



Addendum

December 13, 2023

To: Planning Commission (December 14, 2023)

From: Colin Cortes, AICP, CNU-A, Senior Planner

Cc: McKenzie Granum, City Attorney
Chris Killmer, Assistant City Attorney
Chris Kerr, Community Development Director *CK*
Gretchen Stone, Land Use / Interior Design, CBTWO Architects
Eugene Labunsky, West Coast Home Solutions, LLC, developer

Subject: Addendum to Agenda Item 6a: 1030 Young Street Apartments (DR 22-06)

Summary:

The developer submitted written testimony rebutting several parts of conditions in advance of the public hearing Thursday.

Background:

Before staff published the staff report, staff had given the applicant draft conditions in August. During the period when the applicant had continued the hearing date, staff met with the applicant on September 14 & October 2 and afterwards shortened and struck conditions and thereby lessened applicant concerns. The revised conditions became those in the staff report.

The staff report also reflects the latest site plans that the applicant submitted December 1.

Discussion:

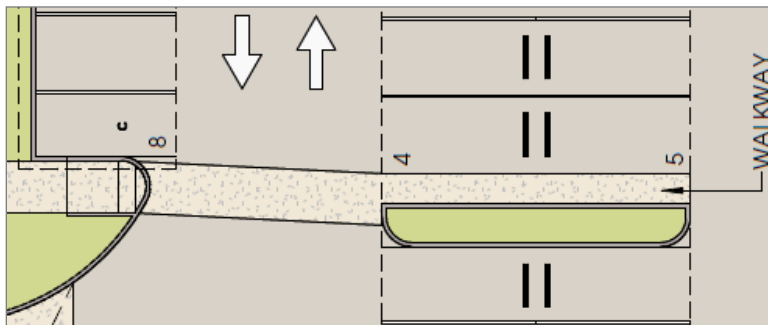
The e-mail that is the testimony is now attached to the record via this addendum. Staff responds below. (Quoted applicant testimony is italicized.)

Item 1

The Applicant is not asking for a fifth Variance, nor do they require an Alternate Street Design which is reflected in the updated Revised Narrative statement, dated November 29, 2023, which identifies the above noted requests.

Staff first addresses variance request 5, which was to not have landscaped islands along the south sides of two walkway crossings in the central parking aisle. This was based on the application materials as they were.

After applicant and staff discussion leading up to the staff report, in exchange for staff recommending denial of request 5 but also conditioning variance request 4 (the request to have more than the maximum number of consecutive parking spaces between landscaped islands) to help the applicant fit in islands – including to allow the walkways to become narrower where they pass among parking stalls – the applicant agreed to and did revise the site plan to fit in landscaped islands along the south sides of the two walkway crossings.



Color site plan excerpt: south walkway crossing

If one considers there to be no variance request number 5, there would still be no change necessary to variance conditions of approval or the site plan.

Staff proposes no change.

Second next addresses the “Alternate Street Design”. The applicant means Street Adjustment application SA 23-04 for the Young Street frontage. The application materials requested adjustment (primarily to keep in place existing curb and to not pave additional asphalt), but during a September 14 meeting with the staff, the applicant verbally indicated that the developer would construct the south half-street per the standard cross section (per Woodburn Development Ordinance [WDO] Figure 3.01C “Minor Arterial”). Because there remained an SA application to handle and the developer could yet have another change of mind, staff accordingly revised the SA condition of approval to make explicit that the developer could construct either the standard or adjusted cross section. Nothing in the staff report needs to change regarding the Street Adjustment.

Staff proposes no change.

Item 2

D14.b. (Page 15) – The Applicant agrees to provide a landscape screen around patio perimeter; however, wishes that the dimensional requirements be stricken in the event that actual site conditions make it impracticable to comply with the minimum and maximum width.

It's unclear exactly what the applicant requests. Here's the condition:

"D14. Patios: Visual separation shall conform with WDO 3.05.06C.7 last sentence & 3.07.05B.1a as follows:

a. Pavement: Patios shall be paved with brick, poured concrete, concrete pavers, or square or rectangular cobblestone pavers. ...

b. Delineation/separation from common area: Either of the following shall line the outermost edges of each patio concrete slab and have a gap min width 2 ft, 4 inches, max width 3 ft:

(1) Evergreen shrubbery of small or medium size per WDO Table 3.06B, min number equal to average o.c. spacing of 1 shrub every 3 lineal ft; or

(2) Fencing per WDO 2.06.02D.1 and, if chain-link fence is applicable, also D.2. (Per WDO 1.02 introductory note and 4.02.06B.6b, fencing shall be a barrier, railing, or other upright structure, typically of wood or wire.)".

