



185 Berry Street #5000
San Francisco, CA 94107

Received
Planning Division
12/3/2021

December 3, 2021

RE: Conditional Use Permit - 8548 SW Beaverton Hillsdale Hwy - Vehicle Rental

Dear Beaverton Planning Commission,

Lyft is respectfully requesting your review and consideration of the proposed Flexdrive vehicle rental use. Planning staff communicated that they are unable to support the use on the basis that the Beaverton Development Code stipulates that *accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment*. Staff interprets the vehicles for the vehicle rental use as an accessory to the primary use; however, Lyft believes that this section of the code does not apply to vehicle rentals since vehicle parking is part of the primary use.

The Beaverton Development Code defines Vehicle Sales, Lease, or Rental as *the sale, lease, or rental of new or used automobiles, boats, motorcycles, or other motor vehicles that require a license or registration to own or operate. This use classification includes, but is not limited to Car Rentals, Vehicular Dealerships, Dealerships, Vehicle Sales, Vehicle Sales Lots, Travel Trailers, Recreational Vehicles, Manufactured Homes, Boat Sales, or other similar uses not located in residential zones*. Specifically, the Code's classification of "Vehicle Sales, Lease, or Rental" includes Vehicle Sales Lots, which is defined as *a lot used for display, sale, or rental of new or used vehicles, including but not limited to, automobiles, boats, trailers, and recreational vehicles*. Based on this definition and our operations across our markets, we believe that a vehicle rental operation includes vehicles parked on the lot in which it operates and is part of the primary use and not a secondary or accessory use. The vehicles temporarily on-site are an essential and primary part of our use; without the vehicles, the operation does not exist as the sole purpose of the interior space is to support the rental vehicles. Based on the interpretation of the Code, 5% of the individual establishment (our leased space) only provides approximately 140 square feet of "outdoor storage," which equates to less than one parking stall. The existing parking lot has 194 parking stalls and we are proposing to lease 20 stalls as part of our operation. However, on a daily basis, there is a limited amount of vehicles on site as they are typically with drivers.

The Flexdrive vehicle rental use is unlike a typical vehicle rental agency. It is a Lyft operated program to support existing Lyft drivers who do not own a vehicle or temporarily in need of a vehicle in order to continue to maintain their income. Due to the nature of the program, vehicles are typically rented for an average of 10 weeks and are typically out with drivers. Operationally, the drivers reserve their vehicles via their Lyft app and pick up their vehicles on-site. Once the driver arrives, an associate will assist the driver and gather any documentation needed in order for the driver to begin driving on the rideshare platform. The driver then retrieves their vehicle on-site and begins driving on the platform. As such, the presence of vehicles on-site is the primary use and essential to operations of the program. Furthermore, vehicles on-site are typically there for 24 hours, and no more than 72 hours in order to get them ready for the next

driver. Vehicles are not stored on site for long periods of time as they would at a traditional vehicle rental agency (such as Hertz, Avis, Budget, etc.) as the program does not include maintaining a surplus of vehicles on-site. Any excess vehicles not used in this market are sent to other markets where the demand may be higher.

We hope that members of the Planning Commission can determine that the vehicles are not accessory to our use; but rather, primary and essential to the proposed project. Lyft respectfully requests that the Commission approve the proposed project.

Sincerely,

Lily Lim
Planning and Development Manager



185 Berry Street #5000
San Francisco, CA 94107

Received
Planning Division
12/3/2021

August 27, 2021

REVISED: September 16, 2021

REVISED: November 29, 2021

RE: Conditional Use Permit - 8548 SW Beaverton Hillsdale Hwy - Vehicle Rental

On June 30, 2021, a pre-application conference was held for the above referenced project. As part of the formal submittal, the following written analyses were requested:

