

**TO: PLANNING COMMISSION**

**FROM: LISA ANDERSON-OGILVIE, AICP  
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND  
PLANNING ADMINISTRATOR**

**SUBJECT: DESIGN REVIEW – SITE PLAN REVIEW – ADJUSTMENT CASE NO.  
19-10; 990 BROADWAY STREET NE - 97301  
AMANDA NOS. 19-114686-DR, 19-114687-RP, AND 19-114688-ZO**

**REQUEST**

Summary: Proposed three story mixed-use multi-family and retail development on a vacant portion of the site, and maintaining an existing parking lot and driveways.

Request: A Class 3 Design Review and Class 3 Site Plan Review application for development of a new mixed-use development with 23 multi-family residential units and approximately 2,400 square feet of ground floor retail space, and a Class 2 Adjustment request to:

- 1) Eliminate the minimum 10-foot required setback for the off-street parking area adjacent to Broadway Street NE;
- 2) Eliminate the minimum 5-foot required perimeter setback for the off-street parking area;
- 3) Reduce the minimum landscape requirement for the development site from 15 percent to 11 percent;
- 4) ~~Reduce the minimum number of required off-street parking spaces from 38 to 26;~~
- 5) Reduce the minimum off-street parking area dimensions to allow the existing parking spaces and drive aisles to remain.

For property approximately 0.35 acres in size, zoned CO (Commercial Office), located within the Broadway/High Street Housing Overlay Zone, and located at 990 Broadway Street NE - 97301 (Marion County Assessors Map and Tax Lot number: 073W22AD / 08600).

**APPLICANT/OWNER:** Luke and Jocelyn Glaze, Orreo, LLC

**AGENT:** Gretchen Stone, CB Two Architects

**RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, staff recommends that the Planning Commission APPROVE the request for a consolidated design review, site plan review, and adjustment for development of a proposed three story mixed-use multi-family and retail development on a vacant portion of property located at 990 Broadway Street NE - 97301 subject to the following conditions of approval:

- Condition 1:** Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.
- Condition 2:** Obtain awning permits for proposed awnings encroaching into the right-of-way.
- Condition 3:** Proposed bicycle parking within the vision clearance triangle shall comply with SRC Chapter 805.
- Condition 4:** Replace the existing alley approach along E Street NE pursuant to Public Works Design Standards.
- Condition 5:** Replace non-conforming portions of existing sidewalk in conformance with the provisions of SRC Chapter 78 and Public Works Design Standards
- Condition 6:** Protect existing street trees during construction in conformance with the provisions of SRC Chapter 86 and PWDS.
- Condition 7:** Close the existing unused driveway along E Street.
- Condition 8:** A minimum of 115 plant units shall be incorporated into the landscape design.
- Condition 9:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

## **BACKGROUND**

On June 27, 2019, Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment applications were submitted for construction of a proposed three-story mixed-use building that will include commercial space on the ground floor facing Broadway Street NE and 23 multi-family dwelling units. After additional information was received from the applicant, the applications were deemed complete for processing on October 2, 2019. The 120-day State mandated decision deadline for this case is January 30, 2020.

The public hearing before the City of Salem Planning Commission is scheduled for November 5, 2019, at 5:30 p.m. in the Salem City Council Chambers, Civic Center Room 240, located at 555 Liberty Street SE. Notice of public hearing was sent by mail pursuant to Salem Revised Code (SRC) requirements on October 16, 2019. Public hearing notice was posted on the property by the applicant pursuant to SRC requirements.

## **PROPOSAL**

The applicant has submitted Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment applications for a proposed three story mixed-use multi-family and retail development on a vacant portion of the site, and maintaining an existing parking lot and driveways for property located at 990 Broadway Street NE - 97301 (**Attachment A**).

## **APPLICANT'S PLANS AND STATEMENT**

The applicant's proposed site plan and building plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated request is included as **Attachment C**.

## **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.

## **FACTS AND FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP) designation**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Commercial". The subject property is within the Urban Growth Boundary and is within the Urban Service Area.

### **2. Zoning and Surrounding Land Uses**

The subject property is zoned CO (Commercial Office) and is located within the Broadway/High Street Housing Overlay Zone.

Zoning designations for surrounding properties is as follows:

- North: Across E Street NE, CO (Commercial Office) and the Broadway/High Street Housing Overlay Zone – Convenience store, single family dwellings;
- South: CO (Commercial Office) and the Broadway/High Street Housing Overlay Zone – General office use;
- East: Across public alley, RS (Single Family Residential) in Compact Development Overlay, and RM-II (Multi-Family Residential) Zone – Residential uses;
- West: Across Broadway Street NE, CO (Commercial Office) and the

Broadway/High Street Housing Overlay Zone – Warehouse and storage uses.

### **3. Site Analysis**

The subject property is approximately 0.35 acres in size. Broadway Street NE abuts the property to the west and is designated as a minor arterial street within the Salem Transportation System Plan (TSP). E Street is located to the north and is designated as a local street. The subject property is relatively flat, no protected trees are identified on the existing conditions plan. A portion of the site is developed with an existing off-street parking area that has driveway access to Broadway Street NE, the existing parking area and driveway will be retained.

### **4. Neighborhood and Citizen Comments**

The subject property is located within the Central Area Neighborhood Development Organization (CANDO). Notice was provided to CANDO and surrounding residents within 250 feet of the subject property. At the time of this staff report, no comments were received from CANDO or from surrounding residents.

### **5. City Department and Public Agency Comments**

The Building and Safety Division reviewed the proposal and indicated no objections.

The Fire Department reviewed the proposal and indicated that fire department access is provided to within 150 feet of all portions of the structure. However, aerial access is required to be provided along one entire side of the structure if the building exceeds 30 feet in height. The roof configuration does not allow firefighter access to both roof levels unless aerial access is provided on E street. All portions of the building are required to be within 400 feet of a fire hydrant as the building will be required to have a fire sprinkler. The total fire flow is based on the type of construction and total fire flow area and will be determined at the time of building permit plan review. The FDC is required to be within 100 feet of a fire hydrant, and the hose lay shall not obstruct fire department access when the hoses are deployed. All measurements are made along an approved route.

The Public Works Department has reviewed the proposal and provided a memo included as **Attachment D**.

Portland General Electric has reviewed the proposal and commented that the street light conductor on E Street is in conflict with building and OSHA working clearances and will need to be rerouted. The trash enclosure has a potential conflict with an aerial lift on the garbage truck. Relocation costs to serve the project can be reviewed and provided by PGE.



Salem-Keizer Public Schools has reviewed the proposal and provided a response letter included as **Attachment E**.

## **6. Analysis of Class 3 Design Review Criteria**

SRC Chapter 225.005(e)(2) provides that:

A Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

SRC 614.025 provides that design review according to the design review guidelines or the design review standards set forth in SRC 614.030 is required for all development within the Broadway/High Street Housing Overlay Zone. Because the project does not comply with all applicable design standards in SRC 614.030, the applicant has requested a Class 3 Design Review based on the design guidelines.

### **SRC 614.030 - Design Review Guidelines and Standards**

#### *614.030(a)(1)(A) – Building Location*

- (i) Building setbacks from the street shall be minimized (see Figure 614-1). Buildings constructed contiguous to the right-of-way of Broadway/High Streets are preferred.

**Finding:** Building setbacks adjacent to Broadway Street NE are minimized, approximately one third of the 75' ground floor is contiguous with the right-of-way for Broadway Street NE, the remaining ground floor area is setback to comply with vision clearance requirements at the intersection of Broadway Street NE and E Street NE. Building setbacks to the upper floors adjacent to Broadway Street NE are minimized. The majority of the building façade facing E Street NE is contiguous with the right-of-way.

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

**Finding:** There are existing residential uses located to the north and to the east of the subject property. The proposed building is oriented towards the abutting streets, Broadway Street NE and E Street NE, away from surrounding residential uses. The proposed building is setback approximately 30 feet from the 16-foot-wide alley to the east that separates the subject property from residential uses.

#### *614.030(a)(2)(A) – Building Orientation and Design*

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

**Finding:** The proposed mixed-use building includes ground floor commercial

retail space at or near the right-of-way line. A pleasant and active pedestrian environment is created by the provision of canopies and a large recessed entryway, providing weather protection for pedestrians, windows providing views into the interior space, and covered bicycle parking spaces near the building entrance.

- (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 applicant's statement indicates that the ground floor windows along Broadway Street will be transparent, providing the desired interaction between the interior space and the public right-of-way.

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

**Finding:** Decks have been incorporated into the design for the upper floor dwelling units on the building façade facing Broadway Street NE in compliance with this 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:** Awnings are proposed above ground floor commercial space along the Broadway Street NE and E Street NE building facades, as well as on the south elevation, above an entrance to the commercial space. In addition, because of vision clearance requirements at the intersection, a large covered recessed is included along Broadway Street NE providing weather protection at the building entrance.

- (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 to provide a variety of street level facades.

**Finding:** The proposed three-story mixed-use building is placed at the intersection of Broadway Street NE and E Street NE with minimal setbacks. Commercial and residential spaces will be defined by variation in façade materials and color. Ground floor commercial space will have a floor to floor height of approximately 16 feet and storefront windows.

- (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:** Decks have been incorporated into the design for the upper floor dwelling units on the building façade facing Broadway Street NE. In addition, a large common open space area is provided in the proposed courtyard, and upper floor units have deck areas with limited access to only residents of the building.

*614.030(c)(1)(A) – Vehicle Access*

- (i) Vehicle access and driveways onto Broadway/High Street shall be minimized. Joint use driveways providing access to Broadway/High Street are preferred.

**Finding:** An existing one-way driveway entrance to the property will be retained with the proposed development to serve the existing off-street parking area, no additional driveways are proposed. Because of the narrowness and configuration of the existing drive aisles, a joint use driveway is not possible.

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

**Finding:** The existing driveway on Broadway will remain allowing for safe turning movements into the property. The public alley to the east of the property provides full movement access to the existing vehicle use area.

*614.030(d)(1)(A) – Off-Street Parking*

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

**Finding:** The applicant indicates that approximately 60 percent of the street frontage on Broadway Street NE and approximately 80 percent of the street frontage E Street NE will be occupied by the proposed building or pedestrian walkway, not the off-street parking lot. Less than half of the area development site will be used for surface parking, the scale and location of the off-street parking area is appropriate for the proposed development.

- (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.

**Finding:** The applicant's statement indicates that less than 50 percent of the development site will be used for surface parking on an existing off-street parking area. Due to the size of the property, shared and structured parking is not feasible, and the applicant has requested further reductions to minimum

parking requirements.

*614.030(d)(2)(A) – Off-Street Loading*

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

**Finding:** No off-street loading areas are proposed; this guideline is not applicable.

**7. Analysis of Class 3 Site Plan Review Approval Criteria**

SRC 220.005(f)(3) establishes the following criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

**Finding:** The proposal includes development of a three-story mixed-use multi-family and retail development on a vacant portion of the site. An existing parking lot will be retained with the development proposal. The following is a summary of the use and development standards applicable to the proposal.

**Development Standards – CO (Commercial Office) Zone (SRC Chapter 521):**

*SRC 521.005(a) - Uses:*

Except as otherwise provided in Chapter 521, the permitted, special, conditional and prohibited uses in the CO zone are set forth in Table 521-1.

**Finding:** The proposed mixed-use building includes a ground floor eating and drinking establishment, and a multi-family residential use with 23 proposed dwelling units. Multi-family residential uses are allowed as a permitted use in the CO zone per Table 521-1. Eating and drinking establishments are allowed as a permitted use in the CO zone when located in buildings devoted principally to uses otherwise permitted in the CO zone. Approximately 80 percent of the floor area of the building is devoted to the proposed multi-family use.

*SRC 521.010(a) – Lot standards:*

Lots within the CO zone shall conform to the standards set forth in Table 521-2. Mixed-use buildings are required to have a minimum lot area of 6,000 square feet. There are no minimum lot dimensions, the minimum street frontage requirement for mixed-use buildings is 16 feet.

**Finding:** The combined size for the subject property is approximately 0.35 acres in size and has frontage along Broadway Street NE and E Street NE that exceeds the minimum 16-foot standard.

*SRC 521.010(b) – Setbacks:*

Setbacks within the CO zone shall be provided as set forth in Tables 521-3 and 521-4.

**North:** Adjacent to the north is right-of-way for E Street NE. Buildings abutting a street require a minimum 12-foot setback per Table 521-3, however the Broadway/High Street Housing Overlay design standards require buildings to be developed with a zero-foot setback adjacent to a street. Vehicle use areas require a minimum 6-10 foot setback per SRC 806.

**Finding:** The proposed building is contiguous with the right-of-way line for E Street NE, the existing vehicle use area does not comply with the minimum setback adjacent to a street, the applicant has requested an Adjustment to reduce the vehicle use area setback, findings are included in Section 8 of this report.

**South:** Adjacent to the south is property zoned CO (Commercial Office), and within the Broadway/High Street Housing Overlay Zone. There is no minimum building setback required adjacent to a commercial use. Vehicle use areas require a minimum 5-foot setback.

**Finding:** The applicant has requested an Adjustment to the vehicle use area setback requirement adjacent to the south, findings are included in Section 8 of this report.

**East:** Adjacent to the east is the right-of-way for a public alley. There is no minimum setback requirement adjacent to a public alley.

**West:** Adjacent to the west is right-of-way for Broadway Street NE. Buildings abutting a street require a minimum 12-foot setback per Table 521-3, however the Broadway/High Street Housing Overlay design standards require buildings to be developed with a zero-foot setback adjacent to a street. Vehicle use areas require a minimum 6-10 foot setback per SRC 806.

