

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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DECISION OF THE PLANNING ADMINISTRATOR

CLASS 1 SITE PLAN REVIEW

APPLICATION NO.: 24-123202-PLN

NOTICE OF DECISION DATE: February 6, 2025

REQUEST: A Class 1 Site Plan Review for interior tenant improvements and a change of use to establish a new outpatient medical office within an existing building. The subject property is 0.36-acres in size, zoned MU-I (Mixed Use I) and located at 1038 Broadway Street NE (Marion County Assessors Map and Tax Lot 073W22AD / 5200).

APPLICANT: Ali Farhan

LOCATION: 1038 Broadway Street NE – 97301

FINDINGS: The findings are in the attached Decision dated February 6, 2025.

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 February 6, 2029, 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 **February 6, 2025**. 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: 24-123202.

<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)
24-123202-PLN)
1038 BROADWAY STREET NE) FEBRUARY 6, 2025

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 for interior tenant improvements and a change of use to establish a new outpatient medical office within an existing building. The subject property is 0.36-acres in size, zoned MU-I (Mixed Use I) and located at 1038 Broadway Street NE (Marion County Assessors Map and Tax Lot 073W22AD / 5200).

PROCEDURAL FINDINGS

1. On November 14, 2024, an application for a Class 1 Site Plan Review was submitted for the subject property. After additional information was requested and received, the application was deemed complete February 4, 2025.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review is for a change of use and interior tenant improvements from an office to an outpatient medical clinic within an existing building located at 1038 Broadway Street NE. A vicinity map is included as **Attachment A**. 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 proposing interior tenant improvements and requesting a change of use and occupancy from an *Office* use to an *Outpatient medical clinic* use within an existing 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 a change of use and occupancy only.

(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 MU-I (Mixed Use I). Development of the property is therefore subject to the use and development standards of the MU-I zone (SRC Chapter 533) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 533 and all other applicable development standards of the UDC as follows:

Development Standards – MU-I (Mixed Use I) Zone:

SRC 533.005(a) – Uses

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the Industrial Commercial zone are set forth in Tables 533-1.

Finding: The applicant is proposing interior tenant improvements and requesting a change of use and occupancy to an *Outpatient medical clinic* use within an existing building. Per SRC Chapter 533, Table 533-1, the proposed use is permitted within MU-I 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 a change of use and occupancy only. The allowed maximum amount of off-street parking spaces for an *Outpatient medical clinic* use is one space per 250 square feet of finished floor area. The building is 1,120 square feet, allowing a maximum of five parking spaces ($1,120 / 250 = 4.5$). The development site is previously developed with existing off-street parking spaces serving the building and an adjoining building housing a convenience store with 17 parking spaces, and no new off-street parking spaces are proposed.

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: The applicant is proposing interior tenant improvements and requesting a change of use and occupancy to an *Outpatient medical clinic* use within an existing 1,120 square foot building. The development site also includes a 3,350 square foot convenience store (a *Retail sales and services* use) and no existing bicycle parking. Per SRC 806.045(c), 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 shall be provided, in addition to the number of spaces required to remedy the deficiency. Per Table 806-9, an *Outpatient medical clinic* use requires the greater of four spaces or one per 3,500 square feet. The building is 1,120 square feet, requiring four bicycle parking spaces; a *Retail sales and services* use requires the greater of four spaces or one per 10,000 square feet for the first 50,000 square feet; therefore, the two uses require four bicycle parking spaces each. The applicant's site plan proposes the installation of four bicycle parking spaces for each use, or eight total. 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 eight new bicycle parking spaces (e.g., four staple-style racks, two per building entrance) located within 50 feet and clearly visible from the primary building entrances of both the new medical clinic at 1038 Broadway and the convenience store at 1030 Broadway Street NE. 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: As shown on the site plan, the bicycle parking area has direct access to both the primary building entrance of 1038 and 1030 Broadway Street 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 inverted/staple-style in-ground mounted racks with a minimum of six feet in length, two feet in between the rack and the wall, 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: Per Table 806-11, an *Outpatient medical clinic* use less than 5,000 square feet does not require an off-street loading space; therefore, these standards are not applicable.

Historic Property Status

The subject property is not listed as a historic resource.

Previous Land Use Actions

There are no previous land use actions that affect 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.

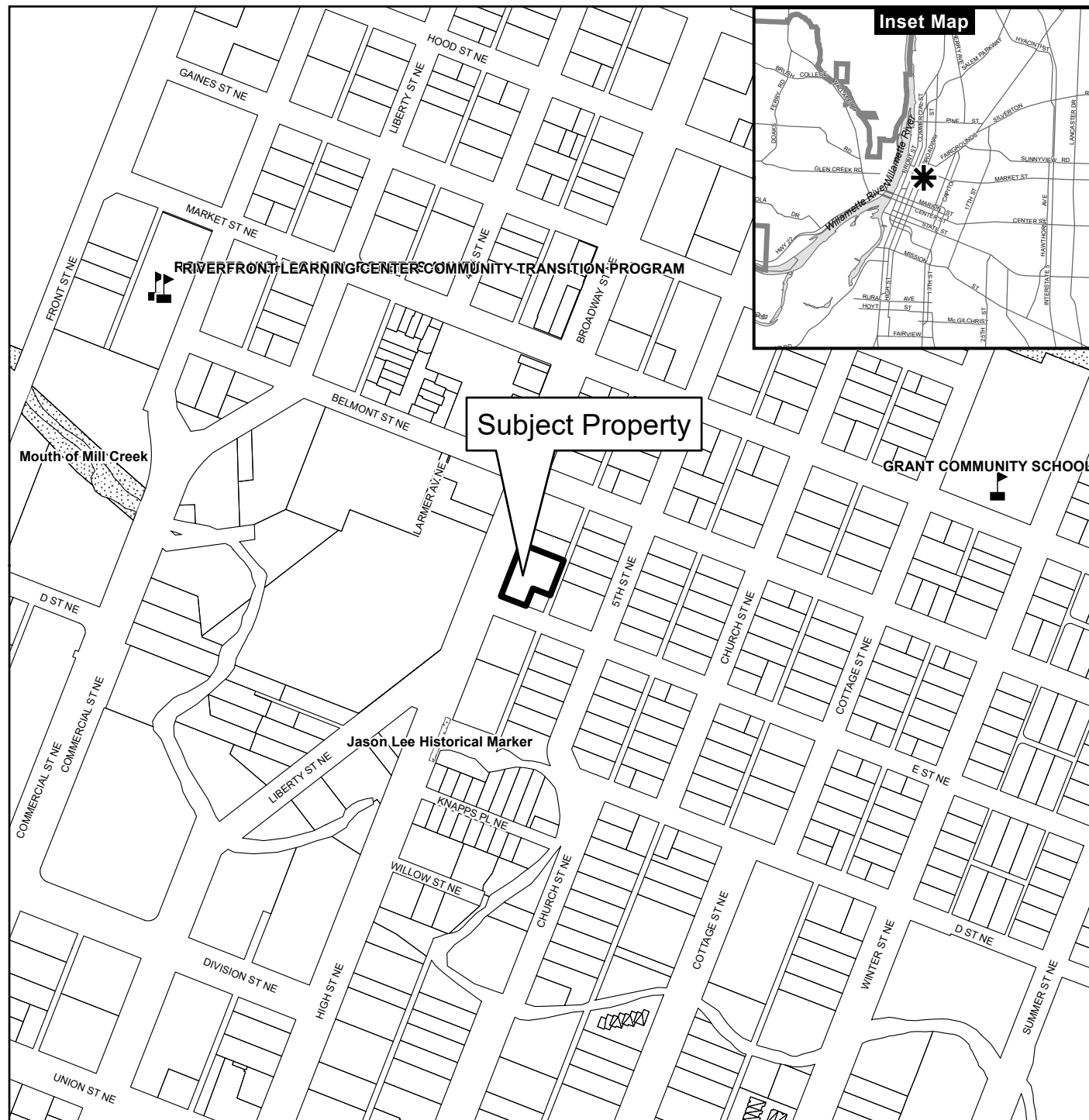


Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Site Plan

Vicinity Map

1038 Broadway Street NE



Legend

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

Parks

CITY OF Salem
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Community Planning and Development

0 100 200 400 Feet



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SKETCH/AREA TABLE ADDENDUM

Parcel No 073W22AD05200

File No R66812

Property Address 1010-1038 BROADWAY ST NE

City SALEM

State OR

Zip 97301

Owner

Client

Appraiser Name

North

Front
door
Office

Outpatient Med office

R66812

073W22AD05200

SCALE = 1"=30'

DRAWING FOR ASSESSMENT PURPOSES ONLY

GBA C-STORE+SHOP=5150.0 sf

STG/W.H.
1120.0 sf

LEAN-TO 168.0 sf

C-STORE
3550.0 sf

C-Store in use in use

Front
door
Store

SHOP AREA
1600.0 sf

Garage not in use

South

Scale: 1" = 30'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GLA1	STG/W.H.	1.00	1120.0000	136.00	1120.0000
GBA1	C-STORE	1.00	5150.0000	344.00	5150.0000
P/P	CANOPY	1.00	300.0000	112.00	300.0000

Net LIVABLE Area
Net BUILDING Area

(rounded w/ factors)
(rounded w/ factors)

1120
5150

Comment Table 1

APEX BY JH 7-6-11 DRAWN FROM FIELD SKETCH
FIELD VISIT #29 JS 6-23-11

Comment Table 2

Comment Table 3