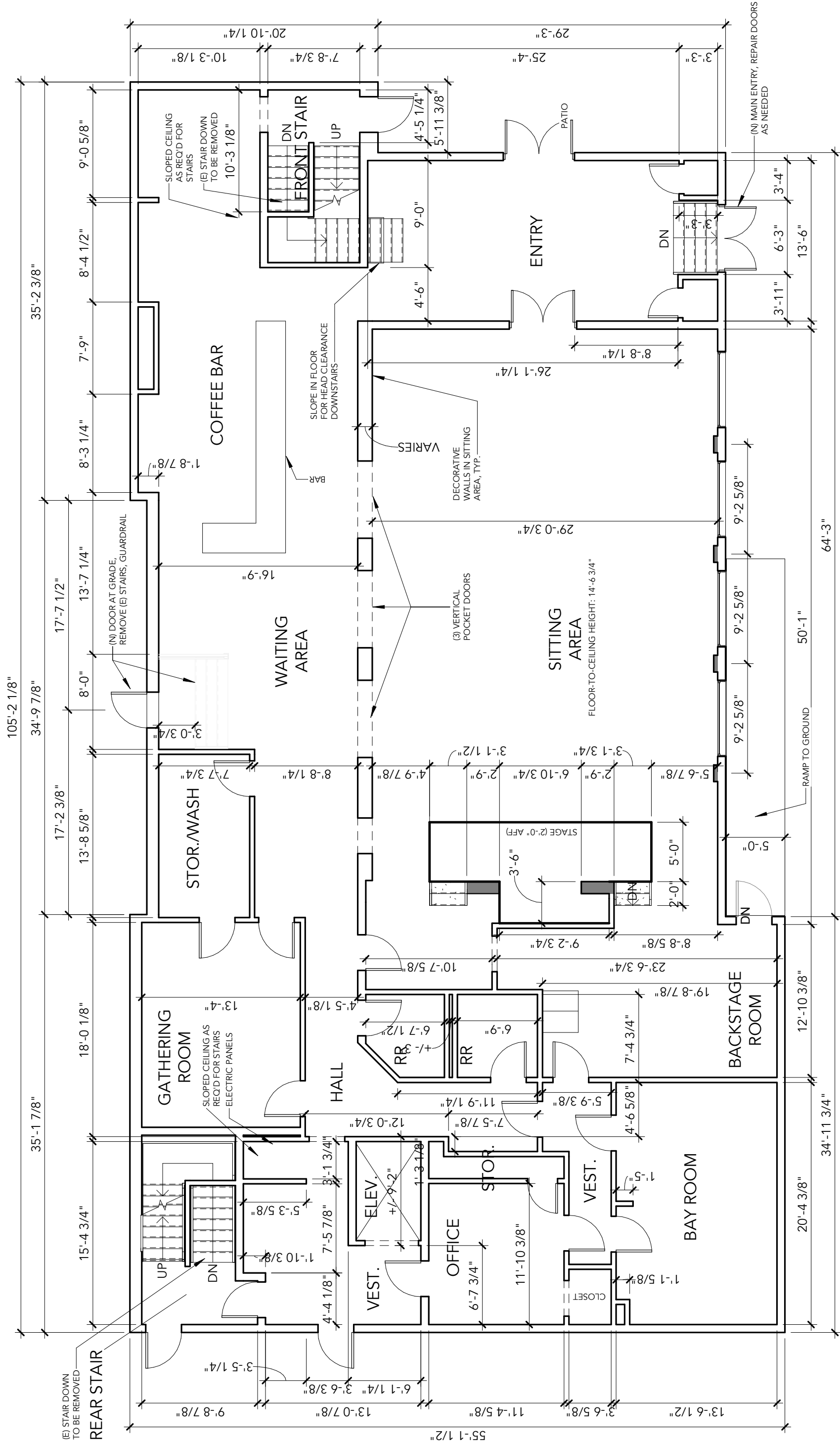
FIRST
FLOOR
PLAN

A2.01



GROUND FLOOR

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



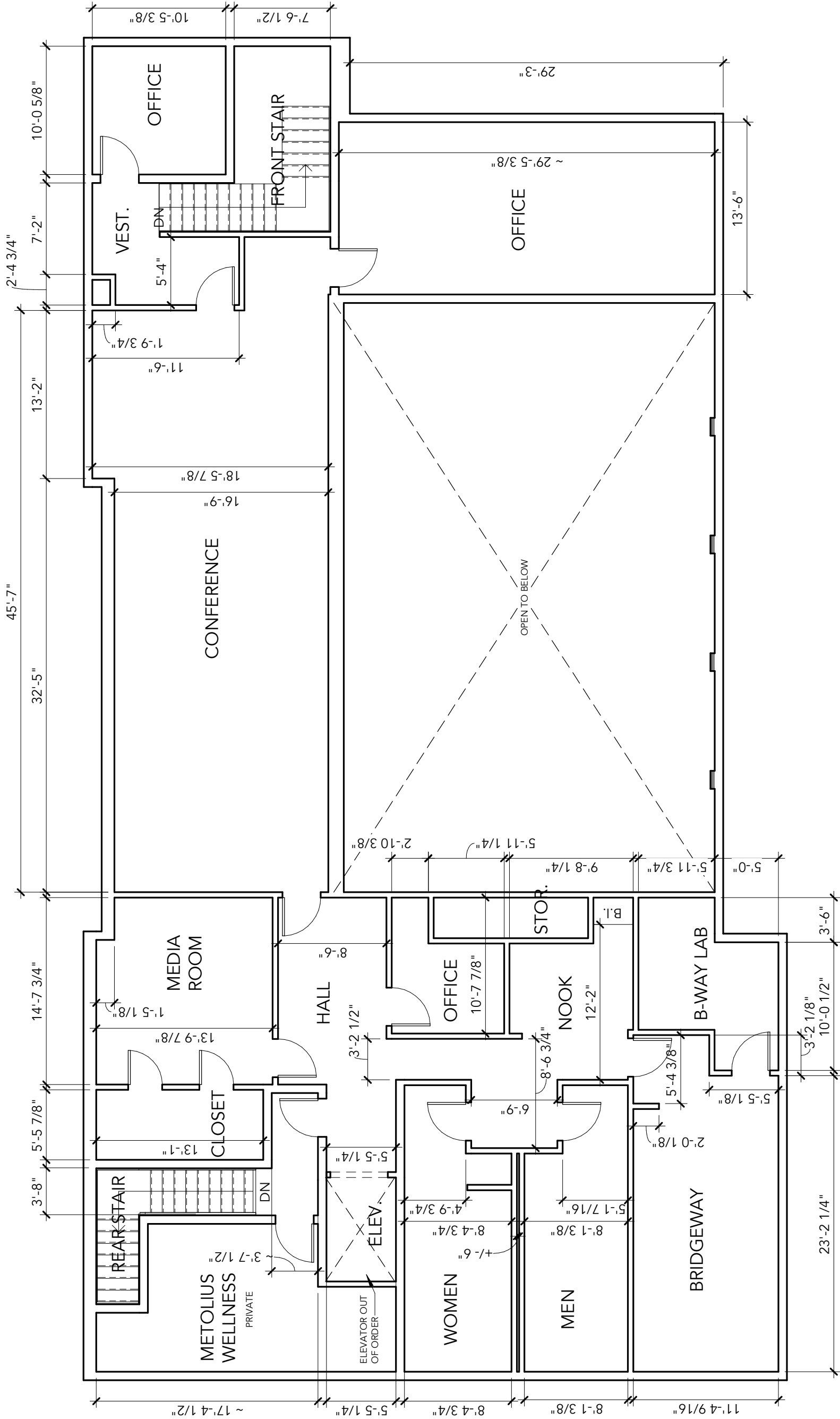
IKE BOX RELOCATION

