

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ25-12

APPLICATION NO.: 24-121254-PLN

NOTICE OF DECISION DATE: May 22, 2025

REQUEST: A consolidated application for proposed alterations to the Marion Parkade. The application includes:

- 1) Class 3 Site Plan Review for the proposed alterations to the structure, including removing the four existing enclosed corner stair towers and replacing them with new open-air covered stair towers; adding feature walls to the upper floor facades at the corners adjacent to the new stair towers to visually anchor the roof canopy and highlight the building corners; installing solar array canopies over parking stalls on the third-floor parking deck; replacing the existing ground-level pony walls on the perimeter of the parking garage with perforated metal screen panels to improve visibility and safety while still concealing parked vehicles; and installing vertical perforated metal fins with lighting on the second and third floor facades to enhance the structure's appearance; and
- 2) Class 2 Adjustments to:
 - a) To eliminate the minimum required 10-foot accessory structure setback from the street for the proposed solar array canopies on the third floor of the parking garage adjacent to Liberty Street NE, Marion Street NE, and High Street NE (SRC 524.010(c));
 - b) Allow the percentage of existing windows on the ground floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum required 65 percent (SRC 524.010(f)(5)(A)(ii));
 - c) Allow the percentage of existing windows on the upper floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum required 30 percent (SRC 524.010(f)(5)(B)); and
 - d) Allow the existing ground-level brick pony walls on the perimeter of the parking garage adjacent to Liberty Street NE, Marion Street NE, High Street NE, and Union Street NE to be replaced with perforated metal screen panels, where ground level parking is otherwise required to be screened from the adjacent right-of-way by a minimum three-foot-tall brick, stone, or finished concrete wall (SRC 806.035(c)(2)(D)).

The subject property is approximately 2.65 acres in size, zoned CB (Central Business District), and located at 445 Marion Street NE (Marion County Assessor's Map and Tax Lot Number: 073W22DA12400).

APPLICANT: Luke Gmazel, on behalf of City of Salem Public Works Department

LOCATION: 445 Marion St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated May 22, 2025.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ25-12 subject to the following conditions of approval:

- Condition 1:** Exterior lighting provided on the second and third floor facades of the parking garage shall comply with the exterior lighting standards of SRC 800.060.
- Condition 2:** The perforated metal screen panels provided on the perimeter of the ground floor of the parking garage shall be a minimum of three feet in height.
- Condition 3:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by June 7, 2029, or this approval shall be null and void.

Application Deemed Complete:	<u>April 11, 2025</u>
Notice of Decision Mailing Date:	<u>May 22, 2025</u>
Decision Effective Date:	<u>June 7, 2025</u>
State Mandate Date:	<u>August 9, 2025</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Friday, June 6, 2025. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 220 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW & CLASS 2)
ADJUSTMENT CASE NO. SPR-ADJ-25-12;)
445 MARION ST NE) MAY 22, 2025

In the matter of the consolidated Class 3 Site Plan Review and Class 2 Adjustment application submitted by the City of Salem, the Planning Administrator, having received and reviewed the evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A consolidated application for proposed alterations to the Marion Parkade. The application includes:

- 1) Class 3 Site Plan Review for the proposed alterations to the structure, including removing the four existing enclosed corner stair towers and replacing them with new open-air covered stair towers; adding feature walls to the upper floor facades at the corners adjacent to the new stair towers to visually anchor the roof canopy and highlight the building corners; installing solar array canopies over parking stalls on the third-floor parking deck; replacing the existing ground-level pony walls on the perimeter of the parking garage with perforated metal screen panels to improve visibility and safety while still concealing parked vehicles; and installing vertical perforated metal fins with lighting on the second and third floor facades to enhance the structure's appearance; and
- 2) Class 2 Adjustments to:
 - a) To eliminate the minimum required 10-foot accessory structure setback from the street for the proposed solar array canopies on the third floor of the parking garage adjacent to Liberty Street NE, Marion Street NE, and High Street NE (SRC 524.010(c));
 - b) Allow the percentage of existing windows on the ground floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum required 65 percent (SRC 524.010(f)(5)(A)(ii));
 - c) Allow the percentage of existing windows on the upper floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum required 30 percent (SRC 524.010(f)(5)(B)); and
 - d) Allow the existing ground-level brick pony walls on the perimeter of the parking garage adjacent to Liberty Street NE, Marion Street NE, High Street NE, and Union Street NE to be replaced with perforated metal screen panels, where ground level parking is otherwise required to be screened from the adjacent right-of-way

by a minimum three-foot-tall brick, stone, or finished concrete wall (SRC 806.035(c)(2)(D)).

The subject property is approximately 2.65 acres in size, zoned CB (Central Business District), and located at 445 Marion Street NE (Marion County Assessor Map and Tax Lot Number: 073W22DA12400).

PROCEDURAL FINDINGS

1. On October 14, 2024, an application for a Class 3 Site Plan Review and Class 2 Adjustment was submitted by Luke Gmazel, of the City of Salem Public Works Department, on behalf of the applicant and property owner, the City of Salem, for proposed alterations to the Marion Parkade.

Because multiple land use applications are required in connection with the proposed development, the applicant chose to consolidate and process them together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the proposed consolidated Class 3 Site Plan Review and Class 2 Adjustment is required to be reviewed by the Planning Administrator and processed as a Type II procedure.

2. After additional requested information was provided by the applicant, the application was deemed complete for processing on April 11, 2025, and notice of filing of the application was sent pursuant to Salem Revised Code (SRC) requirements.
3. The 120-day state mandated local decision deadline for the application is August 9, 2025.

SUBSTANTIVE FINDINGS

1. Background

The application under review by the Planning Administrator is a consolidated Class 3 Site Plan Review and Class 2 Adjustment for proposed alterations to the Marion Parkade located at 445 Marion Street NE (**Attachment A**).

The proposal includes removing the four existing enclosed corner stair towers and replacing them with new open-air covered stair towers; adding feature walls to the upper floor facades at the corners adjacent to the new stair towers to visually anchor the roof canopy and highlight the building corners; installing solar array canopies over parking stalls on the third-floor parking deck; replacing the existing ground-level pony walls on the perimeter of the parking garage with perforated metal screen panels to improve visibility and safety while still concealing parked vehicles; and installing vertical perforated metal fins with lighting on the second and third floor facades to enhance the structure's appearance.

Vehicular access to the parking garage is provided from three existing driveway approaches which provide access from Liberty Street NE, Union Street NE, and High Street NE. Pedestrian and bicycle access is provided by the existing network of streets and sidewalks in the surrounding area.

2. Applicant's Plans and Statement

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code and must be supported by proof they conform to such standards and approval criteria. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to the decision as follows:

- Site Plan: **Attachment B**
- Floor Plans: **Attachment C**
- Building Elevations: **Attachment D**

3. Summary of Record.

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) All documents referenced in this decision.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 24 121254.

4. Existing Conditions

Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The property is designated "Central Business District" on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Union Street NE, Central Business District and Mixed Use
South	Across Marion Street NE, Central Business District
East	Across High Street NE, Central Business District
West	Across Liberty Street NE, Central Business District

Relationship to Urban Service Area

The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended. The subject property is located inside the City's Urban Service Area.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), because the subject property is located inside the Urban Service Area an Urban Growth Preliminary Declaration is not required for the proposed development.

Zoning Map Designation

The subject property is zoned CB (Central Business District). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Union Street NE, CB (Central Business District)
South	Across Marion Street NE, CB (Central Business District)
East	Across High Street NE, EC (Employment Center)
West	Across Kuebler Boulevard, IG (General Industrial)

5. Neighborhood Association and Public Comments.

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CAN-DO) neighborhood association.

Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 18, 2024, the applicant contacted the CAN-DO Neighborhood Association to provide details about the proposal.

Neighborhood Association Comments: Notice of the application was provided to the CAN-DO neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, and are adjacent to, the subject property. No comments were received from the neighborhood association.

Homeowners Association: Pursuant to SRC 300.520(b)(1)(B)(iv), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA)

involving property subject to a Type II land use application. As indicated in the application materials submitted by the applicant, the subject property is not located within a Homeowners' Association; therefore, HOA notice is not applicable.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. No public comments were received.

6. City Department Comments

- A. Building and Safety Division: The City of Salem Building and Safety Division reviewed the proposal and provided comments indicating, in summary, that building permits are required where applicable in conformance with all building, fire, and accessibility codes.
- B. Fire Department: The City of Salem Fire Department reviewed the proposal and indicated that fire department access and water supply are existing.
- C. Development Services Division: The City of Salem Development Services Division reviewed the proposal and did not identify any objections to it.

7. Public Agency Comments

No comments were received from any public agencies.

DECISION CRITERIA FINDINGS

8. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: The proposal includes alterations to the Marion Parkade, located at 445 Marion Street NE.

The subject property is designated "Central Business District" on the Salem Area Comprehensive Plan Map and zoned CB (Central Business District). The allowed uses and applicable development standards of the CB zone are set forth under SRC Chapter 524.

The proposed development conforms to SRC Chapter 524 and all other applicable development standards of the Salem Revised Code as follows:

SRC Chapter 524 – CB Zone

▪ ***Uses (SRC 524.005):***

The proposal includes alterations to the Marion Parkade. Under the City's Use Classification Chapter (SRC 400), public parking garages are classified as a commercial parking use, pursuant to SRC 400.055(c). Commercial Parking is characterized by parking facilities contained within structures or on surface lots, where such parking is available to the public and not exclusively accessory to a specific use or development; a fee may or may not be charged.

Allowed uses within the CB zone are identified under SRC 524.005(a), Table 524-1. Within the CB zone commercial parking within a parking structure is specifically identified as a Permitted Use. The parking garage is therefore a permitted use in the CB zone.

▪ ***Lot Standards (SRC 524.010(a)):***

Lot standards within the CB zone are established under SRC 524.010(a), Table 524-2. Within the CB zone there are no minimum lot area or dimension standards except for a minimum required street frontage of 16 feet for uses other than single family.

The subject property is currently comprised of multiple units of land (*Lots 1 through 8, and the vacated alley right-of-way, of Block 25 of the Salem Plat*) and has more than 16 feet of frontage on Marion Street NE, Liberty Street NE, Union Street NE, and High Street NE. The proposal does not include any changes to the configuration of the lots that make up the subject property. The lot standards of the CB zone are therefore met.

