

# NOTICE OF DECISION

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



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 3 SITE PLA REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ23-20**

**APPLICATION NO.: 23-101981-PLN**

**NOTICE OF DECISION DATE:** July 14, 2023

**SUMMARY:** A consolidated application for the development of a 45-unit mixed-use building.

**REQUEST:** Class 3 Site Plan Review for the development of 45 residential units, including four work/live units, mixed-use building with dedicated office, storage, trash enclosure, and off-street parking area, with Class 2 Adjustments:

- 1) A reduction to the minimum building height requirement for buildings in the MU-I zone from 20 feet to 14 feet for the single-story office building.
- 2) A reduction to the building frontage requirement along Commercial Street SE from a minimum of 75 percent to approximately 35 percent.
- 3) A reduction to the minimum building setback adjacent to a street for the proposed single story office building within the Saginaw Street Overlay Zone from 30 feet to five feet which is consistent with the MU-I zone setback standard.
- 4) An increase to the fence height from four feet to five feet, and an increase to the opacity standard for a proposed masonry wall/decorative metal fence adjacent to Commercial Street SE.
- 5) To allow three staple racks with six required bicycle parking spaces to be placed within the public right-of-way.

The subject property is approximately 0.58 acres in size, zoned MU-I (Mixed Use-I), partially within the Saginaw Street Overlay, and located at 1035 Commercial Street SE and 160 Bush Street S 97302 (Marion County Assessor map and tax lot numbers: 073W27CA / 9300 and 10400).

**APPLICANT:** Gretchen Stone

**LOCATION:** 1035 Commercial St SE and 160 Bush St S, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated July 14, 2023.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ23-20 subject to the following conditions of approval:

- Condition 1:** Prior to building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 2:** Convey land for dedication to equal a half-width right-of-way of 33- feet on the development side of Commercial Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 3:** Along Bush Street S, Replace nonconforming portions of existing sidewalk along the frontage of the property.
- Condition 4:** Along Commercial Street SE, replace and relocate sidewalks to the proposed property line.
- Condition 5:** Install street trees to the maximum extent feasible along Commercial Street SE and Bush Street S.
- Condition 6:** Obtain a street tree removal permit pursuant to SRC Chapter 86.
- Condition 7:** Widen the Unnamed Alley approach to Bush Street SE to a minimum 22-feet and construct the approach to meet *PWDS Standard Drawing 302* for commercial approaches.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71* and *Public Works Design Standards (PWDS)*.
- 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 requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by August 1, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>June 9, 2023</u>
Notice of Decision Mailing Date:	<u>July 14, 2023</u>
Decision Effective Date:	<u>August 1, 2023</u>
State Mandate Decision:	<u>October 7, 2023</u>

Case Manager: Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday, July 31, 2023. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC

Chapter(s) 220, 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

# BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

## DECISION

IN THE MATTER OF APPROVAL OF	)	FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW AND	)	
CLASS 2 ADJUSTMENT	)	
CASE NO. SPR-ADJ23-20	)	
1035 COMMERCIAL STREET SE, AND	)	
160 BUSH STREET S – 97302	)	JULY 14, 2023

In the matter of the applications for Class 3 Site Plan Review Class 2 Adjustment submitted by Gretchen Stone, CB Two Architects, on behalf of the applicant and property owner, Customer Care Inc., represented by Rex Robertson, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

Summary: A consolidated application for the development of a 45-unit mixed-use building.

Request: Class 3 Site Plan Review for the development of 45 residential units, including four work/live units, mixed-use building with dedicated office, storage, trash enclosure, and off-street parking area, with Class 2 Adjustments:

- 1) A reduction to the minimum building height requirement for buildings in the MU-I zone from 20 feet to 14 feet for the single-story office building.
- 2) A reduction to the building frontage requirement along Commercial Street SE from a minimum of 75 percent to approximately 35 percent.
- 3) A reduction to the minimum building setback adjacent to a street for the proposed single story office building within the Saginaw Street Overlay Zone from 30 feet to five feet which is consistent with the MU-I zone setback standard.
- 4) An increase to the fence height from four feet to five feet, and an increase to the opacity standard for a proposed masonry wall/decorative metal fence adjacent to Commercial Street SE.
- 5) To allow three staple racks with six required bicycle parking spaces to be placed within the public right-of-way.

The subject property is approximately 0.58 acres in size, zoned MU-I (Mixed Use-I), partially within the Saginaw Street Overlay, and located at 1035 Commercial Street SE and 160 Bush Street S - 97302 (Marion County Assessor map and tax lot numbers: 073W27CA / 9300 and 10400).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).



## **PROCEDURAL FINDINGS**

### **1. Background**

On January 13, 2023, a consolidated application for Class 3 Site Plan Review and Class 2 Adjustment was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on June 9, 2023.

The 120-day state mandated decision deadline for this consolidated application is October 7, 2023.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

## **SUBSTANTIVE FINDINGS**

### **2. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 23 101981.

### **3. Neighborhood and Public Comments**

The subject property is located within the boundaries of the South Central Association of Neighbors (SCAN).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On February 7, 2023, the applicant's representative contacted the SCAN Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the South Central Association of Neighbors (SCAN) pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Comments were received from SCAN during the public comment period indicating support for the project and the adjustments requested, but recommends that the City consider widening the existing 12-foot wide public alley between Bush Street S and Owens Street S.

**Staff Response:** Staff has required the existing public alley to be widened at the entrance to Bush Street S, and along the property frontage where the development is utilizing the alley for access. The unnamed alley south of the property meets minimum improvement widths for

alleys according to the Salem TSP and SRC Chapter 803. City staff notes the request for intersection improvements; however, off-site intersection improvements are not warranted with the proposed development; nor is their adequate right-of-way width in the existing alley.

Homeowners Association: The subject property is not located within a Homeowners Association.

### Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.

Eight public comments were received during the public comment period, two indicating support for the proposal, and six indicating questions or concerns.

- 1) Two comments received expressed opposition to development of this site, including increased noise, traffic, and concern for lack of off-street parking/on-street neighborhood parking.

**Staff Response:** The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development. Approval criteria for a tentative subdivision plan do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

As proposed and conditioned, the surrounding street system including Bush Street S and Commercial Street SE is found to be adequate to serve the proposed development.

Except where an Adjustment has been requested, the proposed development is consistent with the minimum and maximum development standards in the MU-I zone and the Saginaw Street Overlay Zone and is consistent with the expected development pattern of properties with the shared zoning designation. No off-street parking spaces are required for development of the subject property; however, the applicant is proposing 36 off-street parking spaces, less than the maximum off-street parking allowance.

- 2) Two comments received indicate support for the proposed development with a recommendation that the English Holly tree at the southwest corner of the site be removed. Also, indicated is a concern that a private sewer line serving a neighboring home extends through this site in the proposed stormwater infrastructure area.

**Staff Response:** The English Holly tree identified in the applicant's existing conditions plan has a diameter at breast height (dbh) of approximately nine inches, which is less than the minimum dbh requirement of 10 inches for this to be considered a tree per SRC 808.005. The English Holly tree may be removed without a tree removal permit.

An as-built survey from Sanitary Sewer Permit 05-132359-SS shows the lateral to be 6-feet from the southern property line of Marion County Taxlot No. 073W27CA10400. The Public Works Department does not have record of an easement for this lateral; the Public Works Department does not keep records of private utility easements. The existing sanitary sewer cleanout is identified on the current plans and will be preserved with development. The applicant's engineer will also be required to show the existing lateral on the final design plans to confirm adequate coverage is provided pursuant to the Oregon Plumbing Specialty Code.

- 3) Two comments were received expressing opposition the development proposal, however, the opposition was regarding a misconception that another existing apartment complex was proposed for removal to accommodate this development.

**Staff Response:** Clarification was provided to the commentors that the proposed development is for vacant property and the removal of an existing apartment complex is not part of this application.

#### **4. City Department Comments**

Public Works Department – Reviewed the proposal and provided a memo which is included as **Attachment D**.

Building and Safety Division – Reviewed the proposal and indicated that the live work units are considered R-2 occupancies per code and are required to have sprinkler system installed in the building, this will be evaluated at the time of building permit plan review.

Fire Department – Reviewed the proposal and indicated that items including Fire Department access and water supply will be required per the Oregon Fire Code and evaluated at the time of building permit plan review.

#### **5. Public Agency Comments**

Salem-Keizer Public Schools – Reviewed the proposal and provided comments which are included as **Attachment E**.

### **DECISION CRITERIA**

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

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

**SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.**

**Finding:** The proposal includes development of a new five story, 45-unit mixed-use building including four work/live units, dedicated office space, storage, trash enclosure, and off-street parking area.

The subject property includes two separate units of land, 1035 Commercial Street SE (073W27CA / 09300) and 160 Bush Street S (073W27CA / 10400), both of which are located within the MU-I (Mixed Use-I) zone and are subject to the use and development standards of SRC Chapter 533.

### **Use and Development Standards – MU-I (Mixed Use-I) Zone:**

#### *SRC 533.010(a) – Uses:*

**Finding:** The applicant's statement indicates that the proposal includes development of a new five story, 45-unit mixed-use building including four work/live units, dedicated office space, residential amenity and interior bicycle storage, trash enclosure, and off-street parking area.

Multi-family residential uses and office uses are permitted in the MU-I zone. Live-work units are defined in SRC Chapter 111 as a dwelling unit that includes a designated space for a business or other nonresidential use that is operated by an occupant of the unit. The live-work unit is accessory to the dwelling unit within which it is located.

#### *SRC 533.015(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the MU-I zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage.

**Finding:** The subject property consists of two units of land. The property located at 1035 Commercial Street SE (Taxlot 073W27CA / 09300) is approximately 0.41 acres in size, has approximately 150 feet of frontage along Bush Street S and has approximately 120 feet of frontage along Commercial Street SE in compliance with the lot standards of the MU-I zone. The property located at 160 Bush Street S (Taxlot 073W27CA / 10400) is approximately 0.17 acres in size and has approximately 60 feet of frontage along Bush Street S in compliance with the lot standards of the MU-I zone.

#### *SRC 533.015(b) – Dwelling unit density:*

Development within the MU-I zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

**Finding:** The proposed development includes a mixed-use building containing 45-residential units of which four will be live work units and a single-story office building.

#### *SRC 533.015(c) – Setbacks:*

### **1035 Commercial Street SE**

**North:** Adjacent to the north is right-of-way for Bush Street S. Buildings require a 0 foot or maximum 10-foot setback adjacent to a street. Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10 foot setback adjacent to a street.

**South:** Adjacent to the south is property zoned MU-I (Mixed Use-I). There is no minimum building or accessory structure setback required adjacent to a mixed-use zoned property, vehicle use areas require a minimum five-foot setback.

**East:** Adjacent to the east is right-of-way for Commercial Street SE. Buildings require a 0 foot or maximum 10-foot setback adjacent to a street. Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10 foot setback adjacent to a street.

**West:** Adjacent to the west is the right-of-way for a public alley. There is no minimum building, accessory structure, or vehicle use area setback required abutting an alley.

**Finding:** The proposed building and vehicle use area setbacks indicated on the site plan are in compliance with all applicable setback requirements of the MU-I zone and SRC Chapter 806.

### **160 Bush Street S**

**North:** Adjacent to the north is right-of-way for Bush Street S. Buildings require a 0 foot or maximum 10-foot setback adjacent to a street. Accessory structures require a minimum setback of 10 feet, and vehicle use areas require a minimum 6-10 foot setback adjacent to a street.

**South:** Adjacent to the south is property zoned RM-II (Multi-Family Residential-II). Buildings and accessory structures require a minimum 10-foot setback, plus 1.5 feet for each 1 foot of building height above 15 feet. Vehicle use areas require a minimum five-foot setback.

**East:** Adjacent to the east is the right-of-way for a public alley. There is no minimum building, accessory structure, or vehicle use area setback required abutting an alley.

**West:** Adjacent to the west is property zoned RM-II (Multi-Family Residential-II). Buildings and accessory structures require a minimum 10-foot setback, plus 1.5 feet for each 1 foot of building height above 15 feet. Vehicle use areas require a minimum five-foot setback.

**Finding:** The proposed building and vehicle use area setbacks indicated on the site plan are in compliance with all applicable setback requirements of the MU-I zone and SRC Chapter 806.

### *SRC 533.015(d) – Lot Coverage, Height, Building Frontage:*

There is no maximum lot coverage, or rear yard coverage standard in the MU-I zone. The minimum height requirement for new buildings or additions is 20 feet, and the maximum height allowance is 65 feet. The minimum building frontage requirement is 75 percent. 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 40 percent.

**Finding:** The proposed building at 1035 Commercial Street SE is five-stories with a height of approximately 60 feet, in compliance with the minimum and maximum height requirements. The proposed office building at 160 Bush Street S is approximately 13 feet in height, less than the minimum requirement of 20 feet. The applicant has requested an Adjustment to decrease the minimum height requirement, findings for the Adjustment can be found in Section 8 of this report.

The subject property is a corner lot with approximately 120 feet of frontage along Commercial Street SE which is designated as a major arterial, and approximately 210 feet of frontage along

Bush Street S which is designated as a local street. A summary of the minimum building frontage requirement, and amount proposed is included below:

Street	Minimum Building Frontage Requirement	Amount Provided
Commercial Street SE	75%, or 90 feet	44 feet or 40%
Bush Street S	40%, or 84 feet	130 feet or 79%

The applicant is requesting an Adjustment to reduce the building frontage requirement on Commercial Street SE from 75 percent to 40 percent, findings for the Adjustment are included in Section 8 of this report.

*SRC 533.015(e) – Parking:*

Required off-street parking shall not be located on a standalone surface parking lot in the MU-I zone or MU-II zone.

**Finding:** No required off-street parking spaces are provided for the proposed development on a standalone surface parking lot.

*SRC 533.015(f) – Landscaping:*

- (1) **Setbacks.** Required setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 533.015(h), 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.

**Finding:** The proposed site plan demonstrates that all required setbacks and interior vehicle use area landscape islands will be landscaped meeting the requirements of SRC Chapter 807.

*SRC 533.015(g) – Continued Development:*

Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development.

**Finding:** The subject property is currently vacant with no existing buildings or structures; the site does not qualify as continued development.

*SRC 533.015(h) – Pedestrian-oriented design:*

Development within the MU-I zone shall conform to the pedestrian-oriented design standards set forth in Table 533-6.

Ground Floor Height		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

**Finding:** Commercial Street SE is designated as a primary street, the proposed mixed-use building that has frontage along Commercial Street SE has a ground floor height of 14 feet, in compliance with this standard. Bush Street S does not meet the definition of primary street, therefore this standard is not applicable to the building with frontage on Bush Street S.

Separation of Ground Floor Residential Uses		
Requirement	Standard	Limitations & Qualifications
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscape area such as private open space or hardscaped area such as a plaza.

**Finding:** The proposed development provides vertical separation of approximately 2.5 feet and horizontal separation of approximately 5 feet between the public sidewalk and the ground floor studio unit in the proposed mixed-use building, in compliance with this section.

<b>Building Façade Articulation</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
This standard applies to building facades facing primary streets.	Required	For buildings on corner lots, where the primary street intersects with a secondary street, these standards 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.
		Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a) Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards: <ol style="list-style-type: none"> <li>1. Change in materials.</li> <li>2. Change in color.</li> <li>3. Molding or other horizontally-articulated transition piece.</li> </ol>
		b) Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards: <ol style="list-style-type: none"> <li>1. Recesses of a minimum depth of two feet.</li> <li>2. Extensions of a minimum depth of two feet.</li> <li>3. Vertically-oriented windows.</li> <li>4. Pilasters that project away from the building.</li> </ol>
		c) Top: Building tops shall be defined by at least one of the following standards: <ol style="list-style-type: none"> <li>1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade.</li> <li>2. Change in materials from the upper floors, with that material being a minimum of eight inches tall.</li> <li>3. Offsets or breaks in roof elevation that are a minimum of three feet in height.</li> </ol>



Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
		4. A roof overhang that is a minimum of eight inches beyond the face of the facade.

**Finding:** The proposed mixed-use building has frontage along Commercial Street SE and Bush Street S. Commercial Street SE is designated as a primary street, Bush Street S is not. The standards in this section apply along the entire Commercial Street SE frontage and the first 50 feet of frontage along Bush Street S. The applicant's statement and plans indicate that vertical and horizontal articulation is provided on each side of the proposed mixed-use building including distinguishing the base ground floor façade from middle and upper facades using change in materials, trim, and canopies. The middle façades include vertical block elements, recesses that are a minimum of two feet in depth, and vertically oriented windows. The building top is defined by a roof overhang of approximately 18 inches in depth with a 12-inch fascia, and the building roof line is articulated through the use of a sawtooth style design. The proposed building design is in compliance with the building façade articulation requirements of this section.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 65%	For the purposes of this standard, ground floor building façade shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		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.

**Finding:** The applicant's statement and site plan indicates that windows are provided along 75 percent of the ground floor along Commercial Street SE and along approximately 76 percent of the ground floor of the first 50 feet of Bush Street S, in compliance with this standard.

<b>Building Entrances</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
This standard applies to building ground floors on primary streets.	Required	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		Building entrances shall include weather protection.

**Finding:** Building entrances for ground floor residential and live work units are located on Bush Street S, a common entrance to the amenity and lobby space is provided near the corner of the intersection of Bush Street S and Commercial Street SE. Weather protection is provided at each building entrance.

<b>Weather Protection</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
This standard applies to building ground floors on primary streets.	Min. 75%	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.
		Awnings or canopies shall have a minimum clearance height above the sidewalk or ground

Weather Protection		
Requirement	Standard	Limitations & Qualifications
		surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

**Finding:** The proposed mixed-use building has approximately 44 feet of frontage along Commercial Street SE, weather protection is included along approximately 37 feet (84 percent) of the building frontage, in compliance with this standard. In addition, canopies are provided along approximately 121 feet, or 91 percent of the Bush Street S frontage. Each of the canopies will meet minimum clearance requirements.

Parking Location		
Requirement	Standard	Limitations & Qualifications
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

**Finding:** The proposed off-street parking area is located to the side of the proposed buildings and not in a location between the buildings or streets.

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
This standard applies to mechanical and service equipment.	Required	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
		Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

**Finding:** The proposed development plans and applicant's statement indicate that no ground level mechanical equipment is proposed. Rooftop mechanical equipment will not be visible at ground level, in compliance with this standard.

*SRC 533.020 – Design review:*

Design Review is not required for development within the MU-I zone.

**Finding:** The proposed development is not subject to Design Review under SRC Chapter 225.

**Use and Development Standards – Saginaw Street Overlay Zone:**

The subject property includes two separate units of land. The property located at 160 Bush Street S (073W27CA / 10400) is located within the Saginaw Street Overlay Zone, development of this portion of the subject property is subject to the use and development standards of SRC Chapter 625.

*SRC 625.010 – Uses:*

Any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Saginaw Street Overlay Zone.

**Finding:** The Saginaw Street Overlay Zone provides no further use limitations for the subject property beyond the underlying MU-I zone.

*SRC 625.015(a) – Setbacks:*

Setbacks within the Saginaw Street Overlay Zone shall be provided as set forth in Table 625-1. Buildings and accessory structures abutting a street require a minimum building setback of 30 feet. Vehicle use areas abutting Bush Street S require a minimum setback of five feet. There is no minimum setback required abutting an alley.

**Finding:** The proposed single story office building has a setback of five feet adjacent to Bush Street S, less than the minimum setback requirement. The applicant is requesting an Adjustment to reduce the setback requirement to provide continuity with the mixed-use building immediately to the east, findings for the Adjustment are included in Section 8 of this report.

*SRC 625.015(b) – Height:*

Building and accessory structures within the Saginaw Street Overlay Zone shall conform to the height standards set forth in Table 625-2, the maximum height allowance for buildings and accessory structures is 35 feet.

**Finding:** The proposed single story office building has a maximum height of approximately 15 feet, less than the maximum allowance in the Saginaw Street Overlay Zone.

*SRC 625.015(c) – Landscaping:*

All areas of the lot not developed shall be landscaped. Landscaping shall meet the requirements set forth in SRC Chapter 807.