220 COTTAGE STREET NE SALEM, OR 97301

Project Status	
Date: Issue Date	
Rev: Date:	

SECOND
FLOOR
PLAN

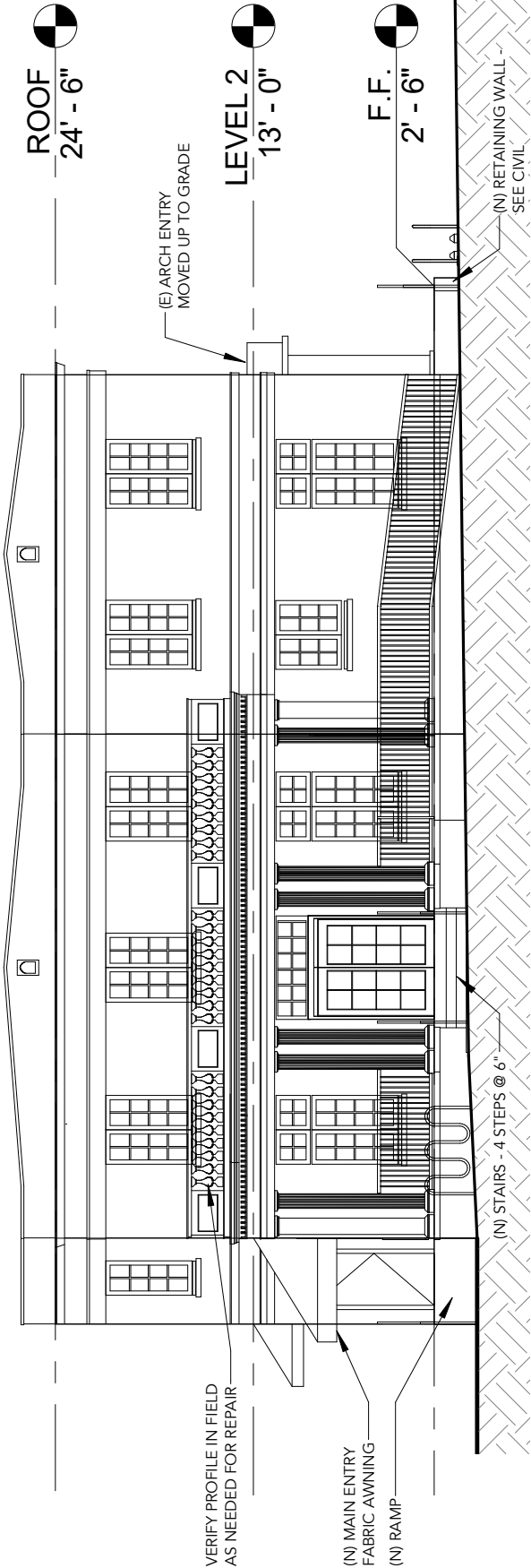
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LEVEL 2

