

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta informacion, por favor llame
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DECISION OF THE PLANNING COMMISSION

CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO. DR-SPR-ADJ19-05

APPLICATION NO. : 19-111943-DR, 19-111944-RP & 19-115423-ZO

NOTICE OF DECISION DATE: July 25, 2019

SUMMARY: Design review, site plan review, and adjustment application for a proposed 3-story building with a first-floor retail financial services branch and second- and third-floor offices.

REQUEST: A Class 3 design review, Class 3 Site Plan Review, and Class 2 Adjustment application for a proposed development including a 3-story building with a retail financial services branch on the first floor and offices on the second and third floor; a single-level parking garage; and a parking lot, all on a 1.46-acre parcel at 465 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09800) that is in the CR (Retail Commercial) zone and Broadway/High Street Retail Overlay Zone and part of a development site with a 1.21-acre parcel at 451 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09801) in the CB (Central Business District) zone and General Retail/Office Overlay Zone. The adjustment is requested to reduce the minimum setback abutting a street from 5 feet to 0 feet in order to comply with the design review guidelines of the Broadway/High Street Retail Overlay Zone, which require setbacks from the street to be minimized and which prefer buildings constructed contiguous to the right-of-way of Broadway/High Streets.

APPLICANT: MaPS Credit Union

LOCATION: 451-465 Division Street NE / 97301

CRITERIA: Class 3 Design Review: SRC 225.005(e)(2)
Class 3 Site Plan Review: SRC 220.005(f)(3)
Class 2 Adjustment: SRC 250.005(d)(2)

FINDINGS: The facts and findings are in the attached exhibit dated July 25, 2019.

DECISION: The Planning Commission **APPROVED** Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No.: DR-SPR-ADJ19-05 subject to the following conditions of approval:

CLASS 3 SITE PLAN REVIEW

Condition 1: Prior to issuance of building permits, obtain approval of a final plat for proposed Partition Case No. PAR19-07 to eliminate the underlying lot lines within tax lot 073W22DA09800. A demolition permit may be issued prior to approval of Partition Case No. PAR19-07.

- Condition 2:** At building permit, designate a minimum of 5 carpool and vanpool spaces on the site plan.
- Condition 3:** Provide 12 bicycle parking spaces meet the dimensional requirements of SRC 806.060(c) or provide a manufactured product that meets the required number of bicycles in a reduced space.
- Condition 4:** Provide a trash/recycling area that conforms to the solid waste service area standards of SRC 800.055.
- ~~**Condition 5:** Obtain City approval for the privatization of the sewer main located in the alley and construct a new sewer lateral connecting to the sewer main in Division Street NE to serve parcel 2 within the right of way.~~
- Condition 6 5:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

VOTE:

Yes 6 No 0 Absent 3 (Griggs, Kopcho, Wright) Abstain 0



Brian McKinley, Vice President
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Class 3 Design Review	<u>August 10, 2021</u>
Class 3 Site Plan Review	<u>August 10, 2023</u>
Class 2 Adjustment	<u>August 10, 2021</u>

Application Deemed Complete:	<u>June 21, 2019</u>
Public Hearing Date:	<u>July 23, 2019</u>
Notice of Decision Mailing Date:	<u>July 25, 2019</u>
Decision Effective Date:	<u>August 10, 2019</u>
State Mandate Date:	<u>October 19, 2019</u>

Case Manager: Pamela Cole, pcole@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Friday, August 9, 2019.** Any person who presented evidence or testimony at the hearing may

appeal the decision. 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 Chapter(s) 220, 225, 250. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 Salem City Council will review the appeal at a public hearing. After the hearing, the City Council 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

FACTS & FINDINGS

CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO. DR-SPR-ADJ19-05

JULY 25, 2019

PROCEDURAL FINDINGS

1. On May 22, 2019, John Shirley of Anderson Shirley Architects Inc., on behalf of the applicant and property owner, MaPS Credit Union, filed an application for a consolidated Class 3 Design Review and Class 3 Site Plan Review for a proposed development including a 3-story building with a retail financial services branch on the first floor and offices on the second and third floor; a single-level parking garage; and a parking lot, all on a 1.46-acre parcel at 465 Division Street NE. A vicinity map is included as **Attachment A**.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on June 21, 2019. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on July 3, 2019. Notice was also posted on the subject property pursuant to SRC requirements by the applicant's representative on July 11, 2019.
3. Staff noted after notice was mailed that a Class 2 Adjustment would also be required. A revised notice of the public hearing was mailed July 8, 2019.
4. The public hearing on the proposed Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment application was held on July 23, 2019. The state-mandated 120-day local decision deadline for the application is October 19, 2019.

BACKGROUND/PROPOSAL

The application under review by the Planning Commission is a consolidated Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment application for a proposed development at 465 Division Street NE that includes a three-story building with a retail financial services branch and parking garage on the first floor and offices on the second and third floors. The application also includes development of a parking lot in an area utilized as a vehicle storage area for the previous use, an auto body repair shop.

Vehicular access to the proposed vehicle use area is proposed to be provided from an existing driveway approach onto High Street NE and a new driveway from an existing alley.

APPLICANT'S PLANS, STATEMENT, AND TESTIMONY

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

- Site/development plans - **Attachment B**
- Building elevations - **Attachment C**

- Written statement provided by the applicant addressing the proposal's conformance with the applicable approval criteria - **Attachment D**.

Staff utilized the information from the applicant's written statement to help evaluate the proposal and formulate the facts and findings.

The applicant's representative, Jessica Schultens of Anderson Shirley Architects, provided the following testimony at the hearing and requested amendments to several of staff's recommended Conditions:

- *Condition 1: Prior to issuance of building permits, obtain approval of a final plat for proposed Partition Case No. PAR19-07 to eliminate the underlying lot lines with tax lot 073W22DA09800:*

To clarify, we are able to proceed forward with a demolition permit prior to approval of the partition, we simply cannot construct the new building. We recommend adding the line "A demolition permit may be issued prior to approval of Partition Case No. PAR19-07."

Staff Response: We would accept this amendment, although it is not necessary. A demolition permit is different from a building permit, and the demolition permit may be issued prior to the final plat for the partition.

- *Condition 2: At building permit, designate a minimum of 5 carpool and vanpool spaces on the site plan.*

We agree, this will be added on the final drawings.

- *Condition 3: Provide 12 bicycle parking spaces that meet the dimensional requirement of SRC 806.060(c).*

Employee bike rack is a wall mount space saving design that accommodates 6 bicycles in 8'-6" LF instead of 12 feet. Our current stair is 10 feet wide and this location offers protection for employee bikes. For the public bike parking at the SE corner patio we have no problem providing the typical 2'x6' wide bike parking spaces. We recommend adding a line that states: Or provide a manufactured product that meets the required number of bicycles in a reduced space.

Staff Response: We would accept this amendment, although it is not necessary. The bicycle parking development standards in effect at the time of this application allow a bicycle rack installed on the wall for the employee spaces.

- *Condition 4: Provide a trash / recycling area that conforms to the solid waste service area standards of SRC 800.055.*

We agree, the solid waste service area will meet the standard and a Trash Management Plan will be provided with the building permit set.

Condition 5: Obtain city approval for the privatization of the sewer main located in the alley and construct a new sewer lateral connecting to the sewer main in Division Street NE to serve parcel 2 within the right-of-way.

We disagree with Condition 5 as it is currently written.

Condition 5 addresses two separate issues. One issue is the point of connection for the sewer for the new building on Parcel 2. The other issue is whether or not the sewer in the alley should be public or private.

With regard to the point of connection for the sewer, we have no objection to connecting to the public main in Division Street. With regard to making the sewer in the alley private, we do object to this.

First of all, this does not seem to be a necessary issue to address in a land use hearing for the proposed development. But, more importantly we do not think it is right for the City to require a private party to take over ownership of an existing public facility.

We have several concerns with the proposed change to private ownership.

1) The alley is remaining public right-of-way. That means that the private owner is responsible for maintaining a private facility but needing to deal with public permits, and working on public infrastructure to do so. We realize that in Salem private sewers remain private to the main, and so work in the public right-of-way for private services occurs in other situations, but this takes on a much larger magnitude given the distances involved.

2) The City of Salem has separate standards for public sewer mains and private sewer services. The existing line is constructed to public standards. It does not conform to standards for a private service. The City of Salem is asking a private owner to take on a facility that does not meet City standards for a private sewer service.

3) In its communication with us the City has acknowledged that this line is known to leak, and was also termed obsolete. We have concerns and are confused by the City asking us to take ownership of an old and substandard facility. We do not want to take ownership of the sewer main in the alley.

Based on the information just presented, we propose that Condition 5 be changed as follows.

-Strike the first part of the condition dealing with the sewer main in the alley

-Leave the remainder starting with "Construct a new sewer lateral..."

The resulting condition would read:

"Construct a new sewer lateral connecting to the sewer main in Division Street NE to serve Parcel 2 within the right-of-way."

Staff Response: This condition may be removed from the decision for DR-SPR-ADJ19-05. Public Works staff also proposed this condition for Partition 19-07 and will

review the length of the sewer line and other facts before issuing the partition decision.

- *Condition 6: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).*

No Comment, we agree.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The subject property at 465 Division Street NE is designated “Commercial” on the Salem Area Comprehensive Plan map. The adjacent property at 451 Division Street NE that is part of the same development site is designated “Central Business District.”

2. Zoning

The subject property at 465 Division Street NE is zoned CR (Retail Commercial) and is located within the Broadway/High Street Retail Overlay Zone. The adjacent property at 451 Division Street NE that is part of the same development site is zoned Central Business District and located within the General Retail/Office Overlay Zone. The zoning of surrounding properties is as follows:

North:	CR (Retail Commercial) with Broadway/High Street Retail Overlay
South:	Across Division Street NE, CR (Retail Commercial) with Broadway/High Street Retail Overlay
East:	Across High Street NE, CR (Retail Commercial) with Broadway/High Street Retail Overlay
West:	Across Commercial Street NE, CB (Central Business District) with Riverfront Overlay

3. Natural Features

Trees: The City’s tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. 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.” The northern area of the subject property is in the riparian zone of Mill Creek. There are no trees proposed for removal on the subject property.

There are several trees that are located within the public street right-of-way that are classified as City trees. Removal of any trees from the public street right-of-way is subject to the requirements of SRC Chapter 86 (Trees on City Owned Property).

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 wetlands 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.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands.

Landslide Hazards: According to the City’s adopted landslide hazard susceptibility maps, there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers, Inc. and dated December 10, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property can be developed without increasing the potential for slope hazard on the site or adjacent properties.

4. Neighborhood Association Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CANDO) neighborhood association. Notice of the public hearing was sent to the Neighborhood Association and also posted on the subject property. As of the date of the public hearing, no comments have been received from the neighborhood association.

5. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property.

As of the date of completion of the staff report, one comment was received from a citizen:

- Adding larger swales and plantings to the parking area would be a nice addition.

Response: The proposed parking area will have interior landscaping in compliance with SRC 806.035.

At the hearing, testimony was received from one citizen:

- I own property across High Street SE from the proposed development. I am generally in favor but have concerns about changes in traffic; parking on Division Street NE and High Street; regional impact; CAN-DO's lack of knowledge regarding the proposal; and notice to the public.

