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Staff Report

HEARING DATE: July 18, 2018

TO: Planning Commission

FROM: Jason T., Assistant Planner

PROPOSAL: **CU2018-0007, ADJ2018-0002, DR2018-0063**
Arco Iris Spanish Immersion Charter School

LOCATION: 8205 SW Creekside Place
Washington County Assessor's Map 1S127AB, Tax Lot 1000
Marathon Industrial Park, Lot 11

SUMMARY: The applicant, Arco Iris Spanish Immersion School, is seeking approval by the Planning Commission for a New Conditional Use to locate their K-8 charter school with a maximum enrollment of 504 students, within an existing office building. They are also seeking a Major Adjustment application to reduce the number of required bicycle stalls from 56 to a total of 28 and a Type One Design Review for minor exterior modifications.

APPLICANT: Arco Iris Spanish Immersion Charter School
Attn: Becky Schiefelbein
6107 SW Murray Boulevard
Beaverton, OR 97008

PROPERTY OWNERS: PD Office Owner 12, LLP
C/O JLL
15545 SW Greenbrier Parkway Suite 245
Beaverton, OR 97006

RECOMMENDATIONS: **APPROVAL of CU2018-0007, ADJ2018-0002 and DR2018-0063 - Arco Iris Spanish Immersion Charter School** subject to conditions identified herein.

BACKGROUND

Application	Submittal Date	Deemed Complete	120-Day*	365-Day*
CU2018-0007	May 24, 2018	May 29, 2018	September 27, 2018	May 29, 2019
ADJ2018-0002	May 24, 2018	May 29, 2018	September 27, 2018	May 29, 2019
DR2018-0063	May 24, 2018	May 29, 2018	September 27, 2018	May 29, 2019

* Pursuant to Section 50.25.8 of the Beaverton Development Code, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise.

* Pursuant to Section 50.25.9 of the Beaverton Development Code, the total of all extensions may not to exceed 365 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