There's no applicant demonstration of how a developer wouldn't be able to choose between shrubbery and fencing along patios, and if shrubbery, to plant a number equal to one shrub every 3 feet.

Staff proposes no changes.

Item 3

V2.c. (page 18) & V6 (Page 20) – Applicant has requested a reduction in the minimum width for the required Railroad Corridor 2 easement and the minimum width for Class B Bicycle/Pedestrian Paths based on site constraints in part cause by other required dedications. The requested Variances are designed to be consistent with the neighboring approved development addressed at 119 Pacific Highway. The proposed design meets the intent of the WDO for public bicycle/pedestrian path standards and there is no practical reason to require this development to provide a revised design.

There's no applicant demonstration of what "other required dedications" are that constrain the width of Bicycle/Pedestrian Corridor RR2, which is conditioned to be a tract or easement minimum width 14 feet (ft) at the east and 16 ft at the west. The site plan shows that there's enough room and there would be no disruption of the site plan.

Also, Condition V13a allows patios along Corridor RR2 to be narrower. This would result in at least 2 ft between easement/shoulder north edge and patio slabs, enough for any private site fencing the developer might want to install and shrubbery. The distance between Path RR2 itself and patio slabs would be at least 4 ft.

Path RR2 is already conditioned to align with the path conditioned and planned for the unnamed apartment building at 119 N. Pacific Highway, which neighbors the subject property at the east/southeast, that the Commission approved on November 10, 2022 via Design Review DR 22-05 Condition 8a.

The standards for Corridor RR2 and Path RR2 didn't yet exist through the WDO amendment that was Ordinance No. 2602 effective after the DR 22-05 application date, and staff emphasizes that had at that time the WDO been as it is now, the Path RR2 segment would've been 10 ft wide and its south side zone at least 5 ft wide. Instead, that development is to have an 8-ft wide segment of Path RR2 with a 4-ft wide south side furnishing and tree planting zone.

For the subject Young Street Apartments, approaching and at 119 N. Pacific Highway the same 8-ft wide segment of Path RR2 with a 4-ft wide south side furnishing and tree planting zone are conditioned. The result would be less than what the WDO requires, more than what the developer proposed, and a tailored accommodation of what will be next door. Staff stresses that through approval with variance conditions, Path RR2 and its south side furnishing and tree planting zone match and align with that next door.

Staff proposes no changes.

Item 4

V3.c. (Page 19) – Walkways Y3 & Y4 requested by Planning, the Applicant believes adding these walkways increases security risks and prevents them from screening open corridors in the future.

Staff reproduces Exhibit V3 from Condition V3 below. It shows at the north/right in purple the two Walkways Y3 & Y4 along Young Street sidewalk.



Copy of Condition V3 Exhibit V3

The condition requires minimum width 2½ ft. Below is an elevation view of the Building A ground floor that faces Young Street:



Excerpt of elevations: Building A ground floor that faces Young Street. Purple outline indicates breezeways and stairwells.

The two walkways are conditioned because:

1. WDO 3.07.05C.3 states, “When a residential building is sited within 24 feet of a street right-of-way, the building should/shall contain entrances directly accessible from the street.”
2. Residents of the apartments off these two breezeways are going to blaze shortcut trails to and from sidewalk approximately 10 ft away, walkways or not.
3. In new conventional construction three-story walk-up apartment buildings, breezeways aren’t fenced at one end. There’s no indication that the developer would do so for this project.
4. The two walkways would no more reduce privacy near patios than would the Young Street sidewalk that they are near.
5. The two walkways would be approximately 10 ft long and are conditioned to be a narrow width of 2.5 ft and with decorative pavement, being visually subordinate to the nearby wider standard concrete walkways that lead to the leasing office and the development interior (Walkways Y1 & Y2) and premised on primary use by residents of the apartments off the two breezeways.

Staff proposes no changes.

Item 5

V10.b.(3) (Page 21) – It is not possible to have 2 bike parking spaces within 40 ft of the ROW at this location as Young Street is more than 290 ft. and the City’s Joyce Way property are more than 150 ft. from this path location. However, the Applicant is able to provide 2 spaces within 40 ft. of the RR2 corridor easement.

This one is simple: Staff made a typo – and it’s easy to correct.

Staff recommends the following correction: “Walkway R1, 2 w/in 40 ft of ~~ROW~~Corridor RR2”. (The site plan if it remains as is meets this condition.)

Item 6

*V13. (Page 22 & 23) – The current design provides patios and balconies **exceeding** minimum standards, asking for further changes causes impacts to site design, building design and structural design and reduces landscape area and common open space.*

The draft floor plans propose for each upper story half of balconies 96 square ft (sq ft) and the other half 63 sq ft.