1

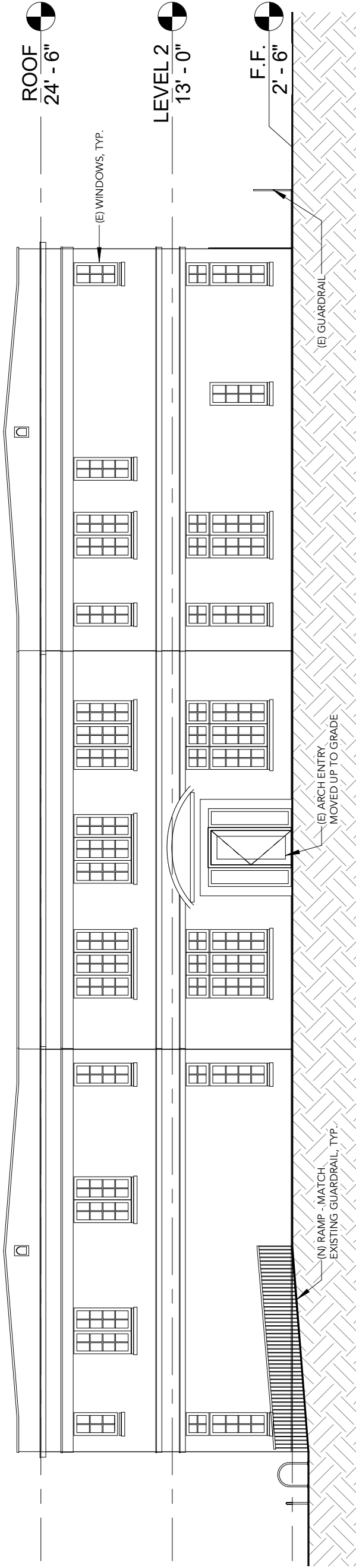
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

1

SCALE: 1" = 10'-0"



EAST ELEVATION

2

SCALE: 1" = 10'-0"

IKE BOX RELOCATION

220 COTTAGE STREET NE SALEM, OR 97301

CB Two ARCHITECTS
A LIMITED LIABILITY COMPANY
500 Liberty Street SE, Suite 100
Salem, Oregon 97301
Ph: 503.480.8700 / Fx: 503.480.8701

Project Status	
Date: Issue Date	
Rev: Date:	

EXTERIOR
ELEVATIONS

A3.00

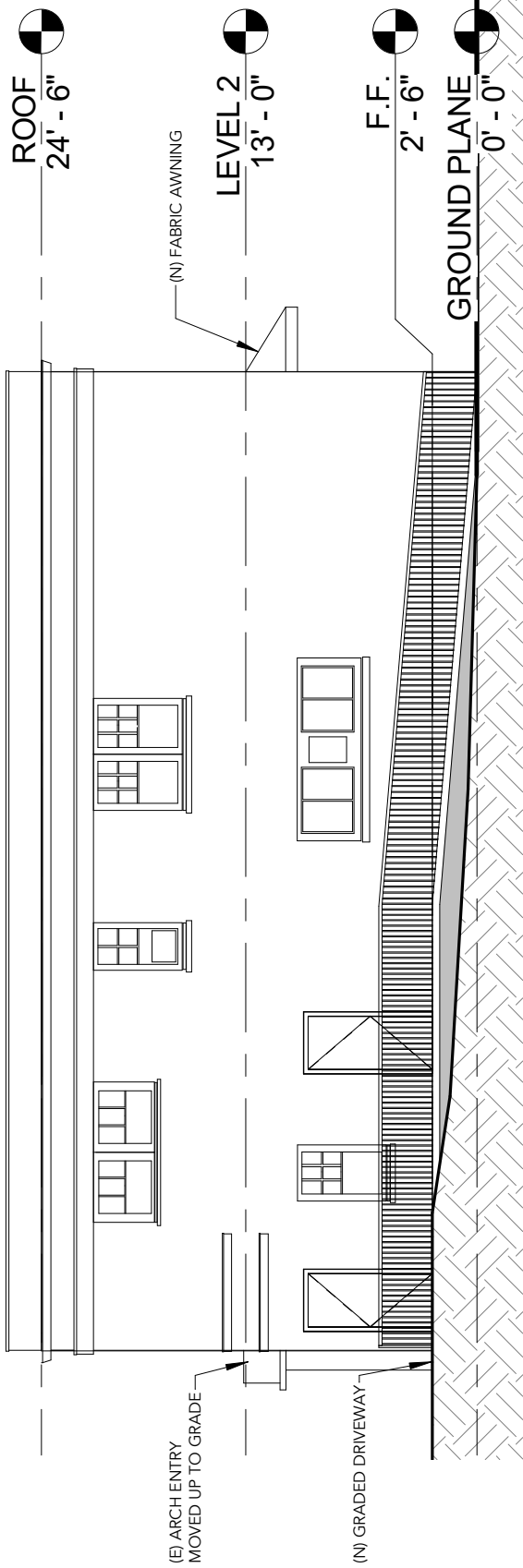
IKE BOX RELOCATION

220 COTTAGE STREET NE SALEM, OR 97301

Project Status	
Date: Issue Date	
Rev: Date:	

