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503-588-6173*

DECISION OF THE SALEM PLANNING COMMISSISON

CLASS 3 DESIGN REVIEW / CONDITIONAL USE PERMIT / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: DR-CU-SPR-ADJ21-02

APPLICATION NO.: 20-118107-DR / 20-118104-ZO / 20-118106-RP / 20-118108-ZO

NOTICE OF DECISION DATE: April 8, 2021

SUMMARY: A consolidated application for a proposed new building and vehicle use area serving 34-unit multiple family development.

REQUEST: A proposed new building and vehicle use area serving 34-unit multiple family development, including the following applications:

- 1) A Class 3 Design Review for the proposed new building;
- 2) A Conditional Use Permit for 34-unit Multiple Family development;
- 3) A Class 3 Site Plan review for the proposed development; and
- 4) 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 five-feet as required under SRC 522.010(b);
 - b) Reduce the minimum 10-foot vehicle use area setback required to zero feet, pursuant to SRC 806.035(c)(2) to the south property line abutting Court Street NE;
 - c) Reduce the minimum vehicle use area setback abutting the north property line from 10-feet to three-feet and reduce setback from ten feet to four feet to the east property line pursuant to SRC 522.010(b).
 - d) Reduce the minimum building setback abutting the north property line from ten-feet to five feet pursuant to SRC 522.010(b).
 - e) Reduce the driveway width for from 22-feet to 20-feet, pursuant to SRC 804.
 - f) To allow the proposed building to be located within the Vision Clearance of the northeast corner of Cottage Street SE and Court Street SE.
 - g) Reduce opening of proposed solid waste service area from 12-feet to 8-feet.

The subject property is approximately 0.33 acres in size, zoned CR (Retail Commercial) within the General Retail/Office Overlay Zone and located at 220 Cottage Street NE (Marion County Assessor Map and Tax Lot Number: 073W27AA / 400).

APPLICANT: Doug Circosta on behalf of Salem Y Veterans Housing

LOCATION: 220 Cottage Street NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 225.005(e)(2) – Class 3 Design Review; 240.005(d) – Conditional Use; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated April 8, 2021.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

DECISION: The **Planning Commission APPROVED** Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Adjustment DR-CU-SPR-ADJ21-02 subject to the following conditions of approval:

CONDITIONAL USE REVIEW

Condition 1: The proposed development shall contain no more than 34 dwelling units.

CLASS 3 SITE PLAN REVIEW

Condition 2: Prior to issuance of building permits, a property line adjustment shall be finalized to consolidate the underlining properties, or an adjustment shall be approved to eliminate the setback standards.

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 driveway approaches along Cottage Street NE, reconstruct curb and re-stripe on-street parking pursuant to PWDS.

Condition 5: The applicant shall design doorways abutting Cottage Street and Court Street to not encroach into the right-of-way.


Condition 6: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

ADJUSTMENT

Condition 7: All trees designated for retention under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion.

VOTE:

Yes 9 No 0 Absent 0



Chane Griggs, President
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Class 3 Site Plan Review: April 27, 2025
All other case types: April 27, 2023

Application Deemed Complete:	<u>March 10, 2021</u>
Public Hearing Date:	<u>April 6, 2021</u>
Notice of Decision Mailing Date:	<u>April 8, 2021</u>
Decision Effective Date:	<u>April 27, 2021</u>
State Mandate Date:	<u>July 8, 2021</u>

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Friday, April 23, 2021. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 225, 240, 220, and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the Salem City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

FACTS & FINDINGS

CLASS 3 DESIGN REVIEW / CONDITIONAL USE PERMIT / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO. DR-CU-SPR-ADJ21-02

APRIL 8, 2021

PROCEDURAL FINDINGS

1. On November 20, 2020, Doug Circosta, Architect, on behalf of the applicant and property owner, Salem Y Veterans Housing, filed an application for a consolidated Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Adjustment for development of the 34-unit Multi-Family development.
2. After additional information was submitted, the application was deemed complete for processing on March 10, 2021. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on March 16, 2021. Notice was also posted by staff on the subject property pursuant to SRC requirements.
3. The public hearing on the proposed Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review and Class 2 Adjustment application was held on April 6, 2021. The Planning Commission did not receive testimony from the Neighborhood Association or the public. The applicant provided testimony regarding proposed modifications to Condition 2. The Planning Commission closed the public hearing, conducted deliberations, and voted to approve the application subject to recommended conditions of approval in the staff report.

The state-mandated 120-day local decision deadline for the application is July 8, 2021.

BACKGROUND

On November 20, 2020, Doug Circosta, Architect, on behalf of the applicant and property owner, Salem Y Veterans Housing, filed an application for a consolidated Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Adjustment for development of the 34-unit Multi-Family development, the applications were deemed complete for processing on March 10, 2021.

PROPOSAL

The applicant has submitted Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Adjustment applications for a proposed development of a 34-unit multi-family development for Veterans for property located at 220 Cottage Street NE (Marion County Assessor Map and Tax Lot Number: 073W27AA / 400) (**Attachment A**).

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 applicant's proposed site plan and building plans are included as **Attachment B and Attachment C**, and the applicant's statement addressing the applicable approval criteria for the consolidated request 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. Neighborhood Association Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CANDO) neighborhood association. CANDO commented that they are in support of the application.

Pursuant to SRC 300.310, the applicant is required for a land use application, to contact the neighborhood association. On November 10, 2020, the applicant sent an email, including building plans, to the Neighborhood Association. On January 19, 2021 the applicant’s representative attended the CANDO Meeting, held virtually, to present their proposal. The applicant has demonstrated adherence with the requirements of SRC 300.310.

4. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notice of the proposal on March 16, 2021. Notice of public hearing was also posted on the subject property. No comments have been received from surrounding property owners.

5. City Department Comments

The Building and Safety Division reviewed the proposal and indicated that building permits will be required. The building will be required to have a one-hour fire rated wall with a limited of 15% openings abutting the north property line. The structure shall contain Fire Sprinklers.

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.

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**.

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

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 applicant explains that setbacks are minimized to the degree possible with the proposed articulation for the building entrances. Both street frontages (Cottage Street and Court Street) will have minimal setbacks. The frontage along Cottage Street NE will abut the sidewalk for 38-feet of the 132-foot frontage or 29%, the remainder of the building will be set back three-feet from the property line. The frontage along Court Street NE will abut the sidewalk for 100 percent of the frontage.

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 four 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 four-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 three feet on either side of the building adjacent to Court Street and Cottage 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 standard.

▪ **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. 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 includes an entrance abutting Cottage Street and a sidewalk leading under a breezeway which leads to a door on the east side of the building. The proposal is providing accessible entrances from the public sidewalk, and the areas between the sides of the building adjacent to Court Street and Cottage Street. The proposal will include ground floor façade with transparent windows outside of the area for dwelling units.

The applicant will be providing 398 square feet of windows facing Cottage Street where 731 square feet is required by the standard and 240 square feet windows facing Court Street where 325 square feet is required by the standard. The common areas of the building face abutting Court Street is proposed to contain 70% ground floor window, which results in 55% of the entire façade. The common areas of the building abutting Cottage Street is proposed to contain 73% of the façade with ground floor windows, which will result in 26% of the entire façade having ground floor windows. Since the proposal is for multiple family and there are ground floor units, meeting the standard would encroach on the privacy of the residents.