**Finding:** All areas of the site that are not proposed for building or vehicle use areas will be landscaped meeting the requirements of SRC Chapter 807.

*SRC 625.015(d) – Screening:*

Nonresidential uses shall be screened from abutting residentially zoned lots, and residential uses on abutting lots, by a minimum six-foot-high sight-obscuring hedge. The sight-obscuring hedge shall be of a species capable of attaining a height of eight feet within two years after planting.

**Finding:** The subject property does not abut Saginaw Street S; therefore, SRC 625.015(d)(1) is not applicable. The applicant's statement and landscape plan indicate that a sight-obscuring hedge meeting the screening requirement will be provided at the western and southern property lines abutting residential zoned property.

*SRC 625.015(e) – Access:*

- 1) Access may be provided directly from an alley.
- 2) No driveway serving a nonresidential use shall be permitted onto Saginaw Street.
- 3) No driveway serving a nonresidential use shall be permitted onto Bush Street if alley access to serve the nonresidential use is available.
- 4) No driveway approach serving a nonresidential use shall be located within 100 feet of the intersection of Bush Street and Saginaw Street.
- 5) No driveway approach serving a nonresidential use shall be located within 100 feet of the intersection of Kearney Street and Saginaw Street.

**Finding:** Access to the site is by a public alley which provides access to Bush Street S and Owens Street S in compliance with this standard.

*SRC 625.015(f) – Trees:*

Trees with a dbh of ten inches or greater shall be preserved wherever possible.

**Finding:** There are four trees with a dbh of ten inches or greater located on the subject property. Three of the trees will need to be removed to expand the alley from 12 feet in width to 22 feet for the creation of a vehicle use area, the fourth tree will need to be removed to accommodate green stormwater infrastructure.

## **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 one solid waste and recycling service area with a trash compactor is provided at the east side of the site and a trash compactor will be provided on the west side of the site. The following is a summary of applicable design standards for the solid waste service area.

*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 site plan and applicant's statement indicate 4-inch-thick concrete pads will be provided for the solid waste service areas. The pad area and slope are in compliance with the minimum standards.

- 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 serving.

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

*SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards.*

- 1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- 2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- 3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- 4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** A permanent drop box or compactor is not proposed; 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:** The solid waste service areas will be screened from view from surrounding streets and abutting properties in compliance with this standard.

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

When enclosures are 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 applicant's statement and development plans indicate that the enclosure has an unobstructed opening width of 12 feet in compliance with this provision.

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

**Finding:** The site detail plan indicates that a bumper curb will be provided 12 inches inside the perimeter walls in compliance with this section.

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

**Finding:** The enclosure opening width is 12 feet, the applicant's statement indicates that the gates will be able to swing at least 120 degrees in compliance with this standard.

*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 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle. Per SRC 800.055(f)(1)(B)(ii), for solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located parallel to the permanent location of the receptacle or the enclosure opening.

**Finding:** The proposed vehicle operation area is provided parallel to the enclosure in compliance with the minimum dimensional requirements of this section.

*SRC 800.065 – Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, 2-4 family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

**Finding:** The pedestrian access standards of SRC Chapter 800 apply to the proposed development.

*SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets.*

- (A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

**Finding:** Direct pedestrian accesses are provided to the proposed mixed-use building from Bush Street S to the north and from Commercial Street SE to the east in compliance with this standard.

- (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

**Finding:** There is not currently a transit stop located along the street frontage of the subject property; therefore, this standard is not applicable.

*SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site.*

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all the buildings.

**Finding:** Two buildings are proposed for the development site. SRC 800.065(a)(2)(B)(i) & (ii) provides that a pedestrian connection is not required between buildings on the same development site if the buildings have a primary building entrance that is located within 20 feet of a property line abutting a street and a public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances. The public sidewalk along Bush Street S satisfies this requirement for pedestrian connection between the two buildings.

*SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.*

- (A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iv) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

**Finding:** The proposed off-street parking area is approximately 9,218 square feet in size and does not include four or more consecutive parallel drive aisles; therefore, a pedestrian



connection through the off-street parking area is not required for the proposed development.

- (B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

**Finding:** The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

*SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.*

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

**Finding:** Commercial Street SE is classified within the TSP as part of the on-street bicycle network with potential for enhanced improvements for bicycles. Pursuant to SRC 800.065(a)(4) right-of-way or easement dedication, and construction of improvements is required to provide connections to existing or planned paths or trails as identified in the TSP or Salem Comprehensive Parks System Master Plan. There are no existing bike improvements abutting the property and the bike improvements will be within the right-of-way of Commercial Street SE; no additional right-of-way dedication or easements are required as part of this application.

*SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties.*

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

**Finding:** The proposed development does not include a shared driveway access with an abutting property; therefore, pedestrian connections are not required to abutting properties.

*SRC 800.065(b)(1) – Design and Materials.*

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be

equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

**Finding:** Proposed pedestrian connections are five feet in width and will be paved with concrete, in compliance with this standard.

*SRC 800.065(b)(2) – Design and Materials.*

Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

**Finding:** The site plan and applicant's statement indicate that walkways are designed with wheel stops and curbs to prevent encroachment of vehicles into the pedestrian pathways, in compliance with this standard.

*SRC 800.065(c) – Lighting.*

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

**Finding:** Exterior light fixtures will be used to illuminate the pedestrian walkways in compliance with this section.

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

*SRC 806.005(c) - Off-Street Parking; When Required.*

*Applicability to mixed uses in the MU-I, MU-II, MU-III, and MU-R zones.* Off-street parking shall not be required for any uses in the MU-I, MU-II, MU-III, and MU-R zones, provided the property is located within one-quarter mile of the Core Network and is developed with multiple family.

**Finding:** The proposal includes a mixed-use development and the subject property abuts Commercial Street SE which is part of the Core Network; therefore, the proposed development is not subject to a minimum off-street parking requirement.

*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.

**Finding:** The proposal includes development of a new off-street parking area located on the same development site as the proposed buildings.

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

- a) *Minimum Required Off-Street Parking.* Pursuant to SRC 806.005(c), there is no minimum off-street parking requirement for the proposed mixed-use development which abuts the Core Network.
- 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) *Required Electric Vehicle Charging Spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.
- e) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Tables 806-2A and 806-2B.

**Finding:** There is no minimum off-street parking requirement for the proposed mixed-use development. The maximum off-street parking allowance for the 45-unit multi-family residential use is 79 spaces ( $45 \times 1.75 = 78.75$ ), and the maximum off-street parking allowance for the office use is one space per 900 square feet, or one space ( $600 / 900 = 0.66$ ) for a total maximum of 80 spaces. The proposed off-street vehicle use area has 36 parking spaces, less than the maximum allowance.

The proposed development includes five or more dwelling units on the same lot in a building that includes a mix of uses. SRC 806.014(d) requires a minimum of 40 percent of the off-street parking spaces provided on the site to be designated as spaces to serve electrical vehicle charging. The site plan does not indicate which spaces will be available for electric vehicle charging, prior to building permit issuance, the applicant shall provide an updated plan set that demonstrates a minimum of 40 percent of the off-street parking spaces proposed will be designated as spaces to serve electrical vehicle charging. If 36 off-street parking spaces are provided at the time of building permit, a minimum of 14 off-street parking spaces ( $36 \times 0.4 = 14.4$ ) shall include provision for electrical service capacity.

**Condition 1:** Prior to building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.

There is no minimum or maximum compact parking space requirement, and carpool/vanpool spaces are not required for the proposed development.

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

**Finding:** The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal. The off-street parking area proposed is in compliance with the minimum setback requirements of SRC Chapters 533 and 806.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For off-street parking areas less than 50,000 square feet in size, a minimum of 5 percent of the parking area interior shall be landscaped.

**Finding:** The applicant's summary table indicates that the proposed off-street parking area is approximately 9,218 square feet in size and requires a minimum of 461 square feet of interior parking area landscaping ( $9,218 \times 0.05 = 460.9$ ). The site plan indicates that 557 square feet (approximately 6%) of interior landscaping will be provided in this area. The amount of interior landscaping being provided exceeds 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 proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6.

- f) *Off-Street Parking Area Access and Maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
  - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

**Finding:** The proposed off-street parking area includes a drive aisle that terminates at a dead-end. The turnaround area at the end of the drive aisle is in compliance with the development standards of this section.

- g) *Additional Off-Street Parking Development Standards 806.035(g)-(n).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, and bumper guards. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is required for the proposed parking area where it abuts residentially zoned properties on the western side of the development site. The required screening shall include a minimum six-foot-tall sight-obscuring fence, wall, or hedge. The applicant indicates that there is an existing solid wood fence along the shared property lines abutting residentially zoned property which meets the screening requirements in this section.

## **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.

**Finding:** Long-term bicycle parking spaces are provided in a bicycle storage room and within individual dwelling units of the proposed mixed-use building in compliance with this section. Short-term bicycle parking spaces serving the proposed development are provided on both private property and in the public right-of-way. The applicant has requested an Adjustment to allow some of the required bicycle parking spaces to be located in the public right-of-way and not on the same development site and the use they serve, findings for the Adjustment are included in Section 8 of this report.

*SRC 806.055 - Amount of Bicycle Parking.*

Per SRC Chapter 806, Table 806-9, uses in the multi-family residential use category require a minimum of one space per dwelling unit for development sites located within one-quarter mile of the Core Network. Office uses require the greater of four spaces or a minimum space per 3,500 square feet for the first 50,000 square feet of floor area

**Finding:** The bicycle parking requirements for the development site are summarized below:

Use	Dwelling Units/Floor Area	Bicycle Parking Ratio	Minimum Parking
Multi-Family Residential	45 Dwelling Units	1 per Dwelling Unit	45
Office	900 SF	Four spaces or one space per 3,500 SF of floor area	4
<b>Total</b>			<b>49 Spaces</b>

A minimum of 49 bicycle parking spaces are required for the development site. The applicant's summary table indicates that 12 outdoor bicycle parking spaces, 20 indoor bicycle parking spaces, and 17 bike hooks in dwelling units are proposed for the site, in compliance with the minimum requirement.

*SRC 806.060 - Bicycle Parking Development Standards.*

a) *Location.*

(1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

(2) *Long-term bicycle parking.*

(A) *Generally.* Long-term bicycle parking shall be located:

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) *Long-term bicycle parking for residential uses.* Long-term bicycle parking spaces for residential uses shall be located within:

- (i) A residential dwelling unit;

- (ii) A lockable garage;
  - (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
  - (iv) A lockable bicycle enclosure; or
  - (v) A bicycle locker.
- (C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:
- (i) A restricted access lockable room;
  - (ii) A lockable bicycle enclosure; or
  - (iii) A bicycle locker.

**Finding:** Short-term bicycle parking spaces are provided within 50 feet of primary building entrances in locations that are clearly visibly from primary building entrances. Twenty long-term bicycle parking spaces are provided within a secure storage room on the ground floor of the proposed mixed-use building, and 17 of the dwelling units will have bike hooks allowing for wall mounted bike storage in the dwelling unit, in compliance with this section.

- b) *Access.* All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

**Finding:** All short-term bicycle parking areas have direct and accessible access to the public right-of-way and primary building entrances that are free of obstructions.

- c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
  - (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10. Standard horizontal spaces require a minimum width of two feet and minimum length of four feet.

**Finding:** The proposed bicycle parking spaces meet the minimum dimensions requirements of Table 806-10.

- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. The minimum access aisle width is four feet.

**Finding:** Access aisles serving the bicycle parking spaces have a minimum width of four feet.

- d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

**Finding:** Bicycle parking areas will be paved with concrete, in compliance with this standard.

- e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle in a stable position.

- a. For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
  - b. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

**Finding:** Inverted staple racks are proposed for short-term bicycle parking that will be securely anchored in concrete, and wall mounted racks will be provided in the bike storage room that allow for storage in a vertical position. The proposed racks are a shape that allow for support, storage, and allow for the securing of bicycles in compliance with the standards in this section.

### **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.*

Per Table 806-11, multi-family residential uses containing 5-49 dwelling units do not have a minimum loading space requirement. Uses in the business and professional services category that are less than 5,000 square feet in size do not have a minimum loading space requirement.

**Finding:** No off-street loading spaces are 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:** 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 601 – Floodplain:* Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

**Finding:** 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.

*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.

**Finding:** There are no protected trees identified for removal 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.

**Finding:** According to the Salem-Keizer Local Wetland Inventory the subject property does not contain any wetland areas or hydric soils.

*SRC 810 - Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

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

**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:** Bush Street S is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements along Bush Street S are required as a condition of the proposed development.



The existing right-of-way width of Commercial Street SE does not meet current standards for its classification of street per the *Salem Transportation System Plan Appendix G*. The applicant shall convey for dedication a half-width right-of-way up to 33 feet to major arterial street standards (as amended by TSP Appendix G) as specified in the Public Works Design Standards and based on a rational nexus calculation.

Commercial Street SE is also classified within the TSP as part of the on-street bicycle network with potential for enhanced improvements for bicycles. Pursuant to SRC 800.065(a)(4) right-of-way or easement dedication, and construction of improvements is required to provide connections to existing or planned paths or trails as identified in the TSP or Salem Comprehensive Parks System Master Plan. There are no existing bike improvements abutting the property and the bike improvements will be within the right-of-way of Commercial Street SE; no additional right-of-way dedication or easements are required as part of this application.

**Condition 2:** Convey land for dedication to equal a half-width right-of-way of 33- feet on the development side of Commercial Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

The existing sidewalk along Bush Street S and Commercial Street SE is nearing its useful life and requires replacement. In addition, sidewalks do not have adequate width according to PWDS. The applicant shall replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a). This shall include relocation of the existing sidewalk to the new property line after right-of-way dedication along Commercial Street SE has been conveyed.

**Condition 3:** Along Bush Street S, Replace nonconforming portions of existing sidewalk along the frontage of the property.

**Condition 4:** Along Commercial Street SE, replace and relocate sidewalks to the proposed property line.

Movement of the sidewalk to the new property line location will also establish a planter strip with adequate width for street trees (minimum 4-feet per PWDS). Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Street trees shall be provided along Commercial Street SE and Bush Street S.

**Condition 5:** Install street trees to the maximum extent feasible along Commercial Street SE and Bush Street S.

The applicant proposes removal of a city-owned street tree in order to widen the approach to the alley. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

**Condition 6:** Obtain a street tree removal permit pursuant to SRC Chapter 86.

**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 applicant proposes primary access to the development be provided through the Unnamed Alley abutting the subject properties. To ensure the safe, orderly, and efficient circulation in and out of the development, as a condition of utilizing the alley for primary access, they applicant shall widen the alley approach to Bush Street S to a minimum 22-feet and shall construct the approach to meet PWDS Standard Plan 302 for Commercial/Alley approaches. In addition, for the portion of the alley providing circulation for the parking areas, the applicant shall provide a minimum 24-foot drive aisle for standard spaces pursuant to *Table 804-2 and Table 806-6 in the Salem Revised Code* to provide adequate maneuvering space for vehicles. The applicant's site plan shows a 24-foot drive aisle, which is consistent with SRC Table 806-6.

**Condition 7:** Widen the Unnamed Alley approach to Bush Street SE to a minimum 22-feet and construct the approach to meet *PWDS Standard Drawing 302* for commercial approaches.

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

**Finding:** The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. 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 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 a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 8:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

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

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

**SRC 250.005(d)(2)(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.

**Finding:** The applicant is requesting the following Class 2 Adjustments:

- 1) A reduction to the minimum building height requirement for buildings in the MU-I zone from 20 feet to 14 feet for the single-story office building.
- 2) A reduction to the building frontage requirement along Commercial Street SE from a minimum of 75 percent to approximately 35 percent.
- 3) A reduction to the minimum building setback adjacent to a street for the proposed single story office building within the Saginaw Street Overlay Zone from 30 feet to five feet which is consistent with the MU-I zone setback standard.
- 4) An increase to the fence height from four feet to five feet, and an increase to the opacity standard for a proposed masonry wall/decorative metal fence adjacent to Commercial Street SE.
- 5) To allow three staple racks with six required bicycle parking spaces to be placed within the public right-of-way.

*A reduction to the minimum building height requirement for buildings in the MU-I zone from 20 feet, per SRC 533.015(d), Table 533-5, to 14 feet for the single-story office building.*

The applicant is requesting an adjustment to the minimum height requirement for the proposed single story office building at 160 Bush Street S from 20 feet to 14 feet. This building is adjacent to single family residential uses to the west and south, the applicant indicates that the reducing the height requirement for the office building will allow for a more appropriate transition between the existing single family residential uses and the primary mixed-use building at 1035 Commercial Street SE which is five stories and approximately 60 feet in height. In addition, this portion of the subject property is located within the Saginaw Street Overlay Zone which has the stated purpose of establishing development standards that minimize impacts on residential uses. The adjustment request equally or better meets the stated purpose and intent of this provision, and is therefore in compliance with this criterion.

*A reduction to the building frontage requirement along Commercial Street SE from a minimum of 75 percent, per SRC 533.015(d), Table 533-5, to approximately 35 percent.*

The proposed main building located at 1035 Commercial Street SE is located on a corner lot abutting Commercial Street SE which is classified as an arterial street, and Bush Street S which is a classified as a local street. For corner lots, SRC 533.015(d) and Table 533-5 requires that along streets with the highest classification the minimum building frontage requirement is 75 percent, and along the intersecting street the minimum building frontage requirement is 40 percent.

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.

In this case, the bulk of the proposed mixed-use building is primarily oriented towards Bush Street S, with approximately 129 feet of the 150-foot street frontage (or 70.6 percent) occupied by the building. The ground floor level will have four live-work units oriented with entrances facing Bush Street S. In addition, there is no space provided for on-street parking

along Commercial Street SE in this area, on-street parking is allowed on Bush Street S. Given the residential nature of the live work units and the availability of on-street parking along Bush Street S, orienting the building primarily towards a local street provides a more appropriate configuration rather than towards the higher traffic arterial street.

Other factors to consider for this request include 1) the shape and dimensions of the lot, the applicant states they are able to provide a higher level of residential density with the proposed east-west building configuration rather than a north-south configuration, and 2) the difference in elevation between Commercial Street SE and the ground floor of the building.

In consideration of the applicant's statement and staff findings, the adjustment request to allow for a reduction to the building frontage requirement along Commercial Street SE equally or better meets the stated purpose and intent of this provision, and is therefore in compliance with this criterion.

*A reduction to the minimum building setback adjacent to a street for the proposed single story office building within the Saginaw Street Overlay Zone from 30 feet, per SRC 625.015(b), to five feet.*

The applicant has requested an adjustment to reduce the minimum setback requirement for the proposed single story office building located in the Saginaw Street Overlay Zone from 30 feet to five feet, the proposed building setback for the office building will match the proposed mixed-use building immediately to the east which is not located within the Saginaw Street Overlay Zone.

The purpose of the Saginaw Street Overlay Zone is to establish development standards that minimize impacts on residential uses. The subject property abuts residential uses to the west and to the south, and across Bush Street S there is an existing establish commercial business. In this case, reducing the minimum setback requirement would allow the building to be placed closer to Bush Street S, further away from abutting residential uses, and in a location that provides a transition from proposed mixed-use building that is more responsive to the residential neighborhood. In addition, the adjustment request will help alleviate a conflict between the minimum setbacks in the Saginaw Street Overlay Zone and the MU-I (Mixed Use-I) zone, and allow more site area for providing green stormwater infrastructure and off-street parking spaces. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

*An increase to the fence height from four feet to five feet, and an increase to the opacity standard for a proposed masonry wall/decorative metal fence adjacent to Commercial Street SE per SRC 800.050(a)(1).*

SRC 800.050(a)(1)(A) provides that fences and walls on property used for household living uses shall have a maximum height of four feet when located within 20 feet of the property line abutting a street, and that for fences and walls placed within 10 feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

The applicant is requesting an adjustment to increase the maximum height allowance for a proposed masonry wall that is approximately 30 inches in height with a 30-inch decorative metal fence placed on top for a total height of five feet. The fence is placed approximately 9 feet 3 inches from the property line abutting Commercial Street SE and does not comply with the opacity limits.