**Finding:** The proposed building is contiguous with the right-of-way line for E Street NE, the existing vehicle use area does not comply with the minimum setback adjacent to a street, the applicant has requested an Adjustment to reduce the vehicle use area setback, findings are included in Section 8 of this report.

*SRC 521.010(c) - Lot Coverage, Height:*

The maximum lot coverage requirement for all uses in the CO zone is 60 percent. The maximum building height allowance for mixed-use buildings is 70 feet.

**Finding:** The site plan indicates that the proposed building footprint is

approximately 5,223 square feet, for a lot coverage of approximately 36 percent, less than the maximum 60 percent allowance. The proposed building is approximately 50 feet in height, less than the maximum height allowance for mixed-use buildings.

*SRC 521.010(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 Chapter 806 and SRC Chapter 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.

**Finding:** The subject property is approximately 15,283 square feet in size. A minimum of 2,292 square feet of landscaping is required for the development site ( $15,283 \times 0.15 = 2,292.45$ ). The applicant has requested an Adjustment to reduce the landscaping requirement for the development site from 15 percent to 11 percent (1,774 square feet), findings for the Adjustment are included in Section 8 of this report.

*SRC 521.010(e) – Outdoor Storage:*

Within the CO zone, outdoor storage of materials and equipment is prohibited, except in conjunction with residential uses where the storage is screened from adjacent streets and properties by a sight-obscuring fence, wall, or hedge.

**Finding:** No outdoor storage areas are proposed; this development standard is not applicable.

**Development Standards – Broadway-High Street Housing Overlay Zone (SRC Chapter 614):**

*SRC 614.015(a) - Uses:*

The uses set forth in Table 614-1 are additional permitted uses in the Broadway/High Street Housing Overlay Zone.

**Finding:** The proposed mixed-use building includes a ground floor eating and drinking establishment, and a multi-family residential use with 23 proposed dwelling units, the proposed uses are allowed in the underlying zone. SRC Chapter 614 does not provide any additional limitations on the proposed uses.

*SRC 614.020(a) – Dwelling Units Required:*

A minimum of 50 percent of the floor area of each new building shall include dwelling units.

**Finding:** The proposed building floor area is approximately 14,500 square feet, the proposed commercial floor area accounts for less than 20 percent, approximately 2,622 square feet. Approximately 80 percent of the floor area includes residential dwelling units.

*SRC 614.020(b) – Location of Nonresidential Uses Within Building:*

All nonresidential uses, except for office uses, shall be limited to the ground floor of a building. Office uses may be located on the upper floors of a building.

**Finding:** The proposed commercial retail space of the mixed-use building is limited to the ground floor, consistent with this standard.

*SRC 614.020(c) – Height:*

The maximum building height requirement for all uses in the Broadway/High Street Housing Overlay Zone is 50 feet.

**Finding:** The proposed building height is 50 feet, consistent with the maximum height allowance in the Broadway/High Street Housing Overlay Zone.

*SRC 614.020(d) – Additional development standards for uses in mixed-use projects with 25 or more dwelling units:*

**Finding:** The proposed mixed-use building contains 23-dwelling units; therefore, this standard is not applicable.

*SRC 614.020(e) – 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.
- (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.
- (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.

**Finding:** A minimum of 45 parking spaces are required for the proposed mixed-use building per SRC Chapter 806. Per SRC 614.020(e), the off-street parking requirement is automatically reduced by 10 percent. In addition, the proposed

building site is located with 400 feet of a transit stop (Broadway and Belmont) qualifying for a 5 percent reduction, and covered bicycle parking spaces are incorporated into the development qualifying for another 5 percent reduction for a total reduction of 20 percent.

### **General Development Standards SRC 800**

#### *SRC 800.055(a) – Applicability.*

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

**Finding:** The site plan indicates that a new solid waste enclosure with receptacles 2 cubic yards in size is proposed.

#### *SRC 800.055(b) – Solid Waste Receptacle Placement Standards.*

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 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 1-foot beyond the sides and rear of the receptacle.
  - b. The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
  - 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.

**Finding:** The design and materials for the slab is not indicated in the proposed plans, but will be reviewed for conformance with this development standard at the time of building permit review.

- 2) Minimum Separation.
  - a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
  - b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

- 3) Vertical Clearance.



- a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.

**Finding:** It does not appear that a roof is proposed for the solid waste enclosure, therefore this standard is not applicable.

*SRC 800.055(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.
- 2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

**Finding:** An enclosure is provided for the solid waste service area that is proposed to be constructed of chain link fencing with privacy slats which screens the solid waste service area from abutting residential properties.

*SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.*

When enclosures area used for required screening or aesthetics, such enclosure 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.

**Finding:** The width of the proposed front opening for the enclosure is approximately 12 feet, consistent with the minimum standard.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed 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.

**Finding:** The proposed site plan indicates that the enclosure walls will be chainlink with privacy slats. A bumper curb 12 inches inside the perimeter of the enclosure walls is required, however the curb is not indicated on the proposed plans.

**Condition 1:** Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.

- 3) **Enclosure Gates.** Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is less than 15 feet in width, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The proposed gates can swing to 120 degrees in compliance with this provision.

*SRC 800.055(f) – Solid Waste Service Area Vehicle Access.*

- 1) **Vehicle Operation Area.** A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The proposed vehicle operation area meets the minimum dimensional requirements for service vehicle access.

**Off-Street Parking, Loading, and Driveways SRC 806**

*SRC 806.005 - Off-Street Parking; When Required.*

Off-street parking shall be provided and maintained for each proposed new use or activity.

*SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.*

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within the Broadway/High Street Housing Overlay Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.

**Finding:** The proposed mixed-use building is served by an off-street parking lot located on the same site.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* The minimum number of off-street parking spaces required for retail sales and services uses is one space per 250 square feet of floor area. Multi-family residential uses in the CSPD boundary require a minimum of one space per dwelling unit.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *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 5 percent of their total off-street parking spaces for carpool or vanpool parking.

- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**Finding:** The proposed retail sales portion of the building is approximately 2,622 square feet in size, requiring a minimum of 10 off-street parking spaces ( $2,622 / 250 = 10.4$ ). In addition, the proposed 23 residential dwelling units require a minimum of 23 spaces, for a total minimum requirement of 33 spaces. A reduction of 20 percent, or 7 spaces ( $33 \times 0.20 = 6.6$ ) is granted per SRC 614.020(e), reducing the minimum requirement to 26 spaces. The maximum parking allowance is 46 spaces ( $26 \times 1.75 = 45.5$ ). The site plan indicates that 26 off-street parking spaces are provided consistent with the minimum parking requirement.

Seventeen of the required 26 spaces, or 65 percent of the required spaces are proposed as compact spaces, less than the maximum allowance.

Carpool/vanpool parking is not required for the proposed mixed-use building.

*SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.*

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
1. The development of new off-street parking and vehicle use areas.
  2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
  3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
  4. The paving of an un-paved area.

**Finding:** With the proposed redevelopment of the property, the development standards of SRC 806.035 apply to the existing nonconforming off-street parking area.

- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

**Finding:** The applicant is requesting an Adjustment to minimum required setbacks to allow the existing off-street parking area to be retained, findings are included in Section 8 of this report.

- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior

front, side, and rear property lines, and adjacent to buildings and structures.

Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

**Finding:** The applicant is requesting an Adjustment to minimum required setbacks to allow the existing off-street parking area to be retained, findings are included in Section 8 of this report.

d) *Interior Landscaping.* Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

**Finding:** Off-street parking areas less than 50,000 square feet in size require a minimum interior landscaping requirement of 5 percent. The proposed site plan indicates that the off-street parking area is approximately 6,229 square feet in size, requiring a minimum of 344 square feet of interior parking lot landscaping ( $6,229 \times 0.05 = 311.4$ ). Approximately 450 square feet of interior parking lot landscaping is proposed (approximately 7 percent), exceeding the minimum requirement.

e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

**Finding:** The existing off-street parking area does not comply with the minimum dimension requirements of Table 806-6. The applicant is requesting an Adjustment to allow the existing off-street parking area to be retained, findings are included in Section 8 of this report.

f) *Additional Off-Street Parking Area Development Standards 806.035(f-m).*

**Finding:** The proposed off-street parking area is developed consistent with the additional standards for grade, surfacing, and drainage. Bumper guards or wheel barriers are required for the proposed surface parking spaces to prevent vehicle overhang into required pedestrian accessways. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only. The striping, and lighting will meet the standards of SRC 806.

The subject property does not abut a residential use, therefore the parking area screening standard of SRC 806.035(m) does not apply.

## **Bicycle Parking**

*SRC 806.045 - General Applicability.*

Bicycle parking shall be provided and maintained for each proposed new use or

activity.

*SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.*

Bicycle parking shall be located on the same development site as the use or activity it serves.

*SRC 806.055 - Amount of Bicycle Parking.*

Eating and drinking establishments require uses are required to have the greater of 4 bicycle spaces or a minimum of one bicycle space per 1,000 square feet of floor area. Multi-family uses require the greater of 4 bicycle spaces or a minimum of one bicycle parking space per 10 dwelling units.

**Finding:** The proposed eating and drinking establishment is approximately 2,622 square feet of floor area, requiring a minimum of 4 bicycle spaces ( $2,622 / 1,000 = 2.6$ ), and a minimum of 4 spaces are required for the proposed multi-family use ( $23 / 10 = 2.3$ ) for a total of 8 spaces. The proposed site plan indicates that 8 spaces are provided for the development, four spaces near the entrance to the eating and drinking establishment on Broadway Street NE, and four spaces in the courtyard for the multi-family use.

*SRC 806.060 – Bicycle Parking Development Standards*

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) Dimensions. Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

**Finding:** The proposed bicycle parking spaces are within 50 feet of the main entry for the buildings. Dimensions and design of the bicycle parking spaces will be reviewed at the time of Building Permit.

**Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

*SRC 806.070 – Proximity of Off-Street Loading Areas to Use or Activity Served.*

Off-street loading shall be located on the same development site as the use or

activity it serves.

*SRC 806.075 - Amount of Off-Street Loading.*

Off-street loading spaces are not required for multi-family residential uses with fewer than 50 dwelling units, or for retail sales and services uses less than 5,000 square feet in size.

**Finding:** Off-street loading spaces are not required for the proposed development.

## **Landscaping**

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. 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 and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**Finding:** The proposed site plan indicates that approximately 1,774 square feet of landscaping is provided for the development site. However, as conditioned a minimum of 115 plant units are required for the proposed development. Of the required plant units, a minimum of 46 plant units shall be a combination of mature trees, shade tree, evergreen/conifer trees, or ornamental trees ( $115 \times 0.4 = 46$ ).

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

## **Natural Resources**

*SRC 808 - Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

There are no protected trees identified on the subject property.

*SRC 809 - Wetlands:* Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps

of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory does not show wetland areas mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

*SRC 810 - Landslide Hazards:* According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property. The proposed commercial building permit activity adds three activity points to the proposal, which results in a total of three points, indicating a low landslide risk, therefore a geologic assessment is not required for the proposed development.

Additional items noted by the Public Works Department:

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.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

The proposed plan shows awnings encroaching into the right-of-way. The applicant shall obtain awning permits.

**Condition 2:** Obtain awning permits for proposed awnings encroaching into the right-of-way.

The proposed plan also shows bicycle parking spaces within the vision clearance triangle. The bicycle parking shall comply with SRC Chapter 805.

**Condition 3:** Proposed bicycle parking within the vision clearance triangle shall comply with SRC Chapter 805.

Criterion 2:

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:** Broadway 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. E Street NE meets the alternative street standard for right-of-way width pursuant to SRC 803.065(a)(2) because the street is fully developed to standards that were in effect at the time it was originally constructed; therefore, no additional street improvements are required as a condition of the proposed development.

The existing alley approach along E Street does not meet PWDS. Pursuant to SRC 803.040, the applicant shall be required to replace the existing alley approach along E Street NE pursuant to PWDS.

**Condition 4:** Replace the existing alley approach along E Street NE pursuant to Public Works Design Standards.

Pursuant to SRC 78.180(a), the applicant shall replace non-conforming portions of existing sidewalk in conformance with the provisions of SRC Chapter 78 and PWDS.

**Condition 5:** Replace non-conforming portions of existing sidewalk in conformance with the provisions of SRC Chapter 78 and Public Works Design Standards

Pursuant to SRC Chapter 86, the applicant shall protect existing street trees during construction.

**Condition 6:** Protect existing street trees during construction in conformance with the provisions of SRC Chapter 86 and PWDS.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

**Finding:** The driveway access onto Broadway Street NE provides for safe turning movements into the property. Pursuant to SRC 804.060(a)(4), the applicant shall be required to close the existing unused driveway along E Street NE.

**Condition 7:** Close the existing unused driveway along E Street.

Criterion 4:

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 are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075. The applicant's architect submitted a statement demonstrating compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

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.

## **8. Analysis of Class 2 Adjustment Criteria**

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

### Criterion 1:

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

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

**Finding:** The applicant is requesting multiple Class 2 Adjustments to:

- 1) Eliminate the minimum 10-foot required setback for the off-street parking area adjacent to Broadway Street NE;
- 2) Eliminate or reduce the minimum 5-foot required perimeter setbacks for the off-street parking area;
- 3) Reduce the minimum landscape requirement for the development site from 15 percent to 11 percent;
- 4) ~~Reduce the minimum number of required off-street parking spaces from 38 to 26;~~
- 5) Reduce the minimum off-street parking area dimensions to allow the existing parking spaces and drive aisles to remain.

