



CITY OF BEAVERTON  
Planning Division  
Community Development Department  
Tel: 503-526-2420  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

## MEMORANDUM

City of Beaverton  
Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** August 12, 2021  
**Subject:** DR2021-0033 HomePlate

Please find attached the Notice of Decision for **DR2021-0033 HomePlate**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for DR2021-0033 HomePlate, is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

**The appeal closing date for DR2021-0033 HomePlate is 4:30 p.m., August 24, 2021.**

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed by contacting the project planner, Steve Regner at [sregner@beavertonoregon.gov](mailto:sregner@beavertonoregon.gov).

NOTE: The City of Beaverton has declared a State of Emergency due to COVID-19. The Community Development Department is closed to the public until further notice. The Community Development Department is evaluating temporary changes to processes and procedures to respond appropriately to the COVID-19 State of Emergency and is committed to ensuring that the land use review process

continues to fulfill the requirements of state of local law while protecting the health and wellbeing of the community.

Accessibility information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact Steve Regner by calling 503-319-4427 or email [sregner@beavertonoregon.gov](mailto:sregner@beavertonoregon.gov)

# STAFF REPORT

**Report date:** August 12, 2021

**Application/project name:** HomePlate

**Application Numbers:** DR2021-0033

**Proposal:** Modifications to a previously approved new structure, which includes relocating an exterior stairwell and removing a pedestrian pathway providing access to an abutting parcel to east. Applicant requests to modify a previous decision (DR2014-0033), which required the aforementioned pedestrian pathway.

**Proposal location:** 12865 SW 4<sup>th</sup> Street; Tax Lot 1S116AD08700.

**Applicant:** Scott Edwards Architecture

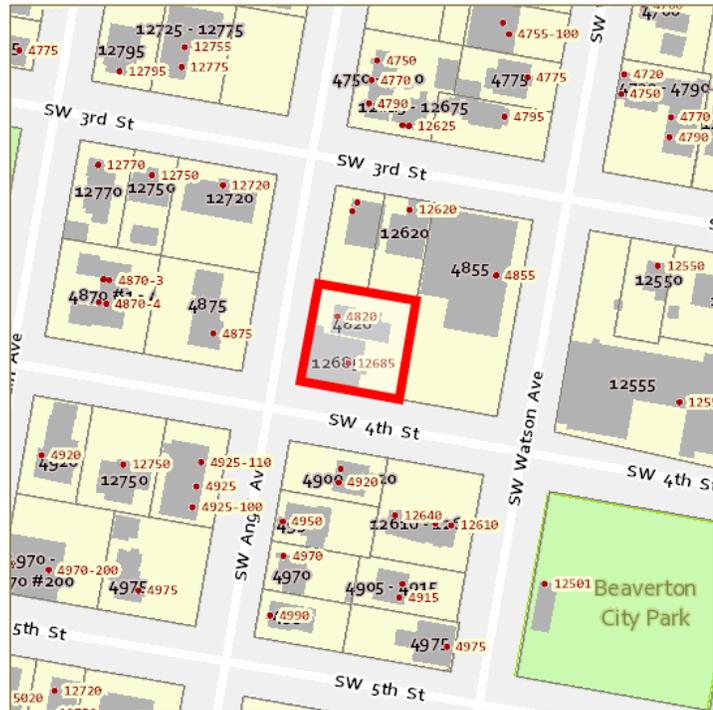
**Decision:** APPROVAL of DR2021-0033, subject to conditions identified at the end of this report.

## Contact information:

City staff representative: Steve Regner, Senior Planner  
503-319-4427  
sregner@BeavertonOregon.gov

Applicant & Applicant's Representative: Scott Edwards Architecture  
Brian Morris  
2709 SE Ankeny Street  
Portland, OR 97214

Property owners: HomePlate Youth Services  
PO Box 1413  
Beaverton, Oregon 97075



## Existing conditions

**Zoning:** Regional Center - Old Town (RC-OT)

**Site conditions:** Partially developed

**Site Size:** Approximately 10,000 square feet.

**Location:** Site address 12865 SW 4<sup>th</sup> Street; Tax Lot 1S116AD08700.

**Neighborhood Association Committees:** Central Beaverton

**Table 1: Surrounding uses**

Direction	Zoning	Uses
North	Regional Center - Old Town (RC-OT)	Single family residential
South	Regional Center - Old Town (RC-OT)	Multifamily residential
East:	Regional Center - Old Town (RC-OT)	Religious Institution
West:	Regional Center - Old Town (RC-OT)	Single family residential

