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VIA HAND DELIVERY AND EMAIL (JFOX@BEAVERTONOREGON.GOV)

City of Beaverton
Planning Commission
P.O. Box 4755
Beaverton, OR 97076-4755

**Re: Life Time Fitness (ADJ2018-0006 / DR 2018-0128 / LD2019-0008 / LO2018-0005 /
SDM2018-0007 / TP2018-0009)**

Dear Commissioners:

My office represents LTF Real Estate Company, Inc. (“Life Time”) in connection with the above-referenced application. On May 15, 2019, the Planning Commission held a public hearing regarding Life Time’s proposal to develop a full-service fitness facility with tennis courts and shared office space in the City of Beaverton (the “City”). The Commissioners and members of the public provided valuable comments on Life Time’s application and the proposed facility. Life Time has modified the proposal in response to this feedback. The purpose of this letter is to summarize how Life Time has modified its proposal in response to public feedback and to respond to comments raised before Commission.

The scope of this letter does not include comments concerning Life Time’s Traffic Impact Analysis (“TIA”). Comments concerning traffic-related issues will be addressed in the following memorandums from David Evans and Associates, Inc.:

- **Response to Transportation Issues Raised in Testimony by May 15, 2019:** This memorandum responds to testimony regarding traffic impacts from Life Time’s facility.
- **Traffic Impact Analysis Addendum #5: Change in Use:** This memorandum analyzes the effect of the project modifications on Life Time’s TIA and explains that the proposed modification results in a *decrease* in trip generation.

A. Modifications to Project in Response to Public Testimony

Life Time heard the Commission’s comments and public testimony regarding the proposed facility design and understood that feedback to principally concern: (1) the overall height of the buildings; and (2) the interaction of the buildings with the intersection of SW Cedar Hills

Boulevard and SW Barnes Road. In response to that feedback, Life Time has reduced the scope of the proposal by eliminating the tennis facility and relocating the Life Time Work facility. The modified proposal complies with the 60-foot height standard and eliminates the need for a height adjustment. As well, the modified proposal promotes a comfortable pedestrian environment at the corner of SW Cedar Hills Boulevard and SW Barnes Road. The changes to the project include:

- eliminating the 10 indoor tennis courts from the parking garage building;
- relocating Life Time Work (office use) from the top floor of the fitness facility to the top floor of the parking garage building;
- relocating the ground floor entrance to the Life Time Work facility to interact with the plaza at the intersection of SW Cedar Hills Boulevard and SW Barnes Road; and
- increasing the area of Life Time Work from 31,170 square feet to 45,000 square feet.

The changes to the project are depicted in [Appendix A](#) (Perspective Views) and [Appendix B](#) (Elevations), and are described in greater detail below. Overall, the proposed modifications will have minimal impact on the site design. As well, the proposed modifications will have no effect on the existing landscaping plans, which are provided in Sheets L100–L107.

Fitness Facility Building

The fitness facility building will reach a maximum height of 60 feet at the top of the entry parapet. The internal programming of the fitness facility spaces on the first three floors will remain unchanged and, therefore, will not affect the exterior design. The removal of the stepped-back “penthouse” of Life Time Work will visually bring the scale of the structure down without having a large impact on the current exterior design. The proposed exterior material palette, and the expanse of glazing on all four sides of the building, will be unchanged. In sum, only the following elements will be removed from the fitness facility building: (i) the fourth floor, which previously housed Life Time Work; and (ii) the Life Time Work ground floor entrance that was previously located at the northwest corner of the fitness facility. Detailing consistent with the other elevations will be employed where the Life Time Work entrance was previously located.

Third-Floor Enclosed Connection

The third-floor enclosed connection between the fitness facility building and the parking structure building will remain to provide access to the fitness facility from Life Time Work but will be reduced in size. Exterior treatments to the third-floor connection will remain unchanged.