▪ ***Development Density (SRC 524.010(b)):***

Development density requirements within the CB zone are established under SRC 524.010(c), Table 524-3. The density standards apply to both residential dwelling unit density and floor-area-ratio (FAR). Because the parking garage contains no residential dwelling units, the minimum dwelling unit density requirement of the CB zone is not applicable to the proposed development, but the minimum required floor-area-ratio does apply. Floor-area-ratio, as provided under SRC 111, is a measure of the intensity of a development expressed as a ratio of the total floor area of a building to the total area of the lot the building is located on.

Within the CB zone development is required to meet a minimum floor-area-ratio of 2.0. As shown by the plans and building elevations submitted by the applicant, the Marion Parkade includes three floors and covers more than 100 percent of the lot upon which it's located, due to structure extending into the public rights-of-

way of Marion Street, Liberty Street, and High Street. As provided in the written statement provided by the applicant, the parking garage has an existing FAR of 3.2 based on the number of floors and its overall square footage. The FAR of 3.2 exceeds the minimum required 2.0 FAR of the CB zone and no changes are proposed to the parking garage which would reduce its existing FAR. The proposal therefore conforms to the development density requirements of the CB zone.

▪ **Setbacks (SRC 524.010(c)):**

Setback requirements for buildings and accessory structures within the CB zone are established under SRC 524.010(c), Table 524-4. Pursuant to SRC 524.010(c), Table 524-4, setback requirements for parking and vehicle use areas within the CB zone are based on the requirements of SRC Chapter 806 (Off-Street Parking, Loading, and Driveways). SRC 806.035(c) establishes perimeter setback requirements for parking and vehicle use areas adjacent to streets, interior property lines, and buildings.

Based on the requirements of SRC 524.010(c) - Table 524-4 and SRC Chapter 806.035(c), the required building, accessory structure, and off-street parking and vehicle use area setbacks applicable to the proposed development are as follows:

Required Setbacks		
Abutting Street		
Buildings	0 ft. or Max 10 ft.	The maximum 10-foot setback applies to those portions of a building where a plaza or other outdoor space open to the public is provided between the building and the street right-of-way. Portions of buildings greater than 25 feet in height may be setback up to 10 additional feet from the street right-of-way.
Accessory Structures	Min. 10 ft.	
Parking and Vehicle Use Areas ⁽¹⁾	Min. 6 ft. to 10 ft.	Per alternative setback methods under SRC 806.035(c)(2)
Interior Side		
Buildings	None	
Accessory Structures	None	
Parking and Vehicle Use Areas ⁽¹⁾	Min. 5 ft. with Type A Landscaping ⁽²⁾	Per SRC 806.035(c)(3)
Interior Rear		
Buildings	None	

Accessory Structures	None	
Parking and Vehicle Use Areas ⁽¹⁾	Min. 5 ft. with Type A Landscaping ⁽²⁾	Per SRC 806.035(c)(3)
<p style="text-align: center;"><u>Notes</u></p> <p>(1) <u>Parking Garage Perimeter Setbacks</u>: Perimeter setbacks for parking garages are the same as required for surface parking lots except as otherwise provided under SRC 806.035(c)(5).</p> <p>As provided under SRC 806.035(c)(5), perimeter setbacks are not required for:</p> <ol style="list-style-type: none"> 1) Any portion of a parking garage with frontage on a street and containing ground floor uses/activities other than parking; 2) Any parking garage within an industrial, public, or commercial zone (<i>other than the CO zone</i>) that abuts an interior front, side, or rear property line where there is no required building setback; or 3) Any parking garage abutting an alley. <p>(2) <u>Required Landscaping</u>: Pursuant to SRC 807.015(a), Table 807-1, Type A Landscaping requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area.</p>		

As shown on the plans submitted by the applicant, the existing parking garage is located contiguous to the north property line abutting Union Street and extends into the public street rights-of-way of Marion Street, Liberty Street, and High Street. Because the parking garage doesn't include ground floor uses other than parking, it currently doesn't conform to the minimum required setback for parking garages abutting a street, as required under SRC 806.035(c)(5), which would otherwise requires the parking garage to be setback a minimum of six feet from Marion Street, Liberty Street, Union Street, and High Street. The parking garage does, however, include the required finished masonry wall to screen the ground level parking stalls from the adjacent public right-of-way.

The alterations to the parking garage included with this proposal include removing the four existing enclosed corner stair towers and replacing them with new open-air covered stair towers; adding feature walls to the upper floor facades at the corners adjacent to the new stair towers; installing solar array canopies over parking stalls on the third-floor parking deck; and replacing the existing ground-level pony walls on the perimeter of the parking garage with perforated metal screen panels.

As a result of how the existing parking garage is constructed on the site, portions of the new stair towers, some of the proposed new feature walls (*those located at the northeast, southeast, and southwest corners*), and the proposed new solar array canopies on the third floor will be located within the public street right-of-way. Because buildings within the CB zone are generally required to be located contiguous to the property line abutting a street, there's no minimum required setback applicable to the proposed new portions of the parking garage (*excluding the solar array canopies*) that will extend beyond the property lines and into the public street right-of-way. The CB zone does, however, require a minimum

accessory structure setback of 10 feet that's applicable to the solar array canopies proposed over the parking stalls on the third floor of the garage. Because the proposed solar array canopies do not meet the minimum required 10-foot setback from Marion Street, Liberty Street, and High Street, a Class 2 Adjustment has been requested to this standard.

In addition, because a component of the required setback for off-street parking areas (*including parking garages*) adjacent to a street within the CB zone requires them to be screened from the adjacent public right-of-way with a minimum 3-foot-tall brick, stone, or finished concrete wall, an adjustment has also been requested to the screening component of the required setback due to the proposed alterations to the garage including replacing the existing brick pony walls on the perimeter of the ground floor of the structure with perforated metal screen panels.

Analysis of both Class 2 Adjustment requests and findings demonstrating their conformance with the Class 2 Adjustment approval criteria are included in Section 9 of this decision. The alterations to the parking garage, as proposed and as approved with the Class 2 Adjustments, conform to the setback requirements of the CB zone.

- ***Lot Coverage (SRC 524.010(d)):***

Lot coverage requirements within the CB zone are established under SRC 524.010(d), Table 524-5. Within the CB zone there is no maximum lot coverage requirement for buildings and accessory structures. The parking garage therefore conforms to this standard.

- ***Height (SRC 524.010(d)):***

Height requirements for buildings and accessory structures within the CB zone are established under SRC 524.010(d), Table 524-5. Within the CB zone there is no maximum height restriction for buildings and non-residential accessory structures. There is, however, a minimum height requirement for buildings of two stories. As identified in the written statement provided by the applicant and illustrated by the plans and building elevations, the existing parking garage includes three levels and is approximately 44 feet in height (*as measured to the top of the existing elevator and stair towers*). The proposed new open air stair towers, features walls, and solar array canopies will not exceed the height of the existing garage and the number of parking levels will remain at three. The parking garage will therefore continue to exceed the minimum 2-story building height requirement of the CB zone. The proposed development conforms to this standard.

- ***Building Frontage (SRC 524.010(d)):***

Building frontage requirements within the CB zone are established under SRC 524.010(d), Table 524-5. Within the CB zone a minimum of 90 percent of the frontage of a lot is required to be occupied by buildings placed at the front setback line. For corner lots, the minimum 90 percent frontage requirement applies to the street with the highest street classification, and a minimum building

frontage of 75 percent is required on the intersecting street. Where both streets have the same classification, the applicant may choose which street the 90 percent building frontage standard applies to.

As shown on the site plan, the subject property has frontage on four streets. Marion Street, Liberty, Street, and High Street are all classified as Major Arterial Streets under the City's Transportation System Plan (TSP) and Union Street is classified as a Collector Street. As indicated in the written statement provided by the applicant, the existing parking garage is located within the allowed setback which provides building frontage of more than 100 percent due to the encroachment of the structure into the public rights-of-way. The proposed four corner stair tower replacements will result in a small reduction in building frontage but the resulting frontage will remain at 100 percent for all streets and therefore exceed the minimum building frontage requirements of the CB zone.

▪ ***Landscaping (SRC 524.010(e)):***

Landscaping requirements within the CB zone are established under SRC 524.010(e). Within the CB zone landscaping is required as follows:

- (1) Setbacks. Required setbacks must be landscaped as required under SRC Chapter 807 (Landscaping).
- (2) Parking & Vehicle Use Areas. Parking and vehicle use areas must be landscaped pursuant to the requirements of SRC Chapter 806 (Off-Street Parking, Loading, & Driveways) and SRC Chapter 807 (Landscaping).

Setback Landscaping. As identified earlier in this decision, parking garages are required to meet the perimeter setback requirements of SRC 806.035(c), except for those portions of a parking garage that have frontage on a street with ground floor uses/activities other than parking and for parking garages located in a commercial zone that abut an interior side or rear property line where there is no required building setback.

Because the parking garage has frontage on four streets, but includes no ground floor uses other than parking adjacent to any of the streets, a minimum 6-foot-wide landscape setback is required between the parking garage and the abutting streets. As indicated earlier in this decision, however, the existing parking garage was originally constructed in a manner in which it either projects into the public street right-of-way along some streets or abuts the street right-of-way on others. The parking garage is therefore considered existing non-conforming development in regard to required perimeter parking garage setbacks abutting the street. As indicated in the written statement provided by the applicant, no changes to the location of the parking stalls are included with this proposal and, as such, perimeter landscaping is not triggered.

In addition, the property where the parking garage is located is currently made up of several individual platted legal lots. Within the CB zone parking and vehicle use areas would typically require a 5-foot-wide landscaped setback abutting each of the interior property lines associated with these lots

but because the site is constructed with a parking garage and there are no minimum required interior side or rear building setbacks there are similarly no minimum required interior side or rear setbacks applicable to the parking garage per SRC 806.035(c)(5)(B).

Parking & Vehicular Use Area Landscaping. SRC 806.035(d) establishes interior landscaping requirements for parking areas greater than 5,000 square feet in size. Parking area interior landscaping is not required, however, for parking garages pursuant to SRC 806.035(d)(1)(F). Because there are no surface parking areas located on the site and the only parking provided is located within a parking structure, the parking and vehicle use area landscaping requirements of SRC Chapter 806 are not applicable to the proposed development.

▪ **Design (SRC 524.010(f)):**

Development within the CB zone is required to conform to the following design standards set forth in SRC 524.010(f).

❖ Ground Floor Building Height (SRC 524.010(f)(1)):

SRC 524.010(f)(1) establishes requirements for ground floor building height. Within the CB zone buildings are required to have a minimum ground floor height of 14 feet (*as measured from the floor to ceiling of the first floor*).

As indicated in the written statement provided by the applicant, the existing ground floor height of the parking garage is approximately 18 feet and no alterations to the existing ground floor height are proposed. The parking garage therefore exceeds the minimum required 14-foot ground floor height of the CB zone and this design standard is met.