*Adjustment to eliminate the minimum 10-foot required setback for the off-street parking area adjacent to Broadway Street NE:*

The existing off-street parking area does not have a setback provided adjacent to Broadway Street NE, SRC Chapter 806 requires a minimum 6-10 foot vehicle use area setback. The proposed development will remove an existing parking

space adjacent to Broadway Street NE and add a new triangular landscape island in its place. While the new landscaping area does not comply with the minimum setback, a combination of trees and shrubs will be used to add additional screening of the off-street parking that wasn't previously provided. The requested adjustment allows the existing off-street parking area to be utilized for the proposed development and helps to maintain an adequate number of off-street parking spaces for future uses.

*Eliminate or reduce perimeter setbacks for the off-street parking area.*

The applicant is requesting to reduce the minimum 5-foot setback adjacent to an interior lot line required by SRC 806.035(c)(3) to 0 feet, and to reduce the minimum 5-foot setback adjacent to a building or structure required by SRC 806.035(c)(4) to 3 feet.

The existing parking lot does not currently provide a setback to the neighboring parking lot to the south, and the development site cannot easily accommodate the required setback without significantly reducing the amount of off-street parking spaces. The requested adjustment allows the existing condition of the off-street parking area, and neighboring area to remain.

A five-foot wide sidewalk is provided on the south side of the building to separate the building from the off-street parking area, however on the east side of the building the applicant is requesting to reduce the sidewalk width. The sidewalk width is approximately 4 feet 6 inches for most of the building frontage, providing adequate space for pedestrians and a separation between vehicles and the exterior wall of the building. Wheel stops are provided in the parking stalls to prevent vehicles from overhanging into the sidewalk, allowing the full width of the sidewalk to be used for pedestrian travel.

The proposal is equally met.

*Reduce the minimum landscape requirement for the development site from 15 percent to 11 percent.*

The subject property is approximately 15,283 square feet in size, requiring a minimum of 2,292 square feet of landscaping for the development site ( $15,283 \times 0.15 = 2,292$ ). The applicant is requesting to reduce the landscaping requirement for the development site from 15 percent to 11 percent.

The proposed site plan indicates that 1,774 square feet of landscape area will be provided, approximately 11 percent of the development site. The applicant indicates that the full amount of landscape can not be provided due to the limited size of the property, the need to keep the existing off-street parking area and other development requirements. Staff recommends a condition of approval requiring a minimum of 115 plant units be incorporated into the landscape design, the same number of plant units that would be required if the full amount

of landscape area had been provided ( $2,292 / 20 = 114.6$ ). As conditioned, the purpose of the standard is equally or better met.

**Condition 8:** A minimum of 115 plant units shall be incorporated into the landscape design.

*Adjustment to reduce the minimum number of required off-street parking spaces from 36 to 26.*

The request statement included a request for an adjustment to the minimum off-street parking requirement, however, when the off-street parking requirement for the proposed mixed-use building was originally determined, the location of the property within the CSDP boundary was not considered. The off-street parking requirement was recalculated and was determined to comply with minimum off-street parking requirements, therefore this adjustment is not necessary.

*Adjustment to reduce the minimum off-street parking area dimensions to allow the existing parking spaces and drive aisles to remain.*

SRC Table 806-6 requires a minimum drive aisle dimension of 15 feet through the southern portion of the off-street parking area. The existing off-street parking area is not changing, while the drive aisle dimensions do not conform to current code requirements, the existing 13-foot dimension provides adequate space for parking and maneuvering, equally meeting the intent of the code provision, while allowing the applicant to maximize the amount of available off-street parking spaces to serve the proposed use.

Criterion 2:

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 not located within a residential zone; therefore, this criterion is not applicable.

Criterion 3:

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:** Five separate adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 9:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

### **RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, staff recommends that the Planning Commission APPROVE the request for a consolidated Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Adjustment for a proposed three story mixed-use multi-family and retail development on a vacant portion of the site, and maintaining an existing parking lot and driveways for property located at 990 Broadway Street NE – 97301, subject to the following conditions of approval:

- Condition 1:** Development of the solid waste service area shall conform to all applicable standards of SRC Chapter 800.
- Condition 2:** Obtain awning permits for proposed awnings encroaching into the right-of-way.
- Condition 3:** Proposed bicycle parking within the vision clearance triangle shall comply with SRC Chapter 805.
- Condition 4:** Replace the existing alley approach along E Street NE pursuant to Public Works Design Standards.
- Condition 5:** Replace non-conforming portions of existing sidewalk in conformance with the provisions of SRC Chapter 78 and Public Works Design Standards
- Condition 6:** Protect existing street trees during construction in conformance with the provisions of SRC Chapter 86 and PWDS.
- Condition 7:** Close the existing unused driveway along E Street.
- Condition 8:** A minimum of 115 plant units shall be incorporated into the landscape design.
- Condition 9:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what

is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Prepared by Aaron Panko, Planner III

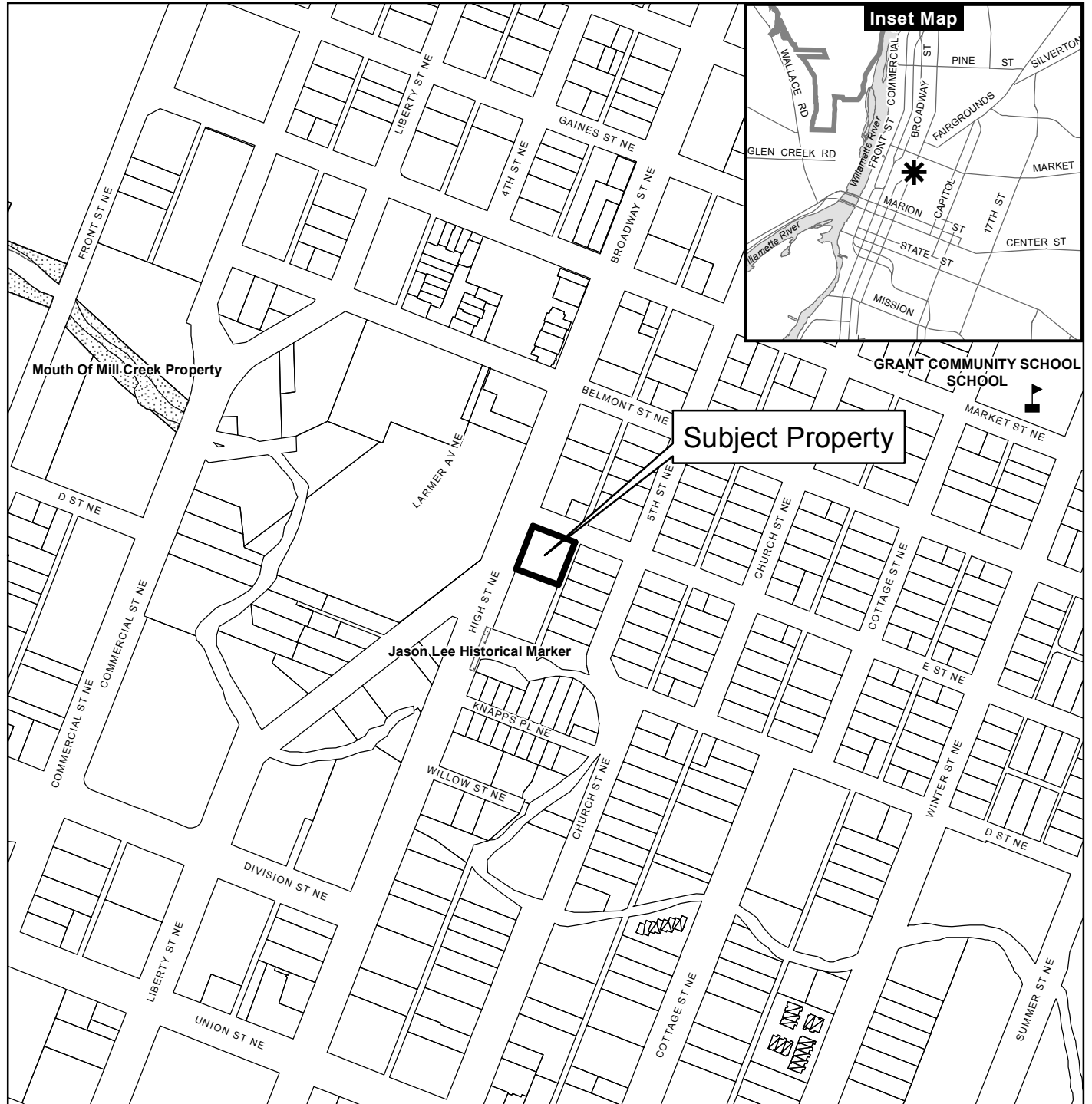
Application Deemed Complete Date: October 2, 2019  
State Mandated Decision Date: January 30, 2020

Attachments: A. Vicinity Map  
B. Proposed Site Plan and Building Elevations  
C. Applicant's Statement  
D. Public Works Memo  
E. Salem-Keizer Public Schools letter dated October 23, 2019

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\DESIGN REVIEW\2019\Staff Reports\DR-SPR-ADJ19-10.amp.docx

# Vicinity Map

## 990 Broadway Street NE



### Legend

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

0 100 200 400 Feet



**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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# 990 BROADWAY ST NE

## MIXED-USE DEVELOPMENT

### PROJECT DESCRIPTION

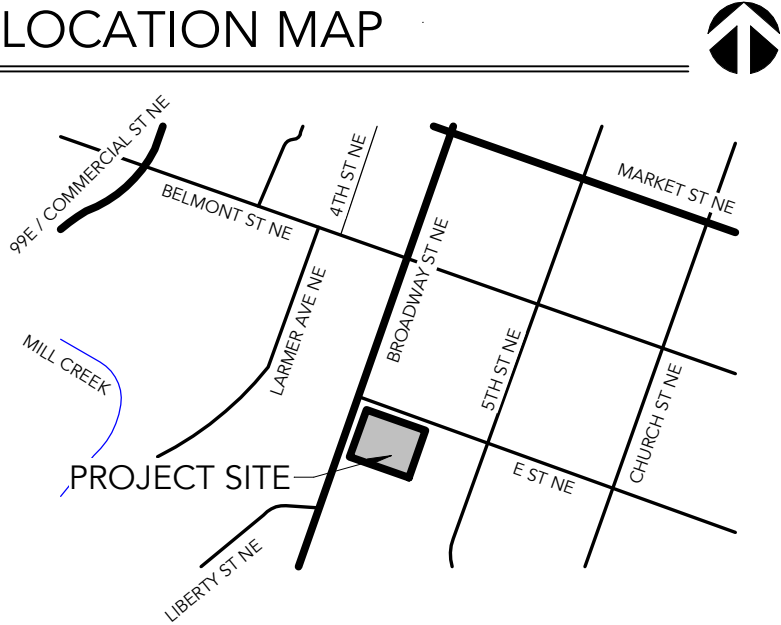
THIS PROJECT CONSISTS OF 23 RESIDENTIAL APARTMENTS ON THREE FLOORS ABOVE GRADE, WITH A RETAIL SPACE FACING BROADWAY STREET ON THE GROUND FLOOR. THE APARTMENTS ARE ALL ACCESSED VIA A PRIVATE COURTYARD. THE 17,300 SF BUILDING IS TYPE V-B CONSTRUCTION.

ZONING: CO, COMMERCIAL OFFICE  
OVERLAY: BROADWAY/HIGH STREET HOUSING OVERLAY (614)  
TAX MAP: 073W22AD08600  
TAX LOT: N 1/2 LOT 10, 11-12, S 1/2 LOT 11 BLK 5

### LAND USE DRAWING INDEX

#	SHEET NAME
SP-0	COVER SHEET
SP-1	EXISTING SITE SURVEY
SP-2	ARCHITECTURAL SITE PLAN
SP-2.1	SITE DETAILS
SP-3	GRADING & UTILITY PLAN
SP-4	LANDSCAPE PLAN
SP-5	SECOND FLOOR PLAN
SP-6	THIRD FLOOR & MEZZANINE PLAN
SP-7	ELEVATIONS
SP-8	ELEVATIONS
SP-9	COURTYARD ELEVATIONS
SP-10	RENDERINGS