The applicant states that the proposed wall/fence will provide a full screen of the vehicle use area to better meet the intent of pedestrian oriented design by providing a visual barrier separating parking area from pedestrian amenities and the adjacent public right-of-way. The proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

*To allow three staple racks with six required bicycle parking spaces to be placed within the public right-of-way, instead of on the same development site as the use it serves per SRC 806.050.*

The applicant is requesting a Class 2 Adjustment to allow three staple racks with six required bicycle parking spaces to be placed within the public right-of-way. SRC 806.050 requires bicycle parking spaces to be on the same development site as the activity served, an adjustment is requested to allow required bicycle parking spaces to be in the public right-of-way. By providing the bike racks adjacent to the development site near the entrance of the building; the applicant is equally meeting the development standard. Bike racks may be placed in the right-of-way as long as there are no obstructions to the public sidewalk. Bike racks within the right-of-way shall conform to *City of Salem Public Works Procedure for Bike Rack Installation in the Right-of-way*, which provides a standard detail for a staple style rack. At time of Building Permit Review, Public Works shall verify the location of the bike racks in the right-of-way to ensure they are placed appropriately and do not obstruct public sidewalks.

**SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** The subject property is located within the MU-I (Mixed Use-I) zone and the Saginaw Street Overlay Zone, which are not residential zones; therefore, the criterion is not applicable.

**SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** Five separate Class 2 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 requirements, unless adjusted through a future land use action.

## 9. Conclusion

Based upon review of SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ23-20 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** Prior to building permit issuance, a minimum of 40 percent of the off-street parking spaces proposed shall be designated as spaces to serve electrical vehicle charging including provisions for electrical service capacity, as defined in ORS 455.417.
- Condition 2:** Convey land for dedication to equal a half-width right-of-way of 33- feet on the development side of Commercial Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 3:** Along Bush Street S, Replace nonconforming portions of existing sidewalk along the frontage of the property.
- Condition 4:** Along Commercial Street SE, replace and relocate sidewalks to the proposed property line.
- Condition 5:** Install street trees to the maximum extent feasible along Commercial Street SE and Bush Street S.
- Condition 6:** Obtain a street tree removal permit pursuant to SRC Chapter 86.
- Condition 7:** Widen the Unnamed Alley approach to Bush Street SE to a minimum 22-feet and construct the approach to meet *PWDS Standard Drawing 302* for commercial approaches.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
- 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 requirements, unless adjusted through a future land use action.



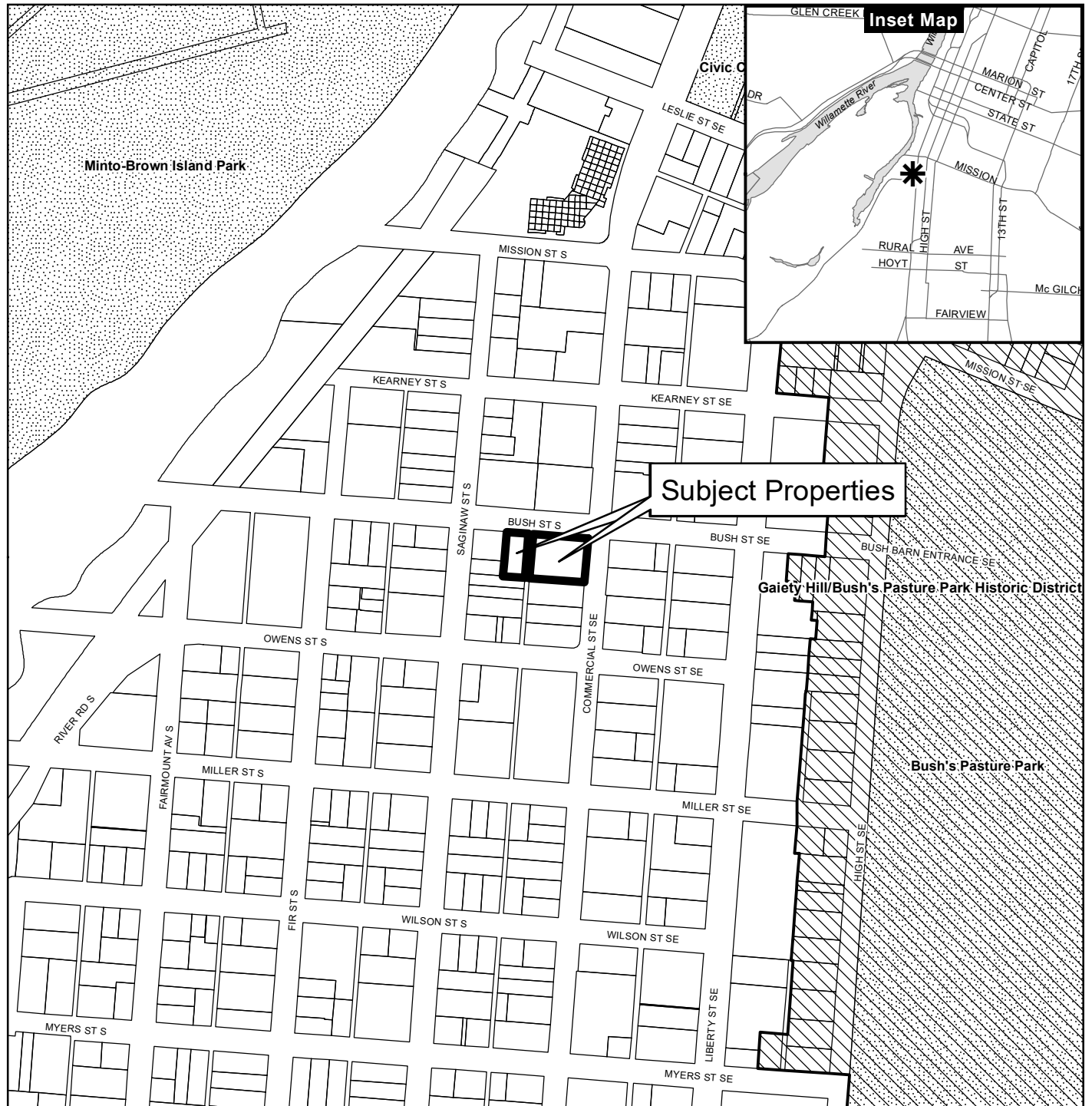
Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments: A. Vicinity Map  
B. Proposed Site Plan  
C. Applicant's Written Statement  
D. Public Works Memo Dated July 12, 2023  
E. Salem-Keizer Public Schools comments Dated June 22, 2023

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

# Vicinity Map

## 1035 Commercial Street SE and 160 Bush Street South (taxlots 073W27CA09300 and 073W27CA10400)



### Legend

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

Parks

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

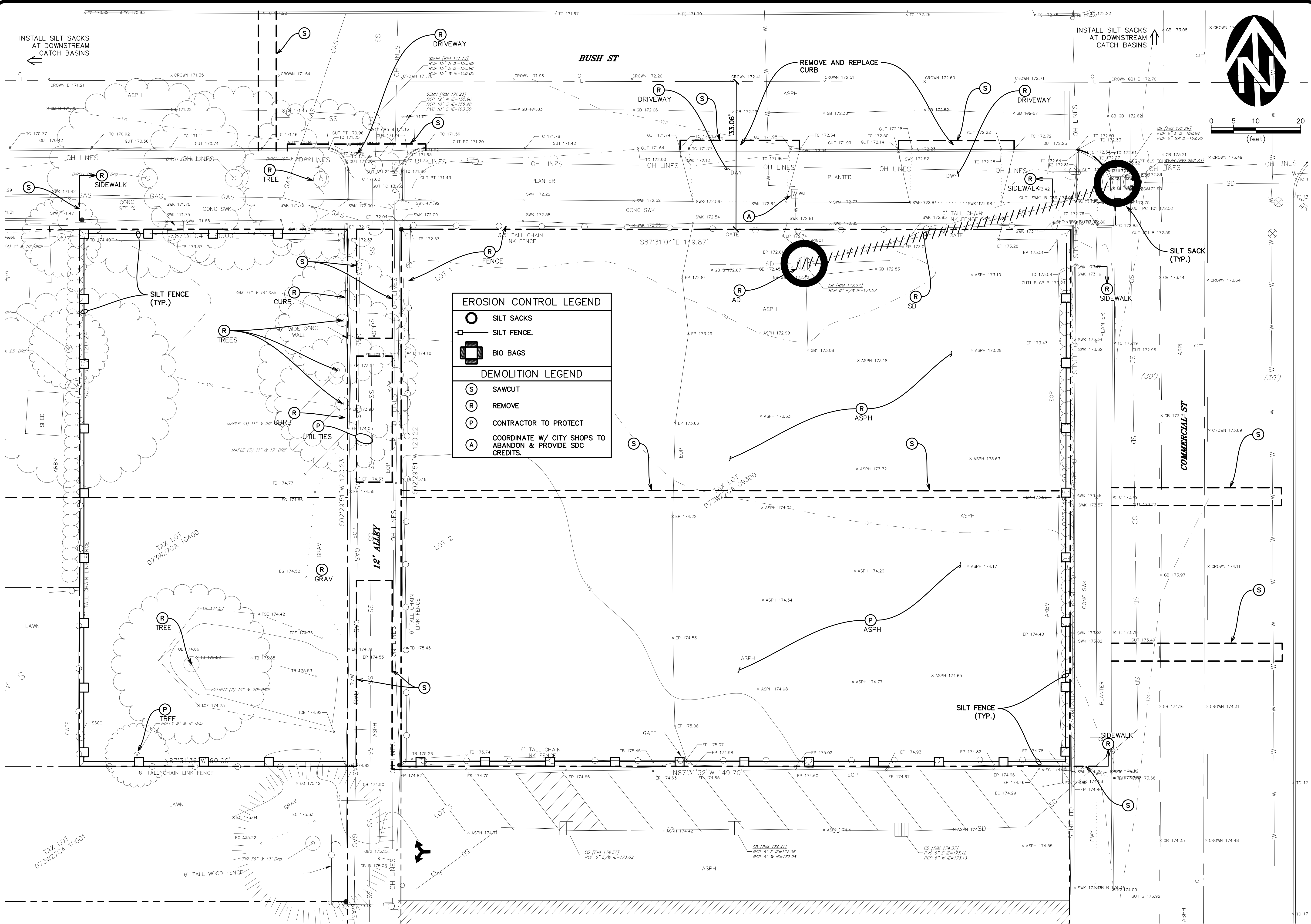
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet





5/2/2023, 3:23:41 PM  
R:\pws\c82 ARCHITECTS\1035 Commercial St - Mixed Use\Civil\Plots\C1.0 - Existing Conditions, Demolition & Erosion Control Plan.dwg, (C1.0 tab)

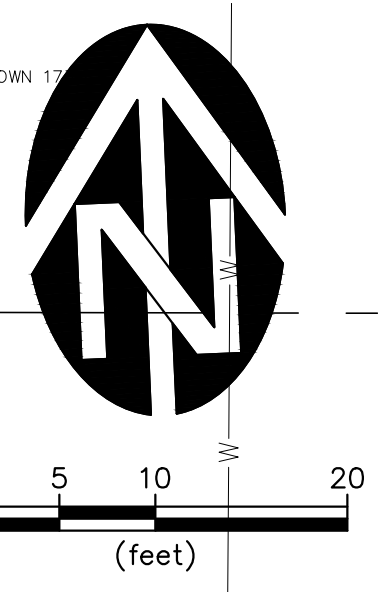


**EROSION CONTROL LEGEND**

- SILT SACKS
- SILT FENCE.
- BIO BAGS

**DEMOLITION LEGEND**

- SAWCUT
- REMOVE
- CONTRACTOR TO PROTECT
- COORDINATE W/ CITY SHOPS TO ABANDON & PROVIDE SDC CREDITS.



REVISIONS		DATE	NO.	BY

VERIFY SCALE  
THIS IS ONE INCH ON ORIGINAL DRAWING  
IF NOT ONE INCH ON SCALE, ACCURACY  
0 1"

DATE: 11/2022

NO. 1

DATE

DESCRIPTION

BY

REGISTERED PROFESSIONAL ENGINEER  
WILLIAM J. WELLS  
No. 12,345  
RENEW: 6/30/2024

**REVIEW**

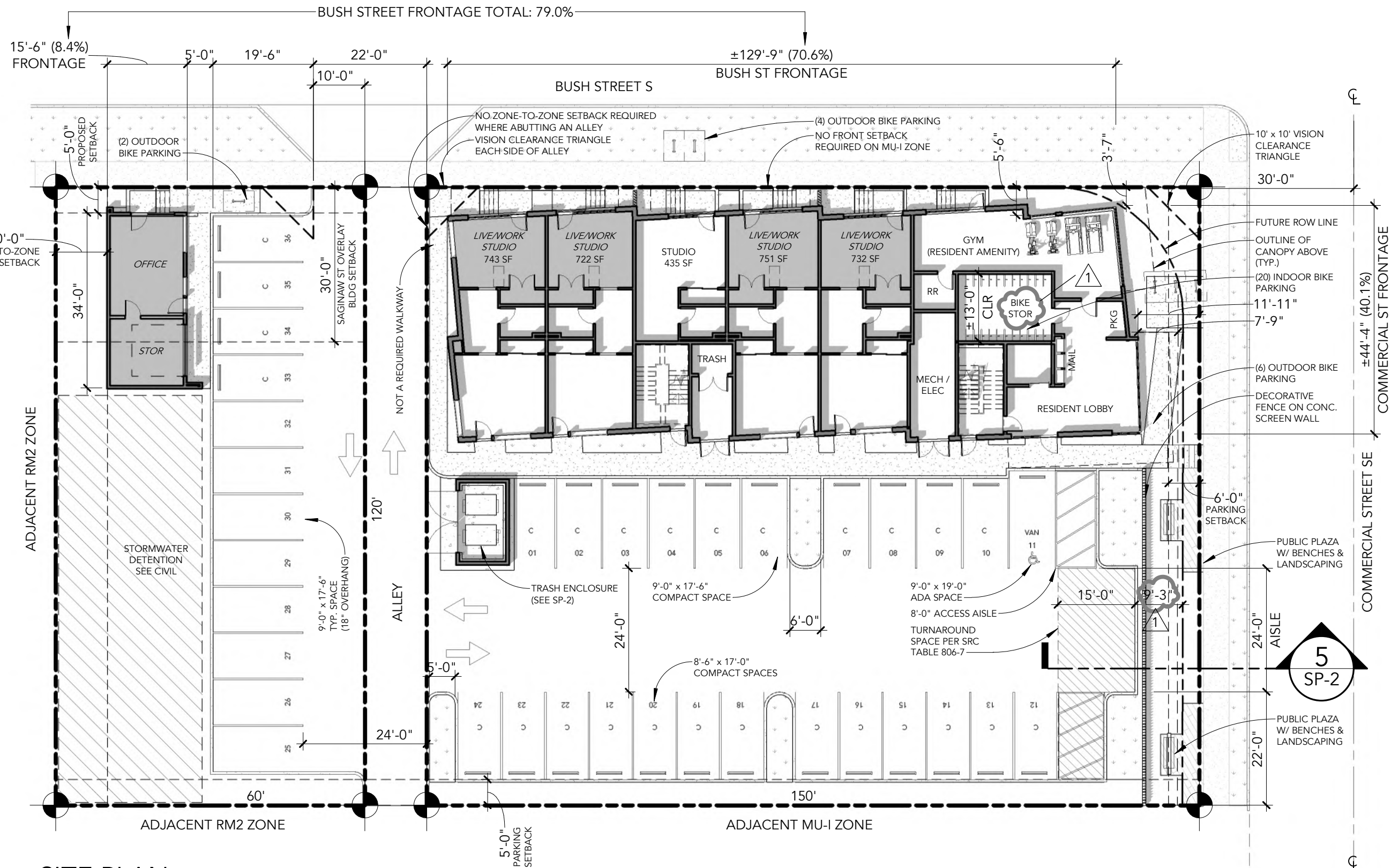
**WESTTECH ENGINEERING, INC.**  
CONSULTING ENGINEERS AND PLANNERS  
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302  
Phone: (503) 585-2474 Fax: (503) 585-3986  
E-mail: westtech@westtech-eng.com

CB|TWO ARCHITECTS

1035 COMMERCIAL ST - MIXED USE  
EXISTING CONDITIONS,  
DEMOLITION & EROSION  
CONTROL PLAN

DRAWING  
C1.0

JOB NUMBER  
3429.0000



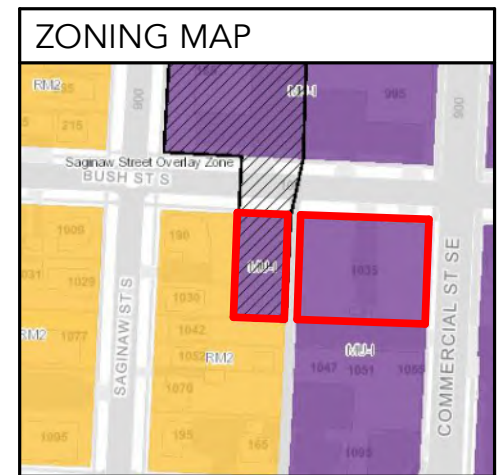
## SITE PLAN

SCALE: 1" = 20'-0"

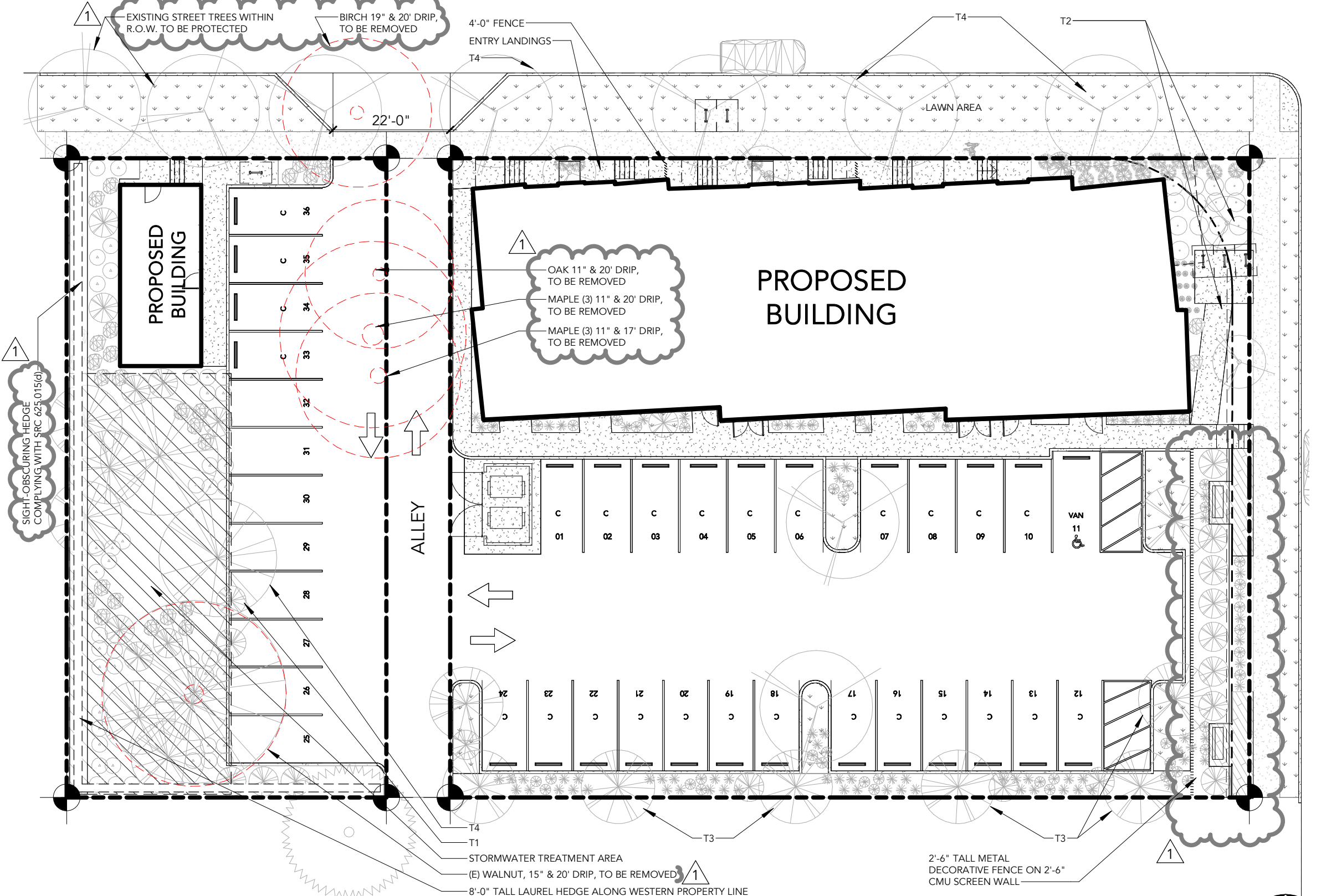
SITE INFORMATION	
LOT AREA	25,200 SF
ZONE	MU-I MIXED-USE I
USES	MULTIPLE FAMILY LIVE-WORK UNITS
# UNITS	45
LOT WIDTH	120'-0"
LOT DEPTH	210'-0"