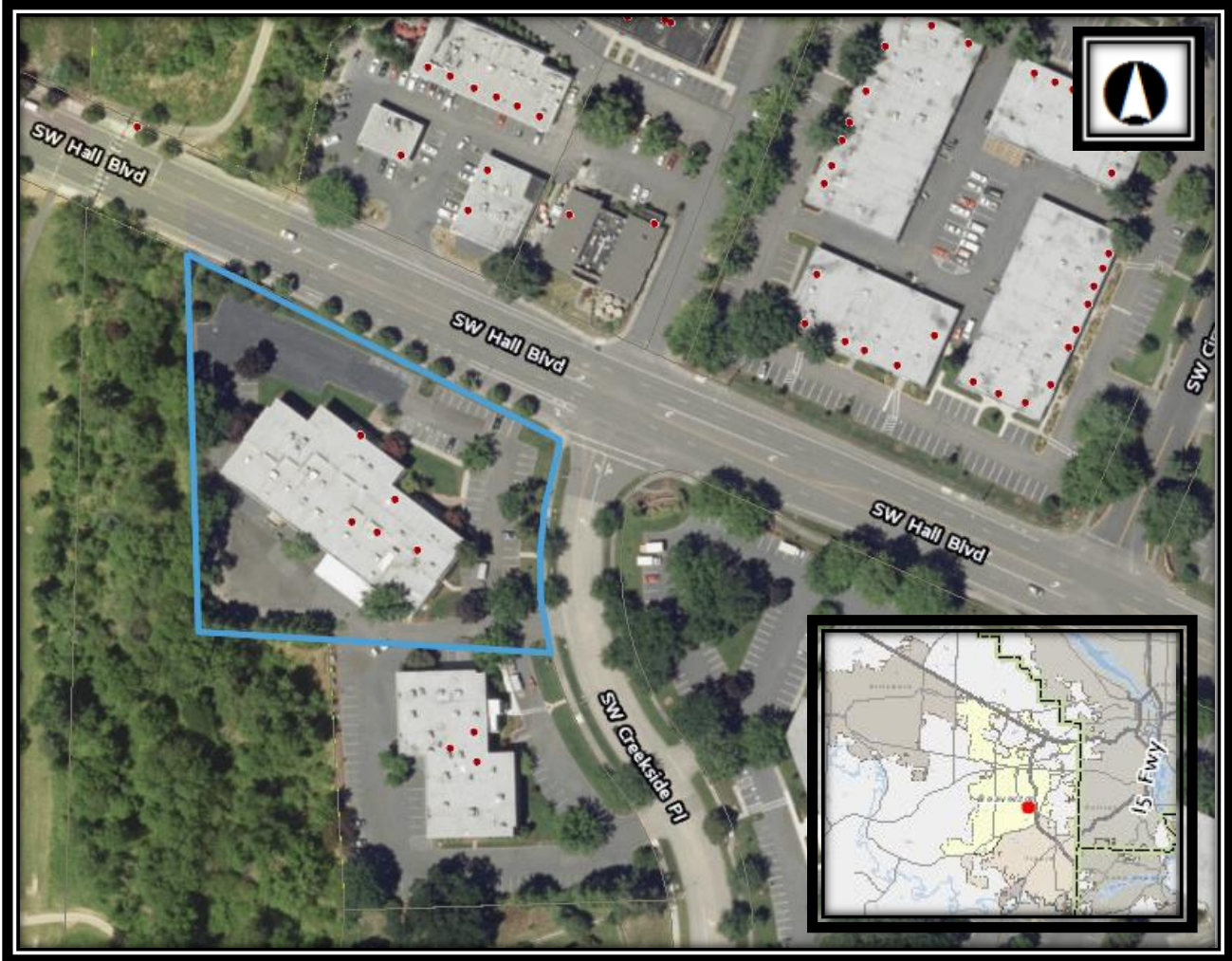
Zoning	Office Industrial – Washington Square (OI-WS)
Current Development	Office Building
Site Size	Approximately 2.24 Acres
NAC	Greenway NAC
Land Use	Employment (EMP)
Surrounding Uses	<p>Use/Zoning:</p> <p>North: Retail / Commercial – Washington Square (C-WS)</p> <p>South: Office / Office Industrial – Washington Square (OI-WS)</p> <p>East: Office / Office Industrial – Washington Square (OI-WS)</p> <p>West: THPRD Park / Urban Standard Density (R7)</p>

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No Public Comments Received	
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Figure 1

Aerial Map



**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Arco Iris Spanish Immersion Charter School
CU2018-0007, ADJ2018-00032, DR2018-0063,**

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 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, below.

- 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.***

Findings:

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. No physical changes to the existing development are proposed. The addition of the K-8 school will not significantly impact the traffic and pedestrian flow of the area and will not impact any other critical facilities and services that serve the site.

A traffic impact analysis (TIA) was submitted by Lancaster Engineering, dated May 23, 2018 and revised on July 9th, 2018. The primary findings conclude:

1. An existing building operating as a furniture store and medical/dental office is proposed to be redeveloped into Arco Iris School. The proposed use would result in an increase of 307 trips during the morning peak hour, 174 trips during the afternoon peak hour, and 49 trips during the evening peak hour.
2. The intersections of SW Hall Boulevard at SW Greenway Boulevard, SW Hall Boulevard at SW Nimbus Avenue, SW Hall Boulevard at Hwy 217 SB/SW Cascade Avenue, and SW Creekside Place at the site access point are projected to operate within the City of Beaverton and ODOT standards under all analysis scenarios.
3. The intersection of SW Hall Boulevard at SW Creekside Place does not currently operate within the City of Beaverton's operational standards. Site trips associated with the proposed development are expected travel to the intersection of SW Nimbus Avenue at SW Hall Boulevard.

4. Traffic signal warrants were examined for the unsignalized intersections of SW Hall Boulevard at SW Creekside Place and SW Creekside Place at Site Access. Both intersections did not meet signal warrants under all analysis scenarios.
5. Results of the queuing analysis show acceptable operation. Site access mitigation is not recommended.
6. An analysis of the most recent five years of crash data did not find any significant safety issues or trends.

The traffic impact study submitted by the applicant indicates that no intersection or right-of-way improvements are needed or required and Transportation Staff concurs.

The applicant's on-site circulation plan keeps traffic from spilling onto adjacent streets. The TIA demonstrates that the on-site circulation plan during the A.M. drop off period keeps all traffic on-site without spilling onto adjacent streets.

Arco Iris Charter School policy requires parents to enter off SW Creekside Place where they will be directed by either a staff person or traffic cones to enter a drop-off/pick-up queue. The applicant has a policy that encourages parents to drop-off children no earlier than 5 minutes prior to the start of the school day.

Existing pedestrian, bike, and street facilities are adequate. The existing street frontages for SW Creekside Place and SW Hall Boulevard all have continuous sidewalks in place.

Existing bike lanes are located in each direction on SW Hall Boulevard. SW Creekside Place is a local street without bike lanes but is designed for bicycles to share the road with motorized vehicles. Additionally, the applicant has stated in their narrative that due to the nature of the charter school, most children do not live close enough to ride their bikes and will be dropped off by parents. No bus service and no after school sporting events are provided at this school.

The existing right-of-way adjacent to the site SW Creekside Place is improved to current City standards which include the standard half street improvements (paved street, curb, sidewalk, planter, and street trees). SW Hall Boulevard is improved with a curb tight sidewalk and may need dedication to bring the sidewalk to current standards. If a dedication on SW Hall Boulevard is necessary, the applicant will not be required to improve the right of way. Staff recommends a condition of approval to require a site plan that shows the existing right-of-way width and verification of the location of the northern lot line.

Therefore, the Committee finds the proposal meets the criterion for approval

- 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.***

Findings:

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. Representatives from the Police Department reviewed this application and inquired about traffic build up on surrounding streets. These concerns have been addressed herein by Transportation Staff. The subject site is within the Beaverton School District and the school is part of the District, however, the project does not involve residential uses and therefore will not have any additional effect on the BSD as to student numbers.

The area is served by Tri-Met public transportation. The nearest transit stop is located at just past the SW Creekside Place and SW Hall Boulevard intersection, which serves both lines 76 and 78.

This proposal includes limited, minor physical improvements to the site. The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the hours of operation.

Therefore, the Committee finds the proposal meets the criterion for approval.

- 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).***

Findings:

Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Office Industrial – Washington Square (OI-WC) zone, as applicable to the above mentioned criterion.

Therefore, the Committee finds the proposal meets the criterion for approval.

- 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.***

Findings:

Staff cites additional findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 60 for the site.

The only use that will be occupying the buildings Monday through Friday is the proposed Arco Iris Charter School. The proposed site has a total of 106 existing parking spaces available. Pursuant to section 60.30.10.5 of the Development Code, daycare/preschool, kindergarten and elementary and middle schools require a minimum of one parking space for every one full time equivalent (FTE) staff. According to the applicant, the school will have 49 FTE which will require a minimum of 49 total parking spaces and a maximum of 73 parking spaces.

The proposal includes a total of 28 bicycle parking spaces which is 18 spaces below the minimum requirement of 56 bike parking spaces per the Development Code Section 60.30.10.5. The applicant has applied for a Major Adjustment application in conjunction with this New Conditional Use application, to reduce the total required bicycle stalls.

No new access driveways are proposed or required.

Therefore, the Committee finds the proposal meets the criterion for approval.

- 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.***

Findings:

The applicant states in their written statement that the proposal will not impact maintenance or normal replacement of the common facilities noted above. 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.

Therefore, the Committee finds the proposal meets the criterion for approval.

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

Findings:

The site has one vehicular access points on SW Creekside Place. Public sidewalks along SW Hall Boulevard and SW Creekside Place provide pedestrian connections to the site.

The proposal shows an efficient and safe morning and afternoon drop-off/pick-up plan that requires parents to use the drop-off/pick-up lane, which helps to ensure that children are not walking through the parking lot unescorted.

The applicant proposes to remove six (6) parking spaces at the northwest corner of the parking lot and to install either a concrete mountable curb or a series of yellow domes, a minimum of 6-inches in diameter, to create a turnaround/roundabout to direct the student drop-off/pick-up queue safely through the parking lot and back towards the primary entrance of the building, as shown on their site plan.

The applicant's proposed on-site vehicular and pedestrian circulation modifications are consistent with all applicable provisions of chapter 60.

Therefore, the Committee finds that the proposal meets the criterion for approval.

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

Findings:

The applicant has stated in their narrative that the traffic impact analysis addresses both access and on-site circulation directly related to the addition of Arco Iris to the existing site.

The site has one vehicular access point on SW Creekside Place. Public sidewalks along SW Hall Boulevard and SW Creekside Place provide pedestrian connections to the site.

Transportation Staff find that the proposal connects to the surrounding vehicular and pedestrian circulation systems in conformance with Development Code Section 60.55.25.

Therefore, the Committee finds the proposal meets the criterion for approval.

- 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.***

Findings:

The request for the operation of an additional school on the proposed site proposes minimal physical improvements. The Building Division has reviewed the proposal and determined that a building permit will be required to formally reclassify the existing building as an Educational (E) occupancy.

Therefore, the Committee finds that the proposal meets the criterion for approval.

- 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.***

Findings:

The site is an existing development with limited, minor physical proposed changes to the site. Therefore, there will be no additional impact to any of the critical facilities and services that serve the site. Any future changes to the building or site must comply with the all applicable adopted Codes and standards.

Therefore, the Committee finds the proposal meets the criterion for approval.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

Findings:

The proposal includes minor physical improvements on the site. Required grading will not impact neighboring properties.

Therefore, the Committee finds the proposal meets the criterion for approval.

- 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.***

Findings:

The site is an existing development with limited, minor proposed physical changes to the site. The applicant's narrative states that the existing office building currently provide for physically handicapped people as approved under previous land use and building approvals. The proposal also includes a new 5-foot wide concrete pedestrian connection from the main entrance connecting to the existing public sidewalk on SW Creekside Place. Staff concurs and notes that all ADA facilities are shown to remain. The applicant states that any additional ADA facility upgrades required by the Building Department, will be installed.

Therefore, the Committee finds the proposal meets the criterion for approval.

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

Findings:

In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion for approval

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Office Industrial – Washington Square (OI-WC) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Sections 20.05.20			
Conditional Uses	Educational Institutions	504 Student K-8 School	Yes, upon approval of CU2018-0007
Development Code Section 20.05.15			
Minimum Lot Area	None	2.24 acres	Yes
Minimum Lot Dimensions	Width: N/A Depth: N/A	Not applicable, no new lots are proposed	N/A
Yard Setbacks Minimums: Front Sides Rear	10-feet 10-feet None	Not applicable, no building additions are proposed	N/A
Maximum Building Height	60 feet (without an adjustment or variance)	Not applicable, no physical improvements proposed	N/A

Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30.10.5 Off-Street Parking			
Off-Street Parking	<u>Elementary/Middle School</u> One space per full time equivalent staff (FTE) for K-8. <u>Before and After School Care and Activities</u> One space per full time staff (FTE).	Existing site accommodates 106 parking spaces.	Yes
Off-Street Bicycle Parking	56 Bicycle spaces	28 Bicycle spaces are proposed. Per 60.30.10.2.B.2, school buildings are exempt from the requirement to cover long-term bicycle parking.	Yes with approval of ADJ2018-0002
Development Code Section 60.55 Transportation			
Transportation Facilities	Regulations for transportation facilities	Student drop off and pick up plan submitted with application.	Yes
Development Code Section 60.60 Trees & Vegetation			
Tree & Vegetation Regulations	Preservation for “protected” trees	Not part of proposal	N/A
Mitigation Requirements for Landscape Tree Removal	1:1 mitigation required based on DBH removed.	Not part of proposal	N/A
Development Code Section 60.65 Utility Undergrounding			
Utility Undergrounding	All existing utilities and any new utility service lines must be undergrounded.	Not part of proposal	N/A

**ANALYSIS AND FINDINGS FOR
MAJOR MODIFICATION OF A CONDITIONAL USE APPROVAL
Arco Iris Spanish Immersion Charter School
CU2018-0007**

Section 40.15.15.3.C New Conditional Use Approval Criteria:

In order to approve a New 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 Conditional Use application.*

Findings:

The applicant proposes a new conditional use approval. The proposal meets threshold No. 1.

“The proposed use is Conditionally permitted in the underlying zoning district and a prior Conditional Use approval for the proposed use is not already in effect.”

This proposal is asking to permit a new 504 student K–8 Spanish immersion charter school (Arco Iris) in the OI-WC zoning district. This proposal estimates an additional 307 vehicle trips in the morning peak hour, 174 trips in the afternoon peak hour and 49 trips in the evening peak hour, based on an evaluation by a traffic engineer licensed by the State of Oregon provided as Exhibit 3.2 in the applicant’s materials. The traffic engineer calculated the additional trips conservatively based on a higher trip rate for Private Schools (K-8) even though the charter school is a public school and part of the Beaverton School District. The additional vehicle trips are accounted for by the addition of the new charter school based on the increase over existing office use conditions.

Therefore, staff finds the proposal meets the criteria for approval.

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

Findings:

The applicant paid the required fee associated with a New Conditional Use application.

Therefore, staff finds the proposal meets the criterion for approval.

3. The proposal will comply with the applicable policies of the Comprehensive Plan.

Findings:

Staff cites the following Comprehensive Plan policies and associated findings as applicable to criterion three:

Chapter 6 (Transportation Element)

6.2.3. Goal: A safe transportation system.

d) Designate safe walkway and bikeway routes from residential areas to schools, parks, transit and other activity centers.

The applicant states that Policy *d* is met because the nature of a charter school is that it serves students from the entire city, rather than exclusively the immediate surrounding neighborhood as is the case with traditional public schools. Therefore, the majority of students will be transported by private vehicles, which reduces the demand on adjacent walkways and bike routes. Staff concurs with the applicant's statement that the sidewalk, bike lane system along SW Hall Boulevard and SW Creekside Place provide safe and adequate walkways and bikeway routes to and around the site.

SW Hall Boulevard is designed to Arterial Street Standards according to the Beaverton Engineering Design Manual. SW Hall Boulevard was constructed with bike lanes and sidewalks.

SW Creekside Place is designed to local street width standards according to the Beaverton Engineering Design Manual. SW Creekside Place was constructed without bike lanes and is designed for bicycles to share the road with motorized vehicles. Additionally, the applicant has stated in their narrative that due to the nature of the charter school, most children do not live close enough to ride their bikes and will be dropped off by parents.

School district bus service is not provided for this school.

h) Ensure that adequate access for emergency services vehicles is provided throughout the City.

Actions:

- Work cooperatively with Tualatin Valley Fire and Rescue and other Washington County emergency service providers to designate and periodically update Primary and Secondary Emergency Response Routes. Continue to work with these agencies to establish acceptable traffic calming strategies for these routes.*

- *Recognize the route designations and associated acceptable traffic calming strategies in the City's Traffic Calming Program.*

The applicant states that the proposal satisfies Policy *h* because the existing site layout and the proposed modifications have been found by service providers, to provide appropriate access for emergency response. The proposed modifications will not significantly alter the emergency access to and through the subject site. Tualatin Valley Fire and Rescue (TVF&R) has reviewed the plans and supports the proposal with a condition of approval contained in Section E, herein.

Staff notes that fire lanes on-site have not been identified by TVF&R but the Deputy Fire Marshall has endorsed the drop-off queuing lane because parents are remaining in their vehicles as children are dropped off/picked up and in the event of an emergency, could move out of the way.

Staff concur that the applicant has provided adequate access for emergency services.

Chapter 8 (Environmental Quality and Safety Element)

8.4.1. Goal: Create and protect a healthy acoustical environment within the City.

- a) *Noise impacts shall be considered during development review processes.*

Action 1: *Adopt and implement appropriate design standards for development permits for all commercial, industrial, high density, mixed use and transportation projects, and others as appropriate. Development applications should be required to demonstrate compliance with applicable noise level standards. Means of meeting the design standards might include, but are not limited to:*

- *Use of year-round landscape elements that absorb parking lot and street noise.*
- *Use of underground parking.*
- *Use of extra-thick windows.*
- *Facades constructed of materials that help to absorb sounds.*
- *Pervious surface landscape and parking lot materials that absorb sounds.*
- *Use of building materials that aid in the reduction of sound traveling through common floors and walls.*
- *Dampers on heating and cooling equipment.*

SECTION B

The applicant states that the proposal satisfies Policy a, because the new charter school will use a portion of the existing paved area for play area for outside play/recess. This play area is located east of the existing building as shown on the applicant's site plan. The applicant also intends to take advantage of the adjacent THPRD Greenway Park for outings, field trips and park restoration activities/lessons. The applicant also notes that noise from children playing during recess times will not impact neighboring properties because the proposed playground area at the southwest corner of the lot is directly adjacent to Greenway Park and a wetlands/forested area.

The Beaverton School District does not provide bus service to this school and commercial delivery trucks will serve the school only occasionally to deliver food and supplies, however there will be no activity on site after 10:00 p.m. This school strongly encourages students to bring their own lunches. Further, this school does not have a commercial kitchen and does not provide hot lunches to their students, only pre-packaged and some cold food, therefore does not have a need to have the daily or even weekly food deliveries that traditional elementary and middle schools have.

Staff finds that noise impacts have been considered and are consistent with direction described by Policy a.

Therefore, staff finds the proposal meets the criterion for approval.

4. *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.*

Findings:

In response to Criterion No. 4, the applicant states that the existing office facility has appropriate interior building space and exterior site development to accommodate the new school with minor interior and exterior alterations.

Staff cites the findings stated in response to Section 40.03 (Facilities Review) and concludes that Conditional Use approval for additional students does not impact the site or the way the site was designed, based upon the site's size, dimensions, configuration or topography. Existing grading, parking, landscaping and building space associated with the existing office building are adequate for the proposed 504 students and staff. Therefore, the natural and man-made features on the site are adequate to accommodate the proposal.

Therefore, staff finds the proposal meets the criterion for approval.

5. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.*

Findings:

In response to Criterion No. 5, the applicant states that compatibility with the site surroundings for this proposal primarily relate to noise and access/circulation. As discussed herein. The traffic impact analysis and circulation plan show that the traffic related to student transportation can be managed on-site without impacting the surrounding street system or adjacent uses. The applicant states that the existing infrastructure in place to support operation of an office building was a significant factor in determining the suitability of the site for a new school.

As discussed under Criterion No. 3, staff finds that noise impacts are expected to be minimal and will not impact the neighboring properties since the site is adjacent to Greenway Park and a wetland on one side and SW Hall Boulevard (classified as an arterial) on another side.

Staff concur that the proposed Arco Iris charter school can be reasonably compatible with existing and approved development in the surrounding area and will have minimal impact on livability and usability.

Therefore, staff finds the proposal meets the criterion for approval.

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

Findings:

The applicant has submitted all documents related to this request for a New Conditional Use approval and for related Major Adjustment and Design Review Compliance Letter.

Therefore, staff finds the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2018-0007 - Arco Iris Spanish Immersion Charter School** subject to the conditions of approval identified in Section E, herein.

**ANALYSIS AND FINDINGS FOR
MAJOR ADJUSTMENT
Arco Iris Spanish Immersion Charter School
ADJ2018-0002**

Section 40.10.05. Adjustment Applications; Purpose

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

Section 40.