

**Received**  
**Planning Division**  
09/29/2021

EXHIBIT 2.6

# South Cooper Mountain Main Street – Building 1

## Beaverton, Oregon

### Request for Approvals:

- **Modification of a Design Review 3**
- **Major Modification of a Conditional Use**
- **Modification of a Parking Determination – Shared Parking**
- **Design Review Compliance Letter**

Prepared for:  
Wishcamper Development Partners  
131 South Higgins Avenue, Ste P-1  
Missoula, MT 59802

September 29, 2021

Prepared By:  
Otak, Inc.  
808 SW Third Avenue, Suite 800  
Portland, OR 97204

Project No. 19515.100



# REQUESTS

**Design Review 3 Modification, Major Modification of a Conditional Use, and Parking Determination – Shared Parking Modification, and Design Review Compliance Letter** approval is requested for Building 1 of the South Cooper Mountain Main Street development within the South Cooper Mountain Community Planning area. Building 1 includes 84 affordable multifamily housing units and associated parking.

## SITE INFORMATION

SUBJECT: 17895 SW Main St (previously 17811 SW Scholls Ferry Road)  
PROPERTY: Tax lot 2S106B 07000

SITE AREA: 2.35 acres (Lot 1)  
9.75 acres (SCM Main Street site)

ZONING: Neighborhood Services NS

## APPLICANT/PROPERTY OWNER

APPLICANT: Wishcamper Development Partners  
131 South Higgins Avenue, Ste P-1  
Missoula, MT 59802

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OWNER: Blackbird & Main LLC  
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## PROJECT DEVELOPMENT TEAM

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- Appendix A – Pre-Application Conference Report dated February 26, 2021 by City of Beaverton Staff
- Appendix B – TIA Amendment -Trip Generation Reduction memo dated June 15, 2021 by GTE
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## Exhibits

- Approved Building 1 Architecture Sheets – Annotated with Revisions
- Revised Building 1 Architecture Sheets

# I. Requests

**Design Review 3 Modification, Major Modification of a Conditional Use, and Parking Determination – Shared Parking Modification** approval is requested for Building 1 of the South Cooper Mountain Main Street development within the South Cooper Mountain Community Planning area. Building 1 includes 84 affordable multifamily housing units and associated parking.

**Modification of a Design Review 3 (DR2020-0067)** is requested for revisions to the eastern building elevation. The original Design Review application addressed Design Guidelines rather than Design Standards for the proposed revisions, therefore Design Review 3 is required to modify this elevation.

**Major Modification of a Conditional Use (CU2020-0003)** approval is requested to convert 4,055 sq. ft. of approved ground floor non-residential uses to residential support uses in Building 1. Residential uses are conditionally permitted in the NS zone. The overall development will continue to comply with the non-residential use requirements of the NS zone.

**Modification of a Parking Determination - Shared Parking Agreement (PD2020-0002)** approval is requested to modify conditions of approval regarding a shared parking agreement. Since the non-residential uses are being removed from Building 1, parking for those uses no longer needs to be accommodated on Lot 3 as currently approved.

**Design Review Compliance Letter (DR2020-0067)** approval is requested for minor revisions to the southern, western, and northern elevations of Building 1. These revisions are further described in Section VI of this narrative.

# II. Project Description

The South Cooper Mountain Main Street site is within the South Cooper Mountain planning area to the northwest of the intersection of SW Mountainside Way and SW Scholls Ferry Road. The Blackbird Farms site forms the western and northern boundary of the site and SW Scholls Ferry Road forms the southern boundary of the site. Mountainside Way forms the eastern boundary of the site and Mountainside High School is located east of Mountainside Way. The overall site consists of one tax lot totaling 9.75 acres. Lot 1, as approved by LD2020-0005, totals 2.35 acres in area.

The South Cooper Mountain Main Street development was approved by the Beaverton Planning Commission on November 18, 2021 (Casefiles #ADJ2020-0002/CU2020-0002/CU2020-0003/DR2020-0067/LD2020-0005/SDM2020-0004). Subsequently, the design team has begun preparation of documents for building permit submittal. The building permit documents require revisions to the exterior building elevations of Building 1 to accommodate interior fire, life, and safety requirements as well as revised internal unit designs.

In addition, the applicant determined in discussion with Oregon Bureau of Labor & Industries (BOLI) that inclusion of non-residential ground floor uses in Building 1 (which creates a mixed-use building) would trigger prevailing wage requirements. These requirements would add substantially to the cost of the project. As a result, the applicant is requesting the replacement of the approved non-residential ground floor uses with additional residential common spaces.

This application requests approval to elevation revisions to Building 1 as well as revisions to conditions of approval related to the inclusion of ground-floor commercial space in Building 1.

### III. Compliance with Beaverton Comprehensive Plan

**Response:** Staff's completeness review letter dated June 29, 2021 identified the relevant policies of the Beaverton Comprehensive Plan, which are addressed below.

#### A. Chapter 3 Land Use

[...]

#### 3.7 Commercial Centers and Corridors

##### **Goal 3.7.1 Enhanced Commercial Centers and Corridors**

*The following policies apply to all Commercial Centers and Corridors.*

*Policies:*

[...]

- 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.*

**Response:** The NS zone allows residential uses conditionally, which allows the City to review the proposed development for compatibility with existing or anticipated uses. Lot 1/Building 1 is part of the SCM Main Street development, which is a mixed-use development that incorporates multifamily residential and non-residential commercial uses.

As approved, Building 1 included 4,055 sq. ft. of leasable commercial space on the ground floor. As modified, this leasable commercial space has been converted to additional common space for the use of residents of Building 1 as well as Buildings 2 and 3. The street-level retail storefront treatment remains and provides transparency into the space and activation of Main Street. This space is expected to see high usage by neighborhood residents and will provide programming and other activities that will create street-level interest. Dwelling units are located on the 2<sup>nd</sup> to 4<sup>th</sup> floors for additional buffering from street noise.

##### **Goal 3.7.4 Neighborhood Center: Provide opportunities for small-scale commercial development that serves adjacent neighborhoods**

*The following policies apply to Neighborhood Centers, in addition to policies under Goal 3.7.1.*

*Policies:*

- a) *Limit the scale and type of non-residential uses to ensure compatibility with surrounding neighborhoods.*

**Response:** As approved, Building 1 contained 4,055 sq. ft. of non-residential uses. As modified, these non-residential uses will be converted to a community room to support the residential uses. As such, the scale of non-residential uses on Lot 1 will be reduced.

[...]

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

**Response:** Lot 1/Building 1 is a multifamily residential use. As approved, the SCM Main Street Planned Development includes multifamily residential uses to the west, a park/open space use and commercial uses to the south, and institutional uses to the east. Potential issues related to the compatibility of Building 1 with adjacent uses include noise from sporting events at Mountainside High School and activities in the park/open space and commercial plaza to the south.