BUILDING COVERAGE		
TYPE	AREA	%
BUILDING FOOTPRINT	6,386 SF	25.3%
LANDSCAPING (SEE SP-3)	6,193 SF	24.5%
PAVING AREA	10,815 SF	42.9%
SIDEWALK	1,806 SF	7.3%
<b>TOTAL SITE AREA</b>	<b>25,200 SF</b>	<b>100%</b>
NO MAXIMUM LOT COVERAGE PER MU-I ZONE		

PARKING SCHEDULE	
TYPE	COUNT
FULL SIZE STALLS	8
ADA STALLS	2 (1 VAN)
COMPACT STALLS	27
<b>TOTAL PARKING</b>	<b>37</b>
<b>MINIMUM PARKING REQUIRED:</b> NO SPACES REQUIRED PER SRC 806.005(d), SINCE PROPERTY IS WITHIN 1/4 MILE OF CORE NETWORK AND IS DEVELOPED WITH MULTIPLE FAMILY	
<b>COMPACT SPACES (SRC 806.015.b)</b> MAXIMUM = 75% OF MINIMUM REQUIRED 37 x 75% = 27    27 ≤ 27; <b>OK</b>	
<b>BICYCLE PARKING:</b> 1 SPACE PER DWELLING UNIT IF WITHIN 1/4 MILE OF THE CORE NETWORK OFFICE COMPLEX: 4 SPACES BIKE SPACES REQUIRED: <b>49</b> OUTDOOR BIKE PARKING: 12 INDOOR COMMON BIKE STORAGE: 20 BIKE HOOKS IN UNITS: 17	







# LANDSCAPE / TREE PRESERVATION PLAN

SCALE: 1" = 20'-0"

## PLANT SCHEDULE

### TREES

- T1 VINE MAPLE
- T2 SWEDISH COLUMNAR ASPEN
- T3 MADRONE
- T4 BIG LEAF MAPLE

### SHRUB OPTIONS (TBD)

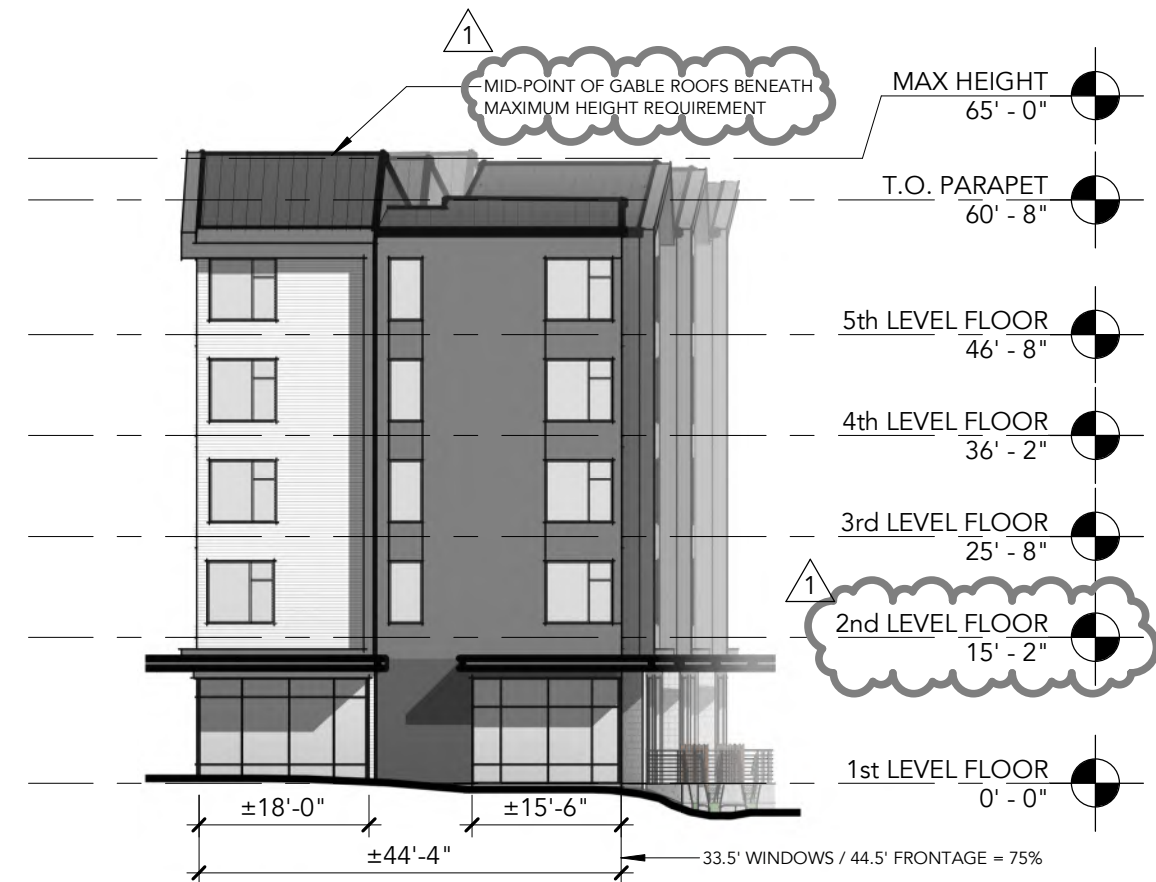
- S1 BLUE ANGEL HOSTA
- S2 BLUE OAT GRASS
- S3 HAKONE GRASS
- S4 BUTTERSCOTCH, 2 GAL.
- S5 MONDO GRASS
- S6 LILIROPE, 1 GAL.
- S7 PACHYSANDRA
- S8 WESTERN SWORD FERN
- S11 NEW ZEALAND FLAX

### INTERIOR LANDSCAPING

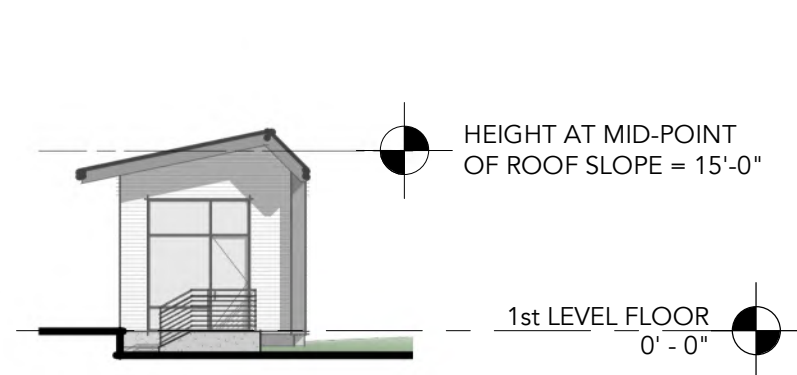
TYPE	AREA
INTERIOR OFF-STREET PARKING	9,218 SF
INTERIOR LANDSCAPING	557 SF
PERCENTAGE	6% - OK
5% INTERIOR LANDSCAPING REQUIRED WHEN INTERIOR OFF-STREET PARKING AREA IS <50,000 SF (SRC TABLE 806-5)	



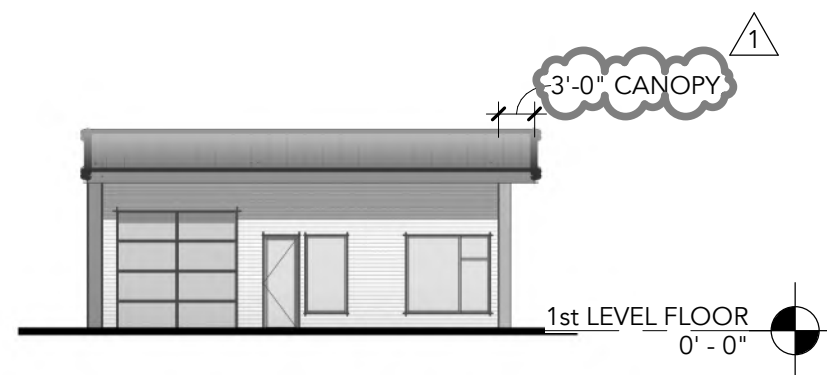
1 NORTH ELEVATION  
SCALE: 1" = 20'-0"



2 EAST ELEVATION  
SCALE: 1" = 20'-0"



3 OFFICE - NORTH ELEVATION  
SCALE: 1/16" = 1'-0"



4 OFFICE - EAST ELEVATION  
SCALE: 1/16" = 1'-0"





**CBTWO**  
ARCHITECTS LLC

PROJECT/LOCATION:

# COZY RESIDENTIAL

1035 COMMERCIAL ST SE SALEM, OR 97302

RENDERINGS

## SP-8

DATE:

03.16.2023





## NARRATIVE

May 15, 2023

City of Salem  
Community Development – Planning Division  
555 Liberty Street SE, Suite 305  
Salem, OR 97301

### PROJECT NAME

COZY RESIDENTIAL

### SITE ADDRESS

1035 COMMERCIAL STREET SE  
& 160 BUSH STREET

### **SECTION 1 - REQUEST**

The Applicant, Customer Care Inc., with their consulting architect, CBTWO Architects LLC, are requesting approval of a consolidated land use application that includes a Class 3 site plan review SRC220.005(b)(3) with Class 2 adjustments SRC 250.005(a)(1)(B) for: deviation of the minimum building height requirement for buildings in the MU-I Zone, SRC 555.015(d); how building frontage is met on corner lots SRC 533.015(d); ground floor height on primary streets SRC 533.015(h); building setbacks for structures located within the Saginaw Street Overlay District SRC625.015(a); for fences over 30-inches which are located within 10-feet of street property lines and exceed an opacity of 25% 800.050(a)(1)(B)(i); and for location of required bicycle parking 806.050.

### **SECTION 2 - PROJECT DESCRIPTION**

The development site is made up of 2 tax lots (073W27CA09300/1035 Commercial Street and 073W27CA10400/160 Bush Street) totaling 0.58 acres with a Mixed Use-I (MU-I) zoning designation and the Saginaw Street Overlay District applying to the 160 Bush Street parcel. A public alley running north and south bifurcates the development site which is bordered by: Bush Street on the north; Commercial Street to the east; an existing commercial retail development zoned MU-I to the south of 1035 Commercial Street, and single family residential uses zoned RM-II to the south and west of the 160 Bush Street parcel.

The development proposal is for a new 4-story mixed-use structure that includes 45 residential units, 4 of which are designed as live/work units, with common amenities spaces on the ground floor; and a single-story, 600 square foot leasing/management office on the Bush Street parcel. Site improvements include 37 off-street parking spaces accessed from the public alley, pedestrian oriented design features, including enhanced landscaping, seating areas, and a 5-foot tall combination masonry wall with decorative metal fencing along the Commercial Street frontage. Replacement of public sidewalks adjacent to the site, removal of existing driveways on Bush Street, and planting of street trees are anticipated within the public right-of-way (ROW). There are 49 bicycle parking spaces provided through a mix of long-term spaces within the building or short-term exterior spaces. The proposed development is permitted in the MU-I Zone.

### SECTION 3 - SITE PLAN REVIEW

A Class 3 site plan review procedure as prescribed under Chapter 220 of the Salem Revised Code applies. Applicable standards found in SRC chapters: 533, 601, 625, 800, 802, 803, 804 805, 806, 807, 808, 809, 810, and 900 are provided in *gray Italics* with detailed project information confirming compliance follows standard in navy type with a **Bold** header for clearer distinction between the two:

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#### CHAPTER 533. – MIXED USE-I

##### *Sec. 533.010.-Uses*

*Multiple family permitted in MU-I zoning districts.*

**PROJECT INFORMATION:** The proposed development is a mixed residential and commercial development which is permitted outright.

##### *SEC. 533.015.- Development standards.*

*(a) Lot standards. Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.*

*Lot Standards from Table 533-2*

Requirement	Standard	PROJECT INFORMATION
<i>Lot Area</i>		
<i>All uses</i>	<i>None</i>	0.58 acres or 25,200 square feet for both lots.
<i>Lot Width</i>		
<i>All uses</i>	<i>None</i>	120-feet along Commercial Street and 210-feet along Bush Street, with 150-feet for the 1035 Commercial Street parcel and 60 for the Bush Street parcel.
<i>Lot Depth</i>		
<i>All uses</i>	<i>None</i>	Given that the buildings are oriented towards Bush Street which has greater street frontage (210-feet) and allows for more density the proposed development is oriented towards Bush Street, which has an overall development site depth of 120-feet. If each parcel is measured separately, then 150-feet for the Commercial Street parcel and 120 for the Bush Street parcel.
<i>Street Frontage</i>		
<i>All Uses</i>	<i>16 ft.</i>	Both parcels have street frontage: There is 120-feet of frontage on Commercial Street and 210-feet of frontage on Bush Street.

*(b) **Dwelling Unit density.** Development within the MU-I zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.*

**PROJECT INFORMATION:** The development proposal is for a mixed-use development that is primarily residential and includes 45 residential units, which includes 4 live/work units on the ground floor of the primary building, and a 600 square foot ancillary leasing/management office building. The development site is less than an acre, with the 45 proposed units this standard is exceeded.

*(c) **Setbacks.** Setbacks within the MU-I zone shall conform to the standards set forth in Tables 533-3 and 533-4.*

*Setbacks from Table 533-3*

Requirement	Standard	Limitations & Qualifications	PROJECT INFORMATION
<b>Abutting Street</b>			
<b>Buildings</b>			
All uses	0 ft.	<p>(1) Maximum setback of up to 10 feet is permitted in the setback area is used for pedestrian amenities.</p> <p>a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street.</p> <p>b) For double frontage lots, the maximum setback shall only apply to the street with the highest street classification. For double frontage lots where both streets have the same classification, the applicant may choose on which street the maximum setback shall apply.</p> <p>(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to (SRC) 533.015(h).</p>	<p>Commercial Street includes a special setback or ROW dedication that includes a 25-foot radius at the corner, to accommodate future street widening. As a result, the mixed-use building is setback from the property's existing Commercial Street property line by 11-feet, 11-inches and from the special setback or ROW dedication by 7-feet, 9-inches. It is setback from the Bush Street property line by 3-feet, 7-inches to accommodate front steps to unit entries and grade change between the public sidewalk and site.</p> <p>The leasing/management office building is setback from Bush Street by 5-feet which meets the standard of this Chapter but does not meet the street setback for new buildings in the Saginaw Street Overlay District triggering one of the adjustment requests.</p>
<b>Accessory Structures</b>			
All uses	Min. 10 ft.		Proposed accessory structures are limited to a trash enclosure which is sited away from the street off of the alley.
<b>Vehicle Use Areas</b>			
All uses	Per SRC 806		<p>Parking on the eastern portion of the site is provided next to the building adjacent to the mixed-use building and adjacent to Commercial Street. Proposed parking and vehicle use areas are setback from the Commercial Street Special Setback/ROW dedication line by 9-feet, 3-inches. The setback includes a variable elevation change between the public sidewalk and the street, landscaping, and a 30-inch combination wall with a 30-inch decorative metal fence to provide enhanced screening.</p> <p>Additional parking is provided on the Bush Street parcel where it will be setback from the street by 5-feet as allowed by SRC 625.015, and include landscape screening, bike parking and accessible connection from the public sidewalk to the management/leasing office.</p>
<b>Interior Side</b>			
<b>Buildings</b>			



<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>	<b>PROJECT INFORMATION</b>
All uses	Zone-to-zone setback (Table 533-4)	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet <sup>(2)</sup> with a Type C landscape.	Table 533-4 notes that buildings in MU-I have no minimum side yard setback. The proposed mixed-use is more than 60-feet from the MU-I zone to the south.  The management/leasing office on the western property is setback from the neighboring property that is zoned RM-II by approximately 10-feet. It is setback from the southern property line by approximately 80-feet.
<b>Accessory Structures</b>			
All uses	Zone-to-zone setback (Table 533-4)		There are no minimum setbacks for accessory structures in the MU-I zone. The only accessory structure proposed is the trash enclosure that is adjacent to the alley on the Commercial Street parcel.
<b>Vehicle Use Areas</b>			
All uses	Zone-to-zone setback (Table 533-4)		Side yard setbacks for parking are min. 5 ft.. The proposed parking adjacent to neighboring commercial uses and MU-I zoned property is setback 5-feet as required. Parking adjacent to RM-II zone ranges from 7-feet up to 25-feet.
<b>Interior Rear Buildings</b>			
All uses	Zone-to-zone setback (533-4)		The mixed-use building is setback from the neighboring property to the south which is zoned MU-I by approximately 65-feet. The management/leasing office is setback from RM-II zone to the south by approximately 80-feet.
<b>Accessory Structures</b>			
All uses	Zone-to-zone setback (533-4)		As noted previously, the only accessory structure is the trash enclosure which is located behind the mixed-use building adjacent to the alley and approximately 50 feet from the neighboring property to the south.
<b>Vehicle Use Areas</b>			
All uses	Zone-to-zone setback (533-4)		Zone-to-zone setbacks for parking are 5-feet regardless of zone. Parking areas are setback from the southern or rear property lines by 5-feet or more.

(d) Lot coverage; height; building frontage. Buildings and accessory structures within the MU-I zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 533-5.

**Lot Coverage; Height; Building Frontage from Table 533-5**

<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>	<b>PROJECT INFORMATION</b>
<b>Lot Coverage</b>			
<b>Buildings and Accessory Structures</b>			

Requirement	Standard	Limitations & Qualifications		PROJECT INFORMATION
All uses	No. Max.			Building coverage for this project is 6,386 square feet, which is 25.3% of the site.
Rear Yard Coverage				
Buildings				
All uses	NA			N/A
Accessory Structures				
All uses	No Max.			The trash enclosure does not include a roof therefore is not subject to this standard.
Height				
Buildings				
All uses	Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.		The development site is not located in or adjacent to a National Register Residential Historic District.
	Max. 65 ft.	Applicable to buildings on all other lots.		The mixed-use building will be 59-feet, 6-inches. The management/leasing office building is 13-feet, 1-inch.
	Min. 20 ft.	New buildings on all other lots.		The mixed-use building exceeds the minimum by more than 25-feet. The management/leasing office building is constrained by the alley on the east and the neighboring RMHI zone to the west which has minimum zone-to-zone setbacks and height restrictions; therefore, the building has a height of 15-feet. An adjustment to this standard for this building is requested.
Accessory Structures				
All Uses	Max. 45 ft.	Applicable to accessory structures on a lot or lots that are contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.		The trash enclosure is 6-feet, 6-inches tall.
	Max. 65 ft.	Applicable to accessory structures on all other lots.		
Building Frontage				
Buildings				
All uses	Min. 75%	(1)	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%.	The current development site has 120 linear feet of frontage on Commercial Street and 210 linear feet of frontage on Bush Street. Commercial Street includes a Special Setback/ROW dedication which will reduce street frontage, no vehicular access, and less street frontage. Based on these conditions the building is oriented to Bush Street and the south bound one-way traffic on Commercial Street. Building frontage on Bush street is 129-feet, 9-inch or 79% and 44-feet,
		(2)	For corner lots where both streets have the same classification, the applicant may choose on which street in meet the minimum 75% building frontage standard and on which street to meet the minimum 40% building frontage standard.	

