

NOTICE OF DECISION

PLANNING DIVISION
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503-588-6173*

PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 1 Site Plan Review
AMANDA NO.: 22-112988-RP
DATE OF DECISION: July 1, 2022
PROPERTY LOCATION: 260 Liberty Street NE, Suite 010 & 200
APPLICANT: Brian Jackson
ZONE: CB (Central Business District)
COMPREHENSIVE PLAN: CB (Central Business District)
OVERLAY: Salem Downtown Historic District

REQUEST

Class 1 Site Plan Review for a tenant improvement and change of use to an eating and drinking use and office space, in a tenant suite addressed as 260 Liberty Street NE, Suite 010 & 200 in an existing multi-tenant building on a lot approximately 0.32 acres in size, zoned CB (Central Business District) within the Salem Downtown Historic District and located at 260 Liberty Street NE 97301 (Marion County Assessor Map and Tax Lot 073W22DC / 6900).

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 interior only tenant improvements and changes of use. There are no associated land use or limited land use decisions with this request.

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

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

- c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or 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 subject property is zoned CB (Central Business District) and located within the Salem Downtown Historic District. Development of the property is subject to the provisions of the CB zoning district (SRC Chapter 524) and all other applicable provisions of the Salem Revised Code. Salem Zoning Code Chapter 400 establishes a framework for the classification of land uses based upon common functional, product, or physical characteristics, and to provide the basis for assignment of land uses to zones and overlay zones. The proposed use, eating and drinking, is classified as an Retail Sales use. This use is permitted in the CB zone per SRC 524.005(a). The previous approved use in the tenant suite was Office. Class 1 Site Plan Review is required to establish new suites and uses or change the use of an existing area within a building.

Off-Street Parking and Loading

- i. Parking Spaces:

Off-street parking areas meeting the applicable requirements of Chapter 806 shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity. Within the Downtown Parking District, off street parking shall only be required and maintained for uses or activities falling under Household Living.

Finding: The proposed change of use is located in a building within the Downtown Parking District and the use is not household living. No off-street parking is required for the proposed change of occupancy/use.

ii. Bike Spaces:

SRC Chapter 806 states that bicycle parking shall be provided and maintained for each proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.

When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Finding: The proposed eating and drinking use requires four spaces or one space for every 1,000 square feet of floor area. The building has another restaurant and multiple office spaces. The suite is in accordance with SRC Chapter 806.045, when a change of use occurs in the Central Business District (CB) zone, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. Upon visual inspection there are at least eight bicycle parking spaces on the block face adjacent to the primary entrance of the building. The proposal meets the applicable standard.

iii. Loading Spaces:

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

When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Finding: The loading space requirements for the Office use and the proposed eating and drinking use are the same (one loading space required for gross floor area greater than 5,000 square feet). The existing property has one loading space on the east side of the building. No additional off-street loading spaces are required for the proposed change of use.

Historic Property Status

The subject property is located within the Salem Downtown Historic District historic overlay zone. Any exterior building or site improvement may be subject to SRC 230.

Previous Land Use Actions

The previous land use actions do not include any conditions that would affect or preclude the proposed change of use.

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 260 Liberty Street 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.

If you have any questions regarding items in this site plan review, please contact Olivia Dias at 503-540-2343 or by email at odias@cityofsalem.net.



Olivia Dias, Current Planning Manager, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Application Deemed Complete:	<u>July 1, 2022</u>
Decision Mailing Date:	<u>July 1, 2022</u>
State Mandated Decision Date:	<u>October 29, 2022</u>