## Application information

**Table 2: Application summaries**

Application	Application type	Proposal summary	Approval criteria location
DR2021-0033	Downtown Design Review Two & Modification of Decision	Relocating exterior stairwell, removing pedestrian pathway, modifying condition of approval from DR2014-0033 requiring pedestrian pathway.	Development Code Section 40.03 Section 40.23.15.2.C Section 50.95

**Table 3: Key Application Dates**

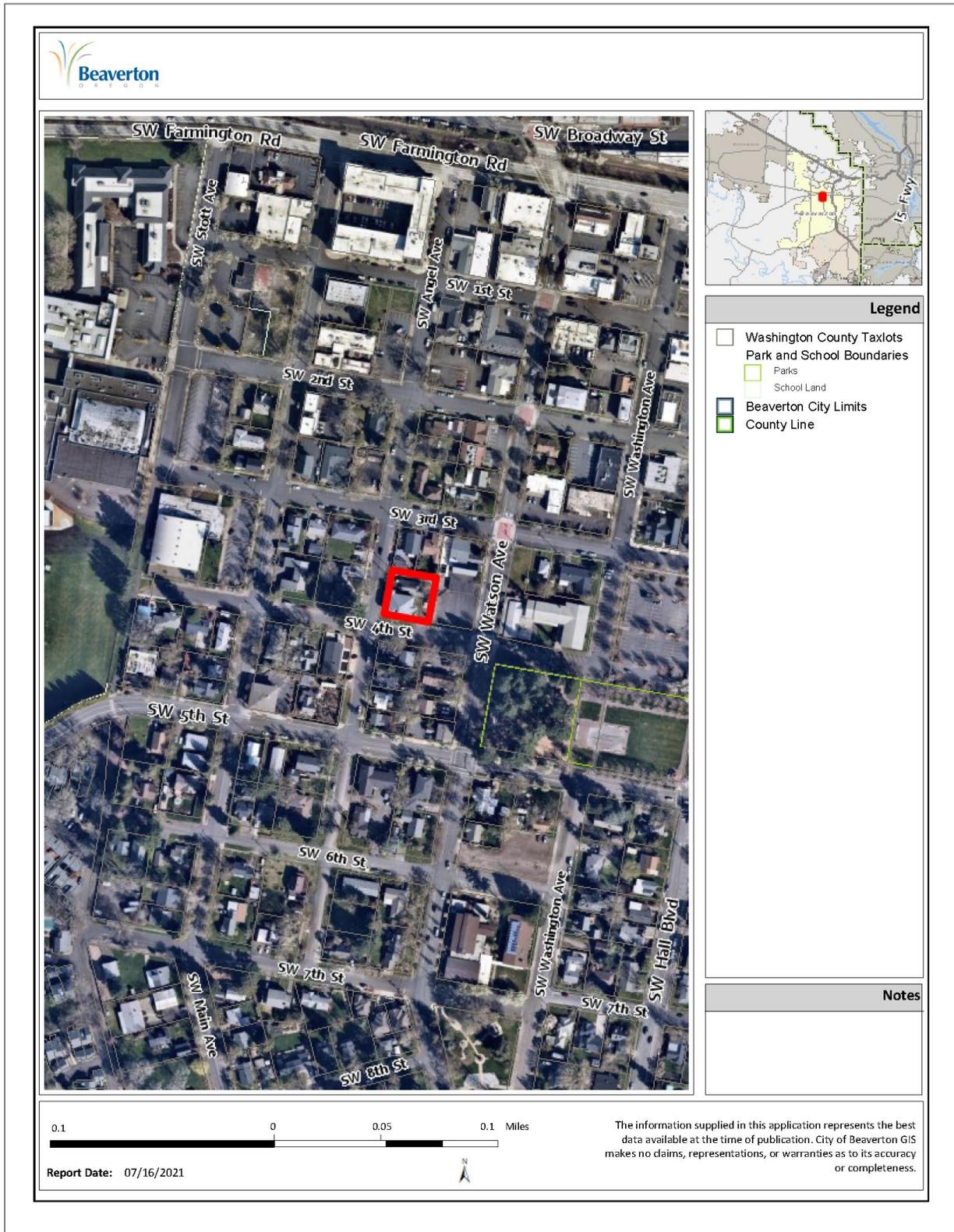
<b>Application</b>	<b>Submittal Date</b>	<b>Deemed Complete</b>	<b>120-Day</b>	<b>365-Day*</b>
DR2021-0033	Mar. 16, 2021	Jun. 30, 2021	Oct. 28, 2021	Jun. 30, 2022