Response: The projected net increase in average daily trips did not warrant a Transportation Impact Analysis. The proposed development includes off-street parking exceeding the minimum required by the SRC Chapter 806. Notice was provided to CAN-DO and the public on July 3, 2019 and July 8, 2019 and posted on the property on July 11, 2019 according to procedural requirements of SRC Chapter 300. The public is encouraged to work with CAN-DO to seek solutions to existing parking issues.

6. City Department Comments

A. The Building and Safety Division reviewed the proposal and identified no site issues.

B. The Fire Department reviewed the proposal and provided comments:

Fire department access is required to be provided within 150 feet of all portions of the exterior. Aerial access is required if the structure exceeds 30 feet in height. FD access is indicated in the parking lot on the plans. Fire hydrants are required within 400 feet of all portions of the exterior of the structure (600 if fire sprinklers), and within 100 feet of the fire department connection. The hose lay from the hydrant and fire department connection shall not obstruct fire department access. All measurements are made along an approved route. The Fire Department will provide additional comments are time of building permit plan review.

C. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development and recommended conditions of approval to ensure conformance with the applicable requirements of the SRC. Comments from the Public Works Department are included as **Attachment E**.

7. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. As of the date of the public hearing, no comments have been received.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 DESIGN REVIEW

8. CLASS 3 DESIGN REVIEW APPROVAL CRITERIA

Salem Revised Code (SRC) 225.005(e)(2) sets forth the criteria that must be met before approval can be granted to an application for Class 3 Design Review. Pursuant to SRC

225.005(e)(2) an application for a Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

The design review guidelines applicable to development within the General Retail/Office Overlay Zone are established under SRC 632.025(a). The following subsections are organized with the General Retail/Office Overlay Zone design review guidelines shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review guidelines. Lack of compliance with the design review guidelines is grounds for denial of the Class 3 Design Review application, or for the issuance of conditions to ensure the design review guidelines are met.

The design review guidelines applicable to development within the Broadway/High Street Retail Overlay Zone are established under SRC 613.025(a) and 613.030. The following subsections are organized with the General Retail/Office Overlay Zone design review guidelines shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design review guidelines. Lack of compliance with the design review guidelines is grounds for denial of the Class 3 Design Review application, or for the issuance of conditions to ensure the design review guidelines are met.

A. SRC 613.030(a) Building Location, Orientation and Design

▪ **Building Location (SRC 613.030(a)(1)(A)):**

- (i) ***Building setbacks from the street shall be minimized (see Figure 613-1). Buildings constructed contiguous to the right-of-way of Broadway/High Streets are preferred.***

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the structural engineer for the project requested the building be located a few feet away from the property line to accommodate the grade beam design, which does not allow the entire building to be contiguous to the High Street right-of-way.

Both street frontages (High Street and Division Street) will have minimal setbacks. The front of the building is oriented toward High Street. The building is 193.5 feet long along the 376.62-foot frontage on High Street. Setbacks along most of the High Street façade are two feet, except the stair well is contiguous to the property line for approximately 26 feet. The first level entrance is set back at the corner 7 to 10 feet from High Street to accommodate a vision clearance requirement and create a plaza and exterior seating and bicycle parking area. The upper level is set back 24.5 feet from the property line to create an outdoor patio. The building is set back from Division Street NE 0 to 3 feet to accommodate a curved glass feature and exterior swinging egress doors.

Staff concurs with the findings included in the applicant's written statement. This design review guideline requires building setbacks from the street to be minimized and indicates that buildings constructed contiguous with the street right-of-way are preferred. The corresponding design review standards

require buildings to be contiguous to High Street or a maximum of ten feet from right-of-way where a plaza or other outdoor space open to the public is provided, and portions of buildings greater than 25 feet in height may be set back an additional 10 feet from right-of-way.

As shown on the proposed site plan (**Attachment B**) and building elevations (**Attachment C**), the proposed building will be three stories in height and is located within close proximity to the public streets.

Because the proposed building is not setback from the street more than 10 feet on either side of the building adjacent to High Street and Division Street, and because the building compensates for the slightly increased setbacks from the street to include a covered pedestrian plaza at ground level and an outdoor patio on the upper level, the proposal conforms to this design guideline.

(ii) Buildings shall be located to minimize impacts to adjacent residential uses.

Finding: No residential uses are located adjacent to the subject property. This guideline is not applicable.

▪ **Building Orientation and Design (SRC 613.030(a)(2)(A)):**

(i) Buildings shall create safe, pleasant, and active pedestrian environments.

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: A primary building entrance shall be provided for each building façade facing Broadway/High Street. If a building has frontage on Broadway/High Street and another street, a single primary building entrance may be provided at the corner of the building where the streets intersect.

Staff concurs with the findings included in the applicant's written statement. The proposal includes an entrance facing High Street and an entrance facing Division Street at the southeast corner, meeting the standard. The proposed facility conforms to this design guideline.

(ii) Ground floor building facades facing Broadway/High Street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: Ground floor building facades facing Broadway/High Street shall include transparent windows a minimum of 65

percent of the ground floor façade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

The proposal includes 146 linear feet of glazing over 6 feet tall along 193.5 feet of building length along High Street, or 75 percent, meeting the standard. The proposed facility conforms to this design guideline.

(iii) *Upper floors of buildings facing Broadway/High Street should incorporate decks and balconies.*

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: Building offsets and articulation shall be provided for building frontages greater than 100 feet of length in order to create pedestrian scale.

The proposal includes four offsets along the façade facing High Street. Offsets are provided at ground level and on upper level floors, meeting the standard. The proposed facility conforms to this design guideline.

(iv) *Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to a street in order to create a comfortable and inviting pedestrian environment.*

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to a street. Awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC 76.160.

The ground floor on Division Street has awnings over approximately 66 percent of its length, and the ground floor on High Street has awnings over approximately 99 percent of its length, meeting the standard. The proposed facility conforms to this design guideline.

(v) *An urban streetscape shall be provided along Broadway/High Street by locating new buildings close to the street and close to one another, and by providing, wherever practical, buildings with multiple stories in order to create a sense of enclosure along sidewalks and a variety of street level facades.*

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: New buildings on lots abutting

Broadway/High Street shall be a minimum of 25 feet in height and shall provide space for commercial uses on the ground floor and office and/or residential uses above.

The building is over 25 feet in height and includes retail financial services on the ground floor and office spaces on the second and third floors. While the building is not located near a building on an abutting property to the north, the proposed building is located near the right-of-way at the corner of two busy streets. The proposal meets the standard and the guideline.

▪ **Open Space (SRC 613.030(b)(1)(A)):**

- (i) **Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.**

Finding: No dwelling units are proposed. This guideline is not applicable to the proposed development.

▪ **Site Access (SRC 613.030(c)(1)(A)):**

- (i) **Vehicle access and driveway approaches onto Broadway/High Street shall be minimized. Joint use driveways providing access to Broadway/High Street are preferred (see Figure 613-3).**

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: No new driveway approaches shall be permitted onto Broadway/High Street.

The proposed development will utilize an existing driveway onto High Street NE. No new driveway approaches are proposed, meeting the standard. The proposal meets the guideline.

- (ii) **Where feasible, provide vehicle access to buildings on lots abutting Broadway/High Street from an alley or side street (see Figure 613-4).**

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: Vehicle access to off-street parking and loading areas shall be provided from an alley or side street.

The proposal utilizes an existing access from the alley on Division Street, meeting the standard. The proposal meets the guideline.

▪ **Off-Street Parking and Loading (SRC 613.030(c)(1)(A)):**

- (i) **Off-street surface parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district.**

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

The proposed off-street parking is located behind and beside the building rather than between the building and either street, meeting the standard. The proposal meets the guideline.

- (ii) **The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.**

The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that:

(aa) Where a lot has frontage on Broadway/High Street and a side street, an off-street surfacing parking area may occupy more than 50 percent of the side street frontage.

(bb) On lots abutting Broadway/High Street, multi-level parking structures may occupy more than 50 percent of the Broadway/High Street frontage, provided the parking structures include space for ground floor commercial uses along their entire Broadway/High Street frontage.

Finding: The proposed off-street parking areas occupy approximately 46 percent of the High Street frontage and 48 percent of the Division Street (side street) frontage, meeting the standard. The proposal meets the guideline.

▪ **Off-Street Parking and Loading (SRC 613.030(d)(1)(A)):**

- (i) **Off-street loading areas shall be located so as to minimize their visibility from the street.**

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposal meets the guideline by complying with the corresponding design review standard: Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

Loading spaces are located beside the building and screened by landscaping, meeting the standard. The proposal meets the guideline.

▪ **Drive-through (SRC 613.030(e)(1)(A)):**

- (i) A drive-through shall have a scale, orientation, and design supportive of a pedestrian-oriented mixed-use residential and commercial district.
- (ii) A drive-through service area or service window shall be located and designed to minimize its visibility from Broadway/High Street.
- (iii) Any queuing lane shall be located and designed to minimize its visibility from the street.
- (iv) Vehicular access to a drive-through may enter from the street when the drive-through exits onto an alley. A drive-through may exit onto the street when vehicular access to the drive-through enters from an alley.
- (v) Any queuing lane shall be located and designed to minimize conflicts with pedestrians and to ensure safe pedestrian access to and throughout the site.

Finding: No drive-through is proposed. These guidelines are not applicable.

**FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL
CRITERIA FOR CLASS 3 SITE PLAN REVIEW**

9. CLASS 3 SITE PLAN REVIEW APPROVAL CRITERIA

Site plan review is required for any development that requires a building permit, unless the development is identified as being exempt from site plan review under SRC 220.005(a)(2). Class 3 Site Plan Review is required for development proposals that involve a land use decision or limited land use decision as defined under ORS 197.015. Because the proposed development involves a Class 3 Design Review, the proposed site plan review must be processed as a Class 3 Site Plan Review.

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 shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

(A) *The application meets all applicable standards of the UDC.*

Finding: The proposed development is the construction of a three-story building with a retail financial services branch and parking garage on the first floor and offices on the second and third floors. The application also includes development of a parking lot in an area utilized as a vehicle storage area for the previous use, an auto body repair shop.

The subject property is designated "Commercial" on the Salem Area Comprehensive Plan Map and zoned CR (Retail Commercial) within the Broadway/High Street Retail Overlay Zone. The allowed uses and applicable development standards of the CR zone are set forth under SRC Chapter 522. The requirements of the Broadway/High Street Retail Overlay Zone are set forth under SRC Chapter 613.

The proposed development conforms to SRC Chapter 522, 613, and all other applicable development standards of the Salem Revised Code as follows:

SRC CHAPTER 522 (CR ZONE) & CHAPTER 613 (BROADWAY / HIGH STREET RETAIL OVERLAY ZONE)

SRC 522.005(a) & SRC 613.015 - Allowed Uses:

The subject property is proposed for a building which will contain retail financial services on the first floor and office uses on the second and third floors.

Allowed uses within the CR zone are identified under SRC 522.005(a), Table 522-1. Retail financial services and office uses are identified as permitted uses in the table and are therefore permitted uses in the CR zone.