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 and Court Street NE will be provided above the entrance and several windows, which is approximately 50% of the facade. 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. Additionally, no above grade pedestrian walkways are proposed.

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 with the Salem Downtown Historic District. This approval criterion is therefore not applicable

7. FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CONDITIONAL USE PERMIT

Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use. 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 Conditional Use application, or for the issuance of certain conditions to ensure the criteria are met.

(1) The proposed use is allowed as a conditional use in the zone.

Finding: The subject property is zoned CR (Retail Commercial) and is located within the General Retail/Office Overlay Zone. According to the General Retail/Office Overlay Zone 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. The proposed use of Multiple Family Residential is a conditional use within the CR zone.

(2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The applicant states that the proposed development is compatible with the surrounding land uses. The subject property is adjacent to residential high-rise zone to the east, which allows for multiple family residential and to the west, across Cottage Street, is the new YMCA building. To the south, across Court Street, there is the capitol building and Willson Park, and to the north, commercial buildings.

The development standards of the zoning code, including setbacks, building height, and landscaping, are intended to address the difference in compatibility that can arise between different uses. The proposed development meets the applicable setback, height, and landscaping standards to ensure an adequate buffer will be provided between the proposed development and the existing multi-family residences to the north and any future residential development to the west. Coupled with meeting these development standards, the applicant asserts that the proposed development will have minimal impact on the immediate neighborhood based on the relatively small scale of the development, consisting of 34 dwelling units. Any future intensification of the development beyond 34 dwelling units will require approval of a separate conditional use permit. Therefore, the following condition of approval shall apply:

Condition 1: The proposed development shall contain no more than 34 dwelling units.

As conditioned, the proposed development will have a minimal impact on the immediate neighborhood.

(3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: To determine if the proposed multiple family use is reasonably compatible with the surrounding area, it is first appropriate to determine if the proposed multiple family use is consistent with the goals and policies of the Salem Area Comprehensive Plan for multi-family residential development and siting.

Residential Development (SACP IV Section E)

Establishing Residential Uses.

The location and density of residential uses shall be determined after considering the proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.

Multi-Family Housing.

Multiple family developments should be located in areas that provide walking, auto or transit connections to:

- 1) Employment Center
- 2) Shopping Areas
- 3) Transit Service
- 4) Parks
- 5) Public Buildings

Finding: Access to the subject property is provided by Cottage Street SE and Court Street SE. Both provide a pedestrian, bike and vehicle connection from the subject property to nearby services, including a grocery store, employment centers, transit services, parks, public buildings and various commercial developments. Salem-Keizer Transit (Cherriots) provides a transit route that located within 500-feet and is part of the Cherriots Core Network. There are adequate public sidewalks to the bus stop from the subject property. The public transportation system provides adequate access to commercial and medical services located in the downtown core, approximately a half mile south of the subject property.

The proposed development will have minimal impact on the livability and appropriate development of surrounding property.

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

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

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.

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

The subject property is zoned CR (Commercial Retail). The proposed use of Multi-Family is a Conditional Use within the CR zone; therefore, a conditional use permit is required for development. The following is a summary of the applicable development standards for the proposed development.

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

Finding: The development includes a four-story, 34 multi-family unit building and vehicle use area for low-income veterans, which is classified as a Multiple Family use under SRC 400.030(e).

Allowed uses within the CR zone are identified under SRC 522.005(a), Table 522-1. Multi-Family is identified as a conditional use in the table. A conditional use permit is included with this application.

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 Multi-Family is a conditional use within the underlying CR zone, it is also a conditional use 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	10 ft	
Parking and Vehicle Use Areas ⁽²⁾	Min. 10 ft. with Type A Landscaping ⁽³⁾	
Interior Rear		
Buildings	10 ft	
Accessory Structures	10 ft	
Parking and Vehicle Use Areas	Min. 10 ft. with Type A Landscaping ⁽²⁾	
Notes		
<p>Building Setback Abutting Street: 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>Required Landscaping: Pursuant to SRC 807.015(a), Table 807-1, Type A Landscaping requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area.</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 five foot 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 two feet ten inches. Since the entire building is not proposed to be set back five feet 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 abutting a street.** Setbacks for surface parking lot and vehicle uses are established under SRC 806.035. Pursuant to this requirement, surface parking lot and vehicle use areas are required to be setback a minimum of ten feet from each abutting street.
- **Building abutting interior side**
Setbacks for multi-family buildings are established under SRC 522.010(b), Table 522-3 and 522-4. Pursuant to this requirement, multi-family buildings are required to be setback a minimum of ten feet. from the north property line.
- **Parking & Vehicle Use Area Setback Interior Side and Interior rear.** 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.

Finding: The existing conditions plan, and deed, reflect multiple properties within the development site. The applicant has not applied for Adjustments for buildings and vehicle use areas to cross the interior property lines which would not meet building and zoning code setback requirements; therefore, the following condition of approval applies:

Condition 2: Prior to issuance of building permits, a property line adjustment shall be finalized to consolidate the underlining properties, or an adjustment shall be approved to eliminate the setback standards.

The applicant provided additional written and oral testimony requesting the above condition be modified to allow building permits to be issued prior to a property line adjustment or other remedy to alleviate the underlining lots. The request was to complete the property line adjustment or setback adjustment prior to 'final occupancy' of the building.

Staff discussed how issuance of a building permit ensures all zoning and building code standards are being met. Changing the condition to allow construction of the building before the property lines are removed or setbacks adjusted would violate both the zoning code and building code. Several options were discussed to reduce review times and allow the project to move forward, which are outside of the land use process.

As shown on the site plan, the vehicle use area is proposed to be approximately three-feet abutting Court Street NE, approximately four feet from the east property line, where ten-feet is required and approximately three feet from the north property line, where ten feet is required. Because the proposed surface parking lot/vehicle use does not meet the minimum required setback, a Class 2 Adjustment to this standard has been requested as part of the application.

Analysis of the Class 2 Adjustment request to reduce the required setbacks abutting the street, the north property and east property lines, and findings demonstrating conformance with the Class 2 Adjustment approval criteria, are included in Section 12 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 40-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 14,149 square feet, which requires 2,122 square feet of landscaping. The applicant is proposing 2,816 square feet or 19 percent of the development site.

Setback Landscaping. As identified earlier in this report, the required setbacks for the development apply to buildings, accessory structures, and parking and vehicle use areas. Adjacent to the north and east property lines there is a ten foot minimum required setback for buildings and vehicle use areas, and a minimum required five-foot setback for the building abutting the streets and six to ten-foot setback for parking and vehicle use areas adjacent to streets.

A Class 2 Adjustment to allow the proposed for the building to be setback less than ten feet to the north property line and 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 south, north and east property lines.

Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 12 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.

The parking and vehicular use are is less than 5,000 square feet in size, therefore interior landscaping is not required.

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 do not meet the applicable standards of SRC 805. The applicant has applied for a Class 2 Adjustment to allow the building to be located within the vision clearance of the northeast corner of Cottage Street SE and Court Street SE. The adjustment is addressed below.

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. There is no minimum off-street parking requirement for multi-family development within the CSDP area or within one quarter-mile of the Core Network.

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.