Parking Garage Building

The exterior of the parking structure, which comprises the first three floors of the building, will be substantially consistent with the original proposal. The total number of provided parking spaces (garage and surface) will be unchanged at 798 spaces. The provided parking complies with the City's minimum and maximum parking space requirements. The removal of the 10 indoor tennis courts from the top floor of the parking structure will reduce the scale of the building; however, the addition of Life Time Work to the top floor ensures that the architectural language is retained. The reduced area for the enclosed space of Life Time Work above the parking garage allows for more interesting massing and rooflines. Efforts to enhance the pedestrian experience along the north façade of the building, by utilizing metal green screens and raised planter beads broken up by stone pilasters, glazing, and overhead canopies, will remain unchanged.

The previously proposed ground floor retail space at the intersection of SW Cedar Hills Boulevard and SW Barnes Road will be further enhanced to incorporate the ground floor lobby for Life Time Work. The glazing from the original design will extend to the top of the Life Time Work space, creating a primary entrance and cornerstone architectural element at the intersection of SW Cedar Hills Boulevard and SW Barnes Road.

Life Time Work will take up approximately 45,000 square feet of interior space. The outdoor terrace seating for Life Time Work will be retained, and the remaining outdoor space will be used as an outdoor turf field for group fitness classes and training.

1. Withdrawal of Height Adjustment Request

Both buildings now comply with the 60-foot height limitation, as detailed in Section A, *supra*, so Life Time withdraws its Major Adjustment application (ADJ2018-0006).

2. Pedestrian Orientation

Locating the Life Time Work entrance at the intersection of SW Cedar Hills Boulevard and SW Barnes Road enhances pedestrian accessibility to the facility and provides a strong corner entry feature.

B. Applicable Height Standard

One commenter suggested that the maximum height of Life Time's proposed parking garage building is 35 feet, because the building is within 100 feet of a residential-zoned property. This interpretation is inconsistent with the Code and how the City consistently interprets the Code.

Life Time's property is in the Commercial Corridor (CC) zoning district. Section 20.10.15 of the Beaverton Development Code ("BDC" or "Code") states that the maximum height of a building in the CC zoning district is 60 feet. However, the "[m]aximum building height of any building within 100 feet of a residentially zoned property is 35 feet." BDC 20.10.15 n.6. (Emphasis added.) "Property" is the operative term in this standard and is measured from the property line. As detailed on Sheet C154 (Barnes Road Plan and Profile), attached here as Exhibit C, the nearest residentially zoned property to the project is 135.20 feet away. The intervening right of way, SW Barnes Road, is 130 feet wide. The alternative interpretation that was offered in public testimony is that the distance should be measured from the zoning line, not property line. Here, the Residential Urban High Density (R1) zone extends to the center of SW Cedar Hills Boulevard. This interpretation should be rejected because the Code refers to residentially zoned "property," not the zoning line. Measuring the distance from the property line is consistent with the purpose of the stepped down height standard, which is to provide a buffer and assure that residential and commercial development are compatible.

C. Allowed Use

One commenter asserted that Life Time's proposed outdoor pools are not allowed, because Section 20.10.40 of the Code bars activities that are not within an enclosed structure. This interpretation fails to consider other applicable sections of the Code and should be rejected.

The CC district allows several uses that include outdoor activities, including, among others, "public parks, parkways, playgrounds, and related facilities" and "recreational facilities." BDC 20.10.20(23). "Recreational facilities" are "[f]acilities that are intended to provide amusement to the user, with limited allowance for spectators." BDC Ch. 90. Recreational facilities include, but are not limited to: "theaters, health clubs, golf courses, non-motorized bicycle tracks, skateboard parks, swimming clubs or pools, tennis or handball or racquet clubs, bowling alleys, dance halls, skating rinks, indoor soccer fields, laser tag, paintball, or other similar uses." *Id.*

Life Time's fitness facility falls within the definition of "recreational facility" because it is a health club. Life Time's outdoor pools also fall within the definition of "recreational facility," and are a use that is allowed in the CC zoning district.

Notwithstanding that recreational facilities are permitted outright in the CC district, one commenter alleged that outdoor pools are prohibited by Section 20.10.40 of the Code, because outdoor pools are not “wholly within an enclosed structure.” Section 20.10.40 specifies certain zoning requirements for uses in the CC district, and provides:

Uses shall be subject to the following (excludes food cart pods, parks and playgrounds):

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities, transit centers and as allowed in items 2 and 3 below.
2. Accessory open air sales / display / storage shall be Permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment.