Because the property is located within the Broadway/High Street Retail Overlay Zone, it is also subject to the requirements of that overlay zone. Pursuant to SRC 613.015, any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the overlay zone. The Overlay zone allows additional permitted uses of multiple family and commercial parking in parking structures. The Overlay zone requires conditional use approval for banks and credit unions developed with a drive-through. Because office uses are permitted within the underlying CR zone, they are also permitted in the Broadway/High Street Retail Overlay Zone. The proposed retail financial services use is a credit union, but no drive-through is proposed; therefore, the proposed use is a permitted use, and no conditional use approval is required.

SRC 522.010(a) - Lot Standards:

Lot standards within the CR zone are established under SRC 522.010(a), Table 522-2. Within the CR zone there are no minimum lot area, width, or depth requirements. The minimum street frontage requirement for lots within the CR zone developed for uses other than Single Family is 16 feet. Within the Broadway/High Street Retail Overlay Zone, there are no minimum lot area, dimension, or street frontage standards; therefore the lot standards of the CR zone apply. The existing property has frontage greater than 16 feet on both High Street and Division Street, exceeding the street frontage requirements of the CR zone.

SRC 522.010(b) - Setbacks:

Setback requirements for buildings and accessory structures within the CR zone are established under SRC 522.010(b), Table 522-3 and 522-4. Pursuant to SRC 522.010(b), Table 522-3 and 522-4, setback requirements for parking and vehicle use areas within the CR 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.

Additional setback requirements are also established under the design review guidelines and standards of the Broadway/High Street Retail Overlay Zone pursuant to SRC 613.030. The setbacks established in the overlay zone are in addition to the setbacks established in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard. Findings establishing how the proposed development conforms to the applicable design review guidelines of the Broadway/High Street Retail Overlay Zone are established under Section 9 of this report.

Based on the requirements of SRC 522.010(b), Table 522-3 and 522-4, and SRC Chapter 806.035(c), the buildings, accessory structures, and off-street parking and vehicle use areas included within the development are required to have the following setbacks:

Required Setbacks		
Abutting Street		
Buildings ⁽¹⁾	5 ft.	
Parking and Vehicle Use Areas ⁽²⁾	Min. 6 ft. to 10 ft.	Per alternative setback methods under SRC 806.035(c)(2)
Interior Side		
Buildings	None	
Parking and Vehicle Use Areas ⁽²⁾	Min. 5 ft. with Type A Landscaping ⁽³⁾	
Interior Rear		
Buildings	None	
Accessory Structures	None	
Parking and Vehicle Use Areas	Min. 5 ft. with Type A Landscaping ⁽²⁾	
Notes		
(1) <u>Building Setback Abutting Street</u> : In addition to the above identified setbacks abutting a street required in the CR zone, the design review guidelines of the Broadway/High Street Retail Overlay Zone require building setbacks to be minimized from the street and that buildings constructed contiguous to the Broadway/High Street right-of-way are preferred (SRC 613.030(a)(1)(i)). These standards and guidelines are in conflict with the setback in the CR zone, and the applicant has applied		

for a Class 2 Zoning Adjustment to the 5-foot setback of the CR zone.

- (2) Required Landscaping: 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.

Staff in the Public Works Department found that the tax lots for the subject property at 465 Division Street NE (073W22DA09800) and the adjacent property within the development site at 451 Division Street NE (073W22DA09801) contain multiple underlying lawfully established units of land, as well as unlawfully established units of land.

The proposed building location would cross some of the underlying property lines. Buildings may not be constructed over property lines unless the applicant receives approval for a property boundary verification. The applicant has applied for a Partition to consolidate the properties into two parcels that resemble the current tax lot boundaries: one for 451 Division Street NE and one for 465 Division Street NE. The partition will eliminate the existing property lines in the proposed location of the building to allow the building to be constructed at 465 Division Street NE. The following condition of approval was adopted by the Planning Commission, as amended at the applicant's request:

Condition 1: Prior to issuance of building permits, obtain approval of a final plat for proposed Partition Case No. PAR19-07 to eliminate the underlying lot lines within tax lot 073W22DA09800. A demolition permit may be issued prior to approval of Partition Case No. PAR19-07.

Setbacks are determined based on lawfully established property lines. The following analysis of setbacks is based on the property lines proposed to be established under Partition Case No. PAR19-07.

As illustrated on the site plan, the proposed building satisfies the minimum setback requirements of SRC Chapter 522 and SRC Chapter 806 with the exception of the following:

- **Building Setback Abutting Street (east and south).** As summarized in the table above, the CR zone requires buildings to be set back 5 feet from the property line abutting the street. As shown on the site plan, the proposed building has a varying setback adjacent to both streets. In some locations the building is constructed contiguous to the property line abutting the street and in other locations the building is setback between 0 feet and 10 feet. Since the entire building is not proposed to be set back 5 feet from the street right-of-way, the building does not meet the building setback from the street required by in the CR zone; instead, the building has been designed to conform to the Broadway/High Street Retail Overlay Zone design guidelines that call for building setbacks from the street to be minimized. Because the CR zone street setback requirement is not met, a Class 2 Adjustment to this standard is required. Findings are included in Section 11 of this report.

In all other areas of the site, the proposal meets setback requirements for buildings, and parking and vehicle use areas. Adjacent to the north (*interior side*) property line there is no minimum setback required for buildings, and the vehicle use area meets the minimum required 5-foot landscaped setback.

Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC (SRC 800.015(a)). The proposed parcels at 451 Division Street NE and 465 Division Street NE are under common ownership and are a single development. Therefore, abutting the boundary between the parcels proposed under Partition Case No. PAR19-07, no vehicle use area setback is required.

Analysis of the Class 2 Adjustment request to reduce the required setbacks abutting the street and the north property, and findings demonstrating conformance with the Class 2 Adjustment approval criteria, are included in Section 11 of this report.

SRC 522.010(c) - Lot Coverage:

Lot coverage requirements within the CR zone are established under SRC 522.010(c), Table 522-5. Within the CR zone there is no maximum lot coverage requirement for buildings and accessory structures.

There is also no maximum lot coverage requirement for buildings and accessory structures within the Broadway/High Street Retail Overlay Zone.

SRC 522.010(c) and SRC 613.020(a) - Height:

Height requirements for buildings and accessory structures within the CR zone are established under SRC 522.010(c), Table 524-5. Within the CR zone and the maximum height is 50 feet for buildings or accessory structures. Within the Broadway/High Street Retail Overlay Zone, the maximum height is also 50 feet for buildings and structures. The proposed building is no more than 50 feet above grade.

SRC 522.010(d) - Landscaping:

Landscaping requirements within the CR zone are established under SRC 522.010(d). Within the CR zone landscaping is required as follows:

- Setbacks. Required setbacks must be landscaped as required under SRC Chapter 807 (Landscaping).
- Parking & Vehicle Use Areas. Parking and vehicle use areas must be landscaped pursuant to the requirements of SRC Chapter 807 (Landscaping) and SRC Chapter 806 (Off-Street Parking, Loading, & Driveways).
- Development site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as

landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

Development Site Landscaping. The applicant has provided as part of the site plan that the development site is 63,598 square feet, which requires 9,540 square feet of landscaping. The applicant is proposing 10,188 square feet, exceeding the minimum landscaping requirement.

Setback Landscaping. As identified earlier in this report, the required setbacks for the development apply to buildings, accessory structures, and parking and vehicle use areas adjacent to High Street NE, Division Street NE, and the north interior side property line. Adjacent to the north property line, there is no minimum required setback for buildings, but there is a minimum required 5-foot setback for parking and vehicle use areas. The proposal meets that standard.

A Class 2 Adjustment is proposed to allow the building to be set back less than 5 feet from High Street NE and Division Street NE.

Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 11 of this report.

Parking & Vehicular Use Area Landscaping. SRC 806.035(d) establishes interior landscaping requirements for parking areas greater than 5,000 square feet in size.

Pursuant to SRC 806.035(d)(2), Table 806-5, parking areas less than 50,000 square feet in size are required to provide a minimum of 5 percent interior landscaping. Review of the proposed site plan indicates that the total surface parking area on the site equals approximately 40,513 square feet.

A summary of the parking area interior landscaping required and provided for the development is included in the table below.

Summary of Parking Area Interior Landscaping		
Parking Area Size	Interior Landscaping Required (Min. 5%)	Interior Landscaping Provided
40,513 ft. ²	2,025 ft. ²	4,375 ft. ²

As evidenced by the table above, the off-street surface parking areas within the development include interior landscaping which exceeds the minimum landscaping requirements of SRC 806.035(d)(2).

In addition to requiring a specific percentage of the interior area of a parking lot to be landscaped, SRC 806.035(d)(3) requires a minimum of 1 deciduous shade tree to be planted within the off-street parking area for every 12 parking spaces provided.

As shown on the site plan, a total of 106 off-street parking spaces are provided within the proposed development. Based on the minimum tree planting requirement of 1 tree for every 12 parking spaces, the proposed parking area is

required to include a minimum of 9 trees. As shown on the site plan for the proposed development, 18 trees are provided within the parking area on the plans, which satisfies the parking area tree planting requirements of SRC 806.035(d)(3).

SRC CHAPTER 805 (VISION CLEARANCE)

SRC Chapter 805 (Vision Clearance) establishes standards for clear and unobstructed visibility at intersections of streets, alleys, flag lot accessway, and driveways in order to ensure vehicular, bicycle, and pedestrian safety.

The proposed building and existing driveways meet the applicable standards of SRC 805.

SRC CHAPTER 806 (OFF-STREET PARKING, LOADING, & DRIVEWAYS)

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

Off-Street Parking:

Minimum Off-Street Vehicle Parking. Minimum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-1. The minimum off-street parking requirement for the proposed development is as follows:

Minimum Off-Street Parking		
Retail Financial Services	1 space per 500 sq. ft.	17
Office	1 space per 350 sq. ft.	77

Maximum Off-Street Vehicle Parking. Maximum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-2. The maximum number of allowed parking spaces is based upon the minimum number of spaces required for the proposed development. If the minimum number spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum allowed parking is 1.75 times the minimum number of spaces required.

Based on the above identified minimum and maximum off-street parking requirements, the proposed building requires 94 off-street parking spaces. In the Broadway/High Street Retail Overlay Zone, an automatic reduction of 10 percent is allowed, reducing the required minimum to 85 spaces and allowed maximum to 149 spaces. The applicant is proposing 106 parking spaces, meeting the standards.

Compact Parking. SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the required off-street parking spaces. The proposed facility includes a combination of both standard sized and compact parking spaces.

As shown on the proposed site plan, the proposal will include a total of 5 ADA, 43 standard, and 58 compact spaces. The compact spaces provided represent 55 percent of the overall 106 spaces provided, not exceeding the maximum 75 percent limit.

The proposed compact spaces within the development do not exceed the maximum number of spaces allowed and therefore conform to this standard.

Carpool and Vanpool Parking. New developments with 60 or more required 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. A minimum of 5 carpool / vanpool parking spaces are required, but their location is not shown on the site plan. The Planning Commission adopted the following condition to ensure conformance with the standard:

Condition 2: At building permit, designate a minimum of 5 carpool and vanpool spaces on the site plan.