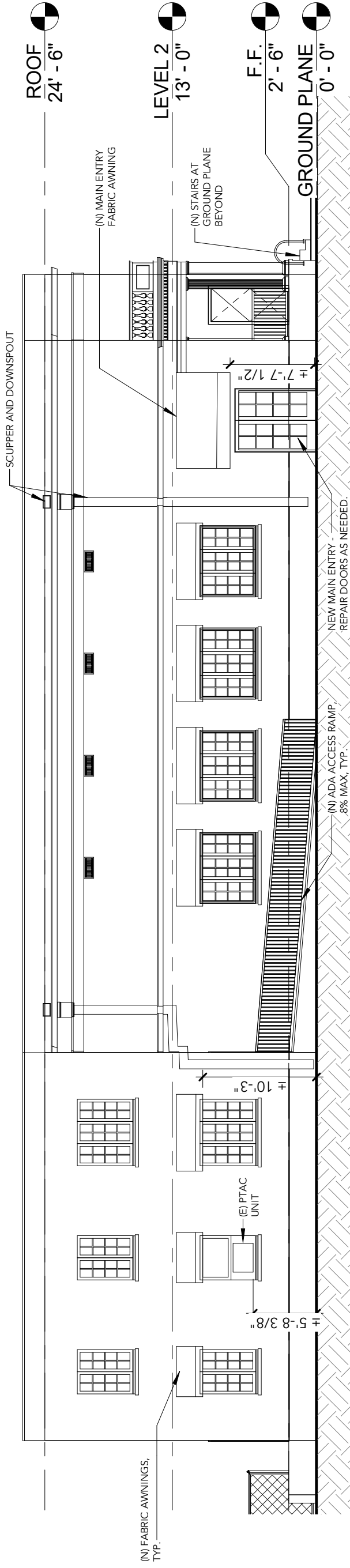
EXTERIOR
ELEVATIONS

A3.01



1 NORTH ELEVATION

SCALE: 1" = 10'-0"



2 WEST ELEVATION

SCALE: 1" = 10'-0"



June 10, 2019

Olivia Glantz
City of Salem
Community Development Department – Planning Division
555 Liberty Street SE – Room 305
Salem, OR 97301

Re: Consolidated Land Use Request – Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustments for the relocation of the Ike Box and its Structure

Location: 220 Cottage Street NE

SECTION 1 - REQUEST

CB Two Architects are working with Mark and Tiffany Bulgin, owners of the Ike Box on the relocation of the Ike Box and the structure which it occupies. The applicant is requesting a consolidated land use application for a Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustments to development standards which will allow them to move the IKE BOX existing structure from its current location at 299 Cottage Street NE south to 220 Cottage which is at the northeast corner of Cottage and Court Streets NE and is currently used for parking. The future site is located within the CR – Commercial Retail Zone and the General Retail/Office Overlay Zone and therefore requires compliance with the development standards found in chapters 522 and 632 of the Salem Revised Code as well as some additional code sections related to Site Plan Review. In order for the relocation of the structure to take place the City of Salem will need to approve a consolidated land use application for a Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustments to standards for building setback, landscape perimeter and parking and vehicle use setbacks, minimum landscape quantities, minimum number of off-street parking spaces, minimum driveway width and off-street loading requirements.

SECTION 2 - PROJECT DESCRIPTION

The development proposal is for the Ike Box to reuse the existing structure the business is in to a new location a block south on Cottage Street NE from where the building currently sits at the southwest corner of Chemeketa Street NE and Cottage Street NE. The Ike Box is the coffee house and café “storefront” for Isaac’s Room, a local non-profit, which helps divested youth through a variety of programs including internships at the Ike Box. The Ike Box is a place you can go for coffee, concerts, or hold an event at. The trigger for the move of the building is the redevelopment and replacement of the Salem YMCA which owns the building and the site where the Ike Box is currently located. The Salem YMCA will be utilizing the entire half block for the new facility. The Salem YMCA has offered the building to Isaac’s Room, so the team is working to make this a reality with this proposed move.

Currently the Ike Box is over 13,000 square feet of building area in two floors and a basement level; the move will reduce building size to 8,774 square feet as the new location will not include a basement. While the building will be smaller it will still allow the Ike Box to maintain their coffee house, café and conference/event spaces, as well as maintain Isaac’s Room on the second floor. The building elevations will not change substantially but the orientation of the building at the new location will mean that the building’s current north façade will be facing east and the building’s south façade will face west and front on Cottage Street NE. The current east or Cottage Street NE façade, which is where the covered entry is located, will front onto Court Street NE once the building is moved. Customer entries will be provided on Cottage Street NE, on Court Street NE and on the east side of the building adjacent the new parking area. We believe that the information provided in the following pages will allow staff to review the varying requests and concur that the approval criteria are met as required.