Substantially similar requirements apply to uses in the Neighborhood Service (NS) and Community Service (CS) zoning districts. *See* BDC 20.10.30, 20.10.35.

One commenter argued that Life Time’s outdoor pools are not “wholly within an enclosed structure,” and therefore must be prohibited. This reading of the Section 20.10.40, however, would effectively ban recreational facilities that are allowed uses in the CC, NS, and CS zoning districts. For example, under that proposed interpretation of Section 20.10.40, a golf course could *never* be permitted in the CC, NS, or CS districts, because it is necessarily outdoors and not “wholly within an enclosed structure.” This interpretation creates a conflict with Section 20.10.20(23), which expressly *allows* golf courses in the CC, NS, and CS districts.

Where possible, land use regulations must be interpreted to avoid conflicts. In this context, the Code provisions are easily harmonized by interpreting Sections 20.10.30 to 20.10.40 to prohibit only outdoor activities that are not expressly authorized uses. In other words, uses that are intrinsically outdoors (e.g., golf), and that are specifically authorized in the CC, NS, and CS districts, are permitted. However, for uses that are not intrinsically outdoors, activities that may occur outdoors are prohibited (unless an exception applies). For example, although automotive service uses are permitted in the CC, NS, and CS districts, outdoor activities associated with automotive services would not be allowed. By contrast, uses such as pools, golf courses, and skateparks, which are characterized by their outdoor exposure and are permitted in the CC, NS, and CS districts, would be allowed.

This interpretation of Sections 20.10.30, 20.10.35, and 20.10.40 is consistent with the purpose of the Code, which is to limit uses that require substantial outdoor storage and sales. The CC

zoning district is included in the Regional Commercial and Community Commercial Comprehensive Plan designations. Both of those designations include policies to limit uses “requiring extensive outdoor storage.” Comprehensive Plan, Land Use Element, 26-27.

D. Scenic Viewshed

One commenter expressed concern that Life Time’s fitness facility would impede protected viewsheds, as identified in Washington County’s Cedar Hills-Cedar Mill Community Plan. Although Life Time’s proposed facility is located within the vicinity of the Cedar Hills-Cedar Mill Community planning area, it is not subject to that Plan, and there is no indication that Life Time’s facility would impede scenic views.

Washington County’s Community Plans, such as the Cedar Hills-Cedar Mill Community Plan only apply to *unincorporated* areas within the County. The site is within the City’s jurisdiction and is not subject to the County’s Community Plans. Regardless, as detailed below, the project does not impede views.

Maps 4.0 through 4.3 of the Cedar Hills-Cedar Mill Community Plan identify Significant Natural and Cultural Resources within the Cedar Hills-Cedar Mill Community planning area. Maps 4.1 and 4.2 identify “scenic features” and “scenic views.” Scenic features are “[l]and forms, vegetation or water courses with aesthetic value to the surrounding area.” Scenic views are “[v]iewpoints providing a vista of the Tualatin Valley, the Cascade Mountains, or other scenic feature.” Neither map identifies Life Time’s property as a scenic feature. Likewise, Life Time’s proposed facility would not impede any scenic view. According to Maps 4.1 and 4.2, the nearest scenic view is Swede Hill Vista, which is approximately 1.5 miles north and east of Life Time’s proposed facility. The Cedar Hills-Cedar Mill Community Plan provides that Swede Hill Vista “shall be preserved as [a] point[] of scenic significance” through the “establishment of scenic viewpoints, with vehicle turnout facilities, where appropriate[.]” Cedar Hills-Cedar Mill Community Plan, 41 (2016). No height limitation or other development standard applies to the view shed. Life Time’s facility does not affect the County’s ability to establish a viewpoint for the Swede Hill Vista.

E. Open Space

Certain commenters argued that Life Time’s application is deficient because it does not satisfy the City’s requirements for open space.

