

# NOTICE OF DECISION

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



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

## DECISION OF THE PLANNING ADMINISTRATOR

### CLASS 2 SITE PLAN REVIEW

APPLICATION NO.: 24-116569-PLN

NOTICE OF DECISION DATE: September 6, 2024

**REQUEST:** A Class 2 Site Plan Review for the addition of an enclosed eating area for an existing Eating and Drinking Establishment Use, zoned CB (Central Business District) and located at 155 Liberty St NE Suite 120 (Marion County Assessor's Map and Tax Lot Numbers 073W27AB / 6100).

**APPLICANT:** Mykelann Harris

**LOCATION:** 155 Liberty St NE, Suite 120

**FINDINGS:** The findings are in the attached Decision dated September 6, 2024.

**DECISION:** The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by **September 6, 2028**, or this approval shall be null and void.

Case Manager: Jacob Brown, Planner II, [JRBrown@cityofsalem.net](mailto:JRBrown@cityofsalem.net), 503-540-2347

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days** after **September 6, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24-116569.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	<b>) FINDINGS &amp; ORDER</b>
<b>CLASS 2 SITE PLAN REVIEW</b>	<b>)</b>
<b>24-116569-PLN</b>	<b>)</b>
<b>155 LIBERTY ST NE, SUITE 120</b>	<b>) SEPTEMBER 6, 2024</b>

In the matter of the application for a Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

A Class 2 Site Plan Review for the addition of an enclosed eating area for an existing Eating and Drinking Establishment Use, zoned CB (Central Business District) and located at 155 Liberty St NE Suite 120 (Marion County Assessor's Map and Tax Lot Numbers 073W27AB / 6100).

**PROCEDURAL FINDINGS**

1. On August 2, 2024, an application for a Class 2 Site Plan Review was submitted for property located at 155 Liberty Street NE Suite 120 (**Attachment A**).
2. After additional information was provided the application was deemed complete for processing on August 30, 2024.

**SUBSTANTIVE FINDINGS**

**1. Proposal**

The proposed Class 2 Site Plan Review is for addition of a 246-square-foot enclosed patio for an existing Eating and Drinking Establishment use located on the rear of an existing building. The building is within the CB (Central Business District) zone and located on a property approximately .24 acres in size. The proposed development plans are included as **Attachment B**.

**2. City Department Comments**

Development Services Division – Reviewed the proposal and indicated no concerns.

Building and Safety Division – Reviewed the proposal and indicated gate shall comply with OSSC exiting requirements and the structure shall not obstruct any Fire Department equipment.

Salem Fire Department – Reviewed the proposal and indicated no concerns.

**DECISION CRITERIA FINDINGS**

### **3. Analysis of Class 2 Site Plan Review Approval Criteria**

The purpose of Site plan review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

***SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:***

***(A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.***

**Finding:** Only clear and objective standards apply to the proposed development. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

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

**Finding:** The proposal is for alterations to the façade of an existing building within the CB (Central Business District) zone. The following is a summary of the applicable use and development standards of the CB zone.

#### **Development Standards – CB (Central Business District) Zone:**

*SRC 524.005(a) – Uses:*

SRC 524.005(a), Table 524-1, establishes the uses that are allowed in the CB Zone.

**Finding:** The existing Eating and Drinking Establishment use currently established in Suite 120 is not changing; however, the addition of the enclosed eating area will expand the use area by 246 square feet.

*SRC 524.010(a) – Lot Standards:*

There are no minimum lot area or dimensional requirements in the CB zone. The minimum street frontage requirement for all uses is 16 feet.

**Finding:** The existing lot has approximately 61 feet of frontage on Liberty Street NE which complies with the minimum street frontage requirement of the CB zone. No changes to the lot size or dimensions are proposed.

*SRC 524.010(b) – Development Density:*

All uses are required to have a minimum Floor Area Ratio of 2.0.

**Finding:** The proposed development does not include residential uses; therefore, the minimum dwelling unit density standard is not applicable to the proposed development.

The subject property is approximately 10,278 square feet in size, the existing building floor area for the proposed development is approximately 51,140 square feet (Basement= 9,440 Level 1 = 9,420; Mezzanine = 4,050; Level 2 = 9,380; Level 3 = 9,380; Level 4 = 9,470 Total = 51,140). With the 246-square-foot enclosed eating area, the proposed FAR is 5  $((51,140+246)/ 10,278 = 5(4.999))$ , exceeding the minimum requirement.

*SRC 524.010(c) – Setbacks:*

Setbacks within the CB zone shall be provided as set forth in Table 524-4. Per Table 524-4.

**North:** Adjacent to the south is property zoned CB (Central Business District). Per Table 524-4, there is no minimum building setback required adjacent to an interior lot line, vehicle use areas require a minimum five-foot setback per SRC Chapter 806.

**South:** Adjacent to the south is property zoned CB (Central Business District). Per Table 524-4, there is no minimum building setback required adjacent to an interior lot line, vehicle use areas require a minimum five-foot setback per SRC Chapter 806.

**East:** The subject property abuts Liberty Street NE to the east. Per Table 524-4, buildings require a minimum 0 foot and maximum 10-foot setback abutting a street. Vehicle use areas abutting a street are required to be setback a minimum of 6-10 feet per SRC Chapter 806.

**West:** The subject property abuts a public alley to the east. There is no minimum building or vehicle use area setback required adjacent to a public alley.