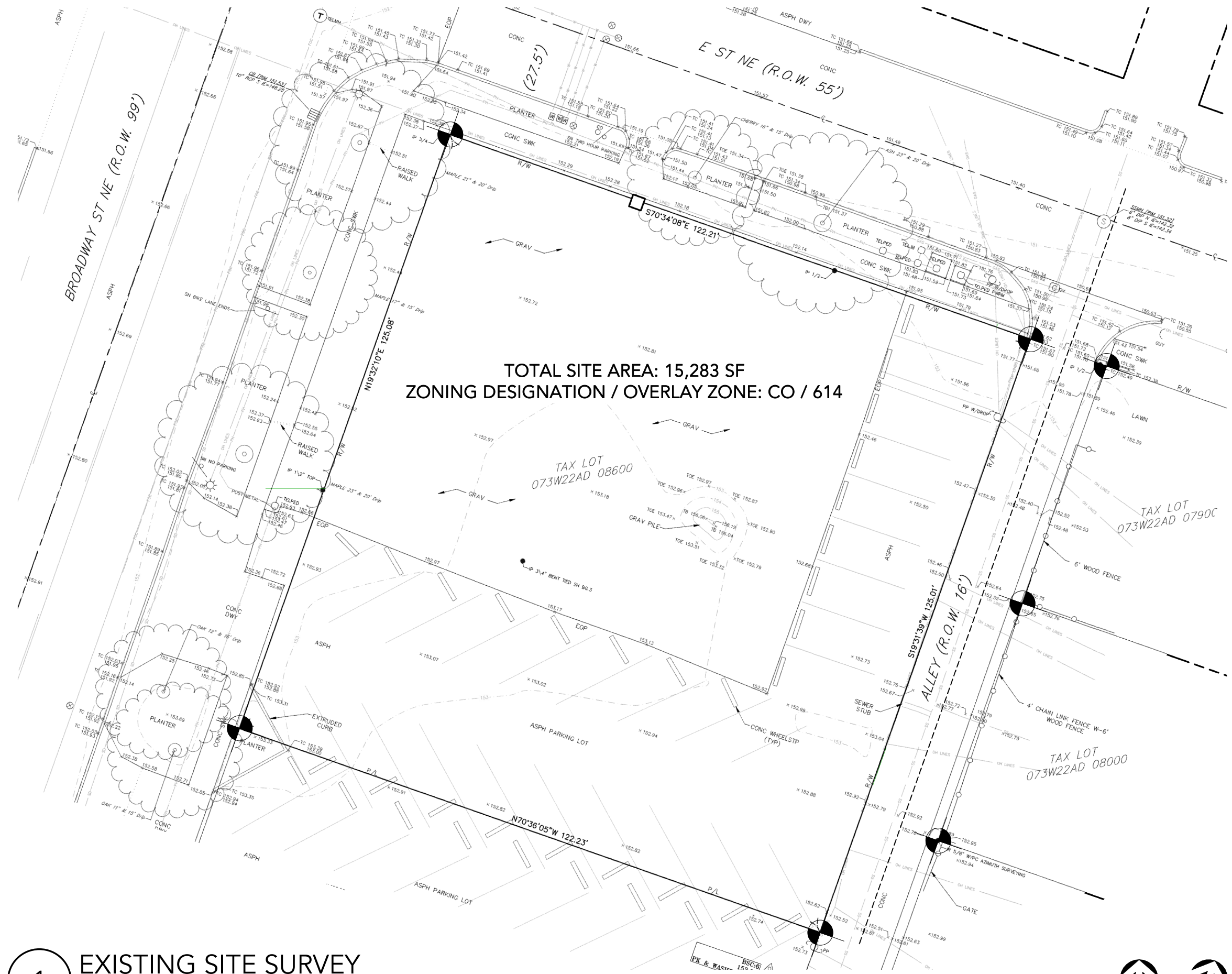
### LOCATION MAP



PLAN REVIEW	
Date: 06.12.2019	
Rev:	Date:

COVER SHEET

SP-0



TOTAL SITE AREA: 15,283 SF  
ZONING DESIGNATION / OVERLAY ZONE: CO / 614

TAX LOT  
073W22AD 08600

TAX LOT  
073W22AD 07900

TAX LOT  
073W22AD 08000

1

EXISTING SITE SURVEY

SCALE: 1" = 20'-0"



990 BROADWAY

990 BROADWAY STREET NE  
SALEM OREGON 97301

PLAN REVIEW	
Date:	06.12.2019
Rev:	Date:

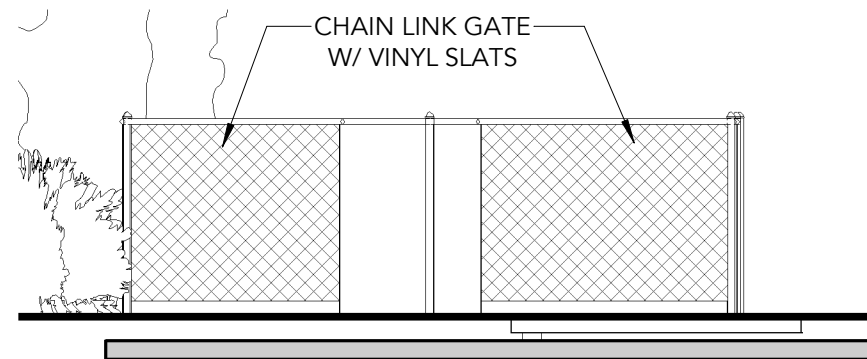
EXISTING SITE SURVEY

SP-1

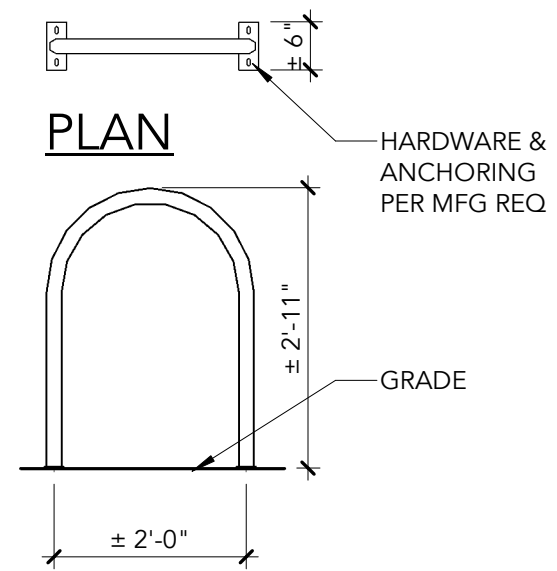




SP-2



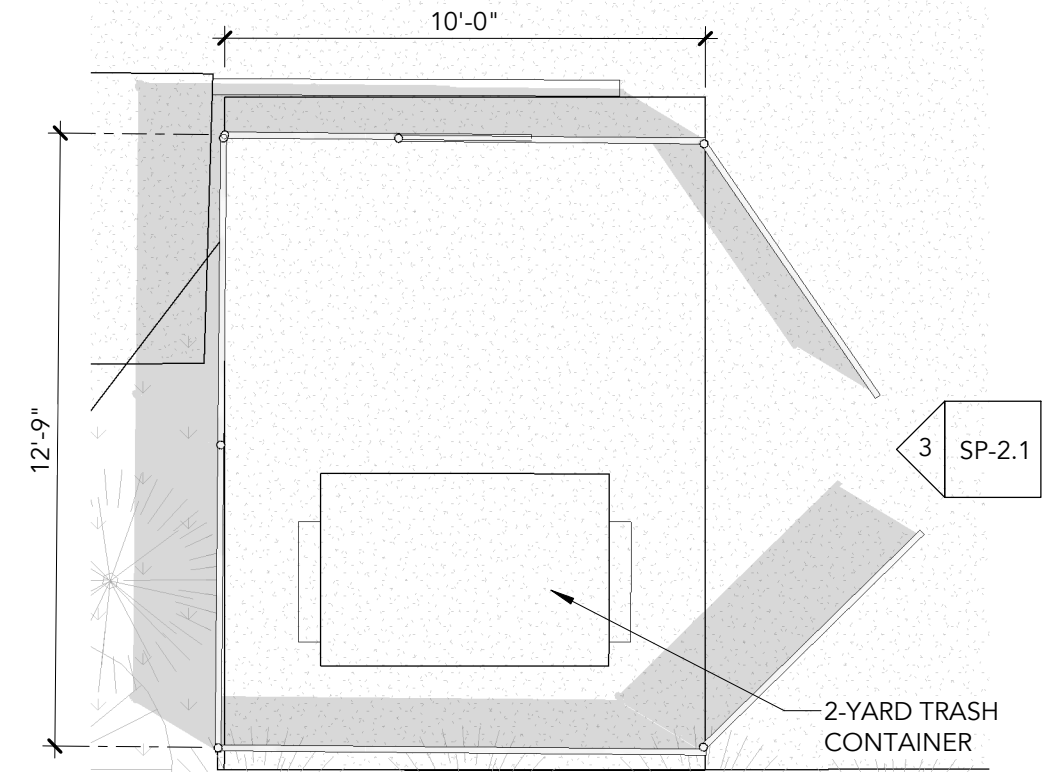
**3 TRASH - EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



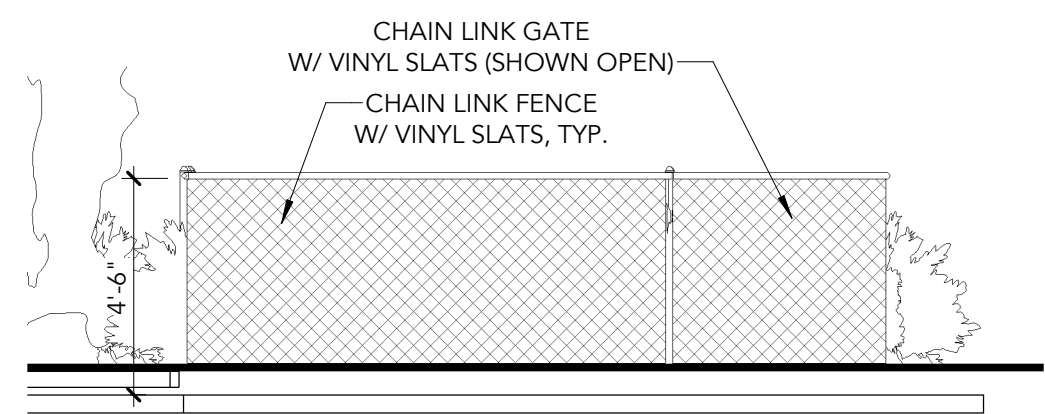
**ELEVATION**

BASIS OF DESIGN : DERO HOOP RACK,  
BLACK POWDERCOATING. PROVIDE  
OWNER OPTION TO ADD LOGO.

**4 BIKE RACK DETAIL**  
SCALE: 1/2" = 1'-0"



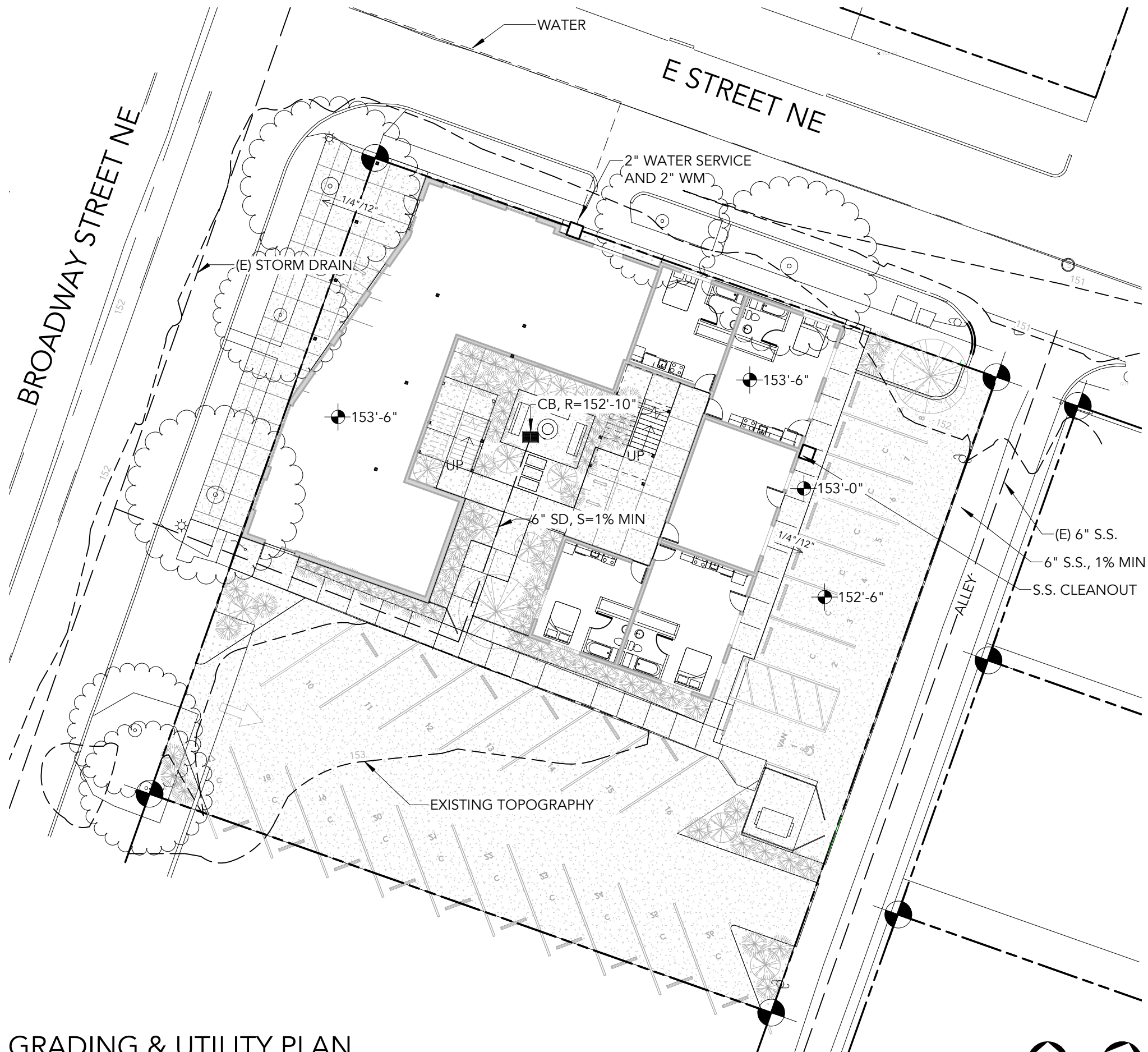
**1 TRASH ENCLOSURE**  
SCALE: 1/4" = 1'-0"



**2 TRASH - SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"

PLAN REVIEW	
Date:	06.12.2019
Rev:	Date:
1	9.9.2019





GRADING & UTILITY PLAN

SCALE: 1" = 20'-0"



TRUE  
NORTH



PROJECT  
NORTH

990 BROADWAY

990 BROADWAY STREET NE  
SALEM OREGON 97301

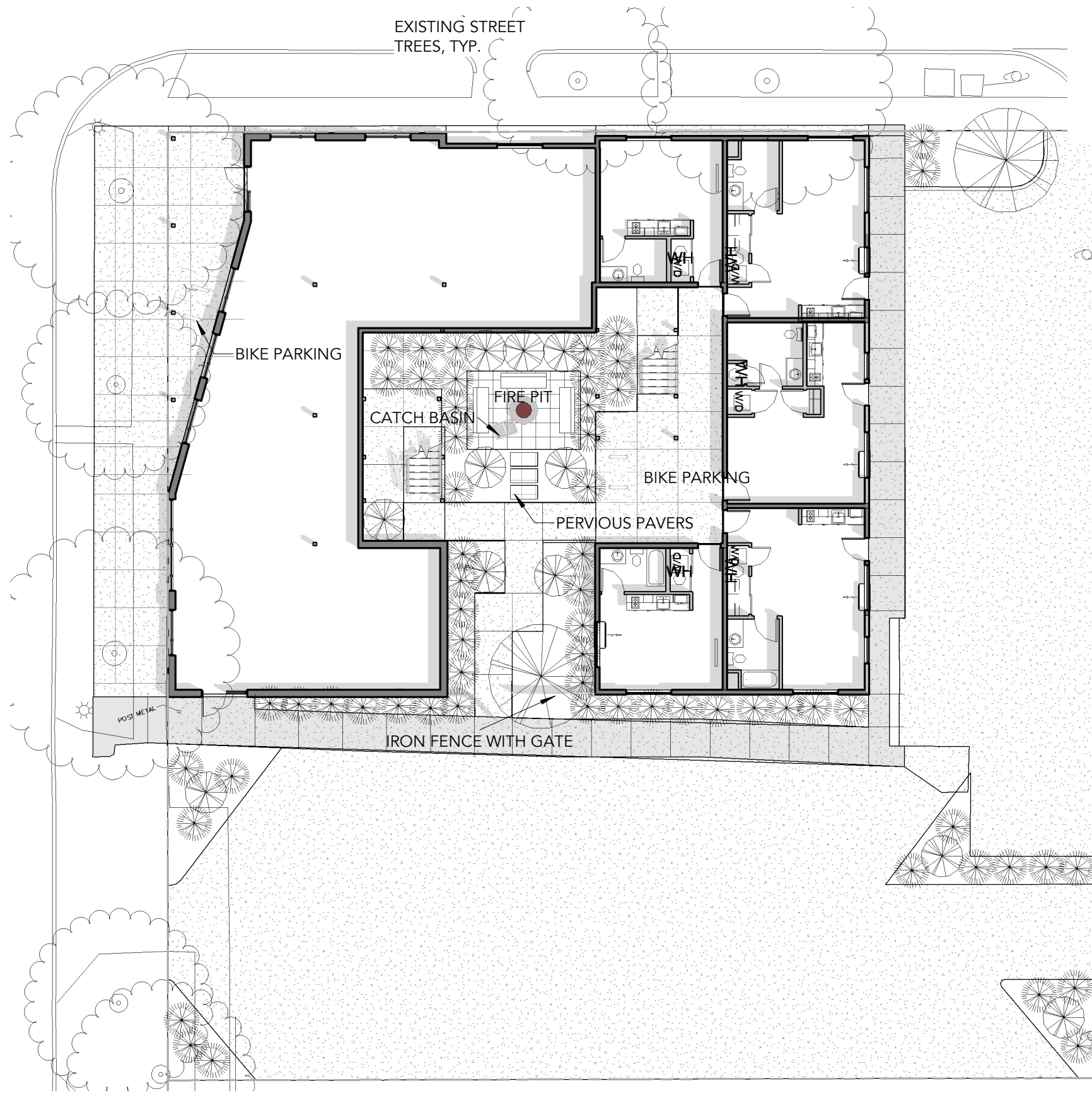
PLAN REVIEW

Date: 06.12.2019

Rev:      Date:


GRADING &  
UTILITY PLAN

SP-3



LANDSCAPE PLAN

SCALE: 1/16" = 1'-0"



PLANT SCHEDULE

BOTANICAL NAME  
COMMON NAME  
SIZE

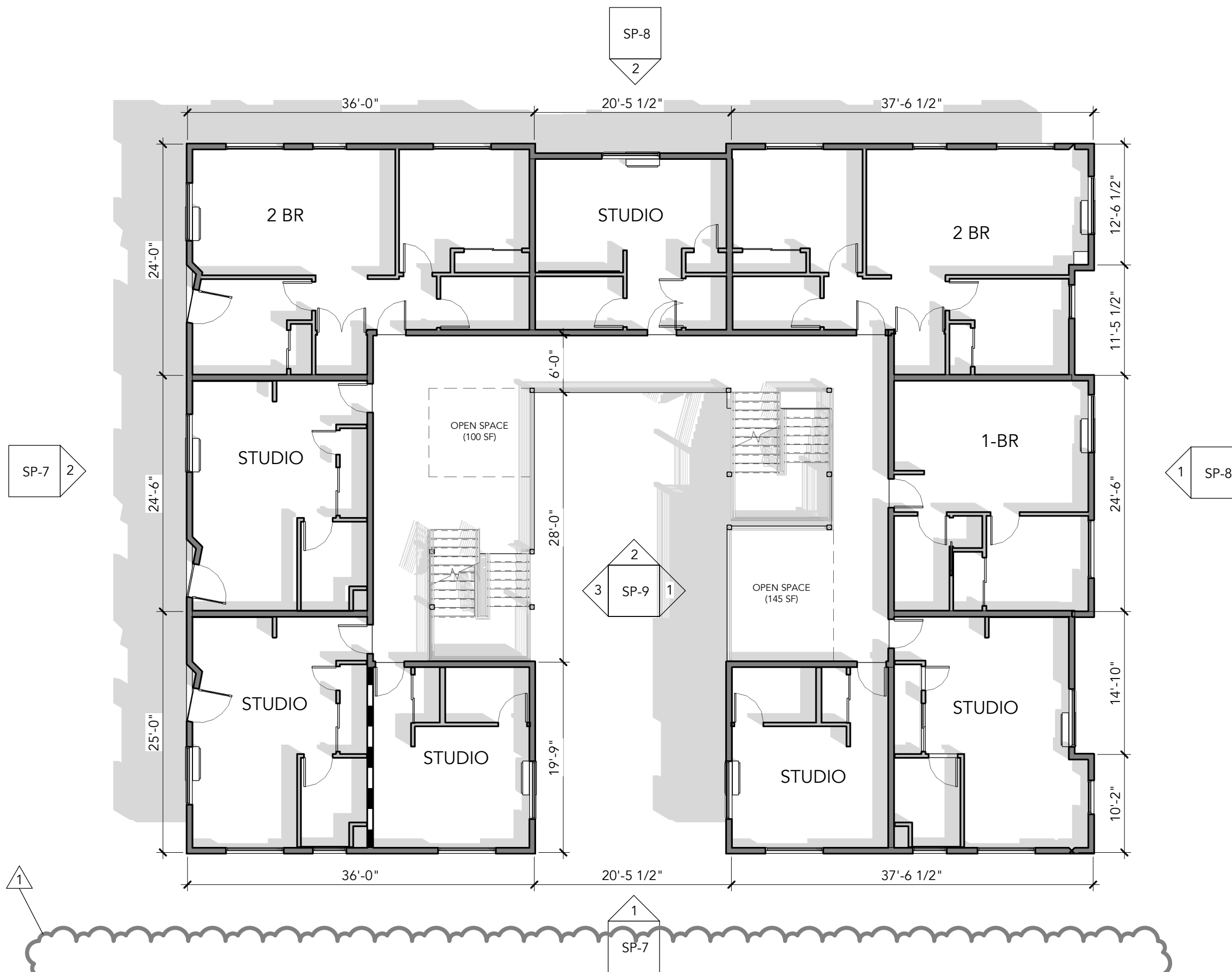
TREES

- T1 BETULA POPULIFOLIA  
GRAY BIRCH  
10'
- T2 POPULUS TREMULOIDES  
LARGETOOTH ASPEN  
25'

SHRUB OPTIONS (TBD)

- S1 ABELIA G. SHERWOODII  
SAME  
5 GAL.
- S2 CAREX EVERGOLD  
EVERGOLD SEDGE  
1 GAL.
- S3 CORNUS KELSEYII  
SAME  
5 GAL.
- S4 EUONYMUS J. 'BUTTERSCOTCH'  
SAME  
2 GAL.
- S5 IRIS PALLIDA 'VARIEGATA'  
SAME  
1 GAL.
- S6 LIRIOPE M. 'BIG BLUE'  
SAME  
1 GAL.
- S7 MAHONIA AQUIFOLIUM  
OREGON GRAPE  
5 GAL.
- S8 NANDINA D. 'GULF STREAM'  
SAME  
2 GAL.
- S9 POLYSTICHUM MUNITUM  
SWORD FERN  
2 GAL.
- S10 SARCOCOCCA CONFUSA  
SAME  
5 GAL.
- S11 SARCOCOCCA HUMILIS  
SAME  
2 GAL.

PLAN REVIEW	
Date:	06.12.2019
Rev:	Date:



## SECOND LEVEL FLOOR PLAN

SCALE: 3/32" = 1'-0"



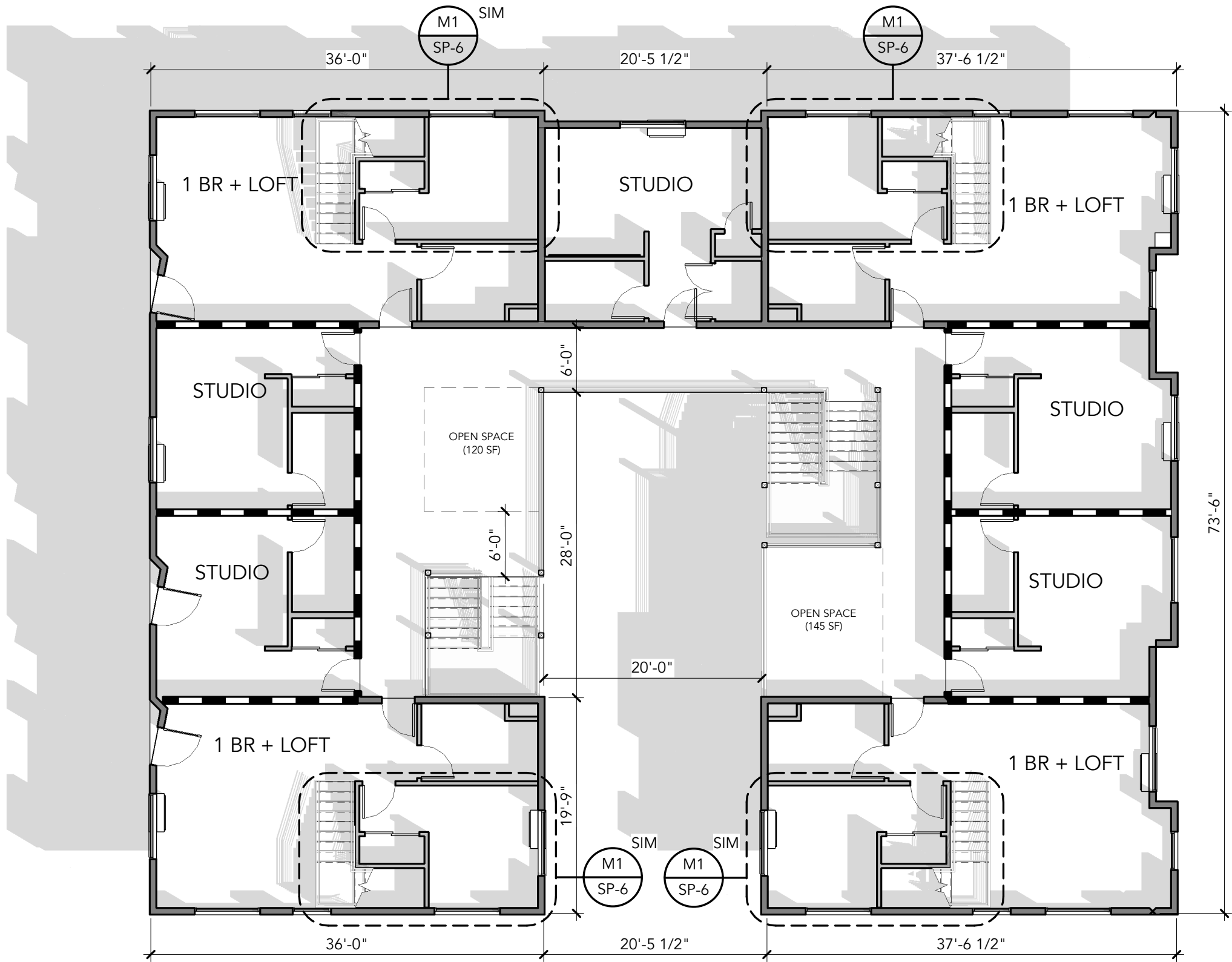
## 990 BROADWAY

990 BROADWAY STREET NE  
SALEM OREGON 97301

PLAN REVIEW	
Date:	06.12.2019
Rev:	Date:
1	9.9.2019

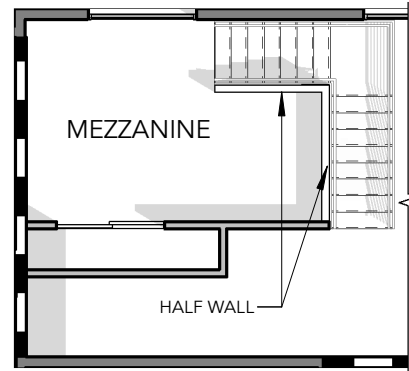
SECOND  
FLOOR PLAN

SP-5



THIRD LEVEL FLOOR PLAN

SCALE: 3/32" = 1'-0"



TYP. MEZZ. PLAN

SCALE: 3/32" = 1'-0"

