

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 1 SITE PLAN REVIEW

APPLICATION NO.: 23-116400-PLN

NOTICE OF DECISION DATE: August 21, 2023

REQUEST: A Class 1 Site Plan Review for a change of use from a *Office to Day Care* use within an existing building on a property 0.56 acre in size, zoned MU-I (Mixed Use-I), and located at 395 Market Street NE– 97301 (Marion County Assessors Map and Tax Lot number: 073W22AA1/ 3600).

APPLICANT: Ronald James Ped Architect, PC

LOCATION: 395 Market Street NE

FINDINGS: The findings are in the attached Decision dated August 21, 2023.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by August 21, 2027, or this approval shall be null and void.

Case Manager: Jacob Brown, Planner I, JRBrown@cityofsalem.net, 503-540-2347

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days after August 21, 2023**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 23 116400.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 1 SITE PLAN REVIEW)
23-116400-PLN)
395 MARKET STREET NE) August 21, 2023

In the matter of the application for a Class 1 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 1 Site Plan Review for a change of use from a *Office* to *Day Care* use within an existing building on a property 0.56 acre in size, zoned MU-I (Mixed Use-I), and located at 395 Market Street NE– 97301 (Marion County Assessors Map and Tax Lot number: 073W22AA1/ 3600).

PROCEDURAL FINDINGS

1. On August 15, 2023, an application for a Class 1 Site Plan Review was submitted for property located at 395 Market Street NE.
2. On August 17, 2023 the application was deemed complete.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review affects the property located at the 395 Market Street NE (**Attachment A**). The Class 1 Site Plan Review proposes interior tenant improvements, including a change of use from *Office* to *Day Care* use within an existing building. The proposed development plans are included as **Attachment B**.

DECISION CRITERIA FINDINGS

2. Analysis of Class 1 Site Plan Review Approval Criteria

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

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

change of occupancy where only construction or improvements to the interior of the building or structure are required.

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

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

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

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

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

(c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffer yards.

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

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

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

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

Finding: The subject property is zoned MU-I (Mixed Use-I). Development of the property is therefore subject to the use and development standards of the MU-I zone (SRC Chapter 533) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 533 and all other applicable development standards of the UDC as follows:

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

SRC 533.010(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

Finding: The proposed development includes an interior tenant improvement and change of use to *Day Care* within an existing building, which is a permitted uses in the MU-I zone per SRC Chapter 533, Table 533-1. The applicant's site plan is included as **Attachment B**.

Off-Street Parking and Driveways

SRC 806 – Off-Street Parking; When Required.

Off-street parking shall not exceed the amounts set forth in Table 806-1.

Finding: The existing building is 7,426 square feet in floor area. Per SRC 806.015(a) Table 806-1, a *Day Care* use is limited to one off-street parking per 250 square feet. As such, the proposed use would be limited to 30 spaces ($7,426 / 250 = 29.7$). The existing parking area is not proposed for modification or additional of parking spaces therefore, this standard is not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

(a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.

Finding: The proposed *Day Care* use is located in an approximately 7,426-square-foot building. A *Day Care* use requires four bicycle spaces. As such, the existing development would require four bicycle spaces onsite. The Applicant's plans indicate that there are four spaces proposed to be installed onsite. These standards are met.

SRC 806.060 - Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

(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.*

Finding: The site plan indicates the proposed bicycle parking is within 50 feet of a primary entrance; therefore, this standard is met.

(b) *Access.* 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: As shown on the site plan, each bicycle parking area has direct access to a primary building entrance through existing pedestrian pathways, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

(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 be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: The applicant's site plan indicates four bicycle parking spaces located between the building and Market Street SE, meeting the development standards of SRC 806.060. This standard is met.

(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: The proposed bicycle parking spaces are placed on a hard surface material; therefore, the standard is met.

(e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle frame in a stable position, in two or more places without damage to 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.

Finding: The site plan indicates inverted style bike racks are proposed to be provided. The proposed bike racks conform to material requirements of SRC 806.060(e).

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; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

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.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: No additional off-street loading spaces are required for the proposed change of use.

3. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 1 Site Plan Review is in conformance with the UDC and the

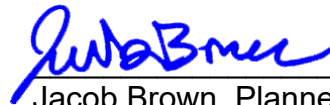
approval criteria provided in SRC 220.005(f)(1), provided compliance occurs with any applicable items noted above.