These potential impacts are mitigated by locating the units on upper levels of the building, significant topographical changes between the site and the high school to the east, and physical separation between the building and the commercial plaza by the park/open space and the mature grove of trees located within the park.

[...]

## IV. Compliance with South Cooper Mountain Community Plan

**Response:** Staff’s completeness review letter dated June 29, 2021 identified the relevant policies of the South Cooper Mountain Community Plan, which are addressed below.

### A. Neighborhoods and Housing

[...]

#### Main Street

[...]

#### Main Street Policies

1. Plan the Main Street area to provide local shopping opportunities. Main Street should complement and not compete with larger centers such as Progress Ridge.

**Response:** As approved, the proposed development includes approximately 33,870 sf of non-residential/commercial space (office, retail, or neighborhood services) designed to serve local users. As modified by this application, the amount of non-residential/commercial use is reduced by 4,055 sf to 29,815 sf on Lot 3 of the SCM Main Street Planned Development. In coordination with the NS zone limitations on the size of each individual business, the SCM Main Street development is not intended to compete with larger shopping centers.

[...]

## V. Compliance with Beaverton Development Code Title 20

### A. 20.10. Commercial Land Use Districts

#### 20.10.15. Site Development Standards

[...]

**Response:** The requested zoning is Neighborhood Service NS. Conformance with the development standards of the NS zone is evaluated in Table 3 below. Only those standards being revised with this application are addressed. Only those standards proposed to be modified are addressed below.

**Table 3. Development Standards**

Standard	NS Zone	Proposed	Findings
Maximum Building Height	35 ft.	Approved: 44 ft. 8 in. Proposed: 45 ft. 4 in.	An exception to the maximum building heights for Building 1 (up to 47 ft.) was approved through the Planned Unit Development provisions of Section 60.35. With the proposed revision, Building 1 continues to comply.

#### 20.10.20. Land Uses

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Commercial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.10.25.

**Response:** The approved development includes attached residential dwellings and commercial uses. The requested modifications are specific to the uses approved for Lot 1. Table 4 identifies the proposed uses.

**Table 4. Land Use Categories and Specific Uses**

Standard	NS Zone	Proposed
Residential Dwellings (Attached)	C	Yes. The residential dwellings were approved through CU2020-0003. No revisions to the number of attached residential dwellings is proposed.
Residential Dwellings (Planned Unit Development)	C	Yes. Conditional use approval for the Planned Unit Development was approved through CU2020-0002. No revisions to the number of residential dwellings is proposed.
Commercial	Y	Modification requested to remove 4,055 sq. ft. of approved non-residential from the ground floor of Building 1.

**20.10.25. Use Restrictions**

The following Use Restrictions refer to superscripts found in Section 20.10.20.

1. Detached or Attached Dwellings; only 50% of the contiguous area within any NS zone may be developed residentially.
2. No freestanding office structure or group of office structures shall exceed a combined total of 15,000 square feet.

**Response:** As approved Building 1 contains 4,055 sq. ft. of non-residential ground floor area. This application requests conversion of that area to residential support uses. However, the development continues to meet this requirement as demonstrated below.

<b>Total GFA:</b>	121,212					
<b>APPROVED</b>				<b>PROPOSED</b>		
<b>Residential</b>	<b>GFA (sf)</b>	<b>%</b>		<b>Residential</b>	<b>GFA (sf)</b>	<b>%</b>
<b>Building 1 (Senior)</b>	<b>25,179</b>			<b>Building 1 (Senior)</b>	<b>29,234</b>	
Building 2 (Family)	15,252			Building 2 (Family)	15,252	
Building 3 (Family)	15,252			Building 3 (Family)	15,252	
<b>Total Residential</b>	<b>55,683</b>	<b>45.9%</b>		<b>Total Residential</b>	<b>59,738</b>	<b>49.2%</b>
<b>Non-Residential</b>	<b>GFA (sf)</b>	<b>%</b>		<b>Non-Residential</b>	<b>GFA (sf)</b>	<b>%</b>
<b>Building 1 ground floor lease space</b>	<b>4,055</b>			<b>Building 1 ground floor lease space</b>	<b>0</b>	
Building 4	7,863			Building 4	7,863	
Buildings 5 and 6	16,363			Buildings 5 and 6	15,593 <sup>1</sup>	
Building 7	5,589			Building 7	6,414 <sup>2</sup>	
Public Park	13,934			Public Park	13,934	
Public Plaza	17,725			Public Plaza	17,725	
<b>Total Non-Residential</b>	<b>65,529</b>	<b>54.1%</b>		<b>Total Non-Residential</b>	<b>61,529</b>	<b>50.8%</b>

[...]

<sup>1</sup> The approved square footage for Buildings 4 and 5 included the exterior balconies; the revised numbers do not.

<sup>2</sup> The approved square footage for Building 7 did not include the indoor storage and trash rooms; the revised numbers include these areas.



## VI. Compliance with Beaverton Development Code Title 40

### A. 40.03. Facilities Review Committee

*Consistent with Section 10.95.4. (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, Public Transportation Facility Reviews, Street Vacations, and applicable Land Divisions. Applicable land division applications are Replats, Partitions, Subdivisions, Fee Ownership Partitions, and Fee Ownership Subdivisions. In making a recommendation on an application to the decision-making authority, the Facilities Review Committee shall base its recommendation on a determination of whether the application satisfies all the following technical criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B., and all the following criteria have been met, as applicable.*

**Response:** The proposal is for a Modification to a Conditional Use application and a Modification to a Design Review Three application and is subject to this chapter.

#### **40.03.1. All Conditional Use, Design Review Two, 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.*

**Response:** Chapter 90 of the Development Code defines “critical facilities” to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. DR2020-0067 approved the provision and phasing of critical facilities, and no revisions are proposed with this application.

#### **Public Water**

No changes to the approved conceptual site utilities are proposed. This requirement is not applicable.

#### **Public Sanitary Sewer**

No changes to the approved conceptual site utilities are proposed. This requirement is not applicable.

#### **Stormwater Drainage, Treatment, and Detention**

No changes to the approved conceptual site utilities are proposed. This requirement is not applicable.

#### **Transportation**

No changes to the approved conceptual transportation system are proposed. A Traffic Impact Analysis (TIA) completed by Global Transportation Engineering is included as Appendix B. The TIA indicates that the proposed modification will generate fewer daily total trips than the approved development.

#### **Fire Protection**

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). The proposed revisions do not impact the approved fire protection plan. This requirement is not applicable.

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.*

**Response:** Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. Essential facilities and services are either in place or will be at the time of completion of development as described below.

### **Police Protection**

The site will be served by the City of Beaverton Police Department.