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

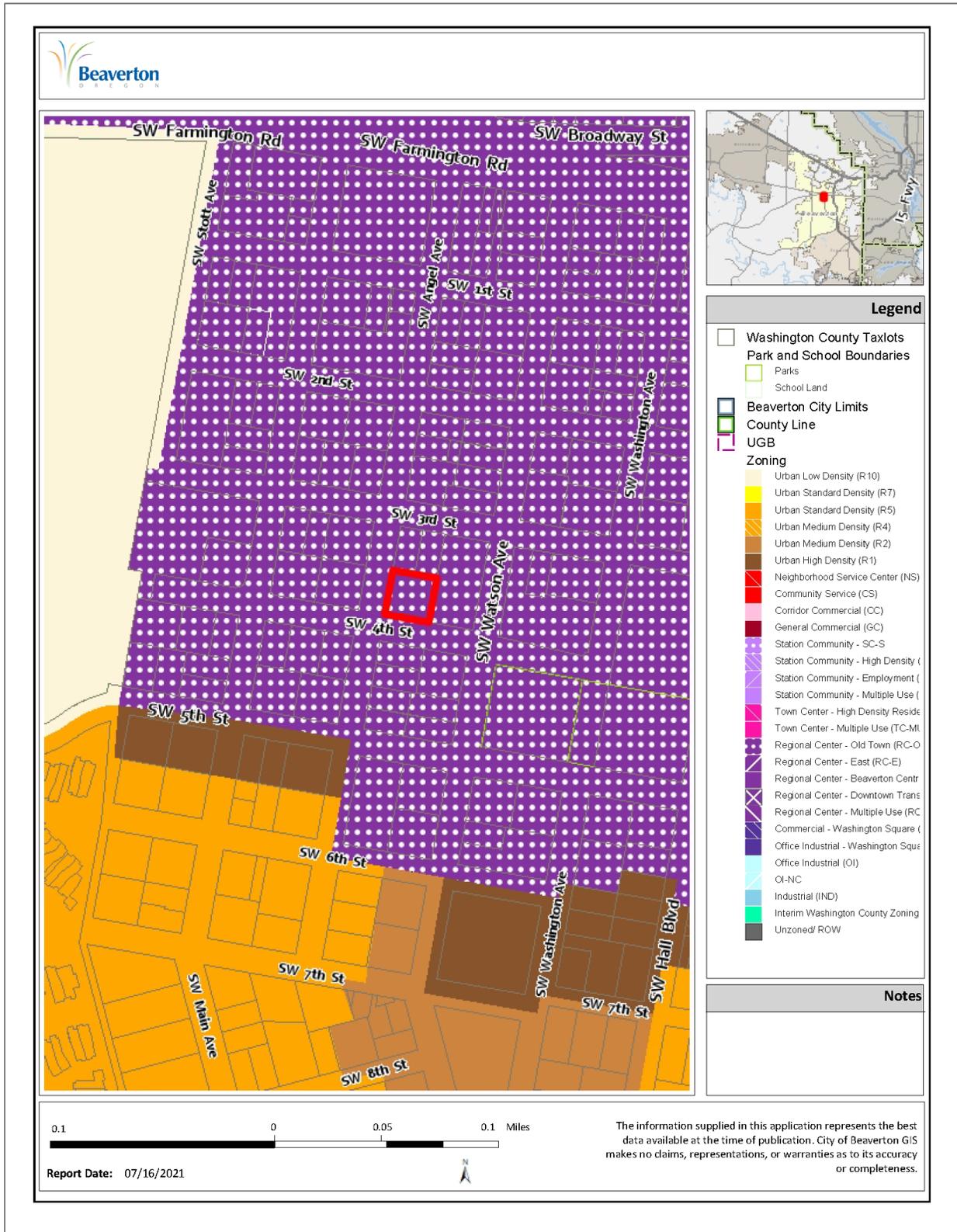
## **Summary of Public Comment**

No public comments were received related to this application.