Life Time’s property is located within the Sunset Station and Barnes Road Planned Unit Development (“PUD”) (CU2013-0003). Section 60.35.15 of the City’s Code requires a PUD to provide open space of an area equal to at least 20 percent of the subject site. The open space requirement applies to the entire PUD, rather than to individual parcels within the PUD. This

provides design flexibility to cluster development to create open space and natural resources. See BDC 60.35.05.

Consistent with the City's Code, the Sunset Station and Barnes Road PUD contemplates that "[o]pen space areas may be located on individual lots where residential development is located or more centrally located open space areas may be created." Staff Report, Sunset Station and Barnes Road PUD, 36 (Oct. 30, 2013). The Sunset Station and Barnes Road PUD requires that open space be provided at the time of development of residential uses. Condition 43 of the PUD provides:

To accommodate the open space requirements of Section 60.35.15 of the Development code, at the time of development of residential uses, the applicant must provide the required open space in conformance with Section 60.35.15 of the Development Code. Future open space must meet the specified width, length, size, and accessibility requirements of Chapter 60. (Planning/JF)

(Emphasis added.)

In this case, Life Time's proposed fitness facility and shared workspace are not residential uses. For that reason, Life Time's development does not trigger the requirement to provide required open space within the PUD.

Nonetheless, Life Time can demonstrate that there is sufficient area in the Sunset Station and Barnes Road PUD to accommodate the open space requirements of Section 60.35.15, and that it is feasible for the PUD to satisfy the standard upon full buildout. A map showing potential dedications of open space tracts is attached to this letter as Exhibit D.

F. Trees

Life Time applied for a Tree Plan Two for the removal of trees from Life Time's property and from adjacent properties. From Life Time's property, Life Time proposes to remove 13 Community Trees¹ and 7 Landscape Trees.² None of the trees proposed to be removed from Life

¹ A "Community Tree" is a healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. The definition of "Community Tree" does not include trees that are within a SNRA or Landscape Trees. BDC Ch. 90.

² A "Landscape Tree" is a tree, other than a Significant Tree, Historic Tree, or Tree within a Significant Natural Resource Area, that has been preserved or planted as a component of
(continued . . .)

Time's property are in a Significant Natural Resource Area (SNRA). From Tax Lot 200, which is located to the north of Life Time's property, Life Time proposes to remove 28 Community Trees and 5 Trees from an SNRA. Removal of trees from Tax Lot 200 is required to accommodate right-of-way improvements and installation of a storm line. Finally, from Tax Lot 1100, which is located to the west of Life Time's property, Life Time proposes to remove two Community Trees. The remainder of the trees proposed to be removed from Life Time's property and from the adjacent properties are smaller than 10 inches diameter at breast height ("DBH"), and therefore are exempt from the Tree Plan application.³

One commenter asserted that Life Time erred by applying for Tree Plan Two, rather than a Tree Plan Three, approval. A Tree Plan Two is required if, in a Commercial, Residential, or Industrial zoning district, an applicant proposes to remove "up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project within [significant natural resources areas (SNRAs)]." BDC 40.90.15.2.A.3 (emphasis added). By contrast, a Tree Plan Three is required if, in a Commercial, Residential, or Industrial zoning district, an application proposes to remove "greater than 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs." BDC 40.90.15.3.A.

The commenter argues that Life Time was required to obtain a Tree Plan Three, because Life Time did not show that the removal of 5 trees from the SNRA on Tax Lot 200 is less than 75 percent of the total DBH of non-exempt trees within the SNRA. Sheet TP 101 to Life Time's application illustrates that Tax Lot 200 has more than 200 trees within the SNRA. Therefore, the percentage of trees proposed to be removed by Life Time is significantly less than 75 percent of the total DBH.

As well as arguing that Life Time was required to obtain a Tree Plan Three, one commenter argued that Life Time failed to demonstrate compliance with the criteria for approval of a Tree

(. . . continued)

an approved landscaping plan. BDC Ch. 90. The Landscape Trees on Life Time's property were associated with the previously existing fire station.