Written Statement

Project Description

Lyft is proposing to manage vehicle rentals at 8548 SW Beaverton Hillsdale Highway (Also known as 8548 SW Apple Way). Lyft partners with Flexdrive Services, LLC (a wholly owned subsidiary of Lyft, Inc) to manage a program called "Express Drive" which consists of vehicles available for rent to Lyft drivers. Drivers may take public transit, take rideshare, or be dropped off to pick up the vehicles and will not be able to park their personal vehicles on-site. The program allows for drivers to rent cars on a weekly basis. As such, the turnover of vehicles is less frequent than traditional vehicle rentals. Based on the Beaverton Municipal Code, vehicle rentals require a Conditional Use Permit. The existing site is a multi-unit commercial complex with various uses. Lyft is not proposing any physical changes to the site as all landscaping, parking, and structures will remain the same. Lyft proposes to use 20 existing parking stalls for vehicles. Typically, if multiple vehicles are required to be brought on-site, a tow truck type vehicle is used for hauling purposes.

Chapter 20 (Land Uses)

The project site has a zoning designation of CS - Community Service. The existing site, building, and parking lot areas will not be modified. The proposed project meets Section 20.10.40 of the Development Code such that the office portion of the proposed use (permitted by Code) is conducted wholly within an enclosed structure and the open air displays (parking lot) do not constitute more than 5% of the building floor area. The proposed use (Vehicle Rentals) requires a Conditional Use Permit as identified by the Beaverton Municipal Code and will entail parking vehicles in the existing parking lot.

Section 40.03 (Facilities Review)

1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three and applicable Land Division applications:
 - A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.

- a. The project meets this criteria such that facilities and services have adequate capacity to serve the proposed project as demonstrated by the SPL attached to the application.**
- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.
 - a. The project meets this criteria such that facilities and services have adequate capacity prior to the occupancy of the proposed project as this is an existing site and has had prior tenants.**
- C. The proposed development is consistent with all applicable provisions of CHAPTER 20 (Land Uses), or Sections 20.25 and 70.3 if located within the Downtown Design District, unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of CHAPTER 20 (Land Uses) or Sections 20.25 and 70.3 if located within the Downtown Design District.
 - a. The project meets this criteria based on the analysis in the section above subtitled “Chapter 20 (Land Uses).” The project site has a zoning designation of CS - Community Service. The existing site, building, and parking lot areas will not be modified. The proposed project meets Section 20.10.40 of the Development Code such that the office portion of the proposed use (permitted by Code) is conducted wholly within an enclosed structure and the open air displays (parking lot) do not constitute more than 5% of the building floor area. The proposed use (Vehicle Rentals) requires a Conditional Use Permit as identified by the Beaverton Municipal Code and will entail parking vehicles in the existing parking lot.**
- D. The proposed development is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of CHAPTER 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.
 - a. The project meets this criteria based on the analysis in the section below subtitled “Chapter 60 (Special Requirements).”**

The applicable sections under this Chapter include Section 60.25 (Off-Street Loading Requirements), 60.30 (Off-Street Parking) and 60.55 (Transportation Facilities) as identified in the Pre-Application Summary.

Section 60.25 - The proposed project is located within an existing development/site. There will be no changes made to the existing off-street loading.

Section 60.30 - The proposed project is located within an existing site with a parking requirement of 3.0 stalls per 1,000 sf. As such, the parking requirement is 129 stalls (approximately 43,000 sf). The proposed use is 2800 sf, which requires 8 of the existing stalls based on the 3.0/1000 sf ratio. Staff has identified the use to be 3.3/1000 sf, as such the proposed use requires 9 stalls, bringing the total required stalls to 130 stalls. If the entire shopping center were on the 3.3/1000sf ratio, it would require 142 stalls. There are currently 194 stalls on the property as demonstrated on the site plan. With the higher parking requirement, the site continues to meet the City's Development Code and has a surplus of 52 stalls.

