

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



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## PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

**CASE TYPE:** Class 1 Site Plan Review  
**AMANDA NO.:** 20-110684-RP  
**DATE OF DECISION :** July 16, 2020  
**PROPERTY LOCATION:** 990 Broadway St NE, Ste 100  
**APPLICANT:** Blake Bural, ACCO Architects, on behalf of Justin Heintz  
**ZONE:** CO (Commercial Office)  
**COMPREHENSIVE PLAN:** Commercial  
**OVERLAY:** Broadway/High Street Housing Overlay Zone

### REQUEST

A Class 1 Site Plan Review for a change of use to the first-floor tenant space approximately 2,415 square feet in size from “eating and drinking” to “outpatient medical services and laboratories” for a mixed-use property approximately 15,283 square feet in size, zoned CO (Commercial Office) within the Broadway/High Street Housing Overlay Zone, and located at 990 Broadway St NE, Ste 100, 97301 (Marion County Assessor Map and Tax Lot number: 073W22AD08600).

### FINDINGS

The purpose of Site Plan Review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(1), Class 1 Site Plan Review is required for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

#### 1. Approval Criteria

SRC 220.005(f)(1) provides that an application for Class 1 Site Plan Review shall be granted if:

- a) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

**Finding:** The applicant is requesting an interior only tenant improvement and change of use. There are no pending associated land use or limited land use decisions.

- b) Only construction or improvements to the interior of the building or structure will be made;

**Finding:** The scope of work for the project only includes interior improvements to the existing building.

- c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;

**Finding:** Modification to the exterior of the site is not in the scope of work for the proposed change of use.

- d) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

**Finding:** Only clear and objective standards apply to the proposed development. Complete findings are included in section e below.

- e) The application meets all applicable standards of the SRC.

**Finding:** The following is a summary of the applicable development standards of the SRC.

### **Land Use**

The proposed development includes a change of use to the first-floor tenant space of a mixed-use property zoned CO. In an earlier land use decision for this property, DR-SPR-ADJ19-10, the first-floor tenant space was established as an "Eating and Drinking" use. The applicant has requested to change the use to accommodate an eye clinic, which is considered an "outpatient medical services and laboratories" use. Outpatient medical services and laboratories are a permitted use in the CO (Commercial Office) zone.

This property is also within the Broadway/High Street Retail Overlay Zone. "Outpatient medical services and laboratories" is a permitted use within the overlay zone.

### **Off-Street Parking and Loading**

#### **i. Parking Spaces:**

SRC 806.005(a)(2) states that off-street parking shall be provided and maintained for each proposed new use or activity and any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.

**Finding:** The current eating and drinking establishment use requires one off-street parking space per 250 square feet of floor area. The proposed outpatient medical services and laboratories use requires one off-street parking space per 350 square feet

of floor area. The proposed change of use will not result in a greater number of required spaces than the previous use, therefore no additional off-street parking spaces are required.

ii. Bike Spaces:

SRC Chapter 806 states that bicycle parking shall be provided and maintained for each proposed new use or activity that requires a greater number of spaces than the previous use.

**Finding:** The bicycle parking requirement for an Eating and Drinking Establishment is the greater of four spaces or one space per 1,000 square feet of floor area. The bicycle parking requirement for the proposed outpatient medical services and laboratories use is the greater of four spaces or one per 3,500 square feet of floor area. Suite 100 is approximately 2,415 square feet in size. The proposed change of use will not result in a greater number of required bike parking spaces than the previous use, therefore no additional bicycle parking spaces are required.

2. Loading Spaces:

SRC Chapter 806 states that off-street loading shall be provided and maintained for any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity.

**Finding:** Off-Street loading spaces are not required for commercial uses (eating and drinking establishments). The proposed outpatient medical services and laboratories use requires zero off-street loading spaces for spaces less than 5,000 sq. ft. The 2,415 square foot tenant space is less than 5,000 sq. ft. No additional off-street loading spaces are required for the proposed change of use.

### **Historic Property Status**

The subject property is not listed as a historic resource.

### **Previous Land Use Actions**

**DR-SPR-ADJ19-10:** 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.

### **3. Conclusion**

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 990 Broadway St NE, Ste 100 complies with approval criteria provided in SRC 220.005(f)(1).

### **DECISION**

Final approval of the attached site plan is hereby GRANTED subject to SRC Chapter 220 and the applicable standards of the Salem Revised Code and providing compliance occurs with any applicable items noted above. This decision is final a final land use decision.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed. If you have any questions regarding items in this site plan review, please contact Kirsten Straus at 503-540-2347 or by email at [kstraus@cityofsalem.net](mailto:kstraus@cityofsalem.net).



Kirsten Straus, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Application Deemed Complete:	<u>July 16, 2020</u>
Decision Mailing Date:	<u>July 16, 2020</u>
State Mandated Decision Date:	<u>November 13, 2020</u>

