

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 1 SITE PLAN REVIEW

APPLICATION NO.: 24-120739-PLN

NOTICE OF DECISION DATE: October 21, 2024

REQUEST: A Class 1 Site Plan Review to establish occupancy for multiple tenant spaces within an existing office building. The subject property is 0.795 acres in size, zoned CB (Central Business District) and located at 528 Cottage Street NE (Marion County Assessors Map and Tax Lot Number 073W22DD / 800).

APPLICANT: Gene Bolante, Studio 3 Architecture, on behalf of the owner, State Investments, LLC

LOCATION: 528 Cottage Street NE – 97301

FINDINGS: The findings are in the attached Decision dated October 21, 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 October 21, 2028, or this approval shall be null and void.

Case Manager: Peter Domine, Planner II, pdomine@cityofsalem.net, 503-540-2311

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 October 21, 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: 24-120739.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 1 SITE PLAN REVIEW)
24-120789-PLN)
528 COTTAGE STREET NE) OCTOBER 21, 2024

In the matter of the application for a Class 1 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 1 Site Plan Review to establish occupancy for multiple tenant spaces within an existing office building. The subject property is 0.795 acres in size, zoned CB (Central Business District) and located at 528 Cottage Street NE (Marion County Assessor's Map and Tax Lot Number 073W22DD / 800).

PROCEDURAL FINDINGS

1. October 7, 2024, an application for a Class 1 Site Plan Review was submitted for the subject property. The application was deemed complete October 21, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review is to retroactively permit occupancy for multiple suites within an existing office building. The applicant's site plan is included as **Attachment B**.

DECISION CRITERIA FINDINGS

2. Analysis of Class 1 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)(1), Class 1 Site Plan Review is required for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

SRC 220.005(f)(1) provides that an application for Class 1 Site Plan Review shall be granted if:

(a) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

Finding: The applicant is requesting to establish new occupancy for multiple tenant spaces within an existing office building. There are no associated land use or limited land use decisions with this request.

(b) Only construction or improvements to the interior of the building or structure will be made;

Finding: The scope of work for the project only includes interior improvements to the existing building.

(c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffer yards.

Finding: Modification to the exterior of the site is not in the scope of work for the proposed change of use.

(d) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

Finding: Only clear and objective standards apply to the proposed development. Complete findings are included in section (e) below.

(e) The application meets all applicable standards of the SRC.

Finding: The subject property is zoned CB (Central Business District). Development of the property is therefore subject to the use and development standards of the CB zone (SRC Chapter 524) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 524 and all other applicable development standards of the UDC as follows:

Development Standards – IC (Industrial Commercial) Zone:

SRC 524.005(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the Industrial Commercial zone are set forth in Table 524-1.

Finding: The proposal includes establishing occupancy for multiple tenant spaces within an existing office building. The proposed occupancy and uses are summarized as follows:

Tenant Suite	Occupancy	Proposed Use
1B	B	Outpatient medical services
1C	B	Office

1D	B	Outpatient medical services
1E	B	Outpatient medical services
1F	B	Basic education (tutor)
160	B	Vacant offices
170	B	Outpatient medical services
203	B	Outpatient medical services (physical therapist)
204A	B	Outpatient medical services (massage therapist)
204	B	Office
200	B	Office
201	B	Construction contracting office
202	B	Outpatient medical services
205	B	Outpatient medical services
300	B	Outpatient medical services
300A	B	Office
300B	B	Lobbyist
304	B	Outpatient medical services
320	B	Outpatient medical services
340	B	Outpatient medical services
400	B	Office
401	B	Outpatient medical services

Per SRC Chapter 524, Table 524-1, the proposed uses are permitted within the CB zone.

Off-Street Parking and Driveways

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.

Finding: The proposal includes establishing occupancy for multiple tenant spaces within an existing office building. The allowed maximum amount of off-street parking spaces for an *Office complex* is 1 space per 250 square feet of finished floor area. The four-story building has a finished floor area of 29,264 square feet, allowing a maximum of 117 parking spaces ($29,264 / 250 = 117$). The development site is previously developed with 79 off-street parking spaces. The provided off-street parking is less than the maximum allowed, and no new off-street parking spaces are proposed with the establishment of the new occupancies. This standard is met.