Section 60.55 - Staff has requested a Trip Generation Memo, which has been completed by Hexagon Transportation Consultants and has been included in the application submittal.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.
 - a. **The project meets this criteria such that the site is existing and has adequately provided periodic maintenance of the listed areas.**
- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.
 - a. **The project meets this criteria such that the site is existing and vehicular and pedestrian circulation patterns remain unchanged. A truck turning study has been provided to demonstrate the ability to maneuver vehicles on-site.**
- G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

- a. The project meets this criteria such that the site is existing and vehicular and pedestrian circulation patterns remain unchanged. A truck turning study has been provided to demonstrate the ability to maneuver vehicles on-site.**
- H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.
 - a. The project meets this criteria such that the site is existing and were designed to be in accordance with the City's adopted codes at the time of construction.**
- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.
 - a. The project meets this criteria such that the site is existing and were designed to be in accordance with the City's adopted codes at the time of construction.**
- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
 - a. The project meets this criteria such that the site is existing and grading and contouring of the site will remain unchanged.**
- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.
 - a. The project meets this criteria such that the site is existing and access and facilities for physically handicapped of the site will remain unchanged.**
- L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]
 - a. The project meets this criteria such that the submittal materials are included as part of this application.**

2. Public Transportation Facility Improvements or Modifications, including Street Vacations.
[ORD 4487; August 2008]

- A. The transportation facility, as proposed or modified, conforms to the Transportation System Plan.
- B. There are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.
- C. The proposed development is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and all improvements, dedications, or both

required by the applicable provisions of CHAPTER 60 (Special Requirements) are in place.

- D. Adequate means are provided or proposed to be provided in a satisfactory manner, to ensure continued periodic maintenance and replacement of the following, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities.
- E. The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.
- F. The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.
- G. Grading and contouring are the minimum necessary to accommodate the proposed transportation facility, while mitigating adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
- H. Access and facilities for physically handicapped people are maintained and/or incorporated into the subject transportation facility, with particular attention to providing continuous, uninterrupted access routes.
- I. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.

This project is not a Public Transportation Facility Improvements or Modifications, including Street Vacations.

[ADDED September 16] Section 40.15.15.5.C (Approval Criteria) -

1. The proposal satisfies the threshold requirements for a Conditional Use application in that the proposed use as an auto rental facility is a conditionally approvable use per the Code, the proposed use is not located within a residential district, and the proposed use requires a Type III application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal will comply with the applicable policies of the Comprehensive Plan as the project is an infill project, complements the surrounding uses, and provides additional employment opportunities for the community.
4. The size, dimensions, configuration and topography of the site and natural and man-made features of the site can reasonably accommodate the proposal in that the proposed project utilizes an existing building within its footprint and an existing parking lot which currently has a surplus of parking stalls.

5. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of the subject site in that the proposed project utilizes an existing building within its footprint and an existing parking lot which currently has a surplus of parking stalls.
6. The proposed residential use located in the floodway fringe meets the requirements in Section 60.10.25 in that the proposed project is not a residential use.
7. For parcel(s) designated Interim Washington County, the proposed use identified in the land use designation previously held for the subject parcel(s), meets the requirements identified in Washington County's Development Code as the site is not known to be designated within the Interim Washington County.
8. Applications and documents related to the request, which will require further City

Chapter 60 (Special Requirements)

The applicable sections under this Chapter include Section 60.25 (Off-Street Loading Requirements), 60.30 (Off-Street Parking) and 60.55 (Transportation Facilities) as identified in the Pre-Application Summary.

Section 60.25 - The proposed project is located within an existing development/site. There will be no changes made to the existing off-street loading.

Section 60.30 - The proposed project is located within an existing site with a parking requirement of 3.0 stalls per 1,000 sf. As such, the parking requirement is 129 stalls (approximately 43,000 sf). The proposed use is 2800 sf, which requires 8 of the existing stalls based on the 3.0/1000 sf ratio. Staff has identified the use to be 3.3/1000 sf, as such the proposed use requires 9 stalls, bringing the total required stalls to 130 stalls. If the entire shopping center were on the 3.3/1000sf ratio, it would require 142 stalls. There are currently 194 stalls on the property as demonstrated on the site plan. With the higher parking requirement, the site continues to meet the City's Development Code and has a surplus of 52 stalls.

Section 60.55 - Staff has requested a Trip Generation Memo, which has been completed by Global Transportation Engineers and has been included in the application submittal.

Applicable Comprehensive Plan Policies - Added November 29, 2021

Policies:

- a) Over time, new development and redevelopment should improve accessibility and comfort for non-auto modes, including:
 - i. Improving pedestrian and bicycle connections within and between sites
 - ii. Enhancing or creating multi-modal connections wherever feasible
 - iii. Providing direct pedestrian connections to, and amenities near, transit stops

- iv. Providing a more visually engaging and appealing street frontage through the addition of buildings adjacent to the street, enhanced landscaping, more pedestrian scale signage, etc.
- v. Providing safe and convenient paths for pedestrians within large parking areas

The project is not a new development or a redevelopment of the site as it is an existing multi-tenant commercial development.

- b) Emphasize commercial and employment uses, and limit ground floor residential uses to preserve land to meet the city's employment needs.

The project is located within an existing multi-tenant commercial development with various uses. The project provides employment opportunities within the City of Beaverton as well as business tax revenue.

- c) Allow for housing as part of an integrated mixed use development, generally behind or above commercial uses, and buffered from high-traffic roadways or uses incompatible with residential use.

The project is not located within a mixed use development.

- Policies: a) Allow commercial uses at a range of scales, including large-format retail, to address community needs.

The project is small in nature (2800 sf of indoor office space and 20 parking stalls in an existing parking lot with surplus parking). The project provides employment opportunities (to work in the office) as well as provides resources (vehicles) for existing rideshare drivers.

- b) Allow limited new automotive services (e.g. gas stations, car wash, and car repair) where compatible with adjacent uses and where the design of the site and building or structure promote a quality pedestrian environment along the street.

The project is not a gas station, car wash, or car repair; however, the project is automotive related as it provides rental vehicles to existing rideshare drivers. The design of the building will not be changing as it will utilize an existing multi-tenant commercial development for the office and an existing parking lot for rental vehicles (20 existing parking stalls).

- c) Prohibit land-intensive vehicle sales and service uses and uses requiring extensive outdoor storage.

The project is not a land-intensive vehicle sales or service use nor does it require extensive outdoor storage. The project proposes to use 20 parking stalls to park rental

vehicles in an existing parking lot with approximately 194 existing parking stalls. The existing uses on the site require approximately 120 parking stalls. The proposed parking area “outdoor storage” is surplus parking and would otherwise be used for parking of vehicles.

d) Use development standards and/or conditional use review to address potential issues related to compatibility of commercial uses with adjacent housing, including noise, access and parking.

The project requires a Conditional Use Permit with approval by the Planning Commission and meets the development standards as set forth in the Beaverton Municipal Code. Additionally, Lyft has demonstrated the surplus parking on the site plan as well as provided a trip generation memo to demonstrate peak hours and vehicular trips.

e) Require multimodal or pedestrian connections based on block size standards to encourage a pattern of development that can be easily navigated by foot or bike.

The project does not alter the existing pedestrian or multimodal connections of the site.

f) The Community Commercial designation may be applied in areas along arterial roads with relatively high visibility and auto accessibility that also provide pedestrian, bicycle, and/or transit connections to the surrounding community.

The project is located within a Community Commercial designation per the Land Use Map of the Beaverton Comprehensive Plan.

Transportation Element

6.2.4. Goal: An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.

The proposed project provides resources (vehicles) to Lyft drivers, which based on our business model, aims to reduce single occupancy vehicles by providing rideshare services (shared rides). The Express Drive program also offers EV vehicle options to drivers, which reduces carbon emissions.

6.2.5. Goal: Transportation facilities that serve and are accessible to all members of the community.

The proposed project allows for increased availability of rideshare services by providing vehicles to rideshare drivers. The availability of rideshare also supports efforts to reduce car ownership and single occupancy vehicles (during non-pandemic times where ridesharing is available). For

example, Lyft partners with medical facilities to provide a concierge service to individuals who are unable to drive.

Hours of Operation

The business will operate between the hours of 9 am to 5 pm, Monday through Friday to the general public. Associates typically are on-site before and after business hours. There will be approximately 4 associates dedicated to the operation per shift.

If I can provide any clarification, please contact me at LLim@lyft.com or 415-412-2881.

Thank you for your consideration.

Sincerely,

Lily Lim
Planning and Development Manager