

SITE PLAN REVIEW

February 13, 2025

City of Salem – Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

PROJECT NAME

ZEEB LEGACY LLC

SITE ADDRESS

1793 SILVERTON ROAD NE

1. REQUEST

The applicant and property owner, Zeeb Legacy LLC, with their consultant, CBTWO Architects, respectfully request a consolidated land use review of a Class 3 site plan review and three Class 2 adjustments:

1. SRC 523.010(d)(3) – Minimum percentage of site landscaping.
2. SRC 806.035(c)(2) - Perimeter setbacks and landscaping abutting streets.
3. SRC 806.035(c)(3) - Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.
4. SRC 806.035(d)(2) – Minimum percentage of interior landscaping required.

Approval of the requests, will cover improvements that were made to the site (removal of existing asphalt paving abutting the street, installation of landscaping along the street frontage, and restriping of existing asphalt that had been repaired, which was carried out without the required site plan review approvals; as well as, the proposed reconfiguration of the off-street parking area, installation of a pedestrian connection from the ROW to the on-site walkway, and installation of required bicycle parking. This approval will allow the property owner to reconfigure existing off-street parking areas to be better aligned with the current development code, uses they serve, and for tenants to obtain occupancy permits associated with changes of use within the existing structure.

2. PROJECT DESCRIPTION

The subject property is situated on the north side of Silverton Road NE, is 0.60 acres, and zoned CG – General Commercial. Properties to the north and east of the site are also zoned CG – General Commercial, while the property to the west is zoned IG – General Industrial.

The property owner purchased the subject property in 2021, at that time the property was fully developed with a single-story building of approximately 8,406 square feet constructed in the 1940's and asphalt paving for the remainder of the property. The property also contains a 26-foot wide access easement which benefits the property to the north (1815 Silverton Road NE) and to the east (1805 Silverton Road NE). At the time the property was purchased by its current owner the existing building was occupied by an retail/eating and drinking establishment and an automotive repair business.

The property owner remodeled the existing structure which resulted in a multi-tenant commercial building, this work was permitted under 21-113536-00-BP, with additional building permits being obtained for interior tenant improvements only. However, repairs of the paved parking lot, restriping of parking areas, removal of asphalt along the street, and landscaping along the street frontage was performed without the necessary Site Plan Review. This consolidated land use request is necessitated by these site changes. The applicant is looking to provide City Staff with information that shows the work that was done or will be done, reduces the amount of non-conformity that existed prior to their improvements. Since the property was fully developed, and is surrounded by other developed properties, site constraints and existing conditions make it impracticable to bring the property into full compliance so adjustments related to site landscaping are needed.

Currently the existing structure is occupied by:

- Harriscos - Industrial Outfitters – Suite 100 / 4,099 Square Feet
- Salem Aerial Dance Company – Suite 120 / 1,350 Square Feet
- Bon Mau Coffee Roasters – Suite 130 / 970 Square Feet
- Curious Curls Kids Salon – Suite 140 / 1,987 Square Feet

As noted, some site improvement work has occurred, the scope of new work includes reconfiguring the off-street parking areas to provide dimensionally compliant vehicle parking spaces, turn-around areas where needed, improved maneuvering for enhanced safety within the vehicle use areas, provisions for bicycle parking, and a pedestrian connection from the development site to the public sidewalk.

Adjustments to standards for minimum site landscaping, minimum interior landscaping, and minimum perimeter setbacks and landscaping in relation to existing off-street parking areas, where compliance with current standards is not reasonably feasible. Additionally, these approvals are also necessary for building tenants to obtain permits associated with occupancy.

3. SITE PLAN REVIEW

As noted, the applicant is seeking approval of a Class 3 site plan review to reconfigure their existing off-street parking area to better comply with applicable development standards and serve their building tenants. This land use review will also allow Planning staff to confirm that building tenancy is consistent with the uses allowed within the CB Zone enabling tenants to obtain any required occupancy permits. Because the subject property is fully developed and the scope of work narrow, applicable standards are limited to those found in Salem Revised Code chapters:

- SRC 524 – CG - General Commercial
- SRC 800 – General Development Standards
- SRC 806 – Off-Street Parking, Loading, and Driveways.
- SRC 807 – Landscaping and Screening

Applicable development standards are provided in *gray italics* with information confirming the developments compliance of the standard following in navy type with a **BOLD** heading for clearer distinction between the two. Where deviation as allowed through an adjustment process is required it is noted and further addressed in section 4. ADJUSTMENTS of this narrative.

CHAPTER 523. CG—GENERAL COMMERCIAL

Sec. 523.005. Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CG zone are set forth in Table 523-1.