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.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: Pursuant to SRC 806.045(a) and (c), the bicycle parking standards are applicable to the proposed new occupancy within the existing office complex. Per Table 806-9, an *Office complex* requires the greater of a minimum four bicycle parking spaces; or 1 space per 3,500 square feet for the first 50,000 square feet; plus 1 per 7,000 square feet for 50,000 square feet to 100,000 square feet; plus 1 per 14,000 square feet for remaining square footage over 100,000 square feet, 25 percent of which may be long-term spaces. The Office complex has a finished floor area of 29,264 square feet, requiring a minimum of eight bicycle parking spaces ($29,264 / 3,500 = 8.4$). There are four existing bicycle parking spaces on the development site; therefore, four additional spaces are required. The applicant's site plan indicates four new short-term spaces will be installed for a total of eight spaces. This standard is met.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

(a) *Location.*

- (1)(A) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

Finding: The site plan indicates four new bicycle parking spaces (two staple-style racks) located in near the southwest side of the building and within 50 feet and clearly visible from the primary building entrance. This standard is met.

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

Finding: The bicycle parking area has direct access to the primary building entrance and the public right-of-way, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

- (c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
 - (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10.

Finding: The applicant's site plan indicates an inverted/staple-style in-ground mounted racks with a minimum space of six feet in length, two feet in between the rack and the edge of the space, three feet in between racks to allow for side-by-side parking, and more than four feet of access aisle width, meeting the dimensional standards of Table 806-10. The proposal meets the standard.

- (d) *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.

Finding: The site plan indicates the spaces will be placed on a paved surface, meeting the standard.

- (e) *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) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the 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.

Finding: The site plan indicates inverted/staple-style racks, meeting the materials standards of this section.

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: The proposal is to establish occupancy within existing tenant spaces. There is no change of use or activity, intensification, expansion, or enlargement of a use or activity; therefore, this standard is not applicable.

Historic Property Status

The subject property is site of the Old Garfield School building, which is an eligible/contributing building. No work is proposed which would alter the building and require additional historic review.

Previous Land Use Actions

There are no past land use actions associated with the subject property.

3. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 1 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(1), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

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 1 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.



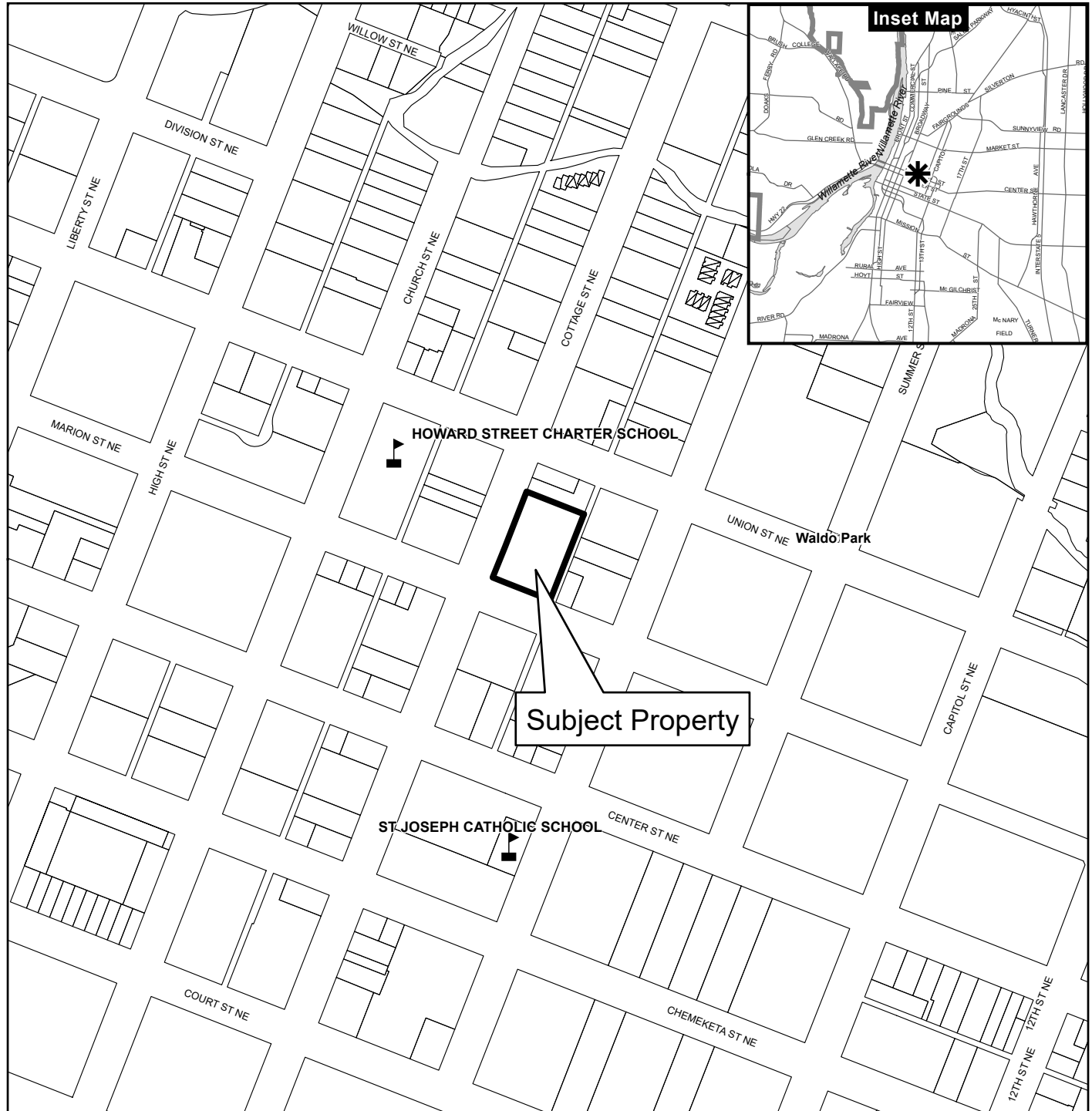
Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Site Plan