### **Schools**

Per the service provider letter dated March 11, 2020 the Beaverton School District has provided comments addressing the anticipated impacts of the subject project to the District. In summarizing their comments, the District has indicated that the proposal will result in a moderate impact to schools in the area and anticipates sufficient capacity to accommodate new students from the proposed development. The proposed modification does not affect the anticipated residents of this building.

### **Transit Improvements**

No changes to the anticipated transit improvements are proposed. This standard is not applicable.

### **Pedestrian and Bicycle Facilities in the Public Right-of-Way**

No changes to the approved pedestrian and bicycle facilities are proposed with this application. This standard is not applicable.

*C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) 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).*

**Response:** The proposed development is consistent with all applicable provisions of Chapter 20 as adjusted through the Planned Development process. Compliance with Chapter 20 is addressed in Section V of this narrative.

*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.*

**Response:** The applicable provisions of Chapter 60 are addressed in Section VIII of this narrative.

*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.*

**Response:** The applicant, through the Blackbird & Main LLC, will retain ownership of Lot 1 and will be responsible for maintenance of the sites and private streets.

*F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.*

**Response:** No changes to the approved pedestrian circulation patterns are proposed. This standard is not applicable.

*G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.*

**Response:** No changes to the approved on-site circulation systems are proposed. This standard is not applicable.

*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.*

**Response:** No changes to the approved structures and public facilities related to this requirement are proposed. This standard is not applicable.

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.*

**Response:** No changes to the approved structures and public facilities related to this requirement are proposed. This standard is not applicable.

J. *Grading and contouring of the development site are 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.*

**Response:** No revisions to grading or contouring are proposed with this application. This standard is not applicable.

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.*

**Response:** No changes to the access and facilities for physically handicapped people are proposed with the Building 1 design and use revisions. This standard is not applicable.

L. *The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.*

**Response:** This application includes all required submittal materials specified in this section.

## **C. 40.15. Conditional Use**

### **40.15.15. Application.**

*There are seven (7) Conditional Use applications which are as follows: Interim Washington County Uses Type 1, Minor Modification of a Conditional Use, Interim Washington County Uses Type 2, Major Modification of a Conditional Use, New Conditional Use, Planned Unit Development, and Modification of a Nonconforming Use*

*[...]*

#### **4. Major Modification of a Conditional Use.**

A. *Threshold. An application for Major Modification of a Conditional Use shall be required when one or more of the following thresholds apply:*

1. *An increase in the gross floor area of an existing Conditional Use more than 10% or more than 1,000 gross square feet of floor area for all properties that are located in a Residential zoning district or within a distance of up to and including 50 feet of a Residential zoning district.*
2. *An increase in the gross floor area of an existing Conditional Use by more than 25% or in excess of 3,000 gross square feet of floor area for all properties that are not located in a Residential zoning district and are located at a distance of more than 50 feet from a Residential zoning district.*
3. *Projected or actual increase in vehicular traffic to and from a site approved for an existing Conditional Use of more than 100 vehicle trips per day as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are located in a Residential zoning district or are located at a distance of up to and including 50 feet from a Residential zoning district.*
4. *A projected or actual increase in vehicular traffic to and from a site approved for an existing Conditional Use of more than 200 vehicle trips per day as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are not located in a Residential zoning district and are located at a distance of more than 50 feet from a Residential zoning district.*

**Response:** The site is zoned NS, a non-residential zoning district. Attached residential uses are Conditional Uses in the NS zone, and Building 1 was approved as a Conditional Use (CU2020-0003).

The applicant requests a Major Modification of the approved Conditional Use to increase the gross residential floor area of the approved residential attached dwellings on Lot 1 by 4,055 sq. ft. This increase is achieved by converting the approved ground floor non-residential uses to residential amenity space.

Therefore, the proposed development meets threshold #4.2 above.

*B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Major Modification of a Conditional Use. The decision making authority is the Planning Commission.*

**Response:** The applicant has submitted a Type 3 application for a Major Modification of a Conditional Use.

*C. Approval Criteria. In order to approve a Major Modification of a Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

*1. The proposal satisfies the threshold requirements for a Major Modification of a Conditional Use application.*

**Response:** As noted above, the proposed development meets threshold #4.2 above. This criterion is met.

*2. All City application fees related to the application under consideration by the decision making authority have been submitted.*

**Response:** All required application fees have been submitted. This criterion is met.

*3. The proposal complies with the applicable policies of the Comprehensive Plan.*

**Response:** Applicable Comprehensive Plan policies are addressed in Sections III and IV of this narrative.

*4. The existing use has been approved as a Conditional Use as governed by the regulations in place when the use was established and complies with the applicable conditions of the Conditional Use approval unless the applicant has received or is concurrently requesting one or more conditions be removed or modified as part of the current application. [ORD 4473; March 2008]*

**Response:** The existing attached residential use has been approved as a Conditional Use (CU2020-0003) and as part of a Planned Unit Development (CU2020-0002). These approvals each include one condition of approval, which are not proposed to be modified. This criterion is met.

*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 properties in the surrounding area of the subject site.*

**Response:** The location and size of the building are not changing. The functional characteristics of the building will change slightly, as there will no longer be ground floor commercial space included. However, this space is expected to be used as community space to support the residential uses in the building, which is anticipated to include use by residents of the other residential buildings on site. Therefore, it is anticipated that the level of activity will remain similar and will continue to activate Main Street. This criterion is met.

*6. The proposal will not modify previously established conditions of approval for the prior Conditional Use consistent with Section 50.95.6. of the Development Code. [ORD 4473; March 2008] [ORD 4584; June 2012]*

**Response:** The existing attached residential use has been approved as a Conditional Use (CU2020-0003) and as part of a Planned Unit Development (CU2020-0002). These approvals each include one condition of approval, which are not proposed to be modified. This criterion is met.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

**Response:** Required applications and documents will be submitted to the City as requested. This criterion is met.

D. *Submission Requirements. An application for a Major Modification of a Conditional Use shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Modification of a Conditional Use application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.*

**Response:** The required materials have been included with this submittal. This criterion is met.

[...]

## D. 40.20. Design Review

### 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]*

[...]

C. *All uses listed as Permitted and Conditional Uses in all Commercial, Industrial, and Multiple Use zoning districts.*

**Response:** The NS zone has been applied to the subject site. The NS zone is a Commercial zone; the approved residential uses are Conditional Uses in the NS zone and the approved non-residential uses in Building 1 are permitted in the NS zone. Therefore, the requested modifications are subject to Design Review.

