



6 August 2020

City of Salem  
Planning/ Permit Application Center  
City Hall, 555 Liberty St. SE, Room 320  
Salem, OR 97301

### **Land Use Applications**

**Project Address:** 905 & 925 Cottage St NE, Salem, OR 97301  
**Project team:**

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POC: Kenneth Coblentz, EI, (503) 399-1399

## **WRITTEN STATEMENT**

**July 24, 2020**

**Project:** Site Plan Review

**Address:** 905 & 925 Cottage St NE, Salem, OR 97301

**Tax Map:** 07 3W 23CB

**Parcel Number:** 14300 & 14301

**Neighborhood:** Grant Neighborhood Association

### **LAND USE REQUEST:**

The Applicant requests Site Plan Review, Design Review, and a Class II Adjustment. Applicant submits herewith the materials required for a Type III application procedure for consolidated review under SRC Section 300.120(c).

The subject properties total combined area equals 12,900 SF, with 6,450 SF on each parcel. The existing structure on lot 14300 equals approximately 6,269 SF floor area and is currently used for religious assembly. The existing structure on lot 14301 equals approximately 1,978 SF floor area and is currently in residential use. The subject properties lie within Grant Neighborhood, a central Salem neighborhood located north of the downtown area. The subject properties are located within ¼ mile of Salem's Transportation Core Network. Applicant's proposed use includes publicly supported Affordable Residential Dwelling units. The proposed use in the existing building located on parcel 14300 includes 14 dwelling units ranging in size from 340 to 646 square feet. The proposed use in the building located on parcel 14301 includes 5 dwelling units ranging in size from 421 to 593 square feet. The Applicant proposes to retain and repurpose the existing buildings proposed with no increase in building footprint or height. Proposed alterations include site work to reconfigure parking and landscape areas, accessibility upgrades for vehicle and pedestrian access, upgrades to the building exterior for access and safety, and interior remodel. Design for proposed uses prioritizes maintaining the historic character of the existing buildings.

Preliminarily, Applicant reminds the City that this consolidated application is for needed housing under state law. See ORS 197.303(1)(a). As a result, the Applicant reserves the right to request that the City apply only "clear and objective standards, conditions, and procedures" to the development. ORS 197.307(4). The Applicant specifically identifies those criteria that do not contain clear and objective standards in this response and objects to the use of such standards in review of this application.

***Criteria applying to this matter for the application includes:***

**Part I:** Salem Revised Code

- Title X, Chapter 220 Site Plan Review

**Part II:** Salem Revised Code

- Title X, Chapter 225 Design Review

**Part III:** Salem Revised Code

- Title X, Chapter 250 Adjustment

## PART I | Salem Revised Code

### SRC TITLE X – CHAPTER 220 SITE PLAN REVIEW

#### *Sec. 220.005. – Site Plan Review*

##### *(f) Criteria*

***(3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:***

***(A) The application meets all applicable standards of the UDC;***

Findings: The proposed alterations of subject properties meet all applicable standards of the UDC. See [Part II](#) Design Review Findings.

***(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;***

Findings: The Applicant objects to the application of this criterion because use of "safe, orderly, and efficient," "negative impacts," and "adequately" are subjective terms, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The proposed transportation system provides safe, orderly, and efficient circulation of traffic by meeting all requirements of SRC Chapter 806 Off-Street Parking, Loading, and Driveway standards. In addition, the Applicant's Transportation Planning Analysis report attached hereto, discusses that the existing transportation system is adequate to serve the proposed development. In addition, the subject properties are located within ¼ mile of Salem's Transportation Core Network.

***(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and***

Findings: The Applicant objects to the application of this criterion because use of "safe and efficient" are subjective terms, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The subject properties are located within ¼ mile of Salem's Transportation Core Network. The proposed transportation system provides safe,

orderly, and efficient circulation of traffic by meeting all requirements of SRC Chapter 806 Off-Street Parking, Loading, and Driveway standards. The proposed solid waste service area meets the requirements of SRC chapter 800 General Development subsection (f) Solid Waste Service Area Vehicle Access. In addition, the Applicant's Transportation Planning Analysis report, "based on the reasonable worst-case trip generation evaluation, the proposed [development] would result in a daily increase of less than 400 trips at each property. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed [development] will not significantly impact and would cause 'no further degradation' to the City of Salem transportation system."

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

Findings: The Applicant objects to the application of this criterion because the term "adequately" is subjective, not a clear and objective term. Notwithstanding this objection, the Applicant provides the following response. Water and sewer facilities have adequate capacity for the intended use. An 8" existing sewer main is located in the alley, a 10" main water supply is located in Cottage St, a 1" water service line serves each building. The Applicant submits Public Works Recommendation Letter stating, "the subject property is located inside the Urban Service Area and adequate facilities are available." Attachment 6, page 2. The Applicant proposes to upgrade the existing 1" water service line to 2" to accommodate increase flow and flush fixtures on site. Electrical service proposed upgrades are included in proposed development. The Applicant also proposes to upgrade the existing building sewage lines to 6" sewage line. The proposed parking lot design and development will minimize the potential for erosion and adverse effects upon the existing topography and soil conditions by utilizing Salem's Small Project Storm Water Design requirements.

## **PART II | Salem Revised Code**

### **SRC TITLE X – CHAPTER 225 DESIGN REVIEW**

#### ***Sec. 225.005. – Design Review***

##### ***(e) Criteria***

***(1) A Class 1 design review shall be approved if all of the applicable design review standards are met.***

Findings: The proposed development on the subject properties meets all applicable design review standards with adjustments. Applicable standards include SRC Chapter 702. – Multiple Family Design Review Standards, SRC Chapter 515 RH-Multiple Family High Rise Residential, and applicable portions of SRC Chapter 800 General Development Standards. See findings below. See also [Part III](#) for applicable adjustments.

### **SRC TITLE X – CHAPTER 702 MULTIPLE FAMILY DESIGN REVIEW STANDARDS**

#### ***Sec. 702.010 – Multiple Family Design Review Standards.***

***Multiple family development shall comply with all of the applicable design review standards as follows:***

***(a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC 702.015 or the design review standards set forth in SRC 702.020.***

***(b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.***

***(c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.***

Findings: The proposed development complies with the design review standards for development with 13 or more dwelling units under SRC 702.020 and subsection (c) UDC development standards.

**Sec. 702.020 - Design review standards for multiple family development with thirteen or more units.**

***(a) Open space standards.***

***(1) To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.***

***(A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.***

***(B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.***

***(C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.***

***(D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.***

***(E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.***

***(i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and***

***(ii) Include at least one of the following types of features:***

***a. Covered pavilion.***

***b. Ornamental or food garden.***

***c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.***

***d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).***

***e. Swimming pool or wading pool.***

***(F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.***

Findings: Findings: SRC 702.020(a)(1) states that "'newly constructed multiple family developments' shall not include multiple family developments created through only construction or improvements to the interior of existing building(s)." For purposes of the open space requirement only, the multiple family development is only constructing improvements to the interior of existing buildings. While other design standards require other changes to outdoor areas, such as parking and landscaping, all standards that this applications meets, the open space standard is limited in this proposal to the type of multifamily development occurring. The



Applicant understands that staff views this exclusion to include other improvements on the site as the multiple family development. This difference in opinion exemplifies that the standard is not clear and objective as it applies to the Applicant's proposal to reuse all of the existing buildings onsite for the multifamily development. Therefore, the Applicant objects to the application of these open space standards to this needed housing development. Moreover, the additional cost associated with additional adjustments is another unnecessary barrier to affordable housing that results from the lack of clear and objective standards. Notwithstanding this objection, the Applicant proposes the following response.

The Proposed Open Spaces plan demonstrates 25.8% of site area is dedicated to Open Space. The subject properties do not include slopes greater than 25%, proposed Open Space is usable. The Applicant proposes 19 affordable residential dwelling units and Private Open Space is neither required nor proposed. Improved Open Space is neither required nor proposed. The subject properties are within 0.25 mile to Grant School Park and .14 mile of Oregon State Capitol State Park, and under subsection (F) above, the Applicant proposes to reduce required onsite open space by 50% in order to encourage use of public parks. If the City disagrees with the subsection (F) reduction, see also [Part III](#) for applicable adjustments. If the City ultimately agrees that Adjustments 2 and 3 are not required, the Applicant requests a refund of the fees associated with these adjustments.

***(b) Landscaping standards.***

***(1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.***

***(2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:***

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and*
- (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials.*
- Chainlink fencing with slats shall be not allowed to satisfy this standard.*
- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.*
- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.*
- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.*
- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.*
- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).*
- (A) A minimum of one canopy tree shall be planted within each planter bay.*
- (B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).*
- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.*

Findings: The gross site area of the subject properties total 12,900 SF. The Applicant is required to preserve or plant onsite 6.45 trees. In order to meet this requirement, Applicant proposes to preserve (2) existing trees, and plant (6) new trees onsite. In addition, (2) new street tree plantings are proposed. New tree plantings located along abutting (RS) zone, with max spacing 30' on center. The Applicant proposes an 8'-0" high wood fence along abutting (RS) zone. New landscape plantings per subsection (3) are proposed at new building entry locations. Shrub and ground cover plantings are proposed along the perimeter of buildings. New tree plantings located within 10' of proposed parking area are proposed and will include installation of (1) new landscaped planter bay provided at proposed vehicle parking area. See proposed landscape plan for tree and planting locations.

***(c) Site safety and security.***

***(1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.***

***(2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.***

***(3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.***

***(4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.***

Findings: Existing buildings and openings to remain, existing windows and new relites provided at each habitable room. Existing exterior entry lights proposed to be replaced at existing locations,

new exterior light fixture proposed at all remaining entries, see building elevations for locations. Proposed parking illumination provided, see site plan for locations. Building entry unobstructed visibility proposed at all street facing entries. Proposed shrubs and groundcover shall not exceed maximum 3' of height for areas listed in subsection (4). See also [Part III](#) adjustments.

***(d) Parking and site design.***

***(1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).***

***(2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, 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.***

***(4) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.***

Findings: Approximately 3,591 SF of proposed parking area is to be located behind the existing residence and beside existing church. Pedestrian pathways are proposed to connect common open space, parking areas, and public sidewalks.

***(e) Façade and building design.***

***(1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.***

***(2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between***

*new buildings and structures on site and existing buildings and structures on abutting sites.*

- (A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.*
- (3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.*
- (4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.*
- (5) To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.*
- (6) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.*
- (7) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.*
- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)*

***(9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.***

***(10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):***

Findings: Existing buildings located on subject properties do not exceed dimensions greater than 150'. Proposed development includes 8' high wood fence along abutting (RS) property allowing a 5' setback at north property line, new ramp permitted to be located in setback per table 800-2. Existing building to remain, no balconies proposed. Due to the historical significance of the existing facade, existing entries remain. The Applicant proposes (1) new entry located on the west facade of the building. Existing buildings ground level located 30-36" above grade, porch or architecturally defined entries not provided along the facade of the building. Building entry points lead to common areas and interior dwelling unit entries. No new roof-mounted equipment proposed. Existing roof elevations and building facade to remain. See also [Part III](#) adjustments.

## PART III | Salem Revised Code

### SRC TITLE X – CHAPTER 250 ADJUSTMENT

#### *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.*

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

*(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.*

Findings: The Applicant objects to the application of these subjective criteria as applied to needed housing. Not one of the subsections includes clear and objective standards.

Notwithstanding this objection, the Applicant provides the following response. The Applicant requests Class II adjustment to the following Multiple Family Design Review Standards and RH Zone Setback Requirements:

1. Reduce required setback from 12' abutting a street to 6' for proposed ADA landing (**SRC 515.010(b)**). Setbacks states Min. 12' Setback required at Abutting Streets. To improve the accessibility of the existing church the Applicant requests a Class II adjustment to reduce the required setback of 12' to 6'. This allows for the preservation of the historically significant façade along D Street while accommodating accessible entries to the building and dwelling units.

2. Reduce overall open space from 3,870 square feet to 3,331 square feet. **(SRC 702.020(a)(1))**. The Applicant requests a Class II adjustment to Multiple Family Design Review SRC 702.020(a)(1) to reduce overall common space to 3,331 square feet in order to preserve existing buildings, site configurations and to accommodate proposed parking area. Proposed development is created through improvements to the interior of an existing building and site reconfiguration.
3. Reduce the common open space dimension standard reduced from 25' on all sides to 20-feet. **(SRC 702.020(a)(1)(A))**. The Applicant requests a Class II adjustment to Multiple Family Design Review SRC 702.020 Table 702-3 Common Open Space Area Size Requirements. Table 702-3 states the minimum horizontal dimension for developments with (13)-(20) units is 25'. The Applicant requests the minimum horizontal dimension be reduced to 20' in order to accommodate existing site configuration and proposed parking area.
4. Reduce windows in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk to only provide windows on one wall. **(SRC 702.020(c)(1))**. Preserving the historical context of the existing buildings is the priority of the proposed development. Existing façade openings proposed to remain. Applicant requests Class II adjustment to allow existing window openings to remain without the addition of new openings.

With respect to the adjustments 1-4 as applied to the existing church building, preserving the historical context and fabric of the neighborhood is the main goal of the proposed development. In connection with this application, the Applicant held a neighborhood meeting and learned that the historical character of the church building was an important aspect of livability to project neighbors. In addition, the neighborhood expressed concerns about project density, and Applicant has separately proposed a conditioned zoned change to limit the number of dwelling units on the subject properties to 19 affordable, publicly assisted dwelling units. Taking both of these comments together, the Applicant has



determined that reuse of the existing building, where the church building has been in place over more than 100 years, preserves or better meets these design standards because no new building construction or change in footprint is required, and this approach takes into account neighborhood comments. Maintaining the same architecture as the previous, more than century-old use does not detract from the livability or appearance of the residential area. Further, the cumulative effect of the adjustments results in a project that is more consistent with the overall purpose of the zone, Multiple Family Residential, by maintaining the historical character of the building, while achieving needed housing development through reuse and repurposing the existing church.

5. To allow the building to not provide an architectural detail which is intended to visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors. **(SRC 702.020(e)(10))**. The existing Church meets this standard, but the existing residence does not.

With respect to Adjustments 4-5 as they apply to the existing residence, the Applicant requests Class II adjustment to allow the existing building facade to remain. The existing residence matches the single family character of the neighborhood and allows it to remain in place to continue to provide a buffer from the larger middle family housing developments to the south and the single family residences to the north. The site configuration and multifamily use proposed will allow ample visual surveillance of the property and the bulk of the existing residence will remain unchanged. Similarly, the design of the single family house does not required breaking up vertical mass because the residence has been in historic use as designed to match the scale of surrounding single family residential uses.