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Vicinity Map

528 Cottage Street NE



Legend

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

 Parks

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Community Planning and Development

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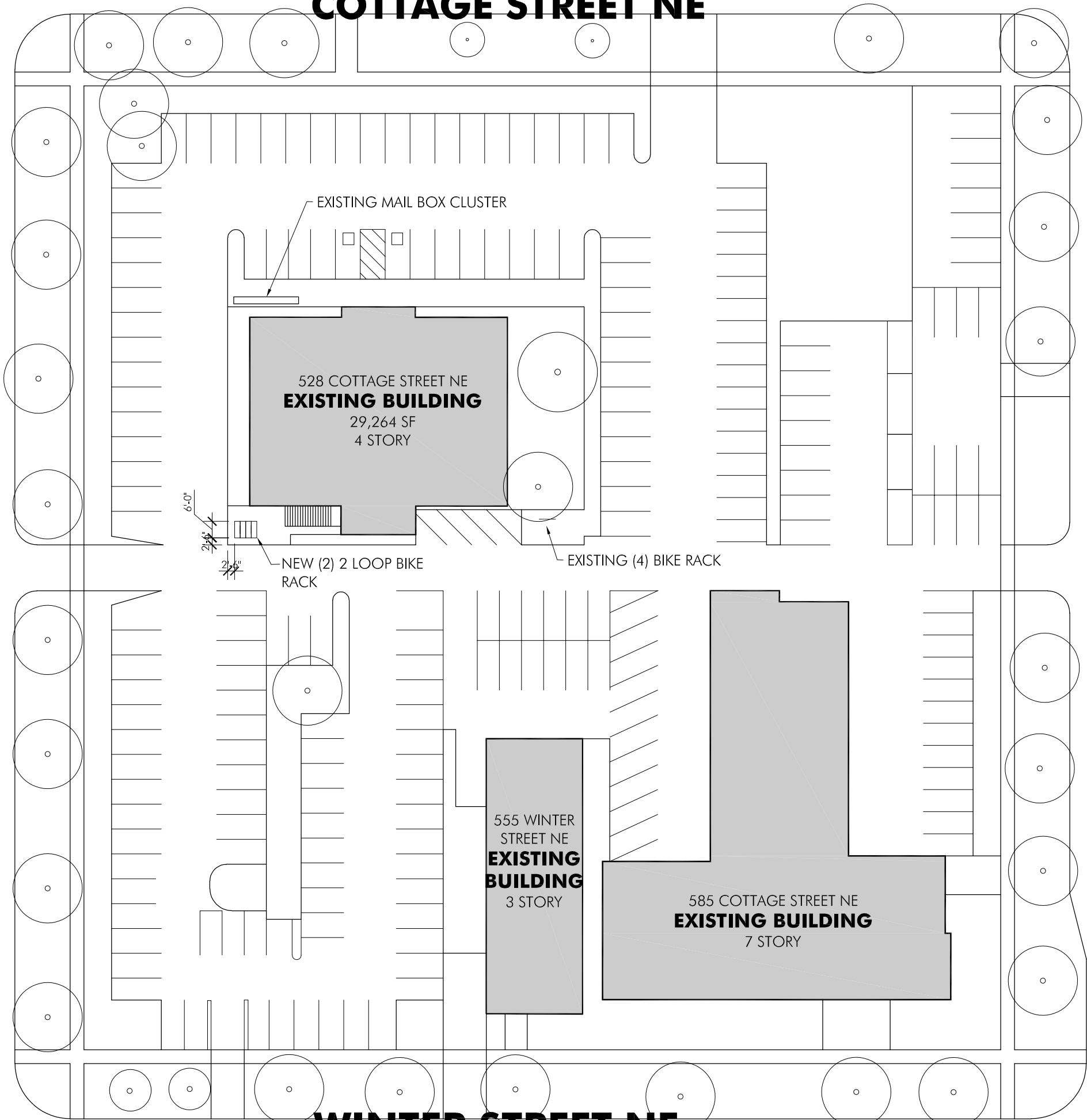
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MARION STREET NE