❖ Building Façade Articulation (SRC 524.010(f)(2)):

SRC 524.010(f)(2) establishes requirements for building façade articulation. Within the CB zone the ground floor façades of buildings are required to be distinguished from upper floor facades through incorporation of a change in materials, change in color, or molding or other horizontally-articulated transition piece.

Alterations to the parking garage included with this proposal include removing the four existing enclosed corner stair towers and replacing them with new open-air covered stair towers; adding feature walls to the upper floor facades at the corners adjacent to the new stair towers; installing solar array canopies over parking stalls on the third-floor parking deck; installing vertical perforated metal fins with lighting on the second and third floor facades; and replacing the existing ground-level pony walls on the perimeter of the parking garage with perforated metal screen panels.

With the removal of the existing enclosed stair towers at the corners of the parking garage and their replacement with covered but unenclosed open-air stair towers, the new open stair towers will not include a façade because they

are open without walls. As such, the ground floor articulation requirements of this standard are not applicable to the open stairwells and the other alterations included in the proposal.

As provided in the applicant's written statement, the proposed alterations to the parking garage will still help to provide additional architectural detailing to the structure by utilizing different materials for the open stair towers together with feature walls and large roof canopies that will help to further define the building corners and add a prominent "cap" to the corners where none currently exist; and the installation of illuminated vertical metal fins on the upper floors of the parking garage will provide additional visual texture and depth to help to further distinguish the upper level façade of the structure from the ground level façade.

❖ Building Entrances (SRC 524.010(f)(3)):

SRC 524.010(f)(3) establishes requirements for building entrances facing streets. Within the CB zone a primary building entrance is required to be provided for each non-residential ground floor tenant space facing a street. If a non-residential ground floor tenant space within a building has frontage on more than one street, a single primary building entrance for the tenant space may be provided at the corner of the building where the streets intersect.

The existing parking garage has frontage on four public streets and there is only one use/tenant space on the site, the parking garage. As shown on the site plan and building elevations, and indicated in the applicant's written statement, the parking garage is an open public parking structure with multiple pedestrian entry points on each of the structure's four street facing facades that will be maintained. The proposal therefore conforms to this design standard.

❖ Separation of Ground Floor Residential Entrances from Street (SRC 524.010(f)(4)):

SRC 524.010(f)(4) establishes requirements for the separation of ground floor residential uses from adjacent streets. Within the CB zone ground floor residential entrances are required to be separated from the adjacent public right-of-way with either a vertical or horizontal separation.

Because the parking garage contains no ground floor residential uses, this design standard is not applicable to the proposal.

❖ Ground Floor & Upper Floor Windows (SRC 524.010(f)(5)):

SRC 524.010(f)(5) establishes requirements for the provision of both ground floor windows and upper floor windows on building facades facing a street. Within the CB zone ground floor building facades facing streets are required to include transparent windows on a minimum of 65 percent of the ground floor façade and upper floor building facades facing streets and open space are required to including windows along a minimum of 30 percent of each

building floor length, and on a minimum of 30 percent of the overall upper floor façade area.

The parking garage is on open structure without windows except at the four existing enclosed stair towers at the corners of the building and in the middle of the southern façade facing Marion Street adjacent to where the skybridge connects to the structure.

As a result of the proposed alterations to the parking garage, existing ground floor and upper floor windows at the four corner enclosed stair towers of the structure will be removed and replaced with new covered and unenclosed stair towers. The existing ground floor and upper floor windows on the parking garage's southern façade facing Marion Street adjacent to the skybridge will not be removed.

Because existing ground floor and upper floor windows are proposed to be removed as a result of replacing the existing enclosed stair towers with new covered and unenclosed stair towers, the proposed development will not meet the requirements of this design standard. As such, Class 2 Adjustments have been requested to this standard. Analysis of the Class 2 Adjustment requests and findings demonstrating their conformance with the Class 2 Adjustment approval criteria are included in Section 9 of this decision. The alterations to the parking garage, as proposed and as approved with the Class 2 Adjustments, conform to this design standard.

❖ Weather Protection (SRC 524.010(f)(6)):

SRC 524.010(f)(6) establishes requirements for the provision of weather protection on building facades facing streets. Within the CB zone weather protection is required to be provided in the form of awnings or canopies along a minimum of 90 percent of the length of the ground floor building façade adjacent to a street. Awnings and canopies are required to have a minimum depth of six feet and must have a minimum clearance height above the sidewalk of eight feet.

As shown on the site plan and building elevations, weather protection in the form of canopies/awnings is currently only provided at the southeast and southwest corners of the building adjacent to the intersections of Marion Street and Liberty Street and Marion Street and High Street. Weather protection in the form of covered colonnades is provided on the eastern, southern, and western facades of the building facing High Street, Marion Street, and Liberty Street.

As identified on the site plan, the colonnade adjacent to Liberty Street provides weather protection along approximately 94 percent of the façade; the colonnade adjacent to Marion Street provides weather protection along 100 percent of the façade; and the colonnade adjacent to High Street provides weather protection along approximately 94 percent of the façade.

The parking garage façade adjacent to Union Street currently includes no weather protection and no weather protection is therefore proposed to be

reduced as a result of the proposed alterations. The proposed development conforms to this design standard.

❖ Residential Balconies (SRC 524.010(f)(7)):

SRC 524.010(f)(7) establishes requirements for the provision of upper floor balconies for residential units on building facades facing Front Street. Within the CB zone the residential balconies are required to be a minimum of 48 square feet in size, have no dimension less than six feet, and be directly accessible from each dwelling unit through a doorway.

Because the subject property does not abut Front Street NE and no residential units are included within the parking garage, this design standard is not applicable to the proposed development.

❖ Off-Street Parking Location (SRC 524.010(f)(8)):

SRC 524.010(f)(8) establishes requirements for the location of off-street surface parking areas. Within the CB zone off-street surface parking areas are required to be located behind or beside buildings and structures; off-street surface parking and vehicle maneuvering areas shall not be located between a building or structure and a street.

As indicated in the applicant's written statement, all parking and vehicle maneuvering on site occurs within the open parking garage. Because there are no off-street surface areas located on the site, this design standard is not applicable to the proposed development.

❖ Mechanical and Service Equipment (SRC 524.010(f)(9)):

SRC 524.010(f)(9) establishes requirements for the screening of ground level and rooftop mechanical service equipment. Within the CB zone ground level mechanical and service equipment is required to be screened with landscaping and/or a sight-obscuring fence or wall and must be located behind or beside buildings. Rooftop mechanical and service equipment (*with the exception of solar panels and wind generators*) are required to be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building.

As indicated in the applicant's written statement, solar array canopies are proposed on the third floor of the parking garage over existing parking spaces, but no other mechanical equipment is proposed. Because solar panels are specifically exempt from screening requirements, the proposed development conforms to this design standard.

❖ Pedestrian Walkways (SRC 524.010(f)(10)):

SRC 524.010(f)(10) establishes requirements for above ground pedestrian walkways. Within the CB zone above grade pedestrian walkways are allowed except that no above grade pedestrian walkway shall be provided to property located within the Salem Downtown Historic District.

The existing parking garage includes an above grade pedestrian walkway over Marion Street NE. Because the property is not located within the Salem Downtown Historic District, the above grade pedestrian walkway is allowed and conforms to this design standard.

SRC Chapter 800 – General Development Standards

▪ *Solid Waste Service Areas (SRC 800.055):*

SRC 800.055 establishes standards that apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed. The standards also apply to any change to an existing solid waste service area for receptacles one cubic yard or larger that requires a building permit.

A solid waste service area is defined under SRC 800.010 as, “An area designed and established for the purpose of satisfying the local collection franchisee service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively.”

As indicated in the written statement provided by the applicant, the proposal does not include any new solid waste service areas. Because the proposal does not include any new solid waste service areas or changes to existing solid waste service areas, the solid waste service area standards of this section are not applicable to the proposed development.

▪ *Exterior Lighting (SRC 800.060):*

SRC 800.060 establishes standards for existing lighting. As required by this section, exterior lighting shall not shine or reflect onto adjacent properties or cast glare onto the public right-of-way. In addition, exterior light fixtures are required to be located so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either: 1) Completely shielded from direct view; or 2) No greater than five foot-candles in illumination.

As shown on the building elevation drawings, the proposed alterations to the parking garage include the installation of vertical metal fins on the second and third floor facades which will include lighting. The written statement provided by the applicant indicates the lighting will meet City standards, not cast glare, and have a light source that is shielded from view as required.

In order to ensure that the exterior lighting provided on the second and third floor facades of the parking garage complies with the exterior lighting standards of SRC 800.060, the following condition of approval shall apply:

Condition 1: Exterior lighting provided on the second and third floor facades of the parking garage shall comply with the exterior lighting standards of SRC 800.060.

▪ ***Pedestrian Access (SRC 800.065):***

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, middle housing, and multiple family developments subject to SRC Chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

SRC 800.065 establishes standards for pedestrian access to buildings and through development sites. Under this section, pedestrian connections are required:

- (1) Between building entrances and streets;
- (2) Between buildings on the same development site;
- (3) Through off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles;
- (4) Through parking structures/parking garages where an individual floor of the parking structure or garage exceeds 25,000 square feet in size;
- (5) To existing or planned paths and trails; and
- (6) To abutting properties when shared vehicular access is provided between them.

As indicated in the written statement provided from the applicant, the existing parking structure abuts public sidewalks with multiple pedestrian entrances on all four street frontages which will remain. In addition, the existing parking areas within the garage will remain with no reconfiguration other than a slight reduction to the number of spaces on the third floor to accommodate the installation of the proposed solar array canopies above the affected parking spaces.

Because the proposal does not include any alterations that reconfigure the layout of the parking areas on any of the floors, the pedestrian access standards of SRC 800.065 are not applicable to the proposed development and existing pedestrian access will be maintained in compliance with these standards.

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

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for maximum off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

▪ ***Maximum off-street parking (SRC 800.015(a)):***

Maximum off-street vehicle parking requirements are established under SRC 806.015(a), Table 806-1. The maximum allowed off-street parking for the development is as follows:

Maximum Allowed Off-Street Parking		
Use	Max. Parking Ratio	Max. Spaces Allowed
Commercial Parking	N/A	No max.

As indicated in the written statement provided from the applicant, the existing parking garage can accommodate up to 1,086 parking spaces and there will be a reduction of five spaces on the third-floor open parking deck to accommodate the structural columns of the proposed new solar array canopies, but there will be no reconfiguration to the parking areas.