# Exhibit 1.1 Vicinity Map



# Exhibit 1.2 Zoning Map



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# Exhibits

- Exhibit 1. Materials submitted by Staff
  - Exhibit 1.1 Vicinity Map (Page 6 of this report)
  - Exhibit 1.2 Zoning Map (Page 7 of this report)
- Exhibit 2. Public Comment
  - No Public Comment Received
- Exhibit 3. Materials submitted by the Applicant
  - Exhibit 3.1 Application package submittal

# Attachment A: FACILITIES REVIEW

**Application:** HomePlate

**Proposal:** The applicant, HomePlate Youth Services, requests Downtown Design Review Two approval to modify a previously approved development (casefile DR2014-0033), relocating an exterior stairwell and removing a pedestrian pathway connecting to an abutting property. The applicant also requests to eliminate a condition of approval from the previous approval requiring the pedestrian pathway connecting the abutting property.

**Recommendation:** APPROVE DR2021-0033

## Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

- All twelve (12) criteria are applicable to the Design Review Two (DR2021-0033) application as submitted.

### Section 40.03.1.A

**Approval Criterion:** *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.*

#### FINDING:

Chapter 90 of the Development Code defines "critical facilities" to be services that include potable and non-potable public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

**Potable Water:** The property is served by City of Beaverton public water service and the applicant has stated that the water services are adequate to service the proposed development. There is an existing eight-inch water line in SW 4<sup>th</sup> Street. The building is already constructed and has connected the lateral to the public water line.

Therefore, the Committee finds that adequate potable public water service can be provided to the site to serve the proposed development.

**Non-Potable Water:** There is no non-potable water network in the area of development. Therefore, the proposal is exempt from connecting to a non-potable water network.

**Sanitary Sewer:** The property is served by City of Beaverton sanitary sewer service and the applicant has stated that the sanitary sewer services are adequate to service the proposed development. The building is already constructed and has connected the lateral to the public sanitary sewer line. The Committee finds that adequate sanitary sewer service can be provided to the site to serve the proposed development.

**Stormwater Drainage, Treatment, and Retention:** The City of Beaverton provides storm water drainage service. Catch basins are located at the intersections of SW Angel Avenue / SW 3rd Street and SW Angel Avenue /SW Watson Avenue. Storm water drainage lines are located within SW 3rd Street and SW Watson Avenue.

The applicant has submitted a revised drainage report, included in the application materials to reflect the modifications to the stairwell relocation and removal of pedestrian pathway. The Committee has found the report and associated utility plans are adequate in addressing the site's on-site surface water management.

**Transportation:** The Beaverton Development Code requires a Traffic Impact Analysis for any new use that generates more than 300 vehicle trips per day on average. The applicant has provided a Trip Generation Memo dated June 4, 2021, written by Lancaster Mobley, demonstrating an average of 74 total trips per day. As the projected trips falls under 300 average weekday trips, no Traffic Impact Analysis is required. This determination is based on estimates included in Trip Generation 10th Edition, published by the Institute for Transportation Engineers. Therefore, the transportation system has sufficient capacity to serve the proposed use. The Committee finds that adequate transportation facilities are provided to the site to serve the proposed development.

**Fire Protection:** Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff has provided a Service Provider Letter indicating that service can be provided to the site as proposed. Therefore, the Committee finds that adequate fire protection service can be provided to the site to serve the proposed development.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## **Section 40.03.1.B**

**Approval Criterion:** *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.*

## **FINDING:**

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way.

**Schools:** The proposed development is within the Beaverton School District (BSD) boundaries. The proposed use, youth services, is not projected to generate additional demand on the Beaverton School District system. Beaverton School District has not reviewed or provided comments on this proposed development.

**Transit Improvements:** Tri-Met provides nearby transit service via Bus Route No. 76 (Hall / Greenberg), Bus Route No. 78 (Denney / Kerr Parkway), and Bus Route No. 52 (Farmington / 185th) all of which provide service to the Beaverton Transit Center and subsequent connections to other bus routes, the Max light rail line, and the WES commuter rail. The proposal includes continued pedestrian access to nearby stops for all three bus routes, therefore access to transit service is provided.

**Police Protection:** The City of Beaverton Police Department will continue to serve the development site. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Therefore, the Committee finds that adequate police protection service can be provided to the site to serve the proposed development.

