

March 24, 2021

Brandon Pike
Planner I
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301



RE: Class 3 Site Plan Review, Class 1 Design Review, Class 2 Adjustments, and Class 2 Driveway Approach Permit (File Numbers not Provided) Completeness Response

Dear Brandon:

Please accept this letter and the accompanying materials as our complete response to the City's February 12, 2021 determination that our application was incomplete. We believe the materials provided herein fully respond to the items outlined in the City's letter and provide the necessary basis to deem the application complete. We look forward to continuing to work with City staff on any issues, as necessary, during the review and approval process.

Our responses to the incompleteness items are as follows:

Completeness Items

1. Deed. Please provide a copy of the current property deed.

Response: A copy of the most current property deed has been submitted. This item is complete.

2. Signing Authority. Please provide proof, through the articles of organization for the LLC, for instance, that Jordan Schweiger and Jeff Starkey have the authority to sign the application on behalf of the property owner, 1610 Lancaster Dr SE LLC.

Response: Articles of Organization for the LLC have been provided showing Jeff Starkey has authority to sign the application as the owner.

3. Street Trees. SRC 220.005(e)(1)(A)(ix) requires the location of proposed street trees to be shown on the site plan. The submitted landscaping plan shows street trees along the 40th Place frontage, but not along Lancaster Drive.

Response: The Application does not propose street improvements, including new street trees, along the site's Lancaster Drive SE frontage. In this case, the City has asked the Applicant to remove an existing vehicle access to Lancaster Drive SE, add a new vehicle access to the site at 40th Place SE, establish a special building setback along the site's Lancaster Drive SE frontage (to accommodate future widening of this facility), and has asked that the Applicant improve the site's frontage along 40th Place SE to their local street standard. For these reasons, we believe the City's authority to mandate new street trees is limited to the site's 40th Place SE frontage.

4. Vision Clearance. The proposed driveway does not meet vision clearance standards in relation to improvements on the property to the south. The applicant shall either: (1) re-locate the driveway to meet vision clearance standards found in SRC Chapter 805, or (b) apply for a Class 2 Adjustment

pursuant to SRC 805.015 and provide findings showing how the proposed driveway meets approval criteria.

Response: The revised application includes a Class 2 Adjustment to the vision clearance area to place the required 50-foot leg described under SRC 805.005(b)(1)(B) at the curb line of the intersecting street (40th Place SE) instead of at the front property line as illustrated in Figure 805-5. The purpose of the vision clearance triangle is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. Placing the vision clearance triangle at the edge of the travel lane equally meets the purpose of the standard because it ensures that the vehicles using the travel lanes on 40th Place SE are visible to the vehicle operators using the driveway. Other jurisdictions typically place vision triangles at the travel lanes in this fashion. With the included adjustment, this standard is met.

Other Items

- *Landscaped Setbacks: The proposed development triggers landscaping throughout the site—not just around the proposed building. Additional landscaping, meeting the current landscape standards of the RM-II zone and Chapter 807, is required on the western portion of the site. Note: Type C landscaping requires a 6-foot-tall fence or wall, which the RM-II zone will require along the north and south property lines. The proposed plans appear to only show this in the southeast portion of the site.*

Response: The Applicant's landscape architect has reviewed the landscaping on the unimproved portion of the site and confirmed that the existing landscaping meets the minimum plant units required per the Type C landscaping standard within the interior zone-to-zone setbacks and the Type A landscaping standard for the remaining areas. The Type C landscape standard is met with an existing fence along the northern portion of the property. The plans have been revised to extend the fence west along the southern property line to the building setback along Lancaster Drive SE, measured from the special setback line. The revised fence placement ensures screening between buildings on the subject site and the property to the south and preserves access to the shared driveway for the neighbor to the south. With these revisions, the application satisfies the Type C Landscape standard.

- *Multi-family Design Standards: The proposal does not appear to meet the following standards:
SRC 702.015(a)(1)(A): The required 20x20 common open space area cannot fall within required setbacks, as a portion of this space contains required landscaping.*

Response: SRC 702.015(a)(1)(A) does not prohibit the placement of common open space in a required yard setback nor does it prohibit common open space from including landscaping (either required landscaping or voluntary landscaping). This standard is met with the application as submitted.

The previous version of Salem's Multiple Family Design Review Guidelines and Standards did include a standard limiting the portion of common open space located in a perimeter setback to not more than 50%. This standard was repealed and replaced, in its entirety, by the current standard with the passage of Ordinance No. 1-20.

SRC 702.015(a)(1)(A) is met as submitted.

SRC 702.015(a)(1)(B): *All private open space must meet the size and dimension standards set forth in Table 702-1. Ground-floor dwelling units have a minimum open space area size of 96 square feet. The proposal includes 72-square-foot decks/patios on the ground floor.*

Response: SRC 702.015(a)(1)(B) requires private open space to meet these dimensional requirements only in those cases where the Applicant is using private open space to count toward meeting the total open space requirements. This application does not rely on private open space to meet the common open space requirement; therefore, these dimensional requirements do not apply to the private open space areas.

The previous individual requirement for private open space was repealed under Ordinance No. 1-20 and replaced by the current standard. Please refer to the included Salem Multifamily Housing Design Review Code Update, Draft Code Recommendations for clarification of this policy intent.

SRC 702.015(c)(2): *This can be conditioned within the decision, but the plans are not clear as to how the proposed 6-plex or the existing home will meet this lighting standard.*

Response: The standard will be met with wall-mounted lighting on the new 6-plex and existing wall-mounted lighting on the existing home. The Applicant can meet this standard as a condition, with compliance to be verified with the building permit.

SRC 702.015(d)(1): *The proposed off-street parking area is located partially in front of the proposed 6-plex in relation to 40th Place.*

Response: SRC 702.015(d)(1) states that, "off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures." The Preliminary Plans show the parking area is beside (south of) the 6-plex building. Further, SRC 702.015(d)(1) states that, "off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street." The Preliminary Plans show the parking area is not located between the 6-plex and 40th Place SE. SRC 702.015(d)(1) is met as submitted.

SRC 702.015(d)(2): *Two pedestrian pathways do not meet the minimum width of 5 feet for pedestrian pathways: 1) The existing pathway which connects the existing dwelling to the proposed 6-plex, parking area, the common open space, and to Lancaster Drive; and 2) The pathway along the western side of the proposed 6-plex.*

Response: SRC 702.015(d)(2) does not specify a 5-foot minimum path width for multiple family development. The 5-foot-wide minimum paved pedestrian walkway required under SRC 806.035(c)(4) is met for the walkway between the parking area and the building. The 5-foot-wide minimum paved pedestrian walkway standard under SRC 800.065(b)(1)(A) does not apply to multiple family developments per SRC 800.065. The pathway dimensional requirements are met as submitted.

SRC 702.015(e)(4): The proposal does not include a porch or architecturally defined entry area for each ground floor unit. The proposed patios on the north side of the building do not count toward this standard.

Response: In the event that the City cannot find that portico over the common entry area on the south facing elevation provides an architecturally defined entry area for the ground floor units, additional architectural definition can be provided at the northern entries. This criterion can be met.

SRC 702.015(e)(4): Additionally, this standard limits shared porches or entry areas to be provided to not more than four dwelling units. The proposal includes one entry area leading to all six units in the proposed 6-plex.

Response: The first sentence of SRC 702.015(e)(4) reads “A porch or architecturally defined entry area shall be provided for each ground level dwelling unit.” The language in the introductory sentence appears to establish that the standard is intended to apply to ground floor dwelling units. Therefore, the City can find that the standard is met with the portico over the common entry area providing the required architectural definition to the two ground-floor dwelling units. This interpretation is consistent with findings in Application No. 20-112374-DR, where City staff recommended approval of, and Planning Commission affirmed, four common entrances shared between five ground floor dwelling units and 14 total units on all floors of the building. In this case, each one of the approved common entrances was shared between all 14 units. If the standard were intended to apply to more than ground floor units, the approved project would not meet the standard as it is now being interpreted in this letter. Therefore, staff can find that the shared entrance with the differentiated portico meets the standard by applying the same interpretation to this proposal.

If staff does not concur with previous interpretations of this standard, architectural definition can be provided for the individual ground floor entrances on the north side of the building. With the additional architectural definition provided, the ground floor units will not rely on the common entry to meet the architectural requirements under SRC 702.015(e)(4). Then the differentiated portico at the common entrance is only needed to meet the requirement for the remaining four dwelling units and the proposal meets this articulation requirement under the standard.

Bicycle Parking Location: The proposed site plan indicates two bike parking spaces will be provided under stairs within the proposed building’s footprint. In the past, this has posed challenging in terms of meeting building codes. The applicant is advised to confirm with the Building and Safety Division if this will be allowed. If not allowed, the spaces will need to be relocated.

Response: The two bike parking areas under the stairs have been moved to the outdoor parking area on the revised plans.

Trash enclosure detail: If the proposed trash enclosure requires building permits, a minimum 5-foot setback would be required between the enclosure and adjacent vehicle use area. Please confirm if building permits will be required for the trash enclosure.

Response: Applicant has confirmed with Salem Building Services that the trash enclosure will not require a permit. Subsequently, a 5-foot setback is not required.

Solid Waste Receptacle Type: The proposal does not include a turnaround for a vehicle to access the solid waste service area, but shows an area on-site for garbage trucks. If garbage trucks are intended to access the site, a turnaround will be required. Otherwise, solid waste will need to be collected using roll-carts. Please revise the plans and/or written statement to address this.

Response: The Applicant contacted Republic Services, the solid waste collection franchisee, and had them review the configuration of the vehicle access area shown on the revised plans. The franchisee confirmed that the configuration of the vehicle operation area is acceptable and provides their ingress/egress needs. Furthermore, they concurred that the configuration shown in the plans does provide a direct approach into position for operation of the service vehicle. SRC 800.055(f)(1)(E) applies "in the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle." Because the proposal provides access to the vehicle operation area with a direct approach into position for operation of the service vehicle, this standard does not apply, and a turnaround is not required.

Thank you for reviewing our application. We believe these additional clarifications and plan revisions completely respond to the items included in your February 12, 2021 incompleteness letter. Please contact me if you require any additional information.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Curt Fisher
3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028 | fisherc@aks-eng.com

Submitted Materials:

Revised Application Narrative
Revised Preliminary Plans
Articles of Organization for the LLC
Salem Multifamily Housing Design Review Code Update, Draft Code Recommendations