SECTION 3 - DESIGN REVIEW

Design Review as indicated previously the proposed site is located within the General Retail/Office Overlay Zone and is therefore subject to Design Review. Because the structure is unable to follow the standards found in SRC632 a Class 3 Design Review for the application of design review guidelines is requested.

(a) Building location, orientation, and design.

(1) Building setbacks.

(A) Design review guidelines

(i) Building setbacks from the street shall be minimized (see Figure 632-1).

Buildings constructed contiguous to the street right-of-way are preferred
 RESPONSE: The proposal is to relocate an existing building as a result we will be constrained by the building's footprint, which includes some degree of articulation on three of its four facades, and the new site's lot configuration which is different than the lot the building currently sits on. Oriented to both Cottage Street NE and Court Street NE with minimal setbacks: one third of the Cottage Street façade will abut the sidewalk and the other two thirds will be setback approximately 5 feet and include an accessible ramp, outdoor seating area and an a primary entrance; on Court Street NE the building will have a varied setback due to the configuration of this façade which includes a covered front entry, the building façade is between 7 and 13 feet from the sidewalk, but the covered porch is 5 feet and the accessible ramp will abut the property line. Setbacks are minimized to the degree possible; these setbacks will be used for accessibility, outdoor seating and bicycle parking.

(2) Building orientation and design.

(A) Design review guidelines.

(i) Buildings shall create safe, pleasant, and active pedestrian environments.

RESPONSE: As noted previously, the proposal anticipates that portions of the building will be adjacent to the property line and portions of the building will be setback from the public sidewalk. The areas that are setback will include outdoor seating, building entries (two of which will be accessible) and bicycle parking which supports a safe, pleasant and active pedestrian environment as intended. Existing windows and glass doors will be maintained to provide views into the building as well as views from the building out onto the public way. It is important to note, that the existing site is currently used as a non-conforming off-street parking lot, the proposal offers a new and improved pedestrian experience and activates this corner with a community oriented business.

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

RESPONSE: The existing building does not practicably allow for awnings on its Court Street NE façade, nor would they be complementary to this facade; however there is a large covered front porch with a seating area for at least 50% of the this façade which does provide weather protection at a primary entry. The Cottage Street NE façade will include fabric awnings where current seasonal awnings are located, plus it will add awnings over the three windows that are adjacent to the sidewalk and over the entry door close to the corner of Cottage Street NE and Court Street NE. The buildings structure limits the awning type to a light weight frame and fabric style as illustrated on the provided drawings. Maintaining an awning type that already exist on the façade that will be facing Cottage Street NE is appropriate to the building and will be supported by the building's existing structure.

- (iii) Above grade pedestrian walkways shall not be provided to property located within the Salem Downtown Historic District.

RESPONSE: The development will include accessible ramps on both Cottages Street NE and Court Street NE, these ramps provide an accessible means to enter the building and more importantly, an accessible means to exit the building to the public way as desired by Salem Building and Safety and Salem Fire.

SECTION 4 - SITE PLAN REVIEW

A Class 3 site plan review shall be granted if:

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

RESPONSE: As noted previously, the proposal is subject to the development standards applicable to the CO Zone found in SRC 522.010, as well as standards from other chapters such as SRC 800, 802, 803, 804, 806, and 807. It is also subject to either standards or guidelines for General Retail/Commercial Overlay found in SRC 632.025 as part of the design review, which does to some degree impact the projects ability to meet all of the site plan review standards as the Code does not indicate that one takes president over the other. The following provides the applicable development standard and information on how our project meets them or identifies if an adjustment is being sought:

(a) Lot standards

REQUIREMENT	STANDARD	LIMITATION AND QUALIFICATIONS	PROJECT INFORMATION
Lot Area			
All uses	None		The proposed site is .33 acres or 14,214 square feet.
Lot Width			
All uses	None		The lot is approximately 130 feet wide.
Lot Depth			
All uses	None		The lot is approximately 108 feet deep.
Street Frontage			
Uses other than single family	Minimum 16 feet		The site has frontage on both Cottage Street NE and Court Street NE. The Cottage Street NE frontage is 130 feet and the Court Street NE frontage is 108 feet. Exceeding the standard

(b) Setbacks.

Requirement	Standard	Limitations & Qualifications	Project Information
Abutting Street			
Buildings			
All uses	Minimum 5 feet		The building is an existing building that is being relocated to the site. On Cottage Street NE approximately 35 feet of the approximately 100 foot façade will be abutting the property line, the remaining being setback 5 feet. The Court Street NE façade is approximately 50 wide and is not only articulated but there is also a deep covered entry the building façade is setback varies from about 7 feet to more than 12. An adjustment is being requested due to existing conditions and conflicts between the underlying zone standards and those of the overlay.
Accessory Structures			
Accessory to all uses other than single family or multiple family	Minimum 5 feet.		Not applicable to this development proposal.
Vehicle Use Areas			
All uses other than single family and two family	10 feet; can be reduced to 6 feet with a low wall wall/fence or berm (per SRC chapter 806)		The existing parking area which will be setback from Court Street NE by a planting bed that is approximately 11 feet deep, meeting the standard.