990 BROADWAY

990 BROADWAY STREET NE  
SALEM OREGON 97301

PLAN REVIEW

Date: 06.12.2019

Rev: Date:


THIRD FLOOR &  
MEZZANINE  
PLAN

SP-6





## WEST ELEVATION

SCALE: 1/16" = 1'-0"



## SOUTH ELEVATION

SCALE: 1/16" = 1'-0"

## COLOR & FINISH LEGEND

- A** MATERIAL: LAP SIDING  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: DARK GRAY
- B** MATERIAL: LAP SIDING  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: MATCH MATERIAL 'D'
- C** MATERIAL: CEDAR SIDING  
MANUF: TBD  
SERIES: TBD  
FINISH: CLEAR  
COLOR: TBD
- D** MATERIAL: MASONRY VENEER  
MANUF: MUTUAL MATERIALS  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: ARCTIC WHITE
- E** MATERIAL: TRIM BOARD  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: DARK GRAY



EAST ELEVATION

SCALE: 1/16" = 1'-0"



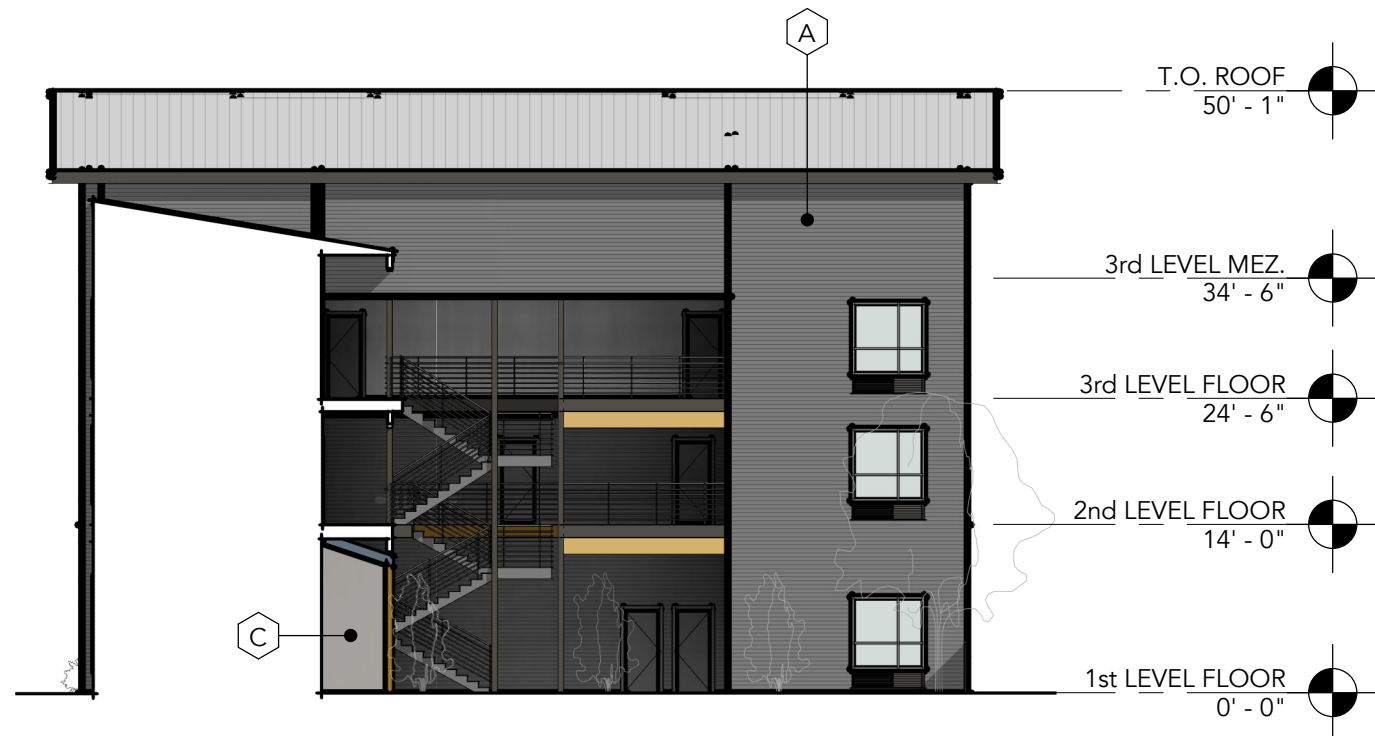
NORTH ELEVATION

SCALE: 1/16" = 1'-0"

## COLOR & FINISH LEGEND

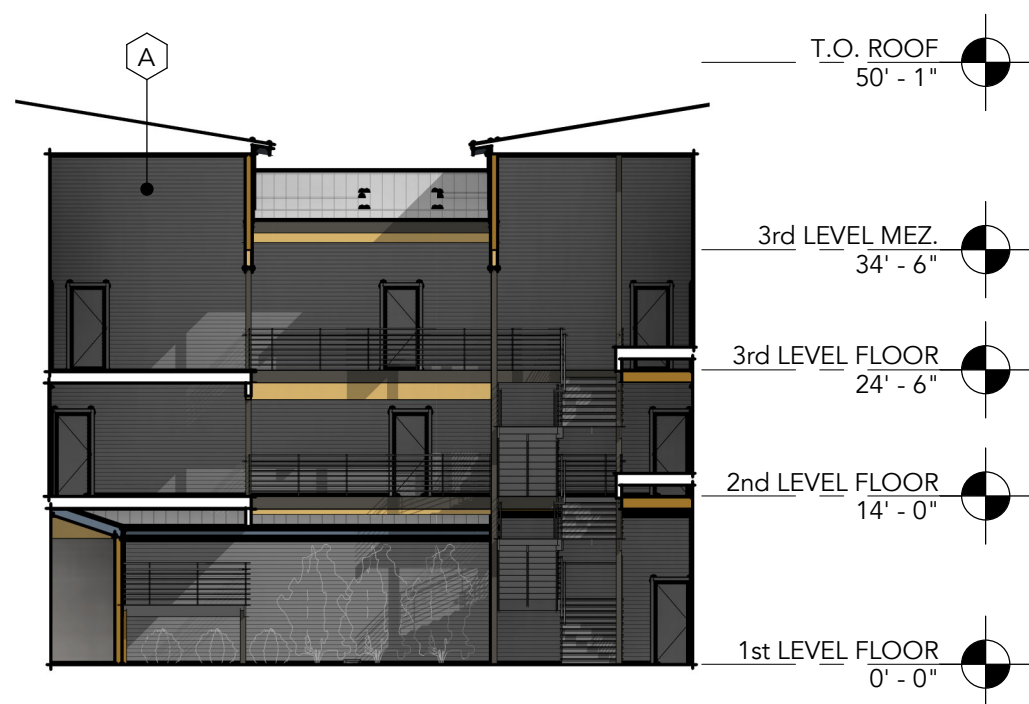
- A** MATERIAL: LAP SIDING  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: DARK GRAY
- B** MATERIAL: LAP SIDING  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: MATCH MATERIAL 'D'
- C** MATERIAL: CEDAR SIDING  
MANUF: TBD  
SERIES: TBD  
FINISH: CLEAR  
COLOR: TBD
- D** MATERIAL: MASONRY VENEER  
MANUF: MUTUAL MATERIALS  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: ARCTIC WHITE
- E** MATERIAL: TRIM BOARD  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: DARK GRAY





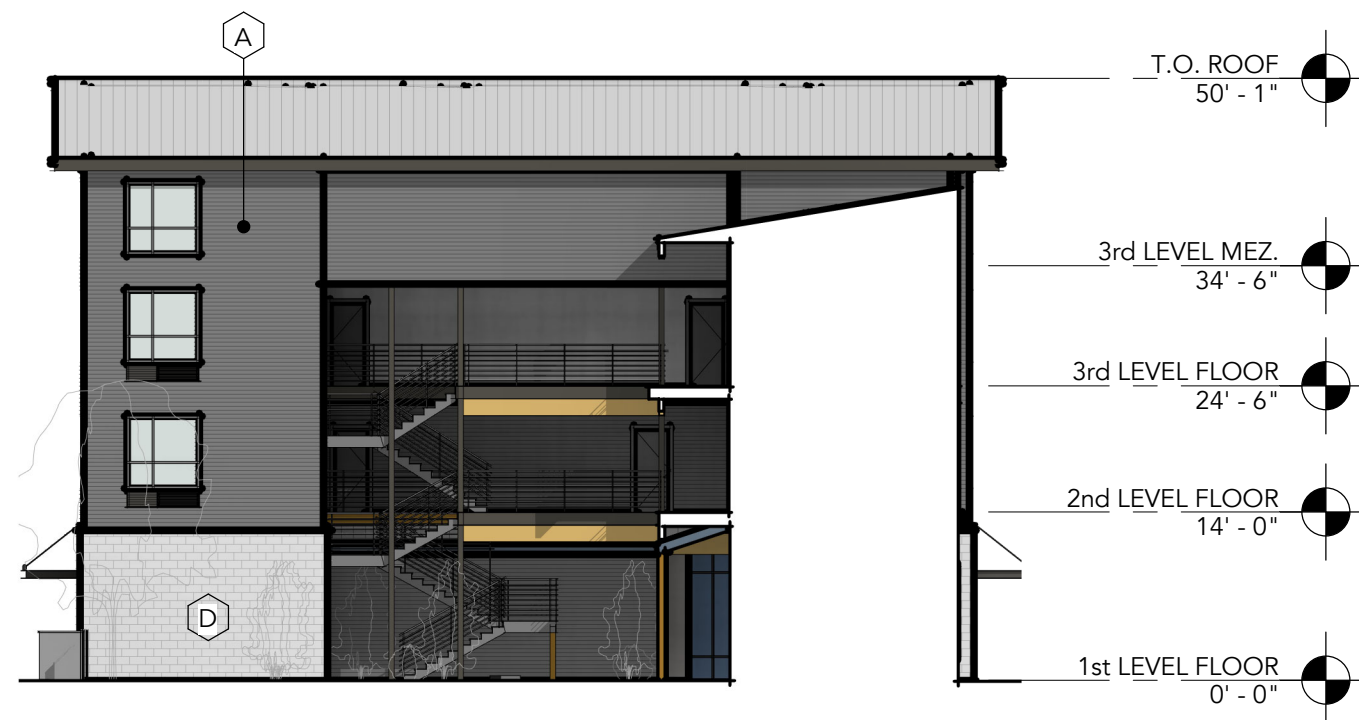
COURTYARD ELEVATION - EAST

SCALE: 1/16" = 1'-0"



COURTYARD ELEVATION - SOUTH

SCALE: 1/16" = 1'-0"



COURTYARD ELEVATION - WEST

SCALE: 1/16" = 1'-0"

## COLOR & FINISH LEGEND

- A** MATERIAL: LAP SIDING  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: DARK GRAY
- B** MATERIAL: LAP SIDING  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: MATCH MATERIAL 'D'
- C** MATERIAL: CEDAR SIDING  
MANUF: TBD  
SERIES: TBD  
FINISH: CLEAR  
COLOR: TBD
- D** MATERIAL: MASONRY VENEER  
MANUF: MUTUAL MATERIALS  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: ARCTIC WHITE
- E** MATERIAL: TRIM BOARD  
MANUF: JAMES HARDIE OR SIM.  
SERIES: TBD  
FINISH: SMOOTH  
COLOR: DARK GRAY





VIEW FROM BROADWAY LOOKING NORTHWEST



VIEW FROM BROADWAY LOOKING SOUTHWEST



INTERIOR COURTYARD ENTRY LOOKING SOUTH



CORNER AT BROADWAY & E STREET




September 9, 2019

Aaron Panko  
City of Salem  
Community Development Department  
Planning Division  
555 Liberty Street, Room 305  
Salem, OR 97301

Re: Consolidated Land Use Application  
Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustments  
990 Broadway Street NE

## I. REQUEST

CB Two Architects representing Charles Weathers and Luke Glaze, applicants, are requesting approval of a consolidated land use application for a Class 3 Design Review (Guidelines), a Class 3 Site Plan Review and Class 2 Adjustments to SRC standards for building setback, minimum setback from building to vehicle use areas, minimum number of off-street parking spaces, minimum amount of site landscaping and minimum amount of landscaping in vehicle use areas for a development proposal of a site located at 990 Broadway Street NE.

## II. PROJECT DESCRIPTION

The infill site located at the southeast corner of Broadway Street NE and E Street NE is zoned CO (Commercial Office) within the Broadway/High Street Housing Overlay zone. The development proposal encompasses approximately 8,980 square feet of a 15,283 square foot site that currently consists of a gravel pad and a 26 space parking lot. The applicant is proposing to construct a mixed use development that would include 23 multi-family units and approximately 2,400 square feet of commercial retail space on the gravel portion of the site and maintain the existing parking and driveway.

The structure as proposed will be three stories with the retail being limited to the ground floor fronting onto Broadway with residential units occupying the eastern portion ground floor and the entire second and third floors. Residential uses will be accessed via a secure central courtyard that opens onto a walk that runs along the south side of the proposed building. The building's architectural style is urban contemporary which lends itself to the compact infill site and fits within the goals of the Broadway/High Street Housing Overlay. With the commercial uses fronting on Broadway Street NE and residential uses on the upper floors and closer to nearby

residential neighborhoods it provides a positive transition from the busier commercially developed Broadway/High Street corridor to the single family uses east of the site.

### III. DESIGN REVIEW

The proposed site is located within the Broadway/High Street Housing Overlay Zone and is therefore subject to Design Review guidelines or standards found in SRC 614.030. A Class 3 design review for application of the design review guidelines is requested, the following information will illustrate how the proposal meets the applicable guidelines.

