

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 2 ADJUSTMENT CASE NO.: ADJ23-04

APPLICATION NO.: 23-111143-PLN

NOTICE OF DECISION DATE: July 31, 2023

SUMMARY: A Class 2 Adjustment to allow driveway access for a fourplex onto a local street, Laurel Avenue NE, in addition to alley access provided.

REQUEST: A Class 2 Adjustment to allow driveway access for a fourplex onto a local street, Laurel Avenue NE, in addition to alley access provided, for a property approximately 9,148 square feet in size, zoned RS (Single Family Residential) and located at 2605 Laurel Avenue NE (Marion County Assessors Map and Tax Lot number: 073W14BD / 3100).

APPLICANT: Lenity Architecture Inc

LOCATION: 2605 Laurel Av NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 250.005 (d)(2) – Class 2 Adjustments

FINDINGS: The findings are in the attached Decision dated July 31, 2023.

DECISION: The **Planning Administrator APPROVED** Class 2 Adjustment Case No. ADJ23-04 subject to the following conditions of approval:

- Condition 1:** At the time of building permit, along Laurel Avenue NE and Hickory Street NE, provide streetscape improvements including, street trees, and new property line sidewalks as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 2:** Prior to issuance of building permits, the applicant shall obtain Tree Removal Permit, obtain a Tree Variance or revised plans to remove garages served by the alley.

The rights granted by the attached decision must be exercised, or an extension granted, by August 16, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>June 30, 2023</u>
Notice of Decision Mailing Date:	<u>July 31, 2023</u>
Decision Effective Date:	<u>August 16, 2023</u>
State Mandate Date:	<u>October 28, 2023</u>

Case Manager: Abigail Pedersen, apedersen@cityofsalem.net, 503-540-2309

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, no later than 5:00 p.m. Tuesday, August 15, 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) 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

IN THE MATTER OF APPROVAL OF)	FINDINGS AND ORDER
CLASS 2 ADJUSTMENT)	
CASE NO. ADJ23-04;)	
2605 LAUREL AVENUE NE)	July 31, 2023

In the matter of the application for a Class 2 Adjustment submitted by Lenity Architecture, on behalf of the owner, Francisco Villalobos, 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: An adjustment to allow driveway access for a fourplex onto a local street Laurel Avenue NE, in addition to alley access provided.

Request: A Class 2 Adjustment to allow driveway access for a fourplex onto a local street, Laurel Avenue NE, in addition to alley access provided, for a property approximately 9,148 square feet in size, zoned RS (Single Family Residential) and located at 2605 Laurel Avenue NE (Marion County Assessors Map and Tax Lot number: 073W14BD / 3100).

FINDINGS

1. Site Analysis

The subject property is approximately 9,148 square feet, in the RS (Single Family Residential) zone and located at 2605 Laurel Avenue NE (Marion County Assessor Map and Tax Lot number: 073W14BD / 3100). A vicinity map identifying the location of the subject property is included as **Attachment A**.

2. Background

On May 25th, 2023, a Class 2 Adjustment application was filed for the subject property. The application was deemed complete for processing on June 30th, 2023. The 120-day State mandated deadline is October 28, 2023.

The applicant's proposed development plans are included as **Attachment B**, and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

3. Summary of Record

The following items are submitted to the record and are available upon request: all materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City Departments, Neighborhood Associations, and the public; and all documents referenced in this report.

4. Adjustment Proposal

The applicant has requested to build a four plex on the subject property with four driveways. Two driveways would have access onto a local street, where only alley access is allowed.

5. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Highland Neighborhood Association.

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 land use application request do not require neighborhood association contact.

Neighborhood Association Comment

Notice of the application was provided to the Highland Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Public Comment

Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. The subject property was posted pursuant to SRC 300.620(b)(3).

As of the date of completion of this staff report, staff received comments from two individuals. Two had comments which are addressed below.

Opposition to a fourplex:

Two comments oppose the building of fourplex.

Staff Response: The single-family zoned property meets the minimum size of 7,000 square feet for a four-plex. The size and layout are consistent with the development pattern of properties in the area. There are multi-family properties, and four-plex properties located to the south and duplexes to the north. There is no approval criterion or development standard which prohibits a four-plex.