Setbacks Continued

Interior Front			
Buildings			
Uses other than single family or multiple family	Zone-to-zone setback. Commercial zones – none.		Not applicable.
Accessory Structures			
Uses other than single family or multiple family	Zone-to-zone setback. Commercial zones – none.		Not applicable,
Vehicle Use Areas			
Uses other than single family or multiple family	Zone-to-zone setback. Commercial zones – minimum 5 feet.		Not applicable.
Interior Side			
Buildings			
Uses other than single family and multiple family	Zone-to-zone setback. Commercial zones – none		SRC table 522-4 indicates that commercial zones require no setback, the property to the north our interior side is zoned commercially so none is required; however the building once set will be more than 17 feet from the north property line.
Accessory Structures			
Uses other than single family and multiple family			There are no accessory structures proposed, therefore this is not applicable.

Setbacks Continued

Vehicle Use Areas			
Uses other than multiple family	Zone-to-zone setback		A 5 foot setback is required between the north property line and any vehicle use areas. The proposed site is currently an allowed non-conforming parking lot; the western half is not paved which is where the building will be sited, and paved eastern half will remain and continue as a vehicle use. This development proposal is unable to meet the standard and is requesting an adjustment as part of this consolidated land use application.
Interior Rear			
Buildings			
Uses other than single family and multiple family	Zone-to-zone setback		The relocated building will be setback from the adjacent Presbyterian Church property line by approximately 53 feet. The zone-to-zone setback at this location is a minimum of 15 feet for structures. This standard is met by the proposal.
Accessory Structures			
Accessory to uses other than single family and multiple family			There are no accessory structures proposed, therefore this is not applicable.
Vehicle Use Areas			
Uses other than Multiple family	Zone-to-zone setbacks		A landscape buffer that is more than 5 feet wide is provided between the property to the east and our site, with the exception of the area being used for the solid waste service area. As a result the adjustment to the vehicle use setbacks and landscape perimeter will apply to this area.

(c) Lot Coverage; height

Requirement	Standard	Limitations & Qualifications	Project Information
Lot Coverage			
Buildings and Accessory Structures			
All uses	No maximum		The building footprint is 5,223 square feet or 36 percent of the site.
Rear Yard Coverage			
Buildings			
All uses	N/A		N/A
Accessory Structures			
Accessory to all uses	No maximum		There are no accessory structures proposed for this site.
Height			
Buildings			
All uses	Maximum 50 feet		The building is approximately 24 feet 6 inches to the base of the parapet, well below the 50 foot maximum.
Accessory Structures			Since there are no accessory structures proposed this does not apply.
Accessory to uses other than single family and multiple family	Maximum 50 feet		Not applicable.

(d) Landscaping

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

RESPONSE: The building setback areas will be utilized for outdoor seating as desired by the General Retail/Commercial Zone Overlay design review standards. An adjustment to the landscape standards is included in this consolidated land use application.

(2) Vehicle uses areas

RESPONSE: Perimeter landscaping and landscaping in vehicle use areas will be provided as required and include a Type A planting or better except where landscape perimeter is not provided and adjustment approved as requested. A minimum of 5 percent landscaping in the vehicle use areas is required, the development proposal provides 17 percent, exceeding the minimum.

(3) Development site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standards set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting the is requirement.

RESPONSE: The development proposal is for the re-use of an existing building on an infill site do to the buildings footprint, the size of the site and other development constraints it is not practicable to provide landscaping that meets the minimum standard. It is the development team's belief that the proposal to redevelop this infill site with the reuse of an existing building better meets the larger goals of Salem's Comprehensive Plan and the Overlay Zone, an adjustment to the landscape standard is requested as part of this consolidated application.

(e) Development standards for continued uses

RESPONSE: While the development proposal includes the use of an existing building it will be relocated to the site therefore, this section does not apply.

Sec. 800.055 Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

RESPONSE: A solid waste service area is proposed at the northeastern corner of the site. It has been designed as dictated by the standards found in SRC 800.055 and will be screened as required.

SRC 802 Public improvements

RESPONSE: The public streets and sidewalks that are adjacent to the development site are fully improved, it is our believe that no additional work is required as a result of this development proposal.

SRC 803 Streets and Right-of-Way Improvements

RESPONSE: As noted previously the streets that are adjacent and serve the development site are fully improved, no additional improvements are proposed with the development proposal.

SRC 804 Driveway Approaches – This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

RESPONSE: There are three driveways that serve this site two on Cottage Street NE and one on Court Street NE. The northern driveway on Cottage Street NE as well as the driveway on Court Street NE will remain and be used for this proposed development; the Cottage Street NE will be limited to entry only and the Court Street NE driveway will still allow two way traffic. This existing driveway approach is 21 feet 1 inch wide just under the 22 feet width required; therefore an adjustment to this standard is being requested.

Sec. 806.015(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.

