

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO.: SPR-ADJ-DAP23-24

APPLICATION NO.: 22-117603-PLN

NOTICE OF DECISION DATE: August 22, 2023

SUMMARY: Proposed new 31,814 square-foot, three-story, medical/office building with associated site improvements and off-street parking.

REQUEST: A consolidated application for a proposed new 31,814 square-foot, three-story, medical/office building with associated site improvements and off-street parking. The application includes:

- 1) A Class 3 Site Plan Review for the proposed development;
- 2) A Class 2 Adjustment to:
 - a) Increase the maximum setback for the proposed building abutting Kearney Street S from 0 ft. to 10 ft. (SRC 533.015(c));
 - b) Allow less than 75 percent of the street frontage of the lot abutting Commercial Street SE to be occupied by building placed at the setback line (SRC 533.015(d));
 - c) Reduce the minimum required ground floor height of the proposed building from 14 ft. to 9 ft. (SRC 533.015(h));
 - d) ~~Allow the proposed building to include less than a minimum of 65 percent-transparent windows on the ground floor facades facing Commercial Street SE and Kearney Street S (SRC 533.015(h));~~
 - e) Allow less than 75 percent of the ground floor facades of the proposed building adjacent to ~~Commercial Street SE and~~ Kearney Street S to include weather protection in the form of awnings or canopies (SRC 533.015(h));
 - f) Allow the proposed development, which is located on a corner lot abutting a local street, to take access to Commercial Street SE (the street with the higher street classification) rather than solely to Kearney Street S (the street with the lower street classification) (SRC 804.035(c)(2)); and
 - g) Allow the proposed driveway approach onto Commercial Street SE to be located less than the minimum required 370-foot spacing from the intersection of Kearney Street S and nearest driveway to the north of the subject property on Commercial Street SE (SRC 804.035(d)); and
- 3) A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto Commercial Street SE and Kearney Street S.

The subject property totals approximately 1.42 acres in size, is zoned MU-I (Mixed-Use-I) and partially within the Saginaw Street Overlay Zone, and located at 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street S (Marion County Assessor Map and Tax Lot Numbers: 073W27CA08900, 073W27CA09000, 073W27CA11200, 073W27CA11300, 073W27CA11400, and 073W27CA11500).

APPLICANT: T & L Salem LLC

LOCATION: 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street 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; 804.025(d) – Class 2 Driveway Approach Permit

FINDINGS: The findings are in the attached Decision dated August 22, 2023.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. SPR-ADJ-DAP23-24 subject to the following conditions of approval:

- Condition 1:** In order to accommodate fire department aerial access, the parking lot drive aisle adjacent to the west side of the proposed building shall be widened to a minimum width of 26 feet as shown on the revised site plan included as Attachment I to this decision.
- Condition 2:** Prior to approval of final occupancy for the proposed development, the existing individual properties which make up the subject property shall be reconfigured/consolidated to meet applicable setback and building code requirements.
- Condition 3:** A minimum of nine deciduous trees shall be planted in the proposed off-street parking area of a species that meets the definition of shade tree under SRC 807.005.
- Condition 4:** At the time of building permit review, the applicant shall provide a full landscaping plan in conformance with the minimum plant unit density requirements of SRC Chapter 533, SRC Chapter 625, and SRC Chapter 807.
- Condition 5:** Windows shall be provided on the ground floor facades of the building facing Commercial Street SE and Kearney Street S in conformance with SRC 533.015(h), Table 533-6.
- Condition 6:** The primary building entrance facing Commercial Street SE located at the northeast corner of the building shall include weather protection as required under SRC 533.015(h), Table 533-6.
- Condition 7:** Weather protection in the form of awnings or canopies shall be provided along the ground floor facade of the building facing Commercial Street SE in conformance with SRC 533.015(h), Table 533-6.
- Condition 8:** Any broken sight-obscuring slats within the chain link fencing around the existing trash enclosure shall be replaced.
- Condition 9:** Any mechanical equipment provided on the roof of the proposed building, with the exception of solar panels and wind generators, shall be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building.

- Condition 10:** Where the proposed east-west pedestrian path provided through the proposed off-street parking area crosses a parking lot drive-aisle, it shall be visually differentiated in conformance with the requirements of SRC 800.065(b)(1)(B).
- Condition 11:** 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 12:** Along Kearney Street S and Saginaw Street S, replace nonconforming portions of existing sidewalk along the frontage of the property.
- Condition 13:** Along Commercial Street SE, replace and relocate sidewalks to the proposed property line along the frontage of the property.
- Condition 14:** Along Commercial Street SE and Kearney Street S, remove existing concrete pavement within the planter strips and replace with landscape.
- Condition 15:** Install street trees to the maximum extent feasible along Commercial Street SE, Kearney Street S, and Saginaw Street S.
- Condition 16:** The existing unused driveway approaches along Kearney Street S and Commercial Street SE shall be removed.
- Condition 17:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and the Public Works Design Standards (PWDS).
- Condition 18:** The proposed driveway onto Commercial Street SE shall be limited to right-in only.
- Condition 19:** The adjusted development standards shall only apply to the specific development proposal shown in the approved site plan. Any future development, beyond what is shown in the approved site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by September 7, 2027 or this approval shall be null and void.

Application Deemed Complete:	<u>July 3, 2023</u>
Notice of Decision Mailing Date:	<u>August 22, 2023</u>
Decision Effective Date:	<u>September 7, 2023</u>
State Mandate Date:	<u>October 31, 2023</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

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., Wednesday, September

6, 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, and 804. 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, CLASS 2)	
ADJUSTMENT, & CLASS 2 DRIVEWAY)	AUGUST 22, 2023
APPROACH PERMIT CASE NO.)	
SPR-ADJ-DAP23-24; 835 TO 887)	
COMMERCIAL STREET SE AND 840 TO 890)	
SAGINAW STREET S)	

In the matter of the consolidated Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit application submitted by Ronald James Ped, Architect, PC, on behalf of the applicant and property owner, T & L Salem LLC, the Planning Administrator, having received and reviewed the evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A consolidated application for a proposed new 31,814 square-foot, three-story, medical/office building with associated site improvements and off-street parking. The application includes:

- 1) A Class 3 Site Plan Review for the proposed development;
- 2) A Class 2 Adjustment to:
 - a) Increase the maximum setback for the proposed building abutting Kearney Street S from 0 ft. to 10 ft. (SRC 533.015(c));
 - b) Allow less than 75 percent of the street frontage of the lot abutting Commercial Street SE to be occupied by building placed at the setback line (SRC 533.015(d));
 - c) Reduce the minimum required ground floor height of the proposed building from 14 ft. to 9 ft. (SRC 533.015(h));
 - d) Allow the proposed building to include less than a minimum of 65 percent transparent windows on the ground floor facades facing Commercial Street SE and Kearney Street S (SRC 533.015(h));
 - e) Allow less than 75 percent of the ground floor facades of the proposed building adjacent to Commercial Street SE and Kearney Street S to include weather protection in the form of awnings or canopies (SRC 533.015(h));
 - f) Allow the proposed development, which is located on a corner lot abutting a local street, to take access to Commercial Street SE (the street with the higher street classification) rather than solely to Kearney Street S (the street with the lower street classification) (SRC 804.035(c)(2)); and
 - g) Allow the proposed driveway approach onto Commercial Street SE to be located less than the minimum required 370-foot spacing from the intersection of Kearney Street S and nearest driveway to the north of the subject property on Commercial Street SE (SRC 804.035(d)); and

- 3) A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto Commercial Street SE and Kearney Street S.

The subject property totals approximately 1.42 acres in size, is zoned MU-I (Mixed-Use-I) and partially within the Saginaw Street Overlay Zone, and located at 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street S (Marion County Assessor Map and Tax Lot Numbers: 073W27CA08900, 073W27CA09000, 073W27CA11200, 073W27CA11300, 073W27CA11400, and 073W27CA11500).

PROCEDURAL FINDINGS

1. An application for a Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit was submitted by Ronald James Ped, Architect, PC, on behalf of the applicant and property owner, Travis Hunsaker and Laurie Hunsaker, of T & L Salem, LLC, for a proposed new 31,814 square-foot, three-story, medical/office building with associated site improvements and off-street parking.

Because multiple land use applications are required in connection with the proposed development, the applicant chose to consolidate and process them together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the consolidated Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit is required to be reviewed by the Planning Administrator and processed as a Type II procedure.

2. After additional requested information was provided by the applicant, the application was deemed complete for processing on July 3, 2023, and notice of filing of the application was sent pursuant to Salem Revised Code (SRC) requirements.
3. The 120-day state mandated local decision deadline for the application is October 31, 2023.

SUBSTANTIVE FINDINGS

1. Background

The application under review by the Planning Administrator is a consolidated Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit for the redevelopment of an approximate 1.42-acre property located at 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street S (**Attachment A**).

The proposal includes development of a new 31,814 square-foot, three-story, medical/office building with associated site improvements and off-street parking.

The subject property is currently served by two existing driveways onto Commercial Street SE and two existing driveways onto Kearney Street S. The proposal includes the closure of all of the existing driveways and their replacement with one new proposed driveway onto

Commercial Street located near the northeast corner of the subject property and one new driveway onto Kearney Street located in the southwest portion of the site.

Pedestrian and bicycle access to the development will be provided via the existing network of streets in the surrounding area and through north-south and east-west pedestrian connections proposed to be extended through the site.

2. Applicant's Plans and Statement

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code and must be supported by proof they conform to such standards and approval criteria. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to the decision as follows:

- Site Plan: **Attachment B**
- Landscaping Plan: **Attachment C**
- Building Elevations & Renderings: **Attachment D**

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment E**.

3. 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, and stormwater reports; 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) All documents referenced in this decision.

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: 22 117603.

4. Neighborhood Association and Public Comments.

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

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 August 15, 2022, the applicant contacted the South Central Association of Neighbors neighborhood association to provided details about the proposal; thereby satisfying the requirements of SRC 300.310.

Neighborhood Association Comments: Notice of the application was provided to the South Central Association of Neighbors neighborhood association 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 the neighborhood association that are included as **Attachment F**. The comments received from the neighborhood express support for three of the seven adjustments requested with the application but oppose the remaining four adjustments; together with the requested driveway approach for the development onto Commercial Street SE. The adjustments supported by the neighborhood association include:

- 1) The requested adjustment to increase the maximum setback for the building abutting Kearney Street S from 0 feet to 10 feet;
- 2) The adjustment to allow less than 75 percent of the street frontage of the lot abutting Commercial Street SE to be occupied by the building placed at the setback line; and
- 3) The adjustment to reduce the minimum ground floor height of the building from 14 feet to nine feet.

The adjustments opposed by the neighborhood association include:

- 1) The adjustment to allow the proposed building to include less than a minimum of 65 percent transparent windows on the ground floor facades facing Commercial Street and Kearney Street;
- 2) The adjustment to allow less than 75 percent of the ground floor facades of the building adjacent to Commercial Street and Kearney Street to include weather in the forms of awnings or canopies;
- 3) The adjustment to allow driveway access to Commercial Street (a major arterial street) when access is available from a lower classification of street (Kearney Street); and
- 4) The adjustment to allow the proposed driveway approach onto Commercial Street SE to be located less than the minimum required 370-foot spacing from the intersection of Kearney Street and the nearest driveway to the north of the property on Commercial Street.

The two driveway standard adjustments and the requested driveway approach permit onto Commercial Street SE are opposed by the Neighborhood Association due to potential pedestrian and vehicle safety issues resulting from allowance of the proposed driveway onto Commercial Street. The neighborhood association indicates, in summary, that no driveway onto Commercial Street, as required under the code, is safer for traffic and pedestrians, given the existing Arco gas station driveway to the north of the proposed driveway. The neighborhood association explains that drivers existing a driveway on Commercial Street will be looking north at upstream traffic and may not see pedestrians approaching from the south. The neighborhood association indicates that the code allows the site to have one driveway onto Kearney Street and that the proposed parking lot is large enough to allow vehicle maneuvering in and out of that one driveway.

When questioned whether a right-in only driveway would address identified traffic safety concerns, the neighborhood association indicated that the block immediate south of Mission Street is already hazardous with two lanes of west-bound traffic on Mission Street turning left (south) onto Commercial Street plus east-bound traffic on Mission Street turning right (south) onto Commercial Street on the same green light, and then jockeying between the three south-bound lanes on Commercial Street. The neighborhood association explains that this increases risk to pedestrians and that a slow down to turn right into the dental office parking lot will also increase risk to drivers. The neighborhood association explains that providing a driveway, even an entrance-only driveway, conflicts with the purpose of the MU-I zone, current Public Works policy, the goals of the Council to create walkable, pedestrian-friendly mixed-use neighborhoods, and the purpose of locating mixed-use zones along the core transit network. The neighborhood association indicates that locating driveways onto Commercial Street crowds out space for bus stops and pull-ins that will need to be located more frequently along Commercial Street.

Staff Response: In regard to the requested adjustments to the minimum percentage of transparent windows and weather protection required on the ground floor facades of the building adjacent to Commercial Street SE and Kearney Street SE, subsequent to the close of the public comment period the applicant requested to withdraw the Class 2 Adjustment for ground floor windows facing Commercial Street and Kearney Street and the Class 2 Adjustment for weather protection along Commercial Street and instead revise the proposed building design to conform to these MU-I zone standards. As a result, the total number of adjustments requested in conjunction with the proposed development is now reduced to six rather than seven. Due to the proposed 10-foot setback of the building from Kearney Street in order to accommodate the proposed stormwater quality facility, the applicant has maintained their requested adjustment to not provide weather protection along a minimum of 75 percent of the building's Kearney Street facing façade because any canopy or awning provided along this facade would not serve the intended purpose of the standard of providing weather protection over the sidewalk.

In order to ensure the proposed development conforms to the ground floor window requirements along Commercial Street and Kearney Street and the weather protection requirements along Commercial Street, two conditions of approval (Conditions 5 and 7) have been included in this decision requiring ground floor windows and weather protection to be provided in conformance with the applicable standards of the MU-I zone.

In regard to the two driveway standard adjustments and the requested driveway approach permit onto Commercial Street SE, the subject property currently includes two existing driveways onto Commercial Street. The proposed development will eliminate the two existing driveways and replace them with one driveway in the northeast portion of the site in an improved location that is spaced roughly mid-block between the intersections of Mission Street and Kearney street and aligned with an existing driveway serving development on the east side of Commercial Street; thereby minimizing conflicting turning movements and improving safety for vehicles and pedestrians. The Assistant City Traffic Engineer reviewed reported crash data compiled by the Oregon Department of Transportation (ODOT) for the intersection of Commercial Street SE at Mission Street SE, as well as the intersection of Commercial Street SE at Kearney Street SE, and concludes that the proposed driveway approach onto to Commercial Street, located approximately

mid-block between Mission Street and Kearny Street, will not cause a significant safety risk when limited to right-in or right-out movements. In order to further improve vehicle and pedestrian safety associated with this driveway a condition of approval is included with this decision (Condition 18), limiting the proposed driveway onto Commercial Street to right-in only.

The subject property abuts Cherriots Route 21: South Commercial, on Commercial Street. The nearest bus stop along this route is located to north of Mission Street SE on the west side of Commercial Street. Cherriots was notified of the proposed development and no comments were received identifying the need for a future planned stop along the Commercial Street frontage of the property. As such, the proposed driveway will not conflict with any planned transit facilities proposed along Commercial Street.

Homeowners Association: Pursuant to SRC 300.520(b)(1)(B)(iv), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type II land use application. The subject property is not located within a Homeowners' Association; therefore, HOA notice is not applicable.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. Prior to the comment deadline, four public comments were received that are included as **Attachment G**.

Of the four comments received, one indicated concurrence with the Class 2 Adjustments requested in conjunction with the proposed development but indicated that the ground floor window requirement for the façade of the building be maintained in order to create more compatibility with nearby structures and residences. The comment also indicated that the landscaping and façade of the building facing Saginaw Street be compatible, well maintained, attractive year-round, and supportive of the historic context of the area, which has been determined to be eligible for designation as a National Historic District and includes properties listed on the National Register of Historic Places which have local, state, and national significance.

Staff Response: Subsequent to the close of the public comment period and in response to comments received, the applicant requested to withdraw the proposed adjustment to reduce the minimum required percentage of windows on the ground floor façade of the building facing both Commercial Street and Kearney Street and instead revise the building design to conform to this standard. A condition of approval (Condition 5) is included with this decision requiring conformance with the ground floor window requirements of the MU-I zone. As such, the proposed building will include the minimum required percentage of windows on the ground floor façade of the building facing Kearney Street.

As shown on the site plan, the proposed new building is located at the southeast corner of the site and is setback a considerable distance from Saginaw Street. The proposed development will maintain the existing required landscaped screening which buffers the proposed development from Saginaw Street. Pursuant to SRC 807.045(a) & (b), property owners are responsible for maintaining all landscaping material in good condition so as to

present a healthy, neat, and orderly appearance; and unhealthy or dead plants are required to be replaced in conformance with the approved landscape plan.

The three remaining comments received expressed concern, in summary, regarding the following issues:

- A. Requested adjustments incompatible with MU-I zone. Concern is expressed that the adjustments requested with the application are incompatible with the MU-I zone and the application should be returned to the applicant to rework their variance requests so that it matches the requirements of the MU-I zoning. It is further explained that allowing this request to proceed will establish a damaging precedent in the community and would run counter to nationwide legal precedent.

Staff Response: As identified in this decision, the proposed development has been reviewed for conformance with the applicable development standards of the Salem Revised Code (SRC), including the MU-I zone, and, as conditioned and approved through the requested adjustments, conforms to those standards.

In order to better comply with the requirements of the MU-I zone and respond to comments received, the applicant has requested withdrawal of the proposed adjustments to the building ground floor window requirement facing Commercial Street and Kearny Street, and the weather protection requirement along Commercial Street. As such, the proposed development will be required to conform to these MU-I standards, which will further promote a building design that establishes an attractive and inviting pedestrian environment along Commercial Street and Kearney Street.

- B. Encroachment of landscaping onto abutting property. A concern was raised from an abutting property owner regarding existing landscaping on the subject property that is encroaching on their abutting property to the north. It is explained that a blue spruce tree, which is half dead, a cedar-type tree, and a banana tree are encroaching onto the abutting property and putting pressure on an existing fence. The comment received indicates that these encroachments need to be addressed and that only ground cover or low elevation bushes be used along the southern border of their property.

Staff Response: In order to ensure the proposed development conforms to the City's landscaping requirements, a condition of approval (Condition 4) is included with this decision requiring the applicant to provide a full landscaping at the time of building permit review in conformance with the minimum plant unit density requirements of SRC Chapter 533, SRC Chapter 625, and SRC Chapter 807. As long as the minimum required number of plant units are provided in required setback areas, the specific types of plants provided and their specific location can be designed, where possible, to meet the concerns of abutting property owners.

- C. Parking. A concern was raised regarding the potential parking impacts that will result from the proposed development. It is indicated parking is an issue in the neighborhood and the entrance driveway into their private parking lot is often hard to navigate due to parking issues from both the Meridian building and surrounding businesses. The comment provided notes that the 109 off-street parking spaces proposed on-site is good

but questions whether this number of spaces considers the number of employees and businesses who will also require parking in the same parking lot who work on site?

Staff Response: As identified in this decision, the proposed development conforms to the City's off-street parking requirements included under SRC Chapter 806. The off-street parking provided is intended to serve the needs of both employees and customers on the site.

- D. Traffic safety. Concern is expressed about the safety of traffic at the intersection of Commercial Street SE and Mission Street SE and the potential impacts that allowing a proposed driveway onto Commercial Street will have. It is explained that the intersection of Mission Street and Commercial Street is not safe with cars trying to turn right from east-bound Mission onto south-bound Commercial and being blocked by cars traveling west-bound turning left from two lanes and disregarding the rule of right-of-way (meaning the person on the right legally has the right-of-way). Concern is also expressed that the proposed driveway onto Commercial Street will not only impact the traffic flow on Commercial Street but also the Kearney Street/Commercial Street intersection. It is explained that this area is already impacted by cross traffic at that intersection and an additional driveway is not needed since a driveway off Kearney appears to be adequate for the property.

Staff Response: The proposed development will eliminate the two existing driveways that serve the property on Commercial Street and replace them with one driveway in the northeast portion of the site in an improved location that is spaced roughly mid-block between the intersections of Mission Street and Kearney street and aligned with an existing driveway serving development on the east side of Commercial Street; thereby minimizing conflicting turning movements and improving safety for vehicles and pedestrians. The Assistant City Traffic Engineer reviewed reported crash data compiled by the Oregon Department of Transportation (ODOT) for the intersection of Commercial Street SE at Mission Street SE, as well as the intersection of Commercial Street SE at Kearney Street SE, and concludes that the proposed driveway approach onto to Commercial Street, located approximately mid-block between Mission Street and Kearny Street, will not cause a significant safety risk when limited to right-in or right-out movements. In order to further improve vehicle and pedestrian safety associated with this driveway a condition of approval is included with this decision (Condition 18), limiting the proposed driveway onto Commercial Street to right-in only.

- E. Proposal does not include housing. Concern is expressed that the proposed development does not include any housing. It is explained that Commercial Street provides one of Salem's best locations to increase housing supply and in-turn reduce housing pressures and people living unsheltered; but the proposed building provides no solutions and takes away a key parcel for a building that offers little for an evolving community. A desire is expressed to see the property developed with a large mixed-use residential/commercial pedestrian friendly building.

Staff Response: Although the subject property is located within the MU-I (Mixed-Use-I) zone, the zone does not require all buildings within the zone to be developed as mixed-use buildings. Pursuant to SRC 533.010(a), Table 533-1, both Outpatient Medical

Services and Laboratories and Office uses are permitted in the MU-I zone. The proposed building is a three-story building that will occupy the northwest corner of the intersection of Commercial Street and Kearney Street in a manner that will promote an attractive and inviting pedestrian-friendly environment along the street with parking located to the rear and side of the building, ground floor windows facing both Commercial Street and Kearney Street, and weather protection in the form of canopies/awnings along Commercial Street.

5. City Department Comments

- A. Building and Safety Division: The City of Salem Building and Safety Division reviewed the proposal and indicated no objections.
- B. Fire Department: The City of Salem Fire Department reviewed the proposal and indicated that fire department access and water supply are required to comply with the Oregon Fire Code (OFC) when the building is constructed and that if the building will be over 30 feet in height, aerial access shall be provided.

Staff Response: Because the proposed new building will be over 30 feet in height, fire department aerial access to the building is required. In order to accommodate fire department aerial fire access, the proposed parking lot drive aisle adjacent to the west side of the building is required to be widened to a minimum width of 26 feet.

In order to comply with fire department access requirements the applicant submitted a revised site plan which increases the width of the parking lot drive aisle along the west side of the building to 26 feet. In order to ensure that fire department aerial access requirements are met, the following condition of approval shall apply:

Condition 1: In order to accommodate fire department aerial access, the parking lot drive aisle adjacent to the west side of the proposed building shall be widened to a minimum width of 26 feet as shown on the revised site plan included as Attachment I to this decision.

- C. Public Works Department: The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Public Works Department are included as **Attachment H**.

6. Public Agency Comments

No comments from public agencies were received.

DECISION CRITERIA FINDINGS

7. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. 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 31,814 square-foot, three-story, medical/office building with associated site improvements and off-street parking on property totaling approximately 1.42 acres in size and located at 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street S.

The subject property is comprised of six individual tax lots (Tax Lots 073W27CA08900, 073W27CA09000, 073W27CA11200, 073W27CA11300, 073W27CA11400, and 073W27CA11500), all of which are designated “Mixed-Use” on the Salem Area Comprehensive Plan Map and zoned MU-I (Mixed-Use-I). The three westernmost tax lots included in the subject property abutting Saginaw Street (Tax Lots 073W27CA11300, 073W27CA11400, and 073W27CA11500) are also located within the Saginaw Street Overlay Zone.

The allowed uses and applicable development standards of the MU-I zone are set forth under SRC Chapter 533 and the allowed uses and applicable development standards of the Saginaw Street Overlay Zone are set forth under SRC Chapter 625.

The proposed development conforms to SRC Chapter 533, SRC Chapter 625, and all other applicable development standards of the Salem Revised Code as follows:

SRC Chapter 533 (MU-I Zone) & SRC 625 (Saginaw Street Overlay Zone)

SRC 533.010(a) & SRC 625.010 – Uses:

The proposal includes the development of a new 31,814 square-foot, three-story, medical/office building. Pursuant to the City’s Use Classification Chapter (SRC 400), dental clinics are classified as an Outpatient Medical Services and Laboratories use (*per SRC 400.065(b)*) and offices are classified as an Office use (*per SRC 400.050(a)*).

Allowed uses within the MU-I zone are identified under SRC 533.010(a). Pursuant to Table 533-1, both Outpatient Medical Services and Laboratories and Office uses are allowed as permitted uses in the MU-I zone. In addition to identifying those uses that are allowed within the zone, SRC 533.010(b) further identifies additional uses that are specifically prohibited within the zone. Pursuant to SRC 533.010(b), any permitted, special, or conditional use within the MU-I zone shall be a prohibited use if developed with a drive-through. As shown on the site plan submitted by the applicant, the proposed medical/office building does not include a drive-through area. As such, the proposed uses are therefore not prohibited in the MU-I zone.

Allowed uses within the Saginaw Street Overlay zone are identified under SRC 625.010. Within the Saginaw Street Overlay Zone, any use that is a permitted, special, conditional, or prohibited uses in the underlying zone is a permitted, special, conditional, or prohibited

use in the overlay zone. Because both Outpatient Medical Services and Laboratories and Office uses are permitted in the underlying MU-I zone, the proposed uses are also allowed as permitted uses in the Saginaw Street Overlay Zone.

SRC 533.015(a) – Lot Standards:

Lot standards within the MU-I zone are established under SRC 533.015(a), Table 533-2. Within the MU-I zone there are no minimum lot area, width, or depth requirements but there is, however, a minimum street frontage requirement for lots within the zone of 16 feet.

The subject property is currently comprised of six individual tax lots (Tax Lots 073W27CA08900, 073W27CA09000, 073W27CA11200, 073W27CA11300, 073W27CA11400, and 073W27CA11500). Each of the existing tax lots exceeds the minimum 16-foot street frontage requirement of the MU-I zone onto either Commercial Street, Kearney Street, or Saginaw Street; however, in order to accommodate the proposed redevelopment of the site, the existing tax lots will be required to be reconfigured/consolidated in order to meet applicable SRC setback and building code requirements. The reconfigured/consolidated lots will be required to conform to the minimum 16-foot street frontage requirement for lots within the MU-I zone.

No minimum lot size or dimension requirements are established under the Saginaw Street Overlay Zone.

SRC 533.015(b) – Dwelling Unit Density:

Dwelling unit density requirements for development within the MU-I zone are established under SRC 533.015(b). Within the MU-I zone, development that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

The proposal includes the development of a medical/office building rather than an exclusively residential development. Because the proposed development is not exclusively residential, the dwelling unit density requirements of SRC 533.015(b) are not applicable to the proposal.

SRC 533.015(c) & SRC 625.015(a) – Setbacks:

Setback requirements for buildings and accessory structures within the MU-I zone are established under SRC 533.015(c), Table 533-3 & Table 533-4. Pursuant to SRC 533.015(c), Table 533-3, setback requirements for parking and vehicle use areas within the MU-I zone are based on the requirements of Table 533-4 and SRC Chapter 806 (Off-Street Parking, Loading, and Driveways). SRC 806.035(c) establishes perimeter setback requirements for parking and vehicle use areas adjacent to streets, interior property lines, and buildings.

Setback requirements for buildings, accessory structures, and parking and vehicle uses areas within the Saginaw Street Overlay Zone are established under SRC 625.015(a), Table 625-1. Pursuant to SRC 625.015, the development standards of the Saginaw Street Overlay Zone are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards of the overlay zone

conflict with the development standards of the underlying zone, the development standards of the overlay zone shall be the applicable development standard.

Based on the requirements of MU-I zone and the Saginaw Street Overlay zone, the required building, accessory structure, and off-street parking and vehicle use area setbacks applicable to the proposed development are as follows:

Required Setbacks		
Abutting Street		
Buildings	0 ft. or Max. 10 ft. (MU-I zone)	The maximum 10-foot setback applies if the setback area is used for pedestrian amenities.
	Min. 30 ft. (Overlay zone)	
Accessory Structures	Min. 10 ft. (MU-I zone)	
	Min. 30 ft. (Overlay zone)	
Parking & Vehicle Use Areas	Min. 6 ft. to 10 ft. (MU-I zone)	Per alternative setback methods under SRC 806.035(c)(2).
	Min. 5 ft. (Overlay zone)	Applicable abutting Kearney Street SE and Bush Street SE.
	Min. 12 ft. (Overlay zone)	Applicable abutting all other streets.
Interior Side & Interior Rear		
Buildings	None (MU-I zone)	Zone-to-zone setback abutting Mixed-use zone
Accessory Structures	None (MU-I zone)	
Parking and Vehicle Use Areas ⁽¹⁾	Min. 5 ft. with Type A Landscaping ⁽¹⁾ (MU-I zone)	
Notes		
(1) <u>Required Landscaping</u> : Pursuant to SRC 807.015(a), Table 807-1, Type A Landscaping requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area.		

An analysis of the proposed development for conformance with the setback requirements of the MU-I zone and the Saginaw Street Overlay Zone is as follows:

- **North:** The north property line of the subject property is an interior side property line. Required setbacks abutting this property line are governed by the MU-I zone and are based on the applicable zone-to-zone setback identified under Table 533-4. Where an interior side property line abuts an adjacent property that is zoned mixed-use, the required zone-to-zone setback for buildings and accessory structures is none and the

required zone-to-zone setback for parking and vehicle use areas is a minimum of 5 feet, landscaped to the Type A standards of SRC Chapter 807.

As shown on the site plan, the proposed new medical/office building and attached canopy structure are setback approximately 45 feet to 112 feet from the north property line, and the proposed off-street parking area is setback seven feet from the north property line; thereby allowing parked vehicles to overhang the setback area while still maintaining the minimum required 5-foot setback. The proposed development therefore conforms to the interior side setback requirements of the MU-I zone.

- **South:** The south property line of the subject property is a property line abutting a street (Kearney Street). Required setbacks abutting Kearney Street are governed by both the MU-I zone and the Saginaw Street Overlay Zone. Pursuant to SRC 625.015, where the setbacks of the Saginaw Street Overlay Zone conflict with the setbacks of the underlying zone, the setbacks of the overlay zone shall be the applicable standard.

Because the Saginaw Street Overlay zone applies only to approximately the western 74 feet of the subject property, the setback requirements of the overlay zone along Kearney Street generally only apply to the existing building at the southwest corner of the subject property, which is not proposed to be altered with the proposed development, and a small section of the proposed reconfigured parking area. For the remainder of the majority of the site that is not located within the Saginaw Street Overlay Zone, setbacks abutting Kearney Street are governed by the MU-I zone.

As shown on the site plan, the proposed new medical/office building is setback 10 feet from Kearney Street, and the area between the building and Kearney Street is proposed to be developed with a stormwater water quality facility. As required under the MU-I zone, a maximum setback of 10 feet from a street is only allowed when the setback area is developed with a pedestrian amenity. SRC 533.005 defines “pedestrian amenity” as, “...areas and objects that are intended to serve as places for public use and are closed to motor vehicles. Examples include plazas, sidewalk extensions, outdoor seating areas, and street furnishings.”

Because the setback area between the new building and Kearney Street is proposed to be developed with a water quality facility, which does not qualify as a pedestrian amenity, the required building setback abutting Kearny Street is not met and the applicant has requested a Class 2 Adjustment to this standard to increase the required setback from zero feet to 10 feet. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included under Section 8 of this decision.

As shown on the site plan, there is a small section of proposed parking lot adjacent to Kearney Street located between the proposed new medical/office building and the existing building located at the southwest corner of the site. This parking area is setback 10 feet from Kearney Street in conformance with the minimum setback requirements of both the MU-I zone and the Saginaw Street Overlay Zone.

- **East:** The east property line of the subject property is a property line abutting a street (Commercial Street). Required setbacks abutting Commercial Street are governed by the MU-I zone.

As shown on the site plan, the proposed new medical/office building is setback approximately five feet to eight feet from Commercial Street and the area between the building and the street is proposed to be developed with pedestrian amenities including a sidewalk extension that is accentuated with areas of landscaping. In addition, the proposed new building also includes an attached canopy structure that extends north from the building along Commercial Street to provide weather protection along the street together with benches where pedestrians are able to sit. The columns supporting the attached canopy structure are setback approximately 2.5 feet from the property line abutting Commercial Street and the roof structure of the canopy projects into Commercial Street as permitted under SRC 533.015(h), Table 533-6, which allows awnings and canopies to project into the public right-of-way. The proposed new medical/office building conforms to the setback requirements of the MU-I zone abutting Commercial Street.

As shown on the site plan, the northern portion of the subject property abutting Commercial includes an off-street parking area. The portion of the off-street parking area located to the north of the proposed driveway onto Commercial Street is setback 10 feet from the property line abutting Commercial Street, and the portion of the off-street parking area located to the south of the proposed driveway onto Commercial Street is setback an overall distance of 10 feet from the property line abutting Commercial Street and the setback area is developed with a sidewalk extension and a 6-foot-wide landscape strip together with a three-foot tall screening wall to buffer the parking area from pedestrians on the sidewalk. The proposed off-street parking area conforms to the setback requirements of the MU-I zone abutting Commercial Street.

- **West:** The west property line of the subject property is a property line abutting a street (Saginaw Street). Required setbacks abutting Saginaw Street are governed by both the MU-I zone and the Saginaw Street Overlay Zone. Pursuant to SRC 625.015, where the setbacks of the Saginaw Street Overlay Zone conflict with the setbacks of the underlying zone, the setbacks of the overlay zone shall be the applicable standard.

As shown on the site plan, the western portion of the subject property abutting Saginaw Street is occupied by off-street parking and an existing building at the southwest corner of the site, which is not proposed to be altered with the proposed development. The proposed off-street parking area abutting Saginaw Street is setback 12 feet from the street in conformance with the setback requirements of the Saginaw Street Overlay Zone and the proposed new medical/office building is setback more than the minimum required 30 feet required under the overlay zone. The proposed new medical/office building and off-street parking conform to the setback requirements of the MU-I zone and the Saginaw Street Overlay Zone.

- **Parking and Vehicle Use Area Setback Adjacent to Buildings and Structures:** In addition to required setbacks from property lines as identified above, SRC 806.035(c)(4) requires parking and vehicle use areas adjacent to buildings and structures to be setback from the exterior wall of a building or structure by a minimum 5-foot-wide landscape strip, planted to Type A landscaping standards, or a minimum 5-foot-wide paved pedestrian walkway. The minimum 5-foot setback requirement does not, however, apply to drive-through lanes located adjacent to a building or structure.

As shown on the site plan, off-street parking is located to the north and west of the proposed new medical/office building and to the north and east of the existing building

located at the southwestern corner of the site. The proposed off-street parking areas are separated from these buildings by a distance of at least five feet, and such setback areas are improved with either landscaping and/or pedestrian connections. The proposed development conforms to parking and vehicle use area setback requirements adjacent to buildings required under SRC 806.035(c)(4).

Because the subject property is currently comprised of six separate tax lots, the existing property lines associated within the tax lots bisect the property and are located under the proposed building and cross through the proposed off-street parking and vehicular use areas in a manner that does not conform to the required setbacks of the MU-I zone. In order to address this issue, the existing properties are required to be reconfigured/consolidated in order to meet applicable SRC setback and building code requirements. The reconfiguration/consolidation of the existing properties will ensure that development of the subject property will comply with the setbacks requirements of the MU-I zone and the Building Code.

In order to ensure that the existing property lines are reconfigured/consolidated and the proposed development will conform to the setback requirements of the MU-I zone as well as building code requirements, the following condition of approval shall apply:

Condition 2: Prior to approval of final occupancy for the proposed development, the existing individual properties which make up the subject property shall be reconfigured/consolidated to meet applicable setback and building code requirements.

SRC 533.015(d) – Lot Coverage:

Lot coverage requirements within the MU-I zone are established under SRC 533.015(d), Table 533-5. Within the MU-I zone there is no maximum lot coverage requirement for buildings and accessory structures.

No lot coverage requirements are established under the Saginaw Street Overlay Zone.

SRC 533.015(d) & SRC 625.015(b) – Height:

Building and accessory structure heights for the proposed development are governed by both the MU-I zone and the Saginaw Street Overlay Zone.

Height requirements for buildings and accessory structures within the MU-I zone are established under SRC 533.015(d), Table 533-5. Within the MU-I zone buildings are required to be a minimum of 20 feet in height but cannot exceed a maximum height of 65 feet, or 45 feet when located on a lot that is contiguous to a National Register Historic District. Accessory structures within the MU-I zone have no minimum height requirement but, as is required for buildings, cannot exceed a maximum height of 65 feet, or 45 feet when located on a lot that is contiguous to a National Register Historic District.

The proposed new medical/office building is a three-story building with a height ranging from 41 feet at its lowest points to 46 feet at its highest point. The proposed building therefore exceeds the minimum 20-foot building height requirement of the MU-I zone and

because the subject property is not located adjacent to a National Register Historic District, it similarly does not exceed the maximum MU-I zone height limit of 65 feet.

Height requirements for buildings and accessory structures within the Saginaw Street Overlay Zone are established under SRC 625.015(b), Table 625-2. Within the Saginaw Street Overlay Zone buildings and accessory structures shall not exceed a maximum height of 35 feet.

The Saginaw Street Overlay zone applies only to approximately the western 74 feet of the subject property adjacent to Saginaw Street. As shown on the site plan, the proposed development does not include any new buildings or accessory structures on the portion of the site located within the boundaries of the overlay zone. As such, the maximum height limits of the Saginaw Street Overlay Zone are not applicable to the proposed development.

SRC 533.015(d) – Building Frontage:

Minimum building frontage requirements within the MU-I zone are established under SRC 533.015(d), Table 533-5. Within the MU-I zone a minimum of 75 percent of the frontage of a lot is required to be occupied by buildings placed at the front setback line. For corner lots, the minimum 75 percent frontage requirement applies to the street with the highest street classification, and a minimum building frontage of 40 percent is required on the intersecting street.

The subject property is a corner lot with frontage on Commercial Street, which is classified as a major arterial street, and Kearney Street, which is classified as a local street. Based on the building frontage requirements of the MU-I zone, a minimum of 75 percent of the frontage of the property abutting Commercial Street is required to be occupied by buildings placed at the setback line and a minimum of 40 of the frontage of the property abutting Kearney Street is required to be occupied by buildings places at the setback line.

As shown on the site plan, the proposed new medical/office building occupies approximately 49 percent of the building frontage of the property abutting Kearney Street and approximately 34 percent of the building frontage of the property abutting Commercial Street. As such, the proposed building exceeds minimum building frontage requirements abutting Kearney Street but does not conform, however, to minimum frontage requirements abutting Commercial Street. Because the proposed building does not meet the minimum building frontage requirements of the MU-I zone abutting Commercial Street, the applicant has requested a Class 2 Adjustment to this standard. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included under Section 8 of this decision.

SRC 533.015(e) – Parking:

Within the MU-I zone, pursuant to SRC 533.015(e), off-street parking shall not be located on a new standalone surface parking lot. As shown on the site plan, the proposed development includes a new three-story medical/office building together with off-street parking. Although off-street parking is proposed the off-street parking provided to serve the proposed development is not located on a new standalone surface parking lot. The proposed development therefore conforms to this MU-I zone standard.

SRC 533.015(f) & SRC 625.015(c) – Landscaping:

Landscaping requirements applicable to the proposed development are governed by both the MU-I zone and the Saginaw Street Overlay Zone.

Landscaping requirements within the MU-I zone are established under SRC 533.015(f). Within the MU-I zone landscaping is required as follows:

- (1) Setbacks. Required setbacks within the MU-I zone, except those 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 within the MU-I zone shall be landscaped as required under SRC Chapter 806 and SRC Chapter 807.

Setback Landscaping. As shown on the applicant's landscape plan, required setback areas provided on the site are proposed to be landscaped.

Parking & Vehicular Use Area Landscaping. SRC 806.035(d) establishes interior landscaping requirements for parking areas greater than 5,000 square feet in size. The proposed off-street parking area provided on the site is approximately 35,056 square feet in size and is therefore subject to the interior parking lot landscaping requirements of SRC 806.035(d)(2). Based on the size of the off-street parking area, a minimum of five percent (1,753 square feet) of interior parking lot landscaping is required to be provided.

As shown on the applicant's landscape plan, a total of approximately 1,792 square feet of interior parking lot landscaping is provided which conforms to the minimum five percent interior parking area landscaping requirement.

In addition to requiring a minimum square footage of interior parking lot landscaping, SRC 806.035(d)(3) requires a minimum of one deciduous shade tree to be planted within a parking area for every 12 parking spaces. SRC 807.005 defines a shade tree as, "...a deciduous tree, or, in rare occasions, an evergreen tree, planted primarily for its high crown of foliage or overhead canopy."

Based on the 108 off-street parking spaces proposed, a minimum of nine deciduous shade trees are required. As shown on the applicant's landscape plan, a total of 13 trees are proposed within the off-street parking area. However, of the 13 trees identified, some are proposed to be planted abutting each other within landscape planter bays that can only accommodate the planting of one deciduous shade tree rather than the two proposed. In order to ensure that the interior parking lot landscaping requirements of SRC 806.035(d)(3) are met the following condition of approval shall apply:

Condition 3: A minimum of nine deciduous trees shall be planted in the proposed off-street parking area of a species that meets the definition of shade tree under SRC 807.005.

SRC 806.035(d)(4) requires landscape islands and planter bays within off-street parking areas to be a minimum of 25 square feet in size with a minimum width of five feet. As shown on the applicant's landscape plan, a total of six parking area landscape islands are

provided that all conform to the minimum size and dimension requirements of SRC 806.035(d)(4).

Landscaping requirements within the Saginaw Street Overlay Zone are established under SRC 625.015(c). Within the Saginaw Street Overlay Zone, all areas of a lot not developed shall be landscaped with landscaping meeting the requirements of SRC Chapter 807. As shown on the landscape plan, all areas of the site not proposed to be developed with buildings, off-street parking, or pedestrian connections, are proposed to be landscaped; therefore complying with the landscaping requirements of the Saginaw Street Overlay Zone.

Although a landscape plan was submitted for the proposed development, the landscape plan does not identify the specific species of plants that will be planted in the identified landscape areas. In order to ensure that the landscaping provided for the proposed development conforms to the planting density requirements of SRC Chapter 807, the following condition of approval shall apply:

Condition 4: At the time of building permit review, the applicant shall provide a full landscaping plan in conformance with the minimum plant unit density requirements of SRC Chapter 533, SRC Chapter 625, and SRC Chapter 807.

The proposed development, as conditioned, conforms to the landscaping requirements of the MU-I zone and the Saginaw Street Overlay Zone.

SRC 533.015(g) – Continued Development:

Pursuant to SRC 533.015(g), buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are deemed continued development.

Because all previously existing buildings on the property have been removed, the subject property does not qualify as continued development and the standards set forth in this section are therefore not applicable to the proposed development.

SRC 533.015(h) – Pedestrian-oriented design:

Pursuant to SRC 533.015(h), development within the MU-I zone shall conform to the following 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.

Commercial Street SE is designated as a primary street. The proposed medical/office building has a ground floor height of 9 feet and therefore does not meet the minimum required 14-foot ground floor building height of the MU-I zone. Because the proposed building does not conform to the minimum required ground floor building height the applicant has requested a Class 2 Adjustment to this standard. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included under Section 8 of this decision.

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.

The proposal includes the development of a three-story medical/office building and no residential dwelling units are proposed. Because the proposed building doesn't include any residential units, this standard is not applicable to the proposed development.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
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.

Building Façade Articulation		
Requirement	Standard	Limitations & Qualifications
		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"> 1. Change in materials. 2. Change in color. 3. Molding or other horizontally-articulated transition piece.
		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"> 1. Recesses of a minimum depth of two feet. 2. Extensions of a minimum depth of two feet. 3. Vertically-oriented windows. 4. Pilasters that project away from the building.
		c) Top: Building tops shall be defined by at least one of the following standards: <ol style="list-style-type: none"> 1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade. 2. Change in materials 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. 4. A roof overhang that is a minimum of eight inches beyond the face of the facade.

The subject property abuts Commercial Street SE, Kearney Street S, and Saginaw Street S. Commercial Street, which is designated as a major arterial street, is considered a primary street for purposes of the standards of the MU-I zone and Kearney Street and Saginaw Street, which are designated as local streets, are considered secondary streets. Within MU-I zone, buildings facing primary streets are required to incorporate vertical and horizontal architectural articulation into their facades in order to divide the vertical mass of the building into a base, middle, and top. On corner lots where a primary street intersects with a secondary street, the articulation standard applies to both the façade of the building facing the primary street as well as to at least the first 50 feet of the building façade facing the secondary street extending from where the primary street meets the secondary street.

Because the subject property is a corner lot where a primary street intersects with a secondary street, the proposed building is required to include architectural articulation on its eastern façade facing Commercial Street and southern façade facing Kearney Street.

As shown on the building elevation drawings and illustrated by the building renderings, the proposed building includes architectural articulation dividing the vertical mass of the building into a base, middle, and top as required by this MU-I zone standard. The ground floor façades of the building are visually defined as the base through the utilization of a different pattern and siding material to distinguish them from the upper floors. The middle portions of the façades of the building incorporate changes in pattern and material, as well as extensions and recesses, which act to break up the horizontal and vertical mass of the building and visually distinguish them from the ground floor and top. The upper facades of the building are visually defined as the top through utilization of various offsets/breaks in the roofline elevation that are three feet or more in depth. The proposed building conforms to this standard.

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.

Because the subject property is a corner lot where a primary street intersects with a secondary street, the proposed building is required to include ground floor windows in conformance with the above standard on both its eastern façade facing Commercial Street SE and southern façade facing Kearney Street S.

As shown on the building elevation drawings, the ground floor façade of the building facing Commercial Street currently includes approximately 44.23 percent ground floor windows and the ground floor façade of the building facing Kearney Street currently includes approximately 43.6 percent ground floor windows. Because the percentage of ground floor windows provided on both facades falls below the minimum required 65 percent, the applicant originally requested a Class 2 Adjustment to this standard. However, subsequent

to the close of the public comment period and in consideration of the comments received concerning the requested adjustment, the applicant requested to withdraw the adjustment to reduce the amount of ground floor windows facing Commercial Street and Kearney Street and instead incorporate additional windows into the ground floor facades to meet this standard.

In order to ensure that the grounds floor facades of the building facing Commercial Street and Kearney Street include ground floor windows conforming to this standard, the following condition of approval shall apply:

Condition 5: Windows shall be provided on the ground floor facades of the building facing Commercial Street SE and Kearney Street S in conformance with SRC 533.015(h), Table 533-6.

The proposed development, as conditioned, conforms to this standard.

Building Entrances		
Requirement	Standard	Limitations & Qualifications
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.

Because the subject property has frontage on Commercial Street SE, which is considered a primary street for purposes of this MU-I zone standard, the proposed building is required to include a primary building entrance facing Commercial Street that includes weather protection.

As shown on the site plan and building elevation drawings, a primary building entrance is proposed at the northeast corner of the building. The proposed entrance faces Commercial Street but does not, however, include weather protection. In order to ensure the proposed building entrance includes weather protection as required by the standard, the following condition of approval shall apply:

Condition 6: The primary building entrance facing Commercial Street SE located at the northeast corner of the building shall include weather protection as required under SRC 533.015(h), Table 533-6.

The proposed development, as conditioned, conforms to this standard.

Weather Protection		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors adjacent to a street.	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 surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

The proposed building is located adjacent to two streets, Commercial Street SE and Kearney Street S. As such, the building is required to include weather protection in the form of awnings or canopies along a minimum of 75 percent of the ground floor facades of the building facing these streets.

As shown on the building elevation drawings and renderings, the proposed building includes projecting sunshades above individual windows but does not include weather protection in the form of awnings or canopies along a minimum of 75 percent of the ground floor facades facing Commercial Street and Kearney Street. The building does, however, include an attached canopy structure that extends north from the building along Commercial Street to provide weather protection. The canopy structure provides a vertical clearance above the sidewalk of eight feet and projects into the public right-of-way as allowed under this standard. However, because the canopy structure does not provide weather protection along the actual ground floor façade of the building facing Commercial Street it cannot be counted towards meeting the weather protection requirement of this standard.

Because the proposed development does not meet the minimum weather protection requirement, the applicant originally requested a Class 2 Adjustment to this standard. However, subsequent to the public comment period and in consideration of the comments received, the applicant requested to withdraw the portion of the adjustment concerning

weather protection along Commercial Street and instead incorporate weather protection along the building façade facing Commercial Street in conformance with the standard. Weather protection in conformance with the minimum 75 percent standard is still not proposed to be provided, however, along Kearney Street. As such, the applicant's requested adjustment to the required weather protection along Kearney Street remains. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included under Section 8 of this decision.

In order to ensure that weather protection in conformance with this standard is provided along the ground floor façade of the building facing Commercial Street, the following condition of approval shall apply:

Condition 7: Weather protection in the form of awnings or canopies shall be provided along the ground floor facade of the building facing Commercial Street SE in conformance with SRC 533.015(h), Table 533-6.

The proposed development, as conditioned and approved with the Class 2 Adjustment, conforms to this standard.

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.

As shown on the site plan, off-street parking is located behind or to the side of buildings. The proposed development conforms to this standard.

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.

Mechanical and Service Equipment		
Requirement	Standard	Limitations & Qualifications
		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.

As shown on the site plan, an existing previously approved trash enclosure area exists at the northwest corner of the site that is located behind and to the side of the buildings. The trash enclosure includes a concrete block wall and a chain link fence gate with slats. The concrete wall and chain link fence with slats screens the trash enclosure in conformance with this standard. However, some of the slats within the chain link fencing are broken and in need of replacement. In order to ensure that the proposed trash enclosure is fully screened as required by this standard the following condition of approval shall apply:

Condition 8: Any broken sight-obscuring slats within the chain link fencing around the existing trash enclosure shall be replaced.

A roof plan for the proposed building identifying the location of any potential rooftop mechanical equipment that will be provided to serve the building was not provided with the application. In order to ensure that any rooftop mechanical provided meets the screening requirements of this standard, the following condition of approval shall apply:

Condition 9: Any mechanical equipment provided on the roof of the proposed building, with the exception of solar panels and wind generators, shall be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building.

The proposed development, as conditioned, conforms to this standard.

SRC 625.015(d) – Screening:

Within the Saginaw Street Overlay Zone non-residential uses shall be screened from both Saginaw Street and from abutting residentially zoned and used lots by a minimum 6-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 of planting.

Landscaping requirements applicable to the proposed development are governed by both the MU-I zone and the Saginaw Street Overlay Zone.

Because of the previous non-residential use of the property a sight-obscuring hedge currently exists conforming to this standard.

SRC 625.015(e) – Access:

Within the Saginaw Street Overlay Zone vehicular access to properties is limited as follows:

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

The subject property does not abut an alley. This standard is therefore not applicable to the proposed development.

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

As shown on the site plan, vehicular access to this site is proposed to be taken from driveways onto Commercial Street SE and Kearney Street S. No vehicular access from the development is proposed to be provided to Saginaw Street S other than the existing previously approved driveway serving the trash enclosure area at the northwest corner of the site. The proposed development conforms to this standard.

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

The subject property does not abut Bush Street S. This standard is therefore not applicable to the proposed development.

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

The subject property does not abut Bush Street S. This standard is therefore not applicable to the proposed development.

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

As shown on the site plan, the proposed development includes a driveway onto Kearney Street S. The driveway is in the location of an existing driveway, but because the existing driveway is only wide enough to accommodate a one-way direction of travel it is proposed to be widened to accommodate two-way vehicle circulation. Because the proposed reconfigured driveway is located outside the boundaries of the Saginaw Street Overlay Zone, this standard is not applicable; however, the driveway is spaced slightly more than 100 feet from Saginaw Street S.

The proposed development conforms to the access standards of the Saginaw Street Overlay Zone.

SRC 625.015(f) – Trees:

Within the Saginaw Street Overlay Zone trees with a diameter-at-breast-height (dbh) of ten inches or greater shall be preserved whenever possible.

Within the portion of the property located within the Saginaw Street Overlay Zone, there is one existing tree located at the southwest corner of the site that is greater than 10 inches in dbh. This tree appears to be partially located on the property and partially within the public street right-of-way. This tree is not proposed to be removed. The proposed development therefore conforms to this standard.

SRC Chapter 800 (General Development Standards)

SRC 800.055 – Solid Waste Service Areas

SRC 800.055 establishes standards for solid waste, recycling, and compostable service areas. The standards apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed, and any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

As shown on the site plan, there is an existing previously approved trash enclosure area located at the northwest corner of the site. No changes are proposed to the existing trash enclosure area that would require a building permit. As such, the standards of SRC 800.055 are not applicable to the proposed development.

SRC 800.065 – Pedestrian Access

SRC 800.065 establishes standards for pedestrian access to buildings and through development sites. Under this section, pedestrian connections are required:

- (1) Between building entrances and streets;
- (2) Between buildings on the same development site;
- (3) Through off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles;
- (4) Through parking structures/parking garages where an individual floor of the parking structure or garage exceeds 25,000 square feet in size;
- (5) To existing or planned paths and trails; and
- (6) To abutting properties when shared vehicular access is provided between them.

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

A pedestrian connection is required between the primary entrance of each building on a 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. Pursuant to SRC 800.065(a)(1)(C)(i), a pedestrian connection is not required between the primary building entrance and each adjacent street if 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.

In addition, SRC 800.065(a)(1)(B) requires that where an adjacent street is a transit route and there is an existing or planned transit stop along the 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.

The subject property has frontage of three streets, Commercial Street SE, Kearney Street S, and Saginaw Street S. As shown on the site plan, the proposed development includes a primary building entrance facing Commercial Street that includes a pedestrian

connection to Commercial Street to the east. In addition, a pedestrian path is provided around the building that connects to Kearney Street to the south and a pedestrian path is provided through the proposed parking area to connect to Saginaw Street to the west.

The subject property abuts a transit route along Commercial Street SE (*Route 21: South Commercial*). The nearest bus stop along this route is located to north of Mission Street SE along the west side of Commercial Street. The Salem Area Mass Transit District was notified of the proposed development and no comments were received identifying the need for a future planned stop along the Commercial Street frontage of the property. The proposed development conforms to this standard.

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. Pursuant to SRC 800.065(a)(2)(B)(i) & (ii), a pedestrian connection, or pedestrian connections, 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, and has a pedestrian connection to, the property line abutting a street and a public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances.

As shown on the site plan, the development site will include two buildings, the proposed new medical/office building and the existing building located at the southwest corner of the site. Both the proposed new building and the existing building have primary entrances located within 20 feet of a street and both entrances are connected to the street via a pedestrian connection. Based on the proximity of the primary building entrances to the street, the required pedestrian connection between the two buildings is provided via the public sidewalk along Commercial Street, Kearney Street, and Saginaw Street pursuant to SRC 800.065(a)(2)(B)(i) & (ii). The proposed development conforms to this standard.

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

As shown on the site plan, two pedestrian connections are proposed to be extended through the off-street parking area to connect to the primary entrance of the proposed new building. One of the connections extends north-south through the site and the other connection extends east-west through the site. The proposed development conforms to this standard.

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.

There is not a planned pedestrian path or trail in proximity of the subject property. This standard is therefore not applicable to the proposed development.

SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties. Except as provided under SRC 800.065(a)(5)(A), whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

As shown on the site plan, the proposed development does not include vehicular access to any abutting properties. This standard is therefore not applicable to the proposed development.

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.

SRC 800.065(b)(1) – Design and Materials. Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

As shown on the landscape plan, all of the proposed pedestrian connections through the site meet or exceed the minimum required 5-foot width and, except where they cross a driveway, are visually differentiated through the use of a different paving material.

The proposed east-west pedestrian connection through the site crosses two parking lot drive aisles. Where the path crosses the drive aisles it is visually differentiated with striping and two partial speed bumps. However, pursuant to SRC 800.065(b)(1)(B), striping does not meet this requirement. In order to ensure the proposed development meets the pedestrian path visual differentiation requirements of SRC 800.065(b)(1)(B), the following condition of approval shall apply:

Condition 10: Where the proposed east-west pedestrian path provided through the proposed off-street parking area crosses a parking lot drive-aisle, it shall be visually differentiated in conformance with the requirements of SRC 800.065(b)(1)(B).

The proposed development, as conditioned, conforms to this standard.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

Off-Street Parking.

Minimum Off-Street Vehicle Parking. Minimum off-street vehicle parking requirements are established under SRC 806.015(a), Table 806-1. The minimum off-street parking requirement for the development is as follows:

Minimum Off-Street Parking	
Outpatient Medical Services and Laboratories	1 space per 350 ft. ²
Office	1 space per 350 ft. ²

Maximum Off-Street Vehicle Parking. Maximum off-street vehicle parking requirements are established under SRC Chapter 806.015(d), Table 806-2A. The maximum number of allowed parking spaces is based upon the minimum number of spaces required for the proposed development. If the minimum number spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum allowed parking is 1.75 times the minimum number of spaces required.

Based on the above identified minimum and maximum off-street parking requirements, the proposed 31,814 square-foot medical/office building requires a minimum of 91 off-street parking spaces and is allowed to have a corresponding maximum of 159 off-street parking spaces. As shown on the site plan, a total of 108 parking spaces are provided, together with one additional parking space that will serve as an off-street loading space as allowed pursuant to SRC 806.075(a). The number of off-street parking spaces provided to serve the proposed development conform to the requirements of SRC 806.015(a).

Compact Parking. SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the required off-street parking spaces. As shown on the site plan, a total of 68 (62.96%) of the parking stalls provided are proposed to be designated as compact parking. The proposed number of compact parking spaces do not exceed the maximum 75% allowed under SRC 806.015(b).

Off-Street Parking Area Dimensions. SRC 806.035(e), Table 806-6, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them. Based on the layout of the parking spaces within the development, the proposed parking stalls and access aisles must meet the following standards:

Minimum Parking Stall & Drive Aisle Dimensions		
Stall Type	Parking Stall Dimension	Drive Aisle Width
90° Standard Stall	9 ft. x 19 ft.	24 ft.
90° Compact Stall	8 ft. x 15 ft.	22 ft. ⁽¹⁾
Notes		
(1) The width of a drive aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.		

As shown on the site plan, all of the proposed off-street parking spaces conform to the minimum required parking stall dimensions established under SRC 806.035(e), Table 806-6, and all of the parking stalls are served by parking lot drive aisles that are at least 22 feet in width.

Off-Street Parking Area Access & Maneuvering. SRC 806.035(f) establishes access and maneuvering requirements for off-street parking areas. Pursuant to the requirements of this subsection, off-street parking and vehicle use areas are required to be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and, where a drive aisle terminates at a dead-end, a turnaround is provided that conforms to the dimensions set forth in Table 806-7.

As shown on the site plan, ingress and egress to and within the proposed off-street parking areas within the development will be provided via internal driveways and drive aisles that are designed so that vehicles are able to maneuver on site and enter and exit the property in a forward motion. The proposed development conforms to this standard.

Driveways. SRC 806.040(d) establishes minimum driveway standards. Pursuant to SRC 806.040(d), Table 806-8, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet.

As shown on the site plan, the proposed development will be served by a driveway onto Commercial Street SE and a driveway onto Kearney Street S. Both proposed driveways exceed the minimum required driveway width established under SRC 806.040. The proposed development conforms to this standard.

Bicycle Parking.

Minimum Bicycle Parking. Minimum bicycle parking requirements are established under SRC 806.055, Table 806-9. The minimum bicycle parking requirement for the proposed development is as follows:

Minimum Bicycle Parking		
	Bike Parking Ratio	Max. Percentage of Long-Term Spaces
Outpatient Medical Services and Laboratories	The greater of 4 spaces or 1 space per 3,500 sq. ft.	75%
Office	The greater of 4 spaces or 1 space per 3,500 sq. ft.	25%

Based on the above identified minimum bicycle parking requirement, a minimum of nine bike parking spaces are required for the proposed 31,814 square foot medical/office building. As shown on the site plan, the proposed development includes a total of 14 staple-style bike racks. However, four of the proposed spaces located on the west side of the building do not meet the maximum 50-foot spacing requirement from a building primary building entrance and will therefore need to be eliminated. After the removal of these spaces, the proposed development will include a total of 10 bike spaces in conformance with SRC 806.055.

Bicycle Parking Location. SRC 806.060(a)(1) requires bicycle parking areas to be located outside the building and located within a convenient distance of, and clearly visible from, the primary entrance of a building, but in no event shall the bicycle parking area be located more than 50 feet from the primary building entrance.

As shown on the site plan, the proposed bicycle parking spaces are located within 50 feet of, and visible from, a primary entrance into the building. The proposed development meets this standard.

Bicycle Parking Access. SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance that is free of barriers which would require users to lift their bikes in order to access the bicycle parking area. As shown on the site plan, the proposed bike spaces are located adjacent to a building entrance and can be accessed via a barrier free route from either Commercial Street SE or Kearney Street S. The proposed development meets this standard.

Bicycle Parking Dimensions. SRC 806.060(c) requires bicycle parking spaces to be a minimum of 2 feet in width (*min. 1.5 ft when spaces are located side-by-side*) by 6 feet in length and served by a minimum 4-foot-wide access aisle. When bicycle parking spaces are located adjacent to a wall, a minimum clearance of two feet is required between the bike rack and the wall.

As shown on the site plan, the proposed bike parking spaces included within the development meet the minimum required bike parking dimension, access aisle, and clearance requirements of SRC 806.060(c).

Bicycle Parking Area Surfacing. SRC 806.060(d) requires bicycle parking spaces located outside a building to consist of a hard surface material meeting the Public Works Design Standards. As shown on the site plan and the landscape plan, the proposed bike parking spaces will be located on a paved area in conformance with this standard.

Bicycle Racks. SRC 806.060(e) establishes requirements for bicycle racks. Based upon these standards, bicycle racks are required to:

- 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;
- Allow the bicycle frame and at least one wheel to be located to the rack with a high security U-shaped shackle lock;
- Be of a material that resists, cutting, rusting, and bending or deformation; and
- Be securely anchored.

As shown on the site plan and indicated in the written application materials provided from the applicant, the proposed development will include staple-style racks. As identified under SRC 806.060(e), Figure 806-11, staple-style bike racks satisfy the requirements of SRC 806.060(e). The proposed development conforms to this standard.

Off-Street Loading Areas.

Minimum off-street loading requirements are established under SRC 806.075, Table 806-11. The minimum loading requirement for the proposed development is as follows:

Minimum Loading		
Outpatient Medical Services and Laboratories	Buildings 5,000 sq. ft. to 60,000 sq. ft.	1 space (12 ft. W x 19 ft. L x 12 ft. H)
Office		

Based on the above identified minimum off-street loading requirements, the proposed 31,814 square foot medical/office building is required to provide a minimum of one off-street loading space. As shown on the site plan, one off-street loading space is identified as being provided within the proposed off-street parking area to the north of the proposed building. Pursuant to SRC 806.075(a), the required loading space is proposed to be provided by an off-street parking space.

As allowed under SRC 806.075(a), an off-street parking space can be utilized for a loading space when the use or activity it serves does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building it serves. The proposed development conforms to this standard.

SRC Chapter 601 (Floodplain Overlay Zone)

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 808 (Preservation of Trees & Vegetation)

The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves."

There is one existing tree located on the subject property at the southwest corner of the site that appears to be partially located within the public street right-of-way. This tree is not identified for removal. The proposed development conforms to the requirements of SRC Chapter 808.

SRC Chapter 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.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands or waterways located on the subject property.

SRC Chapter 810 (Landslide Hazards)

City records show that the subject property may be located within a landslide hazard area. The applicant submitted findings demonstrating that the proposed development is a low landslide hazard risk based on SRC Chapter 810.

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: The subject property is a corner lot that has frontage on Commercial Street SE, Kearney Street S, and Saginaw Street S. Vehicular access to the development is proposed to be taken from Commercial Street via a proposed driveway located in the northeast portion of the site and from Kearney Street via a proposed driveway located in the southwest portion of the site.

Kearney Street is designated as a local street under the City's Transportation System Plan (TSP) requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. Comments from the Public Works Department (**Attachment H**) indicate that Kearney Street currently has an approximate 40-foot-wide improvement within a 60-foot-wide right-of-way. As such, Kearney Street meets the minimum right-of-way width and improvement width standards for its classification under the TSP and no additional improvements are therefore required along this street frontage.

Saginaw Street is also designated as a local street under the TSP requiring a 30-foot-wide improvement within a 60-foot-wide right-of-way. Comments from the Public Works Department indicate that Saginaw Street currently has an approximate 30-foot-wide improvement within a 49-foot-wide right-of-way. As such, Saginaw Street currently does not meet the minimum right-of-way width required for its classification under the TSP but does, however; meet the minimum required improvement width. Saginaw Street has sidewalks, adequate pavement width, and is considered a complete street. Development patterns in the area limit potential for additional right-of-way width along Saginaw Street; therefore, this street is authorized to have a 49-foot-wide right-of-way pursuant to SRC 803.065(a)(1). No additional improvements are required along this street frontage.

Commercial Street SE is designated as a major arterial street under the TSP requiring a 40-foot-wide improvement within a 66-foot-wide right-of-way according to Appendix G of the TSP. Comments from the Public Works Department indicate that Commercial Street currently has an approximate 40-foot-wide improvement within a 60-foot-wide right of way abutting the subject property. Because the existing right-of-way width of Commercial Street SE does not meet the current standards for its classification under the TSP, the applicant is required 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 (PWDS) and based on a rational nexus calculation. Commercial Street 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 necessary for bike improvements are required as part of this application.

In order to ensure that Commercial Street SE meets the requirements for its street classification under the TSP, the following condition of approval shall apply:

Condition 11: 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 sidewalks along Commercial Street SE, Kearney Street S, and Saginaw Street S are nearing their useful life and require replacement. In addition, the existing sidewalks do not have adequate width according to the PWDS. In order to ensure that the sidewalks along the street frontages of the property conform to SRC Chapter 803 and the City's

Public Works Design Standards, the following conditions shall apply pursuant to SRC 78.180(a):

Condition 12: Along Kearney Street S and Saginaw Street S, replace nonconforming portions of existing sidewalk along the frontage of the property.

Condition 13: Along Commercial Street SE, replace and relocate sidewalks to the proposed property line along the frontage of the property.

Along Commercial Street SE and Kearney Street S, there is concrete pavement located within the required planter strips. As provided under SRC 803.035(q), the applicant is required remove the concrete pavement and replace with landscaping. Removal of the existing pavement will also allow for the addition of street trees, which are required under SRC 803.035(k) and SRC 86.015(e). Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. In order to ensure that the streets along the frontages of the property conform to the applicable standards of SRC Chapter 803, SRC Chapter 86, and the City's TSP, the following conditions of approval shall apply:

Condition 14: Along Commercial Street SE and Kearney Street S, remove existing concrete pavement within the planter strips and replace with landscape.

Condition 15: Install street trees to the maximum extent feasible along Commercial Street SE, Kearney Street S, and Saginaw Street S.

The proposed development, as conditioned, will ensure that the street frontages on the perimeter of the property conform to the City's TSP and SRC Chapter 803; thereby ensuring that the transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development. This approval criterion is met.

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 subject property is currently served by a total of six driveways. Two of the existing driveways are located on Commercial Street SE and the remaining four driveways are located on Kearney Street S. As shown on the site plan, both existing driveways onto Commercial Street are proposed to be removed and replaced with one new driveway onto Commercial Street located near the northeast corner of the site. Similarly, the four existing driveways onto Kearney Street are proposed to be removed and replaced with one wider reconfigured driveway located in the southwest portion of the site.

In addition to vehicular access, pedestrian and bicycle access to and within the development will be provided via the existing network of streets in the surrounding area and through pedestrian connections proposed to be extended through the site.

The reduced number of driveways onto Commercial Street and Kearney Street, the design of the internal vehicular circulation, and the pedestrian connections provided through the

site provide for the safe and efficient movement of vehicles, bicycles, and pedestrians as required by this approval criterion.

Pursuant to SRC 804.060(a) all existing approaches that will no longer be used for access shall be removed and replaced with the required landscaping and street trees, as described above. In order to ensure that the proposed development conforms to the applicable requirements of SRC Chapter 804 and that proposed development provides for the safe and efficient movement of vehicles, bicycles, and pedestrians, the following condition of approval shall apply:

Condition 16: The existing unused driveway approaches along Kearney Street S and Commercial Street SE shall be removed.

The proposed development, as conditioned, provides for the safe and efficient movement of vehicles, bicycles, and pedestrians. This approval criterion is met.

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 Public Works Department has reviewed the applicant's preliminary utility plan for the site and indicates that water, sewer, and stormwater infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

In regard to stormwater facilities, the Public Works Department indicates that no information was submitted to demonstrate how the proposed plan complies with PWDS Appendix 4E related to installation of green stormwater infrastructure. In order to ensure the provision of adequate stormwater infrastructure to serve the proposed development, the following condition of approval shall apply:

Condition 17: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and the Public Works Design Standards (PWDS).

The proposed development, as conditioned, will be adequately served by City utilities. This approval criterion is met.

8. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. 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 has requested seven Class 2 Adjustments in conjunction with the proposed development. The adjustments include:

- a) Increase the maximum setback for the proposed building abutting Kearney Street S from 0 ft. to 10 ft. (SRC 533.015(c));
- b) Allow less than 75 percent of the street frontage of the lot abutting Commercial Street SE to be occupied by building placed at the setback line (SRC 533.015(d));
- c) Reduce the minimum required ground floor height of the proposed building from 14 ft. to 9 ft. (SRC 533.015(h));
- d) Allow the proposed building to include less than a minimum of 65 percent transparent windows on the ground floor facades facing Commercial Street SE and Kearney Street S (SRC 533.015(h));
- e) Allow less than 75 percent of the ground floor facades of the proposed building adjacent to Commercial Street SE and Kearney Street S to include weather protection in the form of awnings or canopies (SRC 533.015(h));
- f) Allow the proposed development, which is located on a corner lot abutting a local street, to take access to Commercial Street SE (the street with the higher street classification) rather than solely to Kearney Street S (the street with the lower street classification) (SRC 804.035(c)(2)); and
- g) Allow the proposed driveway approach onto Commercial Street SE to be located less than the minimum required 370-foot spacing from the intersection of Kearney Street S and nearest driveway to the north of the subject property on Commercial Street SE (SRC 804.035(d)).

As identified earlier in this decision, the applicant, subsequent to the application being deemed complete and the close of the public comment period, requested further modifications to the Class 2 Adjustments requested with the application in response to the public comments received. The applicant specifically requested that the adjustment to the minimum 65 percent ground floor window standard for the building abutting Commercial Street and Kearney Street be withdrawn, that minimum 75 percent weather protection requirement for the building abutting Commercial Street be withdrawn, and the building design instead be revised to meet these standards. In order to ensure compliance with the ground floor window standard abutting Commercial Street and Kearney Street and the weather protection requirement for the building abutting Commercial Street, two conditions of approval are included in this decision, Conditions 5 and 7, requiring the building design to be revised to conform to these standards.

As a result of the requested changes by the applicant, a total of six adjustments, rather than seven, have been requested by the applicant in conjunction with the proposed development.

Maximum Building Setback Abutting Kearney Street SE (SRC 533.015(c)):

The south property line of the subject property abuts Kearney Street S. Within the MU-I zone, pursuant to SRC 533.015(c), Table 533-3, buildings are required to be either located contiguous to the property line abutting the street with a setback of zero feet, or they may be setback up to a maximum of 10 feet when the area within the setback between the building and the street is used for pedestrian amenities, as defined under SRC 533.005.

As shown on the site plan, the proposed new medical/office building is setback 10 feet from Kearney Street, but the area between the building and Kearney Street is proposed to be developed with a stormwater water quality facility, which does not qualify as a pedestrian amenity. As such, the proposal includes a Class 2 Adjustment to the setback requirement for the building abutting Kearney Street.

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that the existing infrastructure of the neighborhood has been constructed in a manner consistent with the requirements of the previous CR (Retail Commercial) zoning of the property in regard to public utility easements, overhead power lines, and vision clearance triangles and it is therefore not well considered in the mixed-use standards. The applicant explains that if the building were to be constructed contiguous to the property line abutting Kearney Street it would require deviation from the City's vision clearance requirements applicable at the intersection of Commercial Street and the removal of utilities.

The underlying purpose of the required setback abutting streets within the MU-I zone is to require buildings to be located in close proximity to the public street right-of-way in order to establish an urban, pedestrian-friendly, environment and aesthetic along the public right-of-way where buildings, rather than parking, occupy a majority of a property's street frontage.

Along Commercial Street SE, a street which is classified as a primary street within the zone, the proposed building is sited in conformance with the setback requirements of the MU-I zone with setbacks ranging from approximately five feet to eight feet developed with pedestrian amenities including a sidewalk extension accentuated with areas of landscaping.

Along Kearney Street S, which is classified as a secondary street within the zone, the proposed building is setback 10 feet from the street but because the area between the building and street is developed with a stormwater facility, rather than a pedestrian amenity, the maximum setback standard is not met.

Although the setback area proposed between the building and Kearny Street is not improved with a pedestrian amenity as specifically defined under SRC 533.005, the proposed development otherwise still maintains conformance with the underlying purpose of the setback requirement. This is because the building is sited in a manner to still be setback 10 feet from Kearney Street with the majority of the property's Kearney Street frontage being occupied by buildings rather than parking, which supports the envisioned pedestrian-friendly environment and aesthetic intended within the zone. In addition, the proposed 10-foot building setback from Kearney Street coupled with the three-story height of the building ensures that the ratio of building height to setback distance from the street

still results in an overall building mass that sufficiently frames the public right-of-way with building and establishes the urban appearance intended by this standard.

As provided under SRC 533.005, a pedestrian amenity is defined as, "...areas and objects that are intended to serve as places for public use and are closed to motorized vehicles. Examples include plazas, sidewalk extensions, outdoor seating areas, and street furnishings." Although the proposed setback area between the building will be developed with a stormwater facility rather than defined pedestrian amenity, the stormwater facility will be a landscaped area that will serve as a visual amenity along the sidewalk that is closed to motor vehicles; thereby still providing an amenity for pedestrians along this secondary street in conformance with the underlying purpose of this standard. As such, the proposed development equally meets the underlying purpose of the standard and this approval criterion is therefore met.

Minimum Building Frontage Abutting Commercial Street SE (SRC 533.015(d)):

Minimum building frontage requirements within the MU-I zone are established under SRC 533.015(d), Table 533-5. Within the MU-I zone a minimum of 75 percent of the frontage of a lot is required to be occupied by buildings placed at the front setback line. For corner lots, the minimum 75 percent frontage requirement applies to the street with the highest street classification, and a minimum building frontage of 40 percent is required on the intersecting street.

The subject property is a corner lot with frontage on Commercial Street, which is classified as a major arterial street, and Kearney Street, which is classified as a local street. Based on the building frontage requirements of the MU-I zone, a minimum of 75 percent of the frontage of the property abutting Commercial Street is required to be occupied by buildings placed at the setback line and a minimum of 40 of the frontage of the property abutting Kearney Street is required to be occupied by buildings places at the setback line. The proposed new medical/office building occupies approximately 49 percent of the building frontage of the property abutting Kearney Street and approximately 34 percent of the building frontage of the property abutting Commercial Street. Because the proposed building does not meet the minimum building frontage requirements of the MU-I zone abutting Commercial Street, a Class 2 Adjustment has been requested to this standard.

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that the MU-I zone permits a variety of uses, one of which is Outpatient Medical Services and Laboratories that includes dentists. The applicant explains that when zones change, there are difficulties created until the application of the standards get sorted out. The applicant indicates that when the mixed-use zones are examined there is an assumption of smaller uses that front on the street in the hope for pedestrian oriented development, but the dichotomy is we live in a community that still relies heavily on automotive transportation for the foreseeable future. The applicant explains that Dr. Hunsaker operates a regional dental clinic that draws patients from Salem as well as a large portion of Marion and Polk Counties and the site was chosen for visibility its visibility at the confluence of Highway 22 and 99 E and its central location to Salem. The applicant indicates that the land, arterials, neighborhood, proximity to downtown, and 100 years of history have made the subject property right for the proposed development and the proposal tips a hat to a possible future

while making a sense of today's reality. The applicant explains that a covered pedestrian amenity provides weather protection along Commercial Street and also frames the public right-of-way on the west side of the street. The applicant also indicates the proposed three-story building height reinforces the mid-rise building fabric on the west side of Commercial Street, and that in the future the parking lot behind the proposed pedestrian arcade could invite future building along the street.

Similar to the underlying purpose of the required MU-I zone setbacks abutting a street, the underlying purpose of the minimum building frontage requirement is to establish an urban, pedestrian-friendly, environment and aesthetic along the public right-of-way where buildings, rather than parking, occupy a majority of a property's street frontage.

Along Commercial Street SE approximately 34 percent of the property's frontage is occupied by building placed at the setback line. While the proposed frontage falls below the minimum required 75 percent standard along this primary street, the proposal is designed in a manner that otherwise equally meets the intent of this standard. This is achieved through the provision of an attached 71-foot-long canopy structure that extends north from the building along Commercial Street to provide a covered pedestrian amenity along Commercial Street that serves as a visual extension of the ground floor of the building which helps to frame the public right-of-way with structures rather than parking and increases the percentage of lot frontage occupied by structures to approximately 70.6 percent. In addition, the proposed parking area to the north of the building along Commercial Street behind the proposed canopy structure is setback an overall distance of 10 feet from the property line abutting Commercial Street and developed with a sidewalk extension and 6-foot-wide landscape strip together with a three-foot tall screening wall to buffer the parking area from pedestrians on the sidewalk. The proposed attached canopy structure results in the visual appearance of additional structure occupying the required setback of the property abutting Commercial Street, thereby helping to frame the public right-of-way along Commercial Street as is intended by the underlying purpose of this standard; and provides a covered pedestrian amenity for pedestrians along the sidewalk. The proposed development therefore meets this approval criterion.

Ground Floor Building Height (SRC 533.015(h)):

Within the MU-I zone, buildings with ground floors on a primary street are required to have a minimum ground floor height of 14 feet. Because Commercial Street SE is designated as a primary street within the MU-I zone, a minimum ground floor building height of 14 feet is required but the proposed medical/office building instead includes a ground floor height of 9 feet. Because the proposed building does not conform to the minimum 14-foot ground floor building height, a Class 2 Adjustment has been requested to this standard.

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that a 14-foot floor-to-ceiling height on the first floor is not needed to achieve pedestrian-oriented design. The applicant explains that if awnings are required to be at their lowest 8 feet above grade, any volume above the awning does not affect the pedestrian experience because it simply cannot be seen. The applicant indicates that after visiting a number of recently constructed buildings in the City, that it should be noted that very few buildings in

the downtown area have ceiling heights that are 14 feet with the notable exception of a large department store, but the department store is disappearing in Salem. The applicant explains that most office and retail building ceiling space within the City does not exceed 10 feet and that spaces within ceilings higher than the width of the space are uncomfortable. The applicant indicates that such higher ceiling space is also expensive to build, expensive to maintain, and expensive to heat and cool. As an example, the applicant indicates that an example light for a dentist office does not have a 6-foot-long pendant to be supported from a 14-foot-high ceiling.

The underlying purpose of the minimum ground floor building height standard is to promote a pedestrian-friendly and urban appearance for buildings adjacent to streets, architecturally distinguish the ground floor of the building from its upper floors through the provision of a higher/more prominent ground floor height, and ensure that buildings are designed so that ground floor space can be used for a variety of uses over time.

The nine-foot floor-to-ceiling height of the ground floor of the proposed building equally meets the underlying purpose of this standard. This is because the proposed nine-foot height is consistent with the ground floor building height of other retail and office buildings with the City as indicated by the applicant; and the nine-foot floor-to-ceiling height still allows for a variety of non-residential uses on the ground floor of the building consistent with the underlying intent of the standard. The proposed development meets this approval criterion.

Minimum Required Weather Protection Adjacent to Kearney Street S (SRC 533.015(h)):

Within the MU-I zone, buildings with ground floors adjacent to a street are required to include weather protection, in the form of awnings or canopies, along a minimum of 75 percent of their ground floor façade adjacent to the street.

Because the proposed building is located adjacent to two streets, Commercial Street SE and Kearney Street S, the weather protection requirement applies to both of these building frontages. As shown on the building elevation drawings and renderings, the proposed building includes projecting sunshades above individual windows but does not include weather protection in the form of awnings or canopies along a minimum of 75 percent of the ground floor facades facing Commercial Street and Kearney Street. The building does, however, include an attached canopy structure that extends north from the building along Commercial Street to provide weather protection. The canopy structure provides a vertical clearance above the sidewalk of eight feet and projects into the public right-of-way as allowed under this standard. However, because the canopy structure does not provide weather protection along the actual ground floor façade of the building facing Commercial Street it cannot be counted towards meeting the weather protection requirement of this standard.

Because the proposed development does not meet the minimum weather protection requirement, the applicant originally requested a Class 2 Adjustment to this standard. However, subsequent to the close of the public comment period and in response to the

comments received, the applicant requested to withdraw the portion of the adjustment concerning weather protection along Commercial Street and instead incorporate weather protection along the building façade facing Commercial Street in conformance with the standard. Weather protection in conformance with the minimum 75 percent standard is still not proposed to be provided, however, along Kearney Street. As such, a Class 2 Adjustment is still requested to this standard for the portion of the building adjacent to Kearny Street.

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that weather protection along Kearney Street is not possible in this case because of utility issues along the street and the proposed 10-foot building setback and stormwater quality facility proposed between the building and the street. The applicant explains that extending an awning over the 10-foot setback, plus providing 5 feet of weather protection over the sidewalk, would be awkward, unsightly, and tend to conflict with the overhead telephone and cable poles and their associated maintenance. The applicant indicates that Kearney Street also dead-ends at the end of the next block to the west of the subject property and therefore providing weather protection along this street offers less utility and benefit than providing weather protection along Commercial Street SE.

Staff concurs with the findings included in the applicant's written statement. Due to the 10-foot setback proposed between the building and Kearney Street, weather protection along this building frontage would provide no benefit to pedestrians along the sidewalk, but instead provide weather protection over the proposed stormwater quality facility. A canopy or awning would, however, be a mechanism to provide additional architectural articulation and definition on the building's ground floor façade facing the street, but, as shown on the proposed building elevations and renderings, projecting sunshades are proposed to be provided over the ground floor windows adjacent to Kearney Street which will otherwise help to fulfill this purpose. Rather than including weather projection along the building façade adjacent to Kearney Street where it will provide no benefit to pedestrians walking along the sidewalk, the proposed design instead focuses on the provision of weather protection along Commercial Street, a street which is classified as a primary street within the zone. Weather protection will be provided in the form of an attached canopy structure that extends north from the building along Commercial Street to provide covered pedestrian amenity and seating areas along the street together with weather projection that will be required to be provided along the building itself adjacent to Commercial Street as is required by Condition 7 of this decision. The proposed development, as conditioned, therefore equally meets the underlying purpose of the weather protection standard and this approval criterion is met.

Driveway onto Arterial Street when Property is Corner Lot with Access to Local Street (SRC 804.035(c)(2)):

SRC 804.035(c)(2) provides that for corner lots that abut a local or collector street, a driveway approach is required to provide access to the street with the lower classification.

As shown on the site plan, the subject property is a corner lot which abuts both Commercial Street SE, an arterial street, and Kearney Street S, a local street. Vehicular access to the site is proposed to continue to be provided from both of these streets with the consolidation of the two existing driveways on Commercial Street into one driveway in the northeast portion of the site located mid-block between Mission Street S and Kearney Street S and the consolidation of the four existing driveways onto Kearney Street into one driveway located in the southwest portion of the site. Because the development is proposed to continue to take access from Commercial Street, a Class 2 Adjustment to this standard has been requested.

The underlying purpose of this standard is to require vehicular access to developments located on corner lots to take access to the street to the lower street classification to reduce the number of driveway approaches onto higher classification arterial streets. This serves to reduce the number of driveways onto arterials, improve the flow of traffic, and improve traffic safety.

In the case of the proposed development, the subject property is currently served by two driveways onto Commercial Street and four driveways onto Kearney Street. Although the proposed development retains one driveway onto Commercial Street, the proposed driveway otherwise equally meets the underlying purpose of this standard by reducing the overall number of existing driveways onto the street which will better meet the intent of the standard than the existing condition. In addition, the location of the proposed driveway onto Commercial Street will improve vehicle safety onto the street as compared to the existing condition by locating the driveway approximately mid-block between Mission Street S and Kearney Street S in a manner so it is generally aligned with the existing driveway on the east side of Commercial Street.

As indicated in the comments from the Public Works Department (**Attachment H**), the Assistant City Traffic Engineer reviewed reported crash data compiled by the Oregon Department of Transportation (ODOT) for the intersections of Commercial Street SE at Mission Street SE and Commercial Street SE at Kearney Street S and concludes that the proposed driveway approach onto Commercial Street, located approximately mid-block between Mission Street and Kearney Street, will not cause a significant risk when limited to right-in or right-out movements. In order to further minimize vehicle and pedestrian conflicts and potential vehicle-to-vehicle conflicts, the following condition of approval shall apply to limit turning movements from the proposed driveway onto Commercial Street:

Condition 18: The proposed driveway onto Commercial Street SE shall be limited to right-in only.

The proposed development, as conditioned, meets the underlying purpose of this standard by reducing the number of driveways onto Commercial Street and restricting turning movements from this driveway in a manner to promote traffic safety equal to what would be accomplished by meeting the development standard. This approval criterion is met.

Driveway Spacing (SRC 804.035(d)):

SRC 804.035(d) requires driveways onto an arterial street serving uses other than single family and middle housing uses be spaced such that they are no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.

In the case of the proposed development, the minimum 370-foot driveway spacing is not met from either Kearney Street to the south or the existing Arco gas station driveway to the north of the subject property. A Class 2 Adjustment has therefore been requested to this standard.

The written statement provided by the applicant (**Attachment E**) indicates, in summary, that the distance between the center line of Mission Street and Kearny Street is approximately 386 feet and therefore it is not possible to meet this standard. The applicant explains that at present there are three existing driveways on the west side of Commercial Street between Mission Street and Kearney Street and two existing driveways on the east side of the street. The applicant indicates that the proposed development's driveway will align with the driveway on the east side Mission Place Complex. The applicant explains that the purpose this development standard is to avoid conflicting turning movements onto the street and that because Commercial Street is a one-way street the potential for conflicts are limited by virtue of right-in and right-out movements. The applicant indicates that the number of driveways onto Commercial Street are proposed to be reduced as a result of the proposed development and that by aligning the proposed replacement driveway with the existing driveway on the east side of the street, safer and more efficient access to the public street is achieved.

As indicated in the written statement provided from the applicant, the underlying purpose of the driveway spacing standard is to ensure safe access to streets and minimization of conflicting turning movements. Comments from the Public Works Department (**Attachment H**) indicate that an existing driveway is located approximately 75 feet north of the proposed driveway and the proposed driveway is located approximately 200 feet from the intersection of Commercial Street SE and Kearney Street S. In order to maximize driveway spacing between multiple intersections, the proposed driveway is located near the north line of the subject property, approximately mid-block between the two intersections. The section of Commercial Street SE abutting the property is one-way and, as such, the proposed driveway approach onto Commercial Street SE, as conditioned, will allow only right-in turning movements which will minimize impacts and potential vehicle and pedestrian conflicts. The proposed driveway configuration therefore meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard. This approval criterion is met.

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 zoned MU-I. Pursuant to SRC 110.025, Table 110-1, the MU-I zone is a mixed-use zone rather than a residential zone. Because the subject property is not located within a residential zone, this approval criterion is not applicable to the proposed development.

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: A total of six Class 2 Adjustments have been requested in conjunction with the proposed development. Pursuant to SRC 533.001, the purpose of the 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.

Although six adjustments have been requested in conjunction with the proposed development, the cumulative effect of the adjustments does not result in a project that is inconsistent with the identified purpose of the zone. The proposed development includes a three-story medical/office building that will be located adjacent to the public street rights-of-way of Commercial Street and Kearney Street with parking located behind or to the side of the building. Weather protection will be provided along the Commercial Street frontage to create an inviting pedestrian environment, and windows, as required under Condition 5, will be provided in compliance with MU-I zone standards on the building's facades facing Commercial Street and Kearney Street. The adjustments requested are the minimum necessary to otherwise allow the site to be redeveloped for a use that is permitted in the zone. This approval criterion is met.

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. As such, the following condition of approval shall apply:

Condition 19: The adjusted development standards shall only apply to the specific development proposal shown in the approved site plan. Any future development, beyond what is shown in the approved site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

9. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit 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 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The site is currently served by a total of six driveway approaches: two on Commercial Street SE and four on Kearney Street S. The proposal will replace the two existing driveway approaches onto Commercial Street with one driveway approach located

in the northeast portion of the site and the four existing driveway approaches onto Kearney Street will be replaced with one driveway approach located in the southwest portion of the site.

The Public Works Department reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and provided comments indicating that the proposed driveways, as approved with the requested Class 2 Adjustments, meet the standards of SRC Chapter 804 and the Public Works Design Standards (PWDS). This approval criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: The Public Works Department reviewed the proposal and determined that no site conditions exist prohibiting the location of the proposed driveway approaches. This approval criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The subject property is currently served by two existing driveway approaches onto Commercial Street SE, which is a major arterial street. As shown on the site plan submitted by the applicant, the proposed redevelopment of the site will reduce the number of driveway approaches onto Commercial Street from two to one; thereby minimizing the number of driveway approaches onto that street. This approval criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property

Finding: The subject property abuts a major arterial street and two local streets. The proposal will reduce the number of driveways onto the arterial street from two to one. A shared driveway approach is not possible because of existing development. This approval criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway approaches meet the PWDS vision clearance standards set forth in SRC chapter 805. This approval criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: Comments from the Public Works Department indicate that the Assistant City Traffic Engineer reviewed the proposed driveway approaches and reported crash data compiled by the Oregon Department of Transportation (ODOT) for the intersections of

Commercial Street SE and Mission Street SE and Commercial Street SE and Kearney Street S and concludes that the proposed driveway approach onto Commercial Street, which is located approximately mid-block between Mission Street and Kearney Street, will not cause a significant safety risk. This approval criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: The Public Works Department reviewed the proposed driveway approaches and indicated that staff analysis of the proposed driveway approaches and the evidence that has been submitted indicate that the location of the proposed driveway approaches will not have any adverse impacts to the adjacent properties or streets. This approval criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The Public Works Department reviewed the proposed driveway approaches and provided comments indicating that the proposed driveway approach onto Commercial Street is located on a major arterial street and does not create a significant impact to adjacent streets and intersections. This portion of Commercial Street SE is one-way and as such, the approach onto Commercial Street SE will, as conditioned, provide only right-in movements, which minimizes impacts and potential vehicle conflicts. This approval criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The subject property is surrounded by a variety of zones, including MU-I (Mixed-Use-I), CO (Commercial Office), RM-II (Multiple Family Residential), and MU-R (Mixed-Use Riverfront). The proposed development abuts a major arterial street and two local streets. The proposed driveway approaches balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This approval criterion is met.

10. Conclusion

Based upon review of SRC Chapters 220, 250 and 804, 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

Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit Case No. SPR-ADJ-DAP23-24 is hereby **APPROVED** subject to SRC Chapters 220, 250, and 804, 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:** In order to accommodate fire department aerial access, the parking lot drive aisle adjacent to the west side of the proposed building shall be widened to a minimum width of 26 feet as shown on the revised site plan included as Attachment I to this decision.
- Condition 2:** Prior to approval of final occupancy for the proposed development, the existing individual properties which make up the subject property shall be reconfigured/consolidated to meet applicable setback and building code requirements.
- Condition 3:** A minimum of nine deciduous trees shall be planted in the proposed off-street parking area of a species that meets the definition of shade tree under SRC 807.005.
- Condition 4:** At the time of building permit review, the applicant shall provide a full landscaping plan in conformance with the minimum plant unit density requirements of SRC Chapter 533, SRC Chapter 625, and SRC Chapter 807.
- Condition 5:** Windows shall be provided on the ground floor facades of the building facing Commercial Street SE and Kearney Street S in conformance with SRC 533.015(h), Table 533-6.
- Condition 6:** The primary building entrance facing Commercial Street SE located at the northeast corner of the building shall include weather protection as required under SRC 533.015(h), Table 533-6.
- Condition 7:** Weather protection in the form of awnings or canopies shall be provided along the ground floor facade of the building facing Commercial Street SE in conformance with SRC 533.015(h), Table 533-6.
- Condition 8:** Any broken sight-obscuring slats within the chain link fencing around the existing trash enclosure shall be replaced.
- Condition 9:** Any mechanical equipment provided on the roof of the proposed building, with the exception of solar panels and wind generators, shall be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building.
- Condition 10:** Where the proposed east-west pedestrian path provided through the proposed off-street parking area crosses a parking lot drive-aisle, it shall be visually differentiated in conformance with the requirements of SRC 800.065(b)(1)(B).
- Condition 11:** 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 12:** Along Kearney Street S and Saginaw Street S, replace nonconforming portions of existing sidewalk along the frontage of the property.
- Condition 13:** Along Commercial Street SE, replace and relocate sidewalks to the proposed property line along the frontage of the property.
- Condition 14:** Along Commercial Street SE and Kearney Street S, remove existing concrete pavement within the planter strips and replace with landscape.
- Condition 15:** Install street trees to the maximum extent feasible along Commercial Street SE, Kearney Street S, and Saginaw Street S.
- Condition 16:** The existing unused driveway approaches along Kearney Street S and Commercial Street SE shall be removed.
- Condition 17:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and the Public Works Design Standards (PWDS).
- Condition 18:** The proposed driveway onto Commercial Street SE shall be limited to right-in only.
- Condition 19:** The adjusted development standards shall only apply to the specific development proposal shown in the approved site plan. Any future development, beyond what is shown in the approved site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.



Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

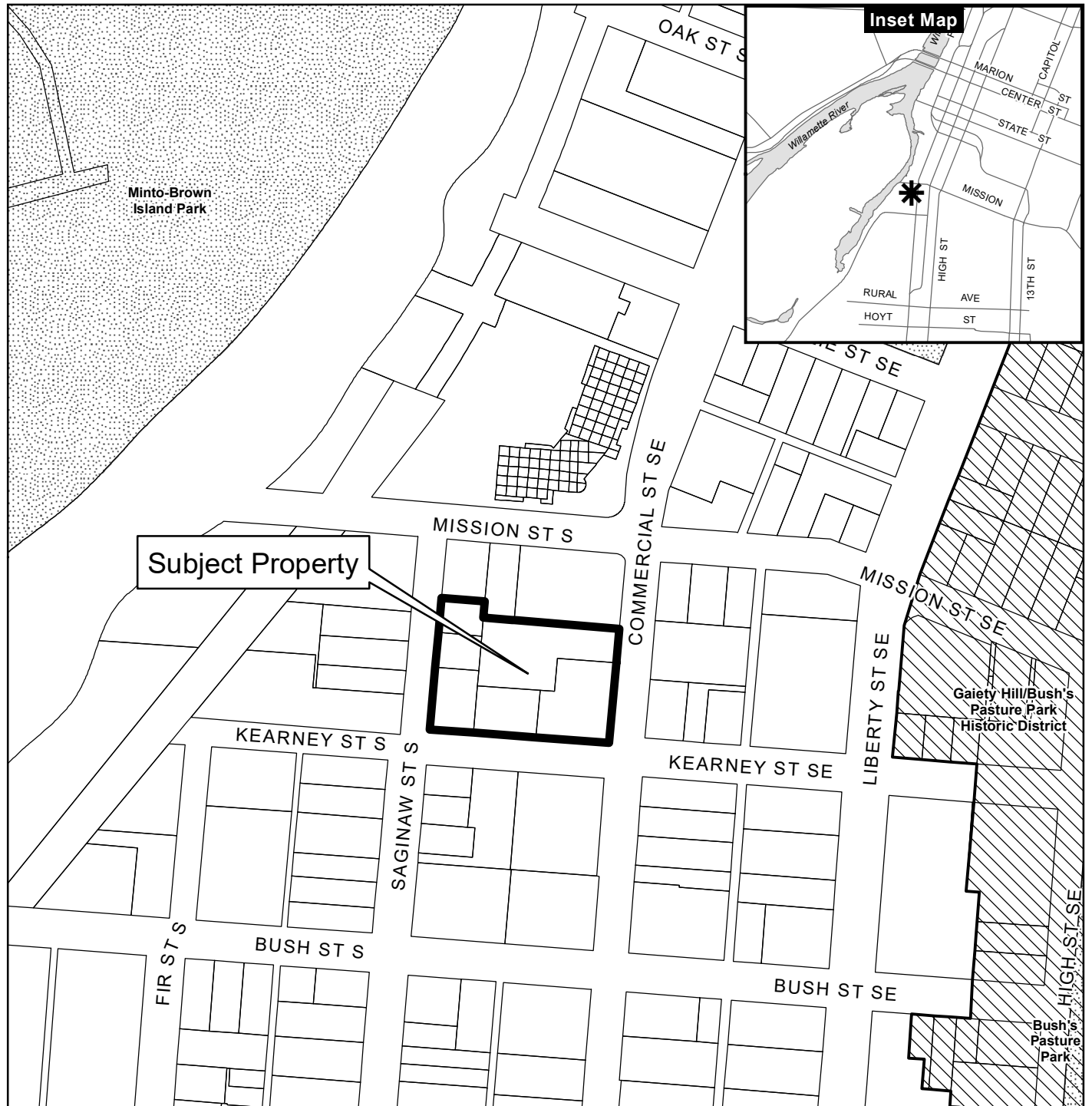
- A. Vicinity Map
- B. Site Plan
- C. Landscape Plan
- D. Building Elevations and Renderings
- E. Applicant's Written Statement

- F. South Central Association of Neighbors (SCAN) Neighborhood Association Comments
- G. Public Comments
- H. City of Salem Public Works Department Comments
- I. Revised Site Plan Addressing Fire Department Access

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

Vicinity Map

835 to 887 Commercial Street SE & 840 to 890 Saginaw Street S



Legend

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

Parks

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Community Development Dept.

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0 100 200 400 Feet



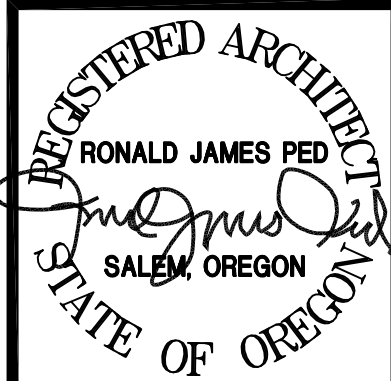
Attachment B

LAND AREA	59,880# (1.37AC)
15% LANDSCAPE	8,982#
15.3 % ACTUAL	9214#
NEW BLDG FOOTPRINT	11,092#
EXISTING HOUSE	899#
PAVING	38,675#

PARKING	
COMPACT	62
FULL SIZE	43
ACCESSIBLE	+ 4
TOTAL	109

BIKE PARKING	
22,184 SF	
OUTPATIENT MED SERVICES	= 14

TABLE 806-2



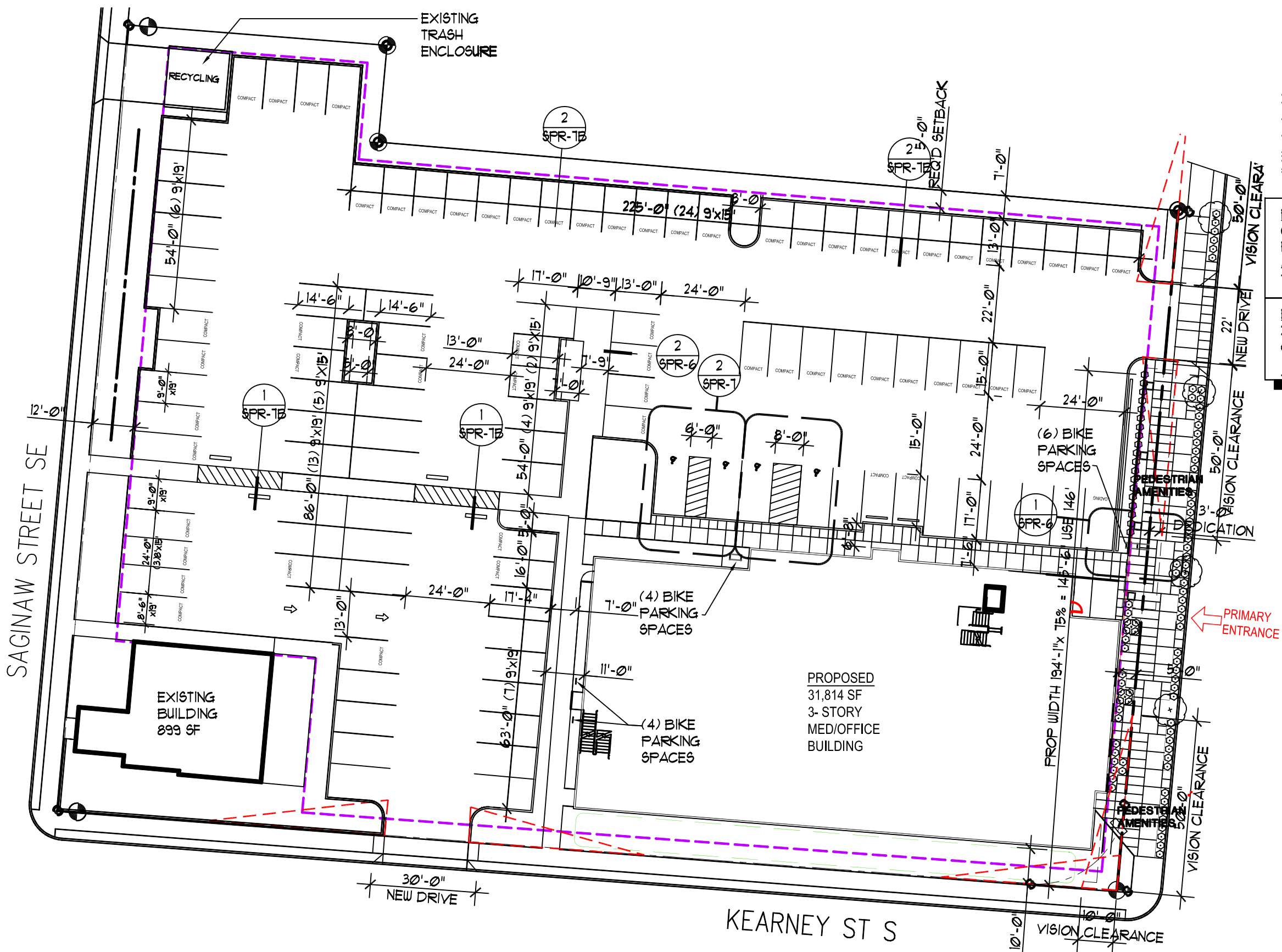
DRAWING INDEX

- SPR1 60-PROPOSED SITE PLAN
- SPR2 61-EXISTING CONDITIONS PLAN
- SPR3 62-UTILITY PLAN
- SPR4 63-GRADING PLAN
- SPR5 64-LANDSCAPE PLAN
- SPR6 65-DETAILS
- SPR7 66-DETAILS
- SPR7B 67-DETAILS
- SPR8 68-PEDESTRAIN ACCESS PLAN
- SPR9 69-NEW PERVIOUS AREA PLAN
- SPR10 70-EXTERIOR ELEVATIONS

DATE: 8-12-2020
DRAWN: AK
JOB NO.: 2259

SPR-1

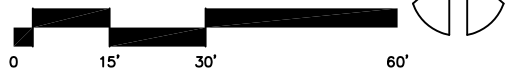
SITE PLAN REVIEW
HUNSAKER DENTAL CLINIC
835-877 COMMERCIAL ST SE



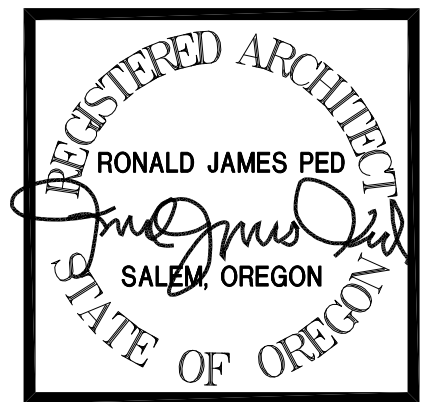
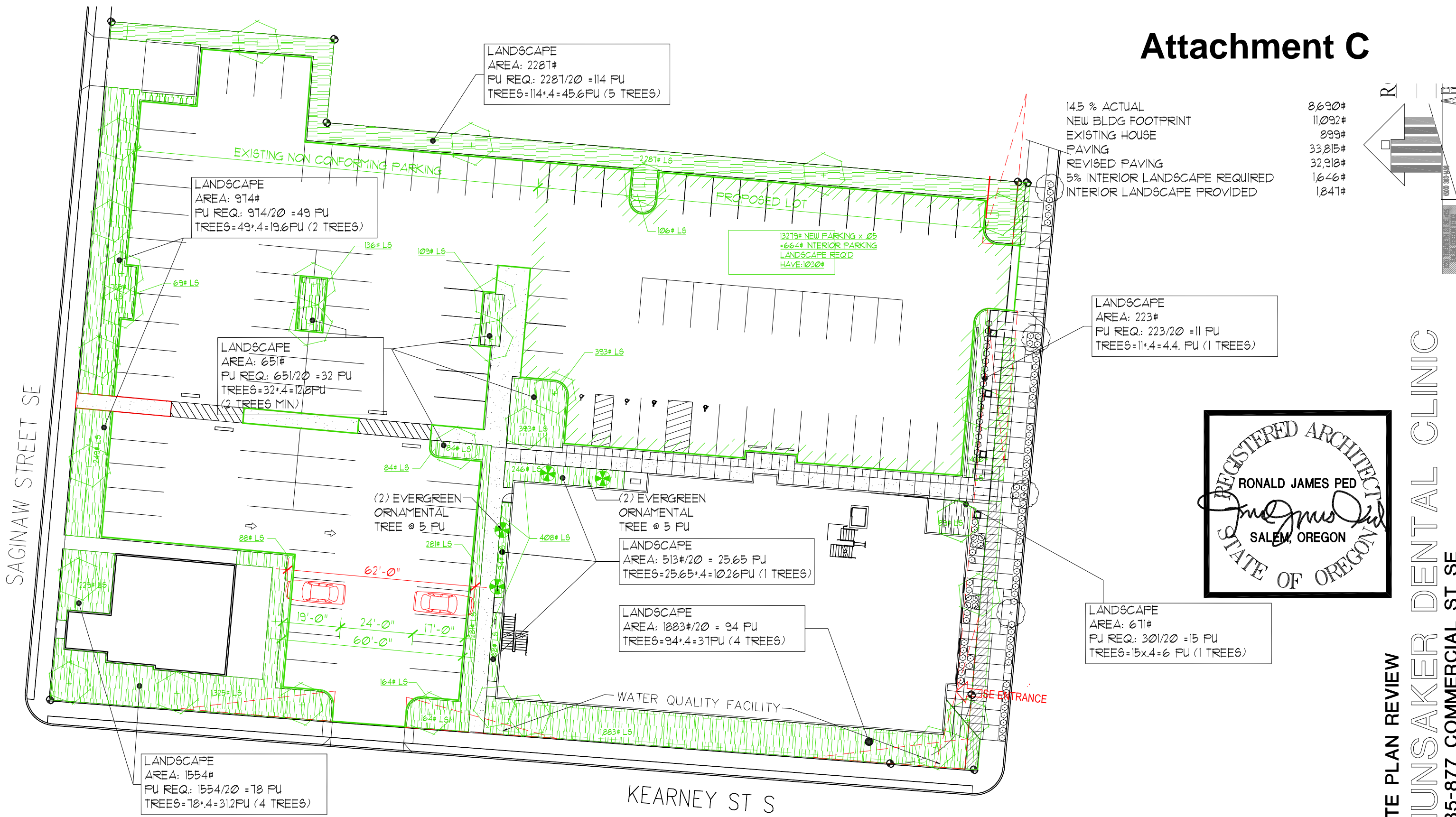
PROPOSED SITE PLAN

A
SPR-1

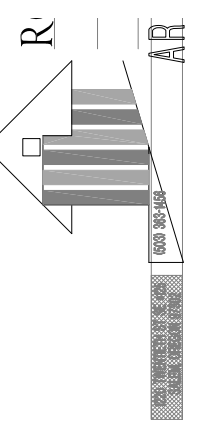
SCALE : 1" = 30'



Attachment C



PROPOSED LANDSCAPE PLAN

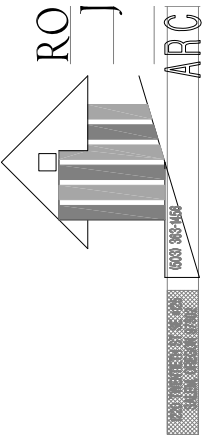


SITE PLAN REVIEW
HUNSAKER DENTAL CLINIC
835-877 COMMERCIAL ST SE

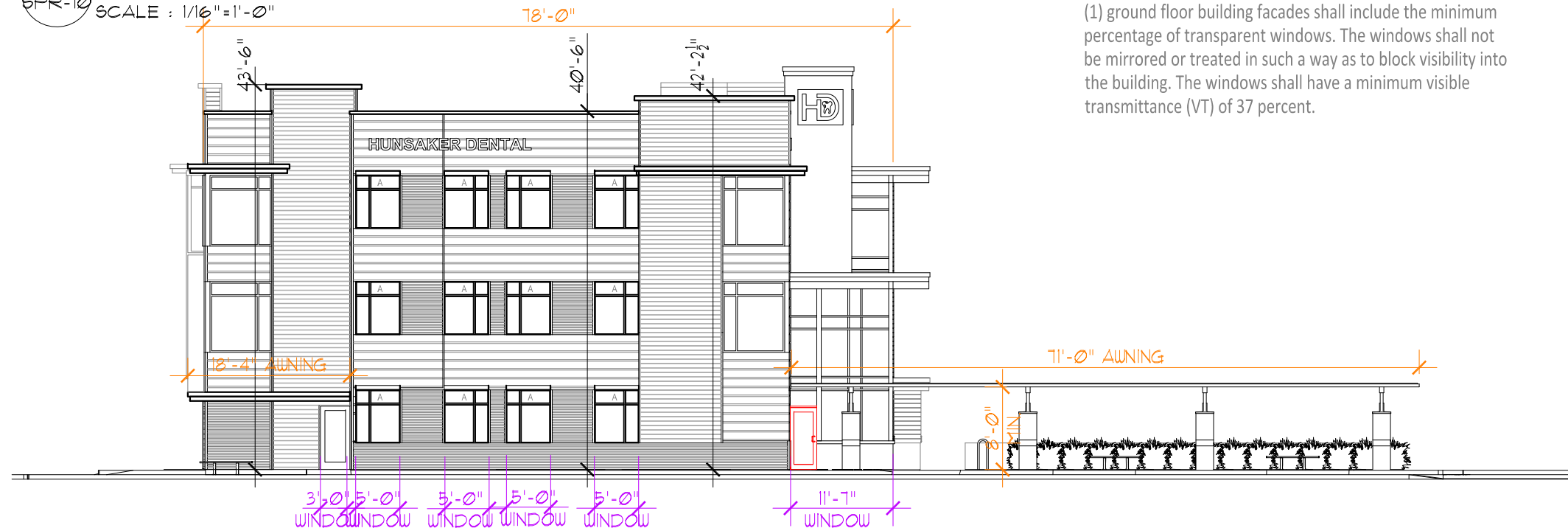
DATE: 8-12-2020
DRAWN: AK
JOB NO.: 2259

SPR-5

Attachment D



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



78' x .65 = 50.7' REQUIRED WINDOW WIDTH 34'-7" WINDOW PROVIDED
78' BUILDING WIDTH x .75 = 58.5' REQUIRED AWNING WIDTH 89'-4" AWNING WIDTH PROVIDED

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

SITE PLAN REVIEW
HUNSAKER DENTAL CLINIC
835-877 COMMERCIAL ST SE

DATE: 8-12-2020
DRAWN: AK
JOB NO.: 2259

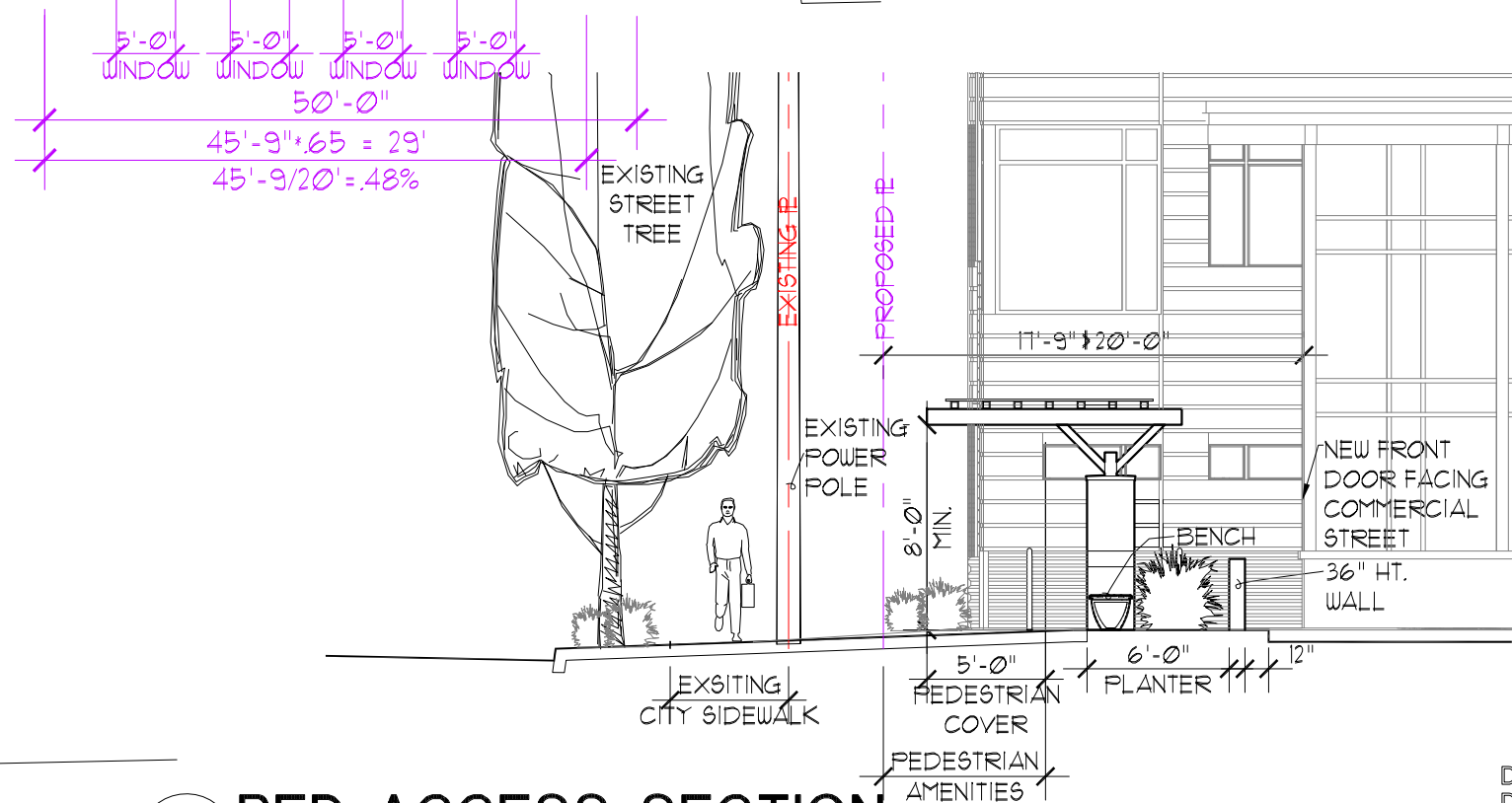
SPR-10



A SOUTH ELEVATION
SCALE : 1/16" = 1'-0"



B WEST ELEVATION
SCALE : 1/16" = 1'-0"



C PED ACCESS SECTION
SCALE : 1/8" = 1'-0"

(1) 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.



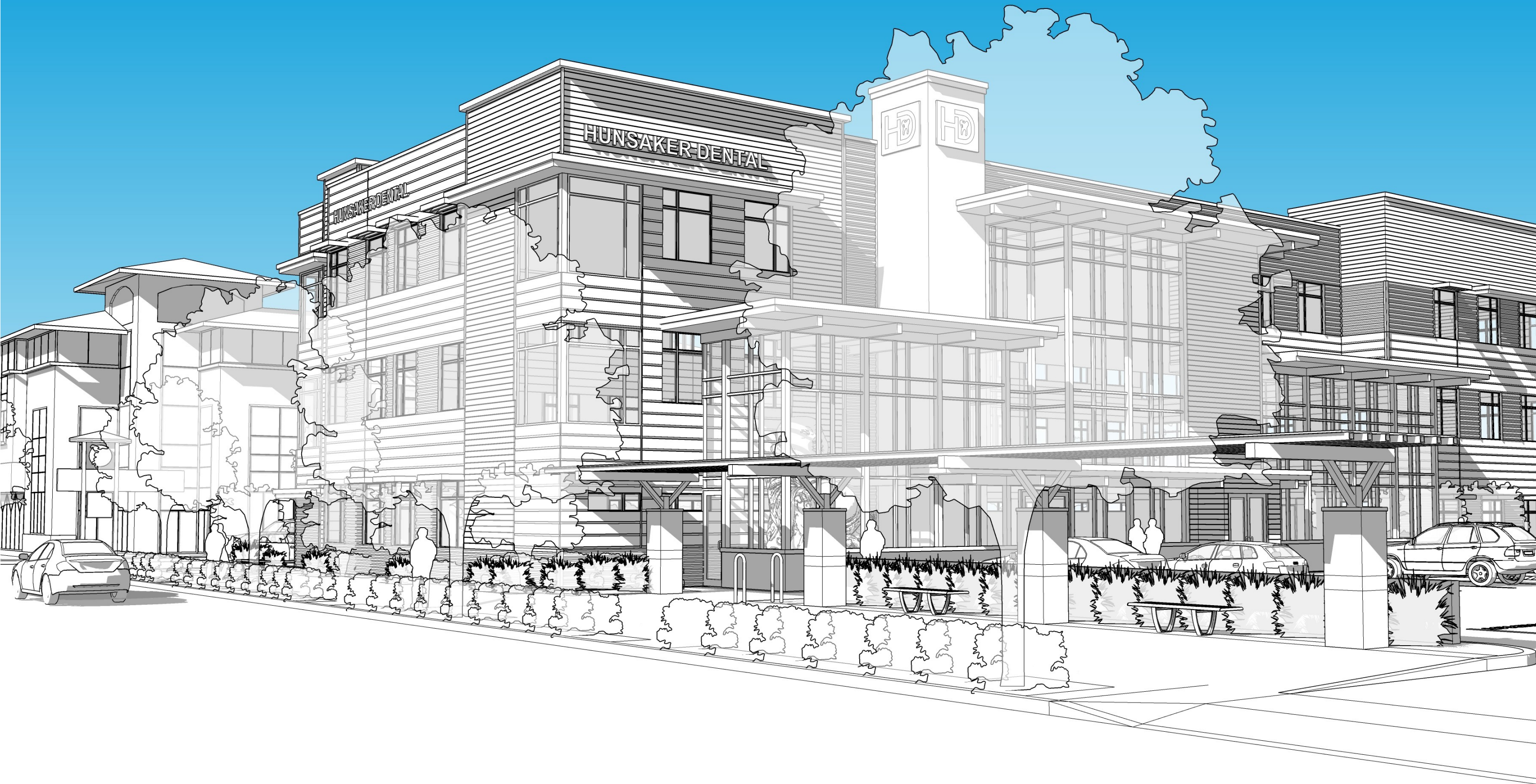








Table 533-6 Pedestrian-Oriented Design

Requirement	Standard	Limitation Qualifications
Ground Floor Height		
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

Request: Reduce the floor to ceiling height from 14' to 9'

A 14' floor to ceiling on the first floor is not Pedestrian-oriented design. If Awnings are required to be at their lowest 8' above grade. Any volume above the awing does not affect the pedestrian experience, you simply cannot see it. It should be noted that very few (if any) ceilings in the downtown area are 14' with notable exception of the large department store. But the department store is disappearing in Salem.

I visited a number of recently constructed building in the city of Salem. The Pedestrian-Oriented-Design Standards call for 14' floor to Ceiling dimension. A tall first story is not pedestrian friendly. A 14' height is certainly not of Pedestrian Scale

Pedestrian scale means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

Of the buildings I toured all of them went to some expense to reduce a tall first story to a more comfortable ceiling height (Pedestrian scale.)

Maps Credit Union 465 Division NE

A three-story building with 14' arcade along the East (high street and West (interior parking lot) sides. The zone is now MU 1 but was CR in the Broadway/High Street Retail Overlay Zone. While there was a 14' arcade all of the spaces at the glass wall were reduced to 10' ceiling except the main banking room which was two-story volume with grand stair case. So, while the façade had expensive storefront 14' tall, the top 4' looked into interstitial space above the 10' ceiling (if the glass was not spandrel)

Salem Police 333 Division NE

Zoned CB. The height of the ceiling is 14' plus. Half of the façade is backed by meeting room and a two-story rotunda (perhaps appropriate for a public building). the other half of the south façade is office. To make it more human scale a bulk head wall 3' behind façade reduces the

ceiling height to 10'. Again an inordinately tall interstitial space surrounded by very expensive fenestration..

Union Gospel Mission 745 Commercial Street NE

Zoned CB, the street glazing is 10' tall with 10' ceilings to maintain a pedestrian scale.

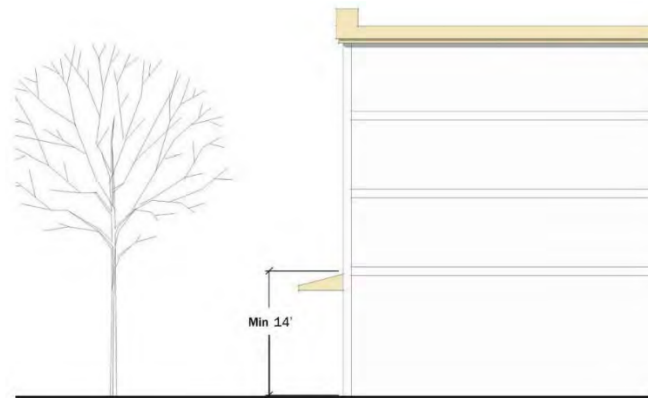
Holman Hotel 195 Commercial St NE

Zoned CB. The height of the storefront is 14'. Almost immediately the ceiling stair steps down to 11' to a 2000 sf lobby. Modulation of first floor is architecturally appropriate. The adjacent spaces on the street are not as tall.

Koz on State 121 Commercial Street SE

Zoned CB, Again the street glazing is 10' tall with 10' ceilings to maintain a pedestrian scale.

FIGURE 533-2 GROUND FLOOR HEIGHT and FIGURE 524-1. GROUND FLOOR BUILDING HEIGHT are the same image and the same requirement



Most office and retail space ceiling in Salem do not exceed 10'. Spaces with ceilings higher than the width of the space is uncomfortable. It is expensive to build, it expensive to maintain, it expensive to heat and cool. Such standard has no place with the post Covid economy. A 14' high ceilings in clinical space does not allow to conduct a permitted use in the zone. For example, an exam light does not have a 6' long pendant to be supported from a 14' ceiling

I recently visited an Outdoor pedestrian shopping in La Jolla California. La Jolla is an upscale community near UCSD. Westfield UTC Mall is 203 upscale stores. I noted that none of the retailers had ceiling in excess of 12' Most were 10' in height (even the big-box anchors). All of the facades where in excess of 20'. Salem, Oregon is not San Diego, this example is not offered has something to be replicate but as a Design principal to take note of. The ceilings in this retail mall were the appropriate height for the space. Fourteen-foot ceilings is arbitrary, it in no way more or less conducive to pedestrian vitality. It might be appropriate in an historic area, but there is no historic context to respond to. All of the neighborhood buildings

do not have anything close to 14'. The South Salem Pharmacy Building (925 Commercial Street south of Kerney Street) built in the late 90's, had a tall first floor design (13') once the Gift shop failed to perform the ceiling was lowered to 9 and 10'. Historically the Liberty and Commercial couplet south of down has performed better than any portion of town. Property values have been highest per square foot and vacancy low. Mostly owner occupied. The Changing of zone Mixed use will not change the development patterns quickly (if at all). This site is best suited for professional offices, as such

Cost

A normal private sector office building in Salem (many examples) second floor is generally about 12' above finish floor. The interstitial space for structure and HVAC is about 3' allowing for a 9' ceiling. To a 14' high ceiling, add 3' for the interstitial require another 3' for a total 17'. The 14' high ceiling would add 5' to the building height. The perimeter of the proposed building is over 460' x 5' tall or 2,300 square feet of exterior wall finish and 55,000 cubic feet of volume of dubious utility. It must be constructed, heated, cooled, maintained, conservatively the cost is at least \$100,000. The on-going cost of to heat and cool is considerable. With interest rates for commercial paper 8 ½ percent is another \$1,116 of monthly debt service

(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

Response: A dental office is an approved use Outpatient medical services and laboratories is listed in Table 533-1 Uses. Along with an approved use some concessions are necessary to accommodate the use. Large section of glass and cavernous volume are not appropriate for a dental operator. Image pedestrian walking by a window and watching a root canal procedure. Since the invention of the dental office the operatories are almost always on the perimeter of the building for natural lighting. In this case the needs, complexities sensitivities and social norms of the use outweighs the standards of the Mixed Use 1 zone.

(ii) Equally or better met by the proposed development.

Response: as explained above, 14' floor ceiling height does not provide more pedestrian oriented design. The appropriate height for the space and use is best for the inside user and street scape.

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

Response: This is not applicable because this is not a residential zone more

(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 property was purchased with CR Zoning for the purpose of constructing a dental clinic. The city changed the zone. It would be appropriate to evaluate the use under the previous zone.

Sec. 533.001. - Purpose.

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

Table 533-1 Uses, identifies a dental office as an approved use. The proposed use is by inclusion in the list is, appropriate. This three-story building will accommodate any of the uses in Table 533-1. A 14' ceiling height in no way enhances but detracts from pedestrian-oriented design. The post Covid world is different, gone is the big box store. likewise, the small box unless they are a part of larger development (like Willamette Town Center) and in those cases building are still oriented to the interior parking. There are not enough, coffee shops, brew pubs, and ice cream parlours to line the street of all the Arterials, with the newly created MU zones. Perhaps this should rethought. With the increasing interest rates, it could be long time before a lot of existing dark holes are backfilled, let alone new buildings. In Sperry Van Ness' Economic Forum 23, Curt Arthur SIOR, made this conclusion conclusion:

We must predict a "right-sizing" by the State of Oregon to compensate for workers who will work remotely post-pandemic. For that reason, we are forecasting a 10-20% bump in vacancy this coming year even though leasing activity should remain at, or above normal levels.

The target of occupant of the MU Zones are not there, and certainly the ones who are there are much more tentative. This is evidence by the average lease size has dropped from over 2,200 feet (pre-covid) to slightly over 1,600 square feet (post). perhaps it is time to retool the standards assist those still in the market

In any case the 14' floor to ceiling height does not promote commercial uses or emphasize active commercial uses on ground floors facing major streets.

Adjustment 2 Frontage reduction

TABLE 533-5 LOT COVERAGE; HEIGHT; BUILDING FRONTAGE

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

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

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

Sec. 533.001. - Purpose.

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

This property was purchased as CR zone

Sec. 522.001. - Purpose.

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

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

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

Bus

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

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

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

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

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

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

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

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

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

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

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

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

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

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

Adjustment 3 Frontage reduction

TABLE 533-6 PEDESTRIAN-ORIENTED DESIGN

Ground Floor Windows

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



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

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

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

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Response: the Dental use does not lend itself well to large opening on an arterial and sidewalk adjacent pedestrian way. As described above the sequential response to the to the pedestrian and vehicular path enhance the visual interest far more than the strict adherence to the standard.

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

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

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

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

Adjustment 4 Maximum Setback

Table 533-3 Setbacks

Abutting Street

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

Request: Increase setback to 10 feet along Kearney Street

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

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Response: it is not possible to comply with this standard without a change in the vision clearance ordinances, and remove of public utilities

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

Response: not a residential zone

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

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

Adjustment 5 Weather protection

Weather Protection

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

Request: change weather protect requirement along:

Commercial Street SE from 75 percent to 114 percent

Kearney Street SE from 75 percent to 0 percent

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

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

Sec. 250.005. - Adjustments.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

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

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

Response: not a residential zone.

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

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

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

Adjustment request for driveway spacing to a driveway to Major Arterial

Request: Close 3 existing driveway, two on Commercial Street (a major arterial) and one on Kearny Street SE (a local street).

Background: The Hunsaker Dental is developing a 3 story Dental Clinic on the former site of Kwan Restaurant.

Sec. 804.035. - Access onto major and minor arterials.

(a) Number of driveway approaches.

(1) Except as otherwise provided in this chapter, a complex is entitled to one driveway approach onto a major or minor arterial. Additional driveway approaches for a complex may be allowed where:

The Complex will have only one driveway on the Arterial. Two driveways on Commercial are being closed, and one on Kearney Street SE, we are not requesting a second access to Commercial Street SE. The complex is entitled to a driveway

(A) A complex has more than 370 feet of frontage abutting a major or minor arterial;

(B) There is a shared access agreement between two or more complexes; or

(C) It is impracticable to serve the complex with only one driveway approach.

(2) Development that is not a complex, and is other than a single family, two family, three family, or four family use, is entitled to one driveway approach onto a major or minor arterial where:

The development is a complex, the proposed 3 story building and the converted house 890 Saginaw. SE-Both buildings share parking. This section is not applicable

(A) The driveway approach provides shared access;

(B) The development does not abut a local or collector street; or

(C) The development cannot be feasibly served by access onto a local or collector street.

(3) A single family, two family, three family, or four family use is entitled to one driveway approach onto a major or minor arterial where:

The development is not a residential

(A) The driveway approach provides access to an existing single family, two family, three family, or four family use; or

(B) The driveway approach provides access to a proposed single family, two family, three family, or four family use on a lot created prior to March 16, 2022.

(b) Traffic volume threshold. No driveway approach onto a major or minor arterial shall be allowed unless the development generates 30 or more vehicle trips per day or the driveway approach provides access to a city park or a single family, two family, three family, or four family use.

The development has more than 30 trips per day

(c) Permitted access.

(1) Driveway approaches onto major and minor arterials shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.

The driveway provides directly to a parking area. The development is not a franchised utility or government entity

(2) For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.

The development presently has 3 driveways that are being closed to comply design standards of Mixed Use I chapter 533

(3) No access shall be provided onto a major or minor arterial from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.

The development is not residential.

(4) No access shall be provided onto a major or minor arterial from a single family, two family, three family, or four family use constructed as part of a subdivision or partition.

The development is not a one, two, three, family development

(5) Only forward in/forward out access shall be allowed onto a major or minor arterial.

The development complies with this standard.

(d) Spacing. Except for driveway approaches providing access to a single family, two family, three family, or four family use, driveway approaches onto a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.

The distance between the center line Mission and Kearny Street SE is 386 feet. It is not possible to meet this standard. At present there are 3 driveways on the west side of (between Mission and Kearney Streets) and two on the east side. The proposed developments driveway will align with the driveway on the east side Mission Place Complex. All of the businesses and complexes with access to commercial access to also have access to Mission or Kearney Streets. 925 Commercial Street, the former South Salem Pharmacy (SW corner of Commercial and Kearney Streets SE) has access to both streets. A

(e) Vision clearance. Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC [chapter 805](#).

The development driveway complies with Vision Clearance requirements as set forth in SRC 805

Sec. 250.005. - Adjustments

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

Response: The purpose of the development standard is satisfied by the proposed development of the 370 ft standard is to avoid conflicting turning movements onto the street. It is not possible to comply with this city standard in the area around Downtown. The development patterns have been to provide mid-block driveways because of the on-center distance between streets. Commercial Street is a one-way street, so the potential conflicts limited by virtue of Right-in and Right-out movements. Three driveways are being removed and a replacement driveway (located approximately mid-block) is aligned with the driveway on the East side of Commercial Street. By reducing the number driveways and aligning the replacement driveway with the with existing driveway provides for safer and more efficient access to public streets.

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 is not residential. Nor is there adjacent residential zone.

(C) if more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Response: the granting of these adjustments are consistent with the purpose of the zone. This proposed driveway relocation, will not affect turning movements of surrounding property owners because the proposed driveway is aligned with the existing drive minimizing automobile turn movement conflicts. Such elimination of driveways will enhance and promote pedestrian-oriented development by reducing potential vehicular pedestrian conflicts.

Bryce Bishop

From: Roz Shirack <rozshirack7@gmail.com>
Sent: Monday, July 17, 2023 7:30 AM
To: Bryce Bishop
Cc: vjdodier@teleport.com
Subject: Comments on Hunsaker Dental Case No. SPR-ADJ-DAP23-24.

Hi Bryce,

The SCAN Land Use Committee has reviewed the Hunsaker Dental site plan and requested adjustments (Case No. SPR-ADJ-DAP23-24). The Committee supports 3 of the 7 requested adjustments as follows:

a) Increase the maximum setback for the proposed building abutting Kearney Street S from 0 ft. to 10 ft. (SRC 533.015(c)). Support. This provides the desired patient privacy and adds additional landscaping along the sidewalk that is pedestrian-friendly.

b) Allow less than 75 percent of the street frontage of the lot abutting Commercial Street SE to be occupied by the building placed at the setback line (SRC 533.015(d)). Support. This is primarily for patient privacy and recognizes that most pedestrians will not be coming into the building for commercial or residency purposes.

c) Reduce the minimum required ground floor height of the proposed building from 14 ft. to 9 ft. (SRC 533.015(h)). Support. The applicant documented many types of large buildings in Salem that have 10-foot ground floors. A 14-foot ceiling is not needed or appropriate for the dental office. A 9-foot ceiling will not prevent other uses in the future, is more pedestrian-friendly, and allows the overall 3-story building to be lower. The Committee also recently supported the 10-ft ground floor height for the Cozy Residential manager's office on Bush St (also in the MU-I zone).

d) Allow the proposed building to include less than a minimum of 65 percent transparent windows on the ground floor facades facing Commercial Street SE and Kearney Street S (SRC 533.015(h)). Oppose. Ground floor windows are an important feature of pedestrian-friendly architecture encouraged by the MU-I zone. If the 10-foot setback along Kearney St is approved, then windows are less of a privacy concern along that façade. The applicant can meet the window standard and control patient privacy with interior blinds and lighting.

e) Allow less than 75 percent of the ground floor facades of the proposed building adjacent to Commercial Street SE and Kearney Street S to include weather protection in the form of awnings or canopies (SRC 533.015(h)). Oppose. Weather protection is an important feature of pedestrian-friendly architecture encouraged by the MU-I zone, and 75% coverage is reasonable. However, if the requested 10-ft setback along Kearney is approved, then there is no reason to have awnings along the Kearney façade, because they would not cover the sidewalk.

f) Allow the proposed development, which is located on a corner lot abutting a local street, to take access to Commercial Street SE (the street with the higher street classification) rather than solely to Kearney Street S (the street with the lower street classification) (SRC 804.035(c)(2)). Oppose. No driveway onto Commercial St, as required in the code, is safer for traffic and pedestrians, given the existing ARCO gas station driveway north of the proposed driveway. Also, drivers exiting a driveway on Commercial St. will be looking north at upstream traffic and may not see pedestrians approaching from the south. The code allows this site plan to

have one driveway onto Kearney St. The parking lot is large enough to allow vehicle maneuvering in and out of that one driveway.

g) Allow the proposed driveway approach onto Commercial Street SE to be located less than the minimum required 370-foot spacing from the intersection of Kearney Street S and nearest driveway to the north of the subject property on Commercial Street SE (SRC 804.035(d)). Oppose, as stated in f).

A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto Commercial Street SE and Kearney Street S. The Committee opposes the Commercial St driveway permit, but supports the Kearney St driveway permit.

Other comments:

The Committee notes that if dental offices are located on the 2nd or 3rd floors, it would avoid all of the patient privacy concerns that drive many of the adjustment requests. The applicant does not address why the dental office must be located only on the ground floor.

The general challenge with this site plan is that outpatient medical offices are permitted uses in the MU-I zone, but the specific operational needs for a dental office, primarily patient privacy, are not a good fit for the zone's development standards, hence the high number of adjustments requested. We recommend Council reconsider the uses allowed in the mixed use zones and target commercial and residential uses that best meet the purpose of those zones; or use less prescriptive development standards that apply to the broad range of uses currently allowed in those zones.

We agree with staff that the current MU-I zone development standards apply to this site plan, even though the (incomplete) development plans were submitted in August 2022 before the zone was changed from CR to MU-I.

Thank you,
Roz Shirack, Chair
SCAN Land Use Committee

Bryce Bishop

From: Roz Shirack <rozshirack7@gmail.com>
Sent: Tuesday, July 18, 2023 10:26 AM
To: Bryce Bishop
Cc: vjdodier@teleport.com
Subject: Re: Comments on Hunsaker Dental Case No. SPR-ADJ-DAP23-24.

Good Morning Bryce,

The SCAN Land Use Committee remains unanimously opposed to a driveway on Commercial St SE, even if it were entrance only.

That block immediately south of Mission St is already hazardous with two lanes of west-bound traffic on Mission St turning left (south) onto Commercial St plus east-bound traffic on Mission St turning right (south) onto Commercial on the same green light, and then jockeying between the three south bound lanes on Commercial St. Plus there is the ARCO driveway onto Commercial St where drivers are looking north at upstream traffic looking for a break to turn right (south). All of this increases the risk to pedestrians. A slow down to turn right into the dental office parking lot will also increase risk to drivers.

Providing a driveway, even an entrance only, conflicts with the purpose of the MU-I zone, current Public Works policy, and the goals of Council to create walkable, pedestrian-friendly mixed use neighborhoods. It also conflicts with the purpose of locating mixed use zones along the core transit network. Locating driveways onto Commercial St. crowds out space for bus stops and pull-ins that will need to be located more frequently along Commercial St.

The massive mixed use rezoning along Commercial St is an experiment. It needs to be supported with a package of standards and traffic controls that give pedestrians precedence over vehicles, and are enforced. Otherwise, the increase in housing and commercial density may have the

unintended consequence of increasing traffic congestion without achieving the goals of walkable neighborhoods and greenhouse gas reduction.

Thank you for your question and the opportunity to respond in more detail. I trust you will be able to consider our comments even though they are after the comment deadline.

Roz Shirack, Chair
SCAN Land Use Committee

On Mon, Jul 17, 2023 at 6:19 PM Roz Shirack <rozshirack7@gmail.com> wrote:

The Land Use Committee did not previously discuss that option, so I am polling them. I'll send our response tomorrow morning so a few more can weigh in, but so far it is 6-0 to continue to oppose a driveway onto Commercial, even if it is entrance only. There are good reasons for our opposition, which I will send tomorrow, but one is the long standing Public Works policy to not allow new driveways onto Commercial St. (and other arterials). The Mission/Commercial intersection is already a messy intersection that has a lot of lane switching on Commercial just south of Mission. More to come ...

Roz

On Mon, Jul 17, 2023 at 9:09 AM Bryce Bishop <BBishop@cityofsalem.net> wrote:

Good Morning Roz,

Thank you for the comments. In regard to the requested driveway onto Commercial Street, would the concerns about access be addressed if the driveway were instead conditioned to be an entrance only driveway?

Thanks,

Bryce

Bryce Bishop

From: HPPG <scanparks2023@gmail.com>
Sent: Sunday, July 16, 2023 11:41 AM
To: Bryce Bishop
Cc: Shelby Guizar
Subject: Comments - Case No. SPR-ADJ-DAP23-24 for 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street S

Thank you for the opportunity to comment.

Concur with Class 2 Adjustments (a)-(e).

2 (d) follows common sense and the adjustment meets the true circumstances of Commercial St SE: heavy traffic and congestion.

Request the landscaping and facade facing Saginaw Street be compatible, well maintained, attractive year around and supportive of the historical context of the area. The area has been determined to be eligible for designation as a National Historic District.

On Saginaw Street are National Register of Historic Places properties (Minto houses, Daue House).

MU zoning allows residential units. Essentially, the project is a commercial office building.

This is the third case in SCAN since 2019 where the opportunity to support residential housing is being sidestepped. Following a pattern for skirting the intent of the zoning, tilt to commercial. A disappointment.

Mr. Ped is a fine architect. Wish Mr. Ped, a successful, attractive project.

Again, I ask the property owner to please maintain the appearance of the grounds, landscaping and complex well. This is a proximity with a stand out mid-19th century-early 20th century building of local, state and national significance.

I would ask the design also be particularly mindful, careful not to have vehicle lights and lighting intrusion into the adjacent properties on Saginaw and Kearney.

We had the experience on Church Street SE where parking lights and building night light were flooding homes following Salem Hospital construction of a rehab pool.

Light flooding was considered, unfortunately, only afterwards by the architect and grounds design. Until modifications and operational hours were refined, light was flooding into the living rooms of some homes.

Jon Christenson MURP

Bryce Bishop

From: HPPG <scanparks2023@gmail.com>
Sent: Sunday, July 16, 2023 12:38 PM
To: Bryce Bishop
Cc: Shelby Guizar
Subject: Clarification: Re: Comments - Case No. SPR-ADJ-DAP23-24 for 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street S

On 2 (d): support for the reduction on facade facing Commercial Street: South Commercial is visually, very unfriendly, cramped with cars, at times heavy speeding traffic:

not the case on Kearny Street: specific types of blinds/shades could address the legitimate needed privacy concern for patients, providers:

reasonable/applicable - adjustable blinds were used at the pediatric dental office at Rural & 2020 Commercial SE. Allowed natural light and privacy.

An example of the visual intrusion/observation into dental care is, has been at dental offices/dental chair window at Vista & South Commercial (into the building on the south side as one drives up eastward from the intersection light.

The concern of visual intrusion/need for privacy is real.

Following the standard on Kearney creates more compatibility with nearby structures and residences. (Yet I can understand Mr. Ped's possible intent for uniformity on Commercial and Kearney).

Thank you.

Regards.

Jon Christenson

Bryce Bishop

From: Evan West <evanwest714@gmail.com>
Sent: Monday, July 17, 2023 9:58 AM
To: Bryce Bishop
Subject: Comments on Hunsaker Dental Case No. SPR-ADJ-DAP23-24

Dear Mr. Bishop,

The application submitted regarding Case No. SPR-ADJ-DAP23-24 should be returned to the applicant for rework. The variances requested are incompatible with the intentions of MU I zoning. The applicant is arguing that, because their property was purchased while it was zoned commercial, they should be allowed to construct a fully commercial building. To allow this request to proceed would establish a damaging precedent in our own community, and would run counter to nationwide legal precedent. Please reject the application as it stands, returning it to the applicant to rework their variance requests so that it matches the requirements of the MU I zoning.

I am happy to answer any questions you might have. Thank you.

Sincerely,

Evan West

--

Evan West, M.A.

He/Him/His

970-980-1445

evanwest714@gmail.com

Laurie Hubbell-Smith, DC
830 Saginaw Street South
Salem, Oregon 97302

City Of Salem Planning Division
555 Liberty ST. SE
Room 305
Salem, Oregon 97301

July 17, 2023

RE: Notice of Filing
Case Number: SPR-ADJ-DAP23-24

Attention: Bryce Bishop, Planner III

Dear Sir,

My immediate concern is the preservation of my property that is being encroached by current Planting Of a Blue Spruce tree, half dead, a Cedar type tree planted 2-3 years ago that is putting pressure on my southern fence, with roots that can cross the south boundary of my property, and a banana tree that has already invaded my property. I need this addressed immediately. I would request that only ground cover or low elevation bushes be used along the southern border of my property.

I did not see a traffic survey included in your packet. Parking is an issue in this neighborhood. My entrance into my private parking lot is often hard to navigate for myself and for patients due to parking issues from both the meridian building and surrounding business to include down town businesses. I do note that there will be 109 parking spaces on site. That is good. However, does this consider the number of employees and businesses who will also require parking in the same parking lot who work on site.

In addition, I have observed for 13 years as a small business woman the intersection of Mission and Commercial is not a safe corridor. Cars that are trying to turn right from east bound Mission onto south bound Commercial are being blocked by cars traveling west bound turning left from 2 lanes disregarding the rule of right away. Meaning the person on the right legally has the right away. I strongly suggest a 3 way signal system should be utilized.

The other traffic issue is the Commercial entrance onto said property. The AM/PM gas station' Commercial driveway also impacts the above safety of the Commercial/Mission Intersection. My concern is the new driveway for said site will not only impact traffic flow on Commercial but also the Kearney Street/Commercial intersection. This area is already impacted by cross traffic at that intersection. An additional drive way is not necessary since a driveway off Kearney appears to be adequate for said property. Maybe the older previous city planners had the right idea when Kwans restaurant was built.

I can tell you in closing the House/Office I own was built in 1910, when it was a peaceful neighborhood. That land of the new Dentist Office was a vacant area of land. Imagine that, if you can. I think the building will be a beautiful addition to the neighborhood. But as an immediate neighbor I respectfully

ask that you as the planner do your due diligence, and consider my immediate concerns as stated previously in this letter regarding proper land use concerns. I look forward to your response to my concerns.

Sincerely,

A handwritten signature in cursive script, reading "Laurie Hubbell-Smith, DC". The signature is written in dark ink and is positioned above the printed name.

Laurie Hubbell-Smith, DC
Doctor of Chiropractic
Small business woman
Property owner.

CASE MANAGER: Bryce Bishop, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2399; E-Mail: bbishop@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
☒ 2. I have reviewed the proposal and have the following comments: _____

*I oppose this development as designed
and the proposed exceptions. Please see
details attached.*

Name/Agency: S Carlson

Address: 777 Commercial St SE, Salem 97301

Phone: _____

Email: _____

Date: 7/17/23

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Case No SPR-ADJ-DAP23-29

835-887 Commercial St SE

840-890 Saginaw St S.

7/17/23

Bryce Bishop
City of Salem Planning

Thank you for the opportunity to review & comment. I have reviewed the application and oppose this development and each of the proposed exceptions.

Commercial St provides one of Salem's best locations to increase housing supply and in turn reduce housing pressures and people living unsheltered. Salem is the 9th worst city in the US for housing shortage, with 10,000 units short of the need and getting worse. This building provides no solutions, ~~providing~~ taking a key parcel and providing ~~no~~ give-aways for a building that offers little for an evolving community. This building is fashioned as 1950's development, featuring too much surface parking, more unsafe driveways onto Commercial and not enough interaction with the street, making this a worse (or at least safer) area to live and walk around. Drivers from Mission will have to cross 1-2 lanes of traffic, slow down, and zip across

the sidewalk to access the building.

I walk here all the time, I can see this parcel from my window, and I would like to see a large, mixed use residential/commercial and pedestrian friendly building here. This proposal is ^{not consistent with} ~~not consistent with~~ the intent of Governor Kotik, state and local agencies, and most Oregonian's goals to increase housing and reduce greenhouse gas emissions by creating more walkable cities.


The property owner certainly has rights to choose their own design, within state and local climate friendly, equitable mandates and goals.

Please work with them to reduce exceptions and design to these goals.



MEMO

TO: Bryce Bishop, Planner III
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: August 21, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-ADJ-DAP23-24 (22-117603)
835 COMMERCIAL STREET SE
NEW MEDICAL/OFFICE BUILDING**

PROPOSAL

A consolidated application for a proposed new 31,814 square-foot, three-story, medical/office building with associated site improvements and off-street parking. The application includes A Class 3 Site Plan Review for the proposed development; Class 2 Adjustments; and a Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto Commercial Street SE and Kearney Street S.

The subject property totals approximately 1.42 acres in size, is zoned MU-I (Mixed-Use-I) and partially within the Saginaw Street Overlay Zone and located at 835 to 887 Commercial Street SE and 840 to 890 Saginaw Street S (Marion County Assessor Map and Tax Lot Numbers: 073W27CA08900, 073W27CA09000, 073W27CA11200, 073W27CA11300, 073W27CA11400, and 073W27CA11500).

RECOMMENDED CONDITIONS OF APPROVAL SITE PLAN REVIEW

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 Kearney Street S and Saginaw 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. Along Commercial Street SE and Kearney Street S, remove existing concrete pavement within the planter strips and replace with landscape.

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).

5. Install street trees to the maximum extent feasible along Commercial Street SE, Kearney Street S, and Saginaw Street S.
6. The existing unused driveway approaches along Kearney and Commercial Street SE shall be removed.
7. 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).

RECOMMENDED CONDITIONS OF APPROVAL – CLASS 2 ADJUSTMENT

1. The proposed driveway onto Commercial Street SE shall be limited to right-in only.

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. Kearney 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 40-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
3. Saginaw 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 49-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.
- b. A 15-inch storm main is located in Kearney Street S.

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.
- c. An 8-inch water main is located in Saginaw Street S.

Sanitary Sewer

1. Existing Conditions

- a. A 14-inch sewer main is located in Kearney Street S.
- b. An 8-inch sewer main is located in Saginaw Street S.

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 and approval of the requested adjustments, 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.

City records show that the subject property may be located within a landslide hazard area. The applicant submitted findings demonstrating that the proposed development is a low landslide hazard risk based on SRC Chapter 810.

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— Kearney Street S meets the minimum right-of-way width and improvement width standards for its classification according to the Salem Transportation System Plan (TSP). No additional improvements are required along this street frontage.

Saginaw Street S does not meet the minimum right-of-way width required for its classification according to the Salem TSP, however; does meet the minimum improvement width. Saginaw Street S has sidewalks and adequate pavement width and is considered a complete street. Development patterns in the area limit potential for additional right-of-way width along Saginaw Street S; therefore, this street is authorized to have a 49-foot-wide right-of-way pursuant to SRC 803.065(a)(1). No additional improvements are required along this street frontage.

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 necessary for bike improvements 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 sidewalks along Commercial Street SE, Kearney Street S, and Saginaw Street S are nearing their useful life and require replacement. In addition, the existing 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 Kearney Street S and Saginaw Street SE, 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.

Along Commercial Street SE and Kearney Street S, there is concrete pavement located within the planter strips. The applicant shall be required remove the concrete pavement and replace with landscaping pursuant to SRC 803.035(q). This will also allow the addition of street trees, which are required pursuant to SRC Chapter 803.035(K) and SRC 86.015(e). Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Condition: Along Commercial Street SE and Kearney Street S, remove existing concrete pavement within the planter strips and replace with landscape.

Condition: Install street trees to the maximum extent feasible along Commercial Street SE, Kearney Street S, and Saginaw Street S.

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 is proposing one (1) driveway approach along Commercial Street SE and one (1) driveway approach along Kearney Street S to serve development site. There are two (2) existing driveways along Commercial Street SE and four (4) driveways along Kearney Street S. Pursuant to SRC 804.060(a) all existing approaches that will no longer be used for access shall be removed and replaced with the required landscaping and street trees, as described above.

Condition: The existing unused driveway approaches along Kearney and Commercial Street SE shall be removed.

The proposed approaches require Class 2 Driveway Approach Permits and adjustments, findings are provided below. The proposed driveway accesses onto

Commercial Street SE and Kearney Street S provide for safe turning movements into and out of the property.

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 Public Works Standards.

No information was submitted to demonstrate how the proposed plan complies with PWDS Appendix 4E related to 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 *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

CRITERIA AND FINDINGS—CLASS 2 DRIVEWAY APPROACH PERMIT

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

Finding— With the approved adjustments, the proposed driveways meet the standards for SRC Chapter 804 and Public Works Design Standards (PWDS).

- (2) No site conditions prevent placing the driveway approach in the required location;**

Finding— There are no site conditions prohibiting the location of the proposed driveways.

- (3) The number of driveway approaches onto an arterial are minimized;**

Finding— The proposed development reduces the number of driveways accessing onto an arterial street from two (2) to one (1).

(4) The proposed driveway approach, where possible:

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

Finding—The subject property abuts a major arterial street and local streets. The proposal will reduce the number of driveways onto the arterial street from two (2) to one (1). A shared driveway approach is not possible because of existing development.

(5) Proposed driveway approach meets vision clearance standards;

Finding—The proposed driveways meet the PWDS vision clearance standards set forth in SRC Chapter 805.

(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

Finding—No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements.

The Assistant City Traffic Engineer reviewed reported crash data compiled by the Oregon Department of Transportation (ODOT) for the intersection of Commercial Street SE at Mission Street SE as well as the intersection of Commercial Street SE at Kearney Street SE and concludes that the proposed driveway approach onto to Commercial Street, located approximate mid-block between Mission Street and Kearny Street, would not cause a significant safety risk.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding—Staff analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The proposed primary driveway approach is located on a major arterial street and does not create a significant impact to adjacent streets and intersections. This portion of Commercial Street SE is one-way and as such, the approach onto Commercial Street SE will provide only right-in movements, which minimizes impacts and potential vehicle conflicts.

(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding—The proposed development site is surrounded by a variety of zones, some of which are residential. The proposed development abuts a major arterial street and collector streets. The driveways balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

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 two (2) adjustment to Public Works related review criteria. Based on the following analysis, staff finds the development equally or better meets the intent of the development standards and recommends approval of the adjustment requests.

Request: *Allow the proposed development, which is located on a corner lot abutting a local street, to take access to Commercial Street SE (the street with the higher street classification) rather than solely to Kearney Street S (the street with the lower street classification) (SRC 804.035(c)(2)).*

Staff Finding: The site is currently served by two (2) driveway approaches onto Commercial Street SE (major arterial classification) and four (4) driveway approaches onto Kearney Street S (local street classification). The proposal will reduce the number of driveways onto Commercial Street S which will better meet the intent of the standard than the existing condition.

The Assistant City Traffic Engineer reviewed reported crash data compiled by the Oregon Department of Transportation (ODOT) for the intersection of Commercial Street SE at Mission Street SE as well as the intersection of Commercial Street SE at Kearney Street SE and concludes that the proposed driveway approach onto Commercial Street, located approximate mid-block between Mission Street and Kearny Street, would not cause a significant safety risk when limited to right-in or right-out movements. In order to minimize vehicle and pedestrian conflicts and potential vehicle-to-vehicle conflicts, staff recommends a condition of approval that will limit the driveway approach onto Commercial Street NE to right-in-only movements only. With recommended conditions, the proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

Condition: The proposed driveway onto Commercial Street SE shall be limited to right-in only.

Request: *Allow the proposed driveway approach onto Commercial Street SE to be located less than the minimum required 370-foot spacing from the intersection of Kearney Street S and nearest driveway to the north of the subject property on Commercial Street SE (SRC 804.035(d)).*

Staff Finding: The applicant is requesting Class 2 adjustments to allow for reduced spacing between driveways and intersections less than the standard of 370-feet. An existing driveway is located approximately 75-feet north of the proposed driveway. In addition, the proposed driveway is approximately 200-feet from the intersection of Commercial Street SE and Kearney Street S. In order to maximize driveway spacing between multiple intersections, the proposed driveway is located at the north line of the subject property, mid-block between the two intersections. As stated above, this portion of Commercial Street SE is one-way and as such, the approach onto Commercial Street SE will provide only right-in and right-out movements, which minimizes impacts and potential vehicle conflicts. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

RESPONSE TO COMMENTS

- 1. Adjustments for Driveway Approach onto Commercial Street SE:** Comments received indicated concerns for approval of the proposed driveway approach onto Commercial Street NE. Specifically comments address safety concerns for additional vehicle-pedestrian conflicts and vehicle-to-vehicle conflicts from adjacent intersections.

Staff Response: The Assistant City Traffic Engineer reviewed reported crash data compiled by the Oregon Department of Transportation (ODOT) for the intersection of Commercial Street SE at Mission Street SE as well as the intersection of Commercial Street SE at Kearney Street SE and concludes that the proposed driveway approach onto to Commercial Street, located approximate mid-block between Mission Street and Kearny Street, would not cause a significant safety risk when limited to right-in or right-out movements.

Staff has included a condition of approval that requires the proposed driveway approach be limited to right-in-only, to minimize potential conflicts.

Prepared by: Laurel Christian, Planner II
cc: File

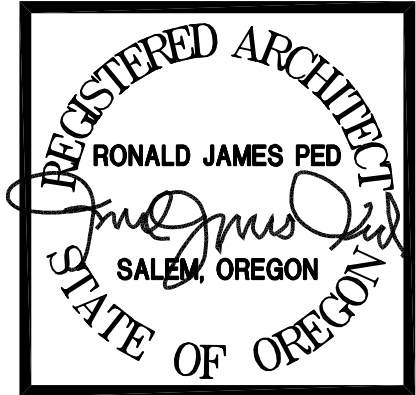
Attachment I

LAND AREA	59,880# (137AC)
15% LANDSCAPE	8,982#
15.3 % ACTUAL	9214#
NEW BLDG FOOTPRINT	11,092#
EXISTING HOUSE	899#
PAVING	38,675#

PARKING	
COMPACT	62
FULL SIZE	43
ACCESSIBLE	+ 4
TOTAL	109

BIKE PARKING	
22,184 SF	
OUTPATIENT MED SERVICES	= 14

TABLE 806.9



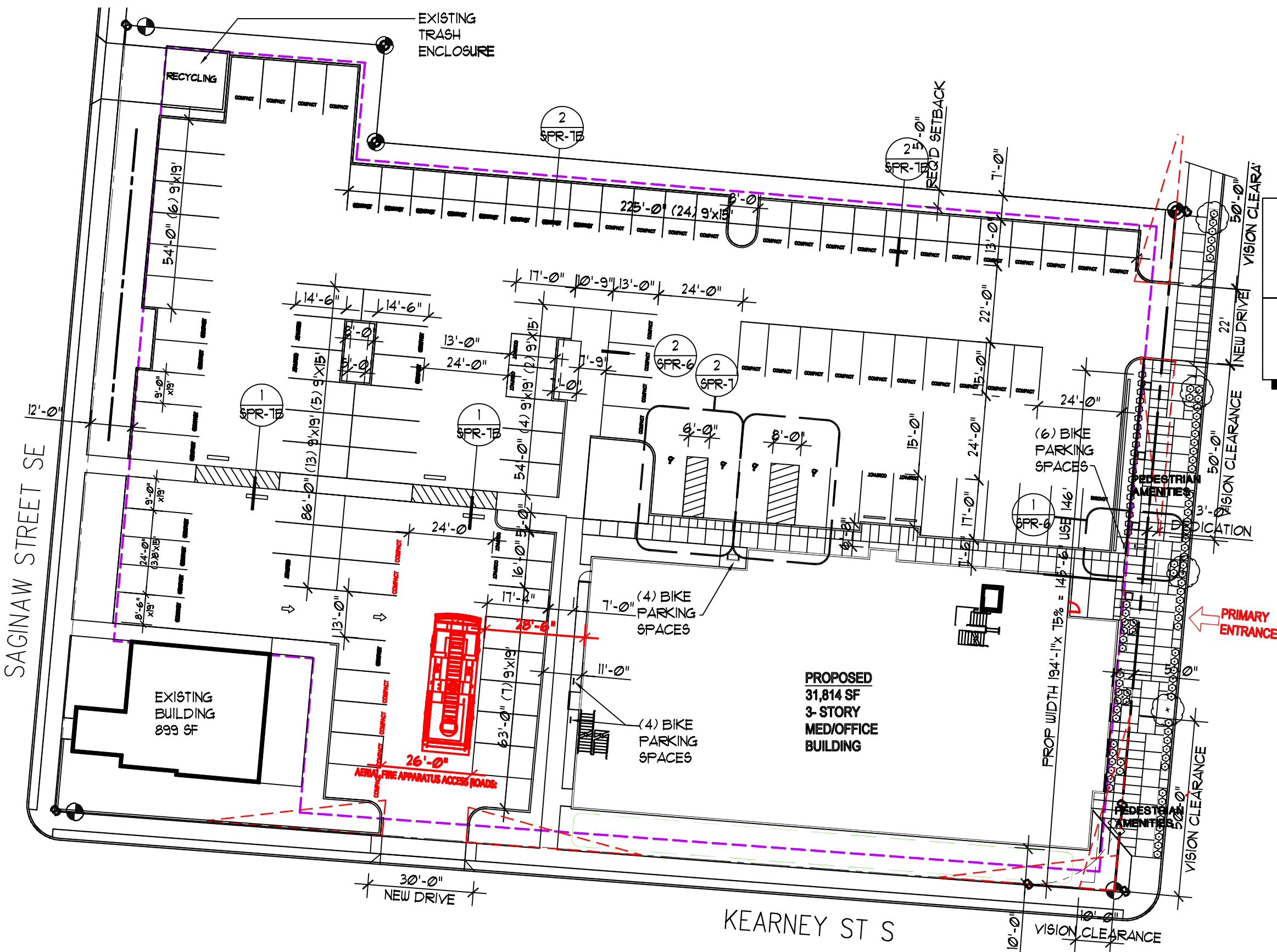
DRAWING INDEX

- SPR1 60-PROPOSED SITE PLAN
- SPR2 61-EXISTING CONDITIONS PLAN
- SPR3 62-UTILITY PLAN
- SPR4 63-GRADING PLAN
- SPR5 64-LANDSCAPE PLAN
- SPR6 65-DETAILS
- SPR7 66-DETAILS
- SPR7B 67-DETAILS
- SPR8 68-PEDESTRAIN ACCESS PLAN
- SPR9 69-NEW PERVIOUS AREA PLAN
- SPR10 70-EXTERIOR ELEVATIONS

DATE: 8-12-2020
DRAWN: AK
JOB NO. 2259

SPR-1

SITE PLAN REVIEW
HUNSAKER DENTAL CLINIC
835-877 COMMERCIAL ST SE



PROPOSED
SITE PLAN



SCALE : 1" = 30'