Parking:

One comment opposed the development because it would cause additional on-street parking.

Staff Response: The proposed adjustment to allow access to a local street allows the four-plex to provide off-street parking, which otherwise wouldn't be allowed. The proposed four-plex does not require minimum off-street parking. The applicant is proposing four parking spaces within garages and providing driveways leading to each garage.

Train safety: Two comments opposed the development because concerns regarding multiple families living near the train tracks at the intersection of Hickory St NE and Laurel Ave NE.

Staff Response: Development of fourplexes is permitted within this zone. Many dwellings are adjacent to train tracks. City Staff has no reason to believe that a fourplex provides an elevated

safety risk compared to a single-family dwelling on the same lot. There are no approval criteria development standard related to train safety.

Traffic: One comment opposed the development because it would cause additional traffic.

Staff Response: City Traffic Engineers have found no adverse traffic impacts from a four-family use on the site. The existing street system is adequate to serve the proposed development, and the City Traffic Engineer has determined that additional right of way or street improvements are not required.

Homeowners Association

The subject property is not located within a Homeowners Association.

6. City and Public Agency Comments

The City of Salem Building and Safety Department reviewed the proposal and indicated they have no concerns.

Fire Department has commented that the proposed development is required that the applicant provide aerial access.

Staff Response: The proposed adjustment is related to additional driveways accessing a Local Street, where alley access is available. The building permit for the proposed four-plex will be reviewed by Building and Safety Division, Public Works Department. The applicant will be required to show aerial access and other Fire Department standards will be met.

Salem-Keizer Public Schools provided comments assessing the potential impact of the proposed development on school capacity in the public schools that would serve this property.

Public works has provided a memo is included as **Attachment D**.

7. Adjustment Approval Criteria

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Pursuant to SRC 250.005(a)(1)(B), a Class 2 Adjustment is an adjustment to any development standard in the UDC other than a Class 1 Adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent. The Adjustment is to allow a new driveway approach on a Local Street where alley access only is allowed. This standard is a non-numerical adjustment, making this request a Class 2 Adjustment.

SRC 250.005(d)(2) sets forth the criteria that must be met before approval can be granted for a Class 2 adjustment. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based.

ANALYSIS OF CLASS 2 ADJUSTMENT APPROVAL CRITERIA

(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: SRC 804.030(b)(2) establishes that no access shall be provided onto a Local or Collector Street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley. The development site has frontage on Laurel Avenue NE (Local Street), Hickory Street NE (local street) and an Unnamed Alley. The proposal includes four (4) new dwelling units with two (2) units taking access to the Unnamed Alley and two (2) units taking access to Laurel Street NE. There is an existing driveway approach along Laurel Avenue NE that will be closed and replaced with a new approach.

The purpose of SRC Chapter 804 is to *establish development standards for safe and efficient access to public streets*. The development is equally meeting the purpose of the chapter by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

The purpose of SRC 804.030(b)(2) is to reduce pedestrian-car interaction, reduce curb cuts, protect and promote street trees and generally provide a walkable urban environment. The development is equally meeting the development standard by orienting buildings to the street frontages along Laurel Street NE and Hickory Street NE and by reducing the number of curb cuts onto Laurel Avenue NE by sharing one approach for two garage parking spaces. In addition, as a condition of approval, streetscape improvements such as planting of street trees, and replacement of sidewalks will be provided along both street frontages.

Condition 1: At the time of building permit, along Laurel Avenue NE and Hickory Street NE, provide streetscape improvements including, street trees, and new property line sidewalks as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

With recommended condition of approval, the proposal equally or better meets the intent of the development standard for which the adjustment was requested.

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

Finding: The proposed adjustment for a fourplex to allow driveway access to the Local Street as well as the Alley when only Alley access is allowed, will not detract from the livability or appearance of the residential area. Many residences in the area have a driveway that has access from a Local Street or the Alley and some have access from both an Alley and a Local Street. The proposed development will not be out of character of the local area.