RESPONSE: Table 806-1 indicates that eating and drinking establishments require 1 space for every 250 square feet of building area. Ike Box when relocated to the proposed site will be 8,774 square feet which will require a minimum of 36 parking spaces. The proposed site will only accommodate 10 as a result an adjustment to this standard is included with this consolidated land use application.

Sec. 806.075 Amount of off-street loading. This section requires 1 off-street loading space.

RESPONSE: The site is unable to reasonably provide an off-site loading space without losing most if not all of the limited off-street parking spaces the new location affords, therefore an adjustment to this standards is being sought as part of this application.

(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: The development site is located on Cottage Street NE an major arterial and Cottage Street NE an collector. There are two existing driveways on Cottage Street NE the northern one will be maintained to allow entry only, and a single existing driveway on Court which will be maintained and allow exiting only. Currently these driveways to not limit access, the elimination of one of the Cottage Street NE driveways (the one closer to the corner) and the reduction in maneuvering will reduce impacts of the proposed new use at this location.

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

RESPONSE: Yes, the parking area restriping design, location of parking adjacent to the pedestrian walk on the east side of the building and one way traffic flow from Cottage Street NE as well as the maintained two way driveway on Court Street NE facilitates safe and efficient movement for all users.

(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: City of Salem Public Works staff confirmed that all city services are available and adequate for this proposal. Franchise utilities also needed for the development are also available and adequate to serve the development.

SECTION 5 – ADJUSTMENTS

As noted previously this development proposal is not able to meet all of the development standards found in the UDC which apply to the site necessitating adjustment to the following: building setback standards, parking and vehicle use setback standards, perimeter landscape standards, minimum landscape amount, minimum number of required off-street parking, minimum number of off-street loading spaces and minimum driveway width for two way traffic. We are seeking Class 2 adjustments which shall be granted if 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:

Building Setback –

The CO zone indicates that the minimum building setback is 5 feet; however the General Retail/Commercial Overlay guidelines asks that they be minimized and that contiguous to the street right-of-way is preferred; typically the overlay would dictate the standard; however the code does not indicate that this is the case which is why the adjustment to this standard is required. The proposal seeks to satisfy the standard and the guidelines by minimize the building setbacks as desired by the overlay while still meeting the standard for the zone for the majority of the street fronting facades. The exception to this is where the façade fronts Cottage Street NE where approximately 35 feet of the 99 foot façade will be contiguous to the front property line. This meets the overall intent of the overlay which is to “promote an active and inviting urban and pedestrian-oriented district within the core of the downtown.” while still achieving the minimum setback for the majority of the building since the Court Street NE façade

meets the setback requirements while providing a covered entry with front steps closer to the property line which meets the guidelines of the overlay. The building already exists and has articulated facades, in addition it is be set on an lot with dimensional constraints further limiting how the building can be sited, the development team believes the proposal meets the intent of the zoning standard and the overlay.

Parking and Vehicle Use Setbacks-

The proposal is unable to provide the 5 foot perimeter landscape buffer between the vehicle use areas adjacent to the north property line as a result an adjustment to this standard is requested. As noted previously, the proposed site is an infill site currently used as an allowed non-conforming surface parking lot, and the building which houses the Ike Box is being moved to the site. The existing non-conforming parking area does not currently provide a 5 foot landscaped setback to the north property line, nor does the property to the north include a 5 foot landscape setback to the shared property lines. The development proposal, while not correcting the condition will reduce the level of non-conformity by “redeveloping” the gravel parking area with an allowed use with the Ike Box. Additionally, the proposal will site a one way drive along the north property line providing separation between the surface parking area of the neighboring property and the parking area for the Ike Box. The redevelopment of the site is a better use, provides an active, inviting and pedestrian-oriented business at a central location in Salem.

Minimum Landscape Area –

The development will not be able to provide the required 15 percent minimum landscape area for the overall site as it is limited due to site size and development requirements. The proposal provides 7 percent landscaping, the remaining open areas that are not used for parking and vehicle use are mostly pedestrian access including accessible ramps. The current Ike Box site has minimal landscaping, which is true for most commercial developments in the area, this proposal will be consistent with the surrounding neighborhood.

Minimum Number of Off-Street Parking –

The proposal anticipates providing 10 new parking spaces; however, the code requires a minimum of 36. The proposed development is the relocation of an existing business utilizing the building which has been its home since 2004 and is an intrinsic part the downtown neighborhood near the capital and our community. The site on which the building currently sits provides no off-street parking and the is larger than the building will be once it is moved, having the ability to provide 10 parking spaces on site will be an added benefit as a result of the relocation. Many of the Ike Box’s customers work in the area and walk rather than drive. The new site about 250 feet away will have no impact to their existing customer base as adequate on-street parking is available in this area so customers who do drive will continue to utilize available on-street parking in the same manner as they are accustomed. The development proposal will provide a

portion of the required off-street parking spaces and reduce the demand to the on-street parking they currently make, improving an existing condition with this proposal.

Minimum Number of Off-Street Loading Spaces –

Based on requirements found in SRC 806.075, 1 off-street loading space is required for this development proposal. However, it cannot practically be provided due to site size, building configuration, and limited vehicle use area available with this development. The applicant wishes to utilize the street for loading that will not fit in the off-street parking areas which is consistent with other developments in this area and their existing situation which does not provide an off-street loading space. There will be no impact to surrounding developments as deliveries to their current location on Cottage Street NE are infrequent and are reasonably accommodated on streets in the area for this and other businesses with similar site constraints.

