

NOTICE OF DECISION

PLANNING DIVISION
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DECISION OF THE PLANNING ADMINISTRATOR

CLASS 1 SITE PLAN REVIEW

APPLICATION NO.: 25-103532-PLN

NOTICE OF DECISION DATE: March 19, 2025

REQUEST: Class 1 Site Plan Review for a change of use to an Eating and Drinking Establishment use. The subject property is 17,248 square feet in size, zoned CB (Central Business District) and within the Salem Downtown Historic District, and located at 189 Liberty Street NE, Suite B13 (Marion County Assessors Map and Tax Lot number: 073W27AB / 5900).

APPLICANT: Evonne Steele

LOCATION: 189 Liberty Street NE, Suite B13

FINDINGS: The findings are in the attached Decision dated March 19, 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 March 19, 2029, or this approval shall be null and void.

Case Manager: Abigail Pedersen, Planner I, apedersen@cityofsalem.net, 503-540-2309

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 **MARCH 19, 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: 25 103532.

<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)
25-103532-PLN)
189 LIBERTY STREET NE SUITE B13) MARCH 19, 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 a change of use to an Eating and Drinking Establishment use. The subject property is 17,248 square feet in size, zoned CB (Central Business District) and within the Salem Downtown Historic District, and located at 189 Liberty Street NE, Suite B13 (Marion County Assessors Map and Tax Lot number: 073W27AB / 5900).

PROCEDURAL FINDINGS

1. On February 10, 2025, an application for a Class 1 Site Plan Review was submitted for property located at 189 Liberty Street NE Suite B13.
2. After additional requested information was provided by the applicant, the application was deemed complete on March 10, 2025.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review affects property located at the 189 Liberty Street NE, Suite B13 (**Attachment A**). The Class 1 Site Plan Review proposes interior tenant improvements to the Reed Opera House Mall Building, including a change of use from Audio/visual Media Production use to an Eating and Drinking Establishment use. The proposed suite plans are 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 an interior only tenant improvement and change of use. 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 – CB (Central Business District) Zone:

SRC 524.005(a) – Uses:

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

Finding: This proposal is for a change of use Audio/visual Media Production use to an Eating and Drinking Establishment use within Suite B13 (**Attachment B**). Eating and Drinking Establishments are a permitted use in the Central Business District 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 development has no off-street parking spaces; therefore, this standard is not applicable.

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

Finding: The development has no off-street parking spaces; therefore, this standard is not applicable.

- (b) *Carpool and vanpool parking.* New developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Finding: The development has no off-street parking spaces; therefore, this standard is not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) Applicability to change of use of existing building in Central Business District (CB), 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.
- (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.

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) 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 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.

(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.

(c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:

(1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.

(2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

(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.

(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) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.

(2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;

(3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and

(4) Racks shall be securely anchored.

(5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The property is zoned CB and at least 75 percent of the width of the front setback line is occupied by existing buildings and per SRC 806.045(b) bike parking standards shall

be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. There are six existing bike parking spaces on each the block face. The applicant has indicated they will provide one additional bike rack along court street which will provide two additional bike parking spaces, meeting the requirement for eight bike racks. The applicant has approved the location in which the bike racks will be located on the block face adjacent to the primary entrance, as reviewed and approved by the City's Traffic Engineers (**Attachment C**).

Off-Street Loading Areas

SRC 806.065 – General Applicability.

- (a) 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.
- (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.

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: No additional off-street loading spaces are required for the proposed change of use.

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.

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.

A handwritten signature in blue ink, appearing to read 'Abigail Pedersen', is positioned above a horizontal line.

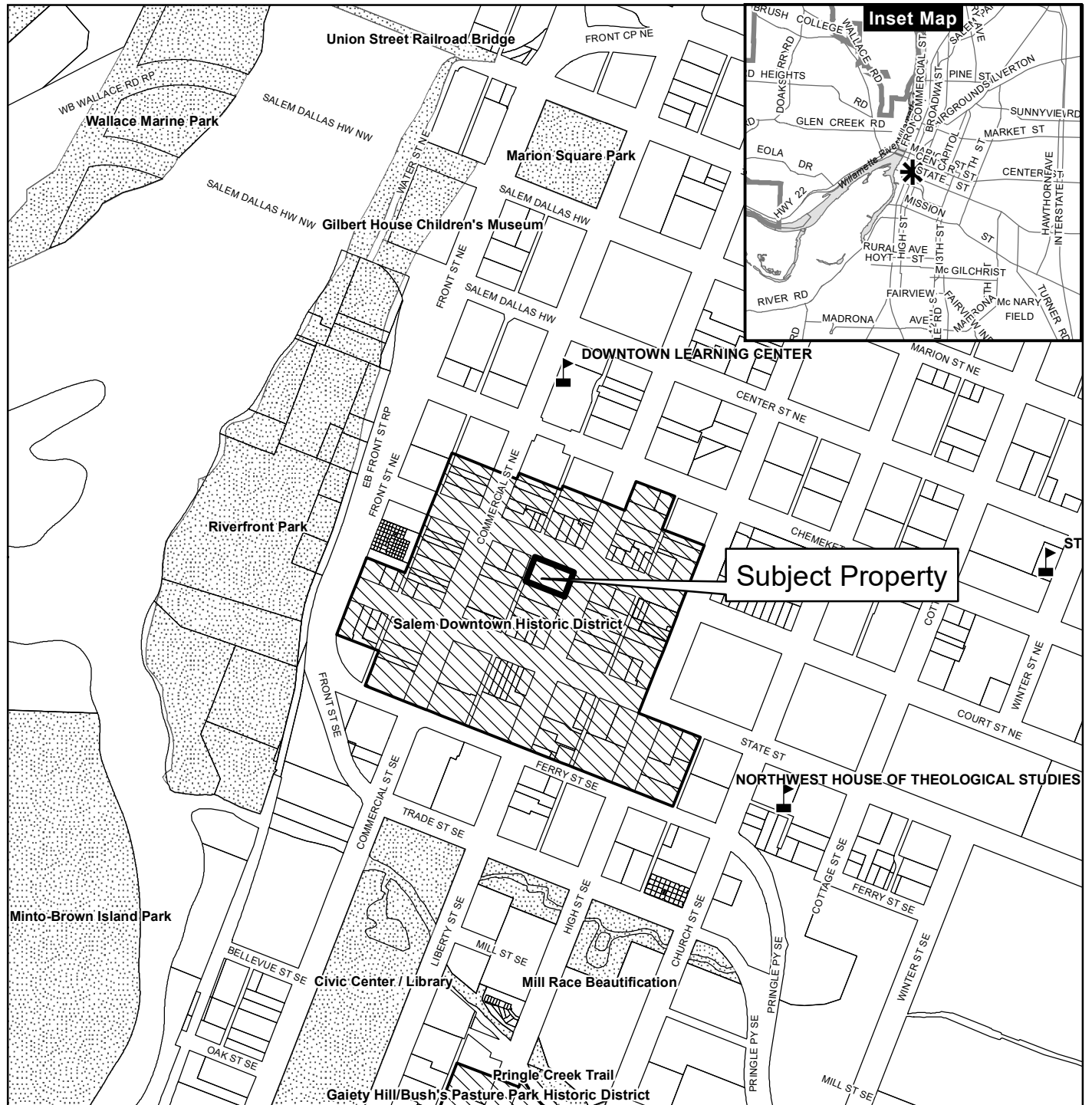
Abigail Pedersen, Planner I, on
behalf of Lisa Anderson-Ogilvie,
AICP, Planning Administrator

Attachments: A. Vicinity Map
 B. Suite Plan
 C. Bicycle Rack

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Vicinity Map

189 Liberty Street NE Suite B13



Legend

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

Parks

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Community Development Dept.

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