Based on the above identified maximum off-street parking requirements, there is no maximum off-street parking requirement applicable to commercial parking. As such, the resulting 1,081 parking spaces within the garage conform to this standard.

- ***Compact parking (SRC 800.015(b)):***

SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the parking spaces provided on a development site.

As indicated in the applicant's written statement, of the 1,081 total parking spaces within the parking garage, 593 spaces (*or 54.9%*) are designated as compact. The proposed development therefore does not exceed the maximum 75% compact parking requirement included under SRC 806.015(b).

- ***Carpool and vanpool parking (SRC 800.015(c)):***

SRC 806.015(c) requires 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, to designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

The proposal includes alterations to the existing Marion Parkade, which is classified as a commercial parking use pursuant to SRC 400.055(c). As provided under SRC 400.005, Table 400-1, commercial parking does not fall within the Public Services and Industrial use classifications, and it similarly does not fall within the business and professional services use category. Because the proposed use does not fall within the Public Services and Industrial use classifications, and because the use does not fall within the business and professional services use category, carpool and vanpool parking is not required for the proposed development.

- ***Electric vehicle charging spaces (SRC 800.015(d)):***

SRC 806.015(d) requires that for any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential

and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

The proposal includes alterations to the existing Marion Parkade. Because the parking garage is existing and no residential units are proposed. This standard is not applicable to the proposed development.

- ***Off-Street Parking Area Interior Landscaping (SRC 806.035(d)):***

SRC 806.035(d) establishes interior landscaping requirements for off-street parking areas greater than 5,000 square feet in size. Pursuant to SRC 806.035(d)(1)(F), interior landscaping is not required, however, for parking garages. Because the proposal involves alterations to an existing parking garage, the interior landscaping standards of SRC 806.035(d) are not applicable to the proposed development.

- ***Off-Street Parking Area Dimensions (SRC 806.035(e)):***

SRC 806.035(e) – Table 806-5, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them.

As indicated in the applicant's written statement, the proposal does not include any reconfiguration of the parking and maneuvering areas of within the garage.

- ***Off-Street Parking Area Access and Maneuvering (SRC 806.035(f)):***

SRC 806.035(f) establishes access and maneuvering requirements for off-street parking areas. Pursuant to the requirements of this subsection, off-street parking and vehicle use areas are required to be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and, where a drive aisle terminates at a dead-end, a turnaround is provided that conforms to the dimensions set forth in Table 806-6.

As indicated in the applicant's written statement, the existing parking areas within the parking garage allow for safe and convenient vehicular access and maneuvering; are designed for forward motion entering and exiting the garage; and include no drive-aisle which terminate in a dead-end.

Because no changes are proposed to the parking garage that would reconfigure parking or alter vehicle maneuvering, the proposed development conforms to the parking access and maneuvering requirements of SRC 806.035(f).

- ***Additional standards for new off-street surface parking areas more than one-half acre in size. (SRC 806.035(n)):***

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, including the provision of climate mitigation measures pursuant to SRC 806.035(n)(1) and provision of tree canopy pursuant to SRC 806.035(n)(2) and the tree canopy standards of SRC 806.035(n)(3). 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.

Because the proposal includes alterations to an existing parking garage and no new off-street surface parking is proposed, the development standards of this section are not applicable to the proposed development.

▪ ***Driveways (SRC 806.040):***

SRC 806.040(d) establishes minimum driveway standards. Pursuant to SRC 806.040(d), Table 806-8, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet.

As shown on the site plan, the parking garage includes driveways onto Liberty Street NE, High Street NE, and Union Street NE. The written statement provided by the applicant indicates that all driveways are existing and that no changes are proposed to the driveways on High Street and Liberty Street, and the driveway on Union Street will be closed by the City of Salem. The existing driveways meet the requirements of SRC 806.040 and therefore conform to this standard.

▪ ***Bicycle Parking (SRC 806.055):***

Minimum bicycle parking requirements are established under SRC 806.055(a), Table 806-9. The minimum bicycle parking requirement for commercial parking is as follows:

Minimum Required Bicycle Parking	
Use	Min. Parking Ratio
Commercial Parking	1 space per 30 vehicle parking spaces

Pursuant to SRC 806.045(a), bicycle parking is required for: 1) Each proposed new use or activity; 2) Any change of use or activity; or 3) Any intensification, expansion, or enlargement of a use or activity.

Because the parking garage is existing and there is no new use, change of use, or intensification of the existing use, bike parking is not required for the proposal.

▪ ***Off-Street Loading Areas (SRC 806.075):***

Minimum off-street loading requirements are established under SRC 806.075, Table 806-11. The minimum loading requirement for commercial parking is as follows:

Minimum Required Loading	
Use	Min. Required Spaces
Commercial Parking	None

As identified above, there is no minimum off-street loading requirement for commercial parking. As such, the off-street loading standards of SRC Chapter 806 are not applicable to the proposed development.

SRC Chapter 808 (Preservation of Trees & Vegetation)

The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves."

As identified on the site plan, there are no existing trees on the property. The only trees present are the existing trees within the public right-of-way of Union Street NE. The existing trees within the public right-of-way are regulated under SRC Chapter 86 (Trees on City Owned Property).

SRC Chapter 809 (Wetlands):

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

According to the Salem-Keizer Local Wetland Inventory (LWI), there are no mapped wetlands or waterways located on the subject property.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

The topography of the subject property is flat. According to the City's adopted landslide hazard susceptibility maps, there are no areas of mapped landslide hazard susceptibility located on the subject property. Pursuant to the SRC Chapter 810, a geologic assessment is therefore not required in conjunction with the proposed development.

SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: Access to the existing parking garage is provided by the network of existing public streets that surround the property. The street system adjacent to the property provides for the safe, orderly, and efficient circulation of traffic to and from the parking garage. This approval criterion is met.

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The proposal includes alterations to the existing parking garage that are intended to extend the structure's usable life and enhance its usage by increasing safety, visibility, vibrancy, and accessibility.

The parking areas and driveways within the existing garage provide for the safe and efficient movement of vehicle, bicycles, and pedestrians. As indicated in the written statement provided by the applicant, none of the proposed changes reconfigure or alter the parking and vehicle maneuvering areas within the garage. This approval criterion is therefore met.

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Development Services Division reviewed the proposal and indicates that water, sewer, and stormwater infrastructure are available in the surrounding area. This approval criterion is met.

9. Analysis of Class 2 Adjustment Approval Criteria

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, 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 flexibility to allow reasonable development of property where special conditions or unusual

circumstances exist. Pursuant to SRC 250.005(a)(1)(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 that increases or decreases the standard by more than 20 percent.

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(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.***

Finding: The applicant has requested four Class 2 Adjustments in conjunction with the proposal. The adjustments include:

- a) Elimination of the minimum required 10-foot accessory structure setback from the street, as required under SRC 524.010(c), for the proposed solar array canopies on the third floor of the parking garage adjacent to Liberty Street NE, Marion Street NE, and High Street NE;
- b) Allowing the percentage of existing windows on the ground floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum 65 percent required under SRC 524.010(f)(5)(A)(ii);
- c) Allowing the percentage of existing windows on the upper floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum 30 percent required under SRC 524.010(f)(5)(B); and
- d) Allowing the existing ground-level brick pony walls on the perimeter of the parking garage adjacent to Liberty Street NE, Marion Street NE, High Street NE, and Union Street NE to be replaced with perforated metal screen panels, where ground level parking is otherwise required to be screened from the adjacent right-of-way by a minimum three-foot-tall brick, stone, or finished concrete wall as provided under SRC 806.035(c)(2)(D).

Accessory Structure Setback from Streets (SRC 524.010(c)):

The applicant has requested a Class 2 Adjustment to SRC 524.010(c) to eliminate the minimum required 10-foot accessory structure setback from the street for the proposed solar array canopies on the third floor of the parking garage adjacent to Liberty Street NE, Marion Street NE, and High Street NE.

The written statement provided by the applicant indicates that the proposed canopies will be positioned along the perimeter of the third-floor parking deck facing High Street NE, Marion Street NE, and Liberty Street NE where the existing parking structure currently encroaches over the public right-of-way on all of these streets. The applicant explains that the sola array canopies have been strategically placed to maximum solar exposure and shading, while ensuring that the existing circulation patterns on the parking deck remain unaffected. The applicant indicates that the proposed design is equal to or better than the standard because the actual parking garage structure remains unchanged. The siting of the canopies enhances solar gain within minimum impact on the existing vehicle parking and maneuvering areas. Compliance with the required setback would result in reduced solar gain, the loss of more than five parking spaces, and the need to reconfigure parking and vehicle maneuvering areas.

Staff concurs with the findings included in the applicant's written statement. One of the primary underlying purposes of the required minimum 10-foot accessory structure setback is to ensure that accessory structures serving the main use of a site are setback a minimum distance from the street, as opposed to buildings that are required be located contiguous to the public street right-of-way.

In the case of the proposed development, the new solar array canopies on the third level parking deck are located on the parking garage itself and although the canopies are not setback a minimum 10 feet from the property line abutting the street they are separated from the street level by a vertical distance of more than 10 feet which equally meets the underlying purpose of the standard to provide separation between accessory structures and abutting streets. The proposed development therefore equally meets the purpose of this standard and this approval criterion is met.

Ground Floor Windows (SRC 524.010(f)(5)(A)(ii));

The applicant has requested a Class 2 Adjustment to SRC 524.010(f)(5)(A)(ii) to allow the percentage of existing windows on the ground floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum required 65 percent.

The written statement provided by the applicant indicates that the existing structure has ground-floor windows within the five enclosed stair towers, which account for less than 65 percent transparent glazing. Four of the stair towers will be removed and replaced with open stair towers, which will not include facades; thereby reducing the amount of ground-floor glazing. The applicant explains that the proposed new design improves upon the current situation because the existing glazing is tinted, which does not meet transparent requirements, and missing glazing has been infilled with solid boards, further failing to meet the standard. The applicant indicates that replacing the enclosed stair towers with open stair towers, the design maximizes visibility and reduce right-of-way encroachments along High Street, Marion Street, and Liberty Street. The applicant further states that the glazing in the remaining stair tower, located mid-block on Marion Street, will be replaced with clear glazing which

will increase visibility. This design better aligns with the intent of the standard by providing transparent glazing for the remaining enclosed stair tower and enhancing visibility between the new open corner stair towers and the pedestrian realm.

Staff concurs with the findings included in the applicant's written statement. The underlying purpose of the ground floor window requirement is to create an active and inviting pedestrian environment along streets by precluding blank walls without windows and to promote vibrant and safe public space by providing visual observation and encouraging pedestrian activity.