Off-Street Parking Area Dimensions. SRC 806.035(e), Table 806-6, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them. Based on the layout of the parking spaces within the development, the proposed parking stalls and access aisles must meet the following standards:

Minimum Parking Stall & Drive Aisle Dimensions		
Stall Type	Parking Stall Dimension	Drive Aisle Width ⁽¹⁾
90° Standard Stall	9 ft. x 19 ft.	24 ft.
90° Compact Stall ⁽²⁾	8 ft. x 15 ft.	22 ft.
	8 ft.- 6 in. x 15 ft.	

Notes

(1) Drive Aisle Width Serving Standard and Compact Stalls: Pursuant to SRC 806, Table 806-6, when a parking lot drive aisle serves both standard and compact size parking stalls of 80 degrees or more, the drive aisle shall be a minimum of 24 feet.

(2) Compact Stall Dimension Next to Wall or Post: Pursuant to SRC 806, Table 806-6, compact sized parking stalls next to a wall or post must be a minimum of 8-foot 6-inches in width.

As shown on the site plan for the proposal, both standard size and compact size parking stalls are provided. The standard size stalls conform to the minimum required 9-foot width and 19-foot depth. The compact size stalls conform to the

minimum required 8-foot width outside of the proposed parking garage and the minimum 8-foot 6-inch width inside the parking garage where compact stalls are located next to posts. The compact stalls also meet the minimum 15-foot stall depth.

The parking stalls within the development are served by 24-foot-wide or wider drive aisles in conformance with the requirements of SRC 806.035(e), Table 806-6.

Driveways. SRC 806.040(d) establishes minimum driveway width standards. Pursuant to SRC 806.040(d), Table 806-7, 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 proposed site plan, only two-way driveways are provided to serve the facility. The proposed driveways exceed the minimum width of 22 feet.

The proposal conforms to this standard.

Bicycle Parking:

Minimum Bicycle Parking. Minimum bicycle parking requirements are established under SRC Chapter 806, Table 806-8. The minimum bicycle parking requirement for the proposed development is as follows:

Minimum Bicycle Parking		
Retail Financial Services	The greater of 4 spaces or 1 space per 3,000 ft. ²	4
Office	The greater of 4 spaces or 1 space per 3,500 ft. ²	8

Based on the above identified minimum bicycle parking requirements, the proposed retail financial services facility (8,439 square feet) requires 4 bicycle spaces and the office use (26,944 square feet) requires 8 bicycle parking spaces.

As shown on the proposed site plan and indicated in the above table, a total of 12 bicycle parking spaces are provided for the facility. Six of the spaces are located at the corner entrance of the building and adjacent to the right of way. The other 6 bicycle parking spaces are covered and wall-mounted at the employee entrance. The proposal meets the minimum bicycle parking requirements.

Bicycle Parking Location. SRC 806.060(a) requires bicycle parking areas to be located within a convenient distance of, and clearly visible from, the primary entrance of a building, but in no event shall the bicycle parking area be located more than 50 feet from the primary building entrance.

As previously indicated on the site plan the bicycle parking spaces provided are in proximity to and easily accessible from the building entrances of the facility in conformance with the requirements of SRC 806.060(a). The employee bike parking is covered but visible from the employee entrance.

Bicycle Parking Access. SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance. Half of the bicycle parking is located in the front of the building near the main entry and near the public right-of-way and the other half is located at the employee entrance and accessible from the public and private sidewalks.

Bicycle Parking Dimensions. SRC 806.060(c) requires bicycle parking spaces to be a minimum of 2 feet in width by 6 feet in depth, and served by a minimum 4-foot-wide access aisle. As shown on the proposed site plan, the bicycle parking spaces provided do not appear to conform to the minimum width requirement of 2 feet. The following condition of approval was adopted by the Planning Commission, as amended at the applicant's request:

Condition 3: Provide 12 bicycle parking spaces meet the dimensional requirements of SRC 806.060(c) or provide a manufactured product that meets the required number of bicycles in a reduced space.

As conditioned, the proposal meets the standard.

Loading:

Minimum loading requirements are established under SRC Chapter 806, Table 806-9. The minimum loading requirement for the proposed development is as follows:

Minimum Loading		
Retail Sales and Service	Buildings 5,000 ft. ² to 60,000 ft. ²	1 Spaces (12'W x 30'L x 14'H)
Office (Business and Professional Services)	Buildings 5,000 ft. ² to 60,000 ft. ²	1 Space (12'W x 19'L x 12'H)

Based on the above identified minimum off-street loading requirements, the proposed retail use requires a minimum of one off-street loading space and the proposed office use requires a minimum of one off-street loading space. The applicant is proposing two loading spaces meeting the minimum dimensional standards.

SRC 800.055 (SOLID WASTE SERVICE AREAS)

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 1 cubic yard or larger is proposed.

A solid waste service area is defined under SRC 800.010(e) 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."

The proposal includes one new trash collection area meeting the definition of a solid waste service area under SRC 800.010(e). The solid waste service area is located west of the building in the north parking area.

As described in the written statement for the proposed development, the solid waste service area is uncovered, enclosed by an eight-foot-tall CMU enclosure and chain link gate with privacy slats, has a front opening width of 15 feet, is free of vertical obstructions above the receptacles, has a fixed bumper rail to prevent damage from receptacle impacts.

Pursuant to SRC 800.055(f)(1)(A), the 12-foot-wide by 45-foot-long vehicle operation area required to service the solid waste service area is proposed to be located directly in front of the enclosure.

The proposed solid waste service area appears to meet the applicable standards of SRC Chapter 800.055. At the time of building permit review, the location and features of the proposed solid waste service area will be reviewed for conformance with applicable development standards of SRC 800.055. To ensure the proposed trash/recycling area conforms to the applicable standards of SRC 800.055, the Planning Commission adopted this condition:

Condition 4: Provide a trash/recycling area that conforms to the solid waste service area standards of SRC 800.055.

Because the solid waste service area is proposed to be uncovered it is also subject to Administrative Rule 109-012 Appendix D which requires a Trash Area Management Plan.

As conditioned, the proposal meets the standard.

SRC CHAPTER 601 (FLOODPLAIN)

The northern portion of the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structure is not being constructed in the floodplain area.

SRC CHAPTER 808 (PRESERVATION OF TREES & VEGETATION)

The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. 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."

The subject property has multiple trees, including trees within the riparian zone of Mill Creek, and the applicant indicates that they will be protected and remain. Any removal of trees or native vegetation will be required to comply with the requirements of SRC Chapter 808. There are also existing trees present in the rights-of-way of both High Street NE and Division Street NE. Because these trees are located within the public street right-of-way, they are classified as City trees. Removal or pruning of any trees from the public street right-of-way is subject to the requirements of SRC Chapter 86 (Trees on City Owned Property) and requires a separate permit.

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 wetlands 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.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands.

SRC CHAPTER 810 (LANDSLIDE HAZARDS)

According to the City's adopted landslide hazard susceptibility maps, there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers, Inc. and dated December 10, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property can be developed without increasing the potential for slope hazard on the site or adjacent properties.

- (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: Division Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore no additional street improvements are required as a condition of the proposed development.

High Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore no additional street improvements are required as a condition of the proposed development.

This approval criterion is met.

- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.**

Finding: Vehicular access to the development is proposed to be provided via the driveway approaches onto High Street NE and the alley. Both driveway accesses provides for safe turning movements into and out of the property.

Pedestrian access to and throughout the property will be provided by the public sidewalks within the rights-of-way of High Street NE and Division Street NE and paved pedestrian paths on the north and west sides of the building to provide access to all entrances. By locating off-street parking behind the building and away from the majority of pedestrian activity occurring in the front of the building, directing the majority of vehicular traffic into and out of the facility to the existing driveway approaches, and providing sidewalks and pedestrian connections within the site, potential areas of pedestrian and vehicle conflict are minimized.

The parking, vehicle use areas, and driveways as proposed, facilitate safe and efficient movement of vehicles, bicycles, and pedestrians. This approval criterion is met.

(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 Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure is available within surrounding streets/areas and is adequate to serve the proposed development. The applicant is proposing to connect to the sewer main in the alley, however this main will be made private as conditioned in land use case PAR19-07. The applicant shall obtain City approval for the privatization of the sewer main located in the alley and construct a new sewer lateral connecting to the sewer main in Division Street NE to serve parcel 2 within the right-of-way.

After the applicant requested amendments to the following condition and Public Works confirmed at the hearing that this condition is not necessary for approval of DR-SPR-ADJ19-05, the Planning Commission deleted the following condition:

Condition 5: ~~Obtain City approval for the privatization of the sewer main located in the alley and construct a new sewer lateral connecting to the sewer main in Division Street NE to serve parcel 2 within the right-of-way.~~

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At the time of building permit issuance, the applicant shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS. To ensure conformance with the standards, the Planning Commission adopted the following condition:

Condition 65: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC)* Chapter 71 and *Public Works Design Standards (PWDS)*.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that the trash area shall be designed in compliance with Public Works Standards.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT

10. CLASS 2 ADJUSTMENT APPROVAL CRITERIA

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 evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

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

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

The proposal includes a Class 2 Adjustment to reduce the minimum setback abutting a street from 5 feet as required under SRC 522.010(b) to 0 feet in order to comply with the design review guidelines of the Broadway/High Street Retail Overlay Zone, which require setbacks from the street to be minimized and which prefer buildings constructed contiguous to the right-of-way of Broadway/High Streets.

The building setback standards found in Table 522 state the minimum setback for buildings abutting streets is 5 feet. However, the Broadway/High Street Retail Overlay Zone design standards require that the building shall be contiguous to the High Street right-of-way or no more than 10 feet from the right of way (for 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 ten additional feet from the street right-of-way. For side streets such as Division Street, the required setbacks are a minimum of zero feet to a maximum setback of 12 feet (for buildings or portions of buildings not more than 25 feet in height) or 25 feet (for portions of buildings greater than 25 feet in height).

The applicant explains in the written statement (**Attachment D**) that the development standards of the overlay zone take precedence over the 5-foot building setback for the CR zone. The applicant has chosen to request review under the design review guidelines, which state that building setbacks from the street shall be minimized and buildings constructed contiguous to the right-of-

way of Broadway/High Streets are preferred. Findings are included in Section 9 of this report.

Since the proposed development is meeting the intent of the overlay, the proposed setback adjustment is equally or better meeting the intent of the Code. The purpose of the Broadway/High Street Retail Overlay Zone is to identify allowed uses and to establish development standards that promote a pedestrian-oriented mixed-use residential and commercial district with an emphasis on retail.

The building has been sited to minimize setbacks from the right-of-way to the extent possible, based on the structural engineer's recommendations. The building has been positioned on the site so as to present a significant presence on the southeastern portion of the site adjacent to the corner of High Street and Division Street, and pedestrian amenities are being proposed. This approval criterion is met.

(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 CR (Retail Commercial) with Broadway/High Street Retail Overlay. Because the subject property is not located within a residential zone, this approval criterion is not applicable to the proposed development.

(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: Only one adjustment has been requested. This approval criterion is met.

