

July 21, 2021

Pamela Cole  
City of Salem  
Community Development Planning Division  
555 Liberty Street SE, Room 305  
Salem OR 97301-3503  
(503) 588-6213

Re: **Reference Number: 21-106129-RP, 21-106130-ZO**

Below are responses to your comments in the plan review dated April 29<sup>th</sup>, 2021

**Application Submittal Items Comments**  
**Pamela Cole, Planner II**  
**(503) 588-6213**

1. **Signature Authority**

*Scott Martin signed the application. The deeds indicate the property owner is 3030 Riverbend LLC. Please upload documentation such as articles of incorporation to demonstrate that Scott Martin is authorized to sign for 3030 Riverbend LLC.*

**Response: The Articles of Organization for 3030 Riverbend LLC are submitted herein as evidence that Scott Martin is a registered agent and is authorized to sign the land use application on behalf of 3030 Riverbend LLC.**

2. **Deeds**

*Some of your plans indicate that 2539 Wallace Road NW (located in the RD (Duplex Residential) zone is part of the project. If that is correct, please provide a recorded deed. If the recorded deed does not indicate that you have purchased the property, please provide documentation of signature authority for the current owners and either the current owners' authorized signatures on the application form or a letter from the current owner's authorized signers to authorize Scott Martin to submit the application that includes that property.*

**Response: A revised planning application and property deed is provided to show that 2539 Wallace Rd NW is part of the proposed application and is signed by the current owner, Julie Foster.**

3. **Trip Generation Estimate Form**

*Please upload a completed TGE form.*

<https://www.cityofsalem.net/CityDocuments/trip-generationestimate-form.pdf>

***Response: A Trip Generation Estimate Form has been completed and is provided herein.***

**Lawfully Established Units of Land / Legal Description Comments  
Pamela Cole, Planner II  
(503) 588 – 6213**

1. *As staff noted in the pre-application conference summary, the City Surveyor's office has indicated that at least one of the parcels may be unlawfully created. Please provide previous deeds and legal descriptions (chain of title) to confirm when the existing interior property boundaries were created so that staff may evaluate whether these are lawfully established units of land. This area became subject to the city's land division regulations upon annexation in 1967. Lawfully established units of land must be determined before the application can be processed.*

***Response: See attached e-mail chain discussion that indicates parcel creation.***

2. *The boundary of subject property shown on the site plans and other plans appears to include a property at the southwest corner that the Assessor map indicates is a gap (**Attachment A**). Please provide documentation that the gap is lawfully part of the subject property.*

***Response: The gap shown is not part of the property and has been removed from the proposed property site plan.***

3. *City Surveyor's office staff in 2015 researched documents pertaining to the 20-foot-wide so-called R.O.W. shown on the Assessor map and found that it was not a public right-of-way. Staff recommended to Jeff Tross at that time that this was a private matter and the assistance of a title company and attorney may be needed to answer questions pertaining to chain of title, unrecorded documents, intent, and other potential issues. Staff determined that it was not the City's responsibility to conduct further research or resolve the issues.*

***Response: Greg Wilson of Barker Surveying and previous architect Jeffrey James inquired about the 20-foot ROW shown on the Assessor's map with Eric Berry, Polk County Surveyor. See attached correspondence. No legal creation of a public or private right-of-way was created and the notes and boundaries were erroneously put on the County tax maps.***

**Site Plan Review Items  
Pamela Cole, Planner II  
(503) 588 – 6213**

1. All existing conditions plans, site plans, and other plans must include the entire subject property. The sheets in the Civil set do not include the entire subject property for which you have provided deeds (tax lots 073W09CD / 00900, 01000, 01101, 01301) but include 073W09CD01300, for which you have not provided a deed or property owner's signature.

***Response: All project plans have been revised to show entire subject property. Property owner's signature has been obtained and is provided herein.***

2. ***Existing Conditions Plan***

220.005(e)(1)(B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (i) The total site area, dimensions, and orientation relative to north;

***Response: See updated Sheet C2.0***

- (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and

***Response: See updated Sheet C2.0***

- (iii) The location of the 100-year floodplain, if applicable.

***Response: There is no mapped 100-year floodplain on the proposed development site.***

3. *Please provide an existing conditions plan that includes all of the required information for the properties that are part of the development. The existing conditions plan must include the boundaries and dimensions of each separate lawfully established parcel (interior property lines) and indicate distances from existing structures and improvements to those interior property lines.*

***Response:***

4. *The boundary at the southwest appears to include a property at the southwest corner that the Assessor map indicates is a gap (Attachment A).*

***Response: The gap shown is not part of the property and has been removed from the proposed property site plan.***

5. *City Surveyor's office staff in 2015 researched documents pertaining to the 20-foot-wide so-called R.O.W. and found that it was not a public right-of-way. Staff recommended to Jeff Tross at that time that the assistance of a title company and attorney may be needed to answer questions pertaining*

*to chain of title, unrecorded documents, intent, and other potential issues. Staff determined that it was not the City's responsibility to conduct further research or resolve the issues.*

***Response: Greg Wilson of Barker Surveying and previous architect Jeffrey James inquired about the 20-foot ROW shown on the Assessor's map with Eric Berry, Polk County Surveyor. See attached correspondence. No legal creation of a public or private right-of-way was created and the note and boundary was erroneously put on the County tax maps.***

6. **Site Plan**

220.005(e)(1)(A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (i) The total site area, dimensions, and orientation relative to north;

***Response: A1.0 Site Plan has been updated with the total site area, dimensions, and orientation relative to north.***

- (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;

***Response: All proposed structures are shown on site which includes distances from structures to property lines.***

- (iii) Loading areas, if included in the proposed development;

***Response: A1.1 shows two (2) loading areas. One near the office and one near Building***

- (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;

***Response: Proposed refuse enclosure locations are shown on A1.1. There are no proposed overhead obstructions above the refuse enclosures. Refuse enclosure dimensions are shown on Detail 10, Sheet A1.2.***

- (v) An indication of future phases of development on the site, if applicable;

***Response: The proposed development will be at one time. No phasing is proposed.***

- (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;

***Response: Total landscape area proposed is 148,312 sq. ft, or approximately 42% of the total development site area.***

- (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;

**Response: A 6' tall chain link fence is proposed around the perimeter of the property, except along Wallace Rd. See Sheet A1.0.**

- (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;

**Response: All trees to be protected are shown on Sheet A1.X**

- (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and

**Response: New street trees?**

- (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

**Response: All proposed vehicle, pedestrian, bicycle parking, and circulation areas are shown on A1.1.**

7. Please provide a site plan with a bar/graphic scale (not 1" = 30' because paper sheets are not being reviewed) that includes all of the required information for the properties that are part of the development. The site plan and other plan sheets must include the boundaries and dimensions of each separate lawfully established parcel (interior property lines) to indicate distances from proposed structures and improvements to those interior property lines.

**Response: A bar graphic scale set at 1" = 30' has been added to all plans.**

8. Please indicate that the project is in Polk County rather than Marion County.

**Response: A1.1 has been updated to show Polk County as the correct county.**

9. Please show outlines of roof/eaves/gutters on the buildings to demonstrate that the setbacks and projections meet standards and are located outside of easements (see development standards below).

**Response: A1.1 has been updated to shown roof line, eaves, and gutters on the building.**

10. Please revise the architectural site plan A1.1 and civil set architectural site plan C2.4 (and other civil set sheets) so that they match and meet applicable standards. The following items are different:

- Inclusion of RD-zoned parcel

**Response: A1.1 and C2.4 have been updated to include the RD-zoned parcel, located at 2539 Wallace Rd, as part of the development proposal.**

- Location of Building 10

**Response: Architectural and Civil plans have been updated to be consistent with Building 10 location**

- Location of bike racks near Building 10

**Response: Architectural and Civil plans have been updated to be consistent with bike rack locations**

- Parking area near the office/rec building - curb, ADA space, and loading space

**Response: Architectural and Civil plans have been updated to be consistent with parking area.**

- Loading spaces – at least two are required, with one near office/rec building, and none are shown on C2.4

**Response: Architectural and Civil plans have been updated to show 2 loading spaces. One near the office building and one near Building 11.**

- Solid waste service areas and surrounding landscape islands – layouts on C2.4 are closer to meeting standards (see development standards below)

**Response: Architectural and Civil plans have been updated to be consistent**

- Landscape islands south of Buildings 7 and 8 and north of Building 5

**Response: Architectural and Civil plans have been updated to be consistent**

- Parking spaces south of Buildings 7 and 8, north of Building 5, south of Building 11

**Response: Architectural and Civil plans have been updated to be consistent**

- Loading space south of Building 11

**Response: Architectural and Civil plans have been updated to be consistent**

- Bike spaces / access aisles

**Response: Architectural and Civil plans have been updated to be consistent**

- Trees to be protected / removed

**Response: Architectural and Civil plans have been updated to be consistent**

11. Please show outlines of the weather protection on Building 6 facing Wallace Road NW.

**Response: Weather protection outlines are now shown on Building 6 on A1.1.**

12. Please revise the site plan to show any fire department access or mechanical access areas on the ends of the buildings, such as those shown on the elevation drawings. Those are part of the building length and are subject to setbacks.

**Response: Sheet A1.1 has been updated to show mechanical rooms on building ends.**

13. *Please revise the site plan to show required street connections to the stub of La Jolla and to the northwest or show proposed alternatives (such as pedestrian connections) and provide explanations why the street connections cannot be provided.*

***Response: Due to the location of an existing significant oak tree, the applicant wishes to provide a sidewalk connection to La Jolla Drive in lieu of a full street connection. An evaluation by a certified arborist has concluded that, while there was damage to the oak tree during the 2021 winter ice storm, the tree could be saved with supports and cabling.***

14. *The boundary at the southwest appears to include a property at the southwest corner that the Assessor map indicates is a gap (Attachment A).*

***Response: The gap indicated is not part of the development site and has been removed from the proposed development.***

15. *City Surveyor's office staff in 2015 researched documents pertaining to the 20-foot-wide so-called R.O.W. and found that it was not a public right-of-way. Staff recommended to Jeff Tross at that time that the assistance of a title company and attorney may be needed to answer questions pertaining to chain of title, unrecorded documents, intent, and other potential issues. Staff determined that it was not the City's responsibility to conduct further research or resolve the issues.*

***Response: Greg Wilson of Barker Surveying and previous architect Jeffrey James inquired about the 20-foot ROW shown on the Assessor's map with Eric Berry, Polk County Surveyor. See attached correspondence. No legal creation of a public or private right-of-way was created and the note and boundary was erroneously put on the County tax maps.***

16. ***Summary Table***

Please provide a summary table for the entire development site which includes site zoning designation; total site area; gross floor area by use; building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks.

***Response: See Sheet A1.0 for summary table.***

17. *In the summary table, please list average building height for each building. See SRC 112.035 for height measurements.*

***Response: See Sheet A1.0 for heights of each proposed building.***

**Connectivity Review Comments  
Pamela Cole, Planner II  
(503) 588 – 6213**

1. *Staff addressed connectivity in the Pre-Application Conference 20-57 summary:*

The development is subject to infrastructure requirements, including SRC Chapter 803, Streets and Right-of-Way Improvements. Requirements include such improvements as finishing off a stub street, and leaving the stub of La Jolla Drive NW as-is is not acceptable. A boundary street is required for the construction or enlargement of any building or structure located on property abutting a

boundary street and that requires a building permit under SRC chapter 56. *Boundary street* means an existing street that abuts a unit of land. The property abuts La Jolla Drive NW, and the development will need to provide a local street connection (SRC803.035(a)). The street should be located where it would provide a logical connection to future streets to the northwest. A 60-foot property (Polk County 073W09CD00811) between 1452 and 1492 Brush College Road NW is expected to accommodate a future north south street; existing gravel driveways run from that property to the south across 073W09CD00801 (1482 Brush College Road NW) and 073W09CD00813, and east from 073W09CD00813 across 073W09CD00901 to the subject property. The code requires a street, but the applicant may propose an alternative. At the very least, Planning would accept pedestrian connections, but Planning would prefer the street.

***Response: A sidewalk is proposed from the proposed development to the existing sidewalk at La Jolla Drive. An existing heritage oak trees is located just north of La Jolla Drive and a public street extension would require removal of tree.***

2. The applicant provided a conceptual plan to Planning Commission for the comprehensive plan change / zone change CPC-ZC-ZC19-10 that indicated a cul-de-sac bulb at the end of La Jolla near the southwest corner of the property. The applicant's representative submitted a traffic circulation plan for the 2018 pre-application conference that showed the cul-de-sac bulb, as well as a shadow plat of property to the west indicating how lots could be developed along a future street extending south from Brush College Road NW and connecting to Winchester Street NW. None of these previously discussed options for connectivity are shown on the site plan or civil plans. Multi-family development and mixed-use development are not exempt from connectivity. Streets through RS-zoned properties may serve multi-family and mixed-use development. Streets can be constructed through multi-family complexes.

***Response: There is a significant oak tree that is directly in front of La Jolla Drive. Extension of La Jolla Drive would require removal of this significant tree. The applicant wishes to preserve this significant oak tree and proposes to build a sidewalk extension from the development site to the western sidewalk along La Jolla Drive in lieu of a full street extension.***

3. Please submit a revised plan with the required street connections at the northern end of the La Jolla Drive NW stub and to the northwest or proposed alternatives for street connectivity, which would require evaluation under alternative standards.

***Response: There is a significant oak tree that is directly in front of La Jolla Drive. Extension of La Jolla Drive would require removal of this significant tree. The applicant wishes to preserve this significant oak tree and proposes to build a sidewalk extension from the development site to the western sidewalk along La Jolla Drive in lieu of a full street extension.***

4. There is a significant tree north of the stub street. Staff addressed this in the Pre-Application Conference 20-57 summary:

Significant trees shall be protected and preserved to the greatest extent possible. For the proposed development, removal of a significant tree from property outside of street right-of-way would require a tree removal permit (see SRC 808.030) (if a tree meets criteria for a hazardous tree) or a variance (see SRC 808.045). Removal of a significant tree from future right-of-way may require a tree removal permit (see SRC 808.030) (if a tree meets criteria for a hazardous tree) or a variance (see SRC 808.045) and/or may require a Street Tree Removal Permit Under SRC Chapter 86. Staff is



in discussion on the applicability of SRC 86 to future right-of-way. A Street Tree Removal Permit under SRC Chapter 86 would be required for removal of a significant tree or other tree from existing right-of-way.

***Response: There is a significant oak tree that is directly in front of La Jolla Drive. Extension of La Jolla Drive would require removal of this significant tree. The applicant wishes to preserve this significant oak tree and proposes to build a sidewalk extension from the development site to the western sidewalk along La Jolla Drive in lieu of a full street extension.***

5. If you wish to retain the tree, please provide documentation that the tree is healthy and propose an alternative that includes a pedestrian connection from La Jolla to the pedestrian network within the complex.

***Response: An arborist report was prepared by Vernon L. Esplin, Senior Consulting Arborist, with Beuna Vista Arbor Care on July 15, 2021. The report evaluated three (3) trees on site, which includes 2 oak trees and 1 walnut tree, adjacent to La Jolla Drive. 1 oak tree suffered damage during the 2021 winter ice storm and needs a cabling system to support a splitting crotch. The walnut tree is in significant decline and needs to be removed.***

6. If the tree is to be removed for street construction, the land use decision would have a condition requiring a Street Tree Removal Permit prior to public construction.

***Response: The oak tree adjacent to La Jolla Drive is proposed to be preserved and a sidewalk extension would be constructed to connect the proposed development site to La Jolla Drive. See Sheet A1.1.***

**General Development Comments**  
**Pamela Cole, Planner II**  
**(503) 588 – 6213**

**1. Solid waste service area 800.055**

(a) *Applicability.* Solid waste service area design standards shall apply to:

- (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed.

2. The solid waste service area on the site plan includes large containers of unspecified volume and does not meet the standards applicable where receptacles of one cubic yard or larger are shown between receptacle and side of container, where minimum separation is 1.5 feet; the wall is 5'4" in height where 6 feet is standard (although a 6-foot-wall sight-obscuring fence on the property line satisfies screening requirements); the front opening is 7 feet wide where the minimum is 12 feet; the required 4-inch high bumper curb at ground level 12 inches or a fixed bumper rail inside the walls is not shown; the gates for an opening less than 15 feet must open at least 120 degrees, but this is not shown; minimum vehicle operation area dimensions are 15 feet in width by 45 feet in length, and the proposed maneuvering area perpendicular to the enclosure is less than 12 feet in width. Please provide the container size/volume and redesign the solid waste service area on the site plan A1.1 and site detail sheets A1.2 and civil sheets to meet the standards of SRC 800.055.

***Response: Solid waste service areas have been revised to meet the standards above. Refuse enclosure details are shown on A1.2***

**3. Pedestrian access 800.065**

These standards do not apply to multi-family developments. However, 5-foot-wide unobstructed pedestrian connections in multi-family developments are consistent with standards for commercial developments and ensure compliance with ADA standards. The proposed site plan indicates 6-foot-wide sidewalks abutting curbed parking spaces. A two-foot overhang of a vehicle would reduce the unobstructed width to 4 feet. The proposed site plan also indicates 4-foot-wide pedestrian crossings across parking and vehicle use areas. Building and Safety confirmed that ADA sidewalk standards for apartments are minimum 36 inches wide and a passing section every 100 feet 60 inches wide. The proposal does not meet the spacing standard for passing sections in several areas where vehicles may overhang into the sidewalk and reduce the width to 4 feet. Please revise the drawings by widening the paved connections and/or providing wheel stops so that the unobstructed width is at least 5 feet in all areas.

***Response: Pedestrian circulation areas have been revised to show an unobstructed width of 5 feet in all areas.***

**Historic and Cultural Recourse Comments**

**Pamela Cole, Planner II**

**(503) 588 – 6213**

1. The subject property is within the Historic and Cultural Resources Protection Zone. *City of Salem map at <https://www.cityofsalem.net/Pages/protecting-salem-historic-andcultural-resources.aspx> indicates that some areas of the site are within the Historic and Cultural Resources Protection Zone. Please contact Kimberli Fitzgerald for submittal requirements by calling 503-540-2397 or emailing [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net).*

***Response: See attached e-mail from Kimberli Fitzgerald confirming that the proposed development does not require additional mitigation measures and that the inadvertent discovery plan must be followed during the construction phase of the project.***

**Development Standards Comments**  
**Pamela Cole, Planner II**  
**(503) 588 – 6213**

1. Your written statement assumes that the property is a single lot. This is not the case unless you consolidate the properties. A property boundary verification does not relieve you from standards that apply to each individual property.

***Response: The written statement has been revised to request adjustments to the setbacks to internal property lines.***

2. ***Lot standards***

Street frontage - all uses - 16 feet

*2501 Wallace Road NW (073W09CD00900) does not appear to have 16 feet of street frontage, and it is unclear whether a lawfully established access easement exists to make it a lawful flag lot. If the properties are not consolidated, please request an adjustment to this standard.*

***Response: As discussed in the responses to the 20 wide ROW above, the access easement was never officially made public ROW or private easement. The property, therefore, is land locked and an adjustment is requested to reduce the minimum street frontage from 16 feet to 0 feet.***

3. ***Setbacks***

Setback abutting street

Buildings: Standard = 0 feet; maximum setback up to 10 feet is permitted if the setback is used for pedestrian amenities; minimum setback of five feet to maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to 532.015(h)

*Building 3 does not meet the 0-, 5-, or 10-foot setback abutting the current end of La Jolla and would need to meet the setback from any proposed extension of La Jolla. Please revise to meet standards (with pedestrian amenities or horizontal separation, if applicable), or apply for an adjustment.*

***Response: An adjustment is requested to increase the maximum setback for Building 3 adjacent to La Jolla Drive.***

*For Building 6, you are showing sidewalks from entries to the public sidewalk, pilaster lighting, and private open spaces with privacy fences to meet requirements for a minimum of*

*5 feet and maximum 10 feet of horizontal separation from the public right of- way to residential entryway and habitable room.*

*You have requested an adjustment to increase the maximum setback from 10 feet to 12 feet (or more) due to an ODOT slope / utility easement you have indicated on the site plan. As staff requested in the pre-application planning summary, please contact ODOT and submit documentation from ODOT stating whether ODOT will allow awnings (or eaves) and pedestrian amenities such as pedestrian-scale lighting, benches or other furniture, and paved or graveled patio surfaces (and plazas, sidewalk extensions, outdoor seating areas, street furnishings, and hardscape and fence elements of the proposed horizontal separation) in the ODOT slope / utility easement. If they are not, then the adjustment request and written statement may need to be revised. General development standards would allow cornices, eaves, and gutters to extend 24 inches into the minimum setback abutting the street. Building 6 covered balconies are shown approximately 11'4" to 16' ¾" from the property line abutting the street; rooflines are not indicated but would extend into the ODOT easement. Please indicate rooflines including weather protection on a revised site plan and either adjust the building locations so that the rooflines are outside of the ODOT slope / utility easement or provide documentation that ODOT allows rooflines to extend over the easement.*

**Response: See attached documentation indicating the proposed improvements are allowed within the ODOT slope / utility easement.**

4. Setback abutting interior side and rear  
*The elevations indicate the typical buildings (not building 6) have an average height of 31'6", which would require a setback of 34.75 feet from RM2, RD, and RS residential zones ( $10 + 1.5 (31.5-15) = 34.75$ ). On the site plan, you appear to show a 33- foot setback to the covered balconies and 35-foot setback to the building walls abutting the north, west, and south property lines and are not showing rooflines. The elevations indicate that the covered balconies extend approximately 2'6" from the wall and the eaves/gutters extend 5'¾" from the wall. Covered balconies are considered part of the building and cannot project into interior side or rear setbacks; eaves and gutters can extend up to 3 feet into the interior side setback or 24 inches into the interior rear setback (Table 800-2). Buildings 1, 2, 3, 4, and 5 must be adjusted so that the posts / rails / floors for the covered balconies are at least 34.75 feet from the interior side and rear property lines abutting residential zones, the eaves/gutters are at least 31.75 feet from the interior side property lines abutting residential zones, and the eaves/gutters are at least 32.75 feet from the interior rear property line. Building 11 must be adjusted so that it is at least 34.75 feet from the interior side property line abutting the RD zone.*

**Response: Building setbacks have been adjusted to meet the requirements above.**

*The elevation drawings indicate Building 6 has an average height of 33'4", which would require a setback of 37.5 feet from RM2, RD, and RS residential zones ( $10 + 1.5 (33.33-15)= 37.495$ ). On the site plan, you show a 33-foot setback from the building wall to the north side property line abutting the RD zone and are not showing rooflines. Building 6 must be adjusted so that the wall is at least 37.5 feet from that property line and eaves/gutters are at least 34.5 feet from that property line.*

**Response: Building setbacks have been adjusted to meet the requirements above.**

*Please show the required 6-foot-sight-obscuring fences on property lines abutting residential zones to meet Type C screening standards.*

***Response: A 6-foot-sight-obscuring perimeter fence has been placed around the proposed development abutting residential zones.***

5. **Building frontage**

Minimum 50%. *Building frontage* means the portion of a building occupying the front setback line. The front setback line is the line extending across the front of the site at the front setback distance. *You have requested an adjustment to reduce the required minimum building frontage along primary streets from 50% to 29.8%, in combination with an adjustment to increase the maximum setback from 10 feet to 12 (or more) feet. The proposed adjustment request should be to reduce building frontage to 0% because you are not providing any buildings at the true setback line.*

*In the written statement to show how you are equally or better meeting the purpose of the standard, you could then explain why you cannot meet the 50% building frontage standard and explain how you arrived at the calculation of 29.8% in combination with the requested adjustment to the setback.*

***Response: The adjustment request in the written statement has been updated to reflect above.***

6. **Landscaping**

When you revise the architectural and civil plans to make them match, please be careful to meet the interior parking lot landscaping / planter bay requirements of SRC 806.035. Trees removed from required setbacks must be replanted at a 2:1 ratio with a shade or evergreen variety with a minimum 1.5 inch caliper (SRC 807.015(d)(1)). If more than 75 percent of the existing trees (10 inch or greater in diameter) are removed, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

***Response: Site landscaping and parking lot landscaping has been updated to meet the requirement above.***

7. **Pedestrian oriented design**

***Separation of ground floor residential uses***

*Building 3 does not meet the 0-, 5-, or 10-foot setback abutting the current end of La Jolla and would need to meet the setback from any proposed extension of La Jolla. Please revise to meet standards (with pedestrian amenities or horizontal separation, if applicable), or apply for an adjustment.*

***Response: An adjustment is requested to increase the maximum setback for Building 3.***

8. For Building 6, please submit documentation from ODOT that the hardscaped area and fences of the horizontal separation elements are allowed in the ODOT easement.

***Response: E-mail correspondence between project civil engineer Steve Ward and Casey Knecht with ODOT indicates that non-permanent structures such as patios, landscaping, and benches are allowed within the slope easement. See attached e-mail documenting the conversation.***

9. **Ground floor windows**

Based on the scale of the elevation drawings for Building 6, the façade length is approximately 140 feet including the extensions on the ends of the buildings, requiring 42 feet of transparent windows. I calculated 38.22 feet of transparent window. Please revise to meet the standard.

***Response: An additional window has been added to each ground floor unit on the east elevation of Building 6 to meet the ground floor transparent window requirements. The building width is 136' 6" and the ground floor window length is now 43' 8". This provides 32% of ground floor window coverage. See Sheet A6.1.***

**Parking and Vehicle use Area Comments**

**Pamela Cole, Planner II**

**(503) 588 – 6213**

1. The plans show 19-foot long and 15-foot-long stripes for parking spaces and 6-foot-wide pedestrian paths. Minimum pedestrian path width is 5 feet. You would either need to show wheel stops placed so that a two-foot vehicle overhang would not encroach into the minimum 5-foot width, or you could accommodate the two-foot overhang by making the pedestrian paths 7 feet wide and reducing the stripe lengths to 17 feet and 13 feet.

***Response: Pedestrian paths adjacent to vehicle parking stalls have been revised to be 7 feet in width.***

**Environmental Comments**

**Pamela Cole, Planner II**

**(503) 588 – 6213**

1. **Tree Preservation SRC 808**

As noted in the pre-application planning summary:

**Trees:** The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves." The subject property contains significant trees. Significant trees shall be protected and preserved to the greatest extent possible. For the proposed development, removal of a significant tree from property outside of street right-of-way would require a tree removal permit (see SRC 808.030) (if a tree meets criteria for a hazardous tree) or a variance (see SRC 808.045). Removal of a significant tree from future right-of-way may require a tree removal permit (see SRC 808.030) (if a tree meets criteria for a hazardous tree) or a variance (see SRC 808.045) and/or may require a Street Tree Removal Permit Under SRC Chapter 86. Staff is in discussion on the applicability of SRC 86 to future right-of-way. A Street Tree Removal Permit under SRC Chapter 86 would be required for removal of a significant tree or other tree from existing right-of-way.

***Response: Significant trees will be retained where possible or appropriate tree removal permits will be sought.***

2. There are differences in the trees to be protected / trees to be removed on the architectural site plan A1.1 and the Civil existing conditions / demolition plan C2.0. Please make these plan sheets consistent, show all trees that are 10 inches or greater in diameter and all Oregon white oaks 24 inches or greater in diameter, and indicate which are to be removed and which are to be preserved.  
***Response:***

**Adjustments Comments  
Pamela Cole, Planner II  
(503) 588 – 6213**

1. **Written Statement.**  
Please provide a written statement demonstrating how each proposed adjustment meets the criteria:  
  
250.005(d)(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) [not applicable] 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.

***Response: See revised written statement for class 2 adjustment criteria responses.***

**Public Works Comments  
Matt Olney  
MOlney@cityofsalem.net  
(503) 588 – 62111 ext:7226**

1. The application does not provide sufficient details to identify how the site is compliant with SRC 71, specifically the requirements for Green Stormwater Infrastructure (GSI) pursuant to PWDS Appendix



4E. The applicant shall provide a storm drainage system that provides treatment and flow control as required by PWDS, by one of three means:

- a. Runoff from the new and replaced impervious surface flows into one or more locations that have been set aside for installation of Green Stormwater Infrastructure (GSI) and the locations have a total area of at least ten percent of the total new plus replaced impervious surface area; or

***Response: N/A. See 1b below.***

- b. GSI is used to mitigate the impacts of stormwater runoff from at least 80 percent, but less than 100 percent, of the total new plus replaced impervious surfaces; or

***Response: GSI will be used to mitigate 100% of the impacts of the stormwater runoff. Please see the submitted Stormwater Report.***

- c. Under a design exception from the City Engineer, GSI is used to mitigate the impacts of stormwater runoff from less than 80 percent of the total new plus replaced impervious surfaces and the factor(s) limiting implementation (SRC 71.095).

***Response: N/A. See 1b above.***

2. The following items are not listed in SRC as specific requirements for a complete application, however the applicant should be aware that the following have been identified as items that will be considered by the Public Works Department while recommending conditions for the proposed development.

1. The submitted plans show a 10-foot-wide sewer easement where a 20-foot-wide easement exists. Pursuant to PWDS Section 1.8, buildings, structures, etc. shall not encroach into pipeline easements. Public Works Engineering staff has indicated that the applicant should relocate the building so no part of the structure encroaches the easement.

***Response: Buildings have been adjusted to be outside of the 20-foot-wide sewer easement. Sewer easement has been adjusted at SE corner to be within new proposed driveway with connection to Wallace Rd. See Sheet C4.0.***

If you have any questions or require additional information, please call me directly at 503-399-1090.

Sincerely,

Sam Thomas  
Lenity Architecture