COTTAGE STREET NE

WINTER STREET NE



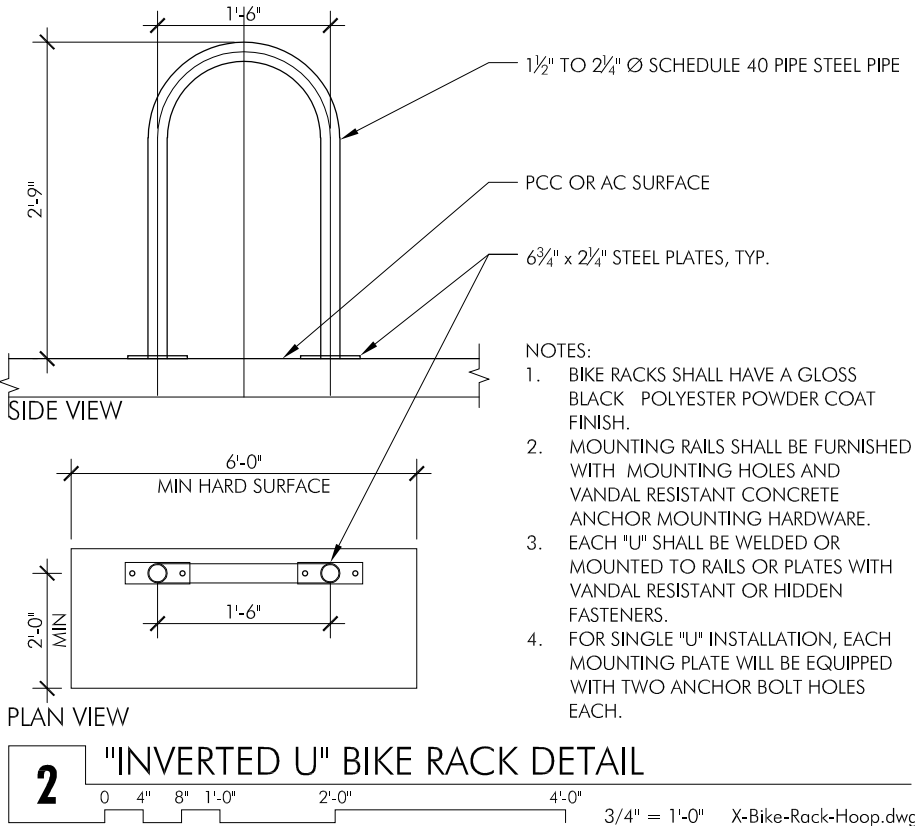
528 COTTAGE STREET SALEM, OREGON

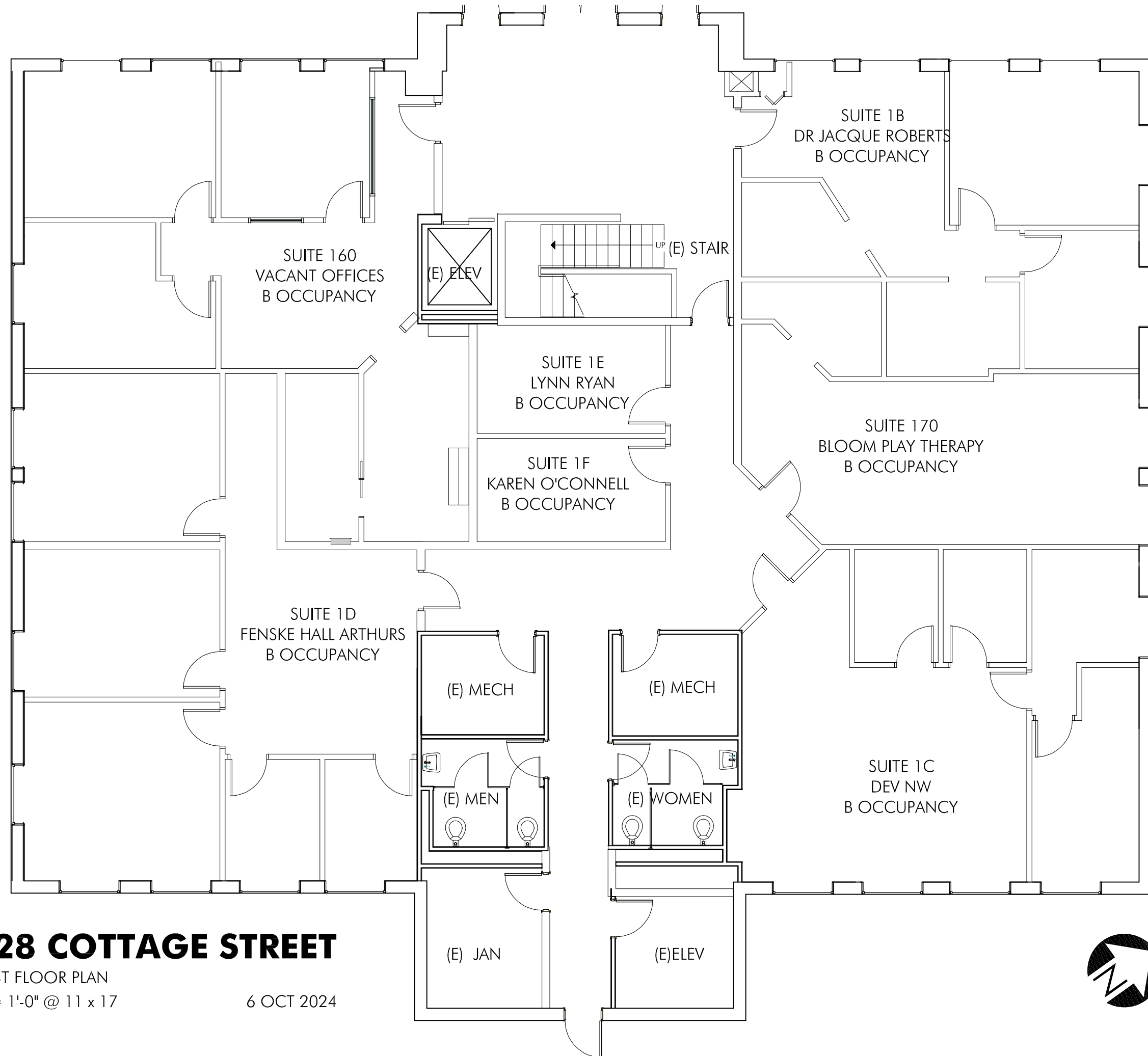
SITE PLAN
1 : 40 @ 11 x 17

16 OCT 2024



UNION STREET NE





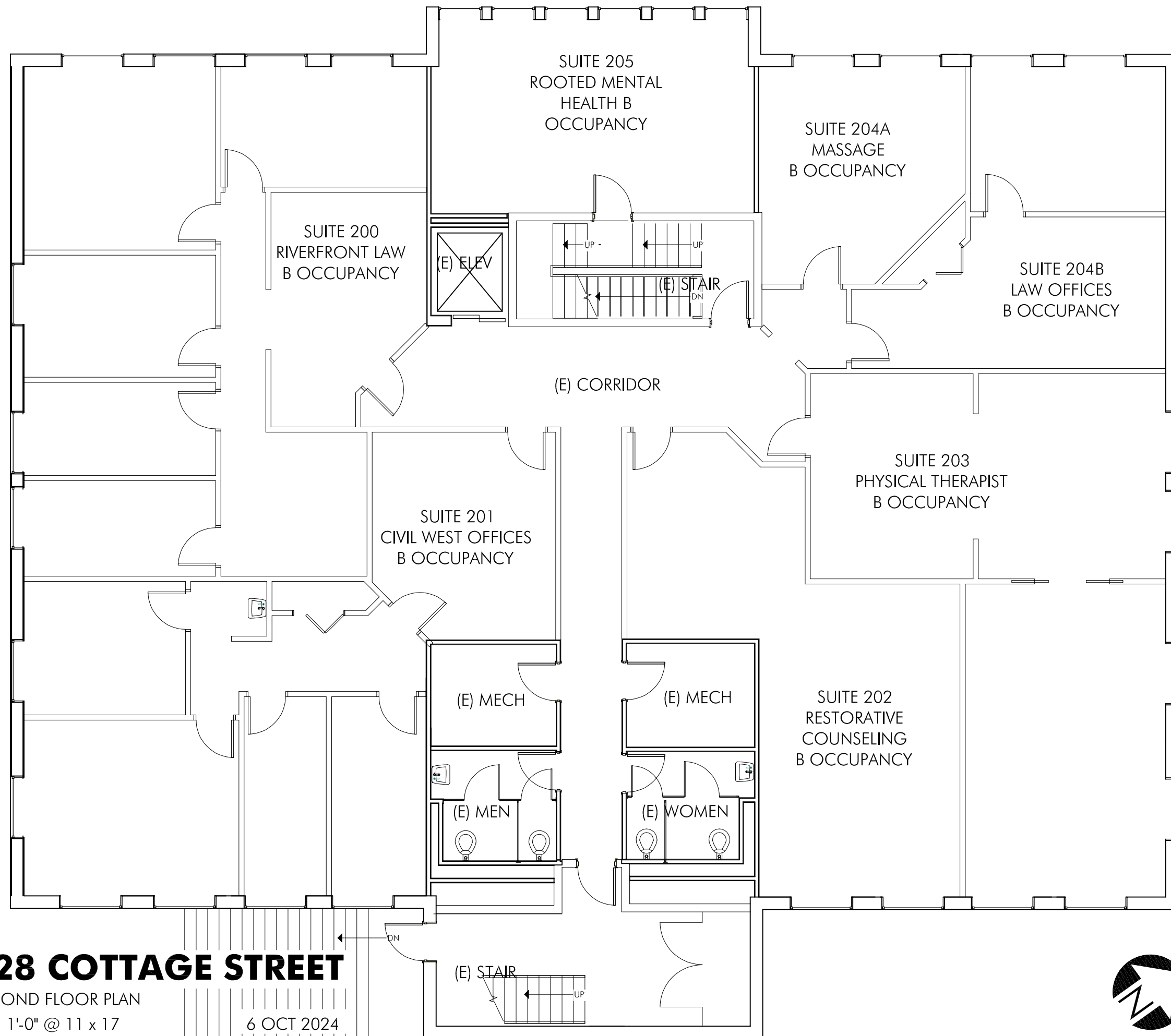
528 COTTAGE STREET

FIRST FLOOR PLAN

$\frac{1}{8}" = 1'-0"$ @ 11 x 17

6 OCT 2024





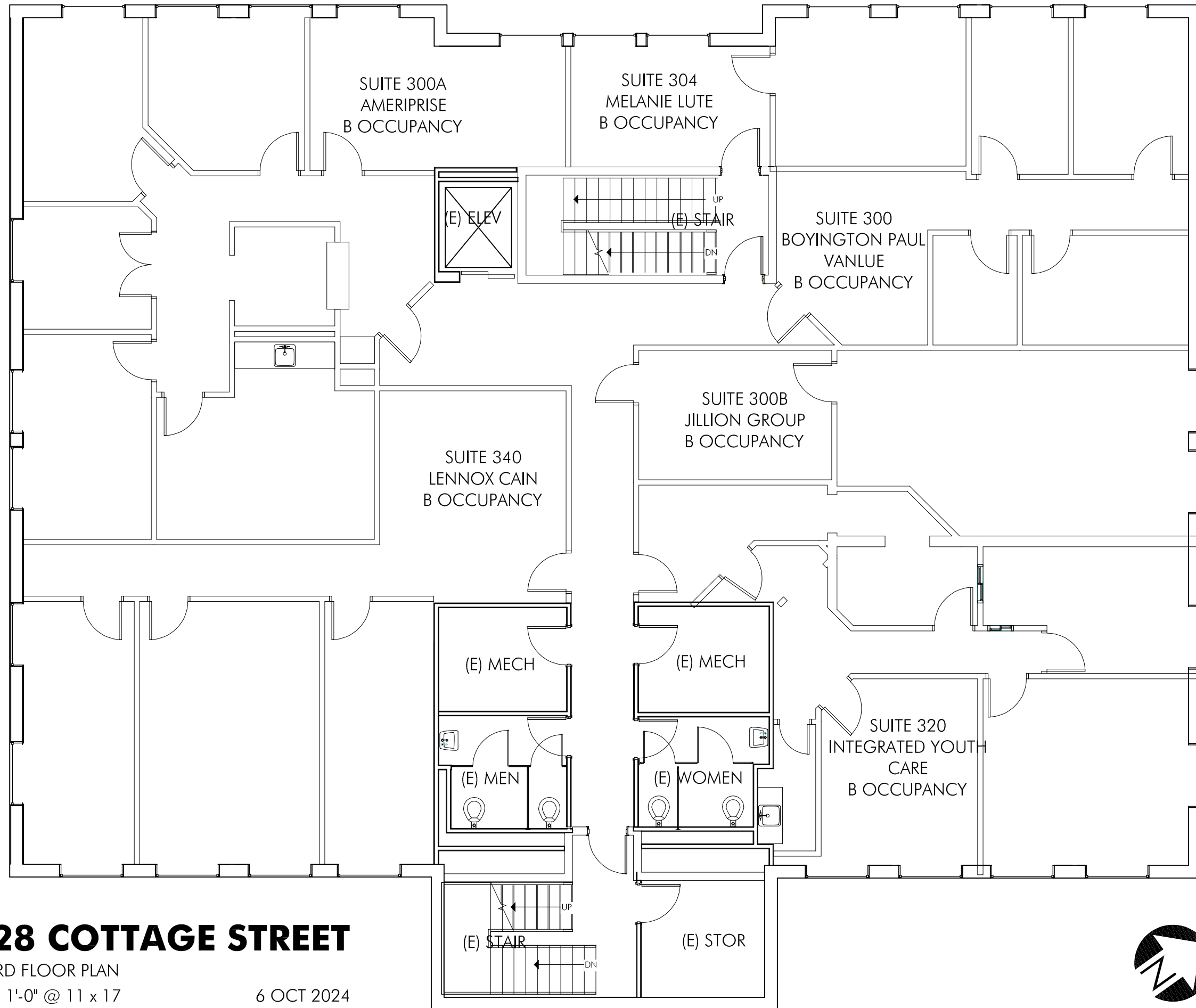
528 COTTAGE STREET

SECOND FLOOR PLAN

1/8" = 1'-0" @ 11 x 17'