**Finding:** The proposal includes only an addition in the rear of the property abutting the alley. The proposed alterations comply with all applicable perimeter setback requirements. The proposed development does not include an off-street parking area; therefore, the vehicle use area setbacks are not applicable to the proposed development.

*SRC 524.010(d) – Lot Coverage; Height; Building Frontage:*

There is no maximum lot coverage requirement in the CB zone. The minimum building height requirement is two stories and there is no maximum height restriction. The minimum building frontage requirement is 90 percent.

**Finding:** The existing building, which abuts Liberty St NE, occupies 100 percent of the building frontages which will remain. The existing building is four stories in height, exceeding the minimum height requirement. The proposed development is in conformance with all applicable standards in this section.

*SRC 524.010(e) - Landscaping:*

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

**Finding:** The proposed development does not include any proposed landscaped areas;



therefore, these standards are not applicable.

*SRC 524.010(f) - Design:*

Development within the CB zone shall conform to the design standards set forth in this subsection; provided, however, any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC Chapter 230 and any development within an overlay zone shall only be subject to the design standards set forth in this subsection in-lieu of the design review standards or the design review guidelines of the overlay zone.

**Finding:** The subject property is within the Salem Downtown Historic District; therefore, the design standards of this section are not applicable to the proposed development. The application was reviewed for consistency with the SRC Chapter 230 under the Minor Historic Design Review case HIS24-12.

**General Development Standards (SRC Chapter 800)**

*SRC 800.055(a) – Applicability.*

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

**Finding:** The proposed development does not include a new solid waste service area; therefore, this section does not apply.

*SRC 800.065 – Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

**Finding:** The proposal includes development of a new enclosed 246-square-foot eating area; therefore, the pedestrian access standards are applicable.

*SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets*

(A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

**Finding:** The development site abuts Liberty Street NE to the east. There is an existing pedestrian path connecting the building to Liberty Street NE. This standard is met.

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

**Finding:** There is no transit route stop along the frontage of the property; therefore, this standard is not applicable.

*SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on same Development Site*  
Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

**Finding:** There is only one building on the site; therefore, this standard is not applicable.

*SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.*

(A) *Surface parking areas.* Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

**Finding:** The development site does not include any existing or proposed parking areas greater than 25,000 square feet; therefore, this standard is not applicable.

(B) *Parking structures and parking garages.* Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

**Finding:** The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

*SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.*

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

(A) Be constructed, and a public access easement or dedication provided; or

(B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

**Finding:** There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

*SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties*

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

**Finding:** There are no shared vehicular connections to abutting properties; therefore, this standard is not applicable.

*SRC 800.065(c) – Lighting.*

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

**Finding:** The existing pedestrian connection meets standards for lighting.

## **Off-Street Parking, Loading, and Driveways (SRC Chapter 806)**

### *SRC 806.015 – Amount Off-Street Parking.*

- (a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.
- (a) *Compact parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces
- (b) *Carpool and vanpool parking.* New developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- (c) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

**Finding:** The proposal does not include a modification or addition of a new parking area. Therefore, this standard is not applicable.

## **Bicycle Parking**

### *SRC 806.045 – General Applicability.*

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity,

any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

**Finding:** The proposal is for the addition of a new enclosed eating area for an existing Eating and Drinking Establishment use. The subject property is located within the CB zone. Per SRC 806.045(b), the minimum required bicycle parking shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. There are an existing eight bicycle parking spaces (i.e., three staplestyle racks) located within the public right-of-way along the block face of Liberty Street NE. Therefore, this standard is met.

### **Off-Street Loading Areas**

#### *SRC 806.065 – General Applicability.*

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

#### *SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.*

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

#### *SRC 806.075 – Amount of Off-Street Loading.*

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

**Finding:** Per Table 806-11, an Eating and drinking establishment less than 5,000 square feet does not require an off-street loading space. The use area of the Eating and Drinking Establishment is less than 5,000 square feet.

## **4. Conclusion**

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 2 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(2), provided compliance occurs with any applicable items noted above.

### Please Note:

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

### **IT IS HEREBY ORDERED**

The proposed Class 2 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.