CONCLUSION

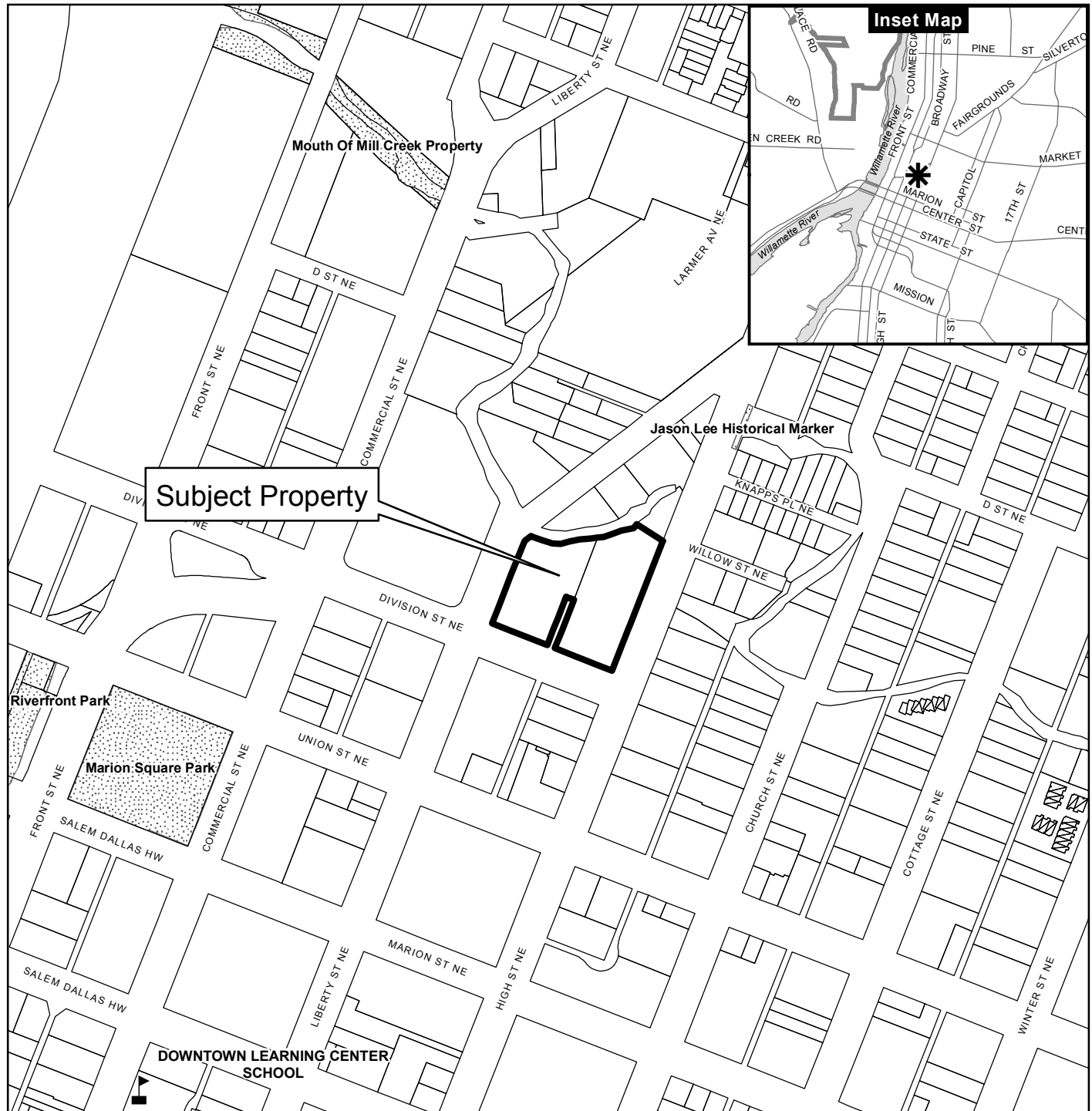
Based on the facts and findings presented herein, the Planning Commission concludes that the proposed Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment, as conditioned, satisfy the applicable criteria contained under SRC 225.005(e)(2), SRC 220.005(f)(3), and SRC 250.005(d)(2), for approval.

Attachments: A. Vicinity Map
B. Site Plan
C. Building Elevations & Renderings
D. Applicant's Written Statement
E. Public Works Department Comments

Prepared by Pamela Cole, Planner II

Vicinity Map

451 and 465 Division Street NE



Legend

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

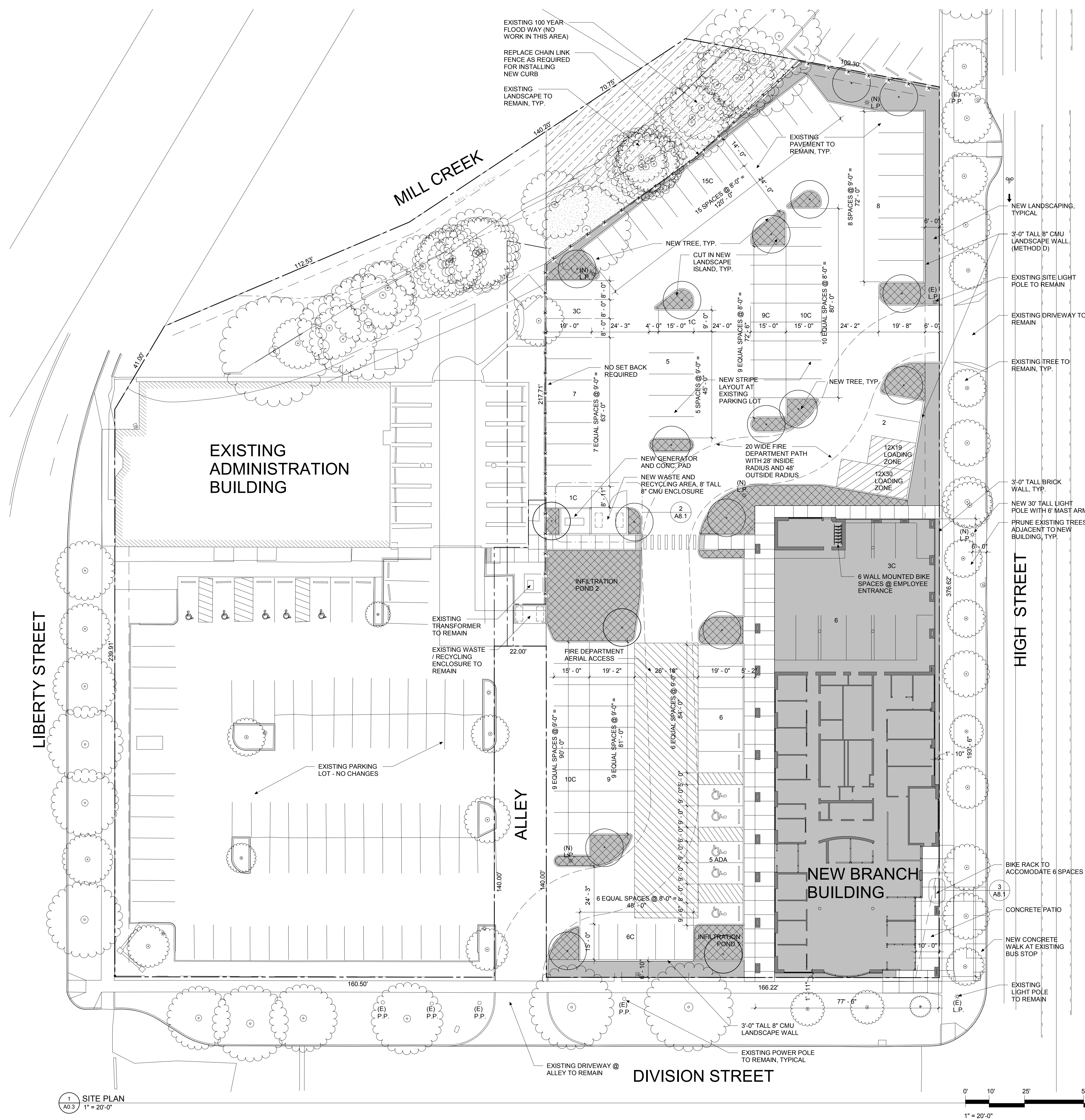
Parks

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Community Development Dept.

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0 100 200 400 Feet





PARKING SPACES

RETAIL FINANCIAL: 1 PER 350 SF, 8,439 / 500 = 17
BUSINESS OFFICE: 1 PER 250 SF, 26,943 / 350 = 77
TOTAL PARKING SPACES REQUIRED: 94
BROADWAY/ HIGHT ST. OVERLAY - 10% REDUCTION: 84
5% CARPOOL: 80
75% MAX COMPACT SPACES: 60

ADA SPACES = 5
COMPACT SPACES = 58
STANDARD SPACES = 43
TOTAL SPACES = 106
5% CARPOOL SPACES = 106 X .05 = 5

COMPACT SPACE = 8X15
STANDARD SPACE = 9X19
PARKING GARAGE COMPACT SPACE = 8'-6" X 15'

BICYCLE PARKING:
RETAIL FINANCIAL: 8,439SF / 3000SF = 2.8 :: 4 MIN.
OFFICE: 26,943 / 3,500 = 7.6 :: 8 SPACES
TOTAL BICYCLE SPACES REQUIRED = 12
COVERED BICYCLE SPACES @ EMPLOYEE ENTRANCE= 6
PUBLIC BICYCLE SPACES @ CORNER ENTRANCE = 6

GENERAL LANDSCAPING REQUIRMENTS

SITE AREA: 63,751 SF
LANDSCAPE REQUIRED: 63,751 X .15 = 9,563 SF
EXISTING LANDSCAPE TO REMAIN = 2,834 SF
NEW LANDSCAPE = 7,354 SF
GRAND TOTAL = 10,188 SF

REQUIRED PLANT UNITS: 9,563 SF / 20 PU = 478 PU

REQUIRED TREE PLAN UNITS: 478 X .4 = 192PU
18 EXISTING TREES @ CREEK = 180PU
16 EXISTING TREES @ HIGH STREET = 160PU
16 NEW SHADE TREES X 10 = 160 PU
TOTAL TREE = 500PU

PARKING LOT REQUIREMENTS

MIN. 1 SHADE TREE PER EVERY 12 PARKING SPACES.
106 SPACES / 12 SPACES = 9 TREES
NEW TREE'S @ PARKING LOT = 18

TABLE 806-5
INTERIOR OFF-STREET PARKING AREA: 40,513SF
LANDSCAPING FOR UNDER 50,000 SF: 5% MIN.
NEW PARKING LOT: 40,513SF x .05 = 2,026 SF
TOTAL INT. LANDSCAPE (CROSS HATCH AREAS) = 4,375 SF

ATTACHMENT B

STRUCTURAL GRID LINE

DETAIL NUMBER
SHEET NUMBER
WALL / BLDG. SECTION

DETAIL NUMBER
SHEET NUMBER
DETAIL REFERENCE

VIEW DESIGNATION
ELEVATION NUMBER
SHEET NUMBER
INTERIOR ELEVATIONS

DRAWING TITLE
SCALE

NORTH ARROW

ROOM TITLE
ROOM NAME / NUMBER

REVISION

NOTE

NOTE

SPOT ELEVATION

ASA

ANDERSON SHIRLEY
ARCHITECTS

695 COMMERCIAL ST. SE SUITE 5 SALEM, OR 97301
OFFICE: 503-370-1140 FAX: 503-364-6751

CONSULTANT

REVISIONS

KEY PLAN

DESC. NEW BRANCH BUILDING

PROJECT MAPS CREDIT UNION

ADDRESS 465 DIVISION STREET NE
SALEM, OR 97301

STAMP

PRELIMINARY · PRELIMINARY
NOT FOR
CONSTRUCTION
PRELIMINARY · PRELIMINARY

JOB 1906 DWG 2 OF 2

DRAWN: JKS DATE: 05-21-19

TITLE SITE PLAN

SHEET

A0.3

ISSUE DESIGN DEVELOPMENT



695 COMMERCIAL ST. SE SUITE 5 SALEM, OR 97301
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CONSULTANT

REVISIONS

KEY PLAN

DESC. NEW BRANCH BUILDING

PROJECT **MAPS CREDIT UNION**

ADDRESS 465 DIVISION STREET NE
SALEM, OR 97301

STAM

PRELIMINARY · PRELIMINARY
NOT FOR
CONSTRUCTION

JOB 1906 DWG 01

DRAWN: JKS DATE: 05-10-19

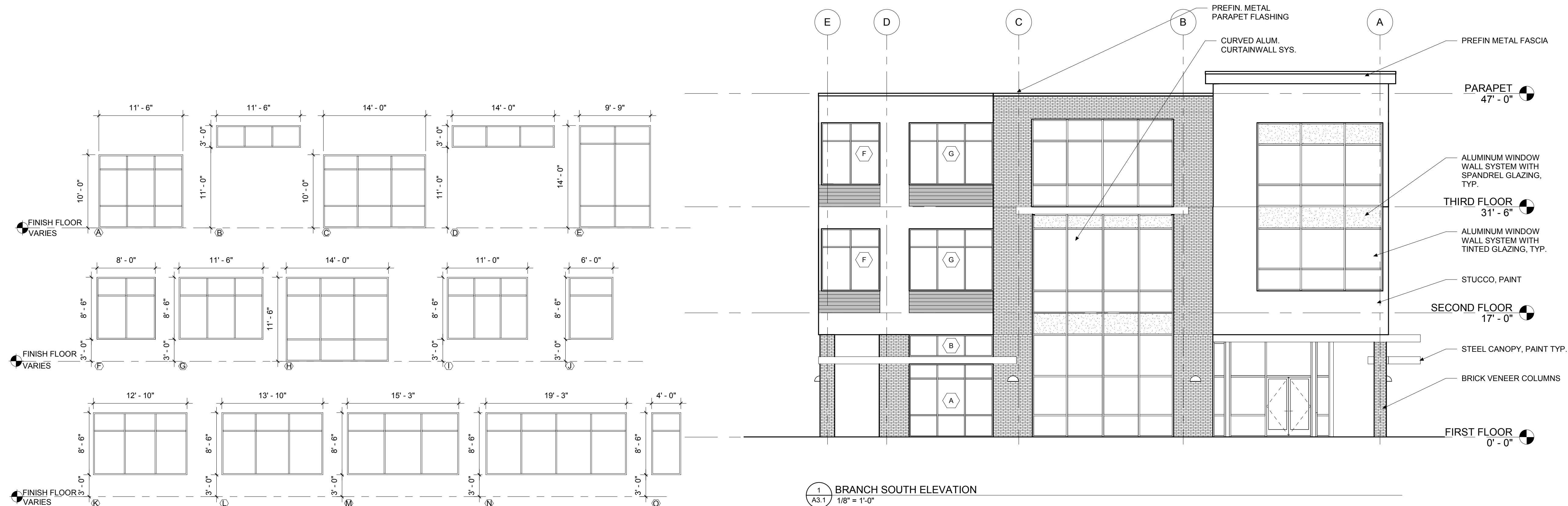
TITLE EXTERIOR ELEVATIONS

SHEF

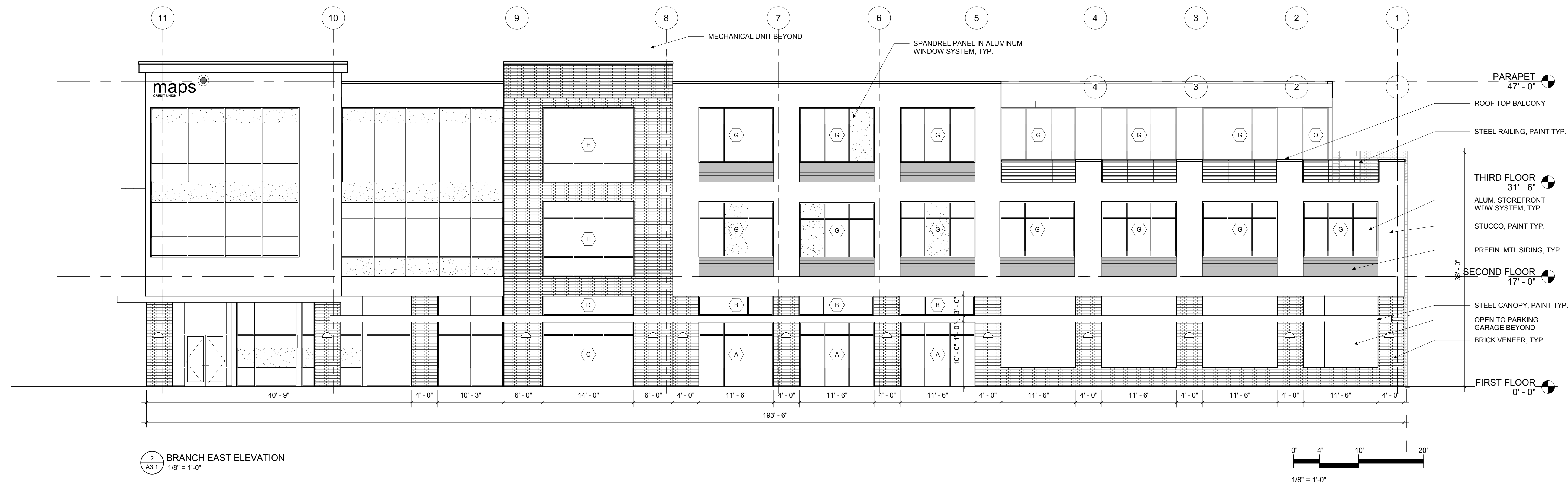
A3.1

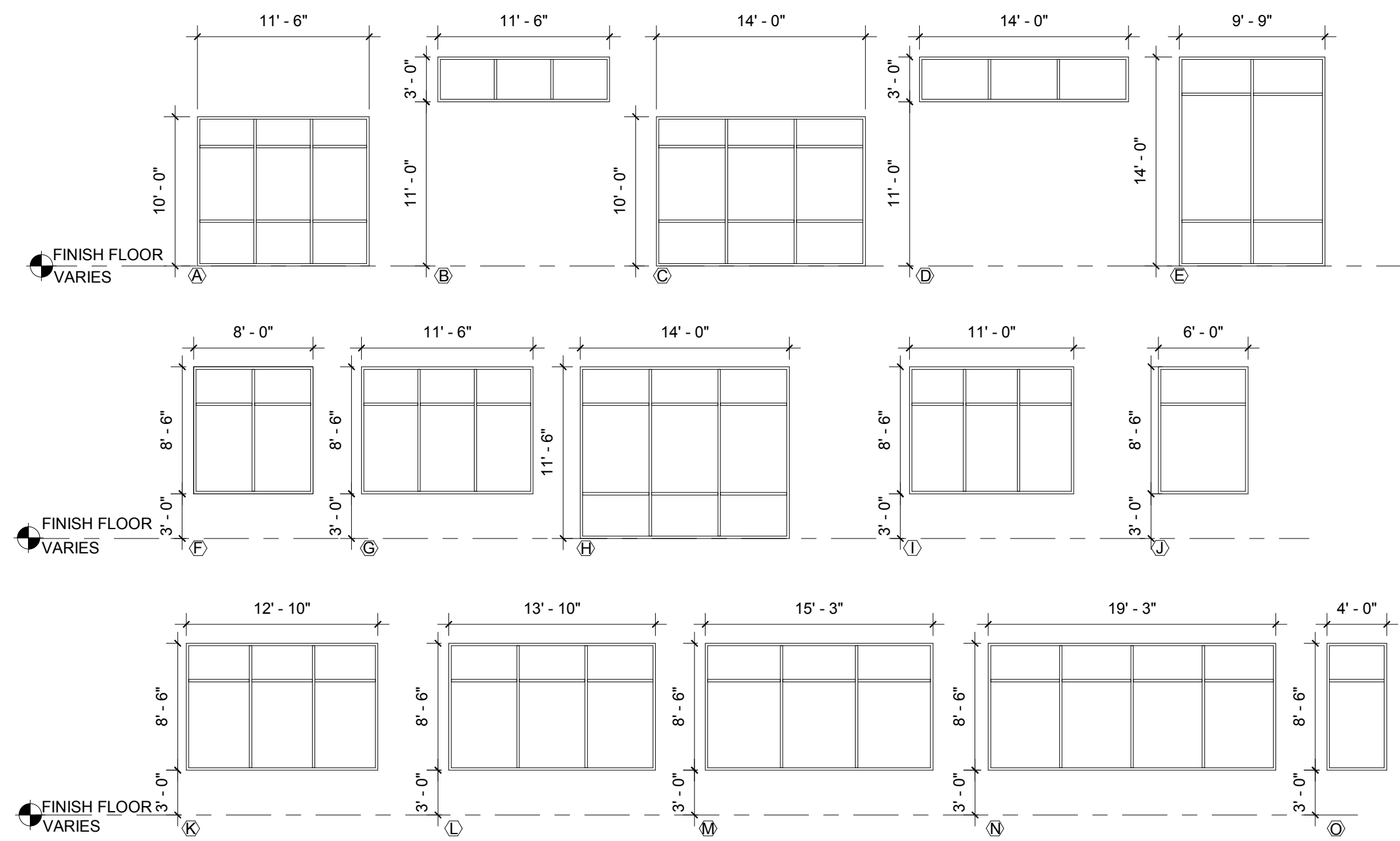
ISSUE DESIGN DEVELOPMENT

11

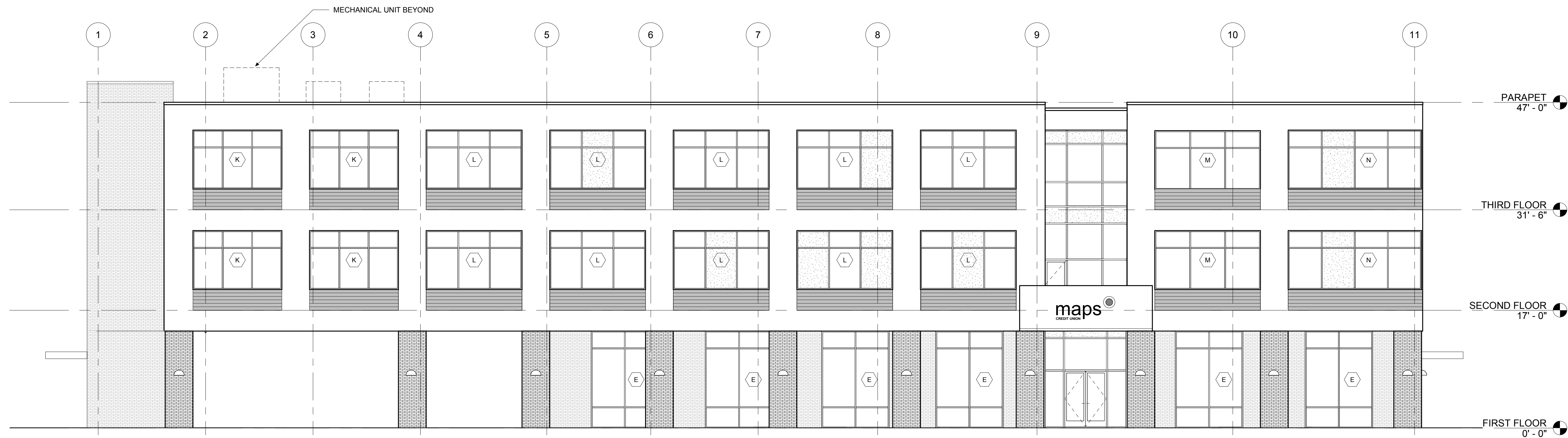


DESIGN REVIEW STANDARDS / GUIDELINES
 BUILDING HEIGHT MAX = 50'-0"
 ACTUAL HEIGHT - 50'-0"
 TRANSPARENT WINDOWS
 193.5 LF OF BUILDING LENGTH / 146 LF GLAZING = .75%
 ARTICULATION = 193.5LF AND 4 OFFSETS PROVIDED





3
A3.2
BRANCH NORTH ELEVATION
1/8" = 1'-0"



2
A3.2
WEST ELEVATION
1/8" = 1'-0"



- 1
A101
DETAIL NUMBER
SHEET NUMBER
WALL / BLDG. SECTION
- 1
A101
DETAIL NUMBER
SHEET NUMBER
DETAIL REFERENCE
- 01 53 00
KEY NOTE
- 3
SEE CIVIL
KEY NOTE
- X
WINDOW TYPE
- X
GLASS TYPE
- PT-X
PAINT TYPE

ASA
ANDERSON SHIRLEY ARCHITECTS
695 COMMERCIAL ST., SE SUITE 5 SALEM, OR 97301
OFFICE: 503-370-1140 FAX: 503-364-6751

CONSULTANT

REVISIONS	
KEY PLAN	

DESC. NEW BRANCH BUILDING

PROJECT MAPS CREDIT UNION

ADDRESS 465 DIVISION STREET NE
SALEM, OR 97301

STAMP

PRELIMINARY · PRELIMINARY · PRELIMINARY · PRELIMINARY · PRELIMINARY
NOT FOR CONSTRUCTION

JOB 1906 DWG OF 2

DRAWN: JKS DATE: 05-10-19

TITLE EXTERIOR ELEVATIONS



Design Review- Class 3 and Site Plan Review – Class 3

465 Division Street NE (Area of work) / 451 Division St NE (No Change – development site)

Tax Lot # 073W22DA09800 / 073W22DA09801

Written Statement

DESIGN REVIEW

Uses (SRC 613.015)

(a) *Additional permitted uses.*

The uses set forth in Table 613-1 are additional permitted (P) uses in the Broadway/High Street Retail Overlay Zone.

The first floor credit union is retail financial with office spaces on the upper two levels. Both are permitted uses in the CR zone and overlay zone. There is no drive-through for the credit union.

Development standards (SRC 613.020)

Development within the Broadway/High Street Retail Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) *Height*

Buildings and accessory structures within the Broadway/High Street Retail Overlay Zone shall conform to the height standards set forth in Table 613-3.

Building is no more than 50'-0" tall which meets the standard.

(b) *Reductions to required off-street parking*

Within the Broadway/High Street Retail Overlay Zone, the minimum number of off-street parking spaces required under SRC [chapter 806](#) shall be **automatically reduced by ten percent**. Further reductions to the minimum number of required off-street parking spaces may be satisfied through one or more of the following alternative means; provided, however, the total number of off-street parking spaces reduced through such alternative means shall not exceed 20 percent:

(1) *Transit stop.*

A transit stop or stops approved by the Salem-Keizer Transit District may be used to satisfy five percent of the minimum number of required off-street parking spaces for building sites located within 400 feet of the transit stop or stops.

There is one transit stop at the corner of High and Division.

(2) *Covered bicycle parking.*

Covered bicycle parking, provided at a ratio of one bicycle space for each ten vehicle parking spaces, may be used to satisfy five percent of the minimum number of required off-street parking spaces.

There are six covered bike parking spaces for employees.

(3) *Pedestrian improvements.*

Pedestrian improvements, provided in an amount equal to or greater than one percent of the estimated construction cost of the proposed building(s), may be used to satisfy ten percent of the minimum number of required off-street parking spaces. Construction cost estimates shall be prepared by a licensed architect, landscape architect, or other qualified professional and shall be subject to review and approval by the Planning Administrator.

(A) Pedestrian improvements include plazas, sidewalk extensions on development sites (e.g., sidewalk extensions with outdoor cafe space), street furnishings (e.g., benches, public art, pedestrian-scale lighting, water fountains, trash receptacles, transit shelters, or shade structures), wayfinding signs, or similar amenities, as approved by the Planning Administrator.

(B) Where a plaza adjoins a building entrance, pedestrian improvements include the incorporation of weather protection over that plaza in the form of a canopy, awning, pergola, or similar feature.

Not Applicable

Design review (SRC 613.025)

Design review under SRC [chapter 225](#) is required for development within the Broadway/High Street Retail Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC [613.030](#) is required for all development within the Broadway/High Street Retail Overlay Zone.

Design review guidelines and design review standards (SRC 613.030)

(a) Building location, orientation, and design.

(1) Building location.

(A) Design review guidelines

- (i) Building setbacks from the street shall be minimized (see Figure 613-1). Buildings constructed contiguous to the right-of-way of Broadway/High Streets are preferred.

ia. The structural engineer for the project requested the building be located a few feet away from the property line to accommodate the grade beam design. Therefore, the majority of the high street facade is 2'-0" from the property line and the articulated stairway is contiguous with the property line. Overall setbacks are minimized.

ib. The first level entrance is set back 10'-0" and 7'-0" at the corner to accommodate the 10'-50' vision clearance requirement at the

corner. This also creates a plaza & exterior seating for the retail bank & coffee shop. Overall set backs are minimized.

ic. The upper patio is set back 24'-6" feet from the property line to create an outdoor patio which is encouraged in the building orientation and design portion of this overlay zone.

ii. The building is 0 to 3 feet from the street on the right-of-way on Division Street NE. The building is set back to accommodate curve a curved glass feature wall & exterior swinging egress doors. Overall setbacks are minimized and this faces the side street.

iii. The front of the building is oriented toward High Street. The building is 193.5' long which covers 52% of the 376.62' length facing High Street. The intent of the guideline is met since the long edge of the building faces High Street and this is an atypical shaped lot.

- (ii) Buildings shall be located to minimize impacts to adjacent residential uses.
There are no adjacent residential uses.

(B) Design review standards

- (i) Setbacks abutting Broadway/High Street. Buildings shall have the following setbacks from Broadway/High Street:
 - a. Contiguous to the street right-of-way; or
See response to guideline above.
 - b. Maximum ten feet from the street right-of-way, for 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.
See response to guideline above.
 - c. Portions of buildings greater than 25 feet in height may be setback up to ten additional feet from the street right-of-way.
See response to guideline above.
- (ii) Setbacks abutting a street other than Broadway/High Street. Buildings shall have the following setbacks abutting a street other than Broadway/High Street:
 - a. Minimum: zero feet.
 - b. Maximum: 12 feet, for buildings or portions of buildings not more than 25 feet in height.
 - c. Maximum: 25 feet, for portions of buildings greater than 25 feet in height.
See response to guideline above.
- (iii) Interior side setback. Buildings shall be constructed contiguous to interior side lot lines.
See response to guideline above.

- (iv) Interior rear setback. Buildings shall have a minimum interior rear setback of one foot for each one foot of building height. Such setback need not exceed 20 feet in depth
The interior rear building setback is over 20 feet, this standard is met.

(2) *Building orientation and design.*

(A) Design review guidelines

- (i) Buildings shall create safe, pleasant, and active pedestrian environments.
- (ii) Ground floor building facades facing Broadway/High Street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.
- (iii) Upper floors of buildings facing Broadway/High Street should incorporate decks and balconies.
- (iv) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to a street in order to create a comfortable and inviting pedestrian environment.
- (v) An urban streetscape shall be provided along Broadway/High Street by locating new buildings close to the street and close to one another, and by providing, wherever practical, buildings with multiple stories in order to create a sense of enclosure along sidewalks and a variety of street level facades.

(B) Design review standards

- (i) A primary building entrance shall be provided for each building facade facing Broadway/High Street. If a building has frontage on Broadway/High Street and another street, a single primary building entrance may be provided at the corner of the building where the streets intersect (see Figure 613-2).
One entrance faces High street and one entrance faces Division Street at the SE corner of the property therefore this standard is met.
- (ii) Ground floor building facades facing Broadway/High Street shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
There is 146LF of glazing over 6'-0" tall along 193.5'-0" of building length (SEC. 112.030(b)) along high street = 75% therefore this standard is met.
- (iii) Building offsets and articulation shall be provided for building frontages greater than 100 feet in length in order to create pedestrian scale.
There are 4 offsets over the 193.5' façade facing High Street, these occur both at ground level and on upper floors therefore this standard is met.
- (iv) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to a street. Awnings or canopies shall

have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC [76.160](#).

The ground floor on Division street is approximately 77.5' in length and has awnings over approximately 66% of the length. The ground floor façade on High Street is 193.5' and has awnings over approximately 99% of the length therefore this standards is met.

- (v) New buildings on lots abutting Broadway/High Street shall be a minimum of 25 feet in height and shall provide space for commercial uses on the ground floor and office and/or residential uses above.
The building is over 25 feet tall, has retail financial services on the ground floors, office space above, and a roof top terrace / patio on the third level facing High street therefore this standards is met.

(b) Open space.

(1) Private open space.

(A) Design review guidelines.

- (i) Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.

(B) Design review standards.

- (i) A minimum of 48 square feet of private open space shall be provided for each dwelling unit. The private open space shall have no dimension less than six feet and shall be directly accessible from the dwelling unit through a doorway.

Not applicable.

(c) Site access.

(1) Vehicle access.

(A) Design review guidelines.

- (i) Vehicle access and driveway approaches onto Broadway/High Street shall be minimized. Joint use driveways providing access to Broadway/High Street are preferred (see Figure 613-3).

- (ii) Where feasible, provide vehicle access to buildings on lots abutting Broadway/High Street from an alley or side street (see Figure 613-4).

i. There is an existing access from the alley on Division street. The existing driveway onto High Street is maintained; no other vehicle access onto High street is proposed.

(B) Design review standards.

- (i) Vehicle access to off-street parking and loading areas shall be provided from an alley or side street (see Figure 613-4).

See response to the guideline above.

- (ii) No new driveway approaches shall be permitted onto Broadway/High Street.

No new driveways are added to High street, this standard is met.

(d) Off-street parking and loading.

(1) Off-street parking.

(A) Design review guidelines.

- (i) Off-street surface parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district.

- (ii) The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.

(B) Design review standards.

- (i) Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street (see Figure 613-5 and Figure 613-6).

Off-street parking is provided behind and beside the building and in a ground floor parking garage. No parking occurs between the building and either street therefore this standard is met.

- (iii) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that:
 - a. Where a lot has frontage on Broadway/High Street and a side street, an off-street surfacing parking area may occupy more than 50 percent of the side street frontage.
 - b. On lots abutting Broadway/High Street, multi-level parking structures may occupy more than 50 percent of the Broadway/High Street frontage, provided the parking structures include space for ground floor commercial uses along their entire Broadway/High Street frontage.

The proposed off-street parking areas occupy approximately 46% of the frontage on High Street and 48% of the frontage on Division Street, the side street. This is less than 50% therefore this standard is met.

(2) *Off-street loading.*

(A) Design review guidelines.

- (i) Off-street loading areas shall be located so as to minimize their visibility from the street.

(B) Design review standards.

- (i) Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

Loading spaces are located beside the building and screened by landscaping therefore this standard is met.

(e) **Drive-through.**

(1) *Drive-through location, access, and design.*

(A) Design review guidelines.

- (i) A drive-through shall have a scale, orientation, and design supportive of a pedestrian-oriented mixed-use residential and commercial district.
- (ii) A drive-through service area or service window shall be located and designed to minimize its visibility from Broadway/High Street.
- (iii) Any queuing lane shall be located and designed to minimize its visibility from the street.
- (iv) Vehicular access to a drive-through may enter from the street when the drive-through exits onto an alley. A drive-through may exit onto the street when vehicular access to the drive-through enters from an alley.
- (v) Any queuing lane shall be located and designed to minimize conflicts with pedestrians and to ensure safe pedestrian access to and throughout the site.

(B) Design review standards.

- (i) A drive-through service area or service window shall be located behind the building or structure. For purposes of this standard, the term "located behind the building or structure" means located on the side of the building or structure that is opposite the side of the building or structure facing Broadway/High Street.
- (ii) Not more than one drive-through, which includes only one queuing lane and one service area, shall be provided per development site.
- (iii) A queuing lane shall not be located between a building or structure and a street.
- (iv) Vehicular access to and from a drive-through shall be taken from an alley.
- (v) Where pedestrians must cross a queuing lane, a minimum five-foot-wide pedestrian connection shall be provided across the queuing lane. The pedestrian connection shall be defined by visual contrast or tactile finish texture.

Not applicable, there is no drive-through as part of this project therefore this standard is met.

Purpose (SRC 522.001)

The purpose of the Commercial Retail (CR) Zone is to implement the commercial designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The CR zone generally allows a wide array of retail sales and office uses.

Uses (SRC 522.005)

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.

The building is retail financial on the ground floor and office space on the upper two levels. The proposed uses are permitted.

SITE PLAN REVIEW

Development standards (SRC 522.010)

Development within the CR zone must comply with the development standards set forth in this section.

(a) Lot standards.

Lots within the CR zone shall conform to the standards set forth in Table 522-2.

There are no minimum lot size or dimension standards in the CR zone for these uses. The minimum street frontage required is 16' which is met on both Division (77.5') and High Street (193.5').

(b) Setbacks.

Setbacks within the CR zone shall be provided as set forth in Tables 522-3 and 522-4.

Abutting Street

East: ***The development standards of the overly zone take precedence over the 5 foot building setback for the CR zone. At vehicle use areas (other than the parking garage) there is a 6'-10' set back required. The standard is met using a 3' CMU screen wall entirely outside of a 6' deep landscaping area (SRC 806.035 (c) (2) (D).***

South: ***The development standards of the overly zone take precedence over the 5 foot building setback for the CR zone. At vehicle use areas (other than the parking garage) there is a 6'-10' set back required. The standard is met using a 3' CMU screen wall entirely outside of a 6' deep landscaping area (SRC 806.035 (c) (2) (D).***

West: ***The 451 Division Street NE property adjacent to this site is under the same ownership and therefore no setback is required between the two.***

Interior Front, Side, and Rear Yards

North (interior side): ***The property is adjacent to a CR (retail commercial) zone which does not have a building set back. There is a 5'-0" set back and type A landscaping standard. A 5' deep landscaping area is provided which meets this requirement.***

West (interior rear): ***The property is adjacent to a CB zone on a different tax lot but under the same ownership. Therefore this is considered the same development site for the purposes of setbacks, there is no interior rear property line, no minimum building setback, and no minimum vehicle area set back. It also abuts and alley which does not require a setback.***

(c) Lot coverage; height

Buildings and accessory structures within the CR zone shall conform to the lot coverage and height standards set forth in Table 522-5.

There is no maximum lot coverage requirement in the CR zone. There is no height requirement in the CR zone. There is a 50' height limit as part of the Broadway / High Street Retail Overlay Zone which is met.

(d) Landscaping.

(1) Setbacks.

Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC [chapter 807](#).

(2) Vehicle use areas.

Vehicle use areas shall be landscaped as provided under SRC chapters [806](#) and [807](#).

(3) Development site.

A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC [chapter 807](#). Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

The property is within the CR zone and at 1.46 acres or 63,598SF requires 9,540 square feet of landscaping. The plan provides 10,188SF of landscaping and meets this standard.

191 Tree units are required and 500 are provided.

Solid waste service areas (SRC 800.055)

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

(a) Applicability.

Solid waste service area design standards shall apply to:

- (1) 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; and

(b) Solid waste receptacle placement standards.

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

- (1) *Pad area.* In determining the total concrete pad area for any solid waste service area:
 - (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; **Min. 1 foot provided.**
 - (B) The pad area shall extend a minimum three feet beyond the front of the receptacle. **Min. 3 feet provided**
 - (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles. **Min. 4' provided**
- (2) *Minimum separation.*
 - (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure. **Min. 1.5' provided**
 - (B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings. **Closest structure is 25' away**
- (3) *Vertical clearance.*
 - (A) Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
CMU trash enclosure is 8 feet tall. Enclosure does not have roof above
 - (B) Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.
Not applicable

(c) Permanent drop box and compactor placement standards. **Not applicable**

(d) Solid waste service area screening standards.

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.

Waste area is surrounded by an 8' tall CMU wall and chain link gate with privacy slats.

(e) Solid waste service area enclosure standards.

When enclosures are used for required screening or aesthetics, such enclosures shall conform to the following standards:

- (1) *Front opening of enclosure.*

The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Enclosure has a 15'-0" wide opening

- (2) *Measures to prevent damage to enclosure.*

- (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.

Not Applicable

- (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

Fixed P.T. wood bumper rail provided @ ground level

- (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:

- (i) A minimum distance of two feet from the sides of the container or receptacles; and
- (ii) A minimum of three feet from the rear of the container or receptacles.

Not Applicable

Landscaping and Screening (SRC 807.015)

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

(a) Landscaping types.

Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Landscaping meets this standard.

(b) Plant materials and corresponding plant unit values.

Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of

mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

Landscaping meets this standard.

(c) *Preservation of existing trees and vegetation.*

The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC [chapter 808](#), existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

Existing street trees and existing riparian area will be protected and remain. Existing street trees will be pruned where they are located next to new branch building.

(d) *Tree replanting requirements.*

In addition to the landscaping required under this chapter, when existing trees, as defined under SRC [chapter 808](#), are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.

(1) *Removal of trees within required setbacks.*

When an existing tree or trees, as defined under SRC [chapter 808](#), within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

(2) *Removal of trees from development site.*

When more than 75 percent of the existing trees, as defined under SRC [chapter 808](#), on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Trees will not be removed, not applicable.

(e) *Screening standards.*

Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:

(1) *Height.*

Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.

(2) *Opacity.*

Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.

(3) *Maintenance.*

Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

Not applicable

(f) Berm.

Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.

Not applicable

(g) Street trees.

Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC [chapter 86](#).

Existing street trees will be protected and remain. At new branch building trees will be pruned.

Trees (SRC 808)

The project does not remove or impact trees on the site. The existing trees and landscaping in the riparian zone will be protected. Street trees on High street and Division street will be pruned at locations where adjacent to the new construction.

Wetlands and Water Ways (SRC 809)

The areas of the site being developed does not occur in the wetlands and water ways. The existing riparian area on the north side of the site will be maintained.


Landslide Hazard Susceptibility (SRC 810)

There are not any structures located in the hazard areas. There is some replacement of paving with landscaping at the north part of the site located near the moderate landslide risk areas. See Geotech report for additional information.



MEMO

TO: Pamela Cole, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department 

DATE: July 11, 2019

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
DR-SPR19-05 (19-111944-RP)
465 DIVISION STREET NE
NEW 3-STORY BUILDING AND PARKING LOT IMPROVEMENTS

PROPOSAL

A Class 3 design review and Class 3 Site Plan Review application for a proposed development including a 3-story building with a retail financial services branch on the first floor, and offices on the second and third floor; a single-level parking garage; and a parking lot, all on a 1.46-acre parcel at 465 Division Street NE (Marion County Assessor Map and Tax Lot 073W22DA09800) that is in the CR (Retail Commercial) zone and Broadway/High Street Retail Overlay Zone and part of a development site with a 1.21-acre parcel at 451 Division Street NE (Marion County Assessor Map and Tax Lot Number 073W22DA09801) in the CB (Central Business District) zone and General Retail/Office Overlay Zone.

RECOMMENDED CONDITIONS OF APPROVAL

1. Obtain City approval for the privatization of the sewer main located in the alley and construct a new sewer lateral connecting to the sewer main in Division Street NE to serve parcel 2 within the right-of-way.
2. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

FACTS

Streets

1. Division Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 40-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

2. High Street NE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 60-foot improvement within a 99-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Division Street NE.
- b. An 8-inch storm main is located in High Street NE.
- c. Mill Creek is located north of the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 10-inch water main is located in Division Street NE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- c. A 12-inch water main is located in High Street NE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Division Street NE.
- b. An 8-inch sewer main is located in the alley. This main is conditioned to be made private in land use case PAR19-07.

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601—Floodplain; 802—Public Improvements; 803—Streets and Right-of-Way Improvements; 804—Driveway Approaches; 805—Vision Clearance; 809—Wetlands; and 810—Landslides.

The northern portion of the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structure is not being constructed in the floodplain area.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers, Inc. and dated December 10, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

Criteria: 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— Division Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

High Street NE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Criteria: 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 existing driveway access onto High Street NE provides for safe turning movements into and out of the property.

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

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant is proposing to connect to the sewer main in the alley, however this main will be made private as conditioned in land use case PAR19-07. The applicant shall obtain City approval for the privatization of the sewer main located in the alley and construct new sewer lateral connecting to sewer main in Division Street NE to serve parcel 2 within the right-of-way.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At the time of building permit issuance, the applicant shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that the trash area shall be designed in compliance with Public Works Standards.

Prepared by: Jennifer Scott, Program Manager
cc: File