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

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 1 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

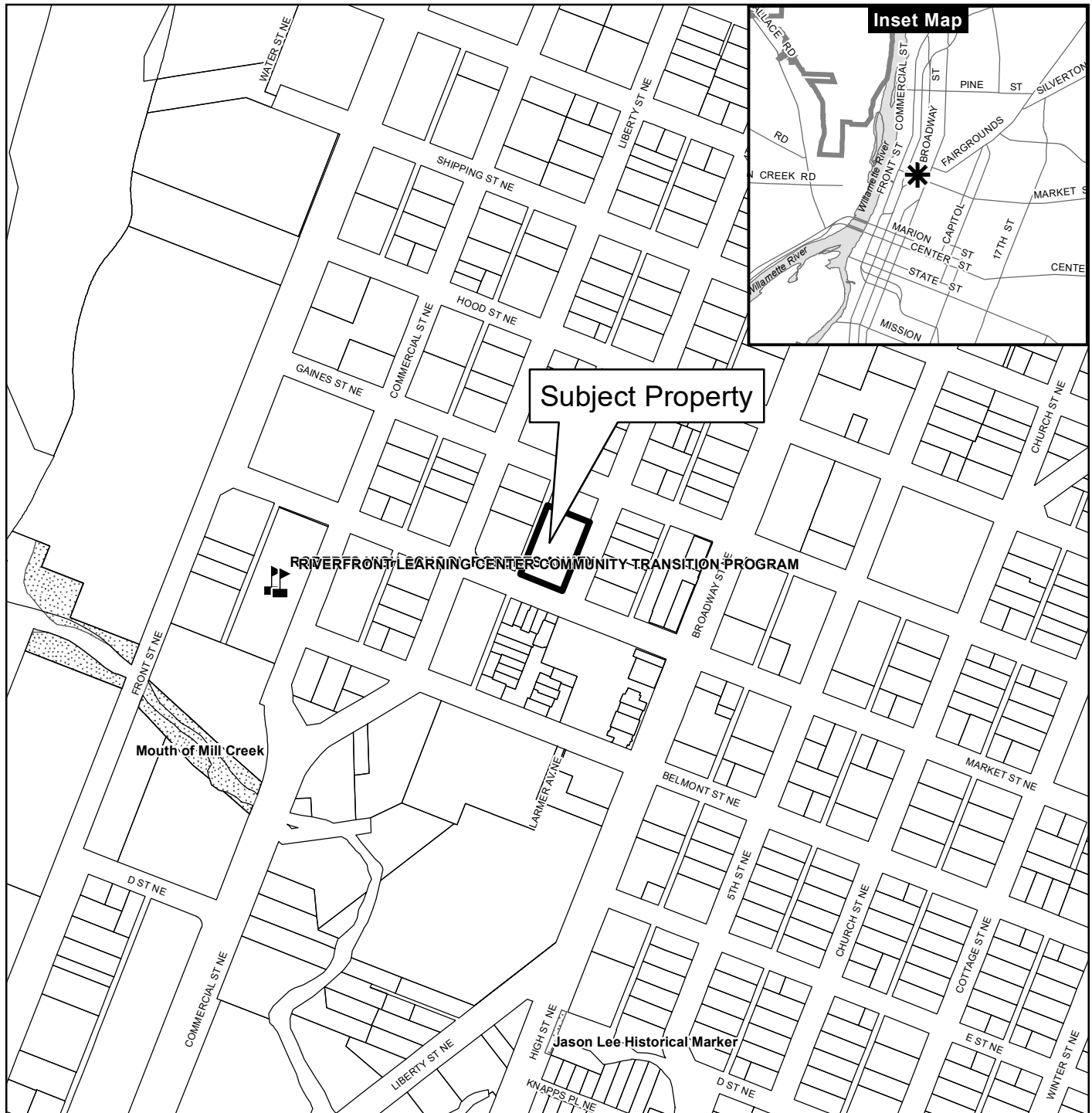


Jacob Brown, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Proposed Site Plan