Maximum Off-Street Parking. Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2 or if no minimum off-street parking is required amounts set forth in Table 806-2B.

Finding: The proposal includes 34 dwelling units. The subject property is located within the Central Salem Development Program (CSDP) boundary, which does not require parking for multi-family developments. In addition, the property is less than ¼ mile from the Cherriots Core network, which is located down State Street, one block south of the property. Therefore, there is no minimum parking required.

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.	
Notes		
<p><u>Drive Aisle Width Serving Standard and Compact Stalls:</u> Pursuant to SRC 806, Table 806-6, when a parking lot drive aisle serves both standard and compact size parking stalls of 80 degrees or more, the drive aisle shall be a minimum of 24 feet.</p> <p><u>Compact Stall Dimension Next to Wall or Post:</u> Pursuant to SRC 806, Table 806-6, compact sized parking stalls next to a wall or post must be a minimum of 8-foot 6-inches in width.</p>		

As shown on the site plan for the proposal, eleven standard size stalls are provided. The standard size stalls conform to the minimum required 9-foot width and 19-foot depth. The parking stalls within the development are served by 24-foot-wide 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 driveway accessing Court Street is currently 20 feet wide, which doesn't meet the 22-foot minimum. The applicant requested an adjustment to reduce the driveway width standard, which is addressed below.

Bicycle Parking:

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

Minimum Bicycle Parking	
Multiple Family	4 spaces or 0.1 space per dwelling unit

Finding: The proposed development contains 34 units, requiring a minimum of four bicycle spaces. The applicant's site plan indicates 12 bicycle parking spaces provided near the ADA entrance of the building.

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.

Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Dimensions. Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: As previously indicated on the site plan the bicycle parking spaces provided are in proximity to and easily accessible from the buildings ADA entrance, which is greater than 50-feet from the primary entrance not in conformance with the requirements of SRC 806.060(a). The applicant has requested a Class 2 Adjustment, which is addressed below. The site plan indicates a bicycle rack with four spaces has a four-foot access aisle and the rack appears to meet the current standards in Figure 806-10. The rack is near a ramp preventing the need to lift the bike over a curb. The proposed bike racks are greater than 50-feet from the primary building entrance; an adjustment has been requested and is addressed below.

Loading:

Off-street loading spaces are not required for Multiple Family buildings between five-49 dwelling units.

Finding: The proposed building is for a 34-unit multi-family complex; therefore, no loading spaces are required.

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 near the south property line.

As shown on the site plan for the proposed development, the solid waste service area is covered, 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 8 feet, and is has an eight foot clearance of vertical obstructions above the receptacles. The applicant is requesting an adjustment from 12-foot opening to 8-foot opening, which is addressed below. The site plan indicates that the base of the enclosure will be a concrete slab, consistent with these design standards. Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 1.5 feet of the enclosure walls and at least five feet from any other building or structure. An enclosure is provided for the solid waste service area that is proposed to be constructed of opaque materials which will screen the solid waste service area from abutting properties and streets.

Pursuant to SRC 800.055(f)(1)(B), the 12-foot-wide by 45-foot-long vehicle operation area required to service the solid waste service area is proposed to be located parallel to the front of the enclosure.

Sec. 800.015. - Lot standards, generally.

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

Finding: The subject site has several underlying property lines, which require zoning and building code setbacks. The applicant has proposed to construct the building and vehicle use area over these property lines. To ensure the building and vehicle use area meets required setbacks Condition 2 above is recommended.

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 preserved. 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). Applicant is required to obtain tree removal permits prior to the removal of any City trees.

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 street 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. The existing driveway is approximately 20-foot wide, where a 22-foot wide driveway is required. 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 12.

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 development. 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 both driveways to accommodate the new building. They are proposing to keep one driveway on Court Street NE. The driveway accesses 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 driveway approaches along Cottage Street NE, reconstruct curb and re-stripe on-street parking pursuant to PWDS.

The building is proposed to be located at the property lines abutting each street. Any doors located along the frontage of Court Street or Cottage street shall not contain doors which swing into the right of way, which could potentially affect the efficient movement of pedestrians. To ensure the safe and efficient movements of pedestrians, the following condition applies:

Condition 5: The applicant shall design doorways abutting Cottage Street and Court Street to not encroach into the right-of-way.

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)(a) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At the time of development, the applicant shall design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

Condition 6: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

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

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 five-feet as required under SRC 522.010(b);
- b) Reduce the minimum 10-foot vehicle use area setback required to zero feet, pursuant to SRC 806.035(c)(2) to the south property line abutting Court Street NE;
- c) Reduce the minimum vehicle use area setback abutting the north property line from 10-feet to three-feet and reduce setback from ten feet to four feet to the east property line pursuant to SRC 522.010(b).
- d) Reduce the minimum building setback abutting the north property line from ten-feet to five feet pursuant to SRC 522.010(b).
- e) Reduce the driveway width for from 22-feet to 20-feet, pursuant to SRC 804.
- f) To allow the proposed building to be located within the Vision Clearance of the northeast corner of Cottage Street SE and Court Street SE.

g) Reduce opening of proposed solid waste service area from 12-feet to 8-feet.

Allow portions of the proposed building adjacent to Court Street NE, and Cottage Street NE to be setback less than five feet 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 should be contiguous to the right of way and no more than 10 ft from the right of way. The applicant explains that the intent is the 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 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 along adjacent streets. This approval criterion is met.

Reduce the minimum 10-foot vehicle use area setback required to zero feet, pursuant to SRC 806.035(c)(2) to the south property line abutting Court Street NE.

The minimum setback for vehicle use areas to streets is found in SRC 806.035(c)(2)(C) and requires a minimum six-foot setback from property lines with a 3 foot wall. The applicant requested a reduction to this setback dimension with no wall. The requested adjustment is for a ten-foot section of the approximately 100-foot property line abutting Court Street. Site constraints and emergency access requirements impact the ability to provide on-site parking and meet setback requirements. The proposed plan creates parking areas to include landscape separations between sidewalks and vehicle use areas with setbacks for parking abutting the public sidewalk.

With the reduction, the proposal will be able to provide 11 on-site parking spaces in a parking lot that provides required fire access, safe circulation patterns and meets current design guidelines. The intent of the setback is to provide a physical separation between vehicle use areas and pedestrian paths, which is met by the design. The proposal will provide needed improvements on this half block better serving the community and meeting the intent of the standard.

Reduce the minimum vehicle use area setback abutting the north property line from 10-feet to three-feet and reduce setback from ten feet to four feet to the east property line pursuant to SRC 522.010(b).

The CR zone requires a ten-foot setback for vehicle use areas next to a side or rear property line for multi-family developments. The subject property is currently a gravel parking area used for the YMCA building across Cottage Street. In order for the building

to be located near the right-of-way, the site will have to use the existing driveway approach on Court Street, which dictates the location of the parking area. 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 intent of providing separation between parking lots and abutting uses is to provide for a reduction in noise, lights and impacts from cars. The property to the north is developed with a non-conforming parking lot that does not have any setback or landscaping at the property line. The reduced setback only applies to 24 feet of the 108 foot long property line and provides an area for cars to back out when exiting the parking lot. The other portions of the north property line will have between 5-feet of landscaping (between the new building and the property line) to 7-feet (between the parking stall) and 30-feet of landscaping in the development's open space area. The applicant is proposing to retain four existing evergreen trees in the area of the reduced setback, in addition, to other trees and shrubs which will provide a buffer between the uses.

Condition 7: All trees designated for retention under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion.

The property to the east is also developed with a parking lot. That property has a varying landscaped setback of approximately 5-10 feet. The applicant is proposing a combination of trees and shrubs to enhance the site and provide separation. The existing site has long been used as a gravel parking lot with little to no landscaping or setbacks. Providing a 3-4 foot landscaped setback for the new parking lot will greatly enhance the site will providing a buffer between the parking lots.

Reduce the minimum building setback abutting the north property line from ten-feet to five feet pursuant to SRC 522.010(b).

The applicant indicates that other commercial buildings in this zone can be located within five feet of the property line and the use of the building as multiple family does not change the impacts along the northern property line. The units on the north end of the street are oriented towards the street (west) and courtyard (east), therefore do not have a negative impact on livability for properties located to the north. The applicant is providing dense landscaping along the northern interior property line abutting the building. The applicant proposes providing landscaping in the setback areas that meets or exceeds the landscaping that would be required had the full setback been required. The length of the northern property line after right-of-way dedication is approximately 108 feet, landscaping for the full 10-foot setback would be approximately 54 plant units ($1,080 / 20 = 54$). The proposed building is oriented on the west side of the property. Proposed landscaping provides a buffer between the proposed multi-family use and the abutting commercial uses.

Reduce the required 22-foot driveway width to 20-feet for the existing driveway on Court Street.

The existing driveway is 20 feet, which is two feet less than the standard for two-way traffic. The purpose of having a 22-foot driveway is to allow adequate room for two-way traffic and turning movements. The driveway is currently being used in the current configuration for the existing gravel parking lot. 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.

To allow the proposed building to be located within the Vision Clearance of the northeast corner of Cottage Street SE and Court Street SE.

The proposed building is located within the vision clearance triangle pursuant to SRC Chapter 805 at the intersection of Cottage Street NE and Court Street NE. The building has been designed to purposefully minimize setbacks at the street and frame the public right-of-way. Notably, the vision clearance standards are not required within Salem's downtown core, in order to promote a vibrant pedestrian oriented urban form. While this development is outside of the area that is exempted, the overall intent and design of this site is in conformance with the downtown area's design.

The applicant submitted a sight distance analysis by DKS Associates, dated March 10, 2021, that shows the existing layout of the intersection along with the proposed building location still meets AASHTO (American Association of State Highway and Transportation Officials) guidelines for vision clearance. The Assistant City Traffic Engineer has reviewed this analysis and concurs that the proposal meets the alternative standards pursuant to SRC 805.015. 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.

Reduce opening of proposed solid waste service area from 12-feet to 8-foot.

SRC Chapter 800, Section 800.055 – Solid Waste Service Areas states that 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. SRC 800.055(b)(3) requires a minimum of 12 feet of front opening for servicing receptacles.

The applicant explains that this development standard exists so that a trash enclosure may be accessed by a waste hauler for servicing. The applicant provided a site plan of their proposed trash enclosure to Republic Services. Julie Jackson, Municipal Manager for Republic Services reviewed the proposal and have no objections to the proposed trash enclosure. A letter from Republic Services is in the record.

As proposed, the Adjustment request shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee, thereby equally or better meeting the purpose underlying the vertical clearance height requirement for receptacles greater than two cubic yards in size.

Any future development, beyond what is shown in the proposed plans, shall conform to the minimum front opening requirement for servicing a trash enclosure, unless adjusted through a future land use action.

(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 low-income housing development 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.

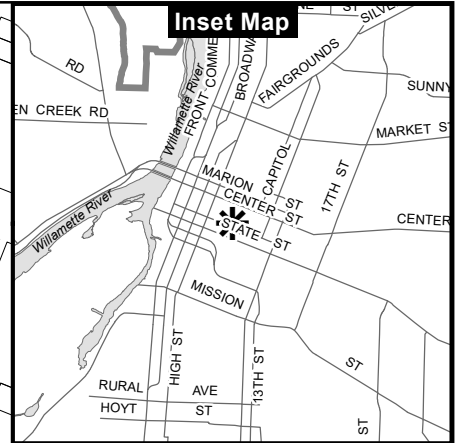
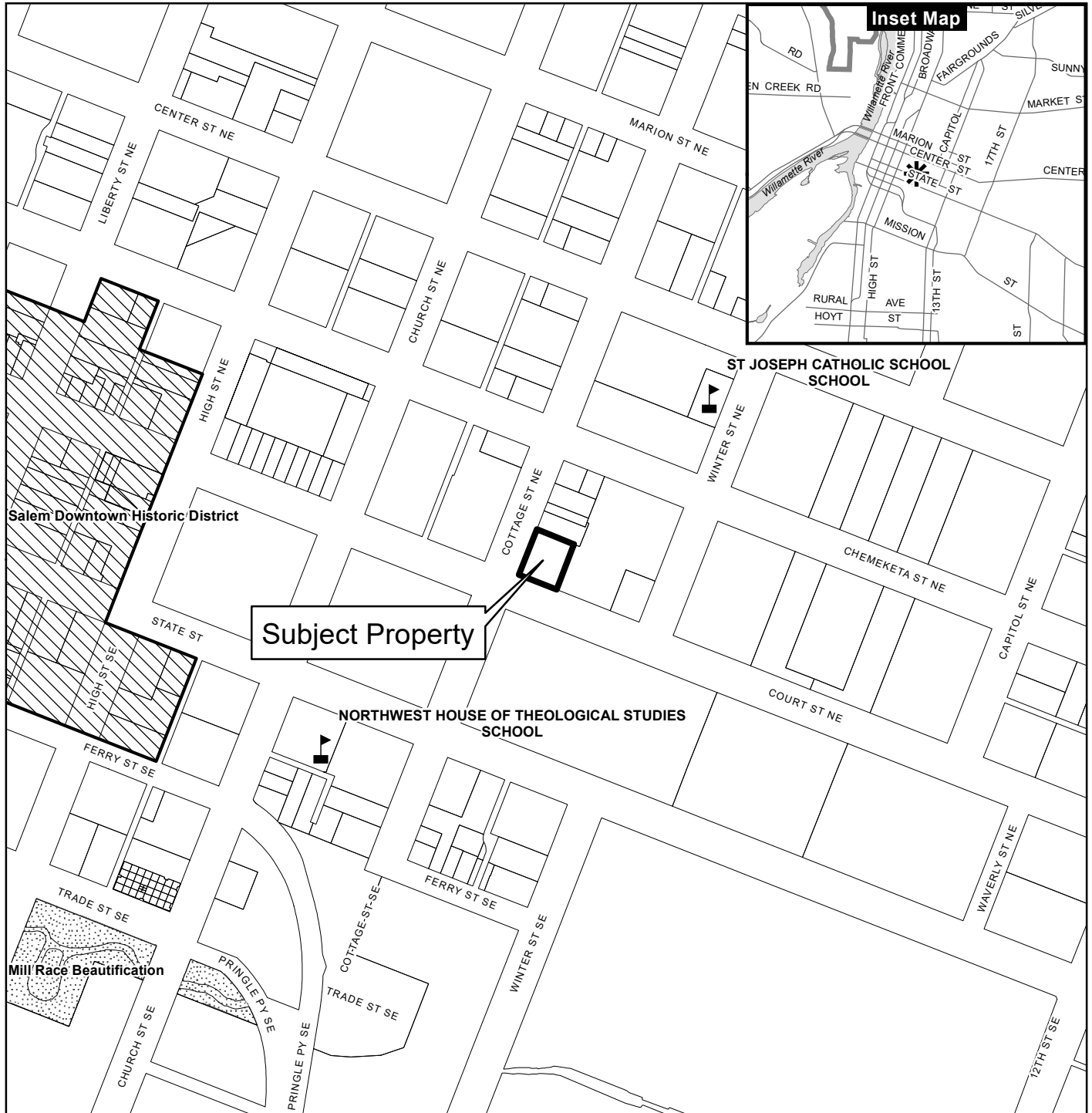
CONCLUSION

Based on the facts and findings presented herein, the Planning Commission concludes that the proposed Class 3 Design Review, Conditional Use Review, Class 3 Site Plan Review, and Class 2 Adjustments, as recommended to be conditioned, satisfy the applicable criteria contained under SRC 225.005(e)(2), SRC 240.005(d), SRC 220.005(f)(3), and SRC 250.005(d)(2), for approval.








- Attachments:**
- A. Vicinity Map
 - B. Proposed Site Plan and
 - C. Building Elevations
 - D. Applicant's Written Statement
 - E. Public Works Memo

Prepared by Olivia Dias, Current Planning Manager

Vicinity Map 220 Cottage Street NE



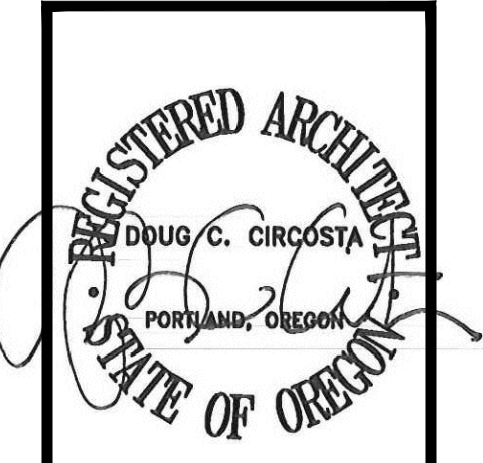
Legend

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



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ATTACHMENT B



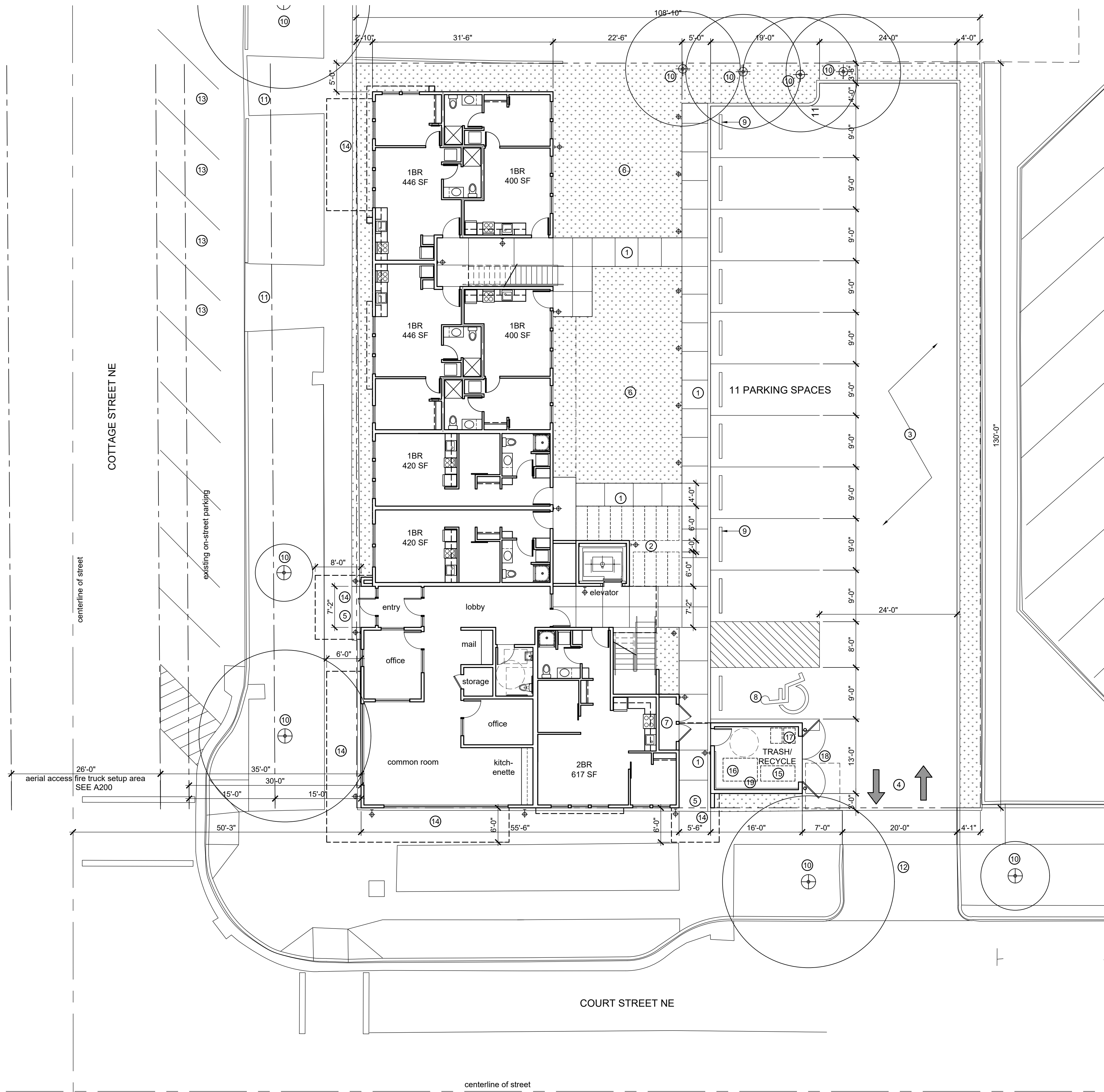
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 Doug Circosta, Architect
 503-730-6908
 14670 SW Forest Drive
 Beaverton, OR 97007

PROJECT DATA	
SITE AREA	= 14,149 SF 0.325 ACRES
BUILDING COVERAGE	= 5,160 SF = 36.5%
PARKING AREA	= 4,821 SF = 34.1%
PAVING AND SIDEWALK AREA	= 1,325 SF = 9.5%
LANDSCAPE AREA	= 2,816 SF = 19.9%

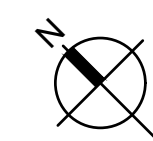
34 UNITS: 27 ONE BEDROOM UNITS AND 7 TWO BEDROOM UNITS

- LANDSCAPE AREA
- WALL MOUNTED LIGHT FIXTURE
- BOLLARD LIGHT FIXTURE

- KEY NOTES**
- 1 CONCRETE SIDEWALK WITH CONTROL JOINTS EVERY 5-FEET.
 - 2 (12) 2' X 6' BICYCLE PARKING SPACES.
 - 3 ASPHALT PAVED DRIVEWAY
 - 4 VEHICLE SITE ENTRY WITH PAINTED DIRECTIONAL ARROWS.
 - 5 BUILDING / PROJECT PEDESTRIAN ENTRY
 - 6 AMENITY COURTYARD
 - 7 BUILDING FIRE SPRINKLER RISER CLOSET
 - 8 VAN ACCESSIBLE PARKING SPACE AND ACCESS AISLE.
 - 9 6-INCH CONCRETE WHEEL STOP.
 - 10 EXISTING TREE TO REMAIN
 - 11 EXISTING DRIVEWAY AND CURB CUT TO BE REMOVED
 - 12 EXISTING DRIVEWAY AND CURB CUT TO REMAIN
 - 13 NEW ON-STREET PARKING SPACE
 - 14 CANOPY ABOVE
 - 15 2 CUBIC YARD TRASH CONTAINER ON WHEELS
 - 16 1 CUBIC YARD RECYCLE CONTAINER ON WHEELS
 - 17 PLASTIC BINS FOR SEPARATE RECYCLABLES (I.E. GLASS)
 - 18 PAIR OF 4' WIDE METAL GATES
 - 19 BUMPER RAIL BEHIND CONTAINERS



1 ARCHITECTURAL SITE PLAN
 A100 1" = 10'-0"



YMCA APARTMENTS
 220 COTTAGE STREET NE
 SALEM, OREGON

job no.: 2019
 date: 11-20-2020

SITE PLAN

A100



© 2020
 Doug Circosta, Architect
 503-730-6908
 14670 SW Forest Drive
 Beaverton, OR 97007



2 BUILDING ELEVATIONS - COURT ST NE
 A200 3/16" = 1'-0"



1 BUILDING ELEVATIONS - COTTAGE ST NE
 A200 3/16" = 1'-0"

YMCA APARTMENTS
 220 COTTAGE STREET NE
 SALEM, OREGON

job no.: 2019
 date: 11-20-2020

BUILDING
 ELEVATIONS

A200



YMCA Veterans Housing
Courtyard Elevation

Doug Circosta, Architect



YMCA Veterans Housing
Court Street Elevation

Doug Circosta, Architect



YMCA Veterans Housing
Cottage Street Elevation

Doug Circosta, Architect

Land Use Review Narrative for:

YMCA Apartments
220 Cottage Street NE
Salem, Oregon
11/20/2020
Revised 2/4/2021
Revised 3/4/2021

Applicable City of Salem Development Code Sections:

- SRC Chapter 220 – Site Plan Review
- SRC Chapter 225 – Design Review
- SRC Chapter 240 – Conditional Use
- SRC Chapter 250 – Adjustments
- SRC Chapter 300.120 – Procedures for Land Use Applications
- SRC Chapter 522 – CR (Rental Commercial)
- SRC Chapter 632 – General Retail / Office Overlay Zone
- SRC Chapter 800 – General Development Standards
- SRC Chapter 802 – Public Improvements
- SRC Chapter 803 – Streets and Right-of-Way Improvements
- SRC Chapter 804 – Driveway Approaches
- SRC Chapter 805 – Vision Clearance
- SRC Chapter 806 – Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 – Landscaping and Screening
- SRC Chapter 900 – Sign Code

Applicable Oregon Fire Code related to Land Use Review:

- 2019 Oregon Fire Code Appendix D Fire Apparatus Access Roads

Project Summary:

The project site is 14,149 sf or 0.325 acres. It is located at the eastern corner of the intersection of Court Street NE and Cottage Street NE. The site is relatively flat. Adequate utilities to serve the project are located in the adjacent public right of ways.

The proposed project is for new Veteran's housing consisting of 34 new apartment units and amenities in one four story building with landscaped courtyard and eleven on-site surface parking spaces.

SRC Chapter 220 – Site Plan Review

This project is being submitted for a Class 3 Site Plan review processed as a Type II procedure.

SRC Chapter 225 – Design Review

This project is being submitted for a Class 3 Site Plan review processed as a Type III procedure.

SRC Chapter 240 – Conditional Use

This project is being submitted for Conditional Use review processed as a Type III procedure.

The proposed use meets the following approval criteria;

- (1) The proposed use is allowed as a conditional use in the zone; *A multi-family use is conditionally permitted in the CR Zone.*
- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and *The immediate neighborhood consists primarily of churches, a park, parking lots, government buildings, and a new YMCA. This project is an extension of the services of the YMCA and will house veterans. This project provides much needed housing for our veterans and the surrounding churches, park, and YMCA will be an asset to this project and vice versa. For a project such as this that is meant to provide for veterans in need the phrase “likely adverse impacts” of the use seems inappropriately cruel. We chose to highlight the positive nature of the use, the social benefits, and respect for those who have served our country and are in need of affordable housing. The development is open to the “imposition of conditions” by the City as long as they are reasonable and benefit the project and neighborhood.*
- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. *This project will enhance the livability of the immediate neighborhood by increasing the number of people that live here 24/7 and increasing the active nature of the area. The residents of the project can use the park, go to the churches, and take advantage of the new YMCA. It will also put more “eyes on the street” to enhance the safety of the area. The only impact to the livability of the surrounding area would be in the positive direction. This use is more than “reasonably” compatible with the surrounding area. It is ideal for it.*

All required submittal materials are included in this application. Neighborhood contact has been completed and a copy of the email and minutes from the meeting are included in this submittal.

SRC Chapter 250 – Adjustments

Adjustment 1: Driveway Approach Width (Class 1) See 804 narrative.

Adjustment 2: Vision Clearance (Class 2) at driveway. See 805 narrative.

Adjustment 3: Perimeter Setback and Landscaping at the Parking area (Class 2) See 806 narrative.

Adjustment 4: Building Setback on Interior Side (Class 2) See 522 narrative.

Adjustment 5: Vision Clearance (Class 2) at Court and Cottage Intersection. See 805 narrative.

Adjustment 6: Bike Parking (Class 2). See 806 narrative.

Adjustment 7: Vehicle Use area abutting Street (Class 2). See 806 narrative.

Adjustment 8: Trash Enclosure Gate Width (Class 2). See 800 narrative.

Adjustment 9: Building Setback from Street (Class 2) See 522 narrative.

The cumulative effect of these adjustments are consistent with the overall purpose of the zone. Each are individual issues that do not impact the other so there is no combined negative effect from them being considered cumulatively.

SRC Chapter 300.120 – Procedures for Land Use Applications

This project is being submitted as multiple applications to be processed concurrently.

SRC Chapter 522 – CR (Rental Commercial)

Multi-family use in this zone is a conditional use.

There is no minimum lot area, lot width, or lot depth requirements.

The minimum street frontage is 16'. The project exceeds this standard.

The minimum building setback from the street is 5'. An Adjustment is requested for this standard.

Adjustment justification: The overlay zone for this site encourages buildings to be constructed contiguous to the street right of ways. This project proposes to follow this standard.

The minimum building setback from the interior side is 10'. An Adjustment is requested for this standard.

Adjustment justification: The existing conditions of the site including the existing driveway construct the number of units required to make the project financially viable a 5' building setback at the northeast property line is required. Although the standard for multi-family buildings is 10', for all other commercial buildings the zone to zone setback is used which is zero setback. Apartment buildings such as this one are considered commercial buildings under the Oregon Building Code (OSSC). The units on the end of the building adjacent to the proposed 5' setback are oriented towards the street and the courtyard so their proposed proximity to the property line will not negatively impact the livability of the units even if a project is constructed on the adjacent property with a zero setback. The side of the building facing the proposed reduced setback is articulated in a similar style as the rest of the building so that this end of the building is not visually less appealing than the rest of the building. The

requested 5' setback equally meets the purpose of the standard by not impacting the livability of the residents, by maintain the visual qualities of rest of the building, by anticipating a future building on the adjacent lot, and by extending the building façade along the street frontage.

Zone to Zone setback requirements for buildings is zero and 5' for vehicle use areas.

There is no maximum lot coverage.

The maximum building height is 50' and the proposed building height is less than 40'.

Setbacks provided will be landscaped.

Vehicle use areas will be landscaped.

A minimum of 15% of the site area required to be landscaped and 19.9% provided.

SRC Chapter 632 – General Retail / Office Overlay Zone

Multi-family development is only subject to design review guidelines and standards of 632.025.

Building Setback Guideline: Building setbacks from the street to be minimized. The building is setback 0'-3' from the street property line. The active use common areas of the building are located on the corner and contiguous to the right of way with a zero setback. Portions of the residential uses and trash area are slightly set back (3' or less) from the right of way to provide a privacy buffer for residential and screening opportunities for the trash area.

Building Orientation and Design Guideline: The primary building entrance is located on Cottage Street facing the new YMCA building. A second entrance is provided on Court Street that does not directly enter the building but leads to the courtyard and bike parking where there is access to the upper floors via stairs and elevator as well as the common areas on the ground floor.

Building Orientation and Design Standard: The ground floor façade on both streets is required to have a minimum of 65% transparent windows. The proposed elevations do not meet this standard and are to be reviewed as a class 3 design review under the guidelines.

Refer to building elevations for window area analysis. On Court St at the corner of the building where the common area faces the street the window percentage is 70% and occupies 55% of the total façade. At the residential portion of the façade which occupies 45% of the total ground floor façade the window area is 37%. This percentage provides an appropriate balance of openness, privacy, and livability for the ground floor dwelling units. On Cottage St at the corner of the building where the common area and main entry faces the street the window percentage is 67% and occupies 27% of the total façade. At the residential portion of the façade which occupies 73% of the total ground floor façade the window area is 26%. This percentage provides an appropriate balance of openness, privacy, and livability for the ground

floor dwelling units. The intent is to make the ground floor façade as open as possible at the corner where the entry and common areas of the building are and allow more privacy for the ground floor dwelling units.

Building Orientation and Design Standard: All upper floor windows have a vertical orientation.

Building Orientation and Design Guideline: Weather protection canopies are provided at the building corner, building entrances, and ends of the building along the street with a 9' clearance. They project a minimum of 6' from the building and total approximately 50% of the street frontage.

Building Orientation and Design Standard: No above grade pedestrian walkways are proposed.

SRC Chapter 800 – General Development Standards

No projections into the standard required setbacks are anticipated.

A removable, revocable permit is required for weather canopies extending into the public right of way.

The building including the elevator shaft shall not exceed the height of the zone.

No fencing or walls are proposed to separate this project from adjacent properties, only landscaping.

Solid Waste: Trash / Recycle enclosure to be non-combustible, cmu walls with a fixed bumper rail and metal roofing on a 4" minimum concrete slab. Roll out containers are proposed with adequate clearance from the walls. (1) two cubic yard container for trash and (1) one cubic yard container for recycle. Sizes shown on drawings conform to standard Waste Management container sizes. Height to roof of enclosure to be 9'. Plastic bins to be provided for glass and other separate recycles. The walls of the trash enclosure screen the containers from view. Waste trucks will not enter the site. Containers are to be rolled out to the street where they will be loaded on the truck. The developer has confirmed that this is acceptable to the hauler Republic Services.

The gate on the trash enclosure is not 12' wide. An Adjustment is required for this standard. Adjustment justification: The trash and recycling will be rolled or carried out to the street where it will be picked up by the trash hauler. There is no reason for a 12' gate since there is no direct access by the trash truck. The trucks will not enter the site. All the containers in the enclosure will easily fit through the proposed 8' wide gate. A letter from Republic Services is included in this application stating that our proposal is acceptable to them.

Exterior Lighting to be designed to not shine or reflect on adjacent properties and not cast glare onto public right of ways. Lighting viewed from 5' from the outside boundary of the lot will be shielded or less than 5 fc.

Pedestrian Access: Pedestrian connections are provided from both streets to the building entrances, common area, and all residential units. All walkways are paved concrete and at least 5' wide. Wheel stops are used at the separation of parking stalls and pedestrian sidewalks. The pedestrian access will be illuminated using building mounted lighting.

SRC Chapter 802 – Public Improvements

The project will be served by City utilities and be designed and constructed per City Standards.

No new or existing easements are identified at this time.

All utilities will be underground.

SRC Chapter 803 – Streets and Right of Way Improvements

A Trip Generation Estimate form has been included in this application. It is not anticipated that this project will meet the Applicability threshold of 803.015 (b) due to the make-up of the proposed resident population and the number of on-site parking spaces provided.

There are no new public or private streets.

Existing sidewalks and landscaping will be replaced or improved as shown on the civil and landscape drawings submitted with this application.

SRC Chapter 804 – Driveway Approaches

The existing driveway approach on Court Street is to remain as is and used as the entry to the new project parking lot. Currently it is 20' wide and does not meet the 22' minimum. An Adjustment for this standard.

Adjustment justification: The driveway in question is existing. A large tree is adjacent to the driveway and making the driveway wider will probably kill the tree since the driveway could only be expanded towards the tree. The impact of the 20' driveway is minimized by low traffic volume on site (11 parking spaces), only cars will use the driveway which is sufficient for the two way flow of cars, emergency vehicles will use the streets and do not need to enter the site, and trash is disposed of using roll out containers so that trash haulers do not have to enter the site.

The two driveways and curb cuts on Cottage Street will be removed and constructed with new curb, sidewalk, and landscaping as shown on the civil and landscape drawings submitted with this application.

SRC Chapter 805 – Vision Clearance

Due to the configuration of the street, existing parking on the street, existing trees in the right of way, and existing conditions on the adjacent site this project proposes to use 805.015 alternative standards. An Adjustment is requested for this standard.

Adjustment justification: The existing conditions of the site including the existing driveway location, the depth of the right of way, proximity to adjacent property, existing street trees, and existing on-street parking make complying with this standard impossible. The parking lot is very small and only accommodates eleven parking spaces. The street is one way and so there will not be a left turn out of the site making the vision clearance towards the intersection not a traffic issue. On the other side are existing trees in the right of way, on-street parking, and the adjacent property. This is an existing condition and this project cannot control the off-property conditions that make the vision clearance non-conforming. The impact is minimized by having a very low traffic volume from the site and the fact that residents will be long term enough to be familiar with the condition and be able to exercise appropriate caution when pulling out. The existing condition will not be a hazard to pedestrians as the proposed design will not block the view of pedestrians going to cross the driveway or block the view of cars entering the driveway.

The proposed building is located at the corner of Cottage and Court with a zero setback. The vision clearance requirement for a controlled intersection is not met. An Adjustment is requested for this standard.

Adjustment justification: The intersection has a “bulb out” at the corner making the building 27’ back from the face of curb along Court Street. The same occurs on the Cottage Street side. Court Street is one way heading northwest. The building as proposed meets the intent of the controlled intersection requirement because of the extended corner at the intersection of the two streets. A letter from a traffic engineer is included in this application confirming adequate vision clearance at this location as proposed.

SRC Chapter 806 – Off-Street Parking, Loading, and Driveways

The project is located within the CSDP and there is no parking requirement for multi-family development per Table 806-1. The project does propose 11 on-site parking spaces which does not exceed the maximum off-street standards of Table 806-2B.

Parking is not located within required setbacks. The parking area is separated and screened from Cottage Street by the new building and from Court Street by the landscape area and trash enclosure.

Perimeter setback and landscaping of the parking area is less than 5’ next to the adjacent lots. An Adjustment is requested for this standard.

Adjustment justification: In order to meet the program requirements of the building, provide full size parking spaces and a 24’ wide drive aisle a reduction in the perimeter setback and

landscaping is required. 3'-6" setback is requested at the property line shared with the church. The adjacent church property also has their parking along this shared property line (which will not likely ever change). The edge of the drive aisle also is in alignment with the edge of the existing driveway approach making circulation into the lot straight. The combined landscape area shared between the two properties will be a minimum of 10' exceeding the intent of a 5' buffer. On the north east property line, the only place the setback is less than 5' is where the drive aisle is extended to allow a car to maneuver safely out of the last parking space. A landscape strip is still provided that is wide enough planting.

Interior parking area is less 5,000 sf (4,821 sf)

All new parking stalls are 9' x 19' with a 24' wide access aisle driveway.

The parking area will be asphalt paved, drained, striped, and signed, with concrete wheel stops at each parking space.

The driveway will be 24' wide.

The vehicle area is not 10' from the right of way. An Adjustment is requested for this standard. Adjustment justification: The first parking space is 16' from the right of way and is oriented parallel to the right of way. Cars do not face the right of way. The first space is separated from the right of way by a 13' wide trash enclosure and 3' planting strip. There is an in-ground fire vault adjacent to the trash enclosure that can't be moved. The intent of the separation and screening requirement is met as best as possible.

Bicycle Parking: 34 units x .1 space per unit = 4 spaces required (12 spaces at 2' x 6' are provided). The spaces are provided in inverted staple style ground mounted racks anchored to a concrete slab located next to a building entrance with direct access to Court Street.

The proposed bicycle parking is further than 50' from the primary entrance. An Adjustment is requested for this standard.

Adjustment justification: The bicycle parking is located in the courtyard of the building, has direct access to the inside lobby of the building, direct access to the dwelling units which are accessed from the courtyard, and has direct access from Court Street. The proposed location is ideal for these reasons as well as the fact that they will be used by residents and guests of the project who will know where they are, they are more convenient in this location, and they are better protected from theft and damage in this location.

No loading space is required for 34 units.

SRC Chapter 807 – Landscaping and Screening

A landscaping plan is provided with this application showing planting requirements complying with this code section.

A permanent irrigation system will be installed.

SRC Chapter 900 – Sign Code

Exterior Signage for this project is not included in this application and will be submitted separately when the Owner has determined a preferred approach to identifying the project.


2019 Oregon Fire Code Appendix D Fire Apparatus Access Roads

The Oregon Fire Code requires that aerial access for fire trucks be greater than 15' and less than 30' from the building. This is not possible for this project because of the depth of the right of way and the angled on-street parking. The building is only four stories tall and less than 40' to the top of parapet. Salem Fire has communicated that they have a 100' ladder truck. The building elevation exhibit provided with this application shows that this type of fire truck will be easily able to reach the roof of the new building and that aerial access to the building would be available on both Cottage and Court Street.



MEMO

TO: Olivia Dias, Current Planning Manager
Community Development Department

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

DATE: March 25, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
DR-CU-SPR-ADJ21-02 (20-118106-RP)
220 COTTAGE STREET NE
34-UNIT MULTI-FAMILY DEVELOPMENT**

PROPOSAL

A Class 3 Site Plan review for a proposed 34-unit multi-family building and vehicle use area, including Class 2 Adjustments to: (a) Reduce the driveway width from 22 feet to 20 feet, pursuant to SRC 804, and (b) To allow the proposed building to be located within the Vision Clearance of the northeast corner of Cottage Street NE and Court Street NE. The subject property is approximately 0.33 acres in size, zoned CR (Retail Commercial) within the General Retail/Office Overlay Zone and located at 220 Cottage Street NE (Marion County Assessor Map and Tax Lot Number: 073W27AA 0400).

RECOMMENDED CONDITIONS OF APPROVAL

1. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
2. Close the existing driveway approaches along Cottage Street NE by reconstructing the curb and restriping on-street parking pursuant to PWDS.
3. Provide street trees to the maximum extent feasible along the Cottage Street NE and Court Street NE frontages.
4. The applicant shall design doorways abutting Cottage Street NE and Court Street NE to not encroach into the right-of-way.

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

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

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601—Floodplain; 802—Public Improvements; 803—Streets and Right-of-Way Improvements; 804—Driveway Approaches; 805—Vision Clearance; 809—Wetlands; and 810—Landslides.

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

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

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 existing driveway access onto Court Street NE is 20 feet wide and provides for safe turning movements into and out of the property. See adjustment findings below.

The existing driveway accesses onto Cottage Street NE shall be closed pursuant to SRC 804.060(a)(4) and on-street parking shall be re-striped pursuant to PWDS. The applicant shall install street trees along the property frontages to the maximum extent feasible pursuant to SRC Chapters 86 and 803, and PWDS.

The building is proposed to be located at the property lines abutting each street. Any doors located along the frontage of Court Street NE or Cottage NE street shall not contain doors that swing into the right-of-way, which could potentially affect the efficient movement of pedestrians.

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 infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant is proposing new connections for water, sewer, and stormwater. Due to the poor condition of the sewer main located in Cottage Street NE, the sewer connection shall be made to the existing main in Court Street NE.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At the time of development, the applicant shall design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that the trash area shall be designed in compliance with PWDS.

CRITERIA AND FINDINGS—Class 2 Adjustments

The applicant has requested adjustments to: (a) Reduce the driveway width for from 22 feet to 20 feet, pursuant to SRC 804, and (b) To allow the proposed building to be located within the Vision Clearance of the northeast corner of Cottage Street NE and Court Street NE. Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is 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.**

Driveway width

Finding—The applicant is requesting a Class 2 adjustment to reduce the required 22-foot driveway width to 20 feet for the existing driveway on Court Street NE. The existing driveway is 20 feet, which is 2 feet 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.

Vision Clearance

Finding—The proposed building is located within the vision clearance triangle pursuant to SRC Chapter 805 at the intersection of Cottage Street NE and Court Street NE. The applicant submitted a sight distance analysis by DKS Associates, dated March 10, 2021, that show the existing layout of the intersection along with the proposed building location still meets AASHTO guidelines for vision clearance. The Assistant City Traffic Engineer has reviewed this analysis and concurs that the proposal meets the alternative standards pursuant to SRC 805.015. 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