



Planning Division • 503-588-6173

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PLANNING REVIEW CHECKLIST

Subject Property: 1292 Lancaster Drive NE

Reference Nos.: 22-111718-RP (Class 3 Site Plan Review)
22-111720-ZO (Class 2 Zoning Adjustment)
22-111721-ZO (Class 2 Driveway Approach Permit)

Applicant: Michael Cadell
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The Planning Division has conducted its completeness review of the proposed Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit for property located at 1292 Lancaster Drive NE. In order to deem the application complete and to continue processing the application, modifications/and or additional information is needed to address the following item(s):

Item:	Description:	Response:
Proof of Application Signature Authority	<p>The subject property is currently owned by Baez Brothers, LLC. As indication in the "Agent for Owner Authorization Letter" that was submitted with the application, Lupe Sandoval is the authorized agent of the property owner for the proposed project.</p> <p>The Agent for Owner Authorization Letter was signed by Hector Baez. Because the property is currently owned by Baez Brothers, LLC, proof of signature of authority is needed demonstrating that Hector Baez is authorized to enter into and sign the submitted authorization letter on behalf of Baez Brothers, LLC.</p>	<p>Please see included "Agent for Owner Authorization Letter" which now includes signatures from both Hector and Arturo Baez, who are the owners of Baez Brothers, LLC.</p>

Item:	Description:	Response:
List of LLC Members	<p>The City's procedures ordinance, pursuant to SRC 300.210(a)(3), requires submittal of any information that would give rise to any potential conflict of interest under State or local ethics laws between an applicant and the Review Authority for the application. In order to fulfill this requirement for limited liability companies (LLCs), staff requires that a list of the names of the members of the LLC be submitted.</p> <p>A list of the members of Baez Brothers, LLC is needed.</p>	<p>Please see included copy of the "Operating Agreement of Baez Brothers, L.L.C. an Oregon Limited Liability Company" which lists all members of Baez Brothers, LLC.</p>
Recorded Deed	<p>SRC 300.210(a)(2) requires a copy of the current deed for the property to be submitted. A title report was submitted with the application but the recorded deed for the property was not submitted. A copy of the current deed for the property is needed.</p>	<p>Please see included copy of the "Statutory Special Warranty Deed" to serve as a copy of the current deed.</p>
Legal Lot Status of Property	<p>The subject property was originally part of Lot 12 of the Heltzel's Garden Tracts subdivision plat. In reviewing the survey records for the subject property, however, it's currently unclear whether the subject property was lawfully created because no record of land division could be found that would have resulted in the creation of the property in its current configuration.</p> <p>Please note, however, that prior to February, 7, 1974, the property was not located within the City of Salem. As such, it's possible the property was created in its current configuration prior to being annexed into the City and therefore was subject to the applicable standards of the County, rather than the City, at the time of its original creation.</p> <p>In order to confirm that the subject property was lawfully created, evidence is needed demonstrating that the property was created in conformance with, and according to, any applicable land division requirements in effect at the time it was created in its current configuration.</p>	<p>Please see included copy of the "ALTA/NSPS Land Title Survey" which included a property description per current title.</p> <p>Please also reference the included copy of the "Statutory Special Warranty Deed" to serve as a copy of the current deed.</p>

Item:	Description:	Response:
<p>Existing Trees</p>	<p>The City's tree preservation ordinance (SRC 808) requires the protection of:</p> <ol style="list-style-type: none"> 1. Significant trees (Oregon white oaks 20 inches or greater in dbh (<i>diameter of tree measured 4.5 feet above ground</i>); and any other tree with a dbh of 30 inches or greater – with the exception of tree of heaven, empress tree, black cottonwood, and black locust); 2. Trees and native vegetation in riparian corridors; and 3. Trees on lots or parcels 20,000 square feet or greater. <p>In addition, SRC Chapter 807 (Landscaping & Screening), specifically SRC 807.015(d)(1) & (2), requires the replanting of trees when existing trees are removed from a required setback or when more than 75 percent of the existing trees on a property are proposed for removal.</p> <p>There are six existing trees located along the north property line of the subject property that are identified to be preserved with the redevelopment of the site. In order to verify conformance with the requirements of SRC Chapter 808, the species and size (dbh) of these trees need to be shown on the site plan. If any of these trees are significant trees based on their species and size, they are protected and require 100 percent of their critical root zones to be protected. The critical root zone around the trees measures one-foot in radius for each one-foot of dbh.</p> <p>Pursuant to SRC 808.046(a)(3)(A), up to 30 percent of the critical root zone of protected tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.</p>	<p>Existing trees located along Weathers Street (north property line) are to be preserved and are shown on the site plan and landscape plan. There are no existing trees along Lancaster Drive within the project site.</p> <p>Please see key note 46 added to site plan notes. Please also see also Landscape Plan for notes added.</p>

Item:	Description:	Response:
<p>Maximum Parking Adjustment</p>	<p>The proposed development exceeds the maximum allowed off-street parking requirements of SRC 806.015(d). Because of this, the application includes a requested Class 2 Adjustment to increase the maximum number of off-street parking spaces permitted for the proposed development.</p> <p>Based on the identified square footage of the proposed building, the required off-street parking for the development is a minimum of 11 spaces with a corresponding maximum of 28 spaces.</p> <p>The proposed development provides a total of 46 spaces, which is more than a 64 percent increased to the maximum allowed parking. Based on the application materials provided with the requested Class 2 Adjustment, staff will not be able to recommend support for the maximum parking increase.</p>	<p>The building size of the proposed Panda Express requires 11 parking stalls minimum and allows a 28 parking stalls maximum.</p> <p>The revised site plan for the proposed project has a new total of 41 parking stalls, 2 of those being accessible parking. This new parking count still exceeds the max parking allowed by 46.4%.</p> <p>21 of the proposed 41 parking stalls will be pervious paving, which will increase groundwater retrieval and overall storm water management in the parking area compared to impervious paving. In addition, the lower thermal effect reduces the heat exchange on near-surface air compared to impervious paving.</p> <p>Parking stalls will be used for dine-in customers, Panda Express employees (3-5 during peak hours), drive-thru waiting space, and order pick-up. Included on the "Site Over-Parked Justification" is a table of the hourly transactions for ten (10) of the restaurants in the Oregon area. The amount of <u>hourly transactions</u> ranges from 42-47; anticipating closely to the number of customers per hour.</p> <p>Panda Express needs to provide ample parking for its customers to prevent spillover into the adjacent properties.</p>

Item:	Description:	Response:
Pedestrian Connectivity Standards	<p>SRC 800.065 establishes pedestrian access and connectivity standards for development sites. In order to comply with the applicable requirements of SRC 800.065, the following are required:</p> <ul style="list-style-type: none"> <u>Pedestrian connection between buildings on same development site.</u> SRC 800.065(a)(2) requires a pedestrian connection between buildings on the same development site. SRC Chapter 111 (Definitions) defines development site as, "... an individual lot or multiple contiguous lots accommodating a single development or a complex." Complex is defined under SRC 111 as, "a group of buildings, structures, or other development that is functionally or conceptually integrated, regardless of the ownership of the development or underlying land, and regardless of whether located on one or more lots or parcels." Based on the above identified definition of "development site" and the supporting definition of "complex", the subject property and the abutting property to the southeast are part of one development site due to the past and future proposed shared vehicular access between the properties. Because both properties are part of a larger development site, a pedestrian connection is required between the primary entrance of the proposed building and the primary entrance of the building on the abutting property to the southeast. However, because the properties which make up the development site are under separate ownership, SRC 800.065(d)(2) requires only that the required pedestrian connection between the two buildings be extended to the boundary of the subject property in order to allow for future extension. <u>Pedestrian connection to abutting properties.</u> SRC 800.065(a)(2) requires a pedestrian connection to abutting properties whenever a vehicular connection is provided from a development site to an abutting property. Because the proposed development includes two proposed vehicular connections to the abutting property to the southeast, two pedestrian connections are also needed, one to the south and one to the east. Please note that the required connection to the east can be combined with the required connection between the two buildings because both of these connections require the path to generally go through the site to the east to make the future connections. <p>As with the required connection between the two buildings, SRC 800.065(d)(2) requires the path to be extended only to the boundary of the subject property to allow for future extension.</p>	<p>Please see included site plan sheet A-100. Detail 13 is the Pedestrian Path of Travel.</p> <p>The site plan has been updated to include a pedestrian crossing area modified per the Oregon Standard Drawings.</p> <p>The required pedestrian connection between the two buildings is extended to the boundary of the Academy's subject property in order to allow for the future extension.</p> <p>Pedestrian connection to Black Rock Café will be provided via the new improved sidewalk along Lancaster.</p>

Item:	Description:	Response:
Driveway Approach onto Lancaster Drive	<p>As was discussed at the meeting between staff and the applicant of July 22, 2022, the proposed two-way driveway is not allowed in this location due to the driveway approach requirements under SRC Chapter 804 and the proximity of the proposed driveway to a planned protected pedestrian crossing on Lancaster Drive.</p> <p>One potential solution discussed at the July 22nd meeting was the provision of a right-in / right-out only driveway onto Lancaster Drive in order to alleviate safety concerns with the planned pedestrian crossing of Lancaster Drive.</p> <p>If a right-in / right-out driveway is proposed, a Class 2 Adjustment would still be required to the following driveway standards included under SRC Chapter 804:</p> <ul style="list-style-type: none"> • <u>Permitted Access for Corner Lots (SRC 804.035(c)(2))</u>. The driveway will not provide access to the abutting street with the lower street classification (e.g. Weathers Street). • <u>Driveway Spacing (SRC 804.035(d))</u>. The driveway will not meet the minimum 370-foot spacing requirement. <p>Upon further consideration of the right-in / right-out driveway option onto Lancaster Drive. Planning staff does not believe adequate findings can be made to support approval of a driveway approach onto Lancaster Drive, especially when the driveway would still require approval of adjustments to applicable driveway standards included under SRC Chapter 804 and there are alternative means to enter and exit the site in conformance with the applicable driveway standards included under SRC 804 without a variance or adjustment.</p>	<p>Please see included site plan sheet A-100. Key note 40 is the proposed new right-out ONLY driveway.</p> <p>The site plan no longer includes a right-in / right-out driveway approach.</p> <p>The proposed site plan is also showing the future pedestrian crossing along Lancaster Dr to connect to the new improved sidewalk without interfering with the right-out only driveway.</p>
Sidewalk Location	<p>SRC 803.035(1)(2)(A) requires sidewalks to be located parallel to and one-foot from the adjacent right-of-way. The existing curb line sidewalks along Lancaster Drive and Weathers Street do not meet street standards and will need to be relocated to conform to street standards.</p>	<p>Sidewalks along Lancaster Drive and Weathers Street will be upgraded with the removal of the existing driveways; per city standards.</p>

Item:	Description:	Response:
<p>Public Works Department Comments</p>	<p>The Public Works Department reviewed the proposal and provided the following comments:</p> <ul style="list-style-type: none"> ▪ <u>Trip Generation Estimate Form.</u> A completed Trip Generation Estimate (TGE) form is required as part of the submittal packet pursuant to SRC 220.005(e)(1)(D). The form can be found on the City's website here. ▪ <u>Stormwater Management.</u> It is unclear from the submitted plans whether or not the proposal meets the definition of a large project pursuant to SRC 70.005. The applicant shall submit a written finding regarding the definition of large project and new/replaced impervious surfaces pursuant to SRC 70.005. If the proposal meets the definition of a large project, the applicant shall demonstrate that adequate green stormwater infrastructure facilities are being provided pursuant to Public Works Design Standards Appendix 4E. 	<p>Please see included Trip Generation Estimate Form included with remaining sections to be completed by City Staff.</p> <p>The disturbed area on site is greater than 10,000 SF, therefore the project qualifies as a large development. A reduction in detained and treated areas will be requested pursuant to SRC sections 71.095 (b)(3)(B), (C) and (D) and sections 71.100 (b)(3)(B), (C) and (D) respectively. The remaining area will be treated with a cartridge style facility and detained with a flow control manhole/underground storage system the discharges to the existing storm water swale currently serving the site. Details of the areas and system will be provided in a site specific storm water study provided with the permit application package.</p>

Item:	Description:	Response:
Additional Comments on Plans	<p>Please see the additional comments provided on the attached plans.</p> <p>COMMENT (1A): Per SRC 80.065(b)(1)(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.</p> <p>COMMENT (1B): Site plan does not show the dedicated right-of-way curve radius at the intersection of Weathers Street and Lancaster Drive. Site plan needs to be updated to show the curve radius.</p> <p>COMMENT (1C-1D): SRC 803.035(l)(2)(A) requires sidewalks to be located parallel to and one-foot from the adjacent right-of-way. The existing curb line sidewalk along Lancaster Drive & Weathers St does not meet street standards.</p> <p>COMMENT (1E): Min. 5-foot-wide pedestrian walkway required between parking spaces and building.</p> <p>COMMENT (1F): Amount of right-of-way dedication incorrectly labeled. Site plan shows 8 ft. of right-of-way dedication, but it is labeled as 10 ft.</p> <p>COMMENT (1G): Size (dbh) and species of these trees need to be identified to verify conformance with tree preservation requirements of SRC Chapter 808.</p>	<p>Site Plans comments have been addressed and labeled.</p> <p>(1A): Please see sheet A-100 Detail 22, Pedestrian Path of travel with integrally colored and scored concrete at vehicular crossing (typ.)</p> <p>(1B): Revised site plan is now showing curve radius at the intersection of Lancaster & Weathers.</p> <p>(1C-1D): Sidewalks along Lancaster Drive and Weathers Street will be upgraded with the removal of the existing driveways; per city standards.</p> <p>(1E): Minimum 5-foot wide pedestrian walkways have been provided around the building</p> <p>(1F): Callout has been corrected to show correct 8 ft. dedication.</p> <p>(1G): Existing trees along Weathers St have been identified as Maple Trees and will be preserved and protected. See key note 46 on sheet A-100.</p>

Item:	Description:	Response:
Additional Comments on Plans	Please see the additional comments provided on the attached plans.	Site Plans comments have been addressed and labeled.
	COMMENT (1H): Proposed bike parking does not meet the bike parking development standards. The proposed bike parking needs to be relocated and redesigned to comply with the location, dimension, rack style, and all other bike parking development standards included under SRC 806.060	(1H): Please see Sheet A-100 key note 38 Exterior bicycle rack (minimum 4 bike spaces required).
	COMMENT (1I): SRC 800.055(f)(1)(A) requires a minimum 45-foot long vehicle operation area in front of trash enclosures for pickup and servicing. The vehicle operation area is required to be free of obstructions. The vehicle operation area as currently proposed is obstructed by parking and a landscape island. SRC 800.055 allows the vehicle operation area to instead be parallel to the location of the enclosure, but only when: 1) Trash receptacles of two cubic yards or less are used; and 2) The vehicle operation area is located where the receptacles can be safely maneuvered manually not more than 45 feet into position for serving at one end of the vehicle operation area.	(1I): Please see Sheet A-100 key note 8 for new Trash Enclosure location, there is now a 45-foot long clearance provided in front for servicing.
	COMMENT (1J): In order for this proposed driveway to function and serve the development, access rights across the abutting property to the south are needed. Confirmation is needed whether there is a shared access agreement between the two properties or if there is an easement in place that would allow for this driveway connection to be made to the abutting property.	(1J): Access rights to the abutting property to the south as well as easements are currently being developed by Panda and the adjacent property owners.
	COMMENT (1K): Min. 5-foot vehicle use area setback requires abutting the CR zoned property to the east.	(1K): Please see Sheet A-100 key note 49 for minimum 5-foot vehicle use area setback.
	COMMENT (1L): <u>Off-Street Parking:</u> -Parking provided: 46 spaces (Exceeds max. parking by 64.3 percent)	(1L): The site plan for the proposed development now provides a new total of 41 parking stalls, 2 of those being accessible parking. This new parking count only exceeds the max parking by 46.4%.
	COMMENT (1M): <u>Bike Parking:</u> -Minimum of 4 bike parking spaces requires. -Minimum required 4 bike parking spaces not provided	(1M): Please see Sheet A-100 key note 38. Please see included Bicycle Parking cut sheet.

Unless otherwise noted, the above information is needed in order to deem the application complete. Pursuant to SRC 300.220, the application shall be deemed complete upon receipt of:

- (1) All of the missing information; Some of the missing information and written notice from the applicant that no other information will be provided; or*
- (2) Written notice from the applicant that none of the missing information will be provided.*

Please submit this information to the City of Salem Planning Division, located on the 3rd floor of City Hall, 555 Liberty Street SE, Room 305.

For questions regarding any of the above requirements, please feel free to contact me directly by calling (503) 540-2399 or via e-mail at bbishop@cityofsalem.net.

The Salem Revised Code may be accessed online at the following location:

<https://www.cityofsalem.net/government/laws-rules/salem-revised-code>

Sincerely,

Bryce Bishop
Planner III