Vicinity Map

395 Market Street NE



Legend

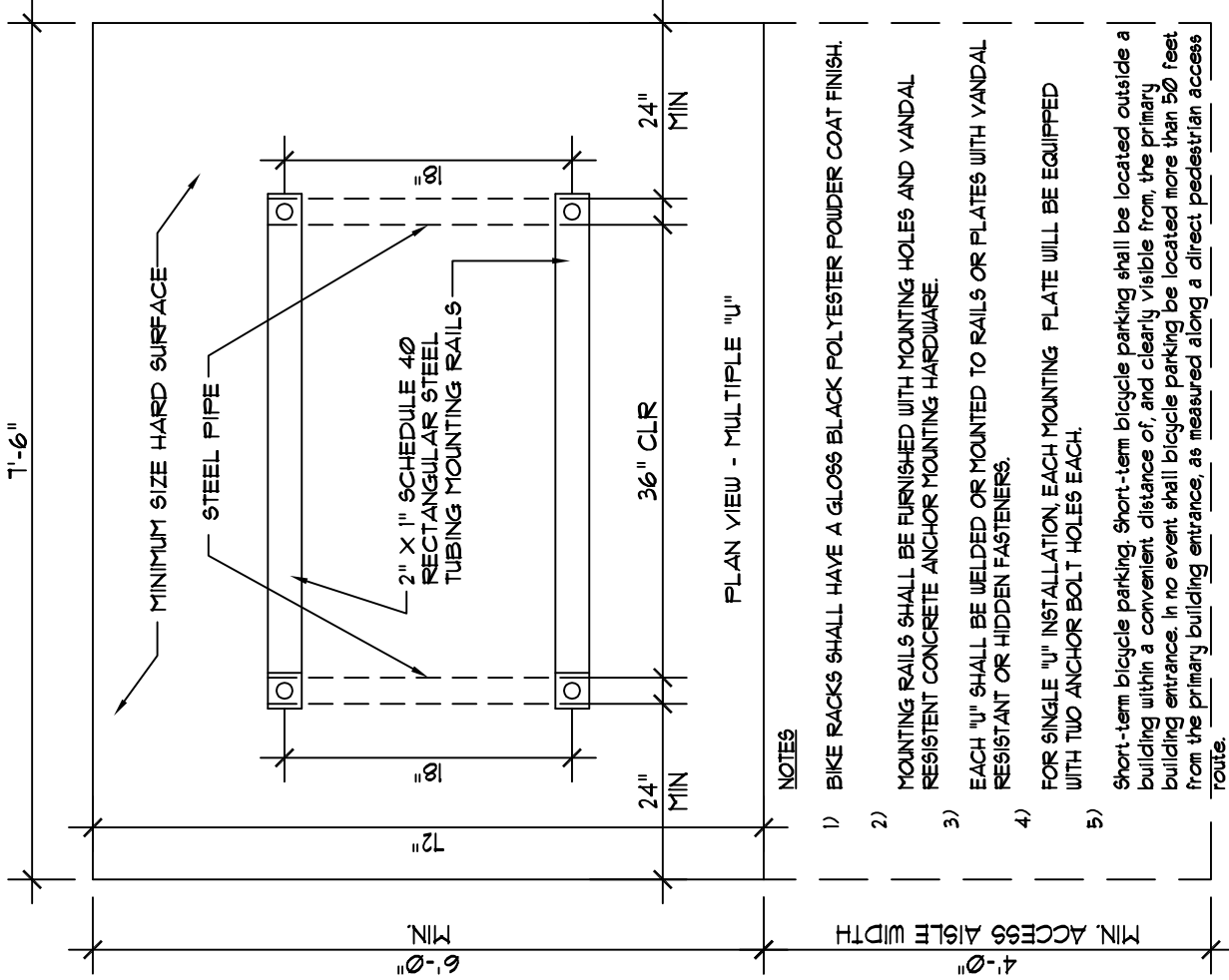
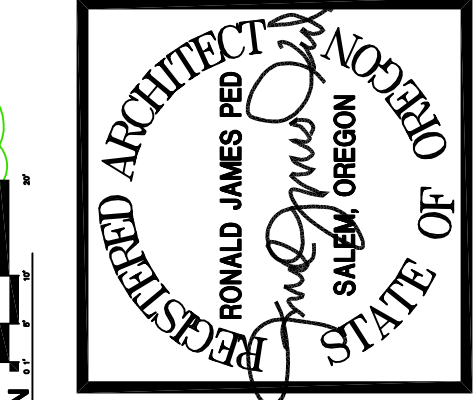
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

0 100 200 400 Feet



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Community Development Dept.

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