**Pedestrian and Bicycle Facilities:** The subject site has frontages of SW 4<sup>th</sup> Street and SW Angel. Both streets are designated as Local Streets in the Transportation System Plan. Existing sidewalks were demolished with the initial construction but have not yet been reconstructed. The proposal includes ten-foot-wide sidewalks with tree wells, consistent with the Engineering Design Manual (EDM) and Beaverton Development Code (BDC). No designated bicycle lanes are required along local streets.

For these reasons, the Committee finds that essential facilities and services related to the proposed development are available with adequate capacity to serve the development.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## **Section 40.03.1.C**

**Approval Criterion:** *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..*

#### **FINDING:**

The site is zoned Regional Commercial – Old Town (RC-OT). The Committee refers to the Chapter 70 use and site development requirements table at the end of this report, which evaluates the project as it relates to applicable code requirements of Section 70.03 (Downtown Design District – Downtown Zoning and Streets). As demonstrated in the table, the development proposal is consistent with all applicable provisions of Chapter 70 (Downtown Design District – Downtown Zoning and Streets).

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

### **Section 40.03.1.D**

**Approval Criterion:** *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.*

#### **FINDING:**

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60 (Special Requirements). Staff will provide findings for the Design Review Two request within the applicable section of the staff report.

**Section 60.30 Off-Street Parking:** Per Beaverton Development Code (BDC) Section 60.30.10.5, for site located in the Regional Center District 1, there is no required motor vehicle parking for Service Business / Professional Services. The proposal includes one accessible van parking space.

Per BDC Section 60.30.10.5.B, s Offices and Administrative Facilities have the following requirements for bike parking. The ratio requirement for short-term bicycle parking is two spaces or one space per 8,000 square feet, whichever is greater. The minimum parking ratio requirement for long-term bicycle parking is two spaces or one space per 8,000 square feet, whichever is greater. The site contains a total of 6,272 square feet of floor area across two buildings. The required number of short-term parking spaces is two spaces, and the number of long-term parking spaces is two spaces. Currently, the applicant's plans do not show the specific location of bicycle parking.

Per BDC Section 60.30.10.2.B.3, bicycle parking spaces must be designed to the standards of the Engineering Design Manual. The applicant's plans will need to provide more information about the dimensions of each parking space and the location of each rack to fully demonstrate compliance with Engineering Design Manual Section 340 as required by BDC Section 60.30.10.2.B. The committee recommends a condition of approval requiring plans demonstrate compliance with the location, coverage, lighting and design requirements of the short-term and long-term bicycle parking and bicycle racks.

**Section 60.55 Transportation Facilities:** As stated in the findings for approval criterion 40.03.1.A, above, per BDC Section 60.55.20.2.A, a Traffic Impact Analysis is required when a proposed development will generate 300 vehicles or more per day in average weekday trips. A trip generation memo dated June 4 2021, prepared by Lancaster Mobley, indicates that 74 total trips per day are projected for a small office building, based on ITE Trip Generation Manual, 10<sup>th</sup> Edition. Based on this trip generation rate, no specific transportation improvements are recommended.

**Section 60.60 Trees and Vegetation Requirements:** No trees are being impacted with the proposed stairwell relocation and pedestrian path removal.

**Section 60.65 Utility Undergrounding:** Any impacted utility lines must be undergrounded, and all new service lines must be undergrounded. To meet the requirements of this section, the Committee recommends a condition of approval requiring that the applicant provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development.

**Section 60.67 Significant Natural Resources:** No significant natural resource areas are identified in the City of Beaverton's Comprehensive Plan.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval the proposal meets the approval criterion.

## Section 40.03.1.E

*Approval Criterion: 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.*

### FINDING:

The applicant states that HomePlate Youth Services, will retain ownership of the site and provide regular maintenance. The Committee finds that the proposal as represented does

not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

### **Section 40.03.1.F**

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

#### **FINDING:**

Previously approved on-site improvements include pedestrian paths and a driveway for one accessible van space. Safe and efficient internal walkways are designed throughout the site and connect various internal destinations. The current proposal includes removal of one pedestrian walkway which connected to a separate parcel under different ownership for access to vehicle parking, abutting to the east of the subject site. As no on-site parking is required for office uses, the removal of this path does not remove pathways from key internal destinations. No pedestrian pathways cross vehicle maneuvering areas. For these reasons, the Committee finds that there are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the proposed development.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

### **Section 40.03.1.G**

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

#### **FINDING:**

Previously approved pedestrian connections provide direct access to SW 4<sup>th</sup> Street, and an accessible van parking space is located directly abutting on SW Angel Avenue. The current proposal does not include any modifications to previously approved connections to the surrounding circulation system.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.H

**Approval Criterion:** *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.*

### FINDING:

Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R has provided Service Provider Letter indicating that the proposed modifications will not impact the ability to provide fire service to the site. The Committee finds that the site can be designed in accordance with City codes and standards and provide adequate fire protection.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.I

**Approval Criterion:** *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.*

### FINDING:

The applicant states that all streets and public facilities are designed in accordance with adopted City codes and standards except where design modifications or exceptions have been requested. Development permits will be submitted for life and safety review prior to site development.

The Committee finds that review of the construction documents at the Site Development and Building Permit stages will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the approval criterion.

## Section 40.03.1.J

**Approval Criterion:** *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.*

## FINDING:

The applicant states that the grading plan is compliant with all city codes and regulations.

The Committee has reviewed the proposed preliminary grading plan and finds no adverse effect on neighboring properties, the public right-of-way, or the public storm system. The Committee recommends conditions of approval regarding the grading and contouring of the development site, which will be reviewed and approved prior to Site Development Permit issuance.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the approval criterion.

## Section 40.03.1.K

**Approval Criterion:** *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.*

## FINDING:

The applicant states that the proposal complies with all requirements of Beaverton's Engineering Design Manual, and all on-site pedestrian routes will meet Americans with Disabilities Act (ADA) standards and facilitates efficient pedestrian travel. ADA-accessible sidewalk ramps at the corner of SW Angel Avenue and SW 4<sup>th</sup> Street will be constructed with this proposal.

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA. The Committee finds that review of the proposed plans at Site Development and Building Permit stages is sufficient to guarantee compliance with accessibility standards.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the approval criterion.

## Section 40.03.1.L

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

## FINDING:

The applicant submitted the Downtown Design Review Two application on Marcy 16, 2021, and the application was deemed complete by staff on June 30, 2021.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

# Code Conformance Analysis

## Chapter 70 Use and Site Development Requirements

### Regional Center – Old Town (RC-OT) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 70.03.4.1</b>			
Office	Permitted	The applicant to make minor site and building exterior modifications to a building under construction; building is to be occupied by an office use.	<b>YES</b>
<b>Development Code Section 70.03.2.2</b>			
Parcel Area	Minimum: None Maximum: None	10,000 square feet	<b>YES</b>
Floor Area Ratio	Minimum: 0.7 Maximum: None	Total site square footage: 6,272; FAR: 0.62; Previously approved under code provisions requiring 0.35 FAR. No floor area change is proposed from previous approval.	<b>N/A</b>
Minimum Lot Dimensions	Width: None Depth: None	100 feet 100 feet	<b>YES</b>
Yard Setbacks	Front Minimum: 0 feet Front Maximum: 10 feet  Street Side Minimum: 0 feet Street Side Maximum: 10 feet  Interior Side Minimum: 0 feet Interior Side Maximum: None  Interior Rear Minimum: 0 feet Interior Rear Maximum: None	3 feet  2 feet  37 feet, 6 inches  17 feet	<b>YES</b>
Maximum Building Height	65 feet	34 feet, 3 inches	<b>YES</b>

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The applicant has submitted a Downtown Design Review Two application and has provided responses to the applicable Downtown Design regulations in Chapter 70.	<b>See DR Findings</b>
<b>Development Code Section 60.07</b>			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	<b>N/A</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	<b>N/A</b>
<b>Development Code Section 60.11</b>			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	No food cart pods are proposed.	<b>N/A</b>
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	<b>N/A</b>

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.15</b>			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property.	New grading within 25 feet of a property line is limited to conversion of a proposed pedestrian path to landscaping, with change in grade limited to less than a foot.	<b>YES</b>
<b>Development Code Section 60.20</b>			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	<b>N/A</b>
<b>Development Code Section 60.25</b>			
Off-Street Loading Requirements	Minimum: None	No loading space is proposed.	<b>N/A</b>
<b>Development Code Section 60.30</b>			
Off-Street Motor Vehicle Parking	Minimum: 0	The applicant proposes one accessible van space, refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.30</b>			
Required Bicycle Parking	Short-term: 2 spaces	The applicant's plans do not include information regarding bicycle parking. Staff recommends conditions of approval requiring bicycle parking information be provided prior to issuance of the Site Development Permit. Refer to the Facilities Review Committee findings herein.	<b>YES w/ COA</b>
	Long-term: 2 spaces		