The applicant's site plan identified as two trees less than 30-inches in under the diameter at breast height (DBH), which would not be considered a significant tree. Upon inspection by city of Salem Staff, it was determined that both trees are 33 inches DBH. Therefore, both trees meet the definition of significant tree Pursuant to SRC 808.005.

The Significant Trees shall be preserved, including protection of the Critical Root Zones. At time

of building permit the applicant will be required to show critical root zones for each tree and that no grading or ground disturbing activities are conducted within the critical root zone. Any disturbance will require an Arborist statement that building will not compromise the long-term health and stability. With an Arborist statement confirming that building will not compromise the long-term health and stability, up to 30 percent of the critical root zone of the significant tree may be built on.

The proposed building is not required to have off-street parking and elimination of garages served by the alley, could preserve the existing tree. The applicant may apply for a Tree Removal Permit, or a Tree Variance, for the significant Walnut Tree. If removal is approved, then the driveways may be built as shown on attached site plan. If a Tree Removal Permit or Tree Variance is not approved, then the applicant will be not permitted to build the driveways that gets access from the Alley as proposed to accommodate the preservation of the Significant Tree.

The building will be reviewed to ensure that the tree is protected or that the applicant has obtain permits for removal, as such the follow conditions apply:

Condition 2: Prior to issuance of building permits, the applicant shall obtain Tree Removal Permit, obtain a Tree Variance or revised plans to remove garages served by the alley.

(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: Only one Class 2 Adjustment has been requested with this development. 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.

IT IS HEREBY ORDERED

Final approval of Class 2 Adjustment Case No. 23-04 is hereby **APPROVED** subject to SRC Chapter 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: At the time of building permit, along Laurel Avenue NE and Hickory Street NE, provide streetscape improvements including, street trees, and new property line sidewalks as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Condition 2: Prior to issuance of building permits, the applicant shall obtain Tree Removal Permit, obtain a Tree Variance or revised plans to remove garages served by the alley.



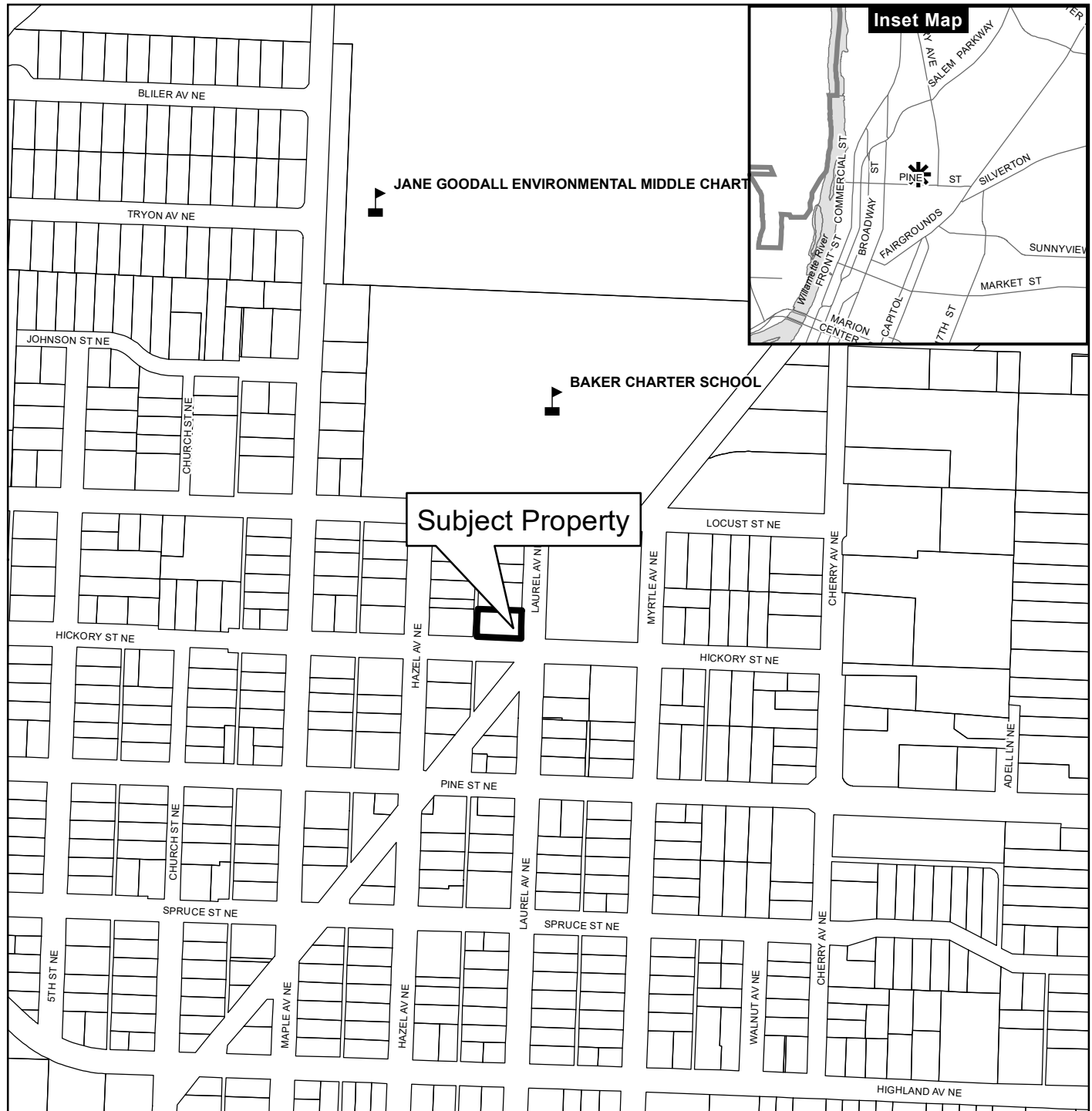
Abigail Pedersen, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Applicant's Proposed Site Plan
 C. Applicant's Written Statement
 D. Public Works Memo