#### Sec.614.030 – Design review guidelines

##### (a) *Building location, orientation, and design.*

##### (1) *Building location.*

##### (A) *Design review guidelines*

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

**RESPONSE:** The building has been sited so that it is on the Broadway Street NE property line for approximately 25 feet; however, because of vision clearance requirements a 10 foot by 50 foot vision clearance triangle is required along Broadway frontage from the corner south, as a result, the building angles away from the Broadway Street NE property line for a maximum building setback at the corner of Broadway Street NE and E Street NE of 10 feet 1 inch. The upper floors of the building will generally be adjacent to the property line as desired. The setback area will be paved and allows for the commercial space entry and bicycle parking to be covered.

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

**RESPONSE:** The development site is a small infill site the proposed building has been designed to fit onto the existing gravel pad. The building as designed is oriented towards the southeast corner of Broadway Street NE and E Street NE, on the property lines adjacent to Broadway and E Streets NE or with minimal setbacks needed for the vision clearance triangle. There is an existing alley located between the site and the residential neighborhood to the east and the proposed building will be setback approximately 30 feet from the property line adjacent to this alley.

(2) *Building orientation and design.*

(A) *Design review guidelines.*

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

**RESPONSE:** The building has been placed on or near the property line along Broadway Street NE to promote interaction with the retail space planned for this street façade. The ground floor has a floor to floor height of approximately 16 feet to highlight the commercial uses at a pedestrian scale. The recess at the ground level to accommodate the required vision clearance triangle will be paved and include covered bicycle parking as well as weather protection at the commercial entry.

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

**RESPONSE:** Ground floor windows along Broadway Street NE will be transparent of a storefront or similar window system providing the desired interaction between the interior space and the public sidewalk.

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

**RESPONSE:** Decks have been incorporated onto the Broadway facing façade for the corner units, in addition articulation to the façade is provided to further breakup the mass and help visual define the residential component on the Broadway façade.

- (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.

**RESPONSE:** A large awning that wraps the southwest corner of the building's first floor is provided above the storefront as well as the large covered recessed entry area providing weather protection on Broadway Street NE facade and where pedestrians will move to and from the buildings commercial space. The awning also extends along the commercial space that fronts E Street NE which will better distinguish the separate uses on the ground floor.

- (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 to provide a variety of street level façade.

**RESPONSE:** The building utilizes the existing gravel pad for the proposed building which has a relatively small building footprint. There are three floors proposed for this building which has been oriented to the street corner with minimal or no setbacks where possible. The building façade materials proposed will provide variation in texture and color as will the different window systems that differentiate the commercial space from the residential units. The commercial façade will be visually distinct from the residential facades to further express the mix of uses provided within the development. The taller ground floor height and storefront window systems provide an urban design and scale along Broadway Street NE as desired.

(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.

**REPOSNE:** More than 650 square feet of private open space is provided for the residential units within the courtyard and the upper level deck areas whose access is limited to the residents of the building. Additional private open space is provided for some of the units that face Broadway Street NE. This type of shared private open space is found within other Salem mixed-use developments and allows the residents outdoor use areas which are inward focused allowing for independent and interactive use for a greater sense of community.

(c) *Site access*

(1) *Vehicle access.*

(A) *Design review guidelines.*

- (i) Vehicle access and driveways onto Broadway/High Street shall be minimized. Joint use driveways providing access to Broadway/High Street are preferred.

**RESPONSE:** The proposed development takes its access from an existing one way entry driveway on Broadway Street NE and exiting occurs from the existing alley onto E Street NE. Due to the existing conditions and neighboring development a joint use driveway is not an option. As stated the proposed development is served by an existing driveway for the existing parking area no new driveways or increases to parking are proposed.

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

**RESPONSE:** As previously noted, this infill site is utilizing existing parking that is limited in size. The site constraints, specifically size, does not allow for a two way drive

aisle and 90 degree parking to the south of the building that can be accessed from the alley therefore it is not feasible to limit access to the existing parking from the alley. Please see the proposed site plan for details and dimensions, Sheet SP-2 which confirms size constraints.

(d) Off-street parking and loading

(1) Off-street parking.

(A) Design review guidelines.

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

**RESPONSE:** The development site is located on a corner and consists of a 125 feet of street frontage on Broadway Street NE and 122 feet of street frontage on E Street NE; the proposed building and pedestrian walk facing Broadway Street NE is about 78 feet in overall street frontage which is more than 60 percent of the street frontage and the building and pedestrian walk facing E Street NE is about 98 feet of the street frontage which is almost 80 percent of that street frontage. In addition, the site is only 15,283 square feet, of that only 7,221 feet is existing pavement proposed to remain, with no increases, for the development's parking this is less than half of the overall site size. The scale of the existing parking is appropriate to the proposed development it is located away from the street corner next to or behind the proposed building with additional landscape beds adjacent to sidewalks for improved separation to the public sidewalk which supports the pedestrian-oriented mixed-use residential and commercial district desired by the overlay.

- (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.

**RESPONSE:** As indicated previously, the development proposal utilizes an existing infill site which includes an existing parking lot which is less than 50 percent of the overall site. Shared and structured parking is not possible as the development site is too small to practicably allow a parking structure and it is surrounded by existing development that do not have parking surpluses.

(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.

**RESPONSE:** The proposed development does not include any off-street loading spaces nor is one required therefore this guideline is automatically met.

## IV. SITE PLAN REVIEW

A Class 3 site plan review shall be granted if applicable criteria is met:

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

**RESPONSE:** As noted previously, the proposal is subject to the development standards applicable for a mixed use development within the CO Zone which are found in SRC 521.010, as well as applicable standards from SRC chapters 614, 800, 804, 805, 806, and 807. Standards found in SRC 614 are in addition to those found in the underlying zone (SRC 521 CO – Commercial Office), should there be conflicts the overlay standards apply. The following provides the applicable development standard and information on how our project meets the applicable standard or identifies if an adjustment is being sought:

(a) *Lot standards*

REQUIREMENT	STANDARD	LIMITATION AND QUALIFICATIONS	PROJECT INFORMATION
Lot Area			
All uses other than single family, two family and multiple family	Minimum 6,000 square feet		The subject site is .35 acres or 15,283 square feet.
Lot Width			
All uses other than single family, two family, and multiple family	None		The development site has a lot width of 125 feet.
Lot Depth			
All uses other than single family, two family, and multiple family	None		The development site has a lot depth of 122 feet.
Street Frontage			
All uses other than single family	Minimum 16 feet		The development site is located on a corner, therefore the site has street frontage on two streets each one is over 120 feet.



(b) *Setbacks*

REQUIREMENT	STANDARD	LIMITATIONS & QUALIFICATIONS	PROJECT INFORMATION
Abutting Street			
Buildings			
All uses	Minimum 12 feet		The setback to Broadway is 0 for approximately 25 feet and then angles away from the property line (vision clearance) up to 10 feet 1 inch. Since the standard in the CO zone is more than the overlay seeks an adjustment to this standard is being requested as part of this consolidated land use application, see Section V. for details.
Accessory Structures			
Accessory to all uses other than single family or multiple family	Minimum 5 feet.		Not applicable to this development proposal.
Vehicle Use Areas			
All uses other than single family, two family and multiple family	Minimum 12 feet		The parking area is existing and the current configuration provides a single landscape bed on Broadway Street NE. The proposal plans to add an additional landscape bed on the north side of the driveway on Broadway Street NE and one adjacent to the parking on E Street NE. While a landscaped setback will be provided between the parking areas and the adjacent streets they will not meet the dimensional requirements so an adjustment to the standard is included in this consolidated land use application, see Section V. for details.
Interior Front			
Buildings			
All uses other than single family, two family and multiple family	Minimum 10 feet.		Not applicable.

Accessory structures			
Uses other than single family, two family and multiple family	Zone-to-zone setback, none		Not applicable.
Vehicle Use Areas			
Uses other than single family, two family and multiple family	Zone-to-zone setback, minimum 5 feet		Not applicable
Interior Side			
Buildings			
Uses other than single family, two family and multiple family	Zone-to-zone setback, none		The setback to the southern property line is approximately 52 feet.
Accessory Structures			
Accessory to uses other than single family, two family and multiple family	Zone-to-zone setback, none		There are no accessory structures proposed with the development.
Vehicle Use Areas			
Uses other than single family, two family, and multiple family	Zone-to-zone setback, minimum 5 feet		The existing parking abuts the neighboring parking to the south triggering the need for an adjustment. Please see Section V. for details.
Interior Rear			
Buildings			
Uses other than single family, two family and multiple family	Zone to zone setback, none		The building is setback approximately 30 feet from the rear property line.
Accessory Structures			
Uses other than single family, two family and multiple family	Zone-to-zone setback, none		There are no accessory structures proposed with this development.
Vehicle Use Areas			
Uses other than single family, two family and multiple family	Zone-to-zone setback, minimum 5 feet	Zone-to-zone setbacks are not required abutting an alley	The rear yard abuts an alley therefore no setback is required, nor is one provided.

*(c) Lot Coverage; height*

REQUIREMENT	STANDARD	LIMITATIONS & QUALIFICATIONS	PROJECT INFORMATION
Lot Coverage			
Buildings and Accessory Structures			
All uses	Maximum 60%		The proposed building footprint is 5,223 square feet or 36 percent of the site.
Rear Yard Coverage			
Buildings			
All uses	N/A		N/A
Accessory Structures			
Accessory to all uses	No maximum		There are no accessory structures proposed for this site.
Height			
Buildings			
Uses other than single family, two family, multiple family and long-term commercial lodging	Maximum 70 feet		The proposed building has a maximum height of 50 feet 1 inch to the highest point of the pitched roof the average height is less than 48 feet.
Accessory Structures			
Accessory to uses other than single family, two family and multiple family	Maximum 70 feet		Not applicable as there are no accessory structures proposed for this development.

*(d) Landscaping*

(1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

**RESPONSE:** The building has been sited to minimize setbacks to the street as desired by the design review guidelines and standards and the parking areas are existing and will include additional landscaped beds at property lines. An adjustment to the dimensional setback standards for the landscape beds is included with this consolidated land use application, details regarding the adjustment request are found in Section V. of this narrative.

(2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

**RESPONSE:** As indicated previously, the parking area is existing and will be utilized by this development proposal. Table 806-5 indicates that parking areas that are less than 50,000 square feet are required to have a minimum of 5 percent landscaping, the proposal will have a parking area of 6,299 square feet and 650 square feet of landscaping which is 10 percent landscaping in the parking area exceeding the minimum.

(3) *Development site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standards 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 the is requirement.

**RESPONSE:** The development proposal utilizes an existing infill site that includes an existing parking lot. Currently, a single landscape bed provides less than 1 percent landscaped area for the entire site. Every effort has been made to provide a development proposal that is feasible yet still meets the intent of the development code, 11.5 percent of the site will be landscaped. Landscaping is provided in the private courtyard, along the south side of the building and in the vehicle use areas. An adjustment to the standard is being sought, details to the specific request are found in Section V. of this narrative.

(e) *Outdoor storage.* Within the CO zone, outdoor storage of materials and equipment is prohibited, except in conjunction with residential uses where the storage is screened from adjacent streets and properties by a sight-obscuring fence, wall, or hedge.

**RESPONSE:** The development proposal does not include storage of materials and equipment for the commercial or residential tenants.

Sec. 614.020 Development standards for the Broadway/High Street Housing Overlay Zone. The development standards found in SRC 614 are in addition to those found in SRC 521; applicable standards for 614.020 are:

(a) *Dwelling units required.* A minimum of 50 percent of the floor area of each new building shall include dwelling units.

**RESPONSE:** The proposed building will be approximately 14,500 square feet the retail use is limited to a portion of the ground floor and is approximately 2,622 square feet which means that approximately 80 percent of the overall floor area of the building will be residential meeting the standard.

(b) *Location of nonresidential uses within building.* All nonresidential uses, except for office uses, shall be limited to the ground floor of a building. Office uses may be located on the upper floors of a building.

**RESPONSE:** The commercial uses as previously noted, are limited to the ground floor.

(c) *Height.* Buildings and accessory structures within the Broadway/High Street Housing Overlay Zone shall conform to the height standards set forth in Table 614-3.

Table 614-3, HEIGHT			
REQUIREMENTS	STANDARDS	LIMITATIONS & QUALIFICATIONS	PROJECT INFORMATION
Height			
Buildings			
All uses	Maximum 50 feet		The building has an articulated roof line that includes pitched shed roofs. The maximum height to the highest point on the pitched roof is 50 feet 1 inch however, the average height of the building is less than 48 feet.
Accessory Structures			
Accessory to all uses	Maximum 50 feet		There are no accessory structures proposed for this project, therefore this standard is not applicable.

(d) *Additional development standards for uses in mixed-use project with 25 or more dwelling units.*

**RESPONSE:** The development proposal does not proposed 25 or more dwelling units, therefore this standards does not apply.

(e) *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 of 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.

(2) *Covered bicycle parking.* Covered bicycle parking, provided at a ratio of one bicycle space for each ten vehicle parking spaces.

(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.

**RESPONSE:** The proposed development includes 26 existing parking spaces that will be utilized for this development proposal. The required number of spaces with the

automatic reduction is 41 (46 less 10%). The proposal is eligible for additional reductions through two of the three alternative options (Transit Stops and Covered bicycle parking): there are two transit stops within 400 feet of the site allowing us an additional 5 percent reduction; and all of the required bicycle parking spaces will be covered for another 5 percent reduction. The additional reductions, less 4 spaces, bring the required off-street parking to 38. The development is still unable to provide 35 spaces as a result an adjustment to the required parking is included in this consolidated land use request and can be found in Section V.