Requirement	Standard	Limitations & Qualifications		PROJECT INFORMATION
		(3)	For double frontage lots, this standard must only be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose on which street the building frontage standard shall apply.	4-inch or 40% on Commercial Street. An adjustment to the standard to allow an alternate approach is detailed in Section 4 of this narrative.
<b>Accessory Structures</b>				
All uses	Not applicable	Accessory structures shall be located behind or beside buildings.		The trash enclosure has been sited next to the mixed-use building adjacent to the alley.

(e) *Parking. Required off—street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU\_II zone.*

**PROJECT INFORMATION:** Off street parking is provided next to buildings and is accessed via the public alley allowing the development to close existing driveways on Bush Street as desired by Public Works.

(f) *Landscaping.*

(1) *Setback areas. Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to (SRC)533.051(h), 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.*

**PROJECT INFORMATION:** All setbacks will be landscaped. Vehicle use areas adjacent to Commercial Street will include seating, a 30-inch combination masonry wall topped with a 30-inch decorative metal fence, and enhanced landscaping for a higher level of screening to support a pedestrian oriented design.

(g) *Continued development. Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.*

**PROJECT INFORMATION:** The development site, consisting of 2 parcels separated by a public alley are vacant, therefore there is no existing or continued development.

(h) *Pedestrian-oriented design. Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC 533-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.*

From Table 533-6

Requirement	Standard	Limitations & Qualifications	PROJECT INFORMATION
<b>Ground Floor Height</b>			
This standard applies to building ground floors on primary streets	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.	The mixed-use building has a ground floor height of 14-feet.
<b>Separation of Ground Floor Residential Uses</b>			

Requirement	Standard	Limitations & Qualifications		PROJECT INFORMATION
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.		This development provides vertical and horizontal separation between the public sidewalk and the residential unit.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.		The building entries are separated by steps with a landing/porch that is approximately 3-feet above the public sidewalk.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.		The unit entries adjacent to the street are limited to Bush Street which provides both vertical and horizontal separation to the ROW.
This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front façade and the portion of the side façade 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.	Building façade articulation is provided on all sides of the buildings, including those that are not located on street frontages.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.	Buildings do incorporate vertical and horizontal separation. The ground floor's exterior finish material is primarily masonry with storefront glazing systems along street fronting facades. Upper floors use fiber cement lap siding with an 18-inch-deep eave overhang at the roof line. Additional vertical articulation is provided through stepping recesses, gradient paint color change, and a fin detail in a dark neutral accent color which breaks up building mass.
		(a)	Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:	
			1. Change in materials.	A change in finish materials is provided.
			2. Change in color.	
			3. Molding or other horizontally-articulated transition piece.	Trim and canopies will be a dark neutral color providing a visible line between the ground floor and upper floors.
		(b)	Middle: Middle facades shall provide visual interest by incorporating a	

Requirement	Standard	Limitations & Qualifications		PROJECT INFORMATION	
				minimum of every 50 feet at least one of the following standards:	
			1. Recesses of a minimum depth of two feet.	Building mass is broken up through the use of vertical block elements that are recessed at angles with projecting fin element details.	
			2. Extensions of a minimum depth of two feet.	Recesses have a minimum depth of 2-feet.	
			3. Vertically-oriented windows.	Windows are broken up vertically.	
			4. Pilasters that project away from the building.	The design includes fin elements that act as frames for upper floor blocks, which supports the contemporary design.	
		c)	Top: Building tops shall be defined by at least one of the following standards:		
			1. Cornice that is a minimum eight inches tall and a minimum of three inches beyond the face of the façade.	Building roof overhang is tied into fin detail and has an 18-inch depth and includes a 12-inch tall 'fascia'.	
			2. Change in material from the upper floors, with that material being a minimum of eight inches tall.		
			3. Offsets or breaks in roof elevation that are a minimum of three feet in height.	Building roof line is articulated through the use of a sawtooth style design that provides a 7-foot height differential.	
			4. A roof overhang that is a minimum of eight inches beyond the face of the façade.	As previously noted, roof overhangs have an 18-inch depth.	
		(3)	The repainting of a façade of an existing building is exempt from this standard.	N/A	
Ground Floor Windows					
The standard applies to building ground floors on primary streets.	Min. 65%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.	Ground floor glazing is provided at 76% and will be transparent as required.	
Building Entrances					
This standard applies to building ground floors on primary streets.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each	Building entrances for ground floor live/work units and management/leasing office	

Requirement	Standard	Limitations & Qualifications		PROJECT INFORMATION
			tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.	are all located on Bush Street. An entry for ground floor amenity space, lobby, and secure interior parking is located on the south elevation adjacent to Commercial Street.
		(2)	For residential uses on the ground floor, a primary building entrance for each building façade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.	Ground floor residential unit entries are provided along Bush Street which acts as the primary façade due to site configuration, with 210-feet of frontage and access to parking along Bush Street.
Weather Protection				
This standard applies to building ground floors adjacent to a street.	Min. 75%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building façade for the minimum length required.	Canopies are provided along street facing facades for more than 75% of the length of the mixed-use building's façade. Due to the lower building height of the single-story leasing/management office building the deep roof overhang acts as a canopy or awning providing weather protection, please refer to the Building Elevations, Sheet SP-5 for compliance.
		(2)	Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.	Canopies will meet the minimum clearance requirements.
Parking Location				
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street		Off-street parking areas have been located next to or behind buildings and are accessed from the public alley.
Mechanical and Service Equipment				
This standard applies to mechanical and service equipment.	Required	(1)	Ground level mechanical and service equipment shall be screened with landscaping or a site-	Any ground level mechanical or service equipment will be screened as required, currently none is proposed.



Requirement	Standard	Limitations & Qualifications		PROJECT INFORMATION
			obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.	
		(2)	Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet.	Rooftop mechanical equipment will be screened from view at ground level through the use of a mechanical well.

*Sec. 533.020.-Design review*

*Design review under SRC chapter 225 is not required for development within the MU-I zone. Multifamily development within the MU-I zone is not subject to design review according to the multiple family design review standards set forth in SRC chapter 702.*

**PROJECT INFORMATION:** As noted, this development site is not subject to design review based on the MU-I zoning designation that applies to both properties.

CHAPTER 625 SAGINAW STREET OVERLAY

*625.005 – Saginaw Street Overlay Zone Boundary*

**PROJECT INFORMATION:** The small parcel fronting on Bush Street is 1 of 9 properties located in the Saginaw Street Overlay Zone.

*Sec. 625.010. - Uses.*

*Any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Saginaw Street Overlay Zone.*

**PROJECT INFORMATION:** The proposed leasing/management office building is a permitted use in the MU-I Zone.

*SRC 625.014. – Development Standards*

*(a) Setbacks. Setbacks within the Saginaw Street Overlay Zone shall be provided as set forth in Table 625-1*

*From Table 625-1*

Requirements	Standards	Limitations & Qualifications	PROJECT INFORMATION:
<b>Abutting Street</b>			
<b>Buildings</b>			
All uses	Min. 30 ft.		The single-story leasing/management office building is setback from Bush Street by 5 feet, to meet MU-I standards. An adjustment to this standard is requested.
<b>Accessory Structures</b>			
Accessory to all uses	Min. 30 ft.		There are no accessory structures on this portion of the development site.
<b>Vehicle Use Areas</b>			
All uses	Min. 5 ft.	Applicable abutting Kearney Street SE and Bush Street SE	The development site abuts Bush Street where parking is setback from the street by 5-feet.
	Min. 12 ft.	Applicable abutting all other streets.	
<b>Abutting Alley</b>			
<b>Buildings</b>			

Requirements	Standards	Limitations & Qualifications	PROJECT INFORMATION:
All uses	None		The proposed single-story structure is setback from the alley property line by 34-feet, 6-inches to accommodate alley widening, alley accessed parking spaces and a pedestrian walkway.
Accessory Structures			
Accessory to all uses	None		Not applicable.
Vehicle Use Areas			
All uses	None		Parking will be accessed from the alley.

*SRC 625.015(b) Height. Buildings and accessory structures within the Saginaw Street Overlay Zone shall conform to the height standards set forth in Table 625-2.*

*From Table 625-2*

Requirements	Standards	Limitations & Qualifications	PROJECT INFORMATION
Height			
Buildings			
All uses	Max. 35 ft.		The single-story building has a proposed height of 15-feet.
Accessory Structures			
Accessory to all uses			Not applicable.

*(c) Landscaping. All areas of the lot not developed shall be landscaped. Landscaping shall meet the requirements set forth in SRC chapter 807.*

**PROJECT INFORMATION:** All non-developed areas will be landscaped as required. Please refer to the conceptual Landscape Plan, Sheet SP-3 for landscape areas.

*(d) Screening.*

(1) Nonresidential uses shall be screened along Saginaw Street by a minimum six-foot-high sight-obscuring hedge. The sight-obscuring hedge shall be of a species capable of attaining a height of eight feet within two years after planting. The sight-obscuring hedge shall conform to the vision clearance requirements set forth in SRC chapter 805.

(2) Nonresidential uses shall be screened from abutting residentially zoned lots, and residential uses on abutting lots, by a minimum six-foot-high sight-obscuring hedge. The sight-obscuring hedge shall be of a species capable of attaining a height of eight feet within two years after planting.

**PROJECT INFORMATION:** A sight-obscuring hedge is proposed along Bush Street, except where the steps and landing for the entry door are located. The same type of hedge is proposed along property lines where the site is adjacent to residential zoning.

*e) Access.*

(1) Access may be provided directly from an alley.

(2) No driveway serving a nonresidential use shall be permitted onto Saginaw Street.

(3) No driveway serving a nonresidential use shall be permitted onto Bush Street if alley access to serve the nonresidential use is available.

(4) No driveway approach serving a nonresidential use shall be located within 100 feet of the intersection of Bush Street and Saginaw Street.

(5) No driveway approach serving a nonresidential use shall be located within 100 feet of the intersection of Kearney Street and Saginaw Street.

**PROJECT INFORMATION:** The development proposal does not require a driveway on Bush Street. All vehicular access will be via the public alley that bifurcates the site.

*(f) Trees. Trees with a dbh of ten inches or greater shall be preserved wherever possible.*

**PROJECT INFORMATION:** The parcel located in the Saginaw Street Overlay includes the only trees located on the site, which is just 4. None of these trees are considered Significant; however,



they do have a dbh of greater than 10-inches. Based on the locations of the trees it is not possible to retain them; 3 are on the alley property line and will be removed in order to widen the alley from its current 12-foot width up to a 22-foot width and the 4<sup>th</sup>. The tree will be removed to accommodate green stormwater facilities. Please refer to the conceptual Landscape Plan, Sheet SP-3 which identifies the trees to be removed and provides their descriptions locations in relationship to the development proposal.

#### CHAPTER 800 GENERAL DEVELOPMENT STANDARDS

##### *800.001. - Purpose.*

*The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.*

**PROJECT INFORMATION:** This chapter applies to a limited number of site features: setbacks, special setbacks, fencing, solid waste serve areas, site lighting, and pedestrian access.

##### *SRC 800.035. - Setbacks.*

(a) *Setbacks to be unobstructed.* Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.

(b) *Permitted projections into required setbacks.* Permitted projections into required setbacks are set forth in Table 800-2.

**PROJECT INFORMATION:** It is understood that setbacks shall be unobstructed, unless applicable projects are allowed. The proposed setbacks meet applicable standards, except where deviation through an adjustment is requested. All setbacks will be landscaped as required.

##### *SRC 800.040. - Special setbacks.*

(a) *Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.*

**PROJECT INFORMATION:** A special setback along Commercial Street applies to this site. According to Public Works a special setback or dedication of a half-width ROW of up to 33 feet or 3-feet with a 25-foot radius at the corner of Commercial and Bush Streets is required. The development has been designed to accommodate the Special Setback/ROW dedication.

(b) *Setback distance required; how measured. The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.*

**PROJECT INFORMATION:** As noted above, the setback has been measured as required and is provided as directed by Public Works.

(c) *Relationship to other required setbacks. The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.*

**PROJECT INFORMATION:** It is understood that special setbacks are “in addition” to other applicable setback requirements.

(d) *Permitted structures and paving within special setbacks. The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:*

- (1) Transit stop shelters.
- (2) Signs and their supporting members.
- (3) Fences.
- (4) Off-street parking, other than minimum required off-street parking, provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.

**PROJECT INFORMATION:** Standard noted.

*SRC 800.050. - Fences, walls, hedges, gates, and retaining walls.*

*(a) Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.*

*(1) Fences and walls.*

*(A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:*

*(B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:*

*(i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.*

**PROJECT INFORMATION:** Fencing is proposed along the Commercial Street frontage, between the parking and property line as a means of providing enhanced screening of off-street parking to promote a pedestrian oriented design. The anticipated design includes a 30-inch combination masonry wall topped by a 30-inch decorative metal fence. The overall proposed height will be 5-feet, it will be more than 25% opaque, and will be less than 10-feet from the Special Setback/ROW dedication triggering the need for an adjustment. We believe the proposed design is better suited to the project based on its location and proximity to Commercial Street. Please refer to Section 4 of this document for the detailed adjustment request.

*(b) Vision clearance. Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.*

**PROJECT INFORMATION:** The subject fence is not located within a vision clearance area.

*(c) Material.*

*(1) Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.*

*(2) Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.*

**PROJECT INFORMATION:** The proposed combination masonry wall/decorative metal fence will utilize allowed materials.

- (d) *Hazardous materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:*

**PROJECT INFORMATION:** The fence will not be constructed of any material that is considered hazardous.

- (e) *Maintenance. Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.*

**PROJECT INFORMATION:** Fencing and masonry walls will be maintained as required.

*Sec. 800.055. - Solid waste service areas.*

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

- (a) *Applicability. Solid waste service area design standards shall apply to:*

- (1) *All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and*
- (2) *Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.*

**PROJECT INFORMATION:** This development includes provisions for a new trash enclosure.

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

- (1) *Pad area. In determining the total concrete pad area for any solid waste service area:*

- (A) *The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and*
- (B) *The pad area shall extend a minimum three 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.*

- (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 five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.*

- (3) *Vertical clearance.*

- (A) *Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.*

- (B) *Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:*

- (i) *For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or*
- (ii) *Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).*

**PROJECT INFORMATION:** The trash enclosure will meet the standards as required. Please refer to Detail 1, found on the Site Details plan, Sheet SP-2 for confirmation of conformance with the above items.

*(c) Permanent drop box and compactor placement standards.*

**PROJECT INFORMATION:** A permanent drop box or compactor are not planned therefore these standards do not apply.

*(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.*

**PROJECT INFORMATION:** The enclosure will have a 6-foot height and is designed to be constructed of CMU with chain link gates that include vinyl slats to be sight obscuring. The trash enclosure is located on the east side of the alley behind the mixed-use building away from public streets and residential zones.

*(e) Solid waste service area enclosure standards. When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.*

- (1) Front opening of enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.*
- (2) Measures to prevent damage to enclosure.*
  - (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.*
  - (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.*
  - (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:*
    - (i) A minimum distance of two feet from the sides of the container or receptacles; and*
    - (ii) A minimum of three feet from the rear of the container or receptacles.*
- (3) Enclosure gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.*
- (4) Prohibited enclosures. Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:*
  - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or*
  - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.*

**PROJECT INFORMATION:** The free-standing enclosure will have a front opening of 12-feet, chain link gates with vinyl slats, masonry walls and a 6-inch thick concrete slab. The interior will include a 4-inch perimeter curb to prevent damage for containers/receptacles. Enclosure gates will swing a minimum of 120 degrees as required.



(f) *Solid waste service area vehicle access.*

(1) *Vehicle operation area.*

- (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
  - (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
    - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
    - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
    - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
  - (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
  - (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
  - (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.
- (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
  - (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
  - (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

**PROJECT INFORMATION:** The solid waste service area is located adjacent to the public alley where it will be 22-feet wide, have a 12-foot wide clear opening. The enclosure opening will be perpendicular to the alley used for servicing as allowed for enclosures using receptacles of 2-yards or less. There are no overhead obstructions that will interfere with servicing. Based on the proposed location the waste hauler will not be required to back onto a public street. Vehicle operation areas will be paved as required. Required "No Parking" signs will be placed in a prominent location to ensure an unobstructed and safe access for serving.

(g) *Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.*

**PROJECT INFORMATION:** It is our belief that there is no reason to request a variance or adjustment to this section.

*SRC 800.060. - Exterior lighting.*

(a) *Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.*

**PROJECT INFORMATION:** Standard noted. Exterior lighting will be limited to provide adequate lighting for safety purposes. All lighting will be downward directed and shielded to prevent light migration on to neighboring properties or the public ROW.

(b) *Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:*

- (1) Completely shielded from direct view; or*
- (2) No greater than five foot-candles in illumination.*

**PROJECT INFORMATION:** As previously noted, lighting that is installed at a height of 5-feet or higher will be shielded from direct view or have a foot-candle illumination of no more than five.

*SRC 800.065. - Pedestrian access.*

*Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single family, two family, three family, four family, and multiple family uses, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.*

*(a) Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:*

*(1) Connection between building entrances and streets.*

*(A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-11).*

*(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).*

*(C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:*

*(i) The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or*

*(ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.*

*(2) Connection between buildings on the same development site.*

*(A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.*

*(B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:*

*(i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and*

*(ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or*

*(iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.*

*(3) Connection through off-street parking areas.*

*(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.*

- (4) Connection to existing or planned paths and trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:
  - (A) Constructed, and a public access easement or dedication provided; or
  - (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.
- (5) Connection to abutting properties. Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:
  - (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
    - (i) Single family;
    - (ii) Two family;
    - (iii) Group living;
    - (iv) Industrial;
    - (v) Infrastructure and utilities; and
    - (vi) Natural resources.
  - (B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;
  - (C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
  - (D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
  - (E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

**PROJECT INFORMATION:** The development provides pedestrian connections from building entries to both Bush Street and Commercial Street as required. All of these connections are provided within 10-feet of property lines, in most cases connections occur within 5-feet. Connections through off-street parking are not required as these facilities are less than 10,000 square feet. There are no vehicular connections between this site and abutting properties.

- (b) Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.
  - (1) Walkways shall conform to the following:
    - (A) Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.
    - (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
    - (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.
  - (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

**PROJECT INFORMATION:** Walkways will be paved with concrete and are a minimum width of 5-feet. There are no walkways crossing driveways, parking areas or drive aisles. A non-required

walkway located adjacent to the alley is elevated by 4-inches as required. Wheel stops are provided to prevent encroachment into the pedestrian path where applicable.

(c) *Lighting.* The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

**PROJECT INFORMATION:** Pedestrian pathways will be lighted as required.

(d) *Applicability of standards to development sites comprised of lots under separate ownership.*

**PROJECT INFORMATION:** Standard noted, the development site is not under separate ownership.

## CHAPTER 802 PUBLIC IMPROVEMENTS

*Sec. 802.010.- Design standards and specifications.*

*The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.*

**PROJECT INFORMATION:** Improvements in the public ROW will occur along the street frontages and are limited to repairs related to utility connections, replacement of non-conforming sidewalks, removal of un-used driveways on Bush Street and paving improvements within the alley. This work will be designed to meet applicable standards or match existing sidewalk locations on Commercial Street as needed.

*Sec. 802.015.- Development to be served by city utilities.*

*Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.*

**PROJECT INFORMATION:** The development site is served by city utilities. A 10-inch water main is located in Commercial Street and a 6-inch water main is located in Bush Street. An 8-inch sewer main is located in the alley abutting the subject properties. There is also an 8-inch storm main located in Commercial Street at the intersection with Bush Street.