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Vicinity Map

2605 Laurel Avenue NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

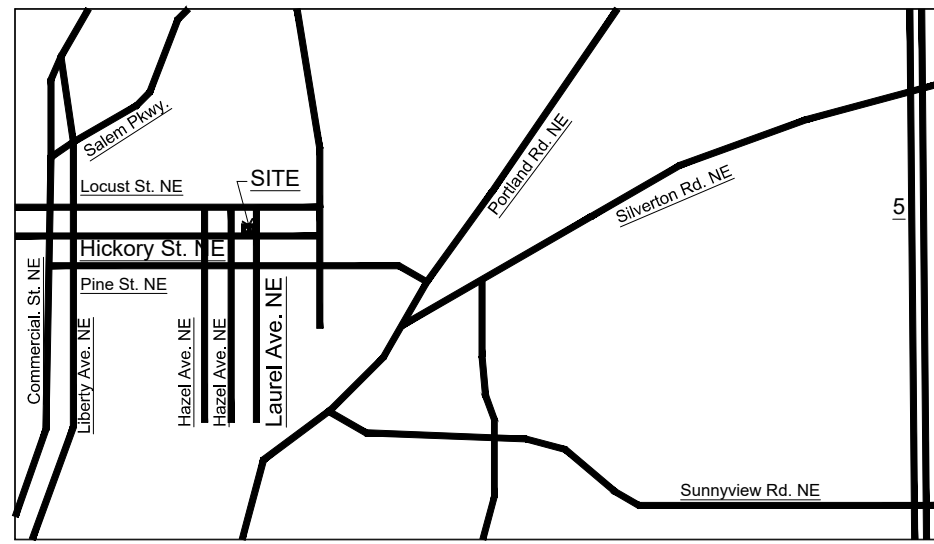
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



