

BRAND

Blossom Completeness Response

22-123981-PLN

3480 Blossom Drive NE Salem, OR 97305

A land use application was submitted to the City of Salem on December 6, 2022. A completeness review was conducted and provided on January 4, 2023. Additionally, the applicant's representative was contacted on January 5, 2023 regarding two items which were not included on the initial incomplete notice. The applicant's representative requested a new incomplete letter be drafted to include the missing items. A new letter was not prepared. To ensure all of the items are covered, the incomplete letter and email chain is attached to this response.

The revised plans eliminate the two previously requested adjustments detailed on Page 109 of the previously submitted narrative including an adjustment to bicycle placement (Adjustment 1), which the applicant was seeking to evenly place bicycle parking throughout the development site. To mitigate the requested adjustment, the applicant was proposing 27 additional bicycle parking spaces over and above the 9 required bicycle parking spaces. Staff indicated this adjustment would not be supported as providing additional bicycle parking spaces doesn't meet the intent of the standard. The applicant has revised the site plan and eliminated all extra bicycle parking. The new site plan includes the minimum required 9 bicycle parking spaces which meet spacing standards. The second adjustment being sought by the initial submittal was an adjustment to standard SRC 702.020(d)(2) to allow surface parking between the street and a building. The reason this adjustment was requested is because the GSI needs to be located in the area shown on the site plan to avoid over excavation of the site. Staff indicated this adjustment would not be supported as no evidence was provided that the proposed location of the GSI was truly the only location it could be placed on the site. The applicant is now proposing to garage these parking stalls which eliminates the issue of surface parking being placed between the apartment building and the street.

Although the two previously requested adjustments are no longer needed as the proposal has been revised, two newly identified adjustments will be required. The applicant will be seeking an adjustment to the private open space table in SRC Chapter 702 as well as the standard of placing windows on every exterior wall, including within closets. Findings and additional information related to these newly requested adjustments are within this incomplete response.

The applicant has organized the responses by item to ensure everything has been responded to and addressed by the proposal.

Item 1: Solid Waste Service Areas

- a. Vehicle operation area width – 15' required.
- b. "No Parking" signs

Applicant's Findings: Please condition the decision to include conformance with the solid waste service area standards. This item is resolved.

Item 2: Design Review Standards

- a. All walls facing open space, parking areas, and pedestrian paths shall have a window.

Applicant's Findings: The applicant is seeking an adjustment to this standard for some habitable rooms. This item is resolved.

- b. Site lighting.

Applicant's Findings: Site lighting will be provided at the time of building permit submittal which will meet the requirements of the SRC. Please condition the decision. This item is resolved.

- c. Landscape plans need to be revised.

Applicant's Findings: Landscape plans have been revised and are included with this completeness response. This item is resolved.

- d. No pedestrian paths through landscape planters.

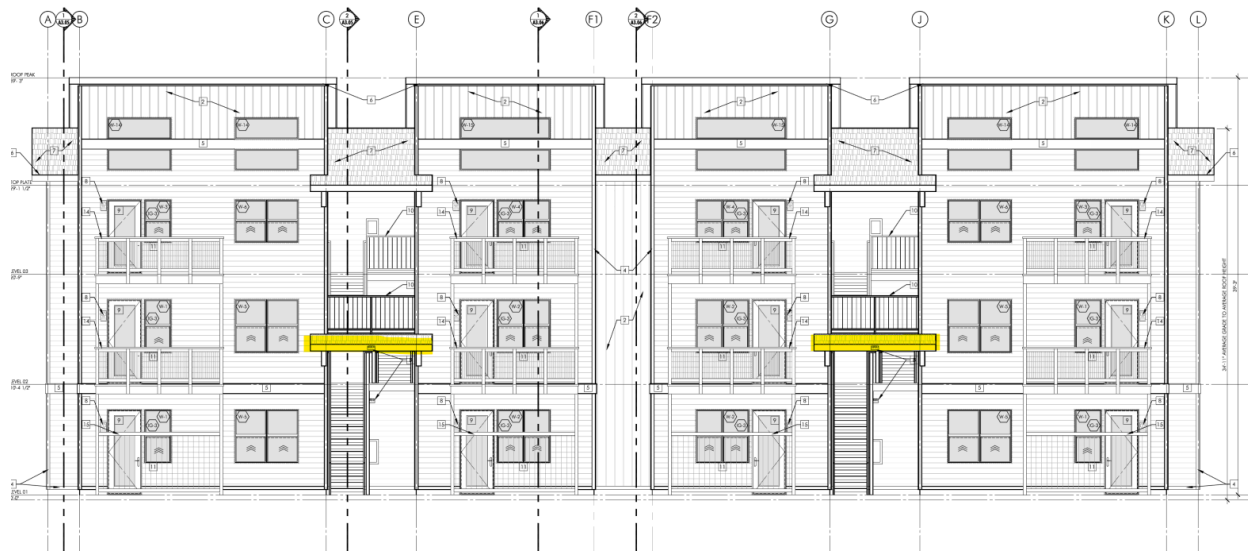
Applicant's Findings: The applicant was attempting to provide additional landscaping and additional protection for pedestrians. This was achieved by adding the additional planters and plantings adjacent to the pedestrian paths. However, to conform with staff's request, the additional planters and landscaping have been eliminated as demonstrated on the revised site plan provided. This item is resolved.

- e. No adjustment for surface parking location.

Applicant's Findings: The applicant has garaged the parking spaces between the apartment building and the street as staff indicated the adjustment would not be supported. This item is resolved.

- f. Architecturally defined entrance for ground floor units.
 - a. Showing 6 units sharing an entryway where only 4 is allowed.

Applicant's Findings: The applicant has revised the plans to include an architecturally defined entrance for the ground floor units. New plans are uploaded to the PAC Portal for review. This item is resolved.



- g. Further note plans that differentiated color and horizontal moldings will be provided.

Applicant's Findings: The applicant does not agree that articulation and material definition is not provided in enough detail. A belly band is an acceptable form of definition for the ground floor and notes have been provided on the plans. This item is resolved.



Item 3: (Additional Item Via Email) Private Open Space

- a. Proposed private open spaces do not conform to the minimum dimensional standards listed in the table.

Applicant's Findings: The applicant is now seeking an adjustment to the dimensional standards listed in the table. The adjustment findings are provided in this letter. This item is resolved.

Item 4: (Additional Item Via Email) Bicycle Parking Adjustment

- a. Quantity increase of the proposed bicycle parking does not meet the intent of the locational standard.

Applicant's Findings: *The applicant has eliminated the additional bicycle parking stalls and relocated the minimum required bicycle parking (9 stalls) within 50-feet of the main entrances of the buildings. This item is resolved.*

Class 2 Adjustments

Chapter 250 – Adjustments

Section 250.005 – Adjustments

(a) Applicability.

(1) Classes.

- A. A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- 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.

Applicant's Findings: *The applicant is submitting two Class 2 Adjustments which are required when adjusting a numerical standard more than 20 percent.*

(2) Prohibition. Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- A. Allow a use or activity not allowed under the UDC;
- B. Change the status of a use or activity under the UDC;
- C. Modify a definition or use classification;
- D. Modify a use standard;
- E. Modify the applicability of any requirement under the UDC;
- F. Modify a development standard specifically identified as non-adjustable;
- G. Modify a development standard that contains the word "prohibited";
- H. Modify a procedural requirement under the UDC;
- I. Modify a condition of approval placed on property through a previous planning action;
- J. A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- K. The required landscaping in the Industrial Business Campus (IBC) Zone.

Applicant's Findings: *The adjustments being sought are not prohibited in accordance with the list above. This criterion is not applicable.*

- (b) Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

Applicant's Findings: *The applicant is seeking two Class 2 Adjustments to be consolidated with a Class 1 Design Review, Class 3 Site Plan Review, and a Class 2 Driveway Approach permit which are processed using Type II procedures.*

- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
- A. The total site area, dimensions, and orientation relative to north;
 - B. The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - C. All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - D. The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - E. The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - F. Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

Applicant's Findings: *The site plan provided includes all of the information required by this section. In conjunction with this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
- A. The total site area, dimensions, and orientation relative to north;
 - B. The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - C. The location of the 100-year floodplain, if applicable; and
 - D. The location of drainage patterns and drainage courses, if applicable.

Applicant's Findings: The existing conditions plan provided includes all of the information required by this section. In conjunction with the site plan and this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.

(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) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.
 - B. If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
 - C. If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Applicant's Findings: The applicant is seeking two adjustments for the proposed multiple family development.

Adjustment 1: The criterion to be adjusted is Salem Revised Code Section 702.020(c)(1) which states: Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.

Staff clarified in the completeness review that walls with closets are still subject to the requirements of windows for surveillance. In some instances, the applicant is seeking an adjustment to these standards for either electrical equipment placement on the exterior wall, or walls where closets exist. The end two-bedroom units don't have windows out of the back of the bedrooms because of the need for a closet. (Bldgs. B, C, E, F, G, H, J). Ground floor units on the two-bedroom units don't have windows on one exterior wall because of riser/electrical spaces. (Bldgs. B, C, E, F, G, H, J). Three-bedroom end units don't have windows out of the front bedrooms because of closets, and/or riser/electrical on ground floor. (Bldgs. A, D). All of these instances refer to the short end of the buildings. The other exterior walls of these spaces all have windows.

The applicant understands the purpose of this standard is to encourage surveillance of the grounds to increase safety. The applicant has demonstrated all common open spaces, pedestrian paths, and parking areas have windows from all directions facing toward them, meeting the intent of this standard.

Adjustment 2: The criterion to be adjusted is Salem Revised Code Section 702.020(a)(1)(C) and (D) which state: To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4; and To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

The applicant had interpreted the above standard to state that only 20 percent of the private open spaces provided needed to meet the dimensional standards of Table 702-4. However, staff has indicated that the standard is stating only 20 percent of the units provided are required to have private open spaces and if additional private open space is provided, it must meet the dimensional standards listed in the table. The applicant is seeking to adjust the dimensional standard for some ground floor units where the private open space would conflict with the pedestrian connections. The development site overall provides multiple common open spaces including a play area and a dog park area. Each unit will still be equipped with a private open space but the ground floor units of buildings A, B, C, D, H, and J have private open spaces which need an adjustment to dimensional standards. As proposed, the development meets the intent of the standard.

- (e) Transfer of adjustments. Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Applicant's Findings: The applicant understands should the development site transfer ownership, the adjustments will run with the land and the rights granted will transfer to the new owner.

Britany Randall

From: Hugo Agosto <HAgosto@cityofsalem.net>
Sent: Friday, January 6, 2023 12:26 PM
To: Britany Randall
Subject: RE: 3480 BLOSSOM DRIVE NE_22-123981-PLN_Incomplete Letter

Morning Britany,

Yes, the completeness review has concluded. I can upload a revise incomplete letter. My apologies if this feels piecemealed, I am just trying to do my best with interpreting the code, along with what senior planners and managers historically have applied. I understand your sentiment about bicycle parking, but unfortunately quantity does not necessarily meet intent. Based on how the code reads, the goal is to provide convenient and streamlined access to bicycle parking for residents, including limited exposure to the elements. Through locating them further than the maximum allocated distance, this exposure is prolonged. By providing additional coverage, this could mitigate short fallings associated with a lack of compliance, and strengthen the case for an adjustment. Hopefully that provides some insight to the request. My goal is that we can work together to achieve some amicable result.

I appreciate your patience as we continue to navigate through this process,

Bests,

From: Britany Randall <britany@brandlanduse.com>
Sent: Friday, January 6, 2023 5:30 AM
To: Hugo Agosto <HAgosto@cityofsalem.net>
Subject: RE: 3480 BLOSSOM DRIVE NE_22-123981-PLN_Incomplete Letter

Good morning, Hugo.

Our development team held a meeting about the initial completeness review yesterday morning. Can you please confirm you've now completed your review? It makes it really difficult for us to track what planning is looking for us to modify or explain when we receive more than one incomplete notice. It would be helpful to us if you'd update your incomplete letter with this new item so that we can track all of the items in one location. I will discuss the bicycle parking with the team but they are placed in these locations to align with loading areas and walkways. We believe we meet the intent of the standard by greatly over parking the site and having the locations spread throughout.

Thank you,

Britany Randall
BRAND
Principal Planner
Phone : (503)680-0949
Place : Salem, OR
Web : brandlanduse.com

*** I will have limited availability January 5th through 13th!***

From: Hugo Agosto <HAgosto@cityofsalem.net>
Sent: Thursday, January 5, 2023 2:13 PM
To: Britany Randall <britany@brandlanduse.com>
Subject: RE: 3480 BLOSSOM DRIVE NE_22-123981-PLN_Incomplete Letter

Hello Britany,

I am following up on this incomplete letter. After discussing further with Olivia and Eunice, there is one item that we will need to also address prior to deeming this application complete:

- Preliminary review of your site plan and floor plans indicate that the proposed private spaces do not conform to the private open space and size dimensions pursuant to SRC 702.020(a)(1)(C-D), table 702-4. Measurements show that the existing depth of the private space is approximately four feet – three inches in width and will need to be at least six feet wide.

Additionally, after discussing the bike parking adjustment with Lisa, she directed me to acquire if it would be possible to add coverage to the proposed bike parking, and possibly explore closer locations for the bicycle parking to primary entrances, specifically the bike parking adjacent to the clubhouse (moving it closer in between the neighboring complex and the clubhouse) and central western bike parking (moving it closer in between the two proposed complexes).

Let me know if you have any questions,

Hugo Agosto (he/him)
Planner II
City of Salem | Community Development Department
555 Liberty St SE, Suite 305, Salem, OR 97301
Hagosto@cityofsalem.net | 503-540-2313
[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | CityofSalem.net

From: Hugo Agosto
Sent: Wednesday, January 4, 2023 3:19 PM
To: Britany <britany@brandlanduse.com>
Subject: 3480 BLOSSOM DRIVE NE_22-123981-PLN_Incomplete Letter

Hello Britany,

Hope you had a wonderful new year's. Upon initial review of your application for a **Class 3 Site Plan Review, Class 1 Design Review, UGA, two Class 2 Adjustments, and a Class 2 Driveway Approach Permit** for the subject address, Case No. **22-123981 -PLN**, additional information is required prior to deeming your application complete (please see attached incomplete letter)

Your application, which is incomplete, will be deemed complete upon receipt of one of the following:

- (1) All of the missing information.
- (2) Some of the missing information and written notice from you (the applicant) that no other information will be provided.

(3) Written notice from you (the applicant) that none of the missing information will be provided.

You have 180 days from the date the application was first submitted to respond in one of the three ways listed above, or the application will be deemed void.

Thank you,

Hugo Agosto (he/him)

Planner II

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

Hagosto@cityofsalem.net | 503-540-2313

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January 4, 2023

Britany Randall
12150 Jefferson Highway 99E SE
Jefferson OR 97352
britany@brandlanduse.com

RE: Class 3 Site Plan Review, Class 1 Design Review, UGA, Class 2 Adjustments, and a Class 2 Driveway Approach Permit for 3480 Blossom Drive NE (AMANDA 22-123981-PLN)

Dear Randall,

I am reviewing your **Class 3 Site Plan Review, Class 1 Design Review, UGA, Class 2 Adjustments, and a Class 2 Driveway Approach Permit** application for completeness. The following information is required for staff to deem the application complete.

- (1) Solid Waste Service Areas. Please include the additional information on your site plan materials:
 - Pursuant to SRC 800.055(f)(1), a vehicle operation area shall be at least 15 feet in width. The location of the existing trash enclosures has been recessed, with the width of new paved area equating to approximately 12 feet. The applicant will need to widen this area to ensure at least 15 feet in width to show compliance.
 - Pursuant to SRC 800.055(f)(4), the applicant will need to indicate "No Parking" signs will 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.

- (2) Design review standards for multiple family development with thirteen or more units. Please include the additional information on your site plan materials:
 - Pursuant to SRC 702.020(c)(1), all walls facing open space, parking areas and pedestrian paths shall have a window in habitable rooms. Bedrooms are habitable, which include closets. I have provided an attachment with window locations.

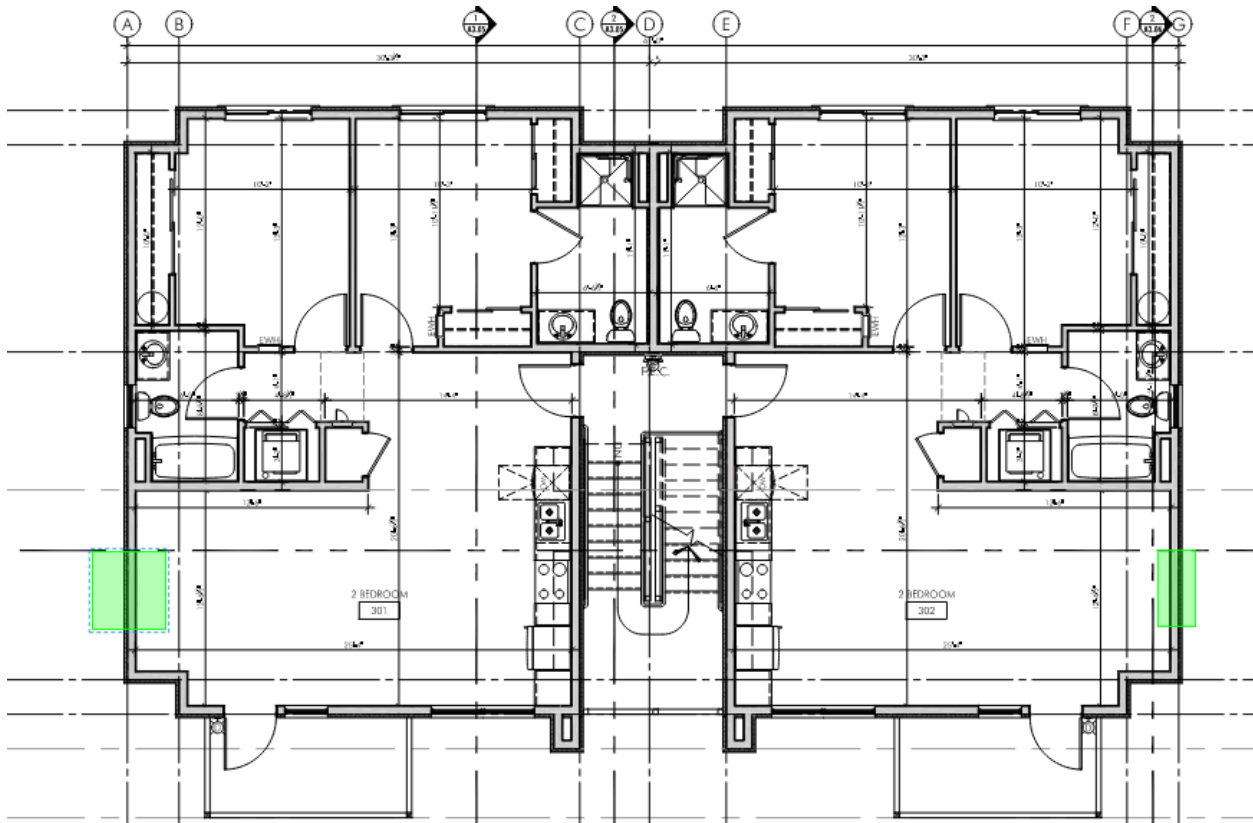


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- Pursuant to SRC 702.020(c)(2), the applicant will need to provide indication on their site plan and elevations that the proposed project meets these regulations. Submitted elevations show a majority of dwelling unit entrances will have exterior lighting, except it is unclear if lighting will be provided on the third level. Additionally, the applicant will need to provide lighting plans for both the parking area, pedestrian pathway, and other relevant areas within the development to ensure compliance with applicable code sections.
- Pursuant to SRC 702.020(c)(4), a review of the preliminary landscaping plans indicates that there are species of plants – Sherwood Glossy Abelia - that extend beyond the three-foot height limit at maturity for parking area, specifically around the bicycle parking area towards the southern portion of the proposed development. The applicant will need to adjust these plans to indicate conformance to these standards.
- Pursuant to SRC 702.020(d)(1), landscaped planter bays provided will need to be at least a minimum of nine feet in width, and physically and visually separated to prevent the appearance of continuous pavement. Currently, the proposal does not meet these standards, and bays around the common open space in the center are less than the minimum width standard, likely as a result of the pedestrian walkways crossing through those areas. Pedestrian walkways split the bay, since walkways are not landscaping; the applicant will either widen or redirect the pedestrian walkways to conform to this standard.
- Pursuant to SRC 702.020(d)(2), the applicant has proposed an adjustment that cannot be supported by staff. The Pre-Application conference showed a building at the street with parking behind the buildings. The findings indicate the need for the stormwater to be located near the front of the property, but there is no evidence that that is the ONLY LOCATION the stormwater can be located making meeting the standard impossible. In addition, the site is providing more parking than the minimum, removal of parking in front of units would meet standards, including parking.
- Pursuant to SRC 702.020(e)(6); The current elevations do not show primary entrances with porches or architecturally defined entry. Primary entrances cannot be blocked by fences and need a differentiated roof. The third-floor roofline does not meet this standard. Additionally, the applicant has six units sharing an entry way for the primary entrance, where only four is allowed by Code.
- The applicant has indicated on their written statement that, Pursuant to SRC 702.020(e)(10), the proposed color and horizontal molding will break up the building's vertical mass of the proposed structures but does not display this on the site plans or elevations. These will need to be either further notated or the

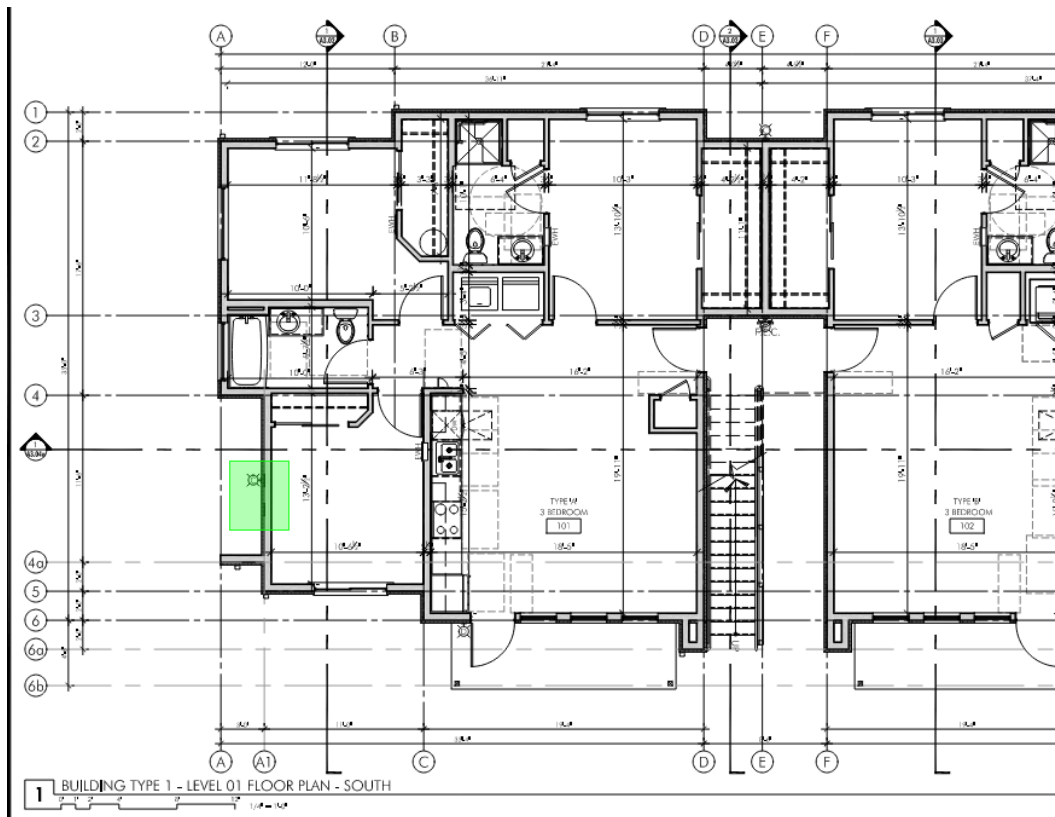
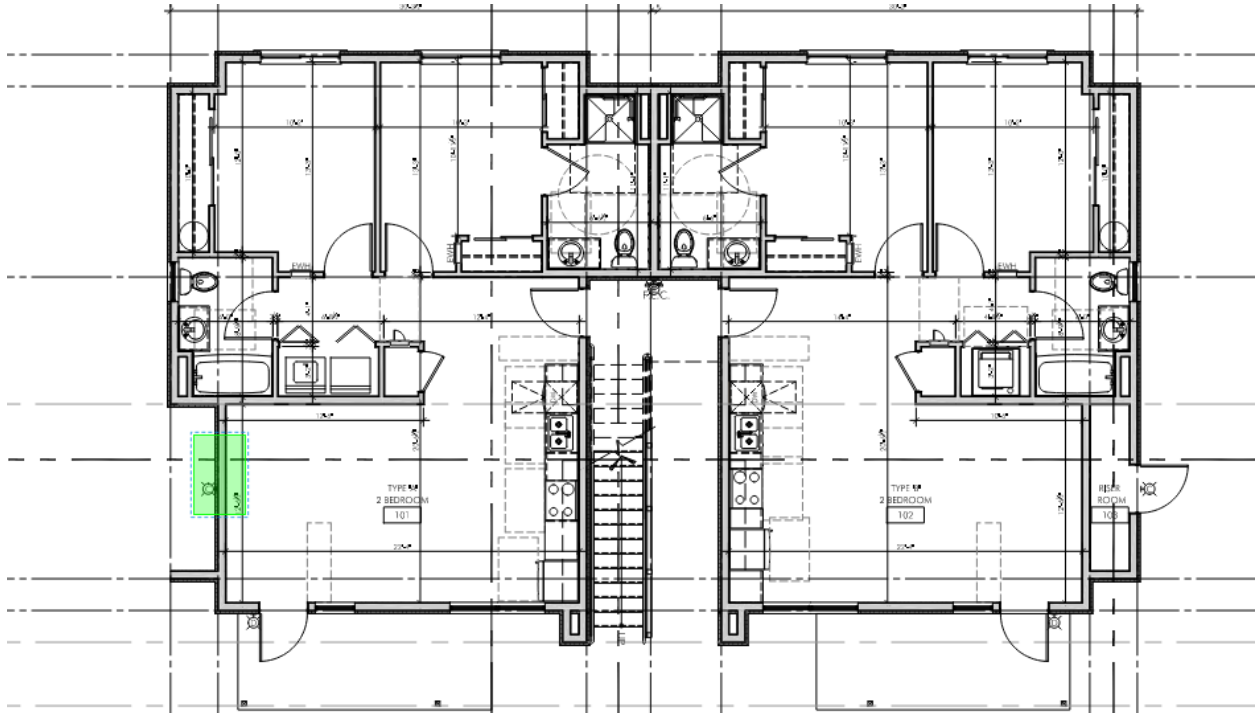
applicant will need to provide greater visual details to confirm this is meeting the standard.

- (3) Missing Window. The applicant will need to revise the submitted floor plans to include windows on each wall of each room. These area's have been highlighted in green to provide further illustration.



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**Community Development
Planning Division**

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Your application, which is incomplete, will be deemed complete upon receipt of one of the following:

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

You have 180 days from the date the application was first submitted to respond in one of the three ways listed above, or the application will be deemed void.

For questions regarding the above requirements, feel free to contact me directly by calling (503) 540-2313 or via email at Hagosto@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,

Hugo Agosto

Hugo Agosto, Planner II