*Sec. 802.020.- Easements.*

*Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.*

**PROJECT INFORMATION:** The applicant is aware that easements for city utilities will be required.

*Sec. 802.025.- Utilities to be placed underground.*

(a) *Except as otherwise provided in this section, all utility service shall be provided by underground facilities.*

(b) *In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.*

(c) *Stormwater management shall be provided by above ground and below ground facilities.*



**PROJECT INFORMATION:** Power will be provided to the proposed development via existing overhead wires. Stormwater facilities are proposed on the Bush Street parcel behind the proposed leasing/management office adjacent to parking.

CHAPTER 803.- STREETS AND RIGHT-OF-WAY IMPROVEMENTS

*Sec. 803.010.- Streets, generally.*

*Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade structural sections and monumentation, that conforms to the Public Works Design Standards.*

**PROJECT INFORMATION:** The applicant is aware that ROW along Commercial Street does not meet current standards; as a result the development is designed to accommodate the Special Setback/ROW dedication as required; no street paving or curb improvements will be required. The Special Setback/ROW dedication requirements along Commercial Street include a 25-foot radius at the corner. Sidewalk replacement is designed in the same location to match existing conditions across Bush Street and on Commercial Street so it aligns with the street crossing at the corner and the public sidewalk adjacent to the site to the south.

*Sec. 803.015.- Traffic impact analysis.*

*(a) Purpose. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.*

*(b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:*

- (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.*
- (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is concern.*
- (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.*

**PROJECT INFORMATION:** A Trip Generation Estimate form has been completed and is submitted as part of the application package. The Applicant is aware that the Director may require a traffic impact analysis in some form if the Trip Generation Estimate determines additional information is needed.

*Sec. 803.020.- Public and private streets.*

*(a) Public streets. Except as provided in subsection (b) of this section, all streets shall be public streets.*

*(b) Private streets.*

**PROJECT INFORMATION:** There are no private streets proposed with this project; therefore, this standard does not apply.

*Sec. 803.025.- Right-of-way and pavement widths.*

*(a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.*

*From Table 803-1. Right-of-Way Width*

<i>Right-of-Way</i>	<i>Width</i>	<b>PROJECT INFORMATION</b>
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Major arterial	Min. 96 ft.	Commercial Street standard is a 40-foot wide improvement within a 66-foot wide ROW. Existing conditions shows a 40-foot improvement within a 60-foot wide ROW. A Special Setback/ROW dedication of 3-feet adjacent to the Commercial Street property is required. No additional street improvements are required at this time.
Local street	Min. 60 ft.	Existing Bush Street improvements include a 30-foot wide improvement within a 66-foot-wide ROW abutting the site as a result no street improvement is required.
Alley	Min. 10 ft. Max. 20 ft.	The alley is 12-feet wide. Additional paving between the 2 parcels to allow better maneuvering is included in the site improvement design and will meet City requirements.

(b) Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.

From Table 803-1. Pavement Width

Right-of-Way	Width	PROJECT INFORMATION
Major arterial	Min. 68 ft.	As noted above, no additional street improvements are required at this time.
Local Street	Min. 30 ft.	No additional improvements on Bush Street are required as existing pavement width meets current 40-foot improvement standard.
Alley	10 to 20 ft.	The alley is 12-feet wide, which is within the dimensional width requirements.

(c) Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays and other physical constraints.

**PROJECT INFORMATION:** Standard noted, ROW dedication and easements will be provided where required.

(d) Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.

**PROJECT INFORMATION:** Public Works has not requested any additional public improvements at the intersections in the area.

(e) When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.

**PROJECT INFORMATION:** This proposal does not include a subdivision.

Sec. 803.030.- Street spacing.

**PROJECT INFORMATION:** The development site is located on existing streets; therefore, this section does not apply.

Sec. 803.035.-Street standards.

All public and private streets shall be improved as follows:

(a) Connectivity...

**PROJECT INFORMATION:** As noted previously, the development is located on existing streets.

(b) Improvements. All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.

**PROJECT INFORMATION:** As previously noted any public improvements, which are limited, will meet Public Works Design Standards as required.

(c) *Alignment and grade.* All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.

**PROJECT INFORMATION:** Standard is understood.

(d) *Dead-end streets.*

**PROJECT INFORMATION:** There are no dead-end streets that apply.

(e) *Reserve blocks.*

**PROJECT INFORMATION:** This standard does not apply.

(f) *Cul-de-sacs.*

**PROJECT INFORMATION:** The site is not located on a cul-de-sac street.

(g) *Intersections; property line radius.*

(1) *Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.*

(2) *The property line radius at intersections shall be not less than the curbline radius as set forth in the Public Works Standards.*

**PROJECT INFORMATION:** The development site is located at the southwest corner of Bush Street and Commercial. The development site will meet the property line 25-foot radius at this intersection as determined by Public Works through a Special Setback or ROW dedication.

(h) *Cut and fill slopes.* Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that slope will remain stable under foreseeable conditions.

**PROJECT INFORMATION:** The standard is understood. The project's consulting civil engineer, Westech Engineering, will design the site improvements to meet applicable standards as required. Please refer to Westech's plans included with the application materials for details related to design and compliance with applicable standards.

(i) *Slope easements.* Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.

**PROJECT INFORMATION:** This standard does not apply.

(j) *Street alignment.* Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.

**PROJECT INFORMATION:** There are no new streets included in this proposal therefore this standard is not applicable.

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

**PROJECT INFORMATION:** Street trees will be provided within or adjacent to the public ROW as required.

*(l) Sidewalks.*

*(1) Sidewalk construction required. Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 8 shall be constructed as part of street improvement projects.*

*(2) Sidewalk location; width.*

*(A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.*

*(B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.*

*(C) Except as otherwise provided in this subsection, all sidewalks shall be minimum of five feet width.*

*(D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.*

*(E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.*

**PROJECT INFORMATION:** The development site is bordered by public sidewalks. Currently sidewalk repair or replacement is anticipated. Sidewalks will align with existing sidewalk locations due to match existing conditions in the area.

*(m) Bicycle facility standards. Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.*

**PROJECT INFORMATION:** Public Works has not identified that this proposed development will be required to provide bicycle facility improvements.

*(n) Utility easements. Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.*

**PROJECT INFORMATION:** There are existing PUE's within the public ROW that abut the development site.

*(o) Street lights. All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.*

**PROJECT INFORMATION:** There are no new streets and existing streets include street lights, therefore no new street lights are anticipated with this development.

*(p) Landscape strips. Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.*

**PROJECT INFORMATION:** The existing street ROW includes landscape strips.

*(q) Landscaping. Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.*



**PROJECT INFORMATION:** Landscape strips within the public ROW will be planted with approved plant material at the time the development site is landscaped. The landscape strip will be maintained as required.

(r) *Transit facilities. Transit stops conforming to the applicable standards of the Salem Area Mass Transit District shall be constructed and right-of-way dedication, when necessary to accommodate the transit stop, shall be provided when a transit stop is identified as being needed by the Transit District in connection with a proposed development. Where a transit stop is required, on-street parking shall be restricted in the area of the stop as defined by the Transit District in order to ensure unobstructed access by transit.*

**PROJECT INFORMATION:** There are no transit facilities located adjacent to the development site.

(s) *Urban growth area street improvements. Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.*

**PROJECT INFORMATION:** This development proposal is not part of a subdivision or partition and is located adjacent to existing streets.

*Sec. 803.040.- Boundary streets.*

(a) *General. Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:*

- (1) Subdivisions;*
- (2) Partitions;*
- (3) Planned unit developments;*
- (4) Manufactured dwelling parks; and*
- (5) The construction or enlargement of any building or structure located on property abutting a boundary street and the requires a building permit under SRC chapter 56.*

**PROJECT INFORMATION:** As noted previously, the development site is located on existing streets and the proposal will include a Special Setback/ROW dedication along Commercial Street and its corner with Bush Street, to allow for adequate ROW widths in the future where they currently are non-conforming.

(b) *Three-quarter street improvement. If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.*

**PROJECT INFORMATION:** City of Salem Public Works has indicated that required street improvements are limited to a Special Setback/ROW dedication on Commercial Street and replacement of any non-conforming sidewalks located along street fronting property lines.

(c) *Additional right-of-way and improvements. Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:*

- (1) An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.*
- (2) Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.*
- (3) Additional area is required for stormwater facilities located within the right-of-way.*

**PROJECT INFORMATION:** As noted previously, the development will provide required Special Setbacks/ROW dedication as indicated by Public Works. Current design is based on pre-

application report provided by Glenn Davis, City of Salem Public Works, dated December 22, 2020 and recent Public Works correspondence.

*(d) Exception. Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:*

**PROJECT INFORMATION:** This development site is not eligible for exceptions noted in SRC 803.040(d) (1) through (6).

*(e) Improvement.*

*(1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.*

*(2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.*

*(3) If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:*

**PROJECT INFORMATION:** All public improvements will meet Public Works Design Standards as required. As previously noted a Special Setback/ROW dedication along Commercial Street is being provided to allow for future street widening. The development site will be developed fully therefore a boundary street improvement is not required.

*Sec. 803.045.- Monuments.*

*Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.*

**PROJECT INFORMATION:** Should monuments be requested, they will be constructed as required.

*Sec. 803.050.- Public accessways.*

*(a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.*

*(b) Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.*

**PROJECT INFORMATION:** The development site is not located on a cul-de-sac street, no public accessway is necessitated by the subject development.

*Sec. 803.055.- Traffic control, parking regulation, and street signs and pavement markings.*

*The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards, and shall be installed at the developer's expense.*

**PROJECT INFORMATION:** As previously noted, this development proposal is not a subdivision or partition, nor is it part of a new subdivision. Any required traffic control, parking regulation, street signs and pavement markings will be provided where needed.

*Sec. 803.060.- Conveyance by dedication.*

*All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.*

**PROJECT INFORMATION:** This standard is not applicable.

*Sec. 803.065.- Alternative street standards.*

**PROJECT INFORMATION:** We are not aware of the need for alternative street standards, therefore this section does not appear to apply to this development proposal.

*Sec. 803.070.- Deferral of construction of certain improvements.*

**PROJECT INFORMATION:** The developer is not seeking to defer improvements which are limited.

#### CHAPTER 805.- VISION CLEARANCE

##### Sec. 805.005.- Vision clearance areas.

*Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.*

*(a) Street intersections. Vision clearance areas at street intersections shall comply with the following:*

*(1) Uncontrolled intersections. At uncontrolled intersections, the .....*

*(2) Controlled intersections. At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street*

*(3) One-way streets. Notwithstanding.....*

**PROJECT INFORMATION:** The development site located at the southwest corner of Commercial Street and Bush Street is a controlled intersection. There is no vision clearance area required at this corner based on the one-way southbound flow of traffic on Commercial Street.

*(b) Intersections with driveways, flag lot accessways, and alleys. Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:*

*(1) Driveways.*

*(2) Flag lot accessways.*

*(3) Alleys. Alleys shall have a vision clearance area on each side of the alley. The vision clearance area shall have ten-foot legs along the alley and ten-foot legs along the intersecting street (see Figure 805.8).*

**PROJECT INFORMATION:** The alley that divides the development site does require adequate vision clearance. Based on the current layout the 10-foot by 10-foot vision clearance area is met.

*Sec. 805.010.-Obstructions to vision prohibited.*

*Except as otherwise provided in this section, vision clearance areas shall be kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no curb, the height shall be measured from the street shoulder. As used in this section, temporary or permanent obstruction includes any obstruction located in the right-of-way adjacent to the vision clearance area.*

*(a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:*

*(1) A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.*

*(2) Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.*

*(3) On-street parking.*

**PROJECT INFORMATION:** Vision clearance areas will be maintained and kept free of non-allowed obstructions.

(b) *Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:*

*(1) The planting area is sufficient to support the tree when mature.*

*(2) The tree will not interfere with overhead utilities.*

*(3) The tree is a species that can be trimmed/pruned to provide necessary visibility.*

(c) *Nothing in this chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this chapter and another chapter of the UDC, the standards in this chapter shall control.*

**PROJECT INFORMATION:** Proposed street trees will meet the applicable standards and will be selected from the approved street tree lists.

*Sec. 805.015.- Alternative standards.*

*Alternative vision clearance standards that satisfy the purpose of this chapter, and that are consistent with recognized traffic engineering standards, may be approved where a vision clearance area conforming to the standards of this chapter cannot be provided because of the physical characteristics of the property or street, including, but not limited to, grade embankments, walls, buildings, structures, or irregular lot shape, or where the property has historic neighborhood characteristics, including, but not limited to, established plantings or mature trees, or buildings or structures constructed before 1950. Alternative vision clearance standards shall be approved through a Class 2 Adjustment under SRC chapter 250.*

**PROJECT INFORMATION:** Alternative standards for vision clearance areas are not necessary for this development proposal.

#### CHAPTER 806.- OFF-STREET PARKING, LOADING, AND DRIVEWAYS

*Sec. 806.005.-Off-street parking; when required.*

(d) *Applicability to mixed uses in the MU-I, MU-II, MU-III, and MU-R zones. Off-street parking shall not be required for any uses in MU-I, MU-II, MU-III, and MU-R zones, provided the property is located within one quarter-mile of the Core Network and is developed with multiple family. The one quarter-mile distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.*

**PROJECT INFORMATION:** The subject property is located in the MU-I zone and the Core Network. The development proposal is for a mixed-use building that includes 45 residential units (4 live/work units and 41 conventional residential units) and a management/leasing office building. The proposed site layout includes 37 off-street parking spaces.

*Sec. 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 is serves or in the following locations:*

(g) *Mixed Use-I (MU-I) and Mixed Use-II (MU-II). Within the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.*

**PROJECT INFORMATION:** All off-street parking is provided on the development site.

*806.015.- Amount off-street parking.*

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

*From Table 806-1. Minimum Off-Street Parking*



Use	Minimum Number of Spaces Required <sup>(1)</sup>	Limitations & Qualifications	PROJECT INFORMATION
Multiple family <sup>(2)</sup>	None	Applicable to cottage clusters.	The proposed project includes 37 off-street parking spaces to provide vehicle parking for the 45 residential units, 4 of which are live work units located on the ground floor and a single story 600 square foot management/leasing office building.
	None	Applicable to multiple family located within the CSDP area or one quarter-mile or the Core Network. <sup>(3)</sup>	
	1 per 4 dwelling units	Applicable to the following multiple family activities: <ul style="list-style-type: none"> <li>▪ Low income elderly housing.</li> <li>▪ Housing for people with intellectual and developmental disabilities, as defined under OAR 411-320.</li> </ul>	
	1 per dwelling unit	Applicable to all other multiple family.	
Office	1 per 350 sq. ft.		
<sup>(1)</sup> Unless otherwise provided, when required off-street parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area. <sup>(2)</sup> The minimum number of spaces per dwelling unit may be reduced by 25 percent for dwelling units that are affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the development is built or for the state, whichever income is greater. <sup>(3)</sup> The distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.			

(b) Compact parking. Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.

**PROJECT INFORMATION:** Of the 37 off-street parking spaces, 27 are compact which is 75% of the total provided.

(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 five percent of the total off-street parking spaces for carpool or vanpool parking.

**PROJECT INFORMATION:** The development proposal does not require 60 or more off-street parking spaces.

(d) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.

**PROJECT INFORMATION:** There is no minimum requirement for the residential units due to the sites underlying zoning designation, and its proximity to the Core Network. Conventional multi-family not constructed within mixed-use zones that are in or within a quarter-mile of the Core Network requires 1 space per dwelling unit, which would necessitate a minimum of 45 spaces just for the residential uses. Parking for this project is provided based on the anticipated needs of the development which includes both limited commercial uses and 45 multi-family units.

Sec. 806.020.- Method of providing off-street parking.

(a) General. Off-street parking shall be provided through one or more of the following methods:

- (1) Ownership. Ownership in fee by the owner of the property served by the parking;
- (2) Easement.
- (3) Lease Agreement.
- (4) Lease or rental agreement in parking structure.

(5) Joint parking agreement.

**PROJECT INFORMATION:** The off-street parking will be ownership in fee.

*Sec. 806.025.- Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities.*

**PROJECT INFORMATION:** The project is for mixed-use, including multi-family therefore this section does not apply.

*Sec. 806.030.- Driveway development standards for single family, two family, three family, and four family uses or activities shall be developed and maintained as provide in this section*

**PROJECT INFORMATION:** As noted previously, this project is mixed-use, this section does not apply.

*Sec. 806.035.-Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.*

*Unless otherwise provided under the UDC, off-street parking a vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.*

*(a) General applicability. The off-street parking and vehicle use are development standards set forth in this section shall 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 additional paved surface is added;*
- (4) The paving of an unpaved area.*

**PROJECT INFORMATION:** This section is applicable as the proposal includes new off-street parking and vehicle use areas.

*(b) Location.*

- (1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.*
- (2) Carpool and vanpool parking. Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.*
- (3) Underground parking. Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.*

**PROJECT INFORMATION:** Off-street parking is provided within the development site and is not located within required setbacks.

*(c) Perimeter setbacks and landscaping.*

- (1) Perimeter setbacks and landscaping, generally.*
  - (A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, 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. Perimeter setbacks are not required for:*
    - (i) Off-street parking and vehicle use areas abutting an alley.*
    - (ii) Vehicle storage areas within the IG zone.*
    - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.*

- (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
- (v) Underground parking.
- (B) Perimeter landscaping. Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.
- (2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one of the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.
- (D) Method D. The off-street parking and vehicle area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.
- (3) Perimeter Setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
- (4) Setback adjacent to buildings and structures. Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.
- (5) Perimeter setbacks and landscaping for parking garages.

**PROJECT INFORMATION:** Provided setbacks will be landscaped as required. Vehicle use areas adjacent to the Commercial Street property line will include a 30-inch combination masonry wall with a 30-inch decorative metal fence. Perimeter setbacks between property lines not abutting streets are a minimum of 5-feet wide, these will be landscaped with a Type A landscape as required. The parking areas are separated from the proposed building by a 5-foot wide pedestrian walkway and landscape beds. Please see the preliminary Landscape Plan, sheet SP-3, for proposed landscaping of all setbacks.

**(d) Interior landscaping.**

- (1) Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
- (2) Minimum percentage of interior landscaping required. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

**From Table 806-5. Interior Off-Street Parking Area Landscaping**

Total Interior Area of Off-Street Parking Area	Percentage Required to be Landscaped
Less than 50,000 sq. ft.	Min. 5%
50,000 sq. ft. and greater	Min. 8%

**PROJECT INFORMATION:** The entire development site, which includes two separate parcels, is only 25,200 square feet, with parking and maneuvering areas at approximately 9,218 square feet requiring a minimum of 5% interior landscaping. The project provides 557 square feet which is 6% interior landscaping.

- (3) *Trees. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.*

**PROJECT INFORMATION:** With 37 parking spaces proposed, 3 deciduous shade trees are required within the parking area landscape; the preliminary Landscape Plan, indicates that there are 20 deciduous shade trees proposed in the parking areas exceeding the minimum standard.

- (4) *Landscape islands and planter bays. Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).*

**PROJECT INFORMATION:** Planter bays are a minimum of 85 square feet with a minimum width of 5 feet as required.

- (e) *Off-street parking area dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:*

- (1) *Vehicle storage areas.*  
(2) *Vehicle display areas.*

*From Table 806-3. Minimum Off-Street Parking Dimensions*

Parking Angle	Type of Space	Stall Width	Stall to Curb	Aisle Width
90°	Compact	8'0"	15.0	22.0
90°	Compact	8'6"	15.0	22.0
90°	Standard	9'0"	19.0	24.0
90°	Standard	9'6"	19.0	24.0
90°	Standard	10'0"	19.0	24.0

**PROJECT INFORMATION:** Standard parking spaces are designed to be 9-feet wide and 17-feet, 6-inches deep with an 18-inch overhang to accommodate the 19-foot depth requirement. Compact spaces are 8.6-feet wide and 17-feet deep. The drive aisle is 24-feet wide.

- (f) *Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:*

- (1) *Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and*  
(2) *Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.*

**PROJECT INFORMATION:** The off-street parking area located on the east side of the alley does terminate at a dead-end. The design of the parking lot provides a turnaround for maneuvering.

