

Adjustment 2 Frontage reduction

TABLE 533-5 LOT COVERAGE; HEIGHT; BUILDING FRONTAGE

Standard 75% For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.

Request: Reduce frontage requirement along Commercial Street SE from 75 percent to 40 percent (145' to 78')

Back ground, there are many permitted uses in Table 533-1 Uses, one of which Outpatient Medical service and laboratories that includes Dentist. When zones change, there are difficulties created until the application of the standards get sorted out. When you examine the Mixed-Use zones assume smaller uses that front on the street in the hope for pedestrian oriented. The dichotomy is we live in a community that relies heavenly on Automotive Transportation for the foreseeable future.

Sec. 533.001. - Purpose.

The purpose of the Mixed Use-I (MU-I) zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets.

This property was purchased as CR zone

Sec. 522.001. - Purpose.

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

Dr Hunsaker operates a regional Dental Clinic that draws patients from Salem as well a large portion of the Marion and Polk Counties. The site was chosen for visibility and at the confluence of Hwy 22 and 99 E, it is central to Salem. Commercial and Mission Streets are both transit streets. The estimated traffic is 25,000 cars per day at the intersection.

Cherriots route 21 operates at a 15 minute schedule. If one compares the number of people who pass by this site

Bus

15 min intervals= 96 bus trips/day assume 40 persons per/bus = 3,840 people

That is an extremely high. nationally less that 5 percent of commuters use mass transit

25,000 cars x 1.67 people/car = 41,750 people or 11 times as many

On a national basis pedestrian will travel no further than ½ mile for services. According to 2020 US Census the density of the neighborhood is 1629 people per square mile. All

interesting factoids, but is offered to demonstrate that for now and foreseeable future this site is severed primarily by the automobile by an overwhelming margin.

I think everyone would agree with a more walkable community is great goal, but the density is not available support the business. This site is adversely affected based on lack nearby land area, it bracketed by Minto Island and Willamette River on the west and Bush Pasture Park on the West. Covid wreaked havoc on the small start-up business. The number of building permit small retail and office space have dropped significantly in the last three years.

There is not a lot of land available for redevelopment that will change those numbers Suburban densities in South and South-East are 3 to 4 times as high as this area. I don't think those higher density are in the future, for SCAN. The Gaiety Hill neighborhood and agencies have worked hard (and rightfully so) to preserve the historic neighborhood. There are limit commercial retail and eatery ventures on the Liberty Commercial Couplet, all which depend on access by car.

This project walks a tight rope between today's reality and what is a hopeful future. It we are working hard to provide a three-story building to frame Commercial Street, much like the former South Salem Pharmacy Building (south side of Kearny Street) and the Meridian (north of Mission.) Adequate parking on-site to avoid the concerns of employee parking filtering into the neighborhood. The existing 12' landscape screen along Saginaw Street (part of the existing Overlay) to buffer the This is an opportunity for future development on the necessary parking to serve this building today.

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of 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: The land, arterials, neighborhood, proximity to downtown and 100 years of History have made this property right for this development. While changing the zone is an eye toward the future the infrastructure. Infrastructure was built for the CR zone. This development tips a hat to a possible future while making a sense of today's realty. A covered pedestrian amenity provides pedestrian weather protect. It also frames the west side of Commercial. This three-story building reinforces the midrise building fabric on the west side of Commercial. In the future the parking lot behind the pedestrian amenity arcade might invite future building.

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

Response: we are not in a residential zone, but we are located as far from the single-family homes on the west side of Saginaw

(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 granting of the this adjustment will be consistent with the zone as explained above.

Adjustment 3 Frontage reduction

TABLE 533-6 PEDESTRIAN-ORIENTED DESIGN

Ground Floor Windows

For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.



Request: Reduce frontage glazing requirement along
Commercial Street SE from 65 percent to 45 percent
Kearney Street SE from 65 percent to 59 percent

Background as explain above there are multiple approved uses in *table 533-1 Uses*. A dental office organizational structure is completely different from a hoped-for bistro or bodega. The Dental Office is oriented toward a transition between waiting room to operatory and back. A retail/restaurant can function well with larger window. The sensibility of most individual is not to invite the general public to a window to watch a tooth extraction or root canal. The internal organization structure of dentist office limit steps between operatories and minimize steps between sterile and other supply, necessary xray and other diagnostic facilities as well as support staff. The shape wants to be squarer than as opposed rectilinear. That means orientation of this site is difficult at best. The orientation of this building, the function therein and consequently the windows. A dental operatory functionally requires some fixed dimensions (a chair, head unit, xray, accessible clearance, privacy between operatory. The operatory belongs along the perimeter so limited daylight is allow in. The perimeter location of operatories proportional geometry balance with smaller more fungible waiting and servant spaces. Large opening invite a HIPPA concerns.