### 40.20.15. Application.

*There are three (3) Design Review applications which are as follows: Design Review Compliance Letter, Design Review Two, and Design Review Three.*

1. *Design Review Compliance Letter.*
  - A. *Threshold. An applicant may utilize the Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:*
    1. *Minor design changes to existing building or site including, but not limited to:*
      - a) *Façade changes, except changes in color.*

**Response:** Proposed revisions to Building 1 include:

- Balconies have been changed from fiber cement to metal louvers
- Location of VTAC grill shifted, and is now located behind guard rails to minimize visibility
- North/level 2 entrance and "hoop" element added

b) *Addition, elimination, or change in location of windows.*

**Response:** Proposed revisions to Building 1 include:

- Storefront systems have been modified due to conversion of non-residential ground floor use to residential spaces (mullion spacing changed; more transparency)
- Additional glazing added to the northern elevation
- Additional person doors on western elevation

c) *Addition, elimination, or change in location of person doors and loading doors.*

**Response:** Proposed revisions to Building 1 include:

- Additional person doors on western elevation

d) *Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade.*

[...]

**Response:** Proposed revisions to Building 1 include:

- Columns have been removed from south elevation; lower level is still recessed
- Lower level cantilever reduced from 5 ft. to 3 ft.

[...]

2. *Proposed additions of gross floor area to buildings in residential, commercial, or multiple use zones up to and including building area equal to 25% of the gross square feet of floor area of the existing building, but not to exceed 2,500 gross square feet of floor area.*

**Response:** No additions are proposed, though the gross floor area of the residential use will increase. This increase is addressed through a Major Modification to a Conditional Use. This threshold is not applicable.

3. *Proposed additions to buildings in industrial zones up to and including building area equal to 15% of the gross square feet of floor area of the existing building, but less than 30,000 gross square feet of floor area.*

**Response:** The NS zone is a commercial zone. This threshold is not applicable.

4. *New construction of non-habitable buildings in commercial, industrial, multiple use zones, or for approved Conditional Uses in residential zones, up to and including a gross building area of 1,000 square feet. [ORD 4531; April 2010] [ORD 4584; June 2012]*

**Response:** No new construction is proposed. This threshold is not applicable.

5. *Construction of new Community Gardens or additions to existing Community Gardens. [ORD 4659; June 2015]*

**Response:** No community gardens are approved or proposed. This threshold is not applicable.

- B. *Procedure Type. The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Design Compliance Letter. The decision making authority is the Director.*

**Response:** These revisions are subject to the Type 1 procedure. However, they have been submitted concurrently with a Type 3 application and will be processed through the Type 3 procedure.

- C. *Approval Criteria. [ORD 4365; October 2005] In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

1. *The proposal satisfies the threshold requirements for a Design Compliance Review Letter.*

**Response:** As noted above, the proposed revisions satisfy the threshold requirements for a Design Review Compliance Letter. This criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

**Response:** All application fees have been submitted. This criterion is met.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.*

**Response:** The proposal contains all applicable application submittal requirements. This criterion is met.

4. *The proposal meets all applicable Site Development Requirements of Sections 20.05.15., 20.10.15., 20.15.15., and 20.20.15. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal. [ORD 4584; June 2012]*

**Response:** The approved building continues to meet all applicable site development requirements of the Development Code except as approved through the Planned Unit Development approval, as noted in the responses to that section (CU2020-0002) and as noted in the responses to Section 20.10. This criterion is met.

5. *The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).*

**Response:** Consistency with the provisions of Sections 60.05.15 through 60.05.30 is addressed in Section VIII of this narrative. This criterion is met.

6. *If applicable, the proposed addition to an existing building and/or site, and only that portion of the building and/or site containing the proposed improvements, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:*
  - a) *Building articulation and variety. (Section 60.05.15.1.).*
  - b) *Roof forms. (Section 60.05.15.2.).*
  - c) *Exterior building materials. (Section 60.05.15.4.).**[...]*

**Response:** No additions to the existing site are proposed with this application. Consistency with these sections are addressed in the responses to the Design Standards

7. *The proposal complies with all applicable provisions in CHAPTER 60 (Special Regulations).*

**Response:** The applicable provisions in Chapter 60 are related to off-street parking and are addressed in Section IV of this narrative. This criterion is met.

8. *The proposal complies with the grading standards outlined in Section 60.15.10 or approved with an Adjustment or Variance. [ORD 4782; April 2020]*

**Response:** No changes to the grading are proposed. This criterion is not applicable.

9. *Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.*

**Response:** The proposal does not modify any conditions of approval of the previously approved Type 3 application (DR2020-0067). Modifications to conditions of approval are requested through Section 50.95 below. This criterion is met.

10. *Proposals for Community Gardens comply with Section 60.05.25.14 of CHAPTER 60. Community Gardens are exempt from Criteria 4, 5, 6, 7, and 8 above. [ORD 4659; June 2015]*

**Response:** No community gardens are proposed. This criterion is not applicable.

11. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

**Response:** Applicants and documents will be submitted to the City as required. This criterion is met.

D. *Submission Requirements.* An application for a Design Compliance Letter shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Compliance Letter application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.

**Response:** This application is being made by the owner of the subject property on the appropriate form. No pre-application conference was required for this submittal and none was conducted. This criterion is met.

[...]

3. *Design Review Three.*

A. *Threshold.* An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:

[...]

9. A project meeting the Design Review Two thresholds which does not meet an applicable design standard

**Response:** The applicable requirements of the eastern building elevation were addressed through Design Review 3; therefore modifications to this elevation are subject to Design Review 3.

B. *Procedure Type.* The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Design Review Three. The decision-making authority is the Planning Commission.

**Response:** This application has been submitted concurrently with a number of applications and will be reviewed by the Planning Commission.

C. *Approval Criteria.* In order to approve a Design Review Three application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Design Review Three application.

**Response:** The proposed modification satisfies the threshold of 3.A.9 above. This criterion is met.

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

**Response:** The City application fees have been submitted with this application.

3. For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

**Response:** The proposal does not meet application thresholds 1 through 6. This criterion is not applicable.

4. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines if any of the following conditions exist:

[...]

**Response:** The proposal is for a modification of an existing development. Consistency with provisions of Sections 60.05.35 through 60.05.50 is addressed in Section VI of this narrative. This criterion is met.



5. *For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in the Development Code or greater, can be realistically achieved at ultimate build out of the DRBCP. [ORD 4584; June 2012]*

**Response:** The proposal is not a DRBCP proposal. This criterion is not applicable.

6. *For proposals meeting Design Review Three Application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [NOTE: This should reference Threshold numbers 8 or 9]*

**Response:** The proposal meets threshold number 9 and the applicant has requested both Design Review Compliance Letter approval and Design Review 3 approval, which includes a combination of standards and guidelines. Consistency with Section 60.05 is addressed in Section VI of this narrative. This criterion is met.

7. *For proposals meeting Design Review Three Application Threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines). [NOTE: This should reference Threshold numbers 8 or 9]*

**Response:** The proposal meets threshold number 9 and the applicant has requested both Design Review Compliance Letter approval and Design Review 3 approval, which includes a combination of standards and guidelines. Consistency with Section 60.05 is addressed in Section VI of this narrative. This criterion is met.

8. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

**Response:** All applications and documents will be submitted to the City in the proper sequence.

- D. *Submission Requirements. An application for a Design Review Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Three application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.*

**Response:** The application includes the information required by Section 50.25 and additional information identified through the February 5, 2020 pre-application conference. This additional information includes Service Provider Letters from various agencies as well as various technical reports included in the appendix. This criterion is met.

## **G. 40.55. Parking Determination**

### **40.55.10. Applicability.**

*A Parking Determination may be requested in writing to establish a required off-street parking ratio or specific number of off-street parking spaces for a use or uses not specifically listed in Section 60.30. (Off-Street Parking) of this Code, to share required parking spaces, or to determine the existence of excess required parking. [ORD 4365; October 2005] [ORD 4584; June 2012]*

**Response:** The Planning Commission approved a Parking Determination – Shared Parking Agreement application through PD2020-0002. The Shared Parking Agreement allowed the non-residential use on the ground floor of Building 1 to accommodate its required parking on Lot 3. However, with this requested modification to the approved Conditional Use application (CU2020-0003), the requirement for non-residential parking is removed and a shared parking agreement is no longer required. The applicant proposes to modify the conditions of approval requiring a Shared Parking Agreement.

The provisions of Section 50.95 are addressed in Section VII of this narrative. The provisions of this section are addressed below.

#### **40.55.15. Application.**

There are three (3) Parking Determination applications which are as follows: Parking Requirement Determination, Shared Parking, and Use of Excess Parking.

[...]

#### **2. Shared Parking**

A. *Threshold.* An application for Shared Parking shall be required when one or more of the following thresholds apply:

1. *The required off-street parking for two or more uses will share required parking spaces.*
2. *All or a portion of the required parking will be provided at an off-site location. [ORD 4397; August 2006]*

**Response:** The applicant previously requested a Shared Parking determination to allow the non-residential uses on Lot 1 and share the proposed parking spaces on Lot 3 per A.1 above. Specifically, the required 13 off-street parking spaces for the non-residential uses on Lot 1 was proposed to be accommodated on Lot 3, which is off-site.

This modification request converts the non-residential uses on Lot 1 to residential support uses, which reduces the off-street parking requirement for the lot. As such, this shared parking agreement is no longer necessary.

B. *Procedure Type.* The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Shared Parking. The decision-making authority is the Director.

**Response:** This application is subject to a Type 2 procedure but has been submitted concurrently with applications subject to the Type 3 procedure and will be reviewed concurrently with them.

C. *Approval Criteria.* In order to approve a Shared Parking application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Shared Parking application.*

**Response:** The original application requested shared parking for two or more uses: the non-residential uses located on the ground floor of Building 1 were to share the Lot 3 parking. This modification application converts the non-residential uses on the ground floor of Building 1 to residential support uses, and a shared parking agreement is no longer necessary. This criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

**Response:** The required fees have been submitted. This criterion is met.

3. *The shared off-street parking is located on any property within 500 feet of the property upon which the use requiring the parking is located, except in Multiple Use zoning districts where the location may be at any distance. [ORD 4706; May 2017]*

**Response:** The Lot 3 parking area approved for use through the previously-approved Shared Parking application is located within 500 ft. of Lot 1/Building 1, and does meet this criterion.

4. *The location of the shared parking and the site containing the use shall be connected by a hard surface pedestrian pathway. [ORD 4706; May 2017]*

**Response:** This application modifies the previously-approved Shared Parking application to remove the use of Lot 3 for Building 1/Lot 1 parking. This criterion is not applicable to the proposal as revised.

5. *If the location of the shared parking and the site containing the use are separated by a street of collector or higher designation, the two locations shall each be within 300 feet of a controlled pedestrian crossing, such as a traffic light, stop-controlled intersection or marked pedestrian crossing such as a striped intersection or pedestrian-activated signal. [ORD 4706; May 2017]*

**Response:** This application modifies the previously-approved Shared Parking application to remove the use of Lot 3 for Building 1/Lot 1 parking. This criterion is not applicable to the proposal as revised.

6. *If multiple properties are involved, the owners of the properties have each agreed to the shared parking by entering into a shared parking agreement. [ORD 4584; June 2012]*

**Response:** This application modifies the previously-approved Shared Parking application to remove the use of Lot 3 for Building 1/Lot 1 parking. This criterion is not applicable to the proposal as revised.

7. *The time of peak parking demand for the various uses located on the subject properties occur at different times of the day.*

**Response:** This application modifies the previously-approved Shared Parking application to remove the use of Lot 3 for Building 1/Lot 1 parking. This criterion is not applicable to the proposal as revised.

8. *Adequate parking will be available at all times when the various uses are in operation.*

**Response:** This application modifies the previously-approved Shared Parking application to remove the use of Lot 3 for Building 1/Lot 1 parking. This criterion is not applicable to the proposal as revised.

9. *The proposal is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and that all improvements, dedications, or both 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 proposal.*

**Response:** This application modifies the previously-approved Shared Parking application to remove the use of Lot 3 for Building 1/Lot 1 parking. This criterion is not applicable to the proposal as revised.

10. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.*

**Response:** This application modifies the previously-approved Shared Parking application to remove the use of Lot 3 for Building 1/Lot 1 parking. This criterion is not applicable to the proposal as revised.

11. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.*

**Response:** This proposal includes all applicable submittal requirements. This criterion is met.

12. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence. [ORD 4404; October 2006].*

**Response:** Applications and documents have been submitted to the City in the proper sequence.

- D. *Submission Requirements. An application for a Shared Parking shall be made by the owners of the subject properties, or the owners' authorized agents, on a form provided by the Director and shall be filed with the Director. The Shared Parking application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.*

**Response:** This application has been made by the owners of the subject properties and is accompanied by the applicable forms and code sections.

## VII. Compliance with Beaverton Development Code Title 50

### A. 50.25 Application Completeness

1. *A complete application is one which contains the information required by the Director to address the relevant criteria, development requirements, and procedures of this Code. Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid*

annexation petition or executed annexation agreement. All other complete application shall consist of the requisite number of copies of the following: [ORD 4265; October 2003]

- A. A completed original application form provided by the Director and application checklist provided by the Director, signed by:
1. The applicant.
  2. If the applicant is not the owner, the owner of the property, or the authorized agent of the property owner. If an authorized agent, a written statement made by the owner of the property shall be submitted stating that the agent is authorized to sign on the owner's behalf.
  3. If the applicant is exercising its statutory authority to condemn property, the representative of the public agency accompanied by written documentation of such condemnation or intent to condemn the property.
  4. Property owner signatures are not required for City initiated Type 4 Text Amendment applications and City initiated Type 1, Type 3, and Type 4 Zoning Map Amendments. [ORD 4265; October 2003]

**Response:** This submittal includes completed application forms and checklists signed by the applicant, the owner, and the applicant's representative.