Sec. 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.

**RESPONSE:** A solid waste service area is proposed near the southeast corner of the building near the alley. It has been designed as dictated by the standards found in SRC 800.055 and will be screened as required.

#### *SRC 802 Public improvements*

**RESPONSE:** The public streets and sidewalks that are adjacent to the development site are fully improved; it is our belief that no additional work is required as a result of this development proposal.

#### *SRC 803 Streets and Right-of-Way Improvements*

**RESPONSE:** As noted previously the streets that are adjacent and serve the development site are improved, no additional improvements are proposed with the development proposal.

*SRC 804 Driveway Approaches* – This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

**RESPONSE:** There is one driveway on Broadway Street NE which provides one way access to the existing parking. There is no plan to alter this driveway with this proposal.

Sec. 806.015(a) *Minimum required off-street parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

**RESPONSE:** Table 806-1 indicates multiple family consisting of 4 or more dwelling units is 1.5 spaces per dwelling unit and the commercial retail space is 1 space for each 250 square feet of floor area, based on 23 units and 2,622 square feet of retail space the base minimum is 46; however reductions as a result of the overlay do apply and are addressed in more detail previously in this section; based on the allowed reductions (8 spaces) our minimum number required is 38. We are not able to provide 38 spaces on-

site an adjustment for further reductions is needed and included with this request details supporting the reduction are found in Section V. of this narrative.

*Sec. 806.075 Amount of off-street loading.*

**RESPONSE:** The development proposal includes 23 dwelling units and commercial retail space that is less than 2,500 square feet, due to the limited number of multiple family dwelling units and smaller retail space no loading space is required.

(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

**RESPONSE:** Yes the transportation system can provide safe, orderly, and efficient circulation of traffic into and out of the proposed development utilizing the existing driveway and public alley as designed. The site is accessed from a one way entrance driveway on Broadway Street NE with exiting via the alley that borders the east or rear property line. There are no negative impacts anticipated with this development.

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

**RESPONSE:** Yes, the parking lot is accessed via existing in only driveway on Broadway Street NE with exiting through the alley adjacent to the eastern property line. Parking spaces that are along the alley may be accessed via the alley or the parking lot with exiting limited to the alley. Public sidewalks provide pedestrian access from both Broadway Street NE and E Street NE to private walkways that allow access to the residential portion of the development. Bicycles may access the site via Broadway Street NE where a designated bicycle lane is located or E Street NE.

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

**RESPONSE:** City of Salem Public Works staff confirmed that all city services are available and adequate for this proposal.

## V. ADJUSTMENTS

As noted previously this development proposal is not able to meet all of the development standards found in the UDC which apply to the site necessitating adjustments to the following: building setback standards, parking and vehicle use setback standards, perimeter landscape standards, minimum landscape amount, minimum number of required off-street parking and off-street parking area dimensions. We are seeking Class 2 adjustments which shall be granted if the following criteria are met:

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

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

**RESPONSE:**

**Building Setback –**

The CO zone indicates that the minimum building setback is 12 feet; however the Broadway/High Street Housing Overlay guidelines asks that they be minimized and that contiguous to the street right-of-way is preferred; typically the overlay would dictate the standard; however the code does not indicate that this is the case which is why the adjustment to this standard is required. The underlying zone is based on a broader vision and does not take into consideration specific areas where more appropriate design strategies should be implemented. The guidelines and standards in the overlay however, do look to provide direction that is neighborhood specific and provides for a more harmonious environment. The development proposal has sited the building along property lines as suggested by the overlay, with the exception of the require vision clearance triangle at the corner of Broadway Street NE and E Street NE. Due to the vision clearance requirements an angled setback along the ground floor of the Broadway Street NE façade has an angled setback that ranges from 0 feet to 10 feet 1 inch provides a covered entry and room for outdoor seating and other pedestrian amenities.

The purpose of the overlay “is to establish development standards that promote a pedestrian-oriented mixed-use residential and commercial district with an emphasis on residential uses to support retail areas.” We believe that the proposed design is equal to or better met by the development proposal by providing a pedestrian-oriented mixed-use residential development on an existing infill site in need of redevelopment.

**Parking and Vehicle Use Setbacks-**

The development proposal indicates that the existing non-conforming parking areas will not change and are needed to provide most of the required parking setbacks to public streets, adjacent property lines and between vehicle use areas and the building cannot practicably be met in part or in whole.

The existing parking area provides one triangular landscape bed between the sidewalk on Broadway Street NE on the south side of the existing driveway which provides a separation from 11 to 0 feet with no additional landscape separation on the north side of the existing driveway or along E Street NE where parking abuts the public sidewalk. The proposal seeks to improve this condition by providing an additional angular landscape bed on the north side of the existing driveway and along a landscape bed between parking and the public sidewalk on E Street NE. All of these beds will be less not meet the dimensional requirements 10 feet or 6 feet with a 3 foot wall or fence which is what is triggering the need for the adjustment. The landscape beds on either



side of the driveway are angular to follow the angled parking provided on the south side of the proposed building, these beds will be more than 10 feet at some portions but angle toward the street rather than a wall shrubs will be used to provide the desired screening and reduce risk of damage due to the proximity of vehicle parking. The landscape bed adjacent to E Street NE will be 7 feet 7 inches and utilize shrub plantings for screening as well. The desire to use plant material for screening in these landscape setbacks is that the wall would be parallel to the parking spaces rather than perpendicular and reduces the space for car door swing when being opened, by allowing plants you reduce the potential for damage to vehicles or screen materials. The proposed landscape setbacks will improve the current conditions, provide more separation to the public way and present a more pedestrian friendly development.

The current parking lot does not include any setback between the neighboring parking lot to the south and this development's nor is the proposal able to add one without significant impacts to the feasibility of the project and further loss of on-site parking spaces. Approval of an adjustment to the setback standards for vehicle use areas for an existing parking lot will allow the applicant to provide most of the required parking on-site with no impacts to the neighboring development it simply maintains a non-conforming condition.

Lastly, the off-street parking standards ask for a 5 foot landscape or sidewalk between vehicle use areas and buildings, a sidewalk is provided between the building and all vehicle use areas; however, on the east side of the proposed building the sidewalk is less than the desired 5 feet. The proposal is able to provide 4 feet 6 inches for most of the at least 60 of the buildings 73 foot length but is unable to provide the full 5 feet due to the need for maneuvering behind the parking spaces accessed from the alley. This request is the minimum needed and still provides adequate sidewalk width for safe pedestrian travel from the public sidewalk on E Street NE and the adjacent parking.

#### Minimum Landscape Area –

The development will not be able to provide the required 15 percent minimum landscape area due to, existing and needed parking areas, limited site size and development requirements. The proposal provides 11 percent landscaping, through the landscaped courtyard, plantings along the south side of the proposed building and in the vehicle use areas. While the minimum is not possible with this development proposal, the benefits garnered by the proposal offset the standard. Existing landscape is limited to a single landscape planter in the existing parking lot which provides landscaping for less than 1 percent or approximately 75 square feet of the entire site, the proposal will be increasing this to 1,774 square feet. The proposal provides more than current site conditions provide and will also provide needed redevelopment of an existing under developed infill site, which is a benefit to the neighborhood.

#### Minimum Number of Off-Street Parking –

The development proposes maintaining the existing off-street parking which will provide 26 parking spaces at completion. Based on the standards and allowed reductions the minimum number of spaces for this development is 38 triggering the requested adjustment. Based on the type of development and the number of studio apartments we believe that the request is justified as it is unlikely that all of the residents will have a single car much less 1.5 per unit, other mixed use zones require 1 space per unit which seems more appropriate for this development proposal. In addition, the commercial office building to the south will not utilize most of their parking on the weekends and after hours and are willing to work with the development group to allow after hours use. The proximity to public transportation, nearby services, development type, and on-street parking provides a strong argument for supporting the development proposal as shown. Housing in this area is needed and encouraged the requested reduction will allow a quality mixed use development on the only available site within the Broadway High Street Housing Overlay

#### Off-Street Parking Area Dimensions –

The existing area located on the south side of the building is not changing, other than the addition of a landscaping bed on the north side of the existing driveway. The existing parking spaces will remain and may not fully meet all of the dimensional requirements found in SRC 806.035(e). This is an existing condition and does not material impact the development proposal nor will it have negative impacts to the neighboring development. The existing spaces provide adequate space for parking and the 13 foot one way drive aisle allows for safe maneuvering. The ability to maintain the 26 existing spaces is an important benefit for the development proposal.

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

**RESPONSE:** The site is not in a residential zone, therefore criterion is not applicable.

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

**RESPONSE:** The development is in need of 7 adjustments which are minimal, in some cases existing conditions and will not result in a negative impact to the surrounding developments or the community overall. The development proposal will allow a local development group to provide needed housing in a mixed-use development on a small infill site in need of redevelopment. As noted previously, the development site is

the only available site within the entire Broadway-High Street Housing Overlay, approving these adjustments meets the overall intent of the development standards.

## VI. CONCLUSION

The development team is confident that the City of Salem Staff will find that the requested Class 3 Design Review (Guidelines), Class 3 Site Plan Review and Class 2 Adjustments to standards for setbacks, landscaping amounts, parking amounts and dimensional requirements are acceptable and support approval of the consolidated applications. The redevelopment of an existing infill site in this area is a goal of the Salem Comprehensive Plan and will provide a good transition from the commercial uses along Broadway Street NE to residential neighborhoods to the east.



# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** October 28, 2019

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**DR-SPR-ADJ19-10 (19-114687-RP)**  
**990 BROADWAY STREET NE**  
**NEW MIXED-USE BUILDING**

## PROPOSAL

A Class 3 Design Review and Class 3 Site Plan Review application for development of a new mixed-use development with 23 multi-family residential units and approximately 2,400 square feet of ground floor retail space. The subject property is approximately 0.35 acres in size, zoned CO (Commercial Office), within the Broadway/High Street Housing Overlay Zone, and located at 990 Broadway Street NE - 97301 (Marion County Assessors Map and Tax Lot number: 073W22AD / 08600).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Replace the existing alley approach along E Street NE pursuant to PWDS.
2. Close the existing unused driveway along E Street.
3. Obtain awning permits for proposed awnings encroaching into the right-of-way.
4. Replace non-conforming portions of existing sidewalk in conformance with the provisions of SRC Chapter 78 and PWDS.
5. Protect existing street trees during construction in conformance with the provisions of SRC Chapter 86 and PWDS.
6. Proposed bicycle parking within the vision clearance triangle shall comply with SRC Chapter 805.

## **FACTS**

### **Streets**

#### 1. Broadway 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 Conditions—This street has an approximate 52-foot improvement within a 98-foot-wide right-of-way abutting the subject property.

#### 2. E 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 Conditions—This street has an approximate 30-foot improvement within a 55-foot-wide right-of-way abutting the subject property. This street meets the alternative street standard for right-of-way width pursuant to SRC 803.065(a)(2) because the street is fully developed to standards that were in effect at the time it was originally constructed.

### **Storm Drainage**

#### 1. Existing Conditions

- a. A 10-inch storm main is located in Broadway Street NE.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in Broadway Street NE.
- c. An 8-inch water main is located in E Street NE.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer main is located in Broadway Street NE.
- b. An 8-inch sewer main is located in the alley abutting the subject property.

## 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.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

The proposed plan shows awnings encroaching into the right-of-way. The applicant shall obtain awning permits. The proposed plan also shows bicycle parking spaces within the vision clearance triangle. The bicycle parking shall comply with SRC Chapter 805.

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 no mapped landslide hazard areas on the subject property.

**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**—Broadway 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. E Street NE meets the alternative street standard for right-of-way width pursuant to SRC 803.065(a)(2) because the street is

fully developed to standards that were in effect at the time it was originally constructed; therefore, no additional street improvements are required as a condition of the proposed development.

The existing alley approach along E Street does not meet PWDS. Pursuant to SRC 803.040, the applicant shall be required to replace the existing alley approach along E Street NE pursuant to PWDS.

Pursuant to SRC 78.180(a), the applicant shall replace non-conforming portions of existing sidewalk in conformance with the provisions of SRC Chapter 78 and PWDS. Pursuant to SRC Chapter 86, the applicant shall protect existing street trees during construction.

**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 driveway access onto Broadway Street NE provides for safe turning movements into the property. Pursuant to SRC 804.060(a)(4), the applicant shall be required to close the existing unused driveway along E Street NE.

**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**

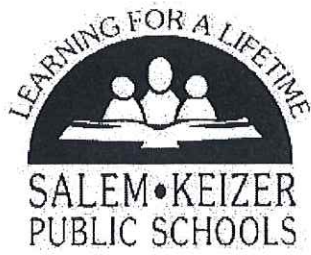
**Finding**—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075. The applicant's architect submitted a statement demonstrating compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

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





DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
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Christy Perry, Superintendent

October 23, 2019

Aaron Panko, Case Manager  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. DR-SPR-ADJ19-10, 990 Broadway St NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Grant	Elementary	K thru 5
Parrish	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

#### SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.



School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Grant	Elementary	379	448	85%
Parrish	Middle	738	880	84%
North Salem	High	1,889	1,879	101%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	23	MF	.201	5
Middle	23	MF	.077	2
High	23	MF	.084	2

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Grant	Elem.	379	6	5	11	448	87%
Parrish	Mid.	738	10	2	12	880	85%
North Salem	High	1,889	95	2	97	1,879	106%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Grant	Elementary	Walk Zone
Parrish	Middle	Walk Zone
North Salem	High	Walk Zone

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	5	\$54,925	\$274,625
Middle	2	\$64,045	\$128,090
High	2	\$73,164	\$146,328
TOTAL			\$549,043

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 First Quarter.

Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation