



Planning Division • 503-588-6173
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October 6, 2022
PLANNING SECOND REVIEW
COMMENTS

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)

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The Planning Division has conducted its review of the revised application materials submitted for 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:
<p>Legal Lot Status of Property</p>	<p>The copy of the ALTA/NSPS survey provided includes the legal description of the property as identified in the current property deed but it doesn't, however, provide evidence of when the property was created in its current configuration.</p> <p>Because it's unclear if the property was lawfully created, staff needs to identify the land division requirements, if any that were in place at the time the property was first created in its current configuration. In order to determine when the property was first created in its current configuration, a copy of the original deed establishing the subject property is needed.</p> <p>The original deed can be found through a chain of title report for the property. Once the original deed is identified which created the property in its current configuration, staff will then be able to use the date from that deed to determine what, if any land division requirements were applicable at the time.</p> <p>As previously indicated, 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 would have been subject to the applicable standards of the County, rather than the City, at the time of its original creation.</p>	<p>We are currently working on gathering information to confirm the legal status of property.</p> <p>Information will be provided upon receipt from title company and County.</p>

Item:	Description:	Response:
Maximum Parking Adjustment	<p>The revised site plan has reduced the number of parking spaces proposed from 46 to 41 spaces. The 41 spaces proposed still exceed the maximum allowed off-street parking requirement of SRC 806.015(d). The written findings in support of the requested adjustment to increase the maximum allowed off-street parking serving the proposed use indicate, in summary, that the adjustment is necessary to ensure that the parking demand can be met without spilling onto surrounding properties.</p> <p>A peak hour transaction report was provided summarizing peak hour customer transactions for 10 Panda Express restaurants throughout Oregon. The written statement indicates that the 41 parking spaces proposed on the site correlates to the number of hourly transactions which range between 42-47.</p> <p>Although the peak hour transaction report identifies peak lunch and dinner transactions, the report doesn't, however, appear to break down how many of these transactions are occurring as dine-in, drive-through, and order pick-up.</p> <p>As shown on the site plan, the queuing lane for the drive-through itself provides capacity for 21 vehicles (75 percent of the maximum allowed off-street parking). These spaces together with the 41 proposed off-street parking spaces result in a total capacity of 62 vehicles on site which exceeds even the peak hour lunch and dinner transactions identified in the transactions report.</p> <p>Based on the information provided staff will not be able to support the proposed adjustment to maximum allowed off-street parking because sufficient evidence has not been provided demonstrating the Class 2 Adjustment approval criteria included under SRC 250.005(d)(2) have been met. In order for a Class 2 Adjustment to be approved is must be demonstrated that:</p> <p>(A) <i>The purpose underlying the specific development standard proposed for adjustment is:</i> <i>(i) Clearly inapplicable to the proposed development; or</i> <i>(ii) Equally or better met by the proposed development.</i></p> <p>(B) <i>If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.</i></p> <p>(C) <i>If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.</i></p>	<p>The new proposed site plan has been revised to reduce the off-street parking stalls.</p> <p>The total number of parking stalls has been further reduced from 41 total parking stalls down to 30 parking stalls and a dedicated loading zone.</p> <p>The new proposed 30 spaces will require a variance for 2 spaces over the 28 maximum parking stalls allowed for the site.</p> <p>9 of the 30 parking stalls and loading zone will be pervious paving to improve storm drainage on-site.</p> <p>The drive-through queuing (22 cars) shall not be considered on-site parking.</p> <p>A Class 2 Adjustment is being requested to allow the 2 additional parking stalls over the <u>28 allowed on-site parking.</u></p> <p>Please see Site Over Parked Justification Letter provided.</p>

Item:	Description:	Response:
Driveway Approach onto Lancaster Drive	<p>The proposed driveway approach onto Lancaster Drive NE requires a Class 2 Adjustment to the following driveway standards included under SRC Chapter 804:</p> <ul style="list-style-type: none"> ▪ Permitted Access for Corner Lots (SRC 804.035(c)(2)). The driveway will not provide access to the abutting street with the lower street classification (e.g. Weathers Street). ▪ Driveway Spacing (SRC 804.035(d)). The driveway will not meet the minimum 370- foot spacing requirement. <p>These additional Class 2 Adjustments require payment of a additional Class 2 Adjustment fees, a modification to submitted application form to identify a total of three Class 2 Adjustments being requested, and written findings addressing the Class 2</p> <p>Adjustment approval criteria for each adjustment requested. These required additional items have not yet been provided.</p> <p>As previously indicated, 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 the driveway standards included under SRC Chapter 804 and there are alternative means to enter and exit the site in conformance with the driveway standards included under SRC 804 without a variance or adjustment.</p>	<p>The site plan has been revised to eliminate the previously proposed right out only driveway.</p> <p>There is no additional Class 2 Adjustment being requested with the new revised site plan with no driveways along Lancaster Drive.</p>

Item:	Description:	Response:
<p>Sidewalk Location</p>	<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>The proposed site plan still shows curb line sidewalks along Weathers Street and Lancaster Drive that do not meet SRC 803.035(1)(2)(A).</p>	<p>The site plan has been revised to show the existing sidewalk on the Lancaster frontage to be removed and a new sidewalk to be constructed parallel to and offset one foot from the dedication line and connecting to the existing walk to the south and the existing walk along Weathers Street to the north. Reconstructing the existing sidewalk on the Weathers Street frontage would pose several issues. At the intersection there are several existing electrical enclosures, power poles and supporting utility guy wires. Overhead power lines and power poles extend along the entire frontage. There is a row of six existing mature maple trees located on the eastern half of the property along this frontage. All these existing elements would need to be removed or re-located as they are in direct conflict with the SRC street standards for new sidewalk locations. It is assumed that these items were installed to the street design requirements in place at the time of development.</p> <p>A hardship to reconstruct the sidewalk along Weathers Street is being requested for consideration.</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>Driveway Adjustments</u>. The proposed driveway onto Lancaster Drive NE requires Class 2 Adjustments to the following standards: <ul style="list-style-type: none"> a. <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). b. <u>Driveway Spacing (SRC 804.035(d))</u>. The driveway will not meet the minimum 370-foot spacing requirement. <p>The applicant shall provide written findings for how the proposed driveway meets the criteria in SRC 804.025(d) and SRC 250.005(d)(2). Please reference the email sent to the applicant team from Glenn Davis, dated 08/16/22, regarding safety information for the adjacent intersections.</p> <p>The following will not affect deeming the application complete, however; the applicant should be aware:</p> <ul style="list-style-type: none"> ▪ <u>Stormwater</u>. City Stormwater Reviewers have reviewed the statement submitted with the applicant's completeness response relating to stormwater management and GSI. The quoted section of the SRC allows the Director to approve the reduction of area requiring flow control and treatment. Since we haven't seen a preliminary Stormwater Management Plan, and there is no mandate that the Director will approve the area reduction techniques listed in the quoted SRC, there is a risk that the intended stormwater management approach may not be approved. <p>At time of Building Permit application, the applicant shall be required to design a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS) or receive a Design Exception from the City Engineer.</p>	<p>The site plan has been revised to eliminate the previously proposed right out only driveway.</p> <p>The applicant is aware of the risk of complying with the stormwater management and GSI requirements. Staff is correct that there is no mandate for the Director to allow the adjustment. However, if one assumes that the SRC does not contain superfluous language it then becomes incumbent on the Director to provide a valid technical reason to reject an adjustment request. At this time there is no known technical reason on the site for not allowing an adjustment to the stormwater management area as allowed by the SRC.</p>

Item:	Description:	Response:
Bike Parking	The site plan was revised to address bike parking, but the revised bike parking does not meet the bike parking standards included under SRC 806.060. Per SRC 806.055 – Table 806-9, a minimum of 4 bike parking spaces are required. Each space must be 2 feet in width by 6 feet in length and served by a minimum 4-foot-wide access aisle. The bike rack proposed to be provided also does not meet the required style of bike rack.	The site plan has been revised to show two post and ring bike racks placed closer to the curb line to allow for visibility from the building entrance.
Additional Comments on Plans	Please see the additional comments provided on the attached plans.	In addition to delineating the new sidewalk along Lancaster and eliminating the right-out only drive way access; the row of parking spaces at the east shared access drive aisle have been removed. The accessible parking spaces have been located in the row of parking on the south property line; with curb cut through the edge of property planter providing pedestrian access to the southern parcel. Pedestrian access to the property to the east has been revised with a defined paved crossing. The double gates on the masonry trash enclosure have been replaced with a single sixteen foot gated opening with the ability for the gates to open 120 degrees. Parking lot trees noted to be changed have been updated appropriately. Plantings in the landscape setback areas noted as being deficient have been updated to include the appropriate density of plants. The six trees to be retained are now noted on the plan.

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