- B. A written statement, supported by substantial evidence, that identifies the criteria and development regulations considered relevant to the application, states the facts alleged to show that the application complies with applicable criteria and development regulations, and explains why the application should be approved based on the criteria and development regulations and facts set forth in the application. In addition to addressing applicable criteria and development regulations relevant to the application type, the written statement shall address all the applicable technical criteria specified in Section 40.03. (Facilities Review Committee) of the Code. [ORD 4265; October 2003] [ORD 4404; October 2006] [ORD 4487; August 2008] [ORD 4584; June 2012]
- C. The Director may require an applicant to submit information in addition to that required on the form to aid in deciding whether an application satisfies applicable criteria and development regulations. The Director shall attempt to identify additional necessary information in the pre-application conference.

**Response:** This narrative is the written statement and addresses the criteria and development regulations applicable to the proposal.

- D. The information required by Section 50.30.4. regarding Neighborhood Meeting requirements, if applicable.

**Response:** Per 50.95.2, the submitted Design Review modification applications do not require a Neighborhood Meeting. However, the requested Major Modification of a Conditional Use application does require a Neighborhood Meeting. This meeting was conducted virtually on September 28, 2021. Neighborhood meeting materials are included as Appendix D.

- E. For a Type 2, Type 3, or Type 4 application, a copy of the pre-application conference summary.

**Response:** The February 26, 2021 pre-application conference summary is included as Appendix A.

- F. Documentation from service providers, as determined by the Director, stating that essential and critical facilities are available can be made available or will not be adversely affected by the proposal.

**Response:** The requested revisions do not modify the availability of essential or critical facilities, and revised documentation is not required or provided.

- G. The applicable fee in effect at the date of submittal.

**Response:** The applicable fee has been submitted with the application.

[...]

## **B. 50.95 Modification of a Decision**

1. *An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.*

**Response:** The applicant requests to modify the conditions of approval of DR2020-0067 – Design Review approval for Building 1. This application was approved through a Type 3 procedure.

In addition, the application requests to modify PD2020-0002, which is subject to a Type 2 procedure. However, this application has been packaged with the Type 3 applications listed above and is being processed concurrently.

The applicant also requests deletion of conditions of approval related to a shared parking agreement between Lots 1 and 3, as noted below. With the conversion of the ground floor non-residential space to residential amenity spaces, a shared parking agreement is no longer needed.

### **DR2020-0067**

*C. Prior to Building Permit Issuance, the applicant shall:*

*[...]*

45. *Submit plans demonstrating two long-term bicycle parking spaces are provided for the commercial space in Building 1, as outlined in Sections 60.30.10.2.B and 60.30.10.5.B of the Development Code. (Planning/ES)*

### **PD2020-0002**

*B. Prior to Final Occupancy, the applicant shall:*

*[...]*

2. *Record shared parking agreement with Washington County. (Planning/ES)*

The application requests that these conditions of approval be removed from the final decision through this modification process.

2. *An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.*

**Response:** A pre-application conference was held on February 10, 2021. The pre-application conference notes are included as Appendix A.

3. *An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.*

**Response:** The applicant acknowledges that this modification does not extend the deadline for filing an appeal or stay appeal proceedings, and that this modification is subject to the 120-day requirement.

4. *Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.*

**Response:** The decision to be modified conditionally approved the SCM Main Street application. This requirement is met.

5. *An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.*

**Response:** The original SCM Main Street applications were reviewed and approved through a Type 3 procedure. This application requests modifications both to the approved project as well as modifications to conditions of approval of those applications. The modifications to conditions of approval are subject to a Type 3 procedure.

6. *The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in CHAPTER 40. In all cases, regardless of the thresholds listed in CHAPTER 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:*

**Response:** The thresholds of Chapter 40 are addressed in Section VI of this narrative.

[...]

- C. *The circumstances have changed to the extent that the condition is no longer needed or warranted.*

**Response:** The conditions of approval to be modified are related to a required shared parking agreement to accommodate non-residential Building 1 parking spaces on Lot 3. As noted previously, the shared parking agreement was necessitated by the need to accommodate the non-residential parking spaces to serve Building 1 on Lot 3. However, as this application is removing the non-residential spaces from Building 1, no spaces are required to serve this use and they no longer need to be located on Lot 3. This criterion is met.

- D. *A new or modified condition would better accomplish the purpose of the original condition.*

**Response:** The purpose of the original condition was to confirm that there would be adequate parking for the non-commercial uses proposed for Building 1. However, now that Building 1 will be entirely residential and the parking needs can be accommodated on site, the shared parking agreement with Lot 3 is no longer required.

## VIII. Compliance with Beaverton Development Code Title 60

**Response:** Where Design Standards cannot be met for the proposed development, the corresponding Design Guidelines are addressed instead. Table 6 below identifies the subject standards and corresponding design guidelines addressed in their place.

**Table 6. Design Guidelines Addressed in Place of Standards**

Standard	Corresponding Design Guideline	Item Addressed
60.05.15.1.A	60.05.35.1.A	Building length of more than 200 ft.
60.05.15.1.C	60.05.35.1.E	Articulation features spacing
60.05.15.1.D	60.05.35.1.E	More than 150 ft. of blank wall

### A. 60.05. Design Review Principles, Standards, and Guidelines

#### 60.05.15. Building Design and Orientation Standards.

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

1. *Building articulation and variety.*

- A. *Attached residential buildings in Residential zones shall be limited in length to two hundred (200) feet. [ORD 4542; June 2010]*

**Response:** As approved by DR2020-0067, the total building length is approximately 250 ft. No changes to the building length are proposed with this application. The corresponding Design Guideline 60.05.35.1.A. is addressed below in Design Review Guidelines.

- B. *Buildings visible from and within 200 feet of an adjacent public street shall have a minimum portion of the street-facing elevation(s) and the elevation(s) containing a primary building entrance or multiple tenant entrances devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18”), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is:*
1. *Thirty (30) percent in Residential zones and all uses in Commercial and Multiple Use zones.*

**Response:** Building 1 is within 200 ft. of and is visible from Main Street, Mountainside Way (east and north), and Street B and all four of the building elevations are subject to these standards. See Appendix C for calculations demonstrating compliance with this standard.

- South elevation: As approved, the main building entrance is located on the southern (Main Street) elevation. This elevation contains permanent architectural features including windows, offsetting walls, balconies, and changes in material types. These material changes have a minimum dimension of at least 2 ft. and the area exceeds 25 sq. ft. The proposed revisions maintain a variety of permanent architectural features and materials.
- West elevation: This elevation contains permanent features including windows, balconies, and loading doors. The proposed revision adds person doors to the ground level to access the electrical room.
- North elevation: This elevation contains permanent features including windows, offsetting walls, balconies, and changes in material type. The proposed revisions include increasing the prominence of this entrance through increased glazing and wider balconies.

The east elevation contains permanent features including windows, balconies, and material changes. A mural or green wall is also proposed for the fiber cement panel wall. This wall is larger than 150 sq. ft. and the corresponding Design Guideline 60.05.35.1.E. is addressed below in Design Review Guidelines.

[...]

- C. *The maximum spacing between permanent architectural features, both vertically and horizontally, shall be no more than:*
1. *Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones.*

[...]

**Response:** The NS zone is a commercial zone, and these standards are applicable. Building plans and elevations are included as Architectural Sheets A1-101 to A1-301.

Each of the elevations is well-articulated and includes a variety of permanent architectural features. The spacing between permanent architectural features on all buildings does not exceed 40 ft. However, there is a lack of clarify about how this standard is to be applied, and corresponding Design Guideline 60.05.35.1.E is addressed below in Design Review Guidelines.

- D. *In addition to the requirements of Section 60.05.15.1.B. and C, detached and attached residential building elevations facing a street, common green or shared court shall not consist of undifferentiated blank walls greater than 150 square feet in area. Building elevations shall be articulated with architectural features such as windows, dormers, porch details, alcoves, balconies or bays.*

**Response:** As approved, Building 1 contains residential uses as well as non-residential commercial uses and is a mixed-use building. As modified, Building 1 is an attached residential building and is now subject to this standard.

The requirement is generally met. There are a few exceptions where blank wall area exceeds 150 sq. ft. on the eastern elevation. This situation primarily exist at the top of the walls near the parapets and roofs. This allows flexibility to provide uniquely sloping roof forms. Therefore, this standard is not met. The corresponding Design Guideline 60.05.35.1.E. is addressed below in Design Review Guidelines.

[...]

3. *Primary building entrances.*
  - A. *Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least six (6) feet wide and four (4) feet deep.*

**Response:** The primary entrance to Buildings 1 faces Main Street and include generous recesses. As approved and shown on Sheet A1-101, the primary entrances for Building 1 are covered by entry canopies ranging from 6 ft. to 9 ft. 10 in. in depth and from 11 ft. 4 in. to 43 ft. 8 in. in width, which meet this requirement.

4. *Exterior building materials.*
  - A. *For attached residential uses in Residential zones and all residential uses in Multiple Use zones, a minimum of seventy-five (75) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances shall be double wall construction.*

**Response:** The NS zone is a commercial zone. This standard is not applicable.

- B. *For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones (except detached residential uses fronting streets, common greens and shared courts), a maximum of thirty (30) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances may be plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard. The remaining elevation area for all applicable uses in all applicable zones shall be architecturally treated. Appropriate methods of architectural treatment shall include, but are not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment. [ORD 4542; June 2010] [ORD 4576; January 2012] [ORD 4584; June 2012] [...]*

**Response:** As approved, all elevations of Building 1 are architecturally treated with finished materials that provide textural variety. These materials include stone veneer, brick veneer, fiber cement lap siding, fiber cement panel siding, wood siding, metal siding and perforated metal screen. There is no use of unfinished concrete, concrete block, plywood, or sheet pressboard. All architectural materials extend to grade and no substantial amount of concrete is exposed.

As revised, the materials proposed for Building 1 elevations are slightly revised: fiber cement balconies have been replaced with metal railings, and the materials between the windows have been replaced with wood composite. These material changes have been made on the southern and northern façade.

- C. *For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones, plain, smooth, exposed concrete and concrete block used as foundation material shall not be more than three (3) feet above the finished grade level adjacent to the foundation wall, unless pigmented, textured, or both. In Industrial districts, foundations may extend up to four (4) feet above the finished grade level. [ORD 4584; June 2012]*

**Response:** Concrete foundation walls are not exposed more than 3 feet.

7. *Building scale along Major Pedestrian Routes.*
  - A. *The height of any portion of a building at or within 20 feet of the property line as measured from the finished grade at the property line abutting a Major Pedestrian Route shall be a minimum of twenty-two (22) feet and a maximum of sixty (60) feet. Building heights greater than sixty (60) feet are allowed if the portion of a building that is greater than sixty (60) feet in height is at least twenty (20) feet from the property line that abuts the Major Pedestrian Route. In all cases, building height shall meet the requirement of Section 20.20.50. for the specific zoning district. [ORD 4462; January 2008] [ORD 4531; April 2010] [...]*
  - C. *The maximum heights specified in Section 20.20.50. shall not be exceeded, unless separately authorized through an adjustment or variance application, or where credits are earned for height increase through Habitat Friendly Development Practices, as described in Section 60.12.40.4.B.2. [ORD 4531; April 2010]*



**Response:** The site abuts Main Street, a Major Pedestrian Route, and the minimum height is 22 ft. The maximum height in the NS zone is 35 ft. A height increase of 12 ft. (to 47 ft.) was approved through the PUD Provisions of 60.35.

As shown on Sheet A1-201, Detail 2, the proposed average height of Building 1 is 44 ft. 8 in. This height has increased by 8 inches total, or 4 inches as measured, for a proposed average height of 45 ft. 4 in.

[...]

8. *Ground floor elevations on commercial and multiple use buildings.*
- A. *Except those used exclusively for residential use, ground floor elevations visible from and within 200 feet of a public street, Major Pedestrian Route, or a public park, public plaza or other public open space, and elevations that include a primary building entrance or multiple tenant entrances, shall have the following minimum percent of the ground floor elevation area permanently treated with windows, display areas or glass doorway openings.*
1. *Class 1 Major Pedestrian Routes: Fifty (50) percent.*
  2. *Class 2 Major Pedestrian Routes: Thirty-five (35) percent.*
  3. *Buildings on parcels in excess of 25,000 gross square feet within a Commercial zoning district: Thirty-five (35) percent.*  
*Less glazing may be provided in a Commercial zoning district when increased building articulation and architectural variety is provided pursuant to Section 60.05.15.1.B.2. of this Code.*

*For the purpose of this standard, ground floor elevation area shall be measured from three (3) feet above grade to ten (10) feet above grade the entire width of the elevation. The ground floor elevation requirements shall be met from grade to twelve (12) feet above grade.*

**Response:** As proposed, Building 1 is now a residential building and this standard is not applicable.

- B. *Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk shall provide weather protection to the following minimum percent of the length of those elevations.*
1. *Class 1 Major Pedestrian Routes: Fifty (50) percent.*
  2. *Class 2 Major Pedestrian Routes: Thirty-five (35) percent.*

**Response:** As proposed, Building 1 is now a residential building and this standard is not applicable.

[...]

## **DESIGN REVIEW GUIDELINES**

**Response:** Where Design Standards cannot be met for the proposed development, the corresponding Design Guidelines are addressed instead. See Table 6 for details. The applicable Design Guidelines are addressed below.