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

RESPONSE: The site is not in a residential zone, therefore criterion is not applicable.

(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: The development is in need of six adjustments which are minimal and will not result in a negative impact to the surrounding developments or the community overall. The development proposal will allow a local non-profit to keep the home they love, provide employment opportunities, community benefit and utilize an infill site with a higher and better use.

SECTION 6 – CONCLUSION

The development team is confident that the City of Salem Staff will find that the requested Class 3 Design Review (Guidelines), Class 3 Site Plan Review and Class 2 Adjustments for the relocation of the Ike Box meet the intent of the UDC and will approve the development proposal. By approving the requests Salem will be able to keep a the popular Ike Box and Isaac's Room a local non-profit that provides resources to youth in need of support so that they can be productive and contributing members of our community. The ability to continue to keep a local business that provides employment opportunities and contributes to the betterment of Salem meets multiple goals set by the City of Salem and benefits our city.



MEMO

TO: Olivia Glantz, Planner III
Community Development Department

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

DATE: June 24, 2019

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
DR-SPR-ADJ-DAP19-04 (19-111034-RP)
220 COTTAGE STREET NE
RELOCATION OF IKE BOX

PROPOSAL

A consolidated application for the relocation of the Ike Box (eating and drinking establishment) consisting of the proposed approximate 8,774-square-foot building, new vehicle use area, and modifications to driveways on Cottage Street NE and Court Street NE. The subject property is approximately 0.33 acres in size, zoned CB (Central Business District) within the General Retail/Office Overlay Zone, and located at 220 Cottage Street NE (Marion County Assessor Map and Tax Lot Number: 073W27AA00400).

RECOMMENDED CONDITIONS OF APPROVAL

1. Close the existing southerly driveway approach along Cottage Street NE and re-stripe on-street parking pursuant to PWDS.
2. Install street trees along the property frontages pursuant to SRC Chapters 86 and 803, and PWDS.

FACTS

Streets

1. Cottage 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 60-foot improvement within a 98-foot-wide right-of-way abutting the subject property.

2. Court Street NE

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 57-foot improvement within a 98-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Cottage Street NE.
- b. An 8-inch storm main is located in Court Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 10-inch water main is located in Cottage Street NE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- c. A 12-inch water main is located in Court 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-inch sewer main is located in Cottage Street NE.

CRITERIA AND FINDINGS – Class 3 Site Plan Review

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 and approval of the adjustment for driveway width, 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.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) 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—Cottage 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.

Court Street NE meets the right-of-way width standard pursuant to the Salem TSP. Court Street NE meets the criteria for an alternative street standard pursuant to SRC 803.065(a)(2) because the street is fully developed. 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 northerly driveway access onto Cottage Street NE provides for safe turning movements into the property. The driveway access onto Court Street NE does not meet the standard width for two-way traffic and requires an adjustment – see findings below.

The southerly driveway access onto Cottage Street NE shall be closed pursuant to SRC 804.060(a)(4) and on-street parking shall be re-stripped pursuant to PWDS. The

applicant shall install street trees along the property frontages pursuant to SRC Chapters 86 and 803, and PWDS.

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 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 SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

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 trash area shall be designed in compliance with Public Works Standards.

CRITERIA AND FINDINGS—Class 2 Driveway Approach Permit

Criteria: SRC 804.025(d)

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**
- (2) No site conditions prevent placing the driveway approach in the required location;**
- (3) The number of driveway approaches onto an arterial are minimized;**
- (4) The proposed driveway approach, where possible:**
 - i. Is shared with an adjacent property; or**
 - ii. Takes access from the lowest classification of street abutting the property;**
- (5) Proposed driveway approach meets vision clearance standards;**
- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**
- (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**
- (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

Finding—A Class 2 Driveway Approach permit is required for the maintenance, repair, or replacement of an existing permitted driveway approach. Staff inadvertently noticed for the driveway approach application after the applicant altered the proposal to request an adjustment to the width of the existing driveway – see findings below. The application does not include the maintenance, repair, or replacement of the existing approaches; therefore, a driveway approach permit is not required and the criteria is not applicable.

CRITERIA AND FINDINGS—Class 2 Adjustment

Analysis of the proposed Class 2 adjustment for driveway width is based on relevant criteria in SRC 250.005(d)(2) as follows:

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

- 1. Clearly inapplicable to the proposed development; or**
- 2. Equally or better met by the proposed development.**

Finding—The applicant is requesting a Class 2 adjustment to reduce the required 22-foot driveway width to 21 feet 1 inch for the existing driveway on Court Street NE. The existing driveway is 21 feet 1 inch, which is 11 inches less than the standard for two-way traffic. The driveway is currently being used for two-way traffic in its current configuration. The Assistant City Traffic Engineer has reviewed the proposal and determined the existing driveway is sufficient to support the use and provide for safe ingress and egress of the site. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

Prepared by: Jennifer Scott, Program Manager
cc: File