Although ground floor windows will be lost at the existing four enclosed stair towers at the corners of the parking garage, the proposed new open stair towers will provide greater visibility into the structure at these corners due to their proposed open design and, as the applicant indicates, they will be eliminating existing glazing that does not currently meet required transparency standards due to the dark tinting of the windows and the presence of wood panels where glazing is missing.

In addition, due to the open design of the parking garage, views are afforded into the structure along each street frontage; thereby equally meeting the underlying purpose of this standard. This approval criterion is met.

Upper Floor Windows (SRC 524.010(f)(5)(B)):

The applicant has requested a Class 2 Adjustment to SRC 524.010(f)(5)(B) to allow the percentage of existing windows on the upper floor facades of the parking garage facing streets to be reduced; thereby dropping them further below the minimum required 30 percent.

As is the case with ground floor windows, the underlying purpose of the upper floor window requirement is to create an inviting and safe environment along streets and open space areas where visual surveillance is afforded from upper levels of buildings. In addition, upper floor windows serve to provide visual interest throughout the upper floor facades of buildings and help to break up the appearance of overall building mass.

Although upper floor windows will be lost at the existing four enclosed stair towers at the corners of the parking garage, the proposed new open stair towers will provide greater visibility into the structure at these corners due to their proposed open design. In addition, due to the open design of the parking garage, the openings within the façade on the second floor serve a similar function as upper floor windows allowing views down on the abutting public street right-of-way and breaking up the overall mass of the second floor façade; thereby equally meeting the underlying purpose of this standard. This approval criterion is met.

Parking Garage Perimeter Setback Screening Abutting Street (SRC 806.035(c)(2)(D)):

The applicant has requested a Class 2 Adjustment to SRC 806.035(c)(2)(D) to allow the existing ground-level brick pony walls on the perimeter of the parking garage

adjacent to Liberty Street NE, Marion Street NE, High Street NE, and Union Street NE to be replaced with perforated metal screen panels, where ground level parking is otherwise required to be screened from the adjacent right-of-way by a minimum three-foot-tall brick, stone, or finished concrete wall.

The written statement provided by the applicant indicates that this standard requires a minimum 6-foot-wide perimeter setback between off-street parking and streets; together with a 3-foot-tall wall and Type A landscaping. Due to the existing parking garage being built at or over the existing property lines abutting the street, a perimeter setback is not currently provided nor can one be created. The applicant indicates that the proposal includes removal of the existing ground-floor pony walls on the perimeter of the garage and replacing them with new perforated metal screen panels, which will screen vehicle headlights and provide a physical barrier between the adjacent sidewalks and parking areas. The applicant explains that the purpose of replacing the existing brick pony walls with perforated metal screening is to allow some transparency between the sidewalk and the parking garage at street level as a safety measure. The applicant indicates that the existing walls create hiding spots that are easily accessible from the adjacent public sidewalk, posing safety risks both within the parking structure and for pedestrians on the surrounding sidewalks. Removing the pony walls will enhance visibility between the parking areas and the pedestrian way, thereby improving safety for the community and aligning with one of the primary goals of the proposed improvements.

Staff concurs with the findings included in the applicant's written statement. The underlying purpose of the perimeter screening component of the required parking and vehicle use area setback is to provide a visual and physical buffer between parking areas and adjacent sidewalks when a setback of less than 10 feet is provided between a parking area and the street. In this case, the existing ground-level pony walls on the perimeter of the parking garage are proposed to be removed and replaced with perforated metal screening panels in order to improve safety within and adjacent to the parking garage. Although the proposed panels will include perforations to allow some degree of visibility through them, they will still provide a visual and physical separation/buffer between vehicles parked within the garage and pedestrians on the adjacent sidewalks; thereby equally meeting the underlying purpose of this standard.

In order to ensure the proposed metal panels meet the minimum required screening height included under SRC 806.035(c)(2)(D), the following condition of approval shall apply:

Condition 2: The perforated metal screen panels provided on the perimeter of the ground floor of the parking garage shall be a minimum of three feet in height.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is zoned CB. Pursuant to SRC 110.025, Table 110-1, the CB zone is classified as a commercial zone rather than a residential zone. Because the subject property is not located within a residential zone, this approval criterion is not applicable to the proposed development.

SRC 250.005(d)(2)(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.

Finding: A total of four Class 2 Adjustments have been requested in conjunction with the proposed development. Pursuant to SRC 524.001, the purpose of the CB zone is to serve Salem and the region as a principal center of business and commerce through allowance of a compact arrangement or retail and commercial enterprises together with office, financial, cultural, entertainment, governmental, and residential use designed and situated to afford convenient access by pedestrians.

Although four adjustments have been requested in conjunction with the proposed development, the cumulative effect of the adjustments does not result in a project that is inconsistent with the identified purpose of the zone.

The proposal includes alterations to the Marion Parkade to improve safety and extend the usable life of the structure. The proposed adjustments will not negatively impact properties within the surrounding area and they will not result in a project that is inconsistent with the overall purpose of the CB zone.

In order to ensure that any future further development on the property maintains conformance with the overall purpose of the CB zone, the following condition of approval shall apply:

Condition 3: The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

The proposed development, as conditioned, conforms to this approval criterion.

10. Conclusion

Based upon review of SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ-25-12 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the

Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** Exterior lighting provided on the second and third floor facades of the parking garage shall comply with the exterior lighting standards of SRC 800.060.
- Condition 2:** The perforated metal screen panels provided on the perimeter of the ground floor of the parking garage shall be a minimum of three feet in height.
- Condition 3:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

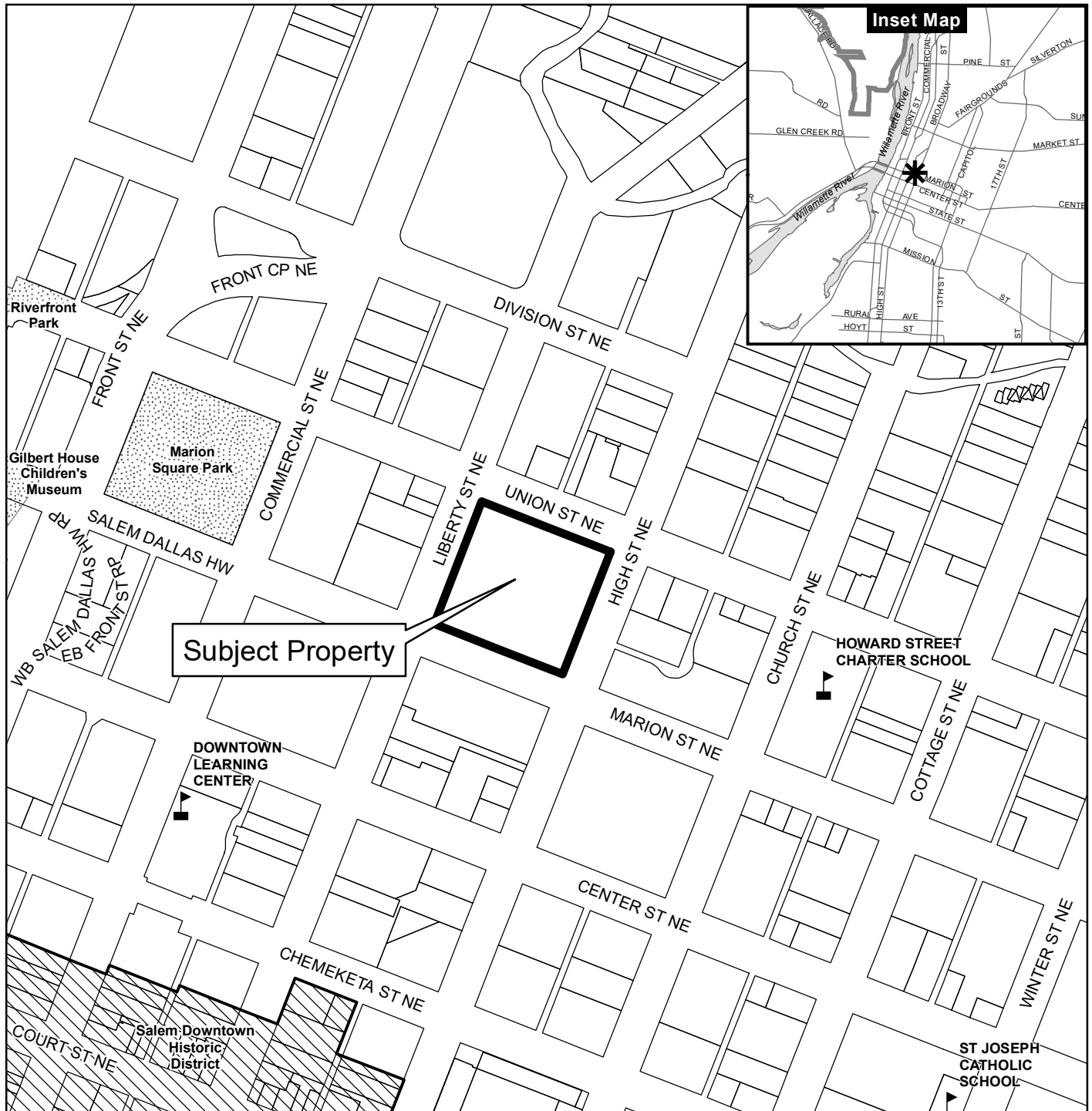


Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Site Plan
C. Floor Plans
D. Building Elevations

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

Vicinity Map 445 Marion Street NE



Legend

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

0 100 200 400 Feet



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AT YOUR SERVICE
Community Planning and Development

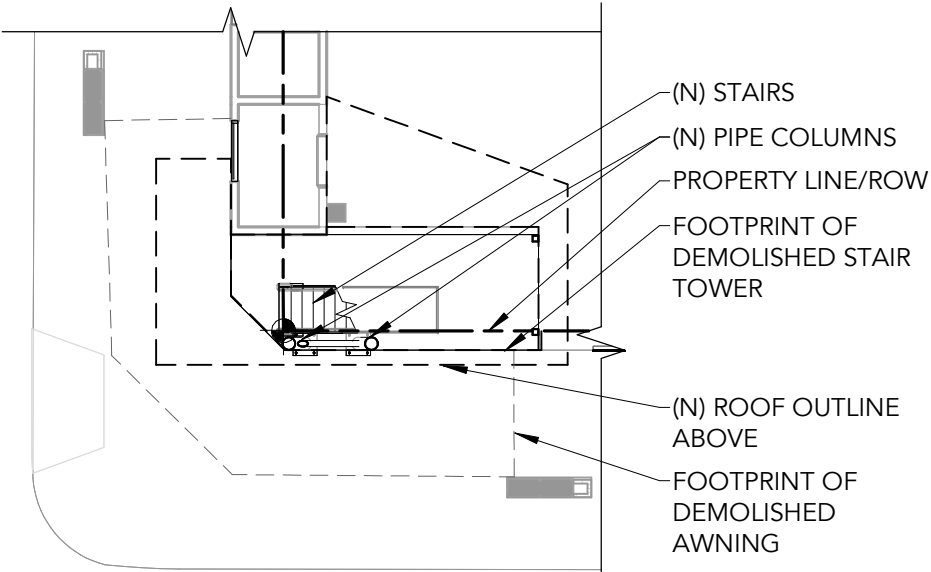
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SITE COVERAGE:

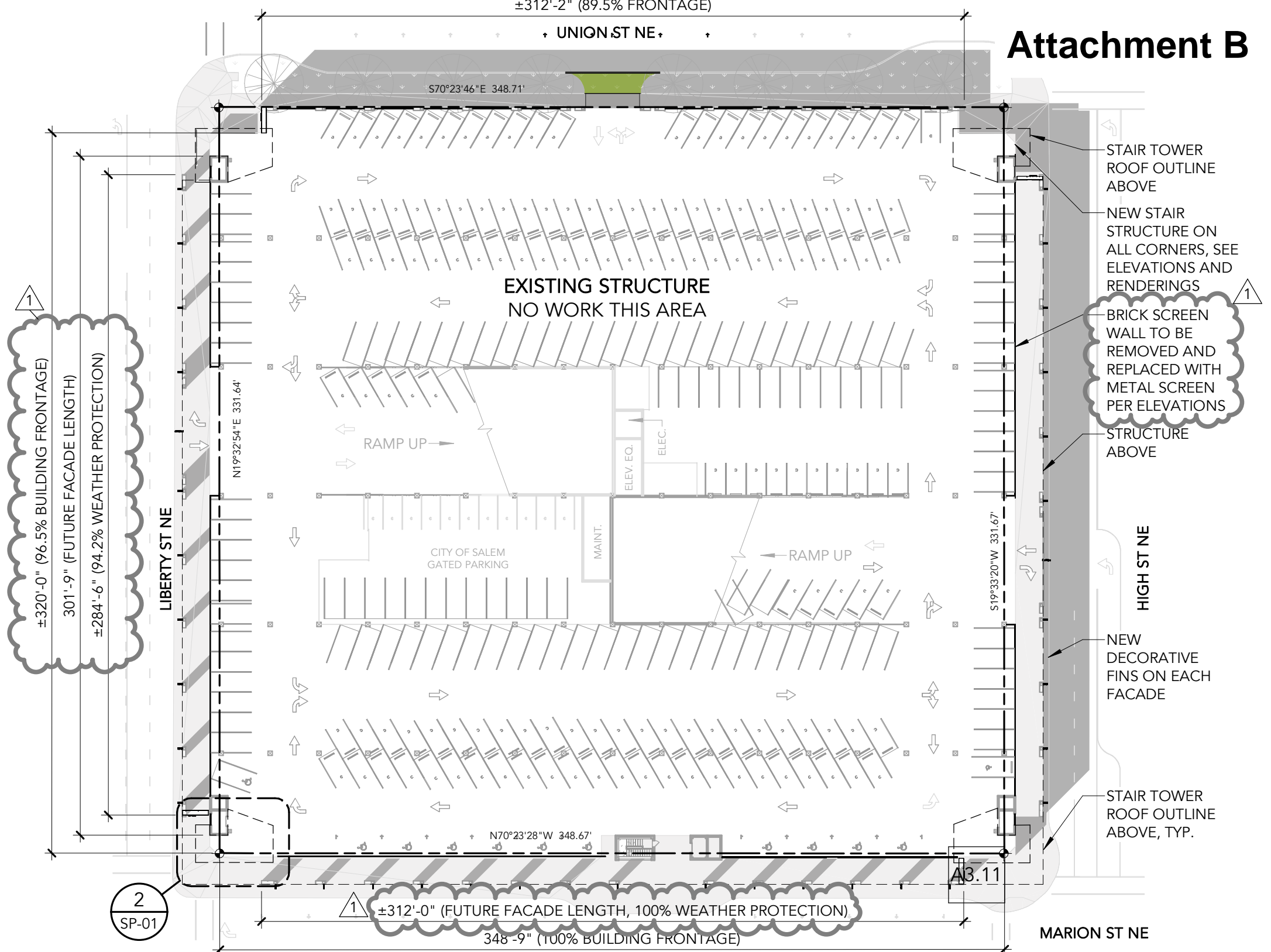
TYPE	AREA	%
EXISTING BUILDING	124,862 SF	95 %
RENOVATED STAIR TOWER	2,956 SF	2 %
EXISTING HARDSCAPE	3,434 SF	3 %
TOTAL SITE AREA	131,261 SF	100 %
NO MAXIMUM LOT COVERAGE PER CENTRAL BUSINESS DISTRICT		

FIRST FLOOR AREA:

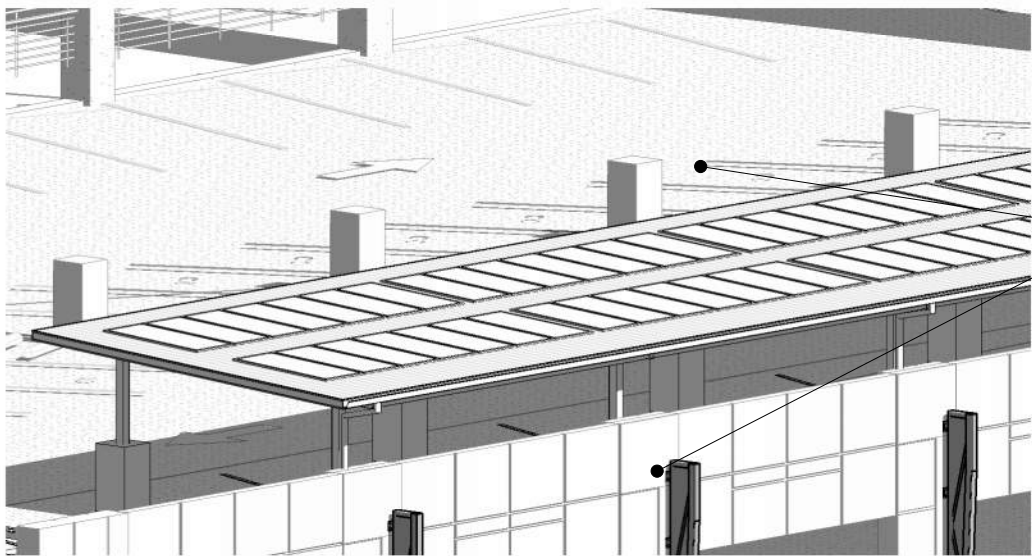
TYPE	AREA	%
PARKING	124,862 SF	95%
VERTICAL CIRCULATION STAIRS, ELEVATORS, SHAFTS, ETC	2,956 SF	3%
TOTAL SITE AREA	131,261 SF	
NO MAXIMUM LOT COVERAGE PER CENTRAL BUSINESS DISTRICT		



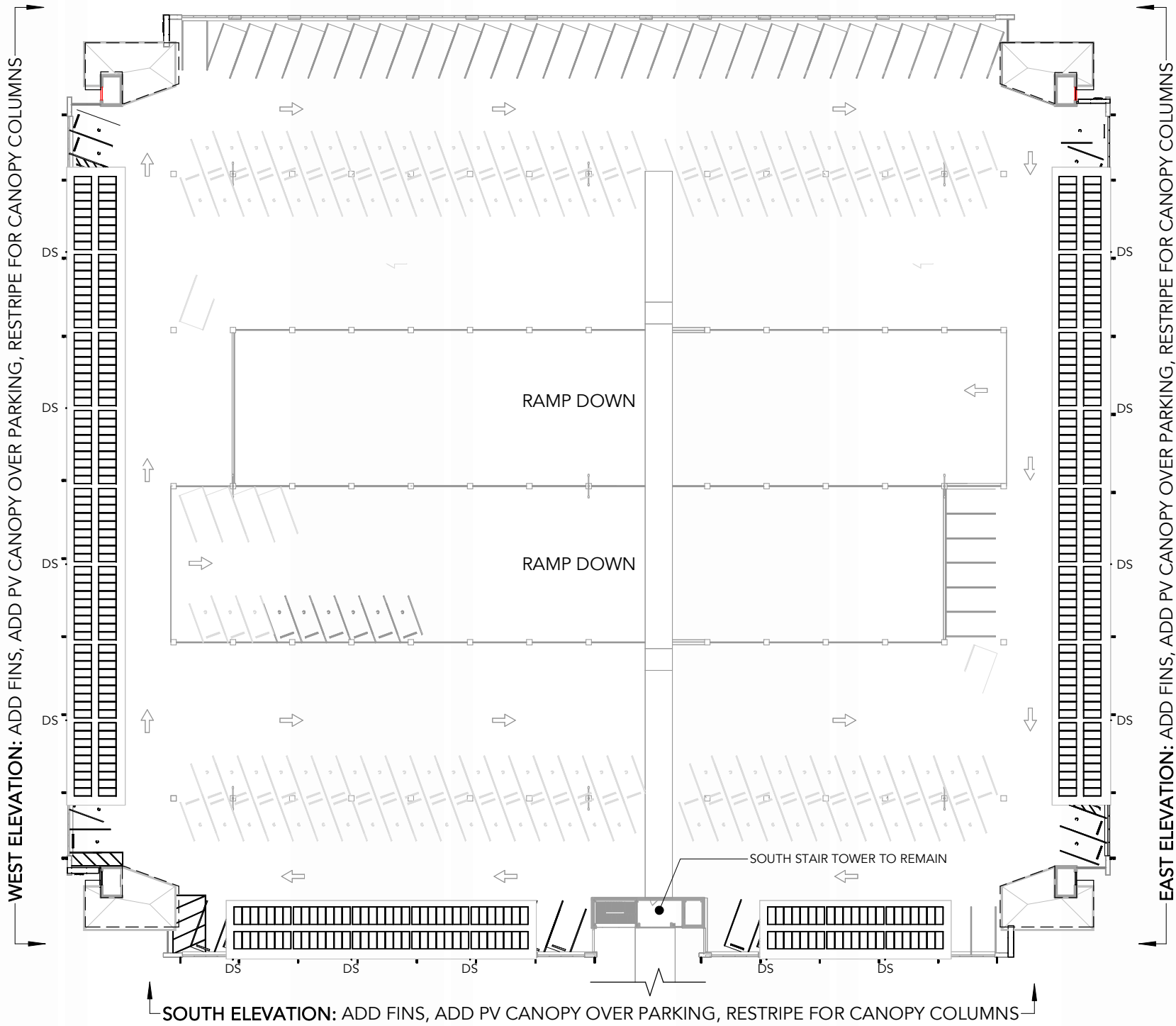
2 R.O.W. ENCROACHMENT PLAN
SCALE: 1/16" = 1'-0"



1 SITE AND FIRST FLOOR PLAN
SCALE: 1" = 50'-0"



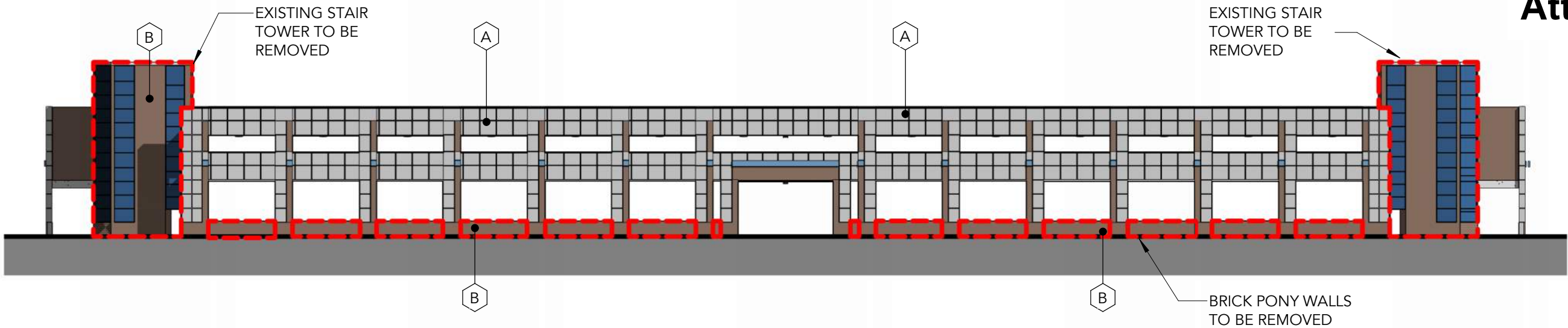
ROOF DECK CANOPY



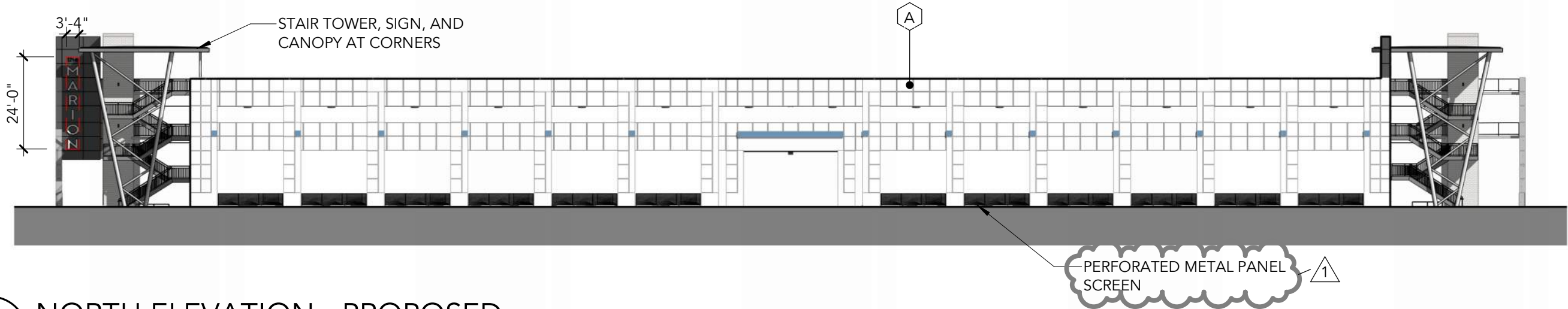
THIRD FLOOR AND ROOF PLAN

SCALE: 1" = 50'-0"