What’s conditioned as minimums are for each upper story half of balconies 80 sq ft and the other half 68 sq ft. The draft floor plans already have half of balconies meeting the condition.

The minimum area for patios is 96 sq ft, and the site plans already propose patios larger than 96 sq ft, which is based on WDO 3.07.05B.1a(1).

The patio and balcony minimum dimension (or depth) is either 8 ft, 3 inches wall-to-floor edge if there’s fence or railings or simply 8 ft.

Reasons why are quoted below from staff report Attachment 102 “Analyses & Findings” pages 80-81:

- “To encourage actual use by tenants and guests by having large minimum narrowest dimension of approximately 8 ft instead of 6 ft, in keeping with Comprehensive Plan Policy D-1.3 (p. 14) about, “a feeling of openness and spaciousness”.
- To allow for comfortable accommodation of patio furniture for more than 2 persons.
- To mimic the 80 sq ft that the Planning Commission required for Woodburn Place Apartments (ANX 2019-01) and Woodburn Place West Apartments (CU 22-01) at 2145 and 2045 Molalla Road for some percentage of Young Street Apartments balconies, probably half, with the remainder marginally larger than what the site and floor plans already proposed (for building corner balconies). ...
- That the above are in keeping with WDO 3.07 purpose statement to, ‘enhance the quiet enjoyment of private property.’”

Staff adds that for:

- 5th Street Apartments (now known as Heaven’s Gate Apartments) at 1220 5th Street that the Commission approved February 27, 2020 through DR 2019-05, the balconies are minimum size 74 sq ft (and 8 ft deep).
- Templeton Apartments (now known as Cleveland Crossing Apartments) at 1430 E. Cleveland Street that the Commission approved November 12, 2020 through CU 2020-01 Condition CU2 required balconies minimum size 85 sq ft (and 8½ ft deep).

As conditioned, half of balconies would be the same size as those at Woodburn Place and Woodburn Place West Apartments, both of which came with discretionary land use applications, and the remaining half would be smaller.

The second and third floor plans illustrate that at present balconies are flush with building main wall planes. Like in other apartment projects, balcony decking can project a few feet beyond building wall planes and overhang ground.

Staff proposes no change.

Item 7

V15.a.(2), b., and g.(5) (Pages 24 & 25) – The awning heights, column design, and window provisions meets or exceeds minimum development standards and will have to meet building code standards not recognized by the WDO, these requests have serious structural implications. Additionally, adding windows where not required reduces interior functional use which was explained in our previous meetings. For these reasons we continue to object to these conditions.

Condition V15a(2) states:

“Awnings/canopies: Based on WDO 3.07.06B.1b(4) & B.5a, there shall be any among canopies, fixed awnings, porte-cochères, building recesses, or roof projections that shelter from precipitation, are min 9 ft height clearance and at min at: ... (2) Building A leasing office north main entrance, min depth 4 ft, min width 10 ft.”

The site plans already propose a canopy at the Building A leasing office entrance (through which there’s access to the common area). The applicant’s phrase, “meet building code standards not recognized by the WDO” doesn’t make sense because the WDO and the statewide uniform building code are different sets of regulations, and any fixed awning or canopy would need to meet applicable building code, if any, anyway. The purpose of the condition is to ensure that there remains through building permit review and construction a leasing office entrance canopy more or less as proposed and with quantified measurements for simpler permit review.

Staff proposes no change.

Condition V15b states:

“Columns, piers, and posts: For:

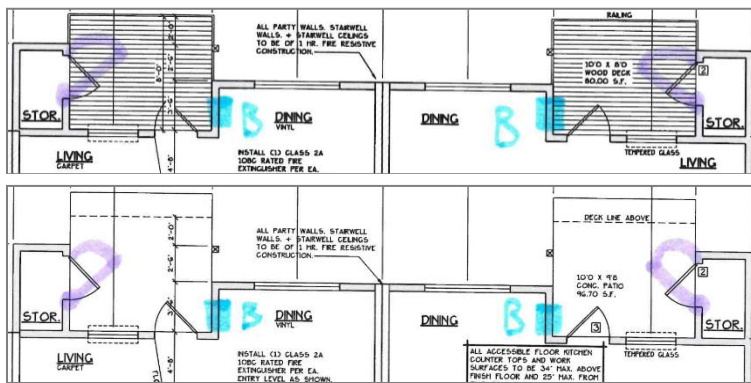
- (1) All excepting patios and balconies: Shaft min 8 inches square or diameter.
- (2) Any exposed wood columns, piers, and posts shall be finished/treated/varnished to protect from the elements and splinters.
- (3) Leasing office north entrance, shall be divided visually into clear areas of capital, shaft, and base. If the bases would have been concrete stubs, they shall be covered with brick matching that proposed for much of the ground floor walls.”

The condition applies only to the Building A leasing office and common room patio canopies. As mentioned on Attachment 102 p. 81, a purpose is that for canopy supports in the form of, “columns, piers, or posts, to have minimal architectural treatment by each having a clear capital, shaft, and base and to be thick enough to appear able to support the load above it and not appear spindly.”

Staff proposes no change.

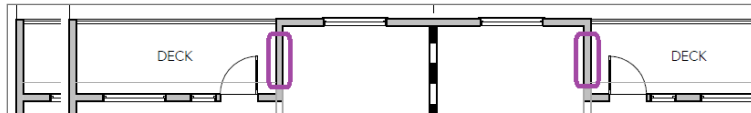
About V15g(5), the window condition would become applicable only if the floor plan comes to resemble that which the condition describes: “wall dividing a family or living room and balcony”. Because the draft floor plans don’t resemble the description, the condition isn’t applicable and so no floor plan revision is required. (Were the condition to become applicable, a purpose as mentioned on Attachment 102 “Analyses & Findings” p. 81 would be to, “bring more natural light into family or living rooms and to have better sight into patios and balconies.”)

The condition means to accommodate a potential change of floor plans (from the draft to those submitted for building permit review) that resembles floor plans seen at Woodburn Place and Woodburn Place West Apartments, where family / dining / living rooms abut balconies:



Excerpts from Woodburn Place West CU 22-01 Exhibit CU15a(4)

The proposed floor plans are different because it is bedrooms that adjoin balconies:



So, as is, the condition remains provisional and doesn’t interfere with the proposed floor plans.

Staff proposes no change.

Recommendation:

Per the staff report and with the following correction to Condition V10b(3): “Walkway R1, 2 w/in 40 ft of ~~ROW~~Corridor RR2”.

Attachment(s):

1. Applicant’s “1030 Young Street Apartments – DR 22-06”, December 12, 2023 (2 pages)

Colin Cortes

From: Gretchen Stone <Gretchen@CBTwoarchitects.com>
Sent: Tuesday, December 12, 2023 12:40 PM
To: Colin Cortes; Chris Kerr
Cc: Eugene Labunsky (eugenel.wchs@gmail.com); 'WCHS LLC'; Jamie VanAgtmael (jamie@leiengineering.com); Aaron Terpening; Spencer Emerick
Subject: 1030 Young Street Apartments - DR 22-06

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Colin,

Please include this email into the record for 1030 Young Street Apartments (DR 22-06) and as part of the information provided to the Planning Commission members prior to our hearing on December 14, 2023.

The Applicant/Developer and their consulting design team have reviewed your Staff Report dated December 7, 2023 and request the following corrections:

1. The requested land use actions are limited to:
 - Type III Design Review
 - Four (4) Type III Variances: WDO 3.01.03.C.1., Boundary Street minimum improvements for the City owned property (Joyce Way ROW); 3.01.07.C, a reduction to minimum Off-Street Bicycle/Pedestrian Corridor Widths for Railroad Corridors; 3.01.07.D2.b, reduction to minimum paved width for a Class B Bicycle/Pedestrian Path; and 3.06.03C.3, to be allowed certain parking aisles to have more than 10 consecutive parking spaces without a landscape island or peninsula.
 - Access Permit
 - Consolidation of Lots

The Applicant is not asking for a fifth Variance, nor do they require an Alternate Street Design which is reflected in the updated Revised Narrative statement, dated November 29, 2023, which identifies the above noted requests.

In addition, the Applicant has agreed to accept most of the Conditions of Approval; however, objects to the following:

D14.b. (Page 15) – The Applicant agrees to provide a landscape screen around patio perimeter; however, wishes that the dimensional requirements be stricken in the event that actual site conditions make it impracticable to comply with the minimum and maximum width.

V3.c. (Page 19) – Walkways Y3 & Y4 requested by Planning, the Applicant believes adding these walkways increases security risks and prevents them from screening open corridors in the future.

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Paths based on site constraints in part cause by other required dedications. The requested Variances are designed to be consistent with the neighboring approved development addressed at 119 Pacific Highway. The proposed design meets the intent of the WDO for public bicycle/pedestrian path standards and there is no practical reason to require this development to provide a revised design.

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Thank you,

Gretchen Stone
Land Use / Interior Design



500 Liberty St. SE Suite 100
Salem, Oregon 97301
P 503.480.8700 M 503.510.5510