- (g) *Grade. Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.*

**PROJECT INFORMATION:** Off-street parking and vehicle use areas will not exceed maximum grade requirement of 10% and ramps will not exceed a maximum grade of 15%. Please refer to the preliminary Grading and Drainage Plan, Sheet C2.0, included in the submittal materials for detailed grading plan.

- (h) *Surfacing. Off-street parking and vehicle use areas shall be paved with hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area counts towards meeting interior off-street parking area*



landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

- (1) Vehicle storage areas within the IG zone.
- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

**PROJECT INFORMATION:** Off-street parking and vehicle use areas will be paved as required. The preliminary Surfacing Plan, Sheet C4.0, provides details related to surfacing. Parking spaces are dimensioned as to accommodate required setbacks and perimeter landscape requirements.

- (i) *Drainage. Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.*

**PROJECT INFORMATION:** Off-street parking and vehicle use areas are designed to meet the grading and drainage requirements found in the Public Works Design Standards. Please refer to the preliminary Grading and Drainage Plan as well as Civil Notes and Details for design details.

- (j) *Bumper guards or wheel barriers. Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:*
  - (1) Vehicle storage areas.
  - (2) Vehicle sales display areas.

**PROJECT INFORMATION:** Bumper guards or wheel stops will be provided where necessary to keep vehicles from encroaching into walkways, required setbacks and landscape perimeters.

- (k) *Off-street parking area striping. Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:*
  - (1) Vehicle storage areas.
  - (2) Vehicle sales display areas.
  - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
  - (4) Gravel off-street parking areas, approved through a conditional use permit.

**PROJECT INFORMATION:** Off-street parking areas will be striped as required.

- (l) *Marking and signage.*

- (1) *Off-street parking and vehicle use area circulation. Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.*
- (2) *Compact parking. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.*
- (3) *Carpool and vanpool parking. Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.*

**PROJECT INFORMATION:** Off-street parking and vehicle use areas will be striped and signed as required, including any pavement markings typically required for compact parking and those needed for directional purposes.

- (m) *Lighting. Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.*

**PROJECT INFORMATION:** Parking area lighting will be downward directed and shielded so as to reduce glare and migration of light onto adjacent residentially zoned properties, which are located adjacent to the western portion of the development site.

(n) *Off-street parking area screening.* Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

**PROJECT INFORMATION:** Properties that are residentially zoned/developed are located adjacent to the parcel located on the west side of the site. There is currently solid wood fencing along shared property lines with these properties. Additional screening, including fencing or a hedge, will be provided if required by this standard.

*Sec. 806.040.- Driveway development standards for uses or activities other than single family, two family, three family, or four family.*

*Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.*

(a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.

**PROJECT INFORMATION:** The proposed development includes a single driveway or access to the off-street parking area from the alley. This access point is 24-feet wide allowing 2-way traffic flow in and out of this parking area.

(b) *Location.* Driveways shall not be located within required setbacks except where:

(1) *The driveway provides direct access to the street, alley or abutting property.*

(2) *The driveway is a shared driveway located over the common lot line and providing access to two or more uses.*

**PROJECT INFORMATION:** As noted above, the access to the off-street parking area is provided off of the alley as allowed.

(c) *Setbacks and landscaping.*

(1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:

(A) *The driveway provides direct access to the street, alley, or abutting property.*

(B) *The driveway is a shared driveway located over the common lot line and providing access to two or more uses.*

**PROJECT INFORMATION:** The driveway off the alley provides direct access to the parking area; otherwise, perimeter landscaping and setbacks are provided as required

(d) *Dimensions. Driveways shall conform to the minimum width set forth in Table 806-8.*

*From Table 806-8. Minimum Driveway Width*

Type of Driveway	Width	Inside Radius of Curves & Corners
Two-way driveway	22 ft.	25 ft., measured at curb or pavement edge

**PROJECT INFORMATION:** The proposed alley driveway providing access to parking is 22-feet wide. The existing alley driveway on Bush Street is currently 12-feet wide, this driveway will be removed and replaced, the new driveway width will increase to 22-feet with 25-feet at the curb as allowed. If required, an access agreement/easement will be provided.

(e) *Surfacing. All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.*

**PROJECT INFORMATION:** The proposed alley driveway has been designed to meet Public Works Standards as required. The off-street parking access will be paved with heavy duty asphalt in the same manner as the public alley. Construction details are provided on preliminary plans submitted as part of the application package, specifically Construction Details, Sheet C6.0 and City Details, Sheet C6.1.

(f) *Drainage. Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.*

**PROJECT INFORMATION:** Storm drainage is provided as required. Please refer to the submitted preliminary Grading & Drainage Plan, C2.0 for detailed design.

(g) *No Parking” signs. Driveways shall be posted with one “no parking” sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.*

**PROJECT INFORMATION:** Currently no signage is identified at the project driveway, should “no parking” signs be required along driveway they will be installed accordingly.

*Sec. 806.045.- Bicycle parking; when required.*

(a) *General applicability. Bicycle parking shall be provided as required under this chapter for:*

(1) *Each proposed new use or activity.*

(2) *Any change of use or activity.*

(3) *Any intensification, expansion, or enlargement of a use or activity.*

**PROJECT INFORMATION:** Bicycle parking is required and will be provided.

(b) *Applicability to change of use of existing building...*

**PROJECT INFORMATION:** There are no existing uses on this development site.

(c) *Applicability to nonconforming bicycle parking area.*

**PROJECT INFORMATION:** There is no existing bicycle parking, new bicycle parking will conform to applicable standards.

*Sec. 806.050.- Proximity of bicycle parking to use or activity served.*

*Except as otherwise provided in this chapter, bicycle parking shall be located on the same development site as the use or activity is serves.*

**PROJECT INFORMATION:** Staple type racks along Bush Street and Commercial provide 12 short term bicycle parking spaces within 50 feet of building and unit entries. Long term bicycle parking

is provided through a secure shared bicycle storage room located on the ground floor of the building or through approved hooks located in certain residential units. Please see the preliminary Site Plan & First Floor Plan, Sheet SP-1, for bicycle parking locations and the Site Details Plan, Sheet SP-2 for staple type rack dimensions. There are 4 required spaces located within the public ROW. Public Works will allow this; however, the developer will be required to purchase the staple type racks and deliver them to Public Works for installation and they will become the property of the City of Salem. An adjustment to the standard is included in the consolidated land use application for those spaces located within the ROW.

*Sec. 806.055.- Amount of bicycle parking.*

*(a) Minimum required bicycle parking. Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.*

*From Table 806-9. Bicycle Parking*

Use	Minimum Number of Spaces Required <sup>(1), (2)</sup>	Maximum Percentage of Long-Term Spaces Allowed <sup>(3)</sup>	Limitations & Qualifications	<b>PROJECT INFORMATION</b>
Multiple family	None	N/A	Applicable to cottage clusters.	
	1 space per dwelling unit	100%	Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network <sup>(4)</sup>	There are 45 bicycle spaces provided residential units; 37 long term and 8 short term.
	The greater of 4 spaces or 0.1 spaces per dwelling unit.	100%	Applicable to all other multiple family.	There are 2 staple type racks, 4 spaces, located along Bush Street and within 50 feet of entries they serve, to serve the limited commercial uses.
<i>(1) Unless otherwise provided, when required bicycle parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.</i>				
<i>(2) The minimum bicycle parking spaces required in this table shall be developed as short-term spaces except when the applicant chooses to designate an allowed percentage of those spaces as long-term bicycle parking spaces.</i>				
<i>(3) The maximum percentage of long-term bicycle parking spaces is based only on the minimum required number of bicycle parking spaces, not the actual number of bicycle parking spaces provided.</i>				
<i>(4) the distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.</i>				

*(b) Long-term bicycle parking. Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. (Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).*

**PROJECT INFORMATION:** The Revised Code allows up to 100% of the bicycle parking for project to be long term, currently the development provides 83% as long-term.



*Sec. 806.060.- Bicycle parking development standards.*

*Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.*

*(a) Location.*

*(1) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.*

*(2) Long-term bicycle parking.*

*(A) Generally. Long-term bicycle parking shall be located:*

*(i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or*

*(ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.*

*(B) Long-term bicycle parking for residential uses. Long-term bicycle parking spaces for residential uses shall be located within:*

*(i) A residential dwelling unit;*

*(ii) A lockable garage;*

*(iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;*

*(iv) A lockable bicycle enclosure; or*

*(v) A bicycle locker.*

*(C) Long-term bicycle parking for non-residential uses. Long-term bicycle parking spaces for non-residential uses shall be located within:*

*(i) A restricted access lockable room;*

*(ii) A lockable bicycle enclosure; or*

*(iii) A bicycle locker.*

**PROJECT INFORMATION:** Short term bicycle parking is provided through staple type racks that are located adjacent to public streets and within 50-feet of primary building entries where they are clearly visible. Long-term bicycle parking provided either in the secure bicycle storage room where there are vertical racks that allow a single bicycle to be securely locked or in units utilizing a wall mounted hook.

*(b) Access. All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.*

**PROJECT INFORMATION:** Short-term bicycle racks are located adjacent to public sidewalks that can be accessed barrier free.

*(c) Dimensions. All bicycle parking areas shall meet the following dimension requirements:*

*(1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.*

*(2) Access aisles. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.*

**PROJECT INFORMATION:** Proposed bicycle parking areas do meet the dimensional requirements of Table 806-10. Outdoor racks are a side-by-side type, each space with a minimum width of 1.5-feet, minimum length is 6-feet, with a 4-foot wide access aisle. The vertical racks are standard type, with a minimum width of 2 feet, a minimum length/height of 6 feet, and a 4-foot wide access aisle.

(d) *Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.*

**PROJECT INFORMATION:** Outdoor bike bicycle parking areas will be paved with concrete.

(e) *Bicycle racks. Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:*

(1) *Racks must support the bicycle in a stable position.*

(A) *For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.*

(B) *For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.*

(2) *Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;*

(3) *Racks shall be of a material that resists cutting, rusting, and bending or deformation; and*

(4) *Racks shall be securely anchored.*

(5) *Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.*

**PROJECT INFORMATION:** Staple type horizontal racks will support the bicycle frame in a stable position in 2 places that are separated horizontally by more than six inches. Vertical racks will be wall mounted and allow for the bicycle to be supported in a stable vertical position in 2 places without damage to wheels, frame, or components. Racks will allow for the bicycle frame and at least one wheel to be locked to the rack with a U-shaped shackle lock. Racks will be fabricated of metal that resists cutting, rusting, and bending. Racks will be securely mounted to the pavement or wall. Please see the Site Plan, Sheet SP-1, and Site Details, Sheet SP-2 for bicycle locations and details.

(f) *Bicycle lockers. Where bicycle parking is provided in lockers...*

**PROJECT INFORMATION:** There are no bicycle lockers proposed for this project.

*Sec. 806.065.- Off-street loading areas; when required.*

**PROJECT INFORMATION:** Table 806-11 indicates that multifamily developments of 5-49 units do not require an off-street loading space, nor do business or professional services within buildings less than 5,000 square feet. The development is for 45 residential units and less than 2,000 square feet of potential commercial uses within the mixed-use building and a 600 square foot management/leasing office building therefore no off-street loading space is required.

#### CHAPTER 807.- LANDSCAPING AND SCREENING

*Sec.015.- Landscaping and screening.*

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

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

**PROJECT INFORMATION:** There are no landscaping types referenced in SRC 806 for parking areas. The development at minimum will comply with the Type A standards which is a minimum of 1 plant unit per 20 square feet of landscaped area with no screening requirement.

(b) *Plant materials and corresponding plant unit values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting of*

landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plan units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

**PROJECT INFORMATION:** A landscape plan designed by a licensed landscape architect will be submitted as part of the building or site permitting for this development that will meet or exceed the minimum plan unit values for this proposed project. For reference purposes, a conceptual Landscaping Plan has been provided as part of the application materials, Sheet SP-3.

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

**PROJECT INFORMATION:** The Commercial Street parcel is vacant including any significant plantings or trees. There are 4 trees and some shrubs on the Bush Street parcel. None of the trees are designated as a Heritage or Significant Tree per SRC 808. All 4 trees will be removed to allow for the widening of the public alley and green stormwater treatment facilities. An existing street tree located in the ROW on Bush Street, will also require removal to accommodate the widening of the alley approach. Public Works has asked that a tree removal permit be obtained prior to release of building permits.

(d) *Tree replanting requirements. In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within the required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.*

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

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

**PROJECT INFORMATION:** The development will provide new tree plantings meeting the standards as required. Approximately 37 new trees are proposed for the overall development site and 15 new street trees to be planted in or along the ROW where no street trees exist.

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

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

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

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

**PROJECT INFORMATION:** Screening standards are understood and will be provided as required.

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

**PROJECT INFORMATION:** There are no berms proposed with this project.

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

**PROJECT INFORMATION:** As noted previously, new street trees are proposed along street frontages where none currently exist. There are 5 proposed on Bush Street and 2 proposed for Commercial Street ROWs. Additional trees are proposed adjacent to the Commercial Street ROW.

*807.020.- Landscaping plan and landscaping permit.*

(a) *Landscaping plan. A landscaping plan is required for all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section.*

*Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include...*

**PROJECT INFORMATION:** A conceptual Landscape Plan is provided for reference only. A final landscape plan will be prepared by a licensed landscape architect that will meet applicable standards. It will be submitted for review and approval at the time of building permit submittal.

(b) *Landscaping permit.*

(1) *Applicability. When development subject to the landscaping requirements in this chapter requires site plan review but a building permit is not otherwise required, a landscaping permit as provide in this subsection.*

**PROJECT INFORMATION:** Standard noted and understood. As previously noted, a landscape plan prepared by a licensed landscape architect will be submitted at the time of building permit submission.

*Sec.807.025.-Plant material standards.*

*All plant materials shall be, upon installation, vigorous and well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.*

**PROJECT INFORMATION:** The plant material will meet these standards at installation as required.

*Sec. 807.030.- Tree protection measures during construction.*

*Trees used to meet the landscaping requirements set forth in this chapter shall be protected during construction as provided under SRC chapter 808.*

**PROJECT INFORMATION:** Tree protection will be provided for remaining street trees prior to construction.

*Sec. 807.035.- Installation.*

(a) *Landscaping shall be installed at the time of construction, unless seasonal conditions or temporary site conditions make installation impractical; in which case, an acceptable performance guarantee to ensure installation of the landscaping shall be provided as set forth in SRC 807.050.*

(b) *Landscaping shall be installed in a manner that conforms to the standards of the American Association of Nurserymen, Inc.*



**PROJECT INFORMATION:** Installation requirements are noted, and the project will comply.

*Sec. 807.040.- Irrigation.*

(a) *A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:*

- (1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;*
- (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over two-year time period and how that water will be distributed to the plant material; and*
- (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.*

**PROJECT INFORMATION:** An irrigation plan meeting applicable standards will be prepared and submitted to the City as part of the permit plans.

(b) *Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.*

**PROJECT INFORMATION:** Standard noted. Irrigation plans will be submitted for review and approval at the time of permits.

*Sec. 807.045.- Maintenance.*

(a) *The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat, and orderly appearance.*

(b) *Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.*

**PROJECT INFORMATION:** The maintenance standards are understood.

*Sec. 807.050.- Compliance/performance assurance.*

(a) *Planting and installation of all required landscaping shall be inspected and approved prior to the issuance of a certificate of occupancy; provided, however, a certificate of occupancy may be issued prior to the complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor, as determined by the Planning Administrator, is filed with the City assuring such installation within 12 months after the certificate is issued.*

(b) *A performance guarantee shall consist of a surety bond, cash, certified check, time certificate of deposit, an irrevocable letter of credit, or assignment of savings account in a form approved by the City Attorney and recorded in the added records of the appropriate county.*

(c) *If the installation of the required landscaping is not completed within the specified period, the performance guarantee may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to complete the project.*

**PROJECT INFORMATION:** The applicant understands that the required landscaping will be inspected for compliance prior to certificate of occupancy, that an acceptable form of performance guarantee may be required, and that installation complying with applicable

standards must occur within specified time periods or the City has the right to use the performance guarantee to complete the work as required.

*Sec. 807.055.-Administrative relief.*

*Unless otherwise provided under the UDC, when special circumstances or exceptional site characteristics are applicable to a property, the landscaping requirements of this chapter may be modified through a Class 3 site plan review, pursuant to SRC chapter 220, upon finding that one of the following criteria is met:*

**PROJECT INFORMATION:** The applicant is not aware of a need to pursue administrative relief related to the applicable standards of this chapter.

#### CHAPTER 808.- PRESERVATION OF TREES AND VEGETATION

*Sec. 808.001.- Purpose.*

*The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.*

*Sec. 808.010- Heritage trees.*

**PROJECT INFORMATION:** There are no heritage trees on either parcel, this section does not apply.

*Sec. 808.015. - Significant trees.*

*No person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.*

**PROJECT INFORMATION:** There are no significant trees on the development site.

*Sec. 808.020. - Trees and native vegetation in riparian corridors.*

*No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.*

**PROJECT INFORMATION:** The development site does not include a riparian corridor therefore this standard is not applicable.

*Sec. 808.025. - Trees on lots or parcels 20,000 square feet or greater.*

*No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.*

**PROJECT INFORMATION:** The development proposal seeks to remove 4 trees: 3 planted along the alley which will allow for widening of the alley and adequate vehicle maneuvering; and 1 located internal to the development site where green stormwater treatment facilities are located. None of these trees are heritage trees or significant as defined in SRC 808.055.

*Sec. 808.030. - Tree and vegetation removal permits.*

**PROJECT INFORMATION:** As previously noted, an existing street tree located adjacent to the alley driveway and under the overhead power lines requires removal to allow for replacement of said driveway. A tree removal permit will be obtained prior to construction as part of the permitting process.

*Sec. 808.035. - Tree conservation plans.*

*(a) Applicability. A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.*

**PROJECT INFORMATION:** This proposal is not creating lots or parcels being used for the above noted uses, therefore is not required for this development.

*Sec. 808.040. - Tree conservation plan adjustments.*

**PROJECT INFORMATION:** This section is not applicable.

*Sec. 808.045.- Tree variances.*

**PROJECT INFORMATION:** There are no tree variances necessitated for this development proposal.

*Sec. 808.050. - Tree planting requirements.*

*(a) Within development proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.*

**PROJECT INFORMATION:** There are no new lots being created, nor does the proposal contain any of the above uses.

*(b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.*

**PROJECT INFORMATION:** The development site is made up of 2 parcels, the first parcel is 17,859.6 square feet, with Table 808-1 requires a minimum of (6) trees; and a second parcel that is 7,405 square feet, with Table 808-1 requiring a minimum of (4) new trees under Table 808-1. The proposal is proposing approximately 37 new trees, a combination of small, medium and large; 25 of those trees will be on the larger parcel and 12 on the smaller parcel.

*(c) When a lot includes one or more significant trees that have been designated for preservation under a tree conservation plan, the number of trees required to be replanted on the lot may be reduced by a ratio of two trees for each significant tree preserved on the lot.*

**PROJECT INFORMATION:** The development proposal does not require a tree preservation plan, although existing trees being removed have been identified on the conceptual Landscape Plan, Sheet SP-3.

*Sec. 808.055. - Tree and native vegetation replacement standards within riparian corridors.*

**PROJECT INFORMATION:** The site is not located in or containing a riparian corridor therefore this section does not apply.

*Sec. 808.060.- Tree canopy preservation fund.*

**PROJECT INFORMATION:** This section does not apply.



## CHAPTER 810.- LANDSLIDE HAZARDS

### Sec. 810.001.-Purpose.

*The purpose of this chapter is to implement the Geologic Hazards Policy of the Scenic and Historic Areas, Natural Resources, and Hazards section of the Salem Area Comprehensive Plan and to promote the public health, safety and welfare by:*

- (a) Assessing the risk that proposed uses or activities will adversely affect the stability and slide susceptibility of an area;*
- (b) Establishing standards and requirements for the use and development of land within landslide hazard areas; and*
- (c) Mitigating risk within landslide hazard areas.*

**PROJECT INFORMATION:** The City records show there is a potential category 2 landslide hazard area located on a portion of the development site. The project geotechnical engineer did not identify this development proposal as being a risk, please refer to the Geotechnical Investigation Report, prepared by Redmond Geotechnical Services, included with the application materials.