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.33</b>			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	<b>N/A</b>
<b>Development Code Section 60.35</b>			
Planned Unit Development	Development and design principles for Planned Unit Developments.	The proposal does not include or is part of a PUD.	<b>N/A</b>
<b>Development Code Section 60.40</b>			
Sign Regulations	Requirements for signs.	No signs are proposed	<b>N/A</b>
<b>Development Code Section 60.45</b>			
Solar Access Protection	Solar access requirements for subdivisions and single family homes.	No subdivisions or single family homes are proposed.	<b>N/A</b>
<b>Development Code Section 60.50</b>			
Accessory Uses and Structures	Requirements for accessory uses and structure.	No accessory uses or structures are proposed.	<b>N/A</b>
<b>Development Code Section 60.55</b>			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.60</b>			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	No trees or vegetation are proposed for removal with the proposal.	<b>N/A</b>

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.65</b>			
Utility Undergrounding	Requirements for placing overhead utilities underground.	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.67</b>			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No wetlands or riparian corridors exist on site.	<b>N/A</b>
<b>Development Code Section 60.70</b>			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	<b>N/A</b>

# Attachment B: DR2021-0033

## ANALYSIS AND FINDINGS FOR DOWNTOWN DESIGN REVIEW TWO

**Decision:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **DR2021-0033**, subject to the applicable conditions identified in Attachment C.

### Section 40.23.05 Purpose:

The purpose of Downtown Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

To achieve this purpose, the Downtown Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment. Most Design Standards have a corresponding Design Guideline.

The Design Standards are intended to provide a clear and objective approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process.

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

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

### Section 40.23.15.2.C Approval Criteria

In order to approve a Downtown Design Review Two 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:

#### Section 40.23.15.2.C.1

**Approval Criteria:** The proposal satisfies the threshold requirements for a Downtown Design Review Two application.

### Finding:

The applicant proposes to relocate an exterior stairwell and remove a pedestrian path connecting to an abutting parcel. Typically, this level of modification would trigger a Type 1 Downtown Design Review Compliance Letter. However, the applicant is also requesting to modify a condition of approval from a previous Design Review Two approval (casefile DR2014-0033). Per Section 50.95 Modification of Decision shall be follow a procedure as determined by the Director. In this case, the Director has determined that process should follow a Type 2 process, comparable with the previous approval requested to be modified. The original approval requested to be modified was a Design Review Two application. However, since that decision was issued, a new Design Review equivalent for the downtown area (Downtown Design Review) has been adopted which contains the appropriate design standards to apply to the proposed physical modifications. As such staff is processing the request to modify the condition of approval from the original Design Review Two application through this Downtown Design Review Two application.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

## Section 40.23.15.2.C.2

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

### Finding:

The applicant has paid the required fees related to the land use applications.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

## Section 40.23.15.2.C.3

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

### Finding:

Pursuant to Section 50.25.1, the application package includes all of the necessary submittal requirements.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

## Section 40.23.15.2.C.4

**Approval Criteria:** The proposal is consistent with all applicable Design Standards in Section 70.04, or no more than three applicable Design Guidelines and the remaining applicable Design Standards.

### Finding:

The proposal responds to all applicable Design Standards. See Table 4: Section 70.04 Design Standards for analysis.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

## Section 40.23.15.2.C.5

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

### Finding:

The applicant has submitted Downtown Design Review Two application. No additional applications or documents are needed at this time.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion.



**Table 4: Section 70.04 Design Standards**

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>Pedestrian Circulation</b>		
<b>70.04.1.4.S1</b> One pedestrian connection for every 300 feet.	The site has 200 feet of total frontage, and two pedestrian connections.	<b>YES</b>
<b>70.04.1.4.S2</b> Pedestrian pathways must be a minimum five feet wide and have a sustainability component.	Pedestrian pathways are five feet wide and utilize porous paving.	<b>YES</b>
<b>70.04.1.4.S5</b> Pedestrian connections through parking lots.	No pedestrian pathways cross parking lots.	<b>N/A</b>
<b>Pedestrian Circulation</b>		
<b>70.04.2.2.S5</b> Fenestration for facades not facing the right the right of way	The project proposes to remove one window on the east elevation, which is not facing a public street. The resulting percentage is 23% glazing, above the 20% requirement.	<b>YES</b>

## Section 50.95 Modification of a Decision

The applicant has requested modifications to conditions of approval of the previously approved Design Review Two application (DR2014-0033). As a modification of a previous decision is sought, Section 50.95 of the Development Code is applicable to the request. To approve a Design Review Two 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:

### Section 50.95.1

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.