Attachment B

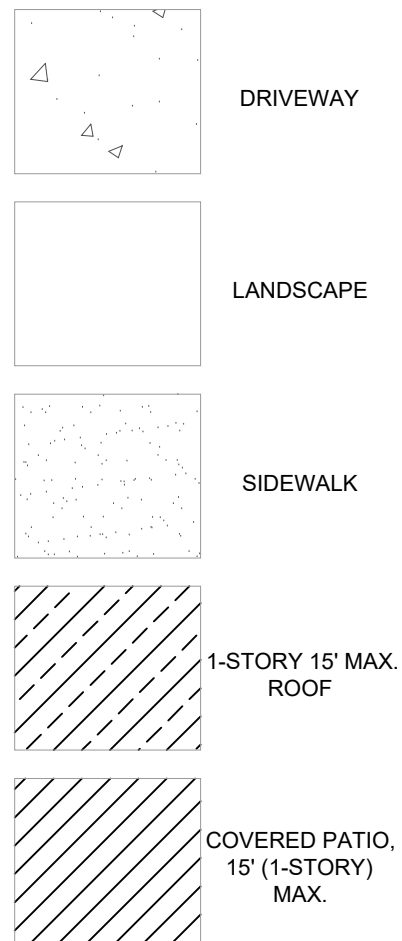
Laurel Ave., OR



VICINITY MAP
NOT TO SCALE

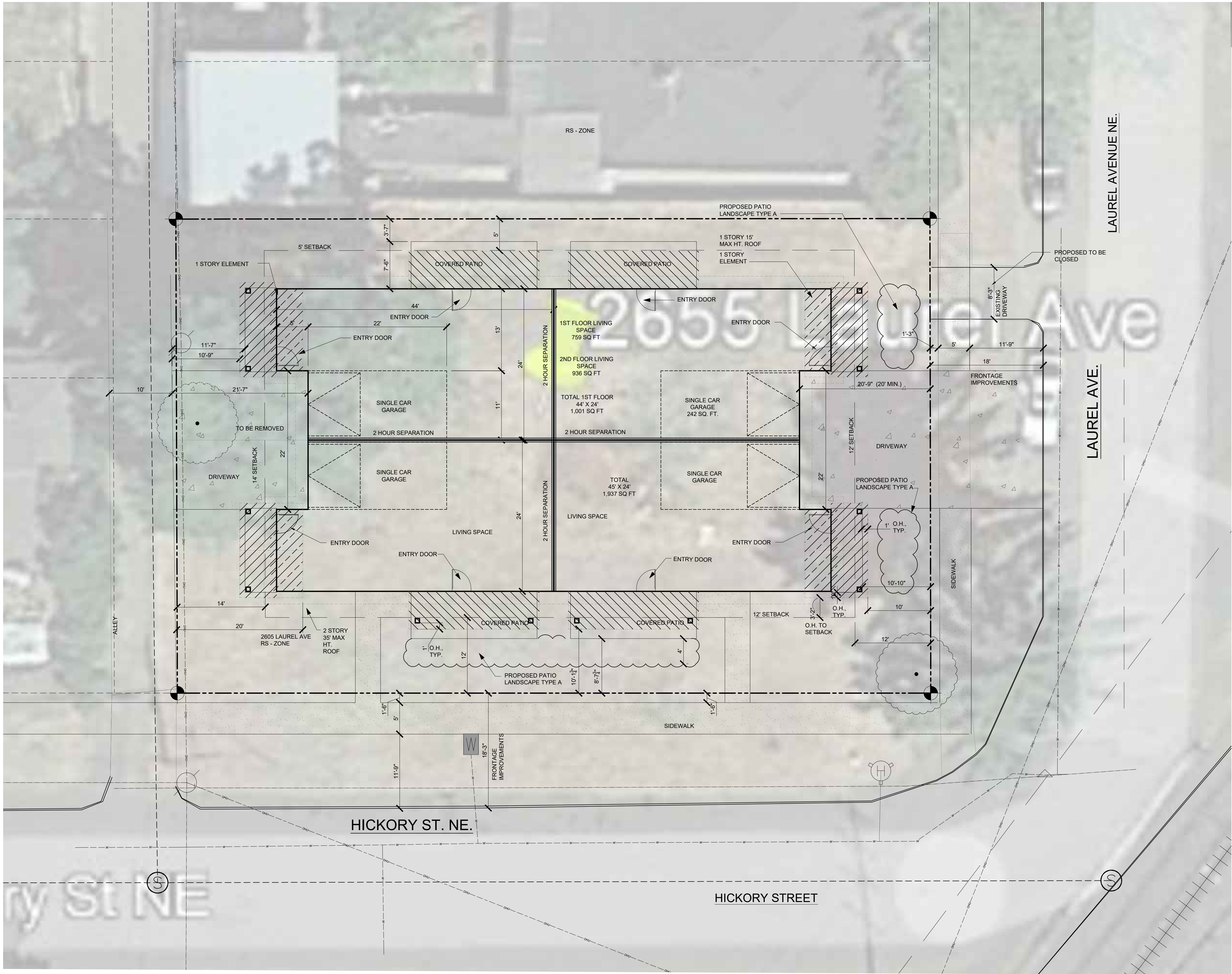
PROJECT STATISTICS:

SITE PLAN	
2605 LAUREL AVE. NE SALEM, OR 97301 CITY OF SALEM, MARION COUNTY OREGON	
SITE AREA:	0.206 AC (9,002 SQ. FT.)
TOTAL LOT NUMBER:	073W14BD03100
ZONE EXISTING:	SINGLE FAMILY RESIDENTIAL (RS) (Sec. 511.005)
USE EXISTING:	NONE
PROPOSED USE:	FOUR FAMILY (SEC.511.005 TABLE 511-1)
LOT STANDARDS (TABLE 511-2):	FOUR FAMILY MIN 7,000 SF
LOT WIDTH (TABLE 511-2):	MIN 40'
LOT DEPTH:	MIN 120' APPLICABLE TO DOUBLE FRONTAGE LOTS MIN 40'
STREET FRONTAGE:	
LOT COVERAGE (TABLE 511-4):	MAX. 60%
BLDG. HEIGHT (TABLE 511-4):	MAX. 35'
BLDG. SETBACK (TABLE 511-3 SETBACKS):	
STREET FRONT (LAUREL/EAST):	MIN 12' ABUTTING STREET
STREET EXTERIOR SIDE(HICKORY/SOUTH):	MIN 12' ABUTTING STREET
INTERIOR SIDE (NORTH):	5'
REAR SIDE (ALLEY ADJ. WEST):	14' FOR 1-STORY / 20' FOR > 1-STORY



- CLASS II ADJUSTMENT TO SEC. 804.030.B.1
- CLASS I ADJUSTMENT TO SEC. 806.015.E.1 TABLE 806-2B

SITE PLAN
DATE: 05/25/2023
1/8" = 1'-0"
0 4 8 16 24





Villalobos Apartments – WRITTEN STATEMENT

SHAREHOLDERS

Aaron Clark
Architect
Lee Gwyn
Architect
Holly Benton

BOARD OF DIRECTORS

Lee Gwyn
Architect / President
Aaron Clark
Architect / Vice President
Nathan P. Jones
Engineer
Brian Lind
Landscape Architect

Project Description:

Acting as the representative for the project, Lenity Architecture is submitting this application on behalf of the Applicant, Francisco Villalobos. This application consists of an Adjustment Class I, Adjustment Class II, and Driveway Approach Permit Class I for a proposed four family residential development located at 2605 Laurel Avenue Salem, Oregon.

The subject property (Taxlot 073W14BD03100) is 9,002 square feet (SF) and bordered to the south by Hickory Street (Local Street) and Laurel Avenue (Local Street) to the east. Directly west and along the rear of the property is a 10-foot-wide alley. Directly east of the property is Portland & Western Railroad. Per the Salem Zoning Map, the site is zoned as Single Family Residential (RS) with a General Plan Designation of Single Family Residential. The surrounding zoning to the north, south, and west is RS with the east zoned as Residential Medium (RM2).

The project proposes to construct a single two-story structure composed of four (4) separate units with driveway access along Laurel Avenue and the rear alley. The proposed structure footprint is an estimated 4,004 SF with a total floor area of 7,760 SF. Each unit will have an estimated 1,937 SF of habitable floor area with 242 SF of individual garage space. Each tenant will have their own separate covered parking and available driveway space totaling eight (8) parking spaces across the property. The northern units will have their primary entrances facing Laurel and the alley respectively. The southern units will have their primary entrances facing Hickory with a 5' wide paved walkway leading to the units. Each unit will have a partially covered porch meeting the setback exemption standards outlined in SRC Sec. 805.035 (Table 800-2). Please see below Table for RS Development Standards summary.

Development Standard (RS Zone)	Required/Allowed	Proposed
Minimum Lot Size	7,000 SF	9,002 SF (<i>Existing</i>)
Street Abutting Setback (<i>Laurel and Hickory Facing</i>)	12 feet from all property lines	12 ft.
Interior Side (<i>North Facing</i>)	5 ft. from all property lines	5 ft.
Rear Side (<i>Alley/East</i>)	14 ft. for 1-story 20 feet for above 1st-story	14 ft. for First Story 20 ft. for Second Story
Building Height	35 ft.	30' Approx.
Off-street Parking	No minimum required Max 7 spaces (1.75 per Unit)	8 Parking Spaces

Adjustment Narrative:

Adjustments are requested to the following standards:

- 1) Class II Adjustment is requested to allow a new driveway access for two of the four residential units along Laurel Avenue (Sec.804.040(b)(2))
- 2) A Class I Adjustment to allow a ~13% deviation from the maximum allowed parking from seven to eight spaces (Sec. 806.015(e)(2))

Adjustment Review Criteria-

SALEM REVISED CODE Title X – Unified Development Code

Sec. 250.005.- Adjustments

(a) *Applicability.*

(1) *Classes.*

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

1) **Applicant Response: A Class 1 Adjustment is sought to increase the maximum allowed parking specified within Sec.806.015(e)(2) from seven (7) to eight (8) spaces. This increase is an estimated 13% deviation which qualifies as a Class 1 adjustment.**

- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

2) **Applicant Response: A Class 2 Adjustment is sought to allow the two (2) residential units facing Laurel Avenue to have a new driveway access from Laurel Avenue to a proposed garage. This deviation conflicts with Sec. 804.040(b)(2) which requires a Class 2 Adjustment.**

(2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;
- (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

3) **Applicant Response: The proposed Project is not requesting any adjustments that are prohibited under Sec. 250.005(a)(2).**

- (b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

4) Applicant Response: The project understands this requirement.

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

5) Applicant Response: As contained within the submission package, a Site Plan indicating all required sections is provided within this application. Regarding an existing Conditions Plan, the project site is currently undeveloped with no existing structures on site with a driveway located on the northeast corner proposed to be relocated. Per FEMA Floodplain Maps, the entirety of the project site is outside of a 100-year floodplain.

- (d) *Criteria.*

- (1) An application for a Class 1 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) Clearly satisfied by the proposed development.

6) Applicant Response: The underlying reason why the Class 1 Adjustment to increase parking maximum from seven (7) to eight (8) is being requested is due to the driveway design requirements within Sec. 806.030(b) (Table 806-4). The requirement states that access to two (2) spaces must have a minimum width of 16 feet and depth of 20 feet. Despite the original intention of the project to only provide parking via the garages, the driveway creates the equivalent of two (2) 8'x15'

compact spaces per Sec. 806.035(e) (Table 806-6). With two (2) driveways and parking available via the four (4) separate garages, the project is forced to exceed the seven (7) space maximum. The project only seeks to rectify this conflict within the code.

- (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

7) **Applicant Response:** Through the Class I Adjustment, the project does not anticipate to negatively impact any surrounding uses by increasing the allowed parking on-site.

- (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.

8) **Applicant Response:** Under Chapter 804 (Driveway Approaches), the overarching purpose of subsection 804.040 (b)(2) is to “establish development standards for safe and efficient access to public streets.” The proposed driveway design is not anticipated to create any unsafe conditions accessing the public street. The driveway connecting to Laurel will be 22 feet wide with a minimum of 20 foot depth measured from the ROW to the garage entrances. Adequate vision clearance will provide for the proposed development along the alley and laurel driveway and the southeast corner of the lot where Laurel Avenue and Hickory Street NE connect. In addition, locating the driveways in two (2) locations will reduce the amount of traffic circulating via the 10-foot-wide alley.