To compensate for smaller openings, we are relying on the experiential. When one travel along a path their cone of vision is no more than 30 degrees either side of their nose. At speed the cone of vision is reduce to 15 degrees. One experience is not at 90 degrees to the building wall but the changing form and light along the path. To that point see progress streetscape image 1-4. A large 2 story atrium of glass, is a the defacto front of the building and offers the most visual interest to the fabric of the city. A case in point. The former South Salem Pharmacy (to the south of this project at 925 Commercial) the negative volume (driven by then vision clearance concerns) at the NE corner of the building is much more interesting and engaging than the 25' wide by 10' high storefront glass that is parallel to the street. In the same way. When one walks by the \$30,000 piece of glass is not noticeable. Similarly, the north face of the Konditorei (across) is far more in testing than the west facing. As sequence from Mission Street, you see the north face 3 of 4 minutes as you walk south. Compared to the 30 second you walk past the west elevation. It is social uncomfortable to stand, nose to the window and watch cake eaten.

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of 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: the Dental use does not lend itself well to large opening on an arterial and sidewalk adjacent pedestrian way. As described above the sequential response to the to the pedestrian and vehicular path enhance the visual interest far more than the strict adherence to the standard.

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

Response: this is not a residential zone and is not visible thereto.

(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: there is not adverse effect to the granting of this adjustment and is consistent with the purpose of the zone

Adjustment 4 Maximum Setback

Table 533-3 Setbacks

Abutting Street

Maximum 10-foot setback applies if the setback area is used for pedestrian amenities.

Request: Increase setback to 10 feet along Kearney Street

Back ground: as explained above the infrastructure of the neighborhood is such that it would be CR zone. Setbacks therein were assumed to be permanented. Public utility easements, overhead power lines and vision clearance triangles were not well considered in the Mixed-Use Standards. In particular a 10'x50' vision clearance triangle (long dimension running west from the corner of Commercial and Kearney Street SE) and the same vision clearance triangle extending east from the driveway. An overhead phone and cable lines suspended on poles are at of very near to the property line. the zero setback is not possible along Kearney Street

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of 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: it is not possible to comply with this standard without a change in the vision clearance ordinances, and remove of public utilities

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

Response: not a residential zone

(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: there is no adverse effect to the granting of this adjustment and is consistent with the purpose of the zone

Adjustment 5 Weather protection

Weather Protection

Min. 75% building ground floors adjacent to a street. For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.

Request: change weather protect requirement along:

Commercial Street SE from 75 percent to 114 percent

Kearney Street SE from 75 percent to 0 percent

Background: as described above the we are focusing on the Commercial Street experience. Because of public utilities, overhead power lines, National electrical code, and vision clearance triangle conflicts, we are paying special attention to that façade by the addition of pedestrian amenities (including widen sidewalk, with unique paving pattern and weather protection in exceeds of the minimum.) For reasons described above, this one standard need modificatoion in two ways.

1. Because of the utility issues in adjustment 4 above the 10' setback, we will be using the margin for green storm water. To extend an awning 10 feet plus provide weather protection of 5 feet over the sidewalk, is awkward, unsightly would tend to conflict with phone and cable poles (and aversely effect the maintenance thereof) Kearney Street dead ends in the next block the awning would not provide as much utility to the pedestrian protect along Commercial Street.
2. The strict reading of the location of the awing is along the building. we are providing additional arcade (in excess of the building façade length) and not concurrent with the façade. The result is the arcade cover façade will entend to the north, and will better frame the street façade.

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of 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: it is not possible to comply with this standard without a change in the vision clearance ordinances, and remove of public utilities along Kearney Street. The resultant building would be awkward in appearance and create organization challenges on the upper floor and make the floor plate and tenant space. If weather protection is a good goal, the adjustment made is 65 percent better.

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

Response: not a residential zone.

(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: there is no adverse effect to the granting of this adjustment and is consistent with the purpose of the zone

The approval of these adjustments will enhance our project, and will promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, although we may not meet all of purpose of the district, but we are but one of many in the district. At sometime in the future developers may develop more compliant with the standard. But the granting of these adjustments are a win for the development, the neighborhood and the city as a whole. Thank you in advance for your favorable consideration.