

Specific Beaverton Development Code analysis Planning Commission Presentation

3950 SW Laurelwood Avenue

Application for Conditional Use Approval for a Residential Care Facility

Design Review Approval for (A) Parking for a Residential Care Facility, (B) Waste Management Requirements for a Residential Care Facility, (C) Adding a Required Landscape Buffer and Fence for a Residential Care Facility in an Existing Detached Dwelling

40.20. Design Review

40.20.05. Purpose.

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. To achieve this purpose, the Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment. The Design Standards are intended to provide a "safe harbor" approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process. However, the applicant may elect to bypass design review under the Design Standards and go straight to Design Review under the Design Guidelines, where review is subject to a public hearing at the applicant's option. [ORD 4584; June 2012]

An applicant for Design Review approval can address design review requirements through a combination of satisfying certain Design Standards, and in instances where it elects not to utilize Design Standards, satisfy applicable Design Guidelines. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Guidelines only.

Because the Design Standards are a "safe harbor", there is no penalty for not meeting the Design Standards. Rather, the public hearing process would be required to consider the project by relying solely on the Design Guidelines which correspond to the Design Standards but are intended to allow more flexibility and originality. Design Guidelines are also intended to recognize unique circumstances where corresponding standards are found to be unnecessary or undesirable. Where Design Guidelines apply, the project proponent will simply be required to demonstrate how the project meets these Guidelines at a public hearing. The decision making authority must make findings how the guidelines are met or if they apply to the proposal.

The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

40.20.10. Applicability.

- 1. The scope of Design Review shall be limited to the exterior of buildings, structures, and other development and to the site on which the buildings, structures, and other development are located. [ORD 4584; June 2012]*
- 2. Considering the thresholds for the Design Review Compliance Letter, Design Review Two, or Design Review Three applications and unless exempted by Section 40.20.10.3. (Design Review) approval shall be required for the following: [ORD 4584; June 2012]*

- A. *All uses listed as Conditional Uses in the R10, R7, and R5 zoning districts. [ORD 4584; June 2012]*
- B. *All uses listed as Permitted and Conditional Uses in the R4, R2, and R1 Residential zoning districts. [ORD 4584; June 2012]*
- C. *All uses listed as Permitted and Conditional Uses in all Commercial, Industrial, and Multiple Use zoning districts.*
- D. *Site grading.*

3. *Design Review approval shall not be required for the following:*

- A. *All uses listed as Permitted Uses in the R10, R7 and R5 Residential zoning districts. [ORD 4584; June 2012]*
- B. *Detached dwellings and related residential accessory structures in any Residential or Commercial zoning district. [ORD 4542; June 2010]*
- C. *Existing detached dwellings in Industrial and Multiple-Use zoning district. [ORD 4782; April 2020]*
- D. *Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.*
- E. *Painting of any building in any zoning district.*
- F. *Wireless communication facilities.*
- G. *Food Cart Pods. [ORD 4662; September 2015]*
- H. *Uses, activities, and structures located on a private parking lot and approved pursuant to the Open Air Beaverton program*

4. *Design review approval through one of the procedures noted in Section 40.20.15. will be required for all new development where applicable. The applicable design standards or guidelines will serve as approval criteria depending on the procedure. Existing developments, and proposed additions, demolitions and redevelopments associated with them, will be treated according to the following principles:*

- A. *Development constructed or approved prior to December 15, 2004 is not subject to Design Review standards and guidelines, and is considered fully conforming to the approvals issued at the time the development was approved by the City. Existing developments constructed prior to December 15, 2004, are not considered nonconforming if they do not meet design standards. If existing development is structurally damaged or destroyed by casualty, replacement shall occur as follows:
 - 1. *If structural damage or destruction is less than or equal to fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction can be replaced as legally existed on the site before the casualty loss.*
 - 2. *If structural damage or destruction is more than fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction must meet the provisions of this Code in every regard unless otherwise authorized by the provisions of this Code.**
- B. *Proposed new free-standing building(s) within an existing development will be subject to all applicable design standards.*
- C. *Proposed redevelopment of existing structures and project site area is subject to all applicable design standards or guidelines to the extent where redevelopment of existing building or site area is proposed. Only that portion of existing building or site area that is proposed for redevelopment is subject to design review standards or guidelines as determined applicable. [ORD 4531; April 2010]*

A plain reading of this section of the Development Code clarifies that Design Review of the application is required because the USE is a Conditional Use in the Residential District where it's located. However, as stated repeatedly throughout the applicant's findings and supplemental documents the BUILDING is a detached dwelling, and there is no request or desire to modify, alter, redevelop or otherwise CHANGE any portion of the building or the site. The only proposed addition to the site is the construction of a new fence along the north property line. The fence is necessary to comply with the requirement for a solid fence as a part of the B3 buffer necessary between the subject property and the adjacent residence to the north. The only proposed alteration to the site is the planting (addition) of fifty (50) plants along the northern 20 feet of the site and the northeastern portion of the east property line to comply with the requirement for substantial vegetative screening between the subject site and the two adjacent residences.

There is no proposed change to the existing building or hardscape, the existing landscaping, the existing fencing, or the existing lighting.

CHAPTER 60 - SPECIAL REQUIREMENTS

60.05. Design Review Design Principles, Standards and Guidelines

60.05.30. Lighting Design Standards.

Unless otherwise noted, all standards apply in all zoning districts.

1. Adequate on-site lighting and minimal glare on adjoining properties. [ORD 4584; June 2012]

A. Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.

B. Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.

C. Lighting shall be provided in pedestrian plazas, if any developed.

D. Lighting shall be provided at building entrances.

E. Canopy lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way.

2. Pedestrian-scale on-site lighting.

A. Pole-mounted luminaires shall comply with the City's Technical Lighting Standards, and shall not exceed a maximum of:

1. Fifteen (15) feet in height for on-site pedestrian paths of travel.

2. Twenty (20) feet in height for on-site vehicular circulation areas for residential uses in Residential zoning districts.

3. Thirty (30) feet in height for on-site vehicular circulation areas in non-residential zoning districts.

4. Fifteen (15) feet for the top deck of non-covered parking structures.

5. The height of the poles for on-site pedestrian ways and on-site vehicular circulation areas shall be measured from the site's finished grade.

6. The height of the poles on the top deck of non-covered parking structures shall be measured from the finished floor elevation of the top deck.

7. The poles and bases for pole-mounted luminaires shall be finished or painted a non-reflective color.

B. Non-pole-mounted luminaires shall comply with the City's Technical Lighting Standards.

C. Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.

A plain reading of this section of the Development Code clarifies that Design Review of the application is subject to all applicable design standards or guidelines to the extent where redevelopment of existing building or site area is proposed. Only that portion of existing building or site area that is proposed for redevelopment is subject to design review standards or guidelines as determined applicable. The CHAPTER 60 - SPECIAL REQUIREMENTS, 60.05. Design Review Design Principles, Standards and Guidelines **and specifically:** 60.05.30. Lighting Design Standards **state** “Unless otherwise noted, all standards apply in all zoning districts” **with** “Adequate on-site lighting and minimal glare on adjoining properties” **and**

- A. **Lighting shall be provided at lighting levels for development and redevelopment** in all zoning districts consistent with the City's Technical Lighting Standards.

However, as stated repeatedly throughout the applicant’s findings and supplemental documents the BUILDING is a detached dwelling, and there is no request or desire to modify, alter, redevelop or otherwise CHANGE any portion of the building or the site. There is no proposed change to the existing building or existing hardscape, the existing landscaping, the existing fencing, or the existing lighting. The application is not subject to the Lighting Design Standards because the building is an existing detached dwelling and no changes to the lighting are proposed or required by the Conditional Use Approval Criteria.

60.05.50. Lighting Design Guidelines.

Unless otherwise noted, all guidelines apply in all zoning districts.

1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standards 60.05.30.1 and 2)

2. Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)

3. Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standards 60.05.30.1 and 2)

4. On-Site lighting should comply with the City's Technical Lighting Standards. (Standards 60.05.30.1 and 2.) Where the proposal does not comply with Technical Lighting standards, the applicant should describe the unique circumstance attributed to the use or site where compliance with the standard is either infeasible or unnecessary. [ORD 4531; April 2010]

There is no proposed change to the existing lighting. The application is not subject to the Lighting Design Standards because the building is an existing detached dwelling and no changes to the lighting are proposed or required by the Conditional Use Approval Criteria. Further, the Design Guidelines mandate compliance with the Technical Lighting Standards. Compliance is infeasible because the existing detached dwelling was constructed originally in the 1940s and the addition was constructed approximately five years ago as an Adult Foster Home and was not subject to the Technical Lighting Standards. Staff has requested the applicant address the Design Guidelines. Uniquely.....there are no available records

detailing the make, model, serial number or design details for ANY of the residential exterior lighting so it is IMPOSSIBLE to gather the requested iso-grid or photometric data for the existing fixtures. The application includes “as-built” lighting information for the specific demonstration that modifying the southern 90 feet of the required eastern B3 landscape buffer will not result in any impact to the adjacent property owner.

60.30.05. Off-Street Parking Requirements.

3. Bicycle Parking. [ORD 3965; November 1996] Bicycle parking shall be required for quadplexes, townhouses (with 4 or more units), cottage clusters, multi-dwellings, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual. [ORD 4397; August 2006] [ORD 4822; June 2022]

B. Bicycle Categories. The required minimum number of short-term and long-term bicycle parking spaces for each land use is listed in Section 60.30.10.5.

1. Short-Term parking. Short-term bicycle parking spaces accommodate persons that can be expected to depart within two hours. Short-term bicycle parking is encouraged to be located on site within 50 feet of a primary entrance, or if there are site, setback, building design, or other constraints, bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority
2. Long-Term parking. Long-term bicycle parking spaces accommodate persons that can be expected to leave their bicycle parked longer than two hours. Cover or shelter for long-term bicycle parking shall be provided. School buildings are exempted from the requirement to cover long-term bicycle parking.

Ratios. In calculating the required number of vehicle and bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. In calculating the required number of vehicle and bicycle parking spaces, fractions less than 0.5 shall be rounded down to the nearest whole number. [ORD 3965; November 1996]

	Long Term	Short Term
Residential Care Facilities (based upon maximum capacity)	1 space per 100 beds	1 space per 50 beds

A plain reading of this section of the Development Code clarifies that there is NO MINIMUM required number of Bike parking spaces for Residential Care Facilities and there is no requirement for any Bicycle Parking Facilities for the *subject application* since the RATIO or fraction of a space would be less than .50 space for Short Term (12 beds = .25 spaces) and less than .50 space for Long Term (12 beds = .125 spaces) Parking.

The submitted plan for the Planning Commission Hearing demonstrates that three bike parking spaces can be provided in the garage.