1 NORTH ELEVATION - EXISTING
SCALE: 1" = 30'-0"



2 NORTH ELEVATION - PROPOSED
SCALE: 1" = 30'-0"



A
MATERIAL:
CONCRETE

COLOR:
MATCH EXISTING



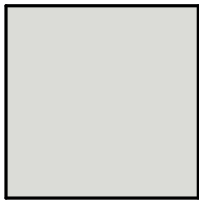
B
MATERIAL:
EXISTING BRICK

COLOR:
MATCH EXISTING



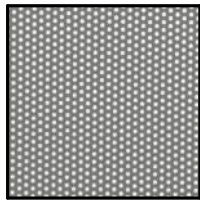
C
MATERIAL:
METAL ELEMENTS

COLOR:
SW "7069" IRON
ORE



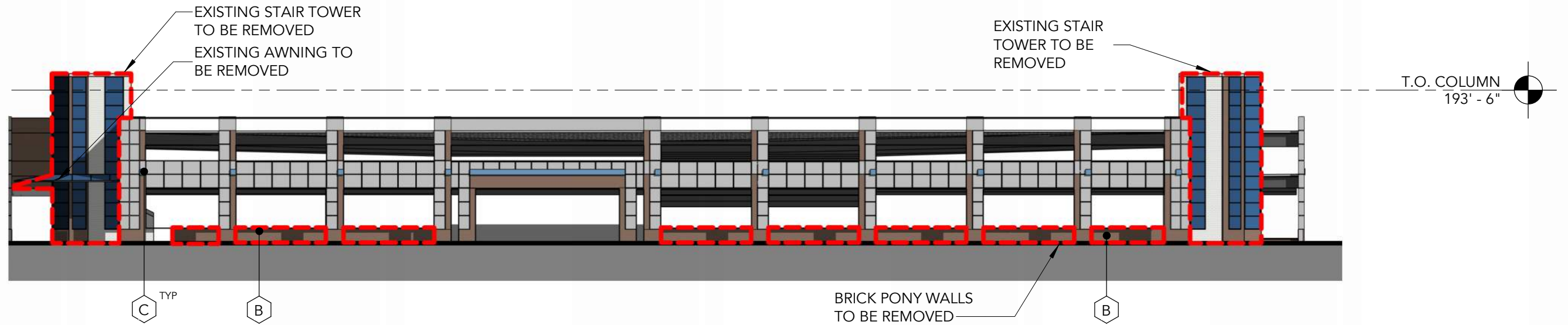
D
MATERIAL:
PAINT EXISTING
BRICK

COLOR:
SW "7666"
FLEUR DE SEL

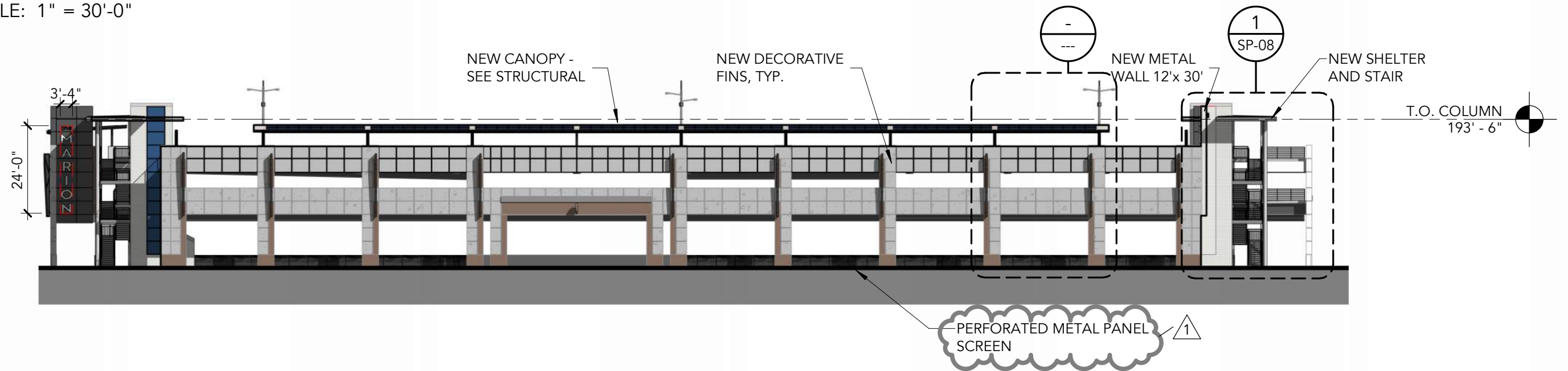


E
MATERIAL:
DECORATIVE
FINS & SCREENS

COLOR:
SW "7066" GRAY
MATTERS



1 EAST ELEVATION - EXISTING
SCALE: 1" = 30'-0"



2 EAST ELEVATION - PROPOSED
SCALE: 1" = 30'-0"



A
MATERIAL:
CONCRETE

COLOR:
MATCH EXISTING



B
MATERIAL:
EXISTING BRICK

COLOR:
MATCH EXISTING



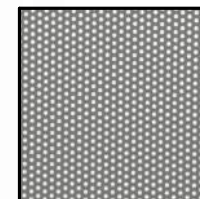
C
MATERIAL:
METAL ELEMENTS

COLOR:
SW "7069" IRON
ORE



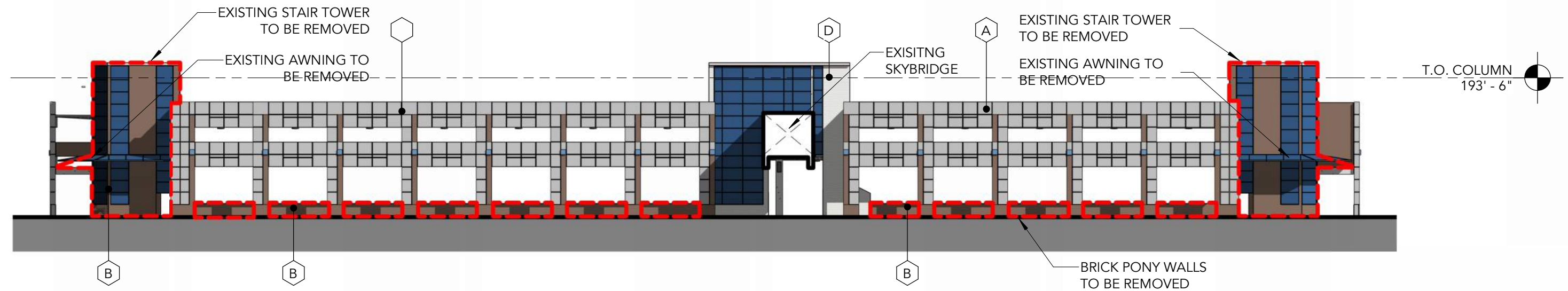
D
MATERIAL:
PAINT EXISTING
BRICK

COLOR:
SW "7666"
FLEUR DE SEL

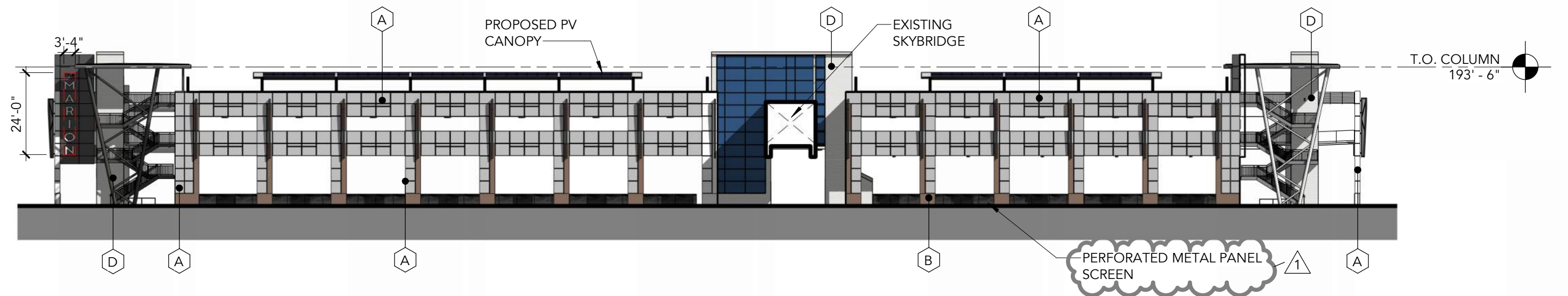


E
MATERIAL:
DECORATIVE
FINS & SCREENS

COLOR:
SW "7066" GRAY
MATTERS



1 SOUTH ELEVATION - EXISTING
SCALE: 1" = 30'-0"



2 SOUTH ELEVATION - PROPOSED
SCALE: 1" = 30'-0"



A
MATERIAL:
CONCRETE

COLOR:
MATCH EXISTING



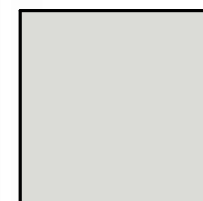
B
MATERIAL:
EXISTING BRICK

COLOR:
MATCH EXISTING



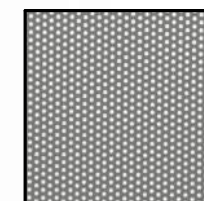
C
MATERIAL:
METAL ELEMENTS

COLOR:
SW "7069" IRON
ORE



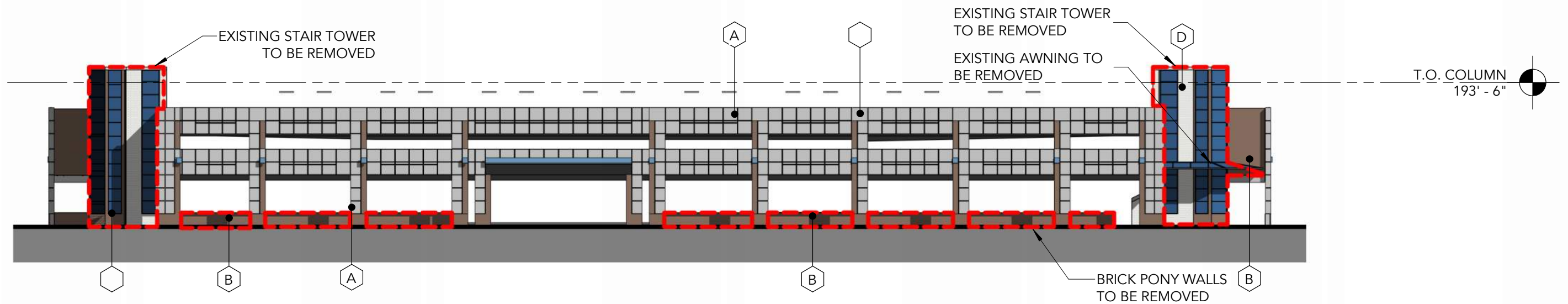
D
MATERIAL:
PAINT EXISTING
BRICK

COLOR:
SW "7666"
FLEUR DE SEL



E
MATERIAL:
DECORATIVE
FINS & SCREENS

COLOR:
SW "7066" GRAY
MATTERS



1 WEST ELEVATION - EXISTING
SCALE: 1" = 30'-0"



2 WEST ELEVATION - PROPOSED
SCALE: 1" = 30'-0"



A
MATERIAL:
CONCRETE

COLOR:
MATCH EXISTING



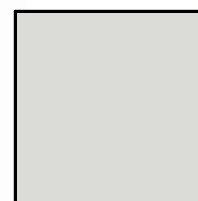
B
MATERIAL:
EXISTING BRICK

COLOR:
MATCH EXISTING



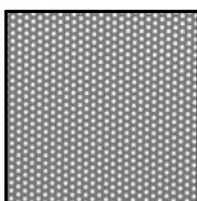
C
MATERIAL:
METAL ELEMENTS

COLOR:
SW "7069" IRON
ORE



D
MATERIAL:
PAINT EXISTING
BRICK

COLOR:
SW "7666"
FLEUR DE SEL



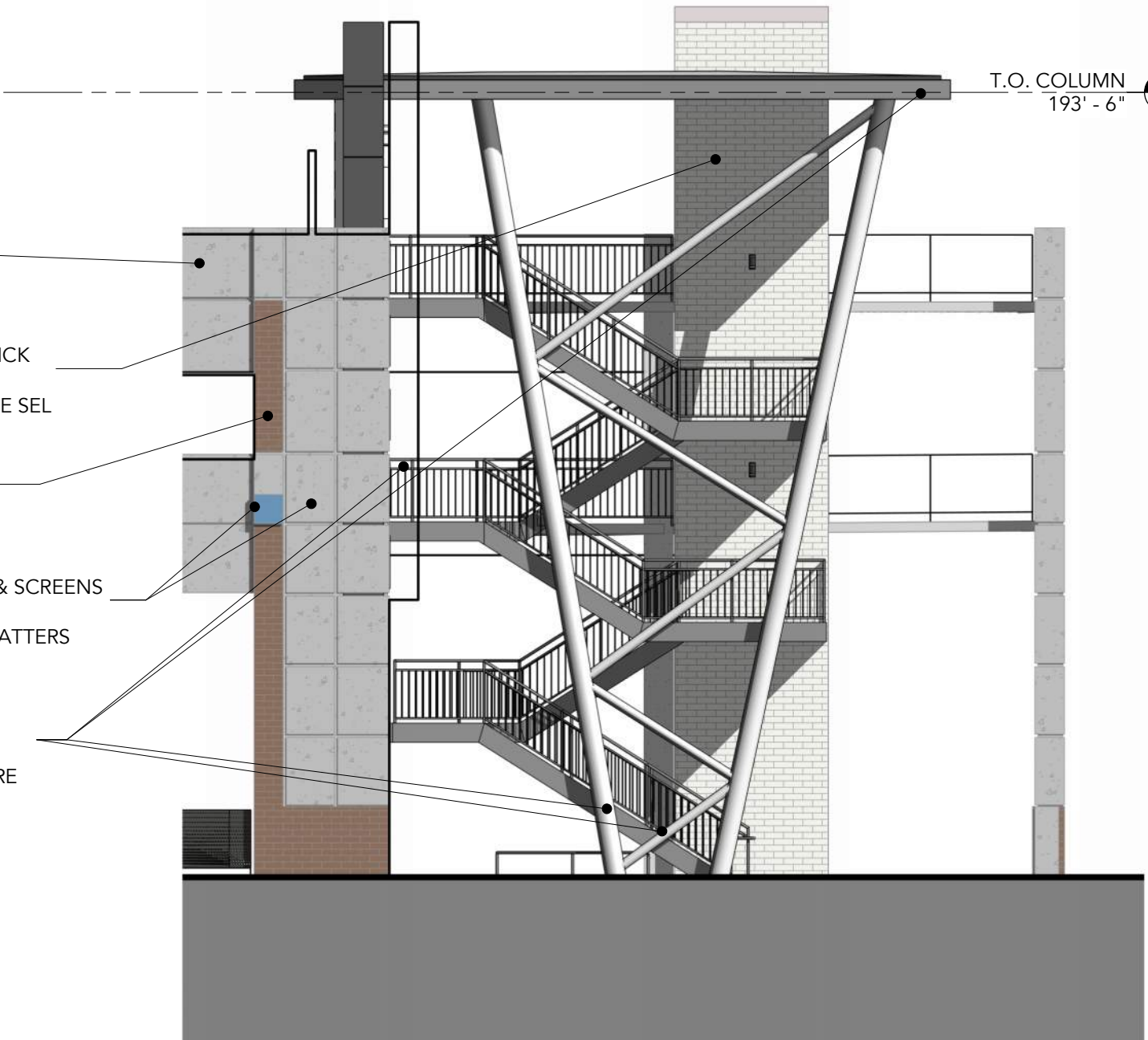
E
MATERIAL:
DECORATIVE
FINS & SCREENS

COLOR:
SW "7066" GRAY
MATTERS






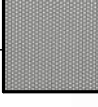

SE CORNER - EAST ELEVATION

SCALE: 1/8" = 1'-0"



SE CORNER - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

-  MATERIAL:
CONCRETE
COLOR:
TBD
-  MATERIAL:
PAINT EXISTING BRICK
COLOR:
SW "7666" FLEUR DE SEL
-  MATERIAL:
EXISTING BRICK
COLOR:
TBD
-  MATERIAL:
DECORATIVE FINS & SCREENS
COLOR:
SW "7066" GRAY MATTERS
-  MATERIAL:
METAL ELEMENTS
COLOR:
SW "7069" IRON ORE



M
A
R
I
O
N

ONE
WAY
←

MARION ST

NO
RIGHT
TURN

P





VIEW FROM SW CORNER TOWARD SKYBRIDGE

		<p>PROJECT/LOCATION:</p> <p>MARION PARKADE</p> <p>445 MARION ST NE, SALEM OR 97301</p>	<table><tr><td>TITLE:</td><td>RENDERINGS</td></tr><tr><td colspan="2">SP-10</td></tr><tr><td>DATE:</td><td>3/11/2025</td></tr></table>	TITLE:	RENDERINGS	SP-10		DATE:	3/11/2025
TITLE:	RENDERINGS								
SP-10									
DATE:	3/11/2025								