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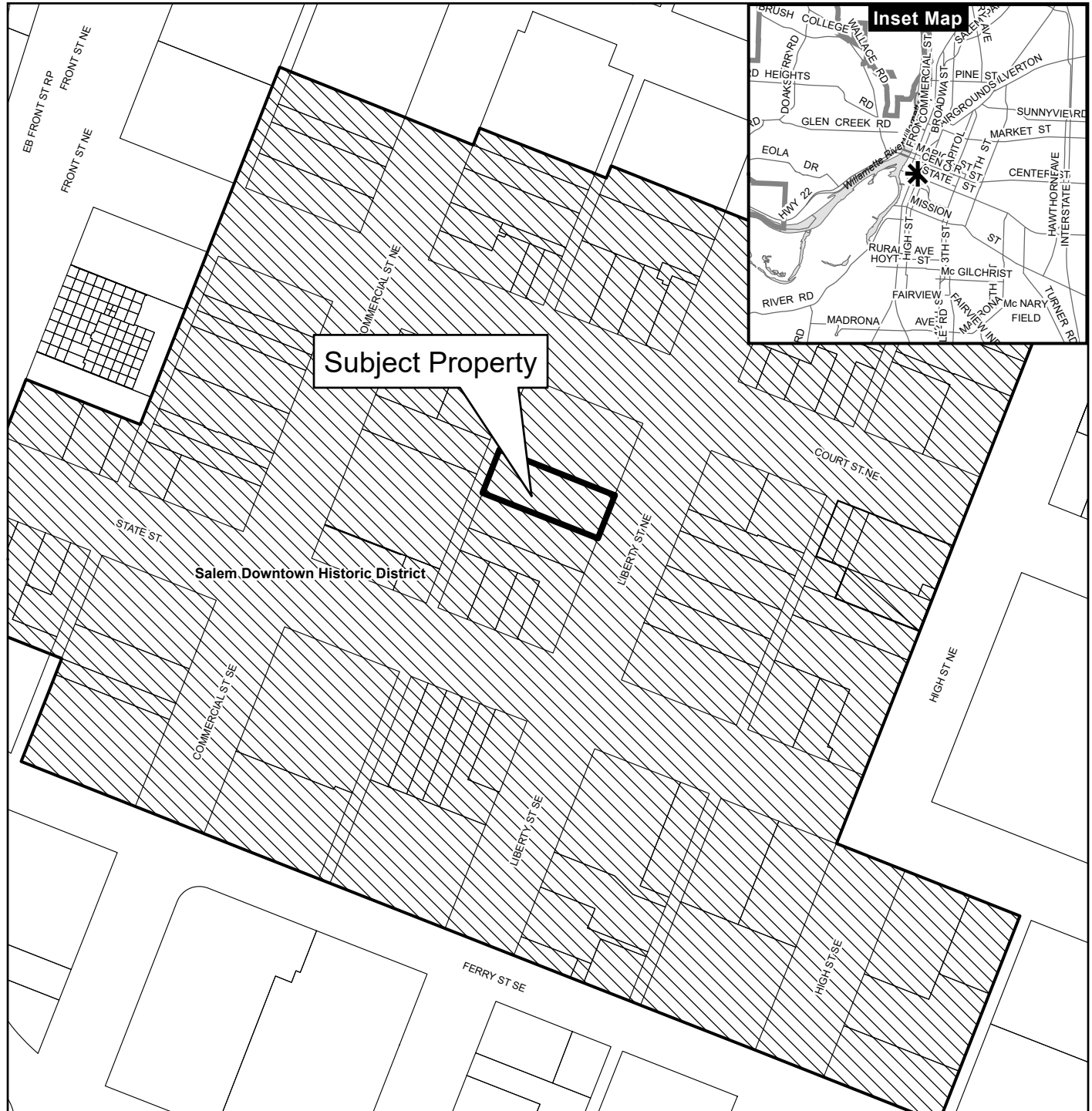
Jacob Brown, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments:       A. Vicinity Map  
                          B. Proposed Site Plan & Elevations

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2)\2024\24-116569-PLN Decision.JRB.docx

# Vicinity Map

## 155 Liberty St NE



### Legend

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

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Planning and Development

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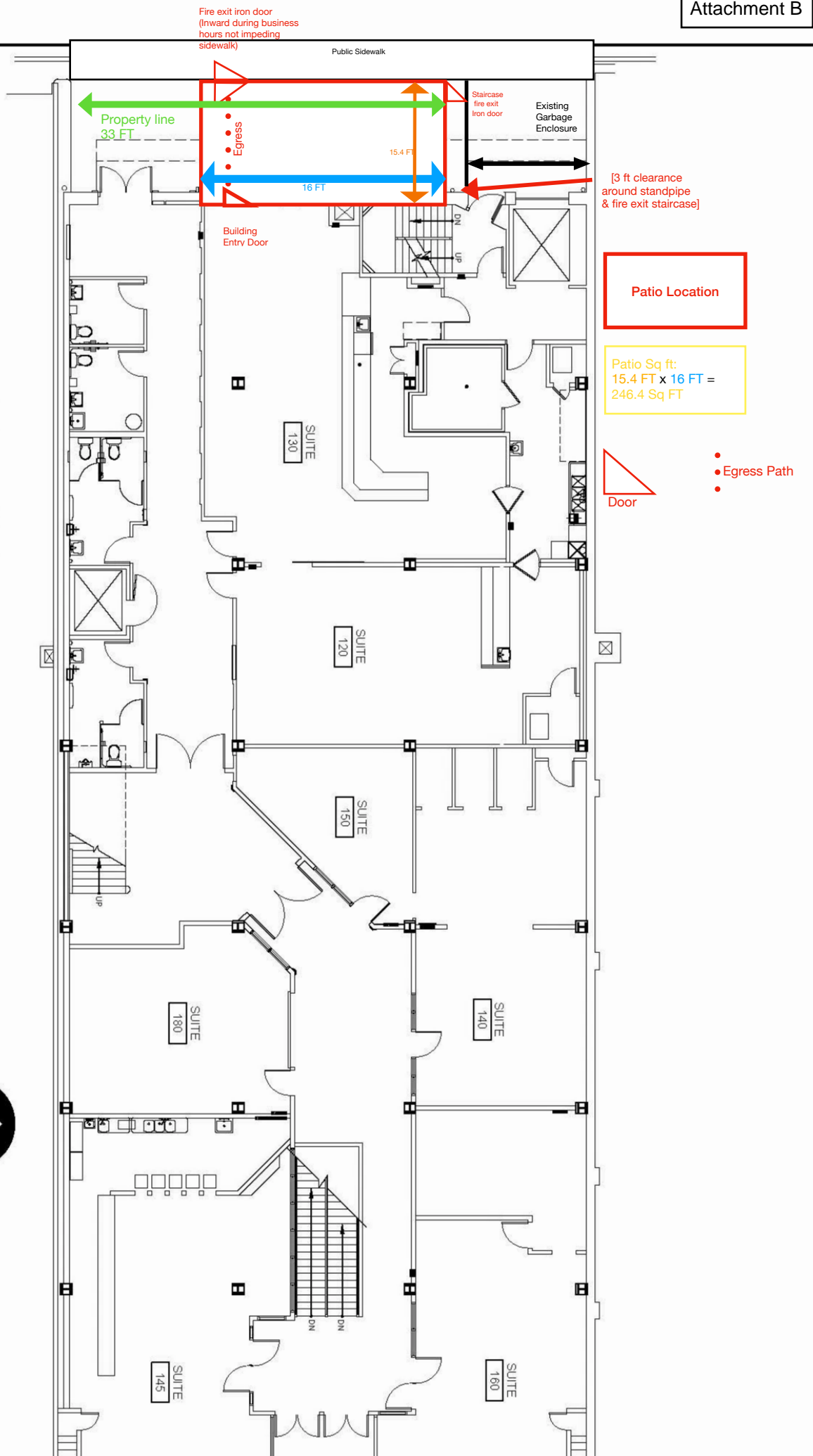