## CHAPTER 900.- SIGN CODE

**PROJECT INFORMATION:** Project signage has not been designed at this time. The applicant is aware that all exterior signage, excluding those required for directional and parking related purposes, require permits that include reviews and approval for compliance with this Chapter prior to their installation.

## **SECTION 4 – ADJUSTMENT REQUESTS**

As identified in SECTION 1 – REQUEST, and where applicable in SECTION 3 – SITE PLAN REVIEW, the Applicant is requesting approval of six Type 2 adjustments as part of their consolidated land use review. Adjustments are limited to: 1) Allow the building height of the single-story leasing/management office to less than the 20-foot minimum due to its proximity to existing residentially developed properties to the west, SRC 533.015(d); 2) How building frontage is met on corner lots per SRC 533.15(d) to allow the proposed buildings to meet the standard in a different manner, by siting buildings to the Bush Street which has a lower street classification; 3) Minimum ground floor height, allow the single-story leasing/management office to have a ground floor height less than the 14-foot minimum SRC 533.015(h), as this standard is not architecturally compatible to a building with a 15-foot building height; 4) Minimum building setbacks to streets within the Saginaw Street Overlay District SRC 625.015(a), allowing the single-story leasing/management office building to be within 5-feet of the street property line; 5) Allow the proposed 30-inch masonry wall with a 30-inch decorative metal fence within 10-feet of Commercial Street, to be more than 25% opaque above 30-inches, SRC 800.050.(a)(1)(B)(ii); and 6) To allow required bike parking to be located within the ROW where it can accessed from public streets and better serve the development, SRC 806.050.

The purpose of an adjustment process is to allow flexibility so that reasonable development of property may occur where conditions or unusual circumstances exist that preclude proposals from meeting all the applicable standards found in the UDC while still meeting the intended purpose of those standards. The development site utilizes vacant infill properties bisected by a public alley for mixed-use development which is favored in the MU-I Zone. The combined site area is 0.57 acres and currently includes 210 linear feet of frontage on Bush Street and 120 linear feet of street frontage on Commercial Street.

Adjustments are allowed if the applicant is able to meet certain criteria that supports approval of their requested deviations. The following are the applicable criteria provided in *gray italic text* followed by evidence supporting the project's compliance with said criteria in navy text using a **BOLD** header for clearer distinction between the two:

*SRC 250.005(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:**

**MINIMUM BUILDING HEIGHT SRC 533.015(d)**

The applicant requests an adjustment to the 20-foot minimum building height allowing the single-story leasing/management office to have a proposed building height of 15-feet to meet zone-to-zone setbacks and maintain needed on-site parking. We believe the proposed the overall development's design better meets the intent as the primary building exceeds minimum height requirements and the smaller leasing/management building provides a more suitable transition between permitted commercial uses and existing single-family structures. The proposed building height is more consistent with the historic residential neighborhood to the west of the development site minimizing impacts.

**BUILDING FRONTAGE SRC 533.015(d)**

We are seeking an adjustment to building frontage standards for corner lots in the MU-1 Zone, which requires development sites located on corners, to site buildings so that 75% of building fronts onto the street with the highest classification, and with 40% building frontage on the other street. Approving the requested adjustment will allow 75% building frontage be met on Bush Street which has a lower street classification but where both parcels are located and where there is more street frontage; with the 40% building frontage met on Commercial Street.

The goal for development in mixed-use zones is to encourage "pedestrian-oriented development" through diverse projects that provide both commercial and residential uses in "multi-story buildings, and emphasize active commercial uses on ground floors facing major streets." Mixed-use buildings, as defined in SRC 111.001 "means a building that is two or more stories in height and which contains a combination of residential and non-residential use where at least 75 percent of the ground floor area of the building is occupied by non-residential use and residential use is included on the upper floors." These types of development provide transition between conventional commercial areas and residential neighborhoods. As a result, certain standards, such as those related to building frontage, may not be appropriate in all locations, especially for buildings which have limited or no non-residential uses on the ground floor.

As noted the intent of the standard is to site buildings that have ground floors which are primarily non-residential towards major streets; however, in this instance, ground floor uses are primarily residential. Non-residential amenity spaces located on the ground floor of the 4-story building are oriented to the street corner and Commercial Street and where they are consistent with other commercial developments in the area. The proposed design employs sustainable design practices and capitalizes on the site configuration which consists of two properties fronting onto Bush Street, allowing for more residential density, needed on-site parking, and where vehicular access via the alley is also found. Commercial Street in this location has no street parking and is transitioning from 3 southbound through lanes down to 2 adding more vehicle congestion in this location, which is ill-suited and less desirable for residential entries.

We believe the proposal equally or better meets the standard given that the specific standard is general and does not take into consideration specific conditions for each street where development could occur or what the actual building type is.

Consequently, in this location the standard conflicts with the overarching goals of the zoning district or inhibits the ability of providing a better development if followed. These conditions: location, site configuration (this development site is comprised of two parcels that have frontage on Bush Street), access to parking (from alley off of Bush Street), residential uses on the ground floor, elevation differences between the public ROW and the site, high traffic levels, and no on-street parking along Commercial Street influenced the design approach, which provides the highest and best use of the subject properties and meets the intent by orienting non-residential uses to the corner and the street with the highest classification.

#### GROUND FLOOR HEIGHTS SRC 533.015(h)

Minimum ground floor heights are required to be 14-feet in the MU-I Zone. This standard is not met by the single-story leasing/management office building which has a total building height of 15-feet. As noted previously, the lower building height allows the building to meet minimum building setbacks without loss of needed on-site parking. As with the building height adjustment, the proposed building is a better fit on this portion of the site given its proximity to the residential neighborhood to the west and is also more consistent with neighboring single-family structures.

#### SETBACKS SRC 625.015(a)

Adjustments to SRC 533. SRC 625.015(a) for building setbacks to streets for properties located within the Saginaw Street Overlay which asks for new buildings to be setback from the street by a minimum of 30-feet. This request is limited to the building setback for the small leasing/management office which is proposed at 5-feet and is consistent with the proposed mixed-use building not impacted by the overlay. The Saginaw Street Overlay takes in just 9 properties, 8 of which are currently developed as: surface parking lots associated with commercial buildings located outside of the overlay, a residential structure, and a commercial metal building with surface parking. Conflicts between setback standards in the overlay and the underlying MU-I zone, as well as site constraints make it impracticable to comply with the street setback standard of the overlay. Based on the site size, its width, and underlying mixed-use zoning designation the design team has worked to provide a design that is responsive to the residential properties to the west while matching the standard for the MU-I Zone. The single-story 600 square-foot office building will buffer the residential neighbors to the larger mixed-use building and provides a generous setback to parking spaces located off the alley. This design is consistent with the overall zoning standards and provides a more harmonious transition to residential uses to the west.

#### FENCING SRC 800.050(a)(1)(B)(i)

An adjustment to SRC 800.050(a)(1)(B)(ii) which limits fencing located in yards abutting streets to a maximum height of 4-feet when located within 20-feet of the street property line and further limits opacity to 25% for fences or walls over 30-inches when within 10-feet of street property lines. This request will allow a 30-inch combination masonry wall with a 30-inch decorative metal fence atop the wall to be within 20 feet of the street property line with no opacity requirements as it is within 9-feet, 3-inches of the Special Setback/ROW dedication property line. The proposed wall/fence combination will provide a full screen to the vehicle use areas from the sidewalk on Commercial Street. It is our belief that the proposed wall/fence design better meets the intent of pedestrian oriented design by visually separating parking adjacent to pedestrian amenities and the public sidewalk.

#### LOCATION OF REQUIRED BICYCLE PARKING 806.050

SRC 806.050 requires that required bicycle parking be located on the same development site as the use or activity it serves. The development is required to have 49 bicycle parking spaces, 45 for the residential units and 4 for the 600 square foot leasing/management office and the live/work units. There are 37 long term spaces located within the building, with 12 located outside either on-site adjacent to builds or within the public ROW. The request is to be allowed to utilize public ROW to locate 3 staple type bike racks. The City of Salem Public Works Department allows this by requiring the owner to purchase approved bike racks and deliver them to Public Works for their installation. By locating some of the bicycle parking within the ROW it better serves the development by placing it where it is visible and easily accessed from the public ROW and where it is in close proximity to the uses it is intended to serve.

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

**RESPONSE:** The development site is not located within a residential zone. The current design keeps the larger, high-density development on the eastern parcel providing greater setback to existing residential uses to the west of the development site. The scale of the single-story 600 square-foot office proposed on the smaller western parcel is more compatible to the residential homes to the west so the transition between development types and zoning districts is also better.

*(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 proposal does include 6 adjustment requests, which is the minimum needed to allow the development as proposed. The cumulative effect of these adjustments is consistent with the overall purpose of the zone and of the Saginaw Street Overlay. Reducing the required building height, ground floor height, and minimum setback for buildings in the Saginaw Street Overlay for the single-story leasing/management office will not detract or negatively impact residential properties as the scale of the building is similar to neighboring structures and will be a suitable transition between higher density mixed-uses desired in the MU-I zone and the single-family homes found in the neighboring RM-2 zone. Allowing the primary residential uses to front onto Bush Street is appropriate to residential uses and provides more residential units, while orienting non-residential uses within the building to Commercial as desired by the Code. The proposed 30-inch masonry wall topped with 30-inch decorative metal fence adjacent to Commercial Street should be viewed as a benefit as it provides enhance screening of parking to the pedestrian amenities and the public sidewalk improving the pedestrian experience. Lastly allowing some required bicycle parking to be located in the ROW is consistent with commercial development in the downtown core as well as throughout Salem and is fitting for a mixed-use development in this location.

As previously noted, requested adjustments are the minimum needed. We believe the overall design uses the development site in a more efficient and effective manner, while meeting the intent of the development standards found in SRC Chapters 533, 625, 800, and 806 as well as the other applicable development standards found in the UDC. The development proposes a mixed-use project, on a small infill site that provides a transition between commercial areas to the north and east and the single-family residential neighborhood to the west in a cohesive and complementary manner. As noted previously, this design uses sustainable design practices, incorporates pedestrian oriented design, offers more landscaping, and affords adequate off-street parking. Furthermore, this design was presented to the SCAN Neighborhood Association at its March 8, 2023 meeting and received overwhelming support.

## **SECTION 5 - CONCLUSION**

The applicant and their design team are confident that this proposal for a new mixed-use development on existing infill properties located at southwest corner Bush Street and Commercial Street meets the overarching intent of the Salem Comprehensive Plan and the applicable standards found in the Salem Revised Code. This project is consistent with the Salem Comprehensive Plan, adds needed housing units, including live-work units, on an under-utilized development site. The requested adjustments are the minimum needed and it is our belief that the overall design uses the development site in a more efficient and effective manner.

We appreciate your consideration of the requested Class 3 site plan review and six Class 2 adjustments

Thank you,


Gretchen Stone,  
CBTWO Architects, LLC





# MEMO

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

**FROM:** Laurel Christian, Planner II  
Public Works Department 

**DATE:** July 12, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SPR-ADJ-DAP 23-20 (23-101981)  
1035 COMMERCIAL STREET SE  
NEW 45-UNIT MIXED-USE BUILDING**

## **PROPOSAL**

Class 3 Site Plan Review for the development of 45 residential units, including four work/live units, mixed-use building with dedicated office, storage, trash enclosure, and off-street parking area. The subject property is approximately 0.58 acres in size, zoned MU-I (Mixed Use-I), partially within the Saginaw Street Overlay and located at 1035 Commercial Street SE and 160 Bush Street S 97302 (Marion County Assessor map and tax lot numbers: 073W27CA/9300 and 10400).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Convey land for dedication to equal a half-width right-of-way of 33 feet on the development side of Commercial Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
2. Along Bush Street S, replace nonconforming portions of existing sidewalk along the frontage of the property.
3. Along Commercial Street SE, replace and relocate sidewalks to the proposed property line.
4. Install street trees to the maximum extent feasible along Commercial Street SE and Bush Street S.
5. Obtain a street tree removal permit pursuant to SRC Chapter 86.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

6. Widen the Unnamed Alley approach to Bush Street S to a minimum 22 feet and construct the approach to meet PWDS Standard Drawing 302 for commercial approaches.
7. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **FACTS**

### **Streets**

#### 1. Commercial Street SE

- a. Standard—This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 66-foot-wide right-of-way according to Appendix G of the Salem TSP.
- b. Existing Conditions—This street has an approximate 40-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

#### 2. Bush Street S

- 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 66-foot-wide right-of-way abutting the subject property.

#### 3. Unnamed Alley

- a. Standard—This right-of-way is designated as an alley in the Salem TSP. The standard for this classification is a 10-to-20-foot-wide improvement within a 10-to-20-foot-wide right-of-way.
- b. Existing Conditions—This right-of-way has an approximate 10-foot improvement within a 12-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

#### 1. Existing Conditions

- a. An 8-inch storm main is located in Commercial Street SE.



## Water

### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 10-inch water main is located in Commercial Street SE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- c. A 6-inch water main is located in Bush Street S. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer main is located in the alley south of Bush Street S and abutting the subject property.

## **CRITERIA AND FINDINGS—SITE PLAN REVIEW**

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.

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological

assessment. A Geological Assessment, prepared by Redmond Geotechnical Services and dated December 15, 2020, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

**Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately**

**Finding—**Bush Street S is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements along Bush Street S are required as a condition of the proposed development.

The existing right-of-way width of Commercial Street SE does not meet current standards for its classification of street per the Salem TSP *Appendix G*. The applicant shall convey for dedication a half-width right-of-way up to 33 feet to major arterial street standards (as amended by TSP Appendix G) as specified in the PWDS and based on a rational nexus calculation. Commercial Street SE is also classified within the TSP as part of the on-street bicycle network with potential for enhanced improvements for bicycles. Pursuant to SRC 800.065(a)(4), right-of-way or easement dedication and construction of improvements is required to provide connections to existing or planned paths or trails as identified in the TSP or *Salem Comprehensive Parks System Master Plan*. There are no existing bike improvements abutting the property and the bike improvements will be within the right-of-way of Commercial Street SE; no additional right-of-way dedication or easements are required as part of this application.

**Condition:** Convey land for dedication to equal a half-width right-of-way of 33 feet on the development side of Commercial Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

The existing sidewalk along Bush Street S and Commercial Street SE is nearing its useful life and requires replacement. In addition, sidewalks do not have adequate width according to PWDS. The applicant shall replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a). This shall include relocation of the existing sidewalk to the new property line after right-of-way dedication along Commercial Street SE has been conveyed.

**Condition:** Along Bush Street S, replace nonconforming portions of existing sidewalk along the frontage of the property.

**Condition:** Along Commercial Street SE, replace and relocate sidewalks to the proposed property line.

Movement of the sidewalk to the new property line location will also establish a planter strip with adequate width for street trees (minimum 4 feet per PWDS). Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Street trees shall be provided along Commercial Street SE and Bush Street S.

**Condition:** Install street trees to the maximum extent feasible along Commercial Street SE and Bush Street S.

The applicant proposed removal of a City-owned tree along Bush Street S in order to widen the approach to the alley. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86.

**Condition:** Obtain a street tree removal permit pursuant to SRC Chapter 86.

**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 applicant proposes primary access to the development be provided through the unnamed alley abutting the subject properties. To ensure the safe, orderly, and efficient circulation in and out of the development, as a condition of utilizing the alley for primary access, they applicant shall widen the alley approach to Bush Street S to a minimum 22 feet and shall construct the approach to meet PWDS Standard Plan 302 for commercial approaches. In addition, for the portion of the alley providing circulation for the parking areas, the applicant shall provide a minimum 22-foot drive aisle for compact spaces or a 24-foot drive aisle for standard spaces pursuant to *Table 804-2 and Table 806-6 in the Salem Revised Code* to provide adequate maneuvering space for vehicles. The applicant's site plan shows a 24-foot drive aisle, which is consistent with SRC Table 806-6.

**Condition:** Widen the unnamed alley approach to Bush Street S to a minimum 22 feet and construct the approach to meet PWDS Standard Drawing 302 for commercial approaches.

**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 subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. 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 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 a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with PWDS.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

### **CRITERIA AND FINDINGS—CLASS 2 ADJUSTMENT**

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

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

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

**Finding—**The applicant is requesting a Class 2 Adjustment to allow three staple racks with six required bicycle parking spaces to be placed within the public right-of-way. SRC 806.050 requires bicycle parking spaces to be on the same development site as the activity served; an adjustment is requested to allow required bicycle parking spaces to be in the public right-of-way. By providing the bike racks adjacent to the development site near the entrance of the building, the applicant is equally meeting the development standard. Bike racks may be placed in the right-of-way as long as there are no obstructions to the public sidewalk. Bike racks within the right-of-way shall conform to *City of Salem Public Works Procedure for Bike Rack Installation in the Right-of-way*, which provides a standard detail for a staple style rack. At time of Building Permit Review, Public Works shall verify the location of the bike racks in the right-of-way to ensure they are placed appropriately and do not obstruct public sidewalks.

### **RESPONSE TO COMMENTS**

1. **Sanitary Sewer Service to Adjacent Property:** Comments received from the public indicate there is a private sewer lateral that runs across the subject property (Marion County Tax Lot No. 073W27CA10400) and provides service to 1030 Saginaw Street S (Marion County Tax Lot No. 073W27CA10200). The existing lateral would

be within the boundaries of the proposed stormwater raingarden. Comments expressed concerns for the ability to perform on-going maintenance of the sewer lateral if the raingarden is constructed over the lateral.

**Staff Response:** An as-built survey from Sanitary Sewer Permit 05-132359-SS shows the lateral to be 6 feet from the southern property line of Marion County Tax Lot No. 073W27CA10400. The Public Works Department does not have record of an easement for this lateral; the Public Works Department does not keep records of private utility easements. The existing sanitary sewer cleanout is identified on the current plans and will be preserved with development. The applicants engineer will also be required to show the existing lateral on the final design plans to confirm adequate coverage is provided pursuant to the Oregon Plumbing Specialty Code.

2. **Traffic and Circulation:** Comments received requested widening the unnamed alley between Bush Street S and Owens Street S to provide adequate maneuvering space for vehicles. In addition, it was requested that the City fund improvements in traffic management at the intersection of the alley and Owens Street S.

**Staff Response:** Staff has required the existing public alley to be widened at the entrance to Bush Street S, and along the property frontage where the development is utilizing the alley for access. The unnamed alley south of the property meets minimum improvement widths for alleys according to the Salem TSP and SRC Chapter 803. City staff notes the request for alley and intersection improvements; however, off-site intersection improvements are not warranted with the proposed development, nor is their adequate right-of-way width in the existing alley.

Prepared by: Laurel Christian, Planner II  
cc: File





DAVID FRIDENMAKER, Manager  
 Facility Rental, Planning, Property Services  
 3630 State Street, Bldg. C • Salem, Oregon 97301-5316  
 503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

June 22, 2023

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

RE: Land Use Activity Case No. SPR-ADJ23-20, 1035 Commercial St SE

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
McKinley	Elementary	K thru 5
Leslie	Middle	6 thru 8
South 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
McKinley	Elementary	279	335	83%
Leslie	Middle	718	944	76%
South Salem	High	2,220	2,248	99%

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 2021 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	45	MF	0.164	7
Middle			0.085	4
High			0.096	4

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
McKinley	Elem.	279	0	7	7	335	85%
Leslie	Mid.	718	18	4	22	944	78%
South Salem	High	2,220	146	4	150	2,248	105%

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
McKinley	Elementary	Eligible for School Transportation
Leslie	Middle	Eligible for School Transportation
South 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	7	\$86,190	\$603,330
Middle	4	\$92,235	\$368,940
High	4	\$98,280	\$393,120
TOTAL			\$1,365,390

Table 6

\*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q4 2022”

Sincerely,

*David Fridenmaker*

David Fridenmaker, Manager  
Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation