

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: **CONDITIONAL USE / CLASS 2 ADJUSTMENT CASE**
NO. CU-ADJ20-05
320 14TH STREET NE
AMANDA NO. 20-108213-ZO & 20-110941-ZO

REQUEST

Summary: An application to convert an existing single-family dwelling to a room and board residence and provide bicycle parking in an existing garage.

Request: A conditional use application to convert an existing single-family dwelling at 320 14th Street NE 97301 (Marion County Assessor Map and Tax Lot 073W26BA06800) in the RH (Multiple Family High Rise Residential) zone and Court/Chemeketa Residential Historic District to a room and board residence for 6-10 people, consolidated with Class 2 Adjustments for relief from bicycle parking development standards that require (1) bicycle parking inside a building to be within a convenient distance from, and accessible from, the primary building entrance and (2) bicycle parking to have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

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

APPLICANT: Mark Bulgin for Isaac's Room

OWNER: Isaac's Room

FILER: Gretchen Stone, CBTwo Architects

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a conditional use and adjustment application for the proposed development of a room and board residence for 6-10 people and associated bicycle parking on a property approximately 0.2 acres located at 320 14th Street NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: The Conditional Use approval shall be limited to a room and board facility for 6 to 10 persons operated by a non-profit entity.

ADJUSTMENT:

Condition 2: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

APPLICATION PROCESSING

On May 11, 2020, a Conditional Use Permit was accepted for processing. On July 7, 2020, a Class 2 Adjustment application was accepted for processing. The collective applications were deemed complete for processing on July 16, 2020.

The public hearing before the City of Salem Hearings Officer is scheduled for August 12, 2020, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on July 16, 2020. Public hearing notice was also posted on the property July 29, 2020 pursuant to SRC requirements.

After the property was posted, staff became aware that the mailed notice had not been sent to property owners within 250 feet of the contiguous property at 360 14th Street NE, which is under common ownership. Staff sent the Notice of public hearing to an additional 22 addresses on August 5, 2020.

Staff recommends that the Hearings Officer hold the record open for additional written testimony until August 25, 2020, which is 20 days after the mailing to the additional addresses.

PROPOSAL

The applicant is requesting to convert an existing single-family dwelling at 320 14th Street NE 97301 to a room and board residence for 6-10 people. No changes to the exterior of the existing building or existing garage are proposed, and no Historic Design Review is required.

The applicant proposes bicycle parking in the existing garage. The application includes a request for adjustments for relief of bicycle parking development standards that require (1) bicycle parking inside a building to be within a convenient distance from, and accessible from, the primary building entrance and (2) bicycle parking to have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

The applicant explains in the written statement that the owner, Isaac's Room, is a local nonprofit that works with divested young people providing services such as transitional

housing, viable education alternatives, and training and experience in vital life skills. The room and board, if approved, would house up to 10 boarders from 18 to 25 years of age who will share common living, dining, kitchen, bath, and laundry facilities. The boarders will be working and/or in school, and many are employed through the Ike Quest program part or full time.

The applicant also owns property at 360 14th Street NE with a room and board facility approved under Conditional Use Case No. CU05-03 and apartments. The applicant has provided a statement that the two room and board facilities would be independent of each other (**Attachment B**). Therefore, staff has evaluated the application for 320 14th Street NE as a separate Conditional Use and separate development site rather than an expansion of the conditional use at 360 14th Street NE.

SUMMARY OF RECORD

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

APPLICANT'S STATEMENT

The applicant's proposed development plans are included as **Attachment C**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications is included as **Attachment D**.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Multiple Family Residential." The subject property is within the Urban Growth Boundary and within the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned RH (Multiple Family High Rise Residential) and located in the Court/Chemeketa Residential Historic District. The proposed use of a room and board serving 6 to 10 persons is a Conditional Use in the RH zone. Therefore, a conditional use permit is required for the change of use.

The zoning of surrounding properties is as follows:

North: RH (Multiple-Family High-Rise Residential)

South: Across Chemeketa Street NE, RD (Duplex Residential)

East: RD (Duplex Residential)

West: Across 14th Street NE, RH (Multiple-Family High-Rise Residential)

3. Site Analysis

The subject property is a single subdivision lot of 0.2 acre and has approximately 76 feet of frontage on 14th Street NE and 115 feet of frontage on Chemeketa Street NE. In the Transportation System Plan, 14th Street NE is designated as a Collector street and Chemeketa Street NE is designated as a Local street.

4. Neighborhood and Citizen Comments

The subject property is located within the Northeast Neighbors Neighborhood Association (NEN). Notice was provided to NEN and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time this staff report was prepared, the Neighborhood Association had submitted comments in support of the application (**Attachment D**), two comments had been received objecting to or requesting conditions on the proposal, and questions had been received from three other individuals about the process. Staff responded to the questions. Comments received after the preparation of the staff report will be forwarded to the Hearings Officer for consideration at the public hearing.

A comment was submitted that objects to this use in a historic district, especially in a Historic Contributing property. They stated their concerns about having more individuals in one house, about protecting the character of the neighborhood from encroachment of non-residential uses and of dwellings shifting to rental homes. They also stated that the historic district and historic preservation goals should take precedence over the uses allowed in the RH (Multiple Family High Rise Residential) zone.

Staff Response: The uses allowed on the property are determined by the RH (Multiple Family High Rise Residential) zone. The Court-Chemeketa Historic District overlay zone is implemented by SRC Chapter 230 Historic Preservation. The intent of the overlay and the regulations in SRC Chapter 230 is to regulate the exterior appearance of structures, landscaping, and streetscape in the historic district. SRC Chapter 230 does not dictate or regulate uses on a historic property. The applicant is not proposing any exterior changes to the property; any exterior changes would continue to be subject to the rules and regulations of SRC Chapter 230. Dwellings in any zone can be rented by the owners without City review or permits, as long as they comply with the same occupancy rules that apply regardless of the property being a renter- or owner-occupied dwelling.

A comment was received indicating support of the proposed use as long as Isaac's Room maintained ownership but concerns over the use in general due to

ongoing issues with drugs, trespassing, and prostitution in other boarding houses in the neighborhood.

Staff Response: The zoning code (SRC 300.820(a)) prohibits the City from imposing conditions that would limit use of the subject property to one particular owner, tenant, or business. The Hearings Officer might consider a request to place a condition requiring that a non-profit run the room and board, or some other condition that requires any future owners to run it in substantially the same manner as the applicant is proposing, but cannot say that the conditional use approval would expire if the property is sold.

5. City Department and Public Agency Comments

The Public Works Department reviewed the proposal and had no comments.

The Salem Building and Safety Division reviewed the proposal and identified no issues.

The Salem Fire Department reviewed the proposal and identified no issues.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1:

The proposed use is allowed as a conditional use in the zone.

Finding: The subject property is zoned RH (Multiple-Family High-Rise Residential). The proposed use of a room and board serving 6 to 10 persons is a Conditional Use in the RH zone. Therefore, a conditional use permit is required for the change of use.

The proposal meets the criterion.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The proposed use would allow up to 10 persons to reside on the property, which is located in a high-density residential zone. Without the change of land use, the single family dwelling could be occupied by an unlimited number of persons related by blood, marriage, domestic partnership, legal adoption, or guardianship; two or more persons with disabilities, as defined in the Fair Housing Amendments Act of 1988, who need not be related by blood, marriage, domestic partnership, legal adoption, or guardianship; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship.

The existing dwelling on the property is 4,000 square feet according to the applicant's site plan and 3,989 square feet according to the Marion County Assessor (1,677 square feet on the main floor, 1,262 square feet in the finished basement, and 1,050 square feet in the finished attic). The gross floor area within the building is sufficient to accommodate a large family or 6 to 10 boarders.

Because the proposed boarders are residing within an existing building, no changes are proposed to the exterior of the building or the garage, and no other changes are proposed on the property, there will be little change in appearance and little visual impact on the immediate neighborhood.

A potential increase in the number of residents may impact parking demand. Although no parking spaces are required for a room and board use, the existing property includes two compact parking spaces in the garage and two additional spaces on the northern driveway. These spaces will be retained with the current proposal.

In order to ensure that the Room and Board is operated in substantially the same manner, even if the property is sold, the following condition is recommended:

Condition 1: The Conditional Use approval shall be limited to a room and board facility for 6 to 10 persons operated by a non-profit entity.

As conditioned, the proposed development will have a minimal impact on the immediate neighborhood.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: The Subject Property is surrounded by residential properties. To the north is a property under common ownership and occupied by an existing room and board facility and apartments. To the east is a single-family dwelling. To the south across Chemeketa Street NE are single-family dwellings. To the west across 14th Street NE are single-family dwellings. The subject property and the

properties to the north, east, and south are in the Court/Chemeketa Residential Historic District.

The proposed change of use will remain residential in nature, and therefore, be reasonably compatible with the surrounding residential development. No changes are proposed to the exterior of the building or garage, and the development will retain the appearance of a single-family dwelling. The proposed development meets applicable standards of the RH zoning district, as discussed in the Analysis of Development Standards in Section 7 of this report.

Potential impacts on the surrounding properties would be related to the potential increase in the number of residents. These impacts, including parking and noise, are addressed in the findings for Criterion 2.

Because the development will be reasonably compatible with the surrounding residential development and have minimal impact on surrounding uses, the proposed development meets this approval criterion.

7. Analysis of Development Standards

Use Standards - RH (Multiple-Family High-Rise Residential) Zone

Finding: The subject property is zoned RH (Multiple-Family High-Rise Residential) Zone. The proposed use of a room and board serving 6 to 10 persons is a Conditional Use in the RH zone. Therefore, a conditional use permit is required for the change of use.

The following is a summary of the applicable development standards for the proposed development.

Development Standards – RH Zone:

SRC 515.005(a) - Uses:

The permitted, special, conditional, and prohibited uses in the RH zone are set forth in Table 515-1.

Finding: Room and board uses serving 6 to 10 persons are allowed as a conditional use in the RH zone per Table 515-1.

SRC 515.010(a) – Lot Standards:

Lots within the RH zone shall conform to the standards set forth in Table 515-2. There is no minimum lot area, lot width, or lot depth. Lots for uses other than single family are required to have minimum lot frontage of 40 feet.

Finding: The subject property has approximately 76 feet of frontage on 14th Street NE and 115 feet of frontage on Chemeketa Street NE.

SRC 515.010(b) – Setbacks:

Setbacks within the RH zone shall be provided as set forth in Table 515-3.

North:	RH (Multiple-Family High-Rise Residential)
South:	Across Chemeketa Street NE, RD (Duplex Residential)
East:	RD (Duplex Residential)
West:	Across 14 th Street NE, RH (Multiple-Family High-Rise Residential)

North: Adjacent to the north is an RH (Multiple-Family High-Rise Residential) zone. Buildings not more than 35 feet in height and accessory structures require a minimum 5-foot building setback. Vehicle use areas require a minimum 5-foot setback.

South: Adjacent to the south is right-of-way for Chemeketa Street NE. Buildings and accessory structures greater than 4 feet in height on lots outside the CSDP area require a minimum 12-foot building setback. Vehicle use areas require a minimum 6- to 10-foot setback adjacent to a street.

East: Adjacent to the east is an RD (Duplex Residential) zone. Buildings not more than 35 feet in height require a 5-foot setback. Accessory structures not more than 9 feet in height require no setback. Accessory structures greater than 9 feet in height require a minimum setback of 1 foot for each 1 foot of height over 9 feet. Vehicle use areas require a minimum 5-foot setback.

West: Adjacent to the west is right-of-way for 14th Street NE. Buildings and accessory structures greater than 4 feet on lots outside the CSDP area require a minimum 12-foot building setback. Vehicle use areas require a minimum 6- to 10-foot setback adjacent to a street.

Finding: No changes are proposed to the existing building, accessory structure, or vehicle use areas. The existing building is set back 19'6" from the north property line, 8'4" from the south property line, 37 feet from the east property line, and 22 feet from the west property line; the south setback is nonconforming. The accessory structure is 46 feet from the north property line, 9'8" from the south property line, 0 feet from the east property line, and 98 feet from the west property line; the south and east setbacks are nonconforming. The parking and vehicle use areas are nonconforming. No changes are required to the existing building or parking and vehicle use area setbacks.

SRC 515.010(c) - Lot Coverage, Height:

For the proposed use, there is no maximum lot coverage, no maximum rear yard coverage for accessory structures, and no maximum height for buildings or accessory structures.

Finding: No changes are proposed to the existing building, accessory structure, or vehicle use areas.

SRC 515.010(e) - Landscaping:

Landscaping within the RH zone shall be provided as set forth in this subsection.

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapters 806 and 807.

Finding: No changes are required to the existing building or parking and vehicle use area setbacks. Approximately 63% of the subject property is landscaped, but the number of plant units appears to be nonconforming with respect to the landscaping requirements. No changes are required to the existing landscaping.

SRC 515.010(f) – Outdoor Storage:

Within the RH zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

Finding: Outdoor storage areas are not provided for the proposed use.

General Development Standards SRC 800

Pedestrian access SRC. 800.065

Pedestrian connections are not required because the proposal is for a change of use inside an existing building, and no development outside the building is proposed.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* No off-street parking spaces are required for a room and board use.

- b) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2A. Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, maximum off-street parking shall be determined based on the assumed minimum off-street parking set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards. Table 806-2B allows maximum parking of one space per 900 square feet for the proposed use.

Finding: The minimum off street parking requirement is 0 spaces. The maximum off-street parking allowance for the 4,000 square foot use is 4 spaces ($4,000 / 900 = 4.44$). The site plan indicates two compact spaces in the existing garage and two (tandem) spaces in the existing driveway, within the maximum of 4 off-street parking spaces.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family, Two Family, Three Family, and Four Family shall be developed and maintained as provided in this section.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
1. The development of new off-street parking and vehicle use areas.
 2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
 3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 4. The paving of an un-paved area.

Finding: No new, expanded, or altered off-street parking and vehicle use areas are proposed, and no paving of an un-paved area is proposed. Off-street parking and vehicle use area development standards do not apply to the existing off-street parking areas in the driveway and garage. Tandem spaces in the driveway and the spaces in the garage set back 9'8" from the street would not meet parking and vehicle use area development standards for uses other than single family, two family, three family, and four family uses. Although no minimum parking requirement applies to the proposed room and board use, the existing, nonconforming spaces may continue to be used.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 - Amount of Bicycle Parking.

A room and board use requires the greater of 4 spaces or 1 space per 50 rooms.

Finding: The change of use from single family to room and board requires bicycle parking. The applicant's site plan indicates that four bicycle parking spaces will be provided.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
 - 1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
 - 2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.
- (c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
 - 1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
 - 2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

- (d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
 - 1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - 2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - 3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - 4) Racks shall be securely anchored.
 - 5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The site plan indicates racks meeting the development standards, except for the location and access standards. The applicant has requested adjustments to the location and access standards. Findings are included in Section 8 of this report.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to Use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 - Amount of Off-Street Loading.

Group living uses, including room and board, of less than 5,000 square feet of floor area do not require off-street loading area per Table 806-9.

Finding: The proposal requires no off-street loading space.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: The landscaping is consistent with landscaping in the area for dwellings and is legal non-conforming. No building permit application subject to landscaping requirements is required for the proposed change of land use, therefore, there is no trigger for additional landscaping.

Natural Resources

SRC 601 – Floodplain: No floodplain or floodway areas exist on the subject property.

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation SRC ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

No protected trees have been identified on the site plan for removal.

SRC 809 - Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are not mapped wetlands present on the subject property.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property does not contain areas of mapped landslide hazard.

8. Analysis of Class 2 Zoning Adjustment Permit Criteria

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

Criterion 1:

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:

Relief from bicycle parking development standards that require bicycle parking inside a building to be within a convenient distance from, and accessible from, the primary building entrance

The proposed bicycle parking is not near or accessible from the primary building entrance facing 14th Street NE. However, it would be located in the existing garage within approximately 25 feet from the secondary, rear entrance facing east. This entrance will be frequently used by residents, and the bicycle parking is primarily for the use of the residents. A paved pathway connects the main building, garage, and driveway. The proposed location also provides a greater level of security and weather protection for bicycles, and the concealed bicycle racks are more appropriate than exterior commercial bicycle racks in the residential zone and historic overlay zone. The proposed location equally or better meets the purpose of the development standard, which is to provide convenient access to the bicyclists.

Relief from bicycle parking development standards that require bicycle parking to have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area

The proposed location in the existing garage does not have direct and accessible access from the primary building entrance on 14th Street NE and from the public right-of-way on 14th Street NE. It does have direct and accessible access from the public right-of-way on Chemeketa Street NE, equally or better meeting the purpose of the development standard to provide unobstructed access.

Criterion 2:

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

Finding: The subject property is located within a residential zone. The proposed adjustments allow bicycle parking to be located and concealed in an existing garage. The requested adjustments result in no visual impact to the residential area and will not detract from the livability or appearance of the residential area.

The proposal meets the criterion.

Criterion 3:

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: Two separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the Multiple-Family High-Rise Residential Zone, which allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 2: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a conditional use and adjustment application for the proposed development of a room and board residence for 6-10 people and associated bicycle parking on a property approximately 0.2 acres located at 320 14th Street NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: The Conditional Use approval shall be limited to a room and board facility for 6 to 10 persons operated by a non-profit entity.

ADJUSTMENT:

Condition 2: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future

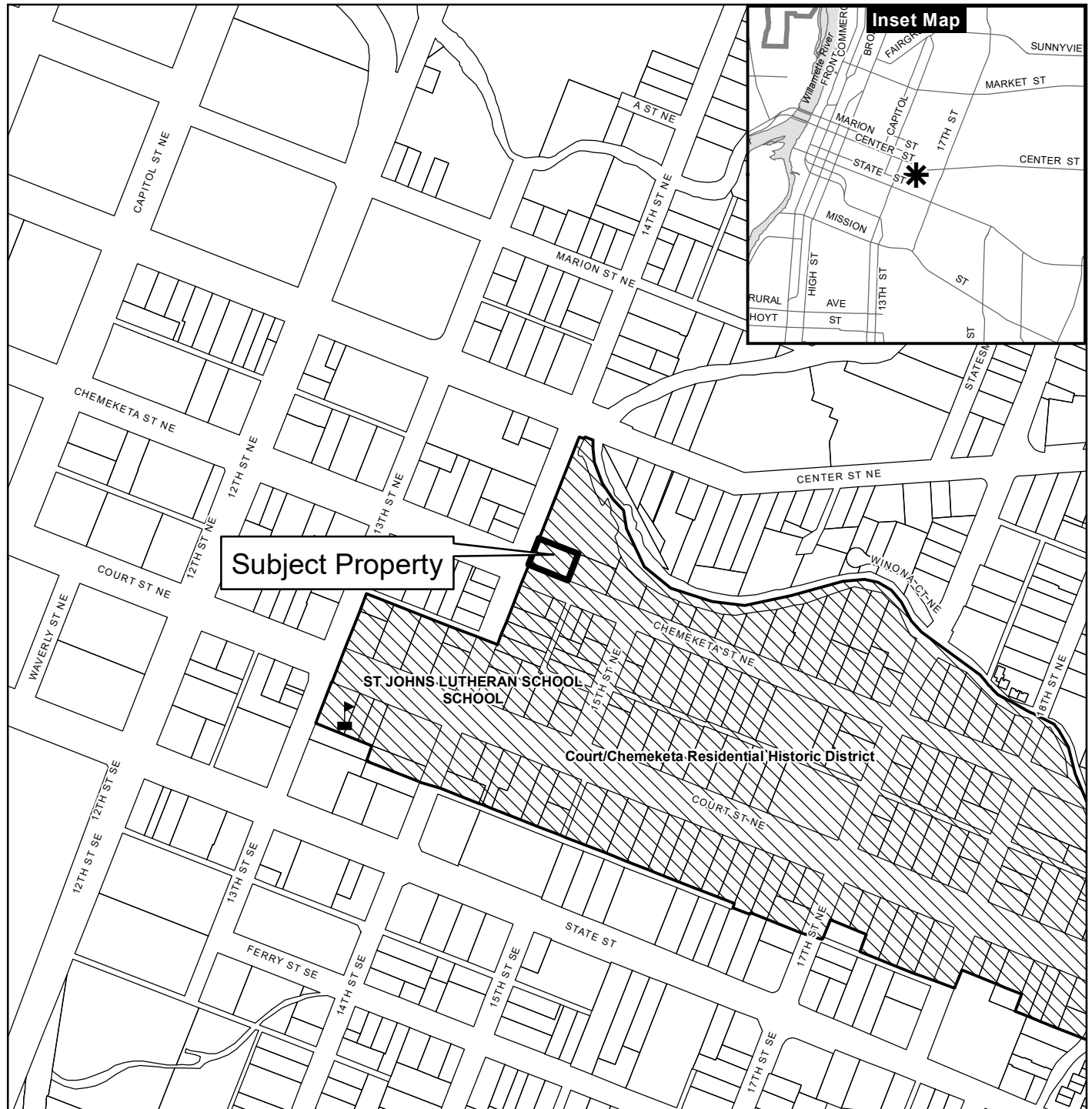
land use action.

Prepared by Pamela Cole, Planner II

Application Deemed Complete Date: July 16, 2020
State Mandated Decision Date: November 13, 2020

- Attachments: A. Vicinity Map
B. Applicant's Statement Regarding Contiguous Property at 360 14th Street NE
C. Proposed Development Plans
D. Applicant's Statement Addressing Approval Criteria

Vicinity Map 320 14th Street NE



Legend

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

Parks

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0 100 200 400 Feet



June 30, 2020

To: City of Salem
From: Isaac's Room

To Whom it May Concern:

This letter is to clarify and define the relationship between the two properties, 320 and 360 14th Street NE, owned by Isaac's Room and operating as room and board facilities.

The mission of the non-profit Isaac's Room is to help divested young people build the capacity to rise to the challenges of life. We serve foster youth, court-involved youth and students of alternative education programs through mentorship, training, employment opportunities, and life experiences, in order to prepare them for self-sufficiency as adults in work and life.

The purpose of the homes at 320 and 360 14th Street is to provide family style living arrangements, separately in both locations, for our staff, mentors, and some friends, and thereby a stable home base for the youth in our program who need it in order to sustain their efforts to take responsibility for life and build the skills to manage these responsibilities.

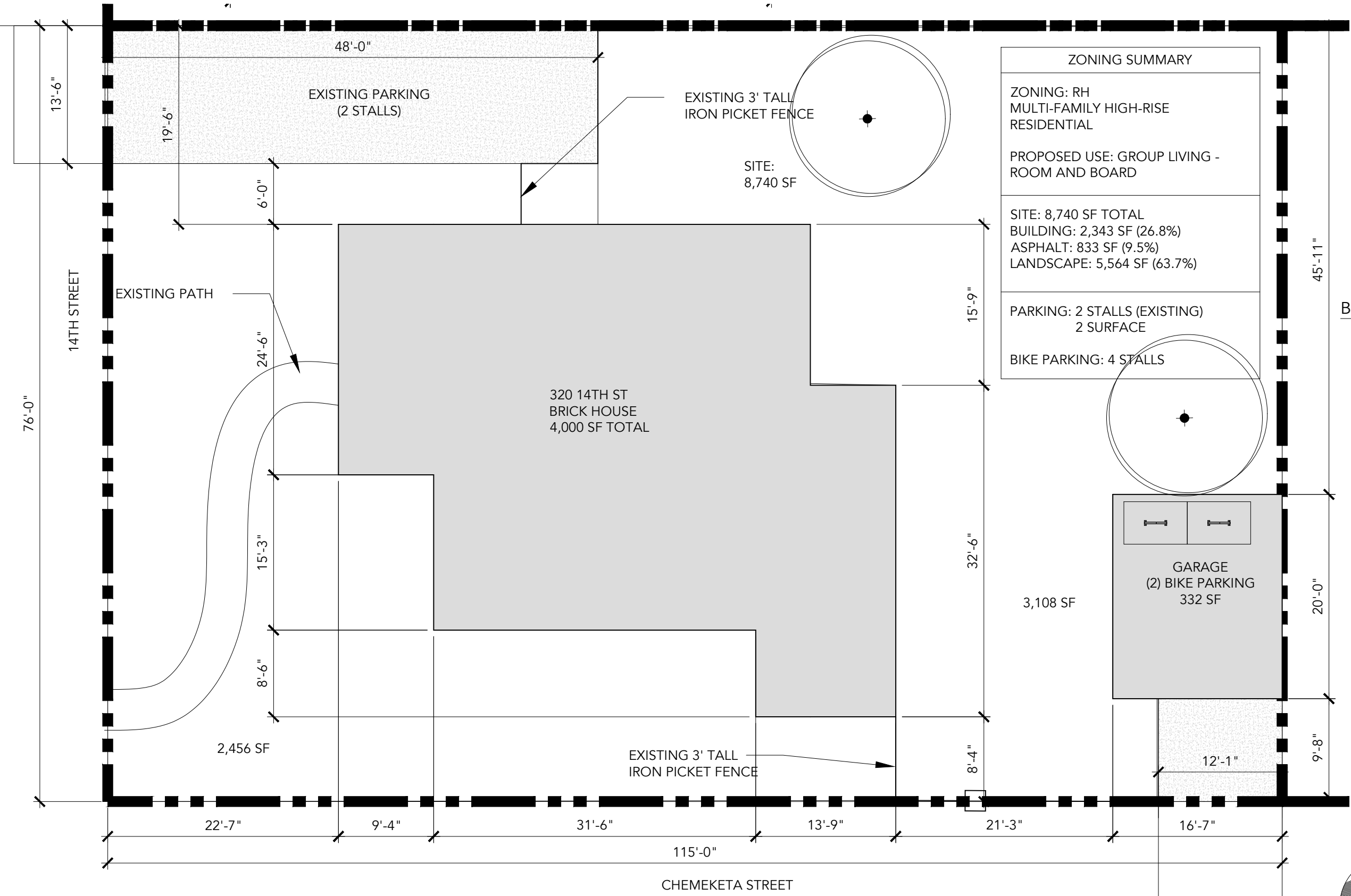
The goal of these two homes is parallel in purpose, but separate in operation and serving two different groups. **Isaac's Room has no intention of forming a "complex" of the two properties. They are operating and will operate as independent and autonomous room and board facilities.** Isaac's Room does intend to develop programs supporting the residents at both locations congruent with the mission of the organization, but even then, these programs will operate independently of one another, with separate leadership, activities, etc. for the two separate groups of people.

Thank you for your consideration of this request to expand the capacity at 320 14th Street, and provide more healthy housing for young adults getting on their feet and learning to thrive and contribute as good neighbors in our community.

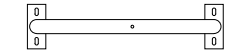
Sincerely,



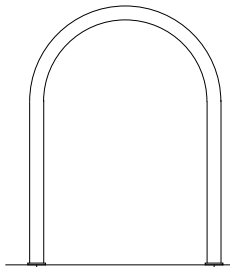
Mark Bulgin
Executive Director, Isaac's Room



ZONING SUMMARY
ZONING: RH MULTI-FAMILY HIGH-RISE RESIDENTIAL
PROPOSED USE: GROUP LIVING - ROOM AND BOARD
SITE: 8,740 SF TOTAL BUILDING: 2,343 SF (26.8%) ASPHALT: 833 SF (9.5%) LANDSCAPE: 5,564 SF (63.7%)
PARKING: 2 STALLS (EXISTING) 2 SURFACE
BIKE PARKING: 4 STALLS



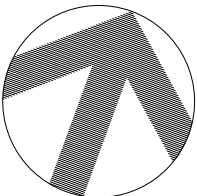
PLAN



ELEVATION

BASIS OF DESIGN : DERO HOOP RACK

BIKE PARKING (TYP.)



1 SITE PLAN
A0.1 SCALE: 1:10

Project Issue	
Date: 4-13-	
Rev:	Date

June 25, 2020

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

Re: Application for Conditional Use Permit and Class 2 Adjustments to Bike Parking Standards
320 14th Street NE

I. REQUEST

CB Two Architects, representing Isaac's Room owner of 320 14th Street NE, respectfully request approval of a consolidated land use review for a conditional use permit to allow the existing single family structure to be used for room and board and two Class 2 adjustments to bike parking standards SRC806-060(a)(2) and (b) that would allow the applicant to provide bike parking within the existing garage. The subject property is located on the northeast corner of 14th Street NE and Chemeketa Street NE and is within the RH (Multi-Family High Rise Residential) zoning district and the Court/Chemeketa Residential Historic District. Room and board facilities serving 6 to 10 persons are allowed conditionally within the RH zone.

II. PROJECT DESCRIPTION

The nearly 4,000 square foot house and single car garage were built in 1937. The applicant is proposing to use the existing residential structure as a room and board facility that will house 6 to 10 male persons. As previously noted the property is zoned RH, surrounding uses include RH on the north and across 14th Street NE to the West, with RD (Duplex Residential) to the east and across Chemeketa Street NE to the south. A variety of uses exist on the surrounding properties; an existing room and board is located on the property adjacent to the north, multiple family developments occur to the west across 14th Street NE, and there are single family residences adjacent to the east and south across Chemeketa Street NE. The subject property and the property adjacent to the north are owned by the same entity; however they are not part of an HOA (Home Owner's Association) nor will the developments on these properties share services or resources that qualify them as a complex, they will be operated as independent room and board residences.

The owner, Isaac's Room, is a local nonprofit who work with divested young people providing services such as transitional housing, viable education alternatives, and training and experience in vital life skills. Approving this requested room and board use will allow their organization to house up to 10 persons in a room and board environment. Boarders would range in age from 18 to 25 years of age and will share the use of common living, dining, kitchen, bath and laundry facilities within the property. Residents will work and/or go to school; many are employed through the Ike Quest program either part or full time. The conditional use permit is an opportunity to increase needed housing in this area which is ideally located due to its proximity to transportation and the major employment hub in the downtown core.

III. CONDITIONAL USE CRITERIA

Conditional use permits are processed as a Type III procedure. A conditional use permit shall be granted if the criteria as set forth in Salem Revised Code (SRC) 240(d)(1), (2), and (3) are met. The applicable criterion follows in *Italics*, with responses following each criterion in **Bold** font.

Criteria:

(1) The proposed use is allowed as a conditional use in the zone;

RESPONSE: Table 515-1 provides a detailed list of uses allowed within the RH zone and identifies room and board uses within the Group Living category; further noting that room and board serving 5 or fewer persons is permitted out right and room and board serving 6 to 10 persons is permitted conditionally. The proposal is to utilize an existing 4,000 square foot home for room and board for up to 10 persons; therefore this use is allowed within the underlying zone as a conditional use.

(2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions;

RESPONSE: The requested use is limited to a room and board residence for no more than 10 persons within a high density zoning district. This location of the subject property has been identified by the Salem Area Comprehensive Plan (SACP) as Multi-Family Residential anticipating higher density housing development patterns in this area. The underlying zoning classification allows uses that are compatible with multiple family uses such as group living/room and board which is typically a less intense use than conventional apartment development. The applicant understands that if potential impacts to the immediate neighborhood are identified by staff or the neighbors through the review process that conditions may be imposed to minimize those adverse impacts.

(3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

RESPONSE: The subject property is fully developed with a single family residence that is considered a contributing historic resource. The proposed use, room and board for 6 to 10 persons is well-suited for this property and is complimentary to the surrounding properties and other development within the neighborhood. There are no negative impacts anticipated with this proposed change of use.

IV. ADJUSTMENTS

The proposed room and board facility is subject to bicycle parking standards found in SRC 806, which requires that 4 bicycle parking spaces be provided for the proposed use. The applicant is able to provide these spaces but is requesting adjustments to a locational standard *SRC 806.060(a)(2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance* and an access standard *SRC 806.060(b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstruction and any barriers such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.* The garage is located behind the house which is conveniently located to the secondary rear entrance (approximately 25 feet from the garage) frequently used by residents it will not be as directly accessed to the primary entry which is located at the front façade triggering the adjustment to SRC 806.060(a)(2). Siting the bicycle parking within the garage which is easily accessed from Chemeketa Street NE, is does not provide the direct access from the right-of-way to the bike parking to the primary building entrance, triggering the adjustment to 806.060(b). Adjustments allow developments flexibility in design for *"reasonable development"* or in the case of this application *"use"* of the existing property *"where special conditions or unusual circumstances exist."*

Both will be Class 2 adjustments which are Type II procedures under SRC Chapter 300; however since they are being included in the conditional use permit request as a consolidated land use review and conditional use permits are Type III procedures, the consolidated review will be a Type III process.

A Class 2 adjustment shall be granted if the applicant is able to meet applicable criteria as prescribed in *SRC 250.005(d)(2) "An application for a Class 2 adjustment shall be granted if all of the following criteria are met"*. The following provides the specific criteria in *Italics* followed by the applicant's response in **bold** type confirming how the proposal meets the applicable criteria:

- (A) *The purpose underlying the specific development standard proposed for adjustment is:*
- (i) *Clearly inapplicable to the proposed development; or*
 - (ii) *Equally or better met by the proposed development.*

RESPONSE: Locating the bicycle parking within the existing garage is a better and more appropriate location as it provides a greater level of security and weather protection for bicycles. It will also reduce aesthetic inconsistency as the property is considered a contributing historic resource and bicycle racks meeting the standards of SRC 806.060, Figure 806-10 are not historically appropriate to the residential design of the existing structure or other historic homes in this neighborhood.

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

RESPONSE: Locating the bicycle parking within the existing garage clearly meets the purpose of this criterion as there will be no change to the exterior or existing site improvements, therefore avoiding impacts to neighboring residential properties.

(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 location of the bicycle parking and its access from the public right-of-way will not preclude the proposed room and board use from functioning as allowed within the RH zone. It will still provide required bicycle parking on site that can easily be accessed yet will be more secure and protected without visually or otherwise impacting surrounding uses or the larger neighborhood.

V. CONCLUSION

The applicant, Isaac's Room, believes the proposed use is appropriate for the subject property. The requested Class 2 adjustments are minimal, meet the criteria for approval and will have no impact on surrounding uses, the historic neighborhood or the larger Salem community. No physical changes to the existing improvements are proposed allowing an adaptive reuse of the historic structure for a higher and better use satisfying a goal of the SACP while serving to preserve a historic resource within a historic district.