### FIRST FLOOR PLAN

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



**ARCHITECTURE  
COMMUNITY**  
363 Steile Street  
Salem, OR 97301-3533  
P: 503.581.4114  
www.occcoc.com







OUTDOOR PATIO ENCLOSURE  
FOR  
MYKIE'S BAR & LOUNGE

155 LIBERTY ST NE, SUITE 130  
SALEM, OR 97301



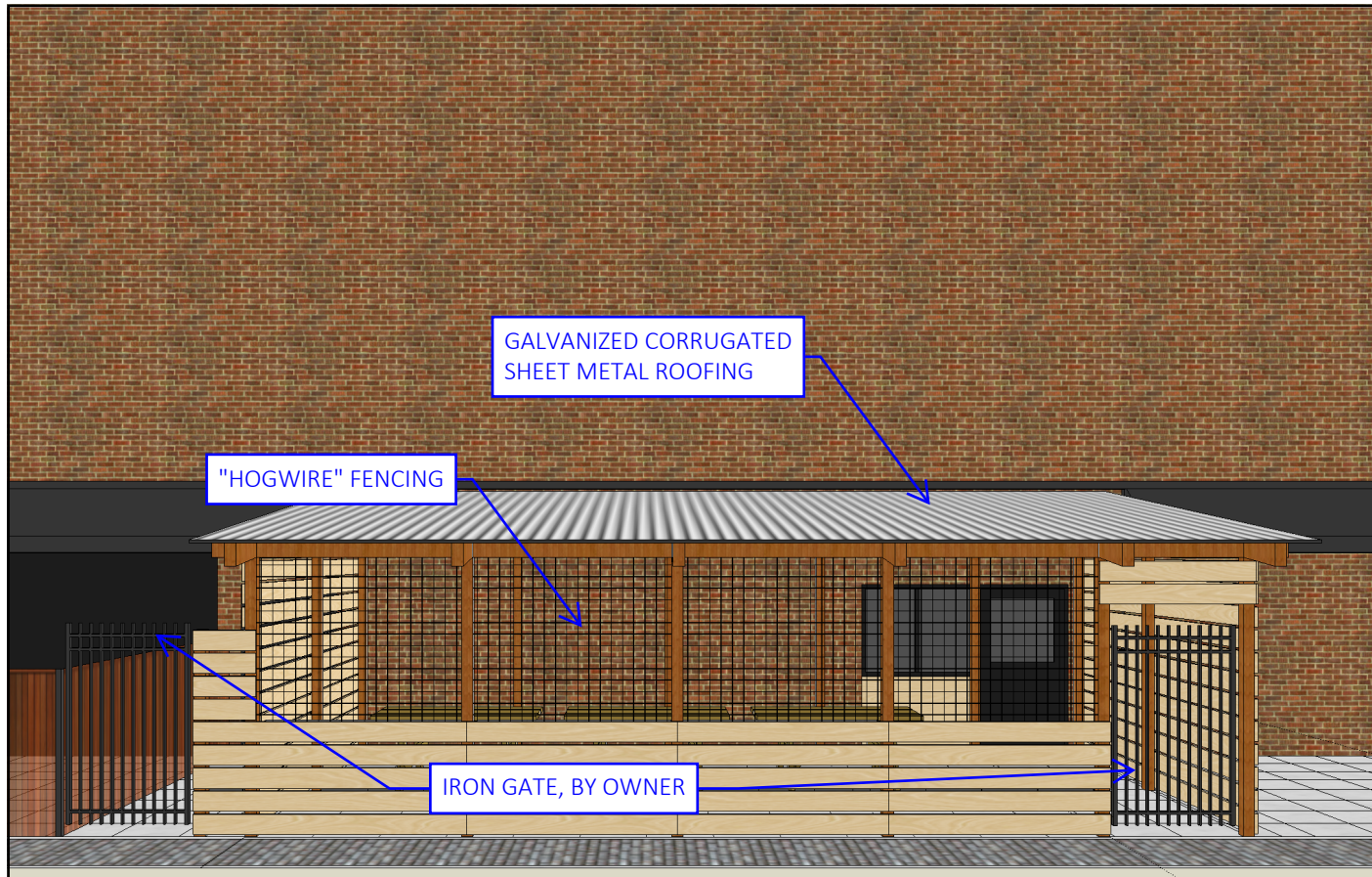
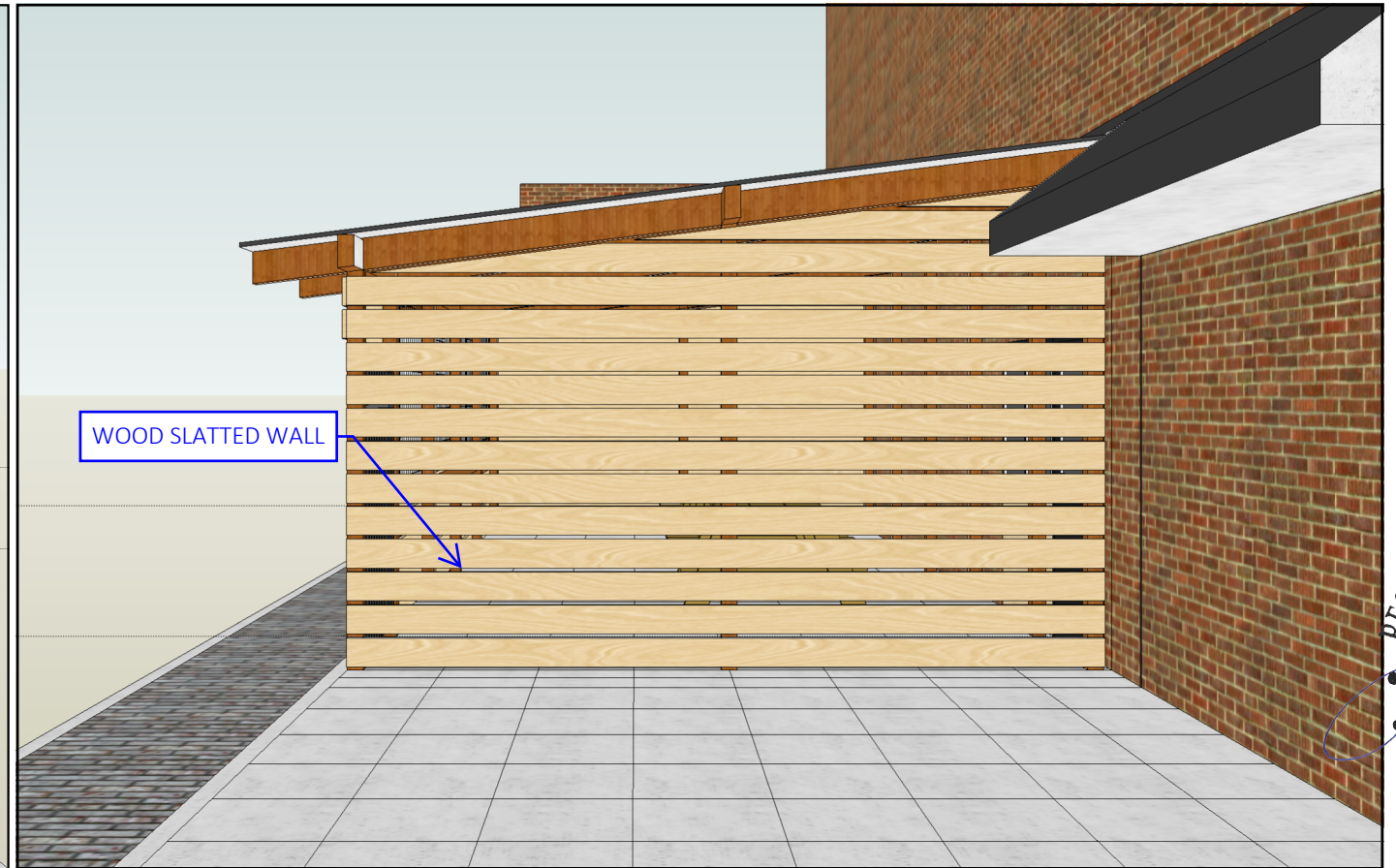
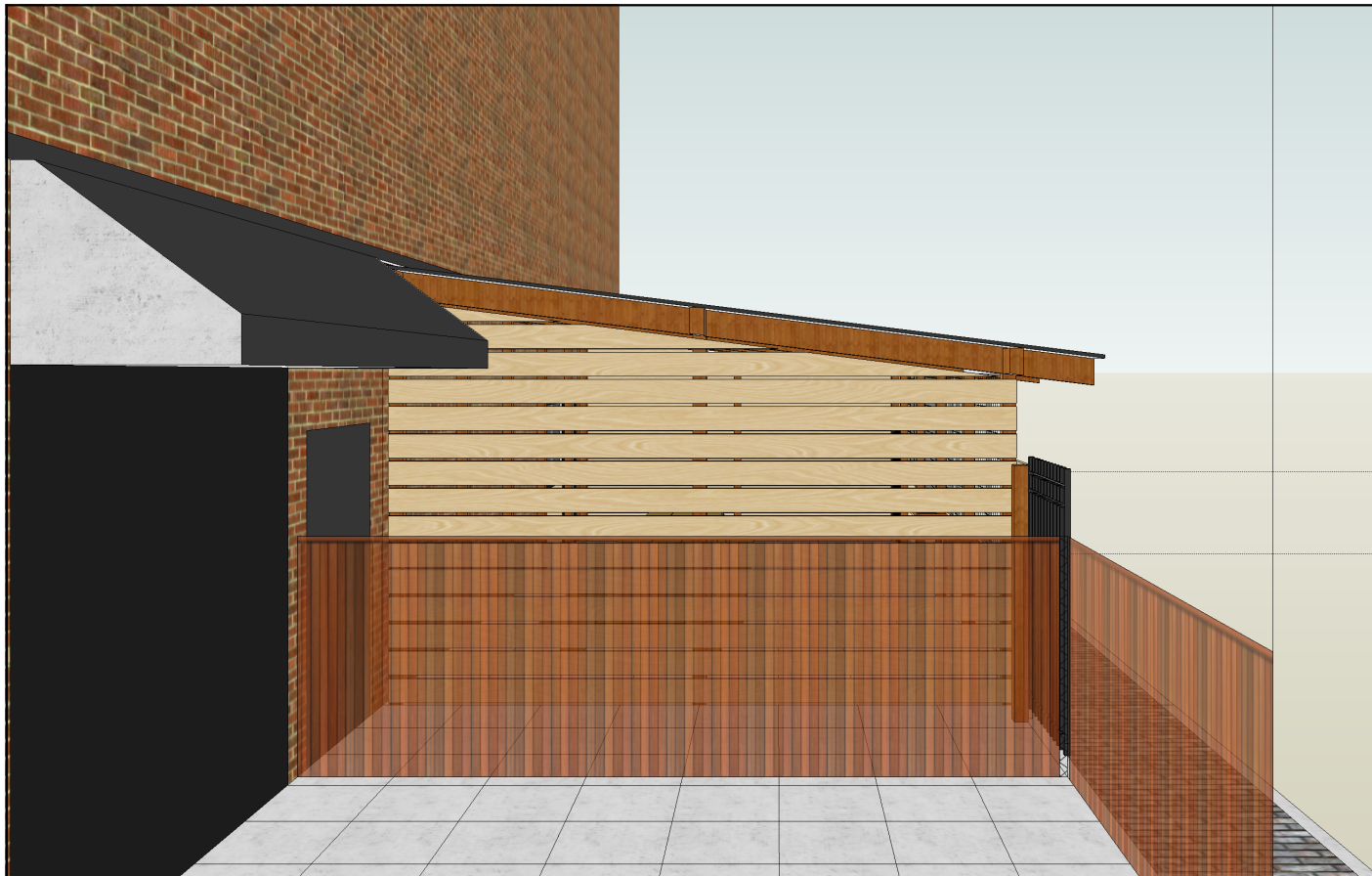
REVISIONS:		
#	DATE	BY

PROJECT:	MYKIE'S
LOCATION:	155 LIBERTY ST NE STE 130, SALEM, OR 97301
ARCHITECT:	JENNY MCNALLY
GENERAL CONTRACTOR:	J.P. CONSTRUCTION

DATE:	5/14/24
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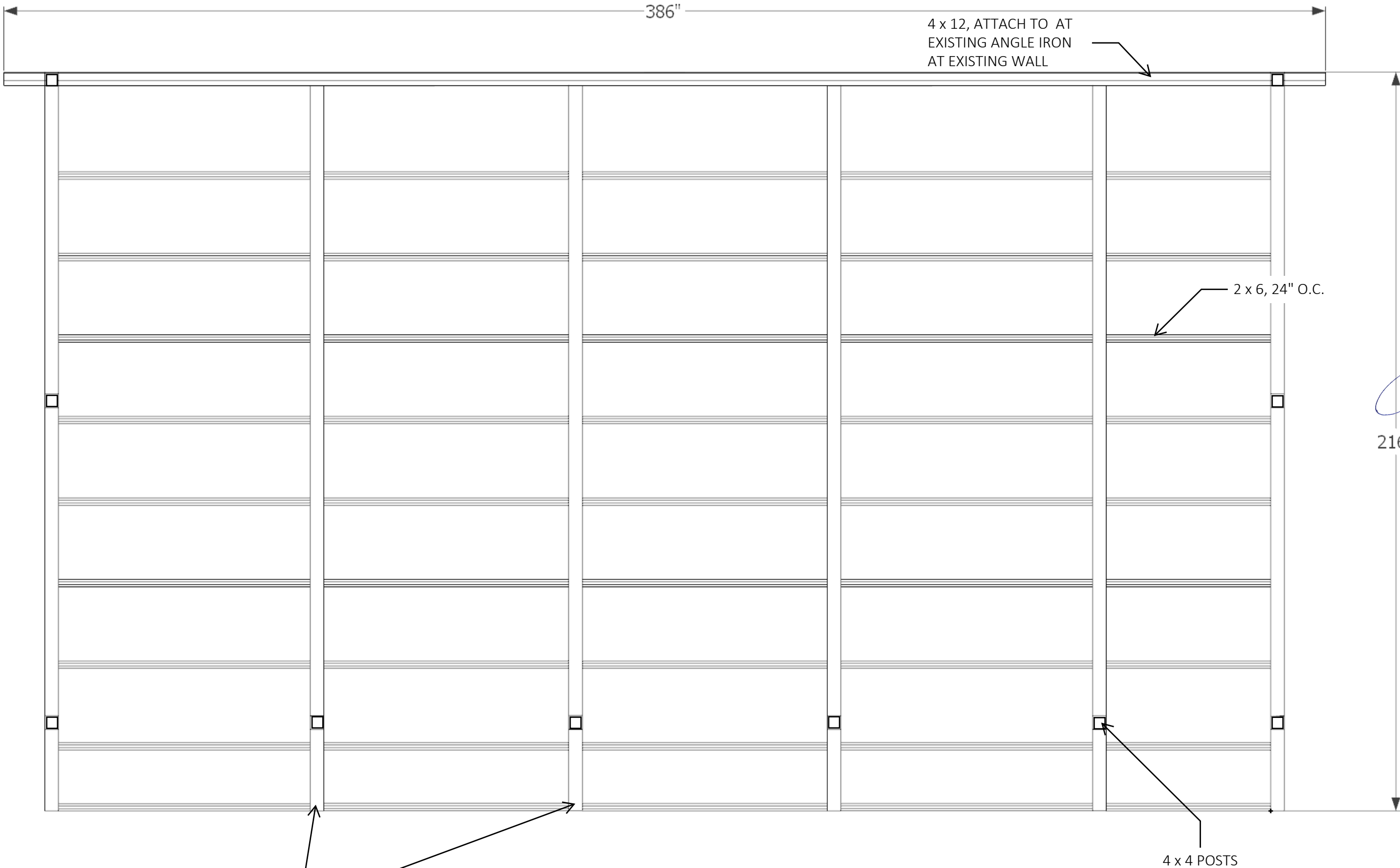


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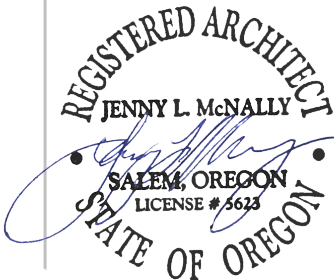
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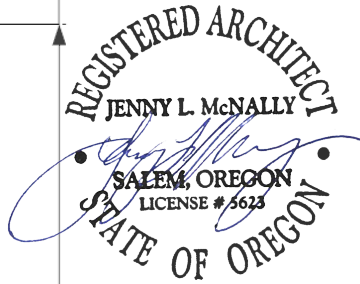
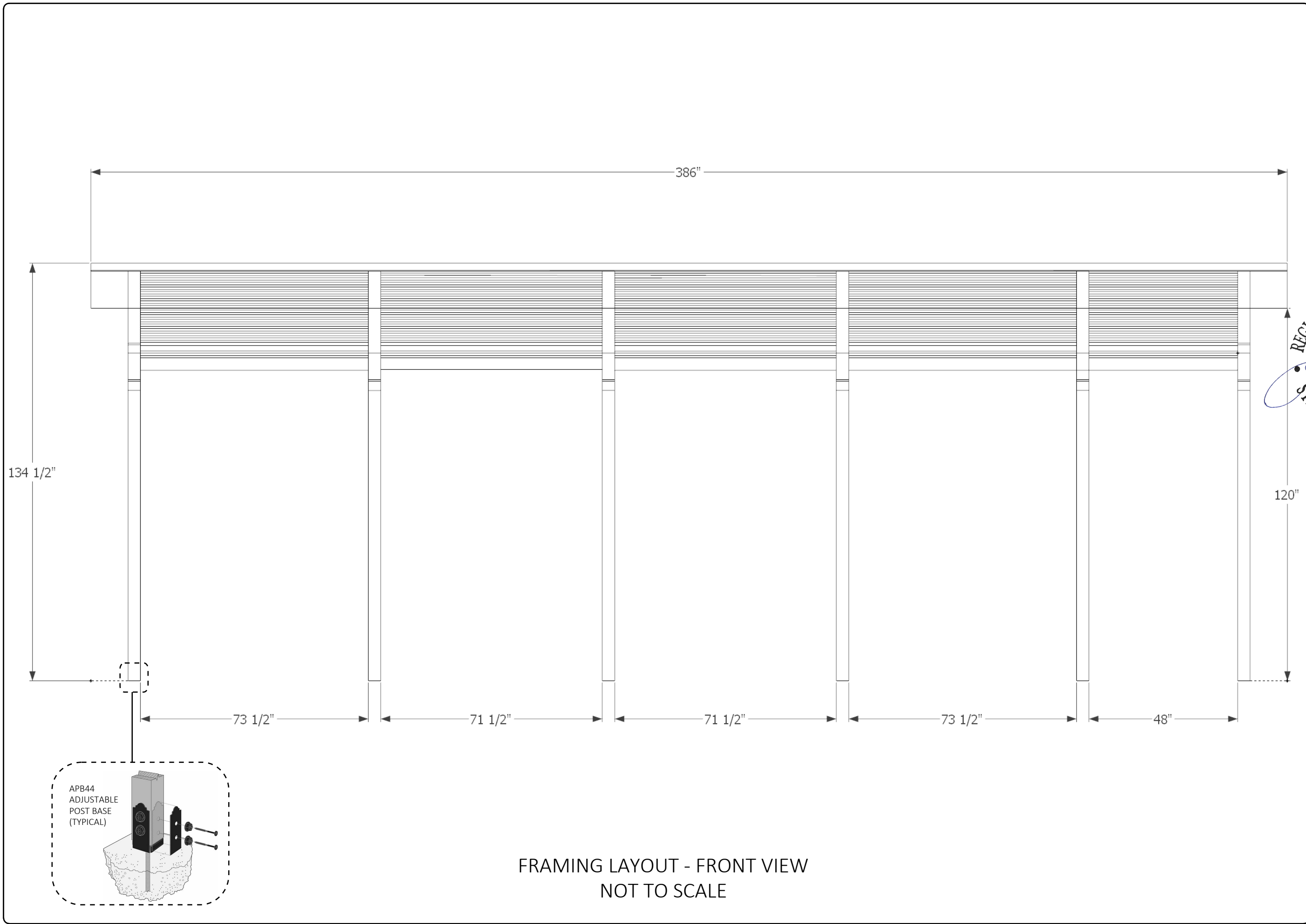
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NOT TO SCALE



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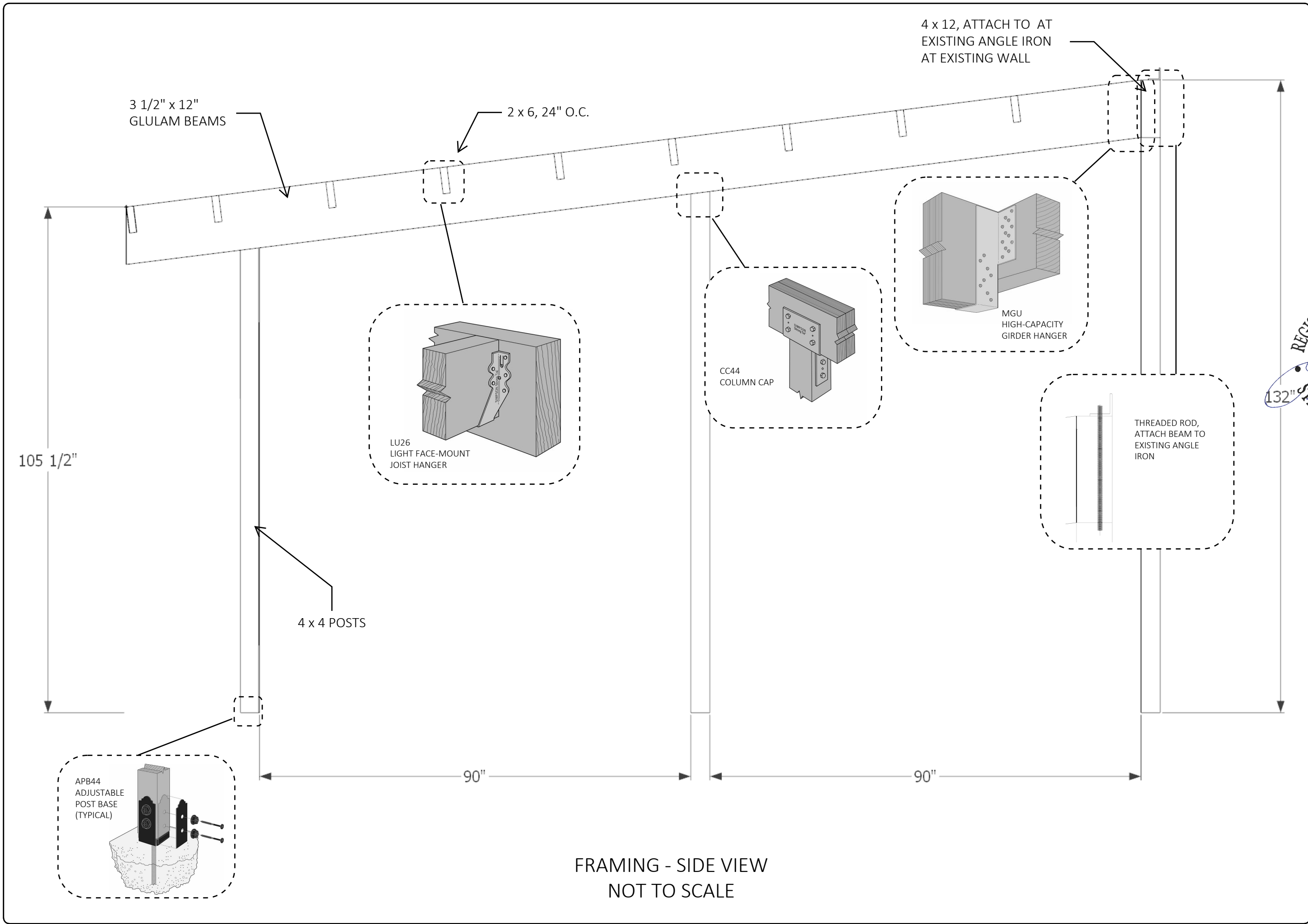


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DATE:	5/14/24
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SHEET:	3

FRAMING LAYOUT - FRONT VIEW  
NOT TO SCALE



REGISTERED ARCHITECT  
JENNY L. McNALLY  
SALEM, OREGON  
LICENSE # 5623  
132" STATE OF OREGON

REVISIONS:		
#	DATE	BY

PROJECT:	MYKIE'S
LOCATION:	155 LIBERTY ST NE STE 130, SALEM, OR 97301
ARCHITECT:	JENNY MCNALLY
GENERAL CONTRACTOR:	J.P. CONSTRUCTION

DATE:	5/14/24
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