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

9) **Applicant Response:** The project site is within the RS Zone District which is characterized by a range of single-family and two to four family developments. The proposed development will not detract from the livability of the neighborhood as the proposed development is allowed within the RS Zone and will provide necessary sidewalk improvements. Regarding the appearance of the proposed development, the frontages along Hickory Street and Laurel Ave. have been designed to be open and cohesive with the surrounding residential neighborhoods. Lastly, extensive efforts have been made to work with the City Planning Department to determine a design that would be cohesive with the surrounding neighborhood.

- (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.

10) **Applicant Response:** The proposed development does not anticipate the cumulative effect of the Class I and Class II Adjustment to create an inconsistency with the purpose of the RS Zone District. As previously discussed, the proposed four family use is allowed and the proposed development with associated improvements will enhance the visual appearance and function of the surrounding residential neighborhood.

(e) *Transfer of adjustments.* Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

11) Applicant Response: The project understands that the final decision shall run with the land.

If you have any questions, please contact me by phone at (503) 399-1090 or

Ronj@lenityarchitecture.com


Sincerely,

Ron Jackson



MEMO

TO: Abigail Pedersen, Planner I
Community Development Department

FROM: Laurel Christian, Planner II 
Public Works Department

DATE: July 24, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
ADJ23-04 (23-111143)
2605 LAUREL AVENUE NE
ADJUSTMENT FOR 4-PLEX**

PROPOSAL

A Class 2 Adjustment to allow driveway access for a fourplex onto a local street, Laurel Avenue NE, in addition to alley access provided, for a property approximately 9,148 square feet in size, zoned RS (Single Family Residential), and located at 2605 Laurel Avenue NE (Marion County Assessors Map and Tax Lot number: 073W14BD / 3100).

RECOMMENDED CONDITIONS OF APPROVAL

1. At time of Building Permit, along Laurel Avenue NE and Hickory Street NE, provide streetscape improvements including, street trees and new property line sidewalks as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

FACTS

Streets

1. Laurel Street NE
 - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 43-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

2. Hickory Street NE

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 60-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-width improvement within a 10-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. There are no storm mains within the vicinity of the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 4-inch water main is located in Laurel Avenue NE. Mains of this size generally convey flows of 120 to 300 gallons per minute.
- c. An 8-inch water main is located in Hickory Street NE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- d.

Sanitary Sewer

1. Existing Conditions

- a. 8-inch sewer mains are located in Hickory Street NE and the Unnamed Alley abutting the subject property.

Natural Resources

1. Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows that there are no hydric soils and/or linear wetland area(s) mapped on the property.
2. Floodplain—According to the Federal Emergency Management Agency (FEMA) floodplain maps, there are no regulatory floodplain areas on the subject property.
3. Landslide Hazards—City records show there are no landslide hazards mapped on the subject property.

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—SRC 804.030(b)(2) establishes that *no access shall be provided onto a local or collector street from a proposed new single-family, two-family, three-family, or four-family use on an existing lot abutting an alley*. The development site has frontage on Laurel Avenue NE (local street), Hickory Street NE (local street), and an Unnamed Alley. The proposal includes four (4) new dwelling units with two (2) units taking access to the Unnamed Alley and two (2) units taking access to Laurel Street NE. There is an existing driveway approach along Laurel Avenue NE that will be closed and replaced with a new approach.

The purpose of SRC Chapter 804 is to *establish development standards for safe and efficient access to public streets*. The development is equally meeting the purpose of the chapter by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

The purpose of SRC804.030(b)(2) is to reduce pedestrian-car interaction, reduce curb cuts, protect and promote street trees, and generally provide a walkable urban environment. The development is equally meeting the development standard by orienting buildings to the street frontages along Laurel Street NE and Hickory Street NE, and by reducing the number of curb cuts onto Laurel Avenue NE by sharing one approach for two garage parking spaces. In addition, as a condition of approval,

streetscape improvements such as planting of street trees and replacement of sidewalks will be provided along both street frontages.

Condition: At time of Building Permit, along Laurel Avenue NE and Hickory Street NE, provide streetscape improvements including, street trees, and new property line sidewalks as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803

With recommended condition of approval, the proposal equally or better meets the intent of the development standard for which the adjustment was requested.

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cc: File