³ Only "Surveyed Trees" are required to be identified in a Tree Plan application. Surveyed Trees include all trees greater than or equal to ten (10) inches DBH and the following trees greater than or equal to six (6) inches DBH: western hemlock (*Tsuga heterophylla*) or mountain hemlock (*Tsuga mertensiana*) trees, Pacific madrone (*Arbutus andrachne*) trees, and big-leaf maple (*Acer macrophyllum*) trees. BDC Ch. 90.

Plan Two. Specifically, the commenter argued that Life Time has not demonstrated compliance with the criteria in Code Sections 40.90.15.2.C.4, 40.90.15.2.C.8, and 40.90.15.2.C.9.

Code Section 40.90.15.2.C.4 requires an applicant to demonstrate that, “[i]f applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.” As previously stated, Life Time proposes to remove trees from Tax Lot 200 and Life Time’s site.

Tax Lot 200. Removal of trees from Tax Lot 200 is necessary to (i) accommodate right-of-way improvements on SW Barnes Road and (ii) allow for installation of a stormwater line. With respect to right-of-way improvements, Staff’s conditions of approval require Life Time to construct the ultimate embankment for SW Barnes Road; the removal of trees from Tax Lot 200 is necessary for construction of this embankment. With respect to the stormwater line, Life Time is proposing to construct a stormwater line that will serve Life Time’s proposed facility *and* be capable of providing service to the lots that are located north of SW Barnes Road and that cannot be served from SW Barnes Road. The proposed storm sewer will support multiple properties and will eliminate the need for multiple outfalls for future applications.

Life Time’s Site. Life Time proposes to remove trees from Life Time’s site to accommodate the proposed development. Life Time’s proposal protects the two largest conifer trees on the property, while removing smaller deciduous trees to provide for the site plan. Removal of the existing trees is necessary to accommodate the elements of Life Time’s proposal, which include the fitness facility building, parking garage building, outdoor pools, and surface parking, as well as the right-of-way dedications and pedestrian spaces. Life Time will provide **168 new trees** to mitigate the loss of existing trees.

Code Section 40.90.15.2.C.8 requires an applicant to demonstrate that, “[i]f applicable, removal of a tree(s) within a SNRA . . . will not result in a reversal of the original determination that the SNRA . . . is significant based on criteria used in making the original significance determination.” The original SNRA was determined from wetland delineation as a Goal V determination accepted by Metro and Clean Water Services, and the removal of these trees within the SNRA will not jeopardize the wetland or that determination.

Code Section 40.90.15.2.C.9 requires an applicant to demonstrate that, “if applicable, removal of a tree(s) within a SNRA . . . will not result in the remaining trees posing a safety hazard due to the effects of windthrow.” The five trees that will be removed from the SNRA are situated in a small, linear pathway that is designed to accommodate installation of the stormwater pipeline. Removal of trees from this area will not create a large opening that could increase the potential for windthrow.

G. Stormwater

As detailed in the Stormwater Report in Appendix 32 to Life Time's application, the proposed stormwater design satisfies both City and Clean Water Services standards. Life Time will install three on-site ponds to treat stormwater prior to discharge. In addition, Life Time will install underground chambers to detain stormwater to satisfy requirements for stormwater runoff flow quantities.

As well as satisfying City and Clean Water Services standards, Life Time anticipates that the proposed design will comply with Army Corps of Engineers, Slopes V requirements, which are more stringent. Satisfaction of the Army Corps of Engineers standards is demonstrated in the Stormwater Report submitted with Life Time's Site Development application materials.

H. Other Comments

Several comments submitted to the Planning Commission are not directed at approval criteria. For example, comments concerning the demand for services provided by Life Time are not relevant to the criteria for approval of Life Time's project. To be relevant, testimony and evidence must respond to the applicable criteria. Accordingly, comments that are not directed at approval criteria should be disregarded by the City, and we do not offer a response in our testimony.

Very truly yours,



Dana L. Krawczuk

Exhibits:

- A – Perspective Views
- B – Elevations
- C – Sheet C154 (Barnes Road Plan and Profile)
- D – Open Space Area Dedications

cc: Megan Eaton, Life Time