#### FINDING:

The applicant has requested this modification to a condition of approval associated with a decision, originally approved through a Type 2 procedure, Ananda Living Wisdom (DR2014-0033/PD2014-0002) therefore, the applicant must follow a director level decision process for approval. The applicant states that the required materials have been submitted with this Modification of a Decision for a Type 2 Design Review application. The applicant explains that the request is limited to modifying Condition of Approval No. 22 of the original Design Review Two approval. The condition required that a pedestrian path must be constructed providing direct access to an abutting parcel to the east. Parking on this abutting property would be utilized to satisfy the required parking associated with the proposed school, as approved in PD2014-0002. As the current proposed use is office, which has no required parking in the RC-OT zone, the access to the abutting lot is no longer required to meet minimum parking requirements., nor is the pedestrian path providing access to the abutting lot. Staff has addressed the relevant approval criteria for the Design Review Two as well as the Facilities Review section of this report and found that the proposal is compliant with all applicable approval criteria, contingent upon the modification of the subject condition of approval. All other original conditions of approval of DR2014-0033 remain effective.

**Conclusion:** Therefore, staff finds the proposal meets the criterion for approval.

### Section 50.95.2

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.

**FINDING:**

The applicant submitted a harmless agreement form, signed June 4, 2021, waiving the opportunity to meet with staff for a pre-application conference. Section 50.20.1 of the Beaverton Development Code allows for applications following the Type 2 process to sign this agreement in lieu of holding a Pre-Application Conference.

**Conclusion:** Therefore, staff finds the proposal meets the criterion for approval.

**Section 50.95.3**

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.

**FINDING:**

This applicant states it does not request to extend the deadline for filing an appeal or stay the appeal proceedings. The applicant is aware the 120-day requirement for the modification application applies.

**Conclusion:** Therefore, staff finds the proposal meets the criterion for approval.

**Section 50.95.4**

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.

**FINDING:**

The applicant has applied to modify the conditionally approved Design Review Two (DR2014-0033).

**Conclusion:** Therefore, staff finds the proposal meets the criterion for approval.,

**Section 50.95.5**

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

## FINDING:

The approved Living Wisdom School (DR2014-0033) project was originally processed under the Type 2 review procedures. The requested modification to the approved condition associated with the project will follow the Type 2 review procedures.

**Conclusion:** Therefore, staff finds the proposal meets the criterion for approval.

## Section 50.95.6

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:

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.
- B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.
- C. The circumstances have changed to the extent that the condition is no longer needed or warranted.
- D. A new or modified condition would better accomplish the purpose of the original condition.

## FINDING:

The applicant states that the request for modification of Condition of Approval No. 22 of DR2014-0033 is driven by a change in circumstances that render the condition warrantless. The original purpose of the condition was to provide a direct pedestrian connection to parking on an abutting parcel that was being utilized to meet the minimum parking requirements of a school. The current proposal will utilize the site as an office building, which has no minimum parking on site. As there is no require parking for this use, the pedestrian pathway connecting to the abutting parking lot not is no longer needed, and the condition is no longer warranted.

**Conclusion:** Therefore, staff finds the proposal meets the criterion for approval.

## Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends **APPROVAL** of **DR2021-0033** subject to conditions of approval.

## Attachment D: Conditions of Approval

DR2021-0033

### A. General Conditions

1. All conditions in DR2014-0033 remain in effect unless modified by this approval. (Planning / SR)
2. Condition of approval no. 22 of DR2014-0033 is removed, and the site is no longer subject to said condition. (Planning / SR)

### B. Prior to issuance of the site development permit, the applicant shall:

3. Submit a new city-approved security for the subject property under the new applicant that guarantees all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. Any prior security associated with this project will be released when the new security is in place. (Site Development Div. / SAS)
4. Provide plans indicating the location of short-term bicycle parking, consistent with BDC 60.30.10.2.B and EDM Section 340. (Planning / SR)
5. Provide plans indicating the location of long-term bicycle parking, consistent with BDC 60.30.10.2.B and EDM Section 340. (Planning / SR)