

WTC DAVE'S HOT CHICKEN

SALEM, OREGON

Application For:

Type II Class 3 Site Plan Review
Type II Class 2 Adjustments
Type II Class 2 Driveway Approach Permit

Re-submitted: May 2022

Applicant:

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EXHIBITS

- A.** Application Form
- B.** Neighborhood Association Contact Documentation
- C.** Plan Set
- D.** Recorded Deed
- E.** Preliminary Drainage (Stormwater) Memo
- F.** Trip Generation Estimate
- G.** Pre-Application Summary
- H.** Property Line Adjustment Documentation
- I.** Applicant LLC Documentation

I. INTRODUCTION

GENERAL INFORMATION

Applicant/Tenant:

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Project Location:

3815 Center Street NE, 3817 Center Street NE

Parcel Information:

072W19CC05403, 072W19CC05404

Current Zoning District:

Retail Commercial (CR)

Comprehensive Plan Designation:

Commercial

Project Site Development Area:

TL 072W19CC05403: +/- 10.04 acres (AC), 437,319 square feet (SF)

TL 072W19CC05404: +/- 2.58 acres (AC), 112,490 square feet (SF)

II. PROJECT SUMMARY

Existing Conditions

The proposed development site is within the Willamette Town Center (WTC) in Salem, Oregon between D Street NE, and Center Street NE on the north and south side of the site, and I-5 and Lancaster Drive NE on the west and east. The development site area, shown on the Site Plan Sheet C2.0, is approximately 0.63 acres (27,644 SF) situated across a portion of parcel 072W19CC05403 and parcel 072W19CC05404, abutting Center Street NE. The proposed development site is within the overall 49.91-acre WTC site. Access to the site will be provided from existing shared accesses from Lancaster Drive NE, Center Street NE, and D Street NE. The City of Salem municipal boundary runs along Center Street NE for most of the length of the WTC site. The site is currently within the Retail Commercial (CR) zoning district and designated Commercial on the City's Comprehensive Plan Map.

The Willamette Town Center site is comprised of ten (10) tax lots and is developed with several stand-alone retail buildings and associated parking areas. Parking for the proposed development will be shared with the overall WTC site, utilizing the existing shared parking and access easement. Table 1 below summarizes tax lot information for the site. At the time of land use submittal, the site is zoned CR.

Table 1: Tax Lot Information

Marion County Assessor Map	Tax Lot Number	Size (acres)	Zoning
072W19CC	04200	7.58	CR
072W19CC	04504	0.51	CR
072W19CC	04600	0.86	CR
072W19CC	04700	0.86	CR
072W19CC	05300	0.56	CR
072W19CC	05400	22.51	CR
072W19CC	05402	2.93	CR
072W19CC	05403	10.04	CR
072W19CC	05404	2.58	CR
072W19CC	05800	1.38	CR
	Total	49.91	

The existing zoning and land use for the properties surrounding the site are summarized in Table 2 below.

Table 2: Surrounding Zoning and Uses

Area	Zoning	Land Uses
North	CR	Lancaster Development Company LLC property (retail building)
East	CR	Lancaster Development Company LLC property (retail building)
South	CR-LU; CR (Marion County Zoning)	Retail building, Center Street NE
West	CR	Lancaster Development Company LLC property (retail building)

As shown on the Existing Conditions Plan Sheet C1.0 and provided property line adjustment documentation (Exhibit H) property line adjustments (PLA22-10 and PLA22-09) have been approved by

the city to allow development of a new building over the existing common property line between TLs 5403 and 5404. The proposal and applicable review criteria are compliant with the new PLA.

Project Description

The city previously approved development of this site (SPR-ADJ-DAP20-26), which included a proposed building for restaurant use (Jersey Mike's), a proposed building for restaurant use with a drive-through area (Dave's Hot Chicken), pedestrian access, parking lot, and landscaping modifications adjacent to Center Street NE (Phase II-A). However, elements of the design have been changed by the applicant and upon review, the city determined that a new Class 3 site plan review would be required rather than a modification to the prior approval based upon the significance of the changes. The new development proposal includes two buildings for restaurant use, one with a drive-through facility, pedestrian connections, parking lot, and landscaping improvements (Phase II-B and/or Phase III).

Summary Table

	Subject Properties: 072W19CC05403, 072W19CC05404
Zoning District	Retail Commercial (CR)
Comprehensive Plan Designation	Commercial
Total Site Area	Approx. 0.63 acres (27,644 SF) of the overall 49.91-acre site
Gross Floor Area by Use	+/- 1,550 SF (Jersey Mike's Restaurant) +/- 2,915 SF (Dave's Hot Chicken Restaurant)
Building Height	Approx. 22 feet and 23 feet
Parking Stalls (Full Size)	2,916 parking stalls (5 proposed stalls with this application)
Parking Stalls (Compact)	N/A
Parking Stalls (ADA Accessible)	81 total; 58 Standard ADA and 23 Van ADA
Parking Stalls (Total)	2,997 Parking Stalls
Total Lot Coverage Proposed <i>(including areas to be paved for parking and sidewalks)</i>	23,272 SF

The following Class 2 adjustments are included, and the Applicant requests they be reviewed concurrently with this site plan review application:

- *UDC 522.010(d)(3)* standard of 15% development site landscaping, and the applicant is to move towards compliance with each phase of development:
 - o Increase the development site landscaping from 6.5% with Phase II,
 - o Increase the development site landscaping from 6.6% with Phase III (Phase II-B)
- *UDC 806.035(c)(3)* standard to request relief from the requirement to provide 5-foot-wide setbacks on both sides of interior property lines that cross parking and vehicle use areas (applicable to Phase II-A)
- *UDC 806.035(d)(2)* standard to request a reduction in the percentage of interior parking lot landscaping to move toward compliance with 8% interior landscaping (applicable to Phase II-A)
- *UDC 800.065(a)(1)(B)* standard to request relief from the requirement to provide a pedestrian connection within 20 feet of a transit stop (applicable to Phase II-A)

The proposed development will share parking with the rest of the Willamette Town Center development. With this proposal, the Willamette Town Center site will contain 2,997 parking stalls, including 81 ADA stalls.

Request

Per Salem's Unified Development Code 220.005(b)(3), a Class 3 site plan review has been prepared and submitted as required to secure the appropriate land use decision and building permit. In addition, four (4), Class 2 adjustments are requested pursuant to SRC Chapter 250, and a Class 2 driveway approach permit is requested pursuant to SRC Chapter 804. The Applicant requests that the applications be reviewed concurrently through a Type II procedure, consistent with SRC Chapter 300.

III. CITY OF SALEM UNIFIED DEVELOPMENT CODE

The applicable Salem Revised Code (SRC) provisions are set forth below along with findings demonstrating the project's consistency with these provisions. Code language that does not apply to this proposal is not included.

CHAPTER 220. - SITE PLAN REVIEW

SEC. 220.005. - SITE PLAN REVIEW.

(a) Applicability.

- (1)** Except as provided in subsection (a)(2) of this section, site plan review approval is required:
 - (A)** Prior to issuance of [a] building permit, for any development that requires a building permit; and
 - (B)** Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (i)** Development of a new off-street parking and vehicle use areas;
 - (ii)** Expansion of existing off-street parking and vehicle use areas, when additional paved surface is added;
 - (iii)** Alteration of existing off-street parking and vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (iv)** Paving of an unpaved area; and
 - (v)** Restriping off-street parking and vehicular use areas, when the layout will be reconfigured.

Response: Per SRC 220.005(1)(A), the application proposes development that requires a land use decision and building permit. Consistent with this section, the Applicant has prepared and submitted an application for site plan review. Statements of compliance with applicable criteria within the SRC have been provided throughout this narrative.

(b) Classes. The three classes of site plan review are:

- (3)** Class 3 site plan review. Class 3 site plan review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land-use decisions and limited land use decisions include, but are not limited to, any development application that:
 - (A)** Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
 - (B)** Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
 - (C)** Requires deviation from clear and objective development standards of the UDC relating to streets, driveways, or vision clearance areas;
 - (D)** Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
 - (E)** Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
 - (F)** Requires a variance, adjustment, or conditional use permit.

Response: The proposed development requires a building permit as well as land use decisions regarding four adjustment requests to allow for modifications to overall site landscaping, interior parking lot landscaping, interior property lot line setback standards, and relief from the requirement of a pedestrian connection within 20 feet of a transit stop. Pursuant to SRC 220.005(b), a Class 3 site plan review is required.

(c) Procedure type.

(3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.

(4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Response: A Class 3 site plan review is required and will therefore be processed as a Type II procedure.

(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;

Response: This narrative and associated materials demonstrate that the proposed development meets all applicable standards of the UDC.

(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;

Response: The proposed transportation system allows for safe, orderly, and efficient circulation of traffic in and out of the proposed development. Vehicles will exit and enter the site via existing driveways within the WTC site. The Site Plan Sheet C2.1, Trip Generation Estimate (Exhibit F), and the responses to Chapter 806 in this narrative further demonstrate how the proposed transportation system will operate safely.

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

Response: The Site Plan Sheets C2.0 and C2.1, and responses to Chapter 806 in this narrative demonstrate how vehicles, bicycles, and pedestrians may safely and efficiently maneuver on site.

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

Response: The proposed development will be adequately served with city water, sewer, stormwater facilities, and other utilities. The development will connect to existing water and sewer lines as shown on the Utility Plan Sheet C5.0. The existing lines have adequate capacity to support the development. The Storm Plan Sheet C4.0 shows a proposed filtration stormwater planter and area drain that feeds runoff from the concrete patio to a

proposed stormwater detention facility under the drive-through area. The water will move through the proposed flow control stormwater manhole, and storm pipe that will connect to an existing public stormwater main under Center Street NE. Sheet C4.0 also shows three proposed catch basins along the perimeter of the development site.

Chapter 250. – ADJUSTMENTS

SEC. 250.005. – ADJUSTMENTS.

(a) Applicability.

(1) Classes.

(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: The Applicant is requesting the following Class 2 adjustments:

- *UDC 522.010.d.3.* – The Applicant requests an adjustment to the 15% of Type A landscaping required for the overall development site.
- *UDC 800.065.a.1.B* – The Applicant requests relief from the requirement to provide a pedestrian connection to the public street within 20 feet of a transit stop.
- *UDC 806.035.c.3* – The Applicant requests relief from the requirement to provide 5-foot-wide setbacks on both sides of interior property lines that cross parking and vehicle use areas.
- *UDC 806.035.d.2* – The Applicant requests to reduce the internal parking lot area from the entire WTC development site to a 2.36-acre internal parking area (see Internal Landscape Exhibit). The Applicant is proposing 0.04 acres (8.01%) of interior parking lot landscaping within that 2.36-acre internal parking area.

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

Response: The purpose of the specific development standards for which the Applicant is requesting these adjustments is either clearly inapplicable to the proposed development or equally or better met by the proposed development.

- *UDC 522.010.d.3.* – The Applicant requests an adjustment to the 15% of Type A landscaping required for the overall development site. The overall site currently has 3.209 acres (6.43%) of landscaping. The Applicant is proposing 3.243 acres (6.5%) of Type A landscaping. As shown on the Site Plan Sheet C2.0, the Applicant proposes net positive landscaping with each subsequent phase of development. The overall site landscaping increases to 3.243 acres, or 6.50%, thus bringing the WTC site closer to compliance with the 15% landscaping requirement required pursuant to UDC 522.010.d.3. It would require significant site disturbance, impact

parking counts, vehicle circulation and other existing site features to bring the entire WTC site into compliance with this landscape standard.

- *UDC 800.065.a.1.B* – The Applicant requests relief from the requirement to provide a pedestrian connection to the public street within 20 feet of a transit stop. Tax lot 072W19CC05403 is located within 20 feet of a transit stop (Stop ID 1453). The Applicant cannot modify the abutting McGrath site to include a pedestrian connection near the phase II-B building due to this site having a separate ground lease agreement with the tenant. There is also an existing wall, signalized intersection, and ADA connection, therefore, an additional pedestrian connection is not feasible. The interior east-west sidewalk north of McGrath's and existing ADA connection will provide the most direct route from the transit stop to the restaurant pads to meet the intent of the standard.
- *UDC 806.035.c.3* – The Applicant requests relief from the requirement to provide 5-foot-wide setbacks on both sides of interior property lines that cross parking and vehicle use areas. The adjustment requested is to reduce the setback required from 5 feet to zero feet since the proposed development site is located within an existing developed lot within the larger WTC site. The existing lot lines on the site are located within the existing parking area and drive aisles; therefore, it is impractical and infeasible to create a 5-foot landscape setback on either side of these internal lot lines without considerable loss of parking and vehicle maneuvering areas. The landscape islands to the north of the proposed buildings are to be relocated and widened to provide additional landscape area and meet the intent of the standard.
- *UDC 806.035.d.2* – The Applicant requests to reduce the minimum internal parking lot area from the entire WTC development site to a 2.36-acre internal parking area (see Internal Landscape Exhibit). DOWL and the City Planner determined the boundaries for interior parking lot landscape calculations due to the large amount of existing asphalt on the site. The Applicant is proposing 0.04 acres (8.01%) of interior parking lot landscaping within that 102,650 SF (2.36-acre) internal parking landscape area. Compliance with the minimum landscaping standard is infeasible at the WTC property as it would require significant site disturbance, reduce impact parking facilities, impact vehicle circulation, and other existing site features. As shown on the Internal Landscape Exhibit, approximately 1,753 square feet (0.04 acres) of internal parking lot landscaping is proposed. The percentage of interior landscaping is increasing toward the 8% requirement which brings the site closer to compliance with the standard.

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

Response: The proposed development is not located within a residential area.

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

Response: This application requests four adjustments that maintain consistency with the overall purpose of the CR zone which is to allow for a wide range of retail sales and office uses. Bringing the entire site in compliance with the specific landscape and site design standards for which the applicant is requesting an adjustment: UDC 522.010.d.3, UDC 800.065.a.1.B, UDC 806.035.c.3, and UDC 806.035.d.2, would require significant disturbance and further impact parking counts, vehicle circulation, and other existing site features. Therefore, the requested adjustments to specific landscape and site design standards will allow for an array of retail sales uses to continue and maintain consistency with the overall purpose of the zone.

Chapter 522 CR – RETAIL COMMERCIAL

SEC. 522.005. USES.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.

Response: The proposed development will be used for eating and drinking establishments. Per Table 522-1, all subcategories listed under Retail Sales and Service are permitted except used merchandise stores where sales are not conducted entirely within a building. No used merchandise stores are proposed where sales and storage are not conducted entirely within a building.

SEC. 522.010. DEVELOPMENT STANDARDS.

Development within the CR zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the CR zone shall conform to the standards set forth in Table 522-2.

Table 522-2: Lot Standard

Requirement		Standard	Limitations & Qualifications	Response
Lot Area				
All Uses	None	--	No standard listed.	
Lot Width				
All Uses	None	--	No standard listed.	
Lot Depth				
All Uses	None	--	No standard listed.	
Street Frontage				
All Other Uses than Single Family	Minimum 16 feet	--	The overall site exceeds the minimum 16 feet of street frontage along Center Street NE. See Sheet C2.1.	

(b) Setbacks. Setbacks within the CR zone shall be provided as set forth in Tables 522-3 and 522-4.

Table 522-3: Setbacks

Requirement	Standard	Limitations & Qualifications	Response
Abutting Street			
Buildings			

All Uses	Minimum 5 feet	--	The proposed buildings front Center Street NE and are setback greater than 5 feet. See Sheet C2.1.
Vehicle Use Areas			
All Uses	Per SRC Chapter 806	--	Compliance with SRC Chapter 806 is demonstrated in the corresponding section of this narrative.
Interior Front			
Buildings			
All Other Uses	Zone-to-Zone Setback (Table 522-4)	--	See Responses to Table 522-4.
Vehicle Use Areas			
All Other Uses	Zone-to-Zone Setback (Table 522-4)	--	See Responses to Table 522-4.
Interior Side			
Buildings			
All Other Uses	Zone-to-Zone Setback (Table 522-4)	--	See Responses to Table 522-4.
Vehicle Use Areas			
All Other Uses	Zone-to-Zone Setback (Table 522-4)	--	See Responses to Table 522-4.
Interior Rear			
Buildings			
All Other Uses	Zone-to-Zone Setback (Table 522-4)	--	See Responses to Table 522-4.
Vehicle Use Areas			
All Other Uses	Zone-to-Zone Setback (Table 522-4)	--	See Responses to Table 522-4.

Table 522-4: Zone-to-Zone Setback

Abutting Zone	Type of Improvement	Setbacks	Landscaping & Screening	Response
Commercial Zone	Buildings and accessory structures	Min. 5 ft.	Type A	The proposed buildings are setback from prior property line by a 6-foot landscape strip. There is existing landscaping within the 8-foot dedication between the prior and new property lines that front Center Street NE. The proposed trash enclosure area does not contain a roof; therefore, this enclosure is not considered an accessory structure, and this is not

				applicable for the trash enclosure.
	Vehicle use areas	None	N/A	No landscaped setback is required between vehicle use areas abutting commercial zones.

- (c) **Lot Coverage; Height. Buildings and accessory structures within the CR zone shall conform to the lot coverage and height standards set forth in Table 522-5.**

Table 522-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications	Response
Rear Lot Coverage			
Buildings			
All Uses	N/A	--	No standard listed.
Height			
Buildings			
All Uses	Maximum 50 feet	--	The proposed Dave's Hot Chicken building is designed to be 23-feet and the Jersey Mike's is designed to be 22-feet. Both buildings are designed in compliance with this standard. See the Architectural Plan Sheets A5 and A6.

- (d) **Landscaping.**

- (1) **Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.**

Response: Required setbacks are landscaped in conformance with SRC Chapter 807, as demonstrated on Sheet C2.1, Sheet L1.0 and discussed in Section 807 of this narrative.

- 2) **Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.**

Response: Vehicle use areas impacted by the proposed development will be landscaped as required. Responses to Chapters 806 and 807 are provided in this narrative.

- (3) **Development Site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.**

Response: A Class 2 adjustment is requested to the overall development site landscaping requirement per Section 250.005 above. As shown on Sheet C2.0, the entire WTC site is 49.91 acres and requires approximately 7.49 acres of landscaping to meet the 15 percent requirement. Upon completion of this project, the overall landscaping percentage for WTC will increase to approximately 3.243 acres (6.5%). While the development does not

meet the landscaping standard, it is a legal non-conforming situation due to the existing development on the site. The proposed development will increase the total landscaping on the overall WTC development site, bringing the site closer to the landscaping standards of the current SRC.

SEC. 522.020. OTHER PROVISIONS.

In addition to the standards set forth in this chapter, development within the CR zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:

- (a) Trees and Shrubs: SRC chapter 86.
- (b) Wireless Communications Facilities: SRC chapter 703.
- (c) General Development Standards: SRC chapter 800.
- (d) Public Improvements: SRC chapter 802.
- (e) Streets and Right-of-Way Improvements: SRC chapter 803.
- (f) Driveway Approaches: SRC chapter 804.
- (g) Vision Clearance: SRC chapter 805.
- (h) Off-Street Parking, Loading and Driveways: SRC chapter 806.
- (i) Landscaping and Screening: SRC chapter 807.
- (j) Preservation of Trees and Vegetation: SRC chapter 808.
- (k) Wetlands: SRC chapter 809.
- (l) Landslide Hazards: SRC chapter 810.
- (m) Sign Code: SRC chapter 900.

Response: The applicable provisions identified from the pre-application conference case (PRE-AP21-139) and listed under Section 522.020 are addressed in the corresponding sections of this narrative.

CHAPTER 800. - GENERAL DEVELOPMENT STANDARDS

SEC. 800.005. - APPLICABILITY.

The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.

Response: This application proposes development; therefore, the provisions of this chapter apply. Compliance is demonstrated below.

SEC. 800.015. - LOT STANDARDS, GENERALLY.

- (a) Lot shape and size. In addition to meeting all applicable lot standards of the UDC, all lots intended for development, as far as practicable, shall be of a size and configuration so that their net area exclusive of required setbacks, easements, riparian corridors, and mapped wetlands is buildable.
- (b) Buildings to be on a lot. Every building or structure shall be entirely located on an individual lot. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.

Response: The proposed development will be located on tax lots 072W19CC05403 and 072W19CC05404 as shown on Sheets C2.0 and C2.1. Both lots are under common

ownership, therefore the combined area will be considered a single lot for purposes of the UDC. These buildings share a common property line and will be considered as separate buildings for purposes of this subsection.

- (c) **Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.**

Response: As shown on the Existing Conditions Plan Sheet C1.0, property line adjustments (PLA22-10 and PLA22-09) has been approved by the city to allow development of a new building over the existing common property line between TLs 5403 and 5404. The proposed development will take place on these existing lots with the adjusted lot lines. Changes to existing lot lines were approved by the city and not proposed with this application.

SEC. 800.020. - DESIGNATION OF LOT LINES.

- (a) **Front lot line. The front lot line shall be designated as set forth in this subsection (see Figure 800-1).**

- (1) **Interior lot. For an interior lot, the front lot line shall be the property line abutting the street.**

Response: Tax lots 072W19CC05403 and 072W19CC05404 are interior lots; therefore, the front lot line for each lot is the southern property line abutting Center Street NE.

- (b) **Rear lot line. The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).**

- (1) **Generally. For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.**

Response: The rear lot lines for both tax lots is the northern property lines, which is the lot line opposite the front lot line described in Subsection 800.020(a).

- (c) **Side lot line. A side lot line is any lot line which is not a front or rear lot line.**

Response: The side lot lines for both tax lots are the east and west property lines, which run north to south.

SEC. 800.035. - SETBACKS.

- (a) **Setbacks to be unobstructed. Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.**

Response: The Site Plan Sheet C2.1 and Landscape Planting Plan Sheet L1.0, show that the required setbacks will be occupied only by landscaping and will be otherwise unobstructed.

- (b) **Permitted projections into required setbacks. Permitted projections into required setbacks are set forth in Table 800-2.**

Response: As shown on the Architectural Plan Sheet A1, the covered, enclosed patio on the interior property is classified as a projection. The covered patio is designed to be a 36'x20.5'

concrete pad with two points of public entry/egress, located approximate to public entry/egress points of the proposed restaurant building. The canopy overhang is approximately 11-feet in height, located further than 10-feet from the property line and the floor area of the patio does not exceed 4-feet above grade. Therefore, the projection does not encroach into the required setbacks.

(c) Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.

Response: The development site area does not abut property located outside the city limits or urban growth boundary (UGB).

(d) Setbacks abutting an interstate freeway, railroad right-of-way, or alley.

- (1) The required setback abutting an interstate freeway, railroad right-of-way, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending upon the dimensions and configuration of the lot.**
- (2) Where the required interior front, interior side, or interior rear setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior front, interior side, or interior rear setback shall be five feet in-lieu of the zone-to-zone setback.**

Response: Tax lots 072W19CC05403 and 072W19CC05404 abut Center Street NE to the south, which is a minor arterial per City of Salem's Functional Street Classification, therefore the zone-to-zone setback is required. The building is setback greater than 5-feet from the public ROW (Center Street NE) and the area between the right-of-way and the building will be landscaped according to Type A standards.

SEC. 800.040. - SPECIAL SETBACKS.

- (a) Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.**

Response: No special setbacks have been required for this site plan review application.

SEC. 800.045. - HEIGHT.

- (a) Generally. Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC chapter 112.**

Response: The proposed development complies with the height requirements of Section 800.045 as demonstrated below. See Architectural Elevation Sheets A5 and A6.

SEC. 800.050. - FENCES, WALLS, HEDGES, GATES, AND RETAINING WALLS.

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

- (a) **Location, height, and density.** Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.

(1) **Fences and walls.**

(B) **Nonresidential zones.** Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:

- (i) **Front, side, and rear yards abutting street.** Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

Response: Fencing is proposed surrounding the trash enclosure area and addressed in Section 800.055 below. No fencing or walls are proposed within yards abutting Center Street NE. An approximately 3-foot-tall CMU screen (retaining wall) is proposed north of the sidewalk and is not located within 10 feet of a property line. No other free-standing walls are proposed.

- (2) **Hedges.** There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

Response: No hedges are proposed within 10 feet of a property line; therefore, this standard does not apply.

- (3) **Gates.** Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

Response: A gate is proposed to provide access to the trash enclosure area. This is addressed below in Section 800.055.

- (4) **Retaining walls.** Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.

Response: As shown on the Architectural Plan Sheet A1, a 3-foot retaining wall is proposed fronting Center Street NE. The wall does not exceed the standard set by this section therefore compliance is met.

- (b) **Vision clearance.** Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.

Response: As indicated in the pre-application report, the vision clearance requirements in Chapter 805 do not apply to this site plan review application.

(c) Material.

- (2) Walls.** Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

Response: Architectural Plan Sheet A2 details the retaining wall designed with permitted pressure-treated (P.T.) posts, plywood, and concrete building materials. Compliance with this standard is met.

(d) Hazardous materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

- (1) Concertina wire.** Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.
(2) Barbed wire and upturned barbed selvage...
(3) Electric fencing...

Response: No concertina wire, barbed wire, or electric fencing is proposed on-site. Fencing or walls constructed of hazardous or dangerous material are not proposed.

(e) Maintenance. Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.

Response: The fence surrounding the trash enclosure area and retaining wall will be structurally maintained in safe condition.

SEC. 800.055. - SOLID WASTE SERVICE AREAS.

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

(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; and**
(2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Response: A new solid waste service area (also referenced as trash enclosure area) is shown for the proposed building pads on the Site Plan Sheet C2.1 and Architectural Plan Sheet A1. Compliance with these standards is required.

(b) Solid waste receptacle placement standards. All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be

designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

- (1) **Pad area. In determining the total concrete pad area for any solid waste service area:**
(A) **The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and**

Response: The solid waste service area for the proposed building pads is shown on Sheets C2.1 and A1. The pad areas are designed to extend a minimum of one foot beyond the sides and rear of the receptacles in compliance with this section. See Sheet A2 for the trash enclosure plan and details.

- (B) **The pad area shall extend a minimum three feet beyond the front of the receptacle.**

Response: The pad area will extend a minimum of three feet beyond the front of the receptacle as shown on Sheet A2. Compliance with this section has been met.

- (C) **In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.**

Response: The receptacles are not facing each other; and adequate space is provided between both receptacles.

- (2) **Minimum separation.**

- (A) **A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.**

Response: A minimum separation of 1.5 feet is designed to be provided between the receptacle and side wall of the enclosure. See Sheet A2 for the trash enclosure plan.

- (B) **A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.**

Response: As reflected on Sheet A2, the trash enclosure area is designed to provide adequate space between the receptacles and structure openings. Combustible enclosure materials are not proposed.

- (3) **Vertical clearance.**

- (A) **Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.**

Response: The receptacles located within the trash enclosure area are greater than two cubic yards. This standard does not apply.

- (B) **Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed**

overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:

- (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
- (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

Response: The receptacles are proposed to exceed two cubic yards. A physical barrier (fence) is proposed which will prevent the backward movement of the receptacle. Therefore, unobstructed vertical clearance can meet the minimum eight-foot design requirement. See Sheet A2 for the trash enclosure plan.

(d) Solid waste service area screening standards.

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.

Response: As shown on the Architectural Plan Sheet A1, the solid waste service area is enclosed by a 6-foot-tall fence. See Sheet A2 for details.

(e) Solid waste service area enclosure standards. When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

- (1) Front opening of enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Response: The front opening of the enclosure is designed to be approximately 18 feet wide, which exceeds the minimum standard, thus complying with this section.

(2) Measures to prevent damage to enclosure.

- (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.

Response: The proposed enclosure is to be constructed of a corrugated metal material and will meet minimum bumper curb requirements to prevent damage from receptacle impacts. See Sheet A2 for further detail.

- (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at

ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

Response: This standard does not apply.

- (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
- (i) A minimum distance of two feet from the sides of the container or receptacles; and
 - (ii) A minimum of three feet from the rear of the container or receptacles.

Response: This standard does not apply.

- (3) Enclosure gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Response: As shown on the Architectural Plan Sheet A1, a 6-foot-tall gate is included with the 6-foot-tall fence surrounding the trash enclosure area. The gate complies with SRC 800.050(a)(1). The gate does not swing open onto the public ROW (Center Street NE) or toward a vehicle or pedestrian areas. The enclosure gate will swing freely without obstruction. Therefore, this standard is met.

- (4) Prohibited enclosures. Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
- (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
 - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

Response: There are no prohibited enclosures proposed.

- (f) Solid waste service area vehicle access.

- (1) Vehicle operation area.

- (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

Response: The front opening of the enclosure is approximately 21 feet, 8 inches wide, requiring a minimum 65-foot-long approach. An approximately 94-foot-long vehicle operation area

for the garbage truck approach is provided, perpendicular to the enclosure opening and free of obstructions as shown on Sheet A1.

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:**
- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);**
 - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or**
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.**

Response: The receptacles are greater than two cubic yards; therefore, this standard does not apply.

- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.**

Response: The vehicle operation area is separated from the parking lot drive aisle and drive-through area by a landscape strip consisting of shrubs and trees. The site area contains existing ADA accessible parking along the west lot line with ingress/egress of vehicles occurring and will share the access point to the buildings and parking area but will not obstruct the vehicle operation area. See the Site Plan Sheet C2.1 and Landscape Planting Plan Sheet L1.0.

- (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.**

Response: The vehicle operation area does not have any overhead projections; therefore, vertical clearance is not obstructed.

- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.**

Response: Per the Site Plan Sheet C2.1 and Architectural Plan Sheet A1, access to the vehicle operation area is a direct approach into position for operators of the service vehicle. Therefore, safe, and convenient access for collection service is provided.

- (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.**

Response: The vehicle operation area is designed to be accessed from the north drive aisle and does not require collection service vehicles to back onto the public ROW (Center Street NE).

- (3) **Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.**

Response: The vehicle operation area is paved with asphalt and will be adequately designed, graded, and drained to the approval of the Director. See the Site Plan Sheet C2.1.

- (4) **Signs. "No Parking" signs shall be placed in a prominent location on the enclosure or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.**

Response: "No Parking" signage will be placed in a prominent location to ensure unobstructed and safe access for the servicing of receptacles.

- (g) **Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification, and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.**

Response: The applicant acknowledges a notice to solid waste collection franchisee is required.

SEC. 800.060. - EXTERIOR LIGHTING.

- (a) **Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.**
- (b) **Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:**
- (1) **Completely shielded from direct view; or**
 - (2) **No greater than five foot-candles in illumination.**

Response: Proposed exterior building and parking lot lighting will be shielded and directed inwards towards the proposed development area. The lighting shall not reflect on or cast a glare on adjacent properties. The exterior light fixtures that will be located and designed so that the light source will not exceed five foot-candles at five feet of height, five feet outside the boundaries of the lot. A Photometric Site Plan Sheet ES100 is included in the application and reflects the proposed site lighting.

SEC. 800.065. - PEDESTRIAN ACCESS.

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single family, two family, three family, four family, and multiple family uses, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

(a) **Pedestrian connections required.** The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) **Connection between building entrances and streets.**

(A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-11).

Response: The proposal includes on-site sidewalk that connects directly from the proposed primary building entrances to the public sidewalk along Center Street NE. A standard concrete sidewalk is proposed along the driveway approach and Lancaster Drive NE, the drive aisle to the east, that will connect to an existing sidewalk ramp on the east side of the driveway approach. See the Site Plan Sheet C2.1 for details.

(B) **Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).**

Response: As addressed in Section 205.005 above, a Class 2 adjustment is requested to provide relief from the requirement to provide a pedestrian connection within 20 feet of a transit stop.

(2) **Connection between buildings on the same development site.**

(A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

(B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:

- (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
- (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or
- (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

Response: As shown on Site Plan Sheet C2.1, a new sidewalk and crosswalk are proposed to connect to existing sidewalks serving other buildings the WTC development north of the development site. This application proposes a pedestrian connection associated with each development phase as shown on the Overall Site Plan Sheet C2.0. The pedestrian network will connect the primary building entrances throughout the entire Willamette Town Center site.

(3) **Connection through off-street parking areas.**

- (A) **Surface parking areas.** Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.
- (i) **The pedestrian connections shall be:**
 - (aa) **Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;**
 - (bb) **Shall be spaced a minimum of two drive aisles apart; and**
 - (cc) **Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.**

Response: As shown on Sheet C2.1, a pedestrian connection is provided at the northern side of the development area in accordance with UDC 800.065(A)(i)(cc). The Landscape Planting Plan Sheet L1.0 shows a pedestrian connection which connects directly from the proposed primary building entrance points to the parking lot and extends to JoAnn Fabrics, an existing building to the north.

- (ii) **Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.**

Response: As addressed in Section 205.005 above, a Class 2 adjustment is requested to this standard. There is existing sidewalk that connects from McGrath's to the east near the transit stop. A proposed pedestrian connection running east-west to the south of the proposed primary building entrances to meet the intent of this standard. See the Site Plan Sheet C2.1.

- (iii) **A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.**

Response: As shown on Sheet C2.1, a pedestrian connection is provided at the northern side of the development area. This will count as a required connection through the off-street surface parking area. As shown on the Overall Site Plan Sheet C2.0 and Site Plan Sheet C2.1, a pedestrian connection is proposed from Center Street NE to the building entrances and patio area and proposed along Lancaster Drive NE to the east.

- (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.

Response: The off-street parking area is greater than 124 feet. This standard does not apply.

- (v) For purposes of this subsection, off-street surface parking area means:
 - (aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or
 - (bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.

Response: The parking area within the proposed development area connects with the greater WTC parking area. Therefore, pedestrian connections have been provided through the development site area and the adjacent WTC parking area to connect with the WTC building, as shown on Sheet C2.0.

- (5) Connection to abutting properties. Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required however:
 - (B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;
 - (C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
 - (D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
 - (E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

Response: As shown on the Site Plan Sheets C2.0 and C2.1, pedestrian connections are provided whenever a vehicular connection is provided from a development site to abutting WTC property and parking areas. This standard is met.

- (b) Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.
 - (1) Walkways shall conform to the following:

- (A) **Material and width.** Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.

Response: As shown on the Site Plan Sheet C2.1, walkways will be paved with a hard-surface material (concrete), meeting the Public Works Design Standards. Walkways will meet the five feet minimum width requirement.

- (B) **Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.**

Response: As shown on the Site Plan Sheet C2.1, the proposed walkway will consist of concrete paving material to differentiate from the asphalt parking area and drive aisles.

- (C) **Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.**

Response: As shown on the Site Plan Sheet 2.1, curbs are proposed where walkways are adjacent to an auto travel lane as required by this section.

- (2) **Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.**

Response: As shown on Sheet C2.1, an extended curb is provided along the required pedestrian connections to prevent the encroachment of vehicles.

- (c) **Lighting.** The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Response: Per the Photometric Site Plan Sheet ES100, adequate lighting is proposed for the on-site pedestrian circulation system.

CHAPTER 804. - DRIVEWAY APPROACHES

SEC. 804.010. - APPLICABILITY.

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Response: Per Section 804.005, driveway approaches are defined as any access providing direct vehicle ingress and egress over public right-of-way to property. This application proposes to use existing driveway approaches to the north and south of the development site area.

This application proposes the construction of a concrete commercial driveway approach to the east from Center Street NE. Improvements include construction of an ADA sidewalk behind the existing ramp on the west side of the driveway to allow connection to the on-site pedestrian route. Improvements are pending review with the City of Salem Public Works Department Construction Engineer. Compliance with this chapter is demonstrated below.

SEC. 804.015. - DRIVEWAY APPROACH PERMIT REQUIRED.

- (a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.**
- (b) Exceptions. A driveway approach permit is not required for:**
 - (1) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or**
 - (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.**

Response: Per SRC 804.015(b)(2), a driveway approach permit is required for the proposed concrete commercial driveway approach to the east, including construction of an ADA sidewalk behind the existing ramp on the west side of the driveway to allow connection to the on-site pedestrian route.

SEC. 804.025. - CLASS 2 DRIVEWAY APPROACH PERMIT.

- (a) Required. A Class 2 driveway approach permit is required for:**
 - (1) A driveway approach onto a parkway, major arterial, or minor arterial;**
 - (2) A driveway approach onto a local or collector street providing access to a use other than single family or two family;**
 - (3) A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the higher street classification; or**
 - (4) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.**

Response: This application proposes replacing the driveway approach to the east, needed for this commercial development. Therefore, a Class 2 driveway approach permit is required. The Applicant will obtain a Class 2 driveway approach permit as required.

- (b) Procedure type. A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.**

Response: A Class 2 driveway approach permit is required for this application and will be processed as a Type II procedure.

- (c) Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:**
 - (1) A completed application form.**

- (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) Topographic conditions;
 - (D) The location of all utilities;
 - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
 - (G) The location of any street trees adjacent to the location of the proposed driveway approach.
- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
- (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

Response: The Class 2 driveway approach permit application package will contain the materials required by this subsection. See the Site Plan Sheets C2.0 and C2.1.

(d) Criteria. A Class 2 driveway approach permit shall be granted if:

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

Response: The proposed changes to driveways will be constructed in accordance with the requirements of this chapter and Public Works Design Standards.

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

Response: No site conditions prevent placing the driveway approach in the required location.

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

Response: Center Street NE is classified as a major arterial per the city. No new driveways are proposed, only improvements to an existing driveway. Therefore, this standard is met.

- (4) The proposed driveway approach, where possible:
 - (A) Is shared with an adjacent property; or
 - (B) Takes access from the lowest classification of street abutting the property;

Response: No new driveways are proposed. The existing driveway where modifications are proposed is shared with the overall WTC site.

- (5) The proposed driveway approach meets vision clearance standards;

Response: The driveway approach will continue to meet vision clearance standards, as demonstrated on Sheet C2.1 and as identified in the pre-application report.

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

Response: The changes to the driveways proposed with this application include concrete crosswalks that better delineate the private streets from adjacent public street. These changes will not create traffic hazards or affect the safety of turning movements or access for vehicles or pedestrians.

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

Response: Proposed modifications to the driveway approach do not result in significant adverse impacts to the vicinity.

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

Response: Proposed modifications to the driveway approach minimizes impact to the functionality of adjacent streets and intersections.

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

Response: There are no adjacent residentially zoned areas; therefore, this standard does not apply.

SEC. 804.050. - DRIVEWAY APPROACH DEVELOPMENT STANDARDS.

Driveway approaches shall conform to the following development standards:

- (a) Design and construction. Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.**

Response: The proposed changes to driveway will be constructed in accordance with the requirements of this chapter and Public Works Design Standards.

- (b) Width.**

Response: Per Table 804-2, the driveway approach must be between 22 and 40 feet. As shown on the Site Plan Sheet C2.1, the driveway approach improvements do not impact the width of the driveway; therefore, the driveway continues to be in compliance with this standard.

CHAPTER 806. - OFF-STREET PARKING, LOADING AND DRIVEWAYS

SEC. 806.005. - OFF-STREET PARKING; WHEN REQUIRED.

- (a) General applicability. Off-street parking shall be provided and maintained as required under this chapter for:**

- (1) Each proposed new use or activity.**

- (2) 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.
- (3) Any intensification, expansion, or enlargement of a use or activity.

Response: This application will propose a new use. Off-street parking standards apply and are addressed in the responses to Chapter 806 below.

- (b) **Applicability to Downtown Parking District. Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.**

Response: The site is not located within the Downtown Parking District. This standard does not apply.

- (c) **Applicability to nonconforming off-street parking areas.**

- (1) When off-street parking is required to be added to an existing off-street parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.
- (2) Notwithstanding subsection (1) of this section, when a property is changed in use to any of the following uses or activities, or any of the following uses or activities are added to a property, any existing deficiency in the number of off-street parking spaces shall not be required to be remedied and only those additional spaces required for the change of use or addition of the new use shall be required:
 - (A) Accessory dwelling unit.

Response: As shown on the Demolition Plan Sheet C1.0, the development site area currently contains significant existing asphalt parking area. This area will be reconstructed for development including the removal of the existing curb, sign, bollards, and pavement markings per applicable requirements. Conformance with parking requirements is demonstrated in the responses to Chapter 806 in this narrative and on the Site Plan Sheet C2.1.

SEC. 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 in the following locations: ...

Response: All required off-street parking will be provided on-site as shown on the Overall Site Plan Sheet C2.0 and Site Plan Sheet C2.1.

SEC. 806.015. - AMOUNT OFF-STREET PARKING.

- (a) **Minimum required off-street parking. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.**

Response: Per Table 806-1, eating and drinking establishments require 1 parking space per 250 square feet. The table below provides a parking analysis for the entire WTC site (49.9 acres). As shown, the minimum required parking spaces for the site are 2,539 spaces.

Upon full buildout of all phases of the project, there are 2,997 parking spaces on the site, which exceeds the minimum required spaces.

Parking Analysis Table

Retail Space	Area (SF)	Minimum Parking Ratio	Required Parking Spaces
Phase 1 retail	20,000	1 per 250 SF	80
Phase 1 retail	20,000	1 per 250 SF	80
Phase 1 retail	10,500	1 per 250 SF	42
Phase 1 retail	6,500	1 per 250 SF	26
Petco	13,204	1 per 250 SF	53
Macy's	61,450	1 per 250 SF	246
Vacant Sears**	93,466	1 per 900	374
Burlington	87,030	1 per 250 SF	348
Regal Cinema*	53,195	1 per 5 seats	503
Best Buy	45,000	1 per 900	50
Bank of America	4,400	1 per 350 SF	13
McGrath's Fish House	8,220	1 per 250 SF	33
US Bank	7,200	1 per 350 SF	21
Applebees	5,520	1 per 250 SF	22
Sleep Train	5,870	1 per 900	7
Good Feet	1,400	1 per 250 SF	6
Payless Shoes	5,000	1 per 250 SF	20
Super Cuts	1,182	1 per 350 SF	3
Affordable Framing	1,557	1 per 350 SF	4
Joann Stores	23,018	1 per 250 SF	92
Pier 1 Imports	11,315	1 per 250 SF	45
DMV	10,209	1 per 500	21
Sprint	1,500	1 per 900	2
Baja Fresh	3,500	1 per 250 SF	14
Mall office	1,800	1 per 350 SF	5
Other internal retail spaces	82,666	1 per 250 SF	331
Lancaster 12k Retail	12,176	1 per 250 SF	49
Free Standing Restaurant	1,550	1 per 250 SF	6
Dave's Hot Chicken with Drive-Through	2,915	1 per 250 SF	12
Total	601,343	Minimum: Maximum:	2,539 4,421

* Based on 2,525 seats

** Updated since the previous last LU approval to use 1 per 250 retail requirements for a more conservative calculation; previous calculation used the 1 per 900 rate applicable to certain retail uses such as Sears.

- b) **Compact parking.** Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.

Response: There are 18 compact parking stalls proposed with this application which is under the 75% allowance of compact parking spaces.

- (c) **Carpool and vanpool parking.** New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Response: The proposed retail project does not fall within any of the classifications or categories identified above. No carpool or vanpool parking is required.

- (d) **Maximum off-street parking.**

- (1) **Maximum off-street parking** is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.

TABLE 806-2. MAXIMUM OFF-STREET PARKING	
Minimum Number of Off-Street Parking Spaces Required (From Table 806-1)	Maximum Number of Off-Street Parking Spaces Allowed
20 spaces or less	2.5 times minimum number of spaces required.
More than 20 spaces	1.75 times minimum number of spaces required.

Response: Per Table 806-2, the maximum number of parking spaces allowed for uses with more than 20 spaces is 1.75 times the minimum number of required spaces. Based on a minimum requirement of 2,539 spaces required for the overall WTC development as established in the parking table above, the maximum number of parking spaces allowed on the site is 4,421 spaces. With the buildout of the proposed development, there will be 2,997 parking spaces on the WTC site, which is below the maximum allowed number of spaces. See the Overall Site Plan Sheet C2.0.

- (e) **Reductions to required off-street parking through alternative modes of transportation...**

Response: This proposal meets the minimum parking requirement; no reductions to required off-street parking are requested.

SEC. 806.020. - METHOD OF PROVIDING OFF-STREET PARKING.

- (a) **General.** Off-street parking shall be provided through one or more of the following methods:

- (1) **Ownership.** Ownership in fee by the owner of the property served by the parking;

- (b) **Review and filing of agreement.** Prior to execution of any lease, rental, or joint parking agreement set forth in this section, the form of such agreement shall be reviewed by the City Attorney. An executed copy of the approved agreement shall be filed with the Planning Administrator.
- (c) **Effect of expiration or termination of agreement.** Upon expiration or termination of any lease, rental, or joint parking agreement set forth in this section, the parking requirements set forth in this chapter shall be fully met within 60 days of the date of such expiration or termination or the use or activity discontinued until the parking requirements are met.

Response: Parking for the proposed development will be shared with the overall WTC site, utilizing the existing shared parking and access easement. All required parking will be provided by the property owner within the WTC site. No new parking agreement is proposed or required.

SEC. 806.035. - OFF-STREET PARKING AND VEHICLE USE AREA DEVELOPMENT STANDARDS FOR USES OR ACTIVITIES OTHER THAN SINGLE FAMILY AND TWO FAMILY.

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 shall 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 unpaved area.

Response: The off-street parking and vehicle use area development standards apply to the proposed parking area within the development site area. The proposed parking area will be repaved and striped per applicable parking area standards as shown on Sheet C2.1. Applicable parking standards are addressed below.

- (b) **Location.**
 - (1) **Generally.** Off-street parking and vehicle use areas shall not be located within required setbacks.
 - (2) **Carpool and vanpool parking.** Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.
 - (3) **Underground parking.** Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

Response: The Site Plan Sheets C2.0 and C2.1 show the location of the proposed parking. Parking is not proposed within required setbacks. No carpool or vanpool parking is required or proposed per Section 806.015(c). No underground parking is proposed.

(c) Perimeter setbacks and landscaping.

(1) Perimeter setbacks and landscaping, generally.

- (A) Perimeter setbacks.** Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:
- (i)** Off-street parking and vehicle use areas abutting an alley.
 - (ii)** Vehicle storage areas within the IG zone.
 - (iii)** Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (iv)** Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v)** Underground parking.
- (B) Perimeter landscaping.** Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

Response: Perimeter setbacks are required where the vehicle use area is adjacent to buildings. As shown on Sheets C2.0, and L1.1, 10-foot perimeter setbacks and landscaping are proposed where the vehicle use areas abut Center Street NE. The proposed parking area is internal to the WTC site and abuts property lines to the east and west; therefore, perimeter setback landscaping is required for the parking area.

(2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

- (A) Method A.** The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: Perimeter setbacks are required where vehicle use areas are adjacent to buildings. As shown on Sheet C2.1, a 10-foot perimeter setback and landscaping will be met where the vehicle use area abuts Center Street NE. The perimeter setback in this area is landscaped per Method A, as shown on Landscape Planting Plan Sheet L1.0.

(3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: As addressed in Section 205.005 above, a Class 2 adjustment is requested for relief from the requirement of providing 5-foot-wide setbacks on both sides of interior property lines that cross parking and vehicle use areas.

- (4) Setback adjacent to buildings and structures.** Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

Response: As shown on the Site Plan Sheet C2.1, where parking stalls abut the front of the proposed building, a pedestrian walkway is proposed with at least six feet of unobstructed width, except for the drive-through lanes.

- (5) Perimeter setbacks and landscaping for parking garages.** Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for: ...

Response: No parking garages are proposed. This standard does not apply.

(d) Interior landscaping.

- (1) Interior landscaping, generally.** Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for: ...

Response: The proposed parking area is greater than 5,000 square feet and therefore requires interior parking lot landscaping. Interior landscaping is proposed throughout the parking area, as shown on the Landscape Plan Sheet L1.0. General areas of interior parking lot landscaping are shown on the Site Plan Sheet C2.1.

- (2) Minimum percentage of interior landscaping required.** Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

Response: As addressed in Section 205.005 above, a Class 2 adjustment is requested to reduce the percentage of interior parking lot landscaping. This project will increase the overall landscaping present within the overall WTC site, thus moving the site toward compliance with the 8% interior landscaping requirement.

- (3) **Trees.** A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Response: As shown on the Landscape Planting Plan Sheet L.0, trees are proposed within the parking area, distributed throughout the parking lot landscape islands, and along the proposed pedestrian connections fronting Center Street NE and Lancaster Drive NE.

- (4) **Landscape islands and planter bays.** Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

Response: The landscape islands are at least 25 square feet in area and five feet wide, as shown on the Site Plan Sheet C2.1.

- (e) **Off-street parking area dimensions.** Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:
- (1) **Vehicle storage areas.**
 - (2) **Vehicle display areas.**

Response: As shown on the Site Plan Sheet C2.1, the proposed parking area complies with the parking dimensions of Table 806-6. All proposed stalls will be oriented at a 90-degree angle and will be nine feet wide and 19 feet in length. Drive aisles will be 24 feet wide. No vehicle storage or display areas are proposed.

- (f) **Off-street parking area access and maneuvering.** In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) **Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and**
 - (2) **Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.**

Response: Vehicle access and maneuvering in the off-street parking area is designed with adequate space so that vehicles can enter and exit the street in a forward motion with no backing or maneuvering within the street. The drive aisle terminates at a dead-end leading to the trash enclosure area and is designed in compliance with Figure 806-9. See the Architectural Plan Sheet A1 and Site Plan Sheet C2.1.

- (g) **Grade.** Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

Response: As shown on the Grading Plan Sheet C3.0, the parking area does not exceed a grade of 10 percent, therefore compliance with this standard is met.

- (h) **Surfacing.** Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:
- (1) Vehicle storage areas within the IG zone.
 - (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (3) Gravel off-street parking areas, approved through a conditional use permit.

Response: The customer and employee parking area will be paved with asphalt.

- (i) **Drainage.** Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Response: The Preliminary Drainage Report (Exhibit E) and Grading Plan Sheet C3.0, demonstrate that the proposed parking area will be adequately designed, graded, and drained according to Public Works Design Standards.

- (j) **Bumper guards or wheel barriers.** Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:
- (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.

Response: Where parking stalls abut landscaping or pedestrian accessways, curbs will be provided to allow overhang; no vehicle overhang will project into required setbacks, landscaped areas, or pedestrian accessways.

- (k) **Off-street parking area striping.** Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
- (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
 - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (4) Gravel off-street parking areas, approved through a conditional use permit.

Response: The proposed parking area will be striped as shown on Sheet C2.1, following the dimension for 90-degree stalls in Table 806-6.

- (l) **Marking and signage.**
- (1) **Off-street parking and vehicle use area circulation.** Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.

- (2) **Compact parking.** Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
- (3) **Carpool and vanpool parking.** Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

Response: Any directional signs and pavement markings used in the parking area will conform to the Manual of Uniform Traffic Control Devices as required. Compact stalls will be marked as required. No carpool or vanpool spaces are proposed.

- (m) **Lighting.** Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

Response: Lighting for the parking and vehicle use areas will not shine or reflect on adjacent properties. Lighting will be shielded and directed away from adjacent properties.

- (n) **Off-street parking area screening.** Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

Response: The proposed parking area does not abut residentially zoned property or property used for uses or activities falling under household living.

SEC. 806.040. - DRIVEWAY DEVELOPMENT STANDARDS FOR USES OR ACTIVITIES OTHER THAN SINGLE FAMILY OR TWO FAMILY.

Unless otherwise provided under the UDC, driveways for uses or activities other than single family or two family shall be developed and maintained as provided in this section.

- (a) **Access.** Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.

Response: The proposed development will utilize existing shared driveways within the WTC site that have adequate turnaround. Modifications to the driveway to the east are proposed and meet the applicable criteria from SRC 804.

- (b) **Location.** Driveways shall not be located within required setbacks except where:
 - (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Response: No new driveways are proposed. The proposed development will utilize existing driveways within the WTC site with proposed modifications to the driveway approach. Existing driveways are not located within the required setbacks for this project.

- (c) **Setbacks and landscaping.**

- (1) **Perimeter setbacks and landscaping, generally.** Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
- (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Response: No new driveways are proposed. The proposed development will utilize existing driveways within the WTC. Existing driveways provide direct access to the street and are shared between WTC uses. No perimeter setbacks or landscaping are required for these driveways.

- (2) **Perimeter setbacks and landscaping abutting streets.** Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).

Response: Existing driveways do not abut a street. No new driveways are proposed. This standard does not apply.

- (3) **Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.** Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: Existing driveways abut an interior property line to the west and east. Now new driveways are proposed. This standard does not apply.

- (d) **Dimensions.** Driveways shall conform to the minimum width set forth in Table 806-8.

Response: This application proposes to utilize existing shared driveways within the WTC site. These driveways meet the minimum driveway width requirements for two-way driveways listed in Table 806-8, as shown on Sheet C2.1.

- (e) **Surfacing.** All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.

Response: All driveways will be paved with asphalt following the Public Works Design Standards.

- (f) **Drainage.** Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Response: The Grading Plan Sheet C3.0, demonstrates that the on-site driveways will be adequately designed, graded, and drained according to Public Works Design Standards.

(g) "No Parking" signs. Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

Response: Where driveways exceed 60 feet in length, "no parking" signs will be posted as required.

SEC. 806.045. - BICYCLE PARKING; WHEN REQUIRED.

(a) General applicability. Bicycle parking shall be provided as required under this chapter for:

- (1) Each proposed new use or activity.**
- (2) Any change of use or activity.**
- (3) Any intensification, expansion, or enlargement of a use or activity.**

Response: This application proposes a new use; therefore, the standards of Section 806.045 apply. Bicycle parking is proposed as shown on Sheet C2.1.

(c) Applicability to nonconforming bicycle parking area. When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Response: No nonconforming bicycle parking areas exist within the development site. This standard does not apply.

SEC. 806.050. - PROXIMITY OF BICYCLE PARKING TO USE OR ACTIVITY SERVED.

Except as otherwise provided in this chapter, bicycle parking shall be located on the same development site as the use or activity it serves.

Response: As shown on the Site Plan Sheet C2.1, bicycle parking will be provided approximate to the building entrances of the proposed buildings.

SEC. 806.055. - AMOUNT OF BICYCLE PARKING.

(a) Minimum required bicycle parking. Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Table 806-9. Bicycle Parking

Requirement	Standard	Limitations & Qualifications	Response
Retail Sales and Services			
Eating and drinking establishments	The greater of 4 spaces or 1 space per 1,000 sq. ft.	25%	The proposed buildings are approximately 4,465 SF. Therefore, only four bicycle spaces are required. Per the Site Plan Sheet C2.1, 4 bicycle racks, with a total of 8 stalls are proposed.

SEC. 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.

- (1) Short-term bicycle parking.** Short-term bicycle parking shall be located outside a building within a convenient distance of, and 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.

Response: As shown on the Site Plan Sheet C2.1, 4 bicycle racks with 8 total bicycle parking stalls will be located at the northeast corner of the Dave's Hot Chicken building, and at the north of the Jersey Mike's building. Bicycle parking is clearly visible from and within 50 feet of the primary entrances.

- (b) Access.** All 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.

Response: As shown on the Site Plan Sheet C2.1, bicycle parking will have a direct and accessible path to both building's primary entrances and public right-of-way, via on-site drive aisles and the concrete sidewalk which connects to existing public right-of-way.

- (c) Dimensions.** All bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces.** Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
- (2) Access aisles.** Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Response: Bicycle parking spaces will meet the dimensional requirements of Table 806-10, as shown on Sheet C2.1.

- (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.

Response: Bicycle parking will be provided in the form of racks on a hard surface material, built to accommodate locking devices.

- (e) Bicycle racks.** Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle in a stable position.**
- (A)** For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
- (B)** For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the 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.

Response: Bicycle racks will comply with the requirements of this subsection.

- (f) **Bicycle lockers.** Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
 - (1) Lockers shall conform to the minimum dimensions set forth in Table 806-10.
 - (2) Lockers shall be served by an access aisle conforming to the minimum width set forth in Table 806-10 in front of each locker opening.
 - (3) Lockers shall be securely anchored.

Response: Bicycle lockers are not required for this project and will not be utilized.

SEC. 806.065. - OFF-STREET LOADING AREAS; WHEN REQUIRED.

- (a) **General applicability.** Off-street loading shall be provided and maintained as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) 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.
 - (3) Any intensification, expansion, or enlargement of a use or activity.

Response: This application proposes a new use; therefore, the standards of Section 806.065 apply. Compliance is demonstrated in the responses to this section below.

- (b) **Applicability to nonconforming off-street loading area.** When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Response: No nonconforming loading areas are located on-site. This standard does not apply.

SEC. 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.

Response: Loading will occur within portions of the development site area, in the drive aisle north of the proposed buildings.

SEC. 806.075. - AMOUNT OF OFF-STREET LOADING.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Response: According to Table 806-11, no loading space is required for a retail sales and service building less than 5,000 square feet in size. Loading will occur within the development site area, in the drive through area directly north of the proposed buildings, in compliance with 806.075(a) below.

- (a) **Off-street parking used for loading. An off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.**

Response: Off-street parking is proposed to be used as a loading area. The proposed use does not require a delivery vehicle that exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building that it serves. The buildings will be comprised of smaller tenants, and a loading dock is not warranted as deliveries will be smaller in scale.

Sec. 806.080. - Off-street loading development standards.

Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.

- (a) **Location. Off-street loading areas shall not be located within required setbacks.**

Response: Off-street parking area meeting the requirements of this chapter will be used in place of a required off-street loading space because the use or activity does not require a delivery vehicle that exceeds a maximum combined vehicle and load rating of 8,000 pounds. The off-street parking area is located within 25 feet of the proposed buildings.

- (b) **Perimeter setbacks and landscaping. Perimeter setbacks and landscaping, as set forth in this subsection, shall be required for off-street loading areas abutting streets and abutting interior front, side, and rear property lines. Perimeter setbacks and landscaping are not required for off-street loading areas abutting an alley.**

- (1) **Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setback and landscaping standards set forth under SRC 806.035(c)(2).**
- (2) **Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A landscaping standard of SRC chapter 807.**

Response: Off-street loading is not proposed abutting a street. Perimeter and landscaping requirements for parking areas are met, as demonstrated in Section 806.035.

- (c) **Dimensions. Loading areas shall conform to the minimum dimensions set forth in Table 806-9.**

Response: This application proposes to use the parking area for loading, following Section 806.074(a). Compliance with loading dimensional requirements is not required.

- (d) **Maneuvering.** Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.

Response: This application proposes to use the parking area for loading, following Section 806.074(a). Compliance with loading maneuvering requirements is not required.

- (e) **Surfacing.** All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:

- (1) Temporary and seasonal gravel loading areas, approved pursuant to SRC chapter 701.
- (2) Gravel loading areas, approved through a conditional use permit.

Response: This applicant proposes to use the parking area for loading, following Section 806.074(a). Compliance with loading area surfacing requirements is not required.

- (f) **Drainage.** Loading areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Response: The Preliminary Drainage Report, and the Grading and Erosion Control Plan Sheet C3.0, demonstrate that the on-site driveways will be adequately designed, graded, and drained according to Public Works Design Standards.

- (g) **Lighting.** Lighting for off-street loading areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

Response: The proposed development site is not adjacent to the residentially zoned property, or property used for uses or activities falling under household living. Proposed street lighting within the parking area is located and shielded to not cast glare onto the street.

CHAPTER 807. - LANDSCAPING AND SCREENING

SEC. 807.015. - LANDSCAPING AND SCREENING.

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) **Landscaping types.** Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Response: Per Table 522-3, Type A landscaping is required along the eastern property line between Lancaster Drive NE and the building. Per Section 806.035, 5 feet of Type A landscaping is required along the eastern property line between Lancaster Drive NE and the proposed drive-through area, south of the buildings. As shown on the Site Plan Sheet C2.1 and Landscape Planting Sheet L1.0, the required setback in this area will be landscaped in compliance with this requirement.

- (b) **Plant materials and corresponding plant unit values.** Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. 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 shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

Response: The Landscape Planting Plan Sheet L1.0 demonstrates that all the proposed setbacks consist of a mix of trees, shrubs, and groundcover at a ratio of one plant unit per 20 feet of landscaped area. Plant unit values have been calculated consistent with Table 807-2.

- (c) **Preservation of existing trees and vegetation.** The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

Response: Existing trees and vegetation on the development site are minimal, shown on the Landscape Plan Sheet L1.0. Existing vegetation will be counted to satisfy landscaping requirements.

- (d) **Tree replanting requirements.** In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.

- (1) **Removal of trees within required setbacks.** When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

Response: As shown on the Existing Conditions and Demolition Plan Sheet C1.0, there are no trees proposed for removal from within required setbacks.

- (2) **Removal of trees from development site.** When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, 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: As shown on the Demolition Plan Sheet C1.0, one existing tree on the development site is proposed for removal. The tree will be replaced in accordance with the requirements of Salem UDC.

- (e) **Screening standards.** Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:

- (1) **Height.** Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
- (2) **Opacity.** Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the

fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.

- (3) **Maintenance.** Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

Response: Screening is not required or proposed in the form of a fence or a wall. This standard does not apply.

- (f) **Berm.** Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.

Response: No berms are proposed or required for screening of the proposed development.

- (g) **Street trees.** Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Response: As shown on the Landscape Planting Plan Sheet L1.0, street trees are proposed along Center Street NE. As noted on the Site Plan Sheet C2.1, trees are also proposed along the sidewalk fronting Lancaster Drive NE. The site contains existing trees to the east that are proposed to remain and be protected during construction.

SEC. 807.020. - LANDSCAPING PLAN.

- (a) **Landscaping plan.** A landscaping plan is required for all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section.

Response: A Landscape Planting Plan has been included with this application as Sheet L1.0.

Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:

- (1) Scale and north arrow.
- (2) Lot dimensions and footprint of structure(s).
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
- (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
- (6) Fence or wall materials, when screening is required under the UDC.
- (7) Abutting land uses.
- (8) The type, size, and location of:

- (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
- (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
- (9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
- (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

Response: The Landscaping Plan Sheet L1.0 contains the applicable information required by subsection 807.020.

SEC. 807.025. - PLANT MATERIAL STANDARDS.

All plant materials shall be, upon installation, vigorous and well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.

Response: All plant materials will be installed in a healthy and vigorous state consistent with Section 807.025.

SEC. 807.030. - TREE PROTECTION MEASURES DURING CONSTRUCTION.

Trees used to meet the landscaping requirements set forth in this chapter shall be protected during construction as provided under SRC chapter 808.

Response: Existing trees are used to meet the landscaping requirements and will be protected during construction as provided under SRC chapter 808.

SEC. 807.035. - INSTALLATION.

- (a) Landscaping shall be installed at the time of construction, unless seasonal conditions or temporary site conditions make installation impractical; in which case, an acceptable performance guarantee to ensure installation of the landscaping shall be provided as set forth in SRC 807.050.
- (b) Landscaping shall be installed in a manner that conforms to the standards of the American Association of Nurserymen, Inc.

Response: Proposed landscaping will be installed at the time of construction in a manner consistent with the standards of the American Association of Nurserymen, Inc, explained on the Landscape Planting Plan Sheet L1.0.

SEC. 807.040. - IRRIGATION.

- (a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:

- (1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
- (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and
- (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.

Response: Irrigation will be provided in compliance with Section 807.040. See the Landscape Planting Plan Sheet L1.0 for details.

- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.

Response: Sprinkler heads, if proposed, will be installed following this requirement.

SEC. 807.045. - MAINTENANCE.

- (a) The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat, and orderly appearance.
- (b) Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.

Response: The owner will be responsible for maintaining all landscaping material in good condition to present a healthy, neat, and orderly appearance in conformance with Section 807.045. Unhealthy or dead plant materials will be replaced in conformance with the approved landscape plan.

SEC. 807.050. - COMPLIANCE/PERFORMANCE ASSURANCE.

- (a) Planting and installation of all required landscaping shall be inspected and approved prior to the issuance of a certificate of occupancy; provided, however, a certificate of occupancy may be issued prior to the complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor, as determined by the Planning Administrator, is filed with the City assuring such installation within 12 months after the certificate of occupancy is issued.
- (b) A performance guarantee shall consist of a surety bond, cash, certified check, time certificate of deposit, an irrevocable letter of credit, or assignment of savings account in a form approved by the City Attorney and recorded in the deed records of the appropriate county.
- (c) If the installation of the required landscaping is not completed within the specified period, the performance guarantee may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to complete the project.

Response: Landscaping will be installed prior to the issuance of a certificate of occupancy.

SEC. 807.055. - ADMINISTRATIVE RELIEF.

Unless otherwise provided under the UDC, when special circumstances or exceptional site characteristics are applicable to a property, the landscaping requirements of this chapter may be modified through a Class 3 site plan review, pursuant to SRC chapter 220, upon finding that one of the following criteria is met:

- (a) The proposed landscaping meets the intent of providing a buffer between adjacent uses of differing character;
- (b) The proposed landscaping incorporates the increased retention of mature tree(s);
- (c) The proposed landscaping provides protection for wildlife habitat and existing native vegetation and plant materials maintained in a natural state; or
- (d) The proposed landscaping incorporates elements to maintain solar access or provides for wind protection.

Response: The proposed landscaping requirements of this chapter are modified through a Class 3 site plan review application discussed in this narrative. Landscaping adjustments are requested and addressed in Section 250.005. above.

Chapter 900. – SIGN CODE

SEC.900.010. – GENERAL RULE.

- (a) No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including, but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law.

Response: As shown on the Architectural Plan Sheet A1, signs will be under a separate permit. All, if any, required permits will have been obtained required under federal, state, or local law.

IV. CONCLUSION

As evidenced throughout this narrative and the associated documents, the applicant's Class 3 site plan review, Class 2 adjustments, and Class 2 driveway approach permit request is consistent with the applicable local standards governing the allowance of the requested action. Therefore, the applicant respectfully requests the City of Salem's approval of this application.