6 OCT 2024





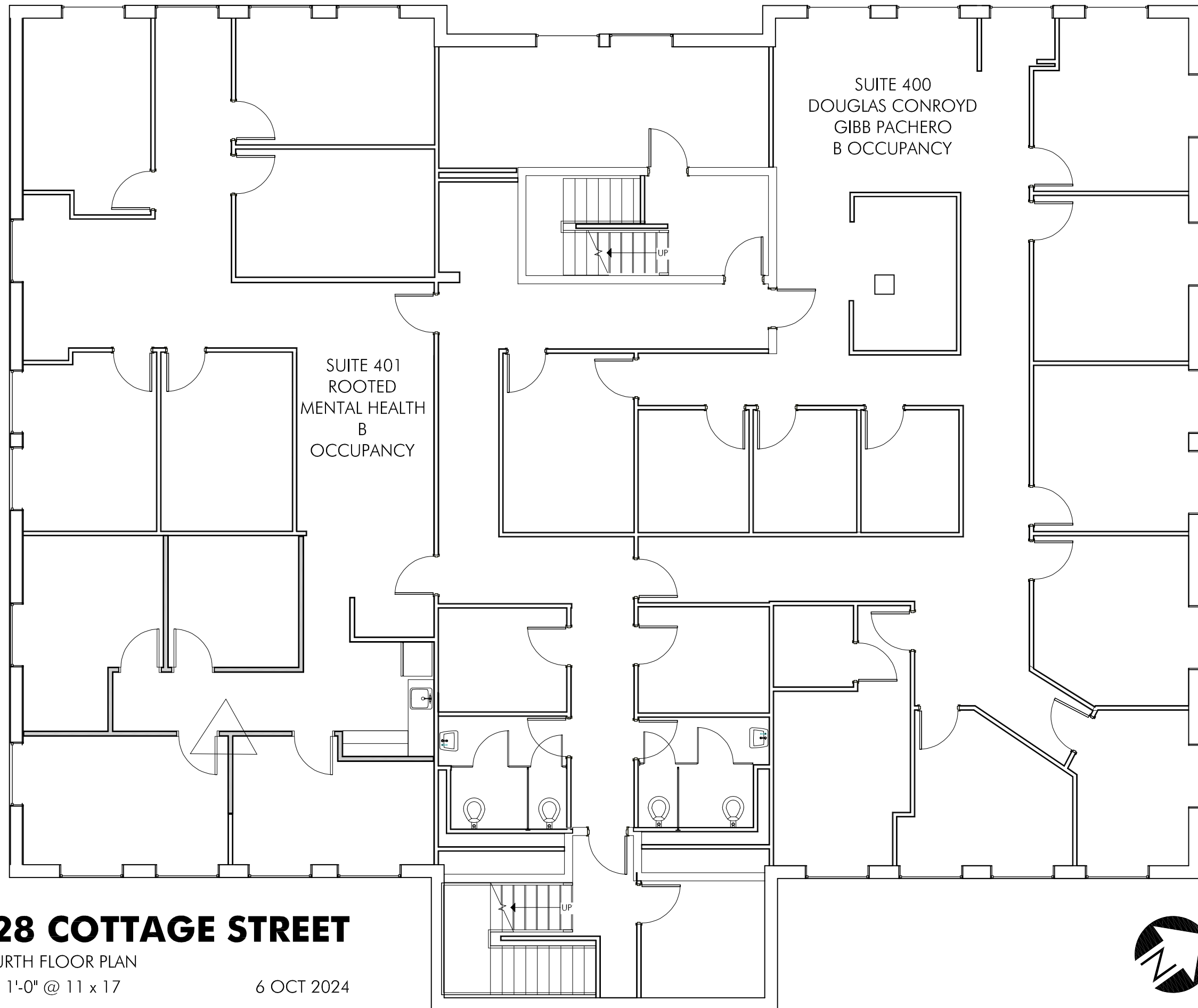
528 COTTAGE STREET

THIRD FLOOR PLAN

$\frac{1}{8}" = 1'-0"$ @ 11 x 17

6 OCT 2024





528 COTTAGE STREET

FOURTH FLOOR PLAN

$\frac{1}{8}" = 1'-0"$ @ 11 x 17

6 OCT 2024



528 Cottage Street NE Tenant List Oct 6, 2024

Tenant	Suite	SF	Use		
Dr Jacque Roberts	1B		Chiropractic		
Dev NW	1C	727.98	Programs, services & real estate development designed to help communities (office)		
Fenske Hall Arthurs	1D	1081	Mental Health Professionals		
Lynn Ryan	1E	130	Massage Therapist		
Karen O'Connell	1F	123	Tutor		
Vacant	160	1044			
Bloom Play Therapy	170	613	Childrens Therapy (mental health)		
Erik De Proost -Optitune	203	820	Physical Therapy		
Debbie Boe	204A		Massage Therapist		
Elaine Smith- Koop	204		Law office		
River Front Law	200	1170	Law office		
Civil West	201	1010	Contractor (office)		
Lindsey Deherra	202	631	Mental Health Professionals		
Anita Olson / Elizabeth Delgado	205	400	Mental Health Professionals		
Boyington Paul Vanlue	300	615	Mental Health Professionals		
Ameriprise	300A		Financial Advisor		
Jillion Group	300B	495	Lobbyist		
Melanie Lute	304	290	Play Therapy (mental health)		
Intergrated Youthcare	320	973	Mental Health Professionals		
Lennox/ Cain	340	1040	Mental Health Professionals		
Douglas Conroyd Gibb Pacheco	400		Law office		
Rooted Mental Health	401		Mental Health Professionals		