### **60.05.35. Building Design and Orientation Guidelines.**

1. *Building articulation and variety.*
  - A *Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standard 60.05.15.1.A)*

**Response:** As approved by DR2020-0067, Building 1 is approximately 250 ft. in length. No changes are proposed with this application. Building 1 continues to incorporate architectural façade treatments and articulation to minimize the visual mass of the building. Circulation between building is provided by the public sidewalk system. This guideline continues to be met.

[...]

- E. *Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D)*

**Response:** Building 1's east elevation has been revised to increase the height slightly, expand the area of glazing, and expand the distance between architectural features. As such, the total amount of blank wall has increased and the distance between architectural features has increased. Since each of these items were addressed through guidelines in the approval of DR2020-0067, the guideline is addressed here.

Each of the building's street-facing elevations contains permanent architectural features including windows, bays, balconies, offsetting walls, recessed entrances, and changes in material. These features serve a dual purpose of providing a pleasant living environment for building occupants and visitors through light, fresh air, privacy, and outdoor living space, and providing neighbors with an interesting and expressive building. Building 1 has a street-facing space of more than 150 sq. ft. reserved for a future mural, which will activate this elevation with color and visual appeal.

As revised, the Building 1 eastern elevation continues to incorporate a number of permanent architectural features and changes of material. With the modifications to the eastern elevation, this guideline continues to be met.

## **D. 60.30. Off-Street Parking**

### **60.30.05. Off-Street Parking Requirements.**

*Parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building or use which is erected, enlarged, altered, or maintained in accordance with the requirements of Sections 60.30.05. to 60.30.20.*

1. *Availability. Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.*
2. *Vehicle Parking. Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.*
3. *Bicycle Parking. Bicycle parking shall be required for all multi-family residential developments of four units or more, 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.*

**Response:** Vehicle parking is required and will be provided. Bicycle parking is required for Building 1 and will be provided per these requirements.

### **60.30.10. Number of Required Parking Spaces.**

*Except as otherwise provided under Section 60.30.10.11., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:*

1. *Parking Calculation. Parking ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.*
2. *Parking Categories.*
  - A. *Vehicle Categories. Contained in the table at Section 60.30.10.5. are vehicle parking ratios for minimum required parking spaces and maximum permitted number of vehicle parking spaces to be provided for each land use, except for those uses which are located in the RC-OT zoning district which are governed by Section 60.30.10.6. These requirements reflect the parking requirements of Title 4 of Metro's Regional Transportation Functional Plan.*
  - 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.

3. Bicycle parking shall be designed, covered, located, and lighted to the standards of the Engineering Design Manual and Standard Drawings.
4. Bicycle parking in the Old Town Parking Zones 1 and 2 shall be governed by the bicycle parking requirements listed in Section 60.30.10.5. [ORD 4471; February 2008]

**Response:** Required vehicle and bicycle parking spaces for Lot 1/Building 1 were calculated as shown in Tables 8 and 9 below. The Building 1 bicycle parking requirements are accommodated in the bicycle room. Per the requested removal of non-residential space from the ground floor, no commercial tenants will be present.

A reduction to the minimum vehicle parking requirements for senior housing was approved through the provisions of 60.30.10.

**Table 8. Approved Off-Street Vehicle Parking Spaces**

Use Category	Required Ratio	Units/GSF	Required Spaces	Proposed Spaces	Comments
Attached Dwellings					
1 Bedroom	1.25/du	80	100	88	Senior housing
2 Bedroom	1.5/du	74	111	110	Affordable housing
3 Bedroom	1.75/du	10	17.5		Affordable housing
<b>Subtotal Residential</b>			<b>228.5 = 229</b>	<b>208<sup>3</sup></b>	
Retail, including shopping centers	3.3/1,000 sf GFA	29,802 gsf	98	98	Includes non-residential uses on Lot 1; all parking provided on Lot 3
<b>Non-Residential Subtotal</b>			<b>98</b>	<b>98</b>	
<b>Total</b>			<b>327</b>	<b>306</b>	

**Table 9. Modified Off-Street Vehicle Parking Spaces**

Use Category	Required Ratio	Units/GSF	Required Spaces	Proposed Spaces	Comments
Attached Dwellings					
1 Bedroom	1.25/du	80	100	88	Senior housing
2 Bedroom	1.5/du	74	111	110	Affordable housing
3 Bedroom	1.75/du	10	17.5		Affordable housing
<b>Subtotal Residential</b>			<b>228.5 = 229</b>	<b>208</b>	
Retail, including shopping centers	3.3/1,000 sf GFA	27,458 gsf <sup>4</sup>	85	98	Includes non-residential uses on Lot 1; all parking provided on Lot 3
<b>Non-Residential Subtotal</b>			<b>85</b>	<b>98</b>	
<b>Total</b>			<b>314</b>	<b>306</b>	

<sup>3</sup> As approved by PD2020-0002.

<sup>4</sup> Reflects reduction of 4,055 gsf from Building 1 as well as slight adjustments to the square footages of Buildings 4, 5, and 7. See the responses to Section 20.10.20 for details about these revisions.

**Table 10. Approved Lot 1 Bicycle Parking Spaces**

Use Category	Required Spaces		Proposed Spaces		Comments
	Short Term	Long term	Short Term	Long Term	
Multidwelling Structure of 4 or more units	1 sp/20 du	1 sp/du			Meets or exceeds the standard.
Building 1	(80/20) =4	80	4	91	
<b>Subtotal Residential</b>	<b>4</b>	<b>80</b>		<b>208</b>	
Retail, including shopping centers	2 or 1 sp/12,000 sf floor area	2 or 1 sp/12,000 sf floor area			Meets or exceeds the standard.
Building 1 non-residential	2	2	4	Included Residential	
<b>Non-Residential Subtotal</b>	<b>4</b>	<b>4</b>	<b>22</b>	<b>220</b>	

**Table 11. Lot 1 Modified Bicycle Parking Spaces**

Use Category	Required Spaces		Proposed Spaces		Comments
	Short Term	Long term	Short Term	Long Term	
Multidwelling Structure of 4 or more units	1 sp/20 du	1 sp/du			Meets or exceeds the standard.
Building 1	(80/20) =4	80	4	91	
<b>Subtotal Residential</b>	<b>4</b>	<b>80</b>		<b>95</b>	
Retail, including shopping centers	2 or 1 sp/12,000 sf floor area	2 or 1 sp/12,000 sf floor area			No longer applicable.
Building 1 non-residential	0	0	0		
<b>Non-Residential Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

[...]

## IX. Conclusion

The request for approval of proposed South Cooper Mountain Main Street development has been shown to be consistent with the applicable standards of the City of Beaverton Comprehensive Plan, South Cooper Mountain Community Plan, and the Beaverton Development Code. The applicant respectfully requests approval of the application.