From Table 523-1. Uses

Use	Status	Limitations & Qualifications	PROJECT INFORMATION:
Retail Sales and Services			
Retail sales	P	Retail sales other than: used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall or hedge.	Existing tenants who fall into either retail sales or personal services are: <ul style="list-style-type: none">• Harriscos Industrial Outfitters• Bon Mau Coffee Roasters• Curious Curls Kids Salon Which are all permitted outright in the CG Zone.
Personal services	P		
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial entertainment-indoor	P	All commercial entertainment – indoor other than: nightclubs, located within 200 feet of a residential zone.	One other tenant falls under commercial entertainment-indoor: <ul style="list-style-type: none">• Salem Aerial Dance Company This use is also permitted outright within the CG Zone.

CHAPTER 800. GENERAL DEVELOPMENT STANDARDS

Sec. 800.065. Pedestrian access.

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single-family, two-family, three-family, and four-family uses, and multiple family uses subject to SRC chapter 702, 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. Development also does not include the installation of electric vehicle charging stations in existing approved parking lots or vehicle use areas.

- (a) Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:
- (1) Connection between building entrances and streets.
 - (A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building 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 (see Figure 800-11).
 - (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 (see Figure 800-12).
 - (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:

- (i) *The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or*
- (ii) *The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.*

PROJECT INFORMATION: A pedestrian connection from the public sidewalk on Silverton Road NW and all of the suite entries is proposed. An existing bus stop is located approximately 500 feet east of the subject property, along the frontage of 2045 Silverton Road NW. The subject property has a single street frontage the proposed connection will allow access to each tenant space from the public sidewalk.

- (2) *Connection between buildings on the same development site.*
 - (A) *Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.*
 - (B) *A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:*

PROJECT INFORMATION: The subject property is not part of a larger development site, as it does not meet the definition found in SRC 111.001 (“*Development site* means an individual lot or multiple contiguous lots accommodating a single development or a complex.”) as the adjacent properties that share the access drive are under different ownership and were developed independently at different times (1805 Silverton Road – 1 commercial building constructed in 2019, and 1815 Silverton Road – 2 buildings built in 1960 and 1983) which are intended to be part of a complex. This parcel has a single, multi-tenant commercial structure. However,, the on-site walkway is 5-feet wide and will extend from the ROW along the building terminating at the north property line. This will allow the property to the north to make a connection from their property to the ROW when that property is redeveloped. Redevelopment of that property is in the early planning stages.

- (3) *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 or where there is no building, through the parking area as provided in this subsection.*

PROJECT INFORMATION: The existing parking area is only 8,215 square feet, with a triangular shape that limits how parking and maneuvering areas can be designed. The proposed reconfiguration will provide 20 off-street parking spaces with only two consecutive parallel drive aisles on the southern half, therefore no connection through off-street parking areas is triggered.

- (4) *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:*

PROJECT INFORMATION: There are no existing or planned paths or trails located adjacent to or within close proximity of the subject property, as a result the only required connection is between the existing public sidewalk and the developments existing pedestrian walkway which is proposed.

- (5) *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. A pedestrian connection is not required, however:*

- (A) *To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC chapter 400:*
 - (i) *Single-family;*
 - (ii) *Two-family;*
 - (iii) *Group living;*
 - (iv) *Industrial;*
 - (v) *Infrastructure and utilities; and*
 - (vi) *Natural resources.*
- (B) *Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;*
- (C) *Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;*
- (D) *Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or*
- (E) *Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.*

PROJECT INFORMATION: The existing off-street parking area is served by an access drive that is shared by the property to the north and the east. The existing development's pedestrian walk extends to the northern property line and the abutting property which is one of the properties sharing the access drive. The other abutting property does not require a connection as they already have a direct connection between building entrances and the public sidewalk.

- (b) *Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.*
 - (1) *Walkways shall conform to the following:*
 - (A) *Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.*
 - (B) *Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.*
 - (C) *Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.*
 - (2) *Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.*

PROJECT INFORMATION: The existing walkway is paved with concrete and has a 5-foot width. The walkway does not cross any driveways or drive aisles. Nor is the walkway located adjacent to a drive aisle. Where parking abuts the walkway, wheel stops are provided to prevent vehicle encroachment into, or obstruction of, the pedestrian path.

- (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.*

PROJECT INFORMATION: The existing walkway is illuminated as needed by existing exterior building lighting.

- (d) *Applicability of standards to development sites comprised of lots under separate ownership.*
- (1) *When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.*
 - (2) *Where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site beyond just the lot, or lots, proposed for development and any contiguous lots under the same ownership, the required pedestrian connections shall be extended to the boundaries of the lot, or lots, proposed for development and any contiguous lots under the same ownership in order to allow for future extension of required pedestrian connections through the other lots within the development site in conformance with the standards*

PROJECT INFORMATION: The adjacent properties are owned by a separate entity; and do not qualify as a larger development site. However, a pedestrian connection is provided through the subject property to the north property line as that property does not have a direct pedestrian connection. This northern property has access to the pedestrian walkway on the 1805 Silverton Road NE property. This will enable the northern neighboring property to complete a connection for their future development in two locations.

CHAPTER 806. OFF-STREET PARKING, LOADING AND DRIVEWAYS

Sec. 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.

From Table 806-1. Maximum Off-Street Parking

Use	Maximum Number of Spaces Allowed ^{(1), (2), (3)}	Limitations and Qualifications	PROJECT INFORMATION
Retail Sales and Service			
Eating and drinking establishments	1 per 175 sq. ft.		<ul style="list-style-type: none">Eating and drinking establishments applies to Bon Mau Coffee Roasters located in Suite 130. They utilize 970 sq. ft. of building area allowing up to 6 spaces.Retail sales applies to Harriscos – Industrial Outfitters located in Suite 100. They utilize 4,099 sq. ft. of building area allowing up to 21 spaces.Personal services applies to Curious Curls Kids Salon located in Suite 140. They utilize 1,987 sq. ft. of building area allowing up to 7 parking spaces
Retail sales	1 per 200 sq. ft.		
Personal services	1 per 250 sq. ft.		
Recreation, Entertainment, and Cultural Services and Facilities			

Use	Maximum Number of Spaces Allowed ^{(1), (2), (3)}	Limitations and Qualifications	PROJECT INFORMATION
Commercial entertainment-indoor	1 per 200 sq. ft.	Applies to dance studios and dance schools among other uses.	Salem Aerial Dance Company located in Suite 120, utilize 1,350 sq. ft of building area allowing up to 7 parking spaces.
			The development is allowed to have up to 41 spaces. The applicant is proposing 20 spaces.

(b) *Compact parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

PROJECT INFORMATION: The development is proposing 20 parking spaces, of these 3 will be compact, which is just 20%. There will be 1 accessible space and 15 standard size spaces. The location of the proposed compact spaces are identified on the Site Plan with a "c".

(c) *Carpool and vanpool parking.* New developments with 60 or more

PROJECT INFORMATION: The existing development is not new, and the existing and proposed parking configuration is less than 25, therefore no carpool and vanpool parking is required.

(d) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units....

PROJECT INFORMATION: The existing structure is exclusively commercial therefore electric vehicle charging provisions are not triggered and none are proposed.

Sec. 806.020. Method of providing off-street parking.

(a) *General.* If provided, off-street parking shall be accommodated through one or more of the following methods:

- (1) *Ownership.* Ownership in fee by the owner of the property served by the parking;
- (2) *Easement.* A permanent and irrevocable easement appurtenant to the property served by the parking;
- (3) *Lease Agreement.* A lease agreement;
- (4) *Lease or rental agreement in parking structure.* A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845.

(b) *Review and filing of agreement.* Prior to execution of any lease or rental agreement set forth in this section, the form of such agreement shall be reviewed by the City Attorney. An executed copy of the approved agreement shall be filed with the Planning Administrator.

PROJECT INFORMATION: The existing parking area is owned by the property owner for the use of their tenants.

Sec. 806.035. Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

(a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall apply to:

- (1) The development of new off-street parking and vehicle use areas;

- (2) *The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;*
- (3) *The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and*
- (4) *The paving of an unpaved area.*

PROJECT INFORMATION: The proposal is to reconfigure existing off-street parking areas to better serve building tenants and meet development standards where possible. If approved, tenants will be able to obtain required occupancy permits.

(b) Location.

- (1) *Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.*
- (2) *Carpool and vanpool parking. Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.*
- (3) *Underground parking. Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC*
required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

PROJECT INFORMATION: The subject property's parking areas are existing and non-compliant with current applicable standards, reconfiguring existing parking areas will help to reduce the degree of non-compliance, although still requiring adjustments where conditions will not reasonably allow interior landscaping. Please refer to section 4. ADJUSTMENTS for detailed request.

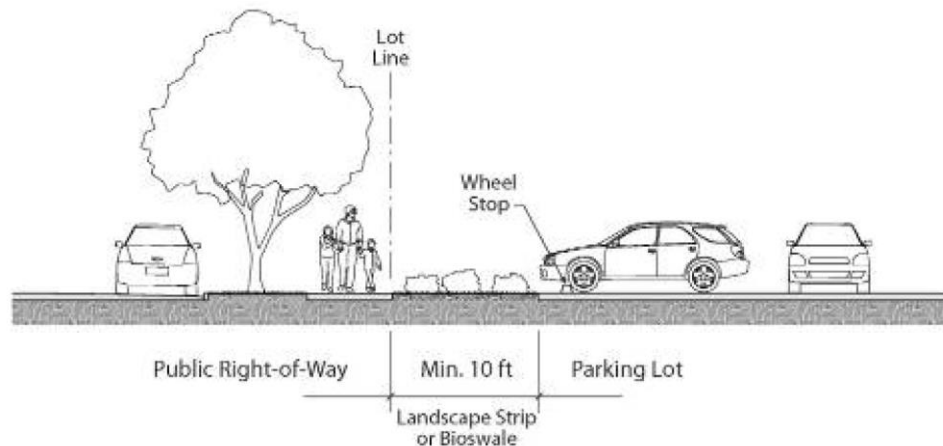
(c) Perimeter setbacks and landscaping.

- (1) *Perimeter setbacks and landscaping, generally.*
 - (A) *Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:*
 - (i) *Off-street parking and vehicle use areas abutting an alley.*
 - (ii) *Vehicle storage areas within the IG zone.*
 - (iii) *Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.*
 - (iv) *Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.*
 - (v) *Underground parking.*
 - (B) *Perimeter landscaping. Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.*

- (2) *Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.*

(A) *Method A. The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.*

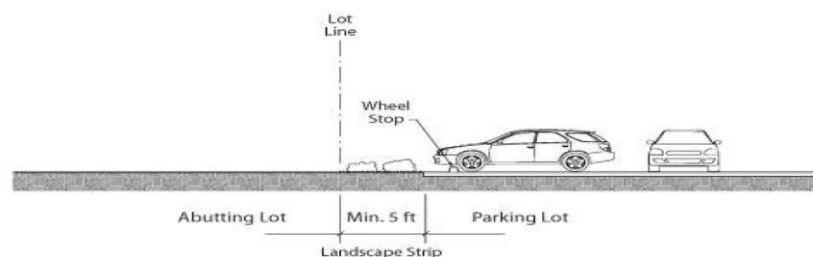
FIGURE 806-1. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD A



PROJECT INFORMATION: As previously noted, part of the improvements the property owner has made included removing paving between the public sidewalk the building and off-street parking was removed, and a 14-foot wide landscape bed was installed. More than 11 feet of this new landscaped area is located on the subject property. While this would typically meet or exceed the Method A standard for setback and landscape screening for off-street parking adjacent to a street property line, this property is subject to additional special setbacks, meaning the added landscaping cannot be counted. As a result, an adjustment to the standard is necessary to allow the property owner to provide adequate parking for their tenants. A detailed request for this adjustment is provided in Section 4. ADJUSTMENTS of this narrative.

- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.*

FIGURE 806-5. LANDSCAPING ADJACENT TO AN ADJACENT LOT

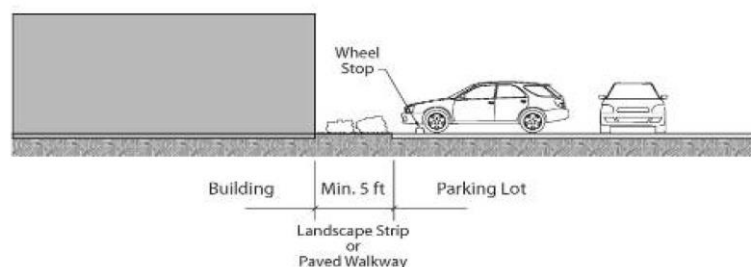


PROJECT INFORMATION: The existing parking area does not provide a landscape separation between the property's interior east and rear north property lines, where a shared access drive

is located. Additionally, the northernmost parking space, while setback from the north property line by 7 feet 6 inches, contains a bike rack and paving. It is not practical for the owner to add a small landscape bed in this location, as it will be temporary due to the redevelopment of the adjacent property which will need to provide the 5-foot perimeter landscape abutting this area. It is more appropriate to require landscaping in this location during the development of the northern property. A second adjustment is triggered. Please refer to Section 4. ADJUSTMENTS, for the detailed request.

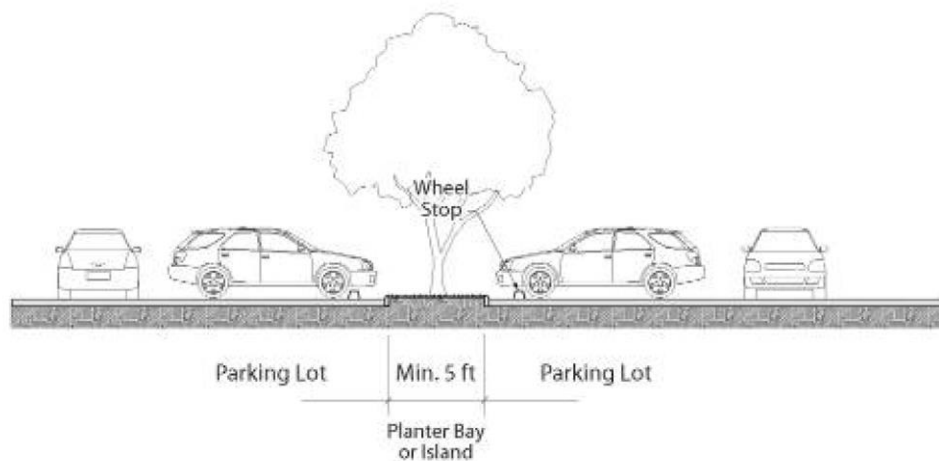
- (4) *Setback adjacent to buildings and structures. Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.*

FIGURE 806-6. LANDSCAPING ADJACENT TO A BUILDING



PROJECT INFORMATION: A 5-foot wide walkway is located between the existing and proposed vehicle use areas and the existing structure, meeting the standard.

- (d) *Interior landscaping.*
- (1) *Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:*
 - (A) *Vehicle storage areas.*
 - (B) *Vehicle display areas.*
 - (C) *Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.*
 - (D) *Gravel off-street parking areas, approved through a conditional use permit.*
 - (E) *Underground parking.*
 - (F) *Parking garages.*
 - (2) *Minimum percentage of interior landscaping required. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.*



PROJECT INFORMATION: The existing vehicle use areas are fully paved with no interior landscaping. Adding interior landscape planters will adversely impact the development's ability to provide adequate parking for their tenants. An adjustment to the standard to allow for the existing condition to remain is requested as part of this consolidated land use review.

(e) *Off-street parking area dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5; provided, however, minimum off-street parking area dimensions shall not apply to:*

- (1) *Vehicle storage areas.*
- (2) *Vehicle display areas.*

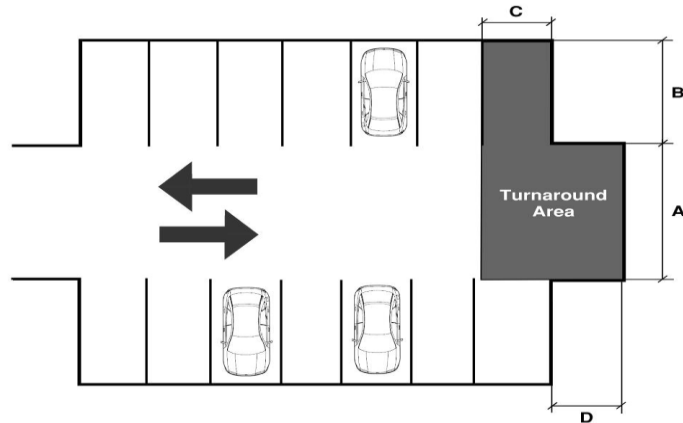
PROJECT INFORMATION: Proposed reconfigured parking meets the dimensional requirements of Table 806-5 as follows:

- Standard spaces – 9-foot width and a 19-foot length and a 24-foot wide drive aisle.
- Compact spaces – 9-foot width and a 15-foot depth and a 27-foot wide drive aisle.

(f) *Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:*

- (1) *Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and*
- (2) *Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.*

FIGURE 806-9. OFF-STREET PARKING AREA TURNAROUND



PROJECT INFORMATION: Off-street parking area turnarounds meeting the dimensional standards as follows, please see the Site Plan for the location and the conformation of compliance:

- A – 24-feet
- B – 19-feet
- C – 9-feet
- D – 6-feet

(g) *Grade.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

PROJECT INFORMATION: The off-street parking areas are located in existing paved areas, the proposal includes reconfiguration of striping only; however, the existing conditions meet noted grade requirements.

(h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

- (1) Vehicle storage areas within the IG zone.
- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

PROJECT INFORMATION: The existing off-street parking areas are paved with asphalt as required. Parking spaces abutting the street fronting planter bed are fully paved do not require encroachment into the landscape bed.

(i) *Drainage.* Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

PROJECT INFORMATION: Conditions are existing this standard does not apply.

(j) *Bumper guards or wheel barriers.* Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or

abutting property; provided, however, bumper guards or wheel barriers are not required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.

PROJECT INFORMATION: Wheel stops will be provided where required.

(k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.
- (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (4) Gravel off-street parking areas, approved through a conditional use permit.

PROJECT INFORMATION: Proposed striping conforms with dimensions standards identified in Table 806-6 as noted previously.

(l) *Marking and signage.*

- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
- (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
- (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

PROJECT INFORMATION: Pavement markings and signage will conform to the Manual of Uniform Traffic Control Devices as required.

(m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

PROJECT INFORMATION: All site lighting is existing and downward directed so as not to shine onto neighboring properties or the street. No new lighting is proposed.

(n) *Additional standards for new off-street surface parking areas more than one-half acre in size.* When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards in this subsection. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.

PROJECT INFORMATION: There is no new off-street parking being proposed, all parking is existing.

Sec. 806.045. Bicycle parking; when required.

(a) *General applicability.* Bicycle parking shall be provided as required under this chapter for:

- (1) Each proposed new use or activity.
- (2) Any change of use or activity.
- (3) Any intensification, expansion, or enlargement of a use or activity.

PROJECT INFORMATION: Tenancy within the existing structure has changed and bicycle parking will be provided.

- (b) *Applicability to change of use of existing building in Central Business District (CB), West Salem Central Business District (WSCB), Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R), and Edgewater/Second Street Mixed-Use Corridor (ESMU) zone. Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB, WSCB, MU-I, MU-II, MU-III, MU-R, and ESMU zones where at least 75 percent of the width of the lot at the front setback line is occupied by existing buildings 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.*

PROJECT INFORMATION: The subject property is zoned CG – General Commercial

- (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.*

PROJECT INFORMATION: Bicycle parking is included in this proposal to address any deficiencies.

Sec. 806.055. Amount of bicycle parking.

- (a) *Minimum required 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.*

PROJECT INFORMATION: The existing development may be considered a "Shopping center" which requires the greater of 4 spaces or 1 space per 3,000 sq. ft. The development's overall square footage is 8,406 requiring a minimum of 4 bicycle parking spaces. The proposal plans for 4 bicycle parking spaces.

Sec. 806.060. Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

- (a) *Location.*

- (1) *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.*

PROJECT INFORMATION: Due to the existing conditions, 2 bicycle parking spaces will be located near the southern end of the building with the other 2 being located at the north end of the building allowing them to be visible from and within 50-feet of tenant entries.

- (b) *Access. All 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.

PROJECT INFORMATION: Bicycle parking will have direct access to the public ROW and the primary tenant entries with no obstructions or barriers including curbs or stairs.

(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. Access aisles serving bicycle parking spaces may be located within the public right-of-way.*

PROJECT INFORMATION: Bicycle parking spaces are 2-feet in width, 6-feet in length, with no vertical obstructions, and an access aisle of 5-feet or greater. Please refer to the Site Plan for the location and dimensional information.

(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.*

PROJECT INFORMATION: The bicycle parking areas are paved with asphalt as required.

(e) *Bicycle racks. Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:*

- (1) *Racks must support the bicycle in a stable position.*
 - (A) *For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.*
 - (B) *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.*
- (5) *Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.*

PROJECT INFORMATION: Bicycle racks will be mounted horizontally. They will be a staple type rack, fabricated of metal, and mounted to the paving. This type of rack will allow the bicycle frame to be secured as required. Please see the Site Plan for details related to the bicycle racks and dimensional conformance.

(f) *Bicycle lockers. Where bicycle parking is provided in lockers, the lockers shall meet the following standards:*

PROJECT INFORMATION: No long-term bicycle parking or bicycle lockers are proposed.

Sec. 806.065. Off-street loading areas; when required.

(a) *General applicability. Off-street loading shall be provided and maintained as required under this chapter for:*

- (1) *Each proposed new use or activity.*
- (2) *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.*

- (3) *Any intensification, expansion, or enlargement of a use or activity.*
- (b) *Applicability to nonconforming off-street loading area. When off-street loading is required to be added to an existing off-street loading 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.*

PROJECT INFORMATION: As previously explained, the existing tenants have moved into the recently renovated structure and will be obtaining occupancy permits to comply with occupancy requirements for new uses. Based on Table 806-11 and details provided below, no loading space is required.

Sec. 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.

PROJECT INFORMATION: This standard does not apply.

Sec. 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.

<i>Use Category/Use</i>	<i>Minimum Number of Spaces Required</i>		PROJECT INFORMATION:
<i>Retail sales</i>	<i>None</i>	<i>Less than 5,000 sq. ft.</i>	Harriscos – Industrial Outfitters is comprised of 4,099 sq. ft. no loading space is required or needed by the tenant.
<i>Indoor entertainment</i>	<i>None</i>	<i>Less than 5,000 sq. ft.</i>	Salem Aerial Dance Company is comprised of 1,350 sq. ft. no loading space is required or needed by the tenant.
<i>Eating and drinking establishments</i>	<i>None</i>	<i>Less than 5,000 sq. ft.</i>	Bon Mau Coffee Roasters is comprised of 970 sq. ft. no loading space is required or needed by the tenant.
<i>Personal services</i>	<i>None</i>	<i>Less than 5,000 sq. ft.</i>	Curious Curls Kids Salon is comprised of 1,987 sq. ft. no loading space is required or needed by the tenant.

4. ADJUSTMENTS

As previously mentioned, this property was not redeveloped. The improvements made to the subject property were limited to remodeling the building, which was constructed in the 1940s, and repairing existing paved areas. These paving repairs included grinding and inlaying, restriping the parking lot, removing existing pavement used for parking and vehicle maneuvering both within the right-of-way (ROW) and adjacent to it, and installing landscaping between the building and parking area along the street. Additionally, the applicant proposes to reconfigure the existing parking to better meet the off-street parking standards outlined in SRC 806, as well as to install bicycle parking. While the site improvements made and proposed bring the development closer to compliance with the applicable standards in the Salem Revised Code, the below four standards cannot be reasonably met, which is why Class 2 adjustments are requested.

1. SRC 523.010(d)(3) – Minimum percentage of site landscaping as this property
2. SRC 806.035(c)(2) - Perimeter setbacks and landscaping abutting streets. As the existing parking area is located within the Special Setback.
3. SRC 806.035(c)(3) - Perimeter setbacks and landscaping abutting interior front, side, and rear property lines as no 5-foot perimeter landscaped setback is not feasible.
4. SRC 806.035(d)(2) – Minimum percentage of interior landscaping required as the existing vehicle use areas are not landscaped and providing landscaping would adversely impact the development's ability to provide parking needed to serve the building's tenants.

CHAPTER 250. ADJUSTMENTS

Sec. 250.001. Purpose.

The purpose of this chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the Code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

RESPONSE: The subject property and its improvements were constructed in the 1940's, at that time The Salem Revised Code did not exist as a result the existing property is non-compliant with the UDC. The applicant is working to make improvements that are more aligned with the applicable development standards; however, adjustments are necessary.

Sec. 250.005. Adjustments.

(a) Applicability.

(1) Classes.

- (A) *A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.*
- (B) *A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.*
- (2) **Prohibition.** *Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:*
 - (A) *Allow a use or activity not allowed under the UDC;*
 - (B) *Change the status of a use or activity under the UDC;*
 - (C) *Modify a definition or use classification;*
 - (D) *Modify a use standard;*
 - (E) *Modify the applicability of any requirement under the UDC;*
 - (F) *Modify a development standard specifically identified as non-adjustable;*
 - (G) *Modify a development standard that contains the word "prohibited";*
 - (H) *Modify a procedural requirement under the UDC;*
 - (I) *Modify a condition of approval placed on property through a previous planning action;*
 - (J) *A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or*
 - (K) *The required landscaping in the Industrial Business Campus (IBC) Zone.*

RESPONSE: The applicant is requesting four Class 2 adjustments to standards related to on-site landscape area, and setbacks and landscaping related to off-street parking and vehicle use areas parking areas. None of the requested adjustments are prohibited.

(b) *Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.*

RESPONSE: It is understood that the requested adjustments will be reviewed as a Type II Procedure.

(c) *Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:*

RESPONSE: The applicant is aware of the submittal requirements. The provided Site Plan provides information related to existing conditions and proposed changes related to the addition of a pedestrian connection from the development site to the public sidewalk, reconfiguration of existing parking areas, and installation of required bicycle parking.

(d) *Criteria.*

(1) *An application for a Class 1 adjustment shall be granted if all of the following criteria are met:*

RESPONSE: The requested adjustments require compliance with the Class 2 criteria.

(2) *An application for a Class 2 adjustment shall be granted if all of the following criteria are met:*

(A) *The purpose underlying the specific development standard proposed for adjustment is:*

- (i) *Clearly inapplicable to the proposed development; or*
- (ii) *Equally or better met by the proposed development.*

RESPONSE: The applicant is seeking four Class 2 adjustments for development site landscaping and for setbacks and landscaping for existing paved off-street parking areas.

- **SRC 523.010(d)(3) - Landscaping Development Site**

A minimum of 15% of the development site is required to be landscaped. The property spans 26,136 square feet, which requires at least 3,920 square feet of landscaping. However, due to the existing building and paved areas, the available landscape area is only 1,565 square feet. Of this, 1,175 square feet is along the street frontage (added recently), and 390 square feet is located on the west side of the building.

Prior to the addition of the landscape strip adjacent to the street (which was added without prior approval and included in this review), the only area available for landscaping was the 390 square feet on the west side of the building, which is just 1.49% of the site. We believe the approval of the adjustment is more beneficial, as the added 1,175 square feet—an increase of 4.49%—brings the total landscaping area to 5.9%, which is closer to the 15% standard. Additionally, returning the site to its previous condition would remove desired landscaping and eliminate the physical separation the landscape provides between the public sidewalk that the landscape and the off-street parking area.

- **SRC 806.035(c)(2) - Perimeter Setbacks and Landscaping Abutting Streets**

The minimum setback for off-street parking areas adjacent to street property lines requires either a 10-foot landscape strip or bioswale, or a 6-foot setback with a berm or landscape strip, along with a 3-foot tall screen wall. However, this property is subject to a special setback, which requires a greater separation—specifically, 48 feet from the centerline, or approximately 15 feet from the street property line.

The 14-foot landscape strip recently installed between the sidewalk and the off-street parking areas, for which the applicant is seeking approval, is an improvement over the preexisting condition. Prior to this, the site had 14 feet of paving extending into the right-of-way (ROW), which was used for off-street parking and vehicle maneuvering. The landscape strip now provides a physical separation between the public sidewalk and the off-street parking, improving pedestrian safety and screening the parking area, which aligns with the intent of the standard.

The applicant is unable to expand the width of this landscape strip to accommodate the special setback, as doing so would significantly reduce the already limited off-street parking. Further reduction in parking would increase vehicular congestion on-site and create safety hazards for both this property and neighboring properties that share the driveway. While the standard is not fully met, allowing the provided landscape strip brings the project closer to compliance, which is better than the previous condition with no setback, landscaping, and vehicle use areas that were encroaching into the ROW.

- **SRC 806.035(c)(3) - Perimeter Setbacks and Landscaping Abutting Interior Front, Side, and Rear Property Lines**

The applicant is requesting approval to reconfigure the off-street parking area, utilizing existing paving, to ensure that parking spaces and vehicle maneuvering areas meet the necessary standards for safer vehicular circulation. The proposed parking layout includes a setback of 7-feet 6-inches between the closest parking space and the northern property line. However, this area contains existing pavement and planned bicycle parking. Additionally, the property is narrower at the north end, and the northern property line is angled. Combined with the 26-foot-wide shared access drive and the need for vehicle maneuvering between the properties, the existing improvements limit the available area for landscaping.

Furthermore, the property to the north is in the early stages of redevelopment planning, which would render any landscaping temporary due to the shared access drive and their need for perimeter landscaping. Installing landscaping in this location now is impractical, as the applicant can better coordinate landscaping with the neighboring property's future improvement plans. This approach is better as it offers a more permanent solution that will meet the standards in a more cohesive and coordinated manner.

- **SRC 806.035(d)(2) - Minimum Percentage of Interior Landscaping Required**

The standard requires interior landscaping of off-street parking areas 5,000 square feet or greater when these areas are new, existing off-street areas are expanded, or for the alteration of existing off-street parking areas. The existing off-street parking area is approximately 8,215 square feet and the applicant is requesting a modification that would allow for reconfiguring the non-compliant parking to be more aligned with the dimensional standards for parking spaces and for vehicle maneuvering areas for improved safety.

As noted previously, the development site is fully developed, and the off-street parking area has been paved for decades. The improvements made to the development site to date, apart from the structural changes, have been limited including repairs of existing pavement, grind and inlay of existing pavement, with some existing paving being removed solely to create a large landscaped strip along the street frontage. The parking area is limited to 20 spaces, significantly below the maximum of 41 allowed. Requiring the property owner to add additional landscaping within the off-street parking areas would reduce the already limited off-street parking, potentially

forcing customers to seek parking on neighboring properties or nearby streets. This would also negatively impact maneuvering space, which would affect not only this property but also others that share the access drive.

The proposed design maintains an existing condition and allows the owner to provide adequate parking for their tenants in a safer vehicle use area, which given the circumstances is better than meeting the standard.

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

RESPONSE: The subject property is located in a commercially zoned property and it is surrounded by properties also zoned CG – General Commercial, or IC – General Industrial. There is no residential development within proximity of the site either.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

RESPONSE: While four adjustments are being sought, approval of these adjustments will not negatively impact the subject property or neighboring properties. The landscape strip that was installed along the street, the bicycle parking, pedestrian connection, and proposed reconfiguration of the parking will only enhance the existing development, bringing it closer to compliance with applicable standards, which will benefit both this property and the neighboring properties.

These requested adjustments are the minimum necessary to allow the new landscaping along the street to remain, provide a new pedestrian connection to the public sidewalk, install bicycle parking, and reconfigure the existing parking areas.

5. CONCLUSION

In conclusion, the property owner and applicant are seeking a consolidated land use review in hopes of receiving approval for a Class 3 site plan review and four Class 2 adjustments. These approvals will allow for the landscape strip along the street to remain, the installation of a pedestrian connection between the public sidewalk and the development's existing walkway, the addition of bicycle parking, and the reconfiguration of existing paved parking areas, which are currently non-compliant and were restriped without approval after pavement repairs. These existing and proposed improvements will bring the subject property closer to compliance with applicable development standards, which aligns with the intent of the Code when applied to existing developments that are constrained by both on-site and surrounding conditions. Approval of these requests will also enable building tenants to obtain the necessary occupancy permits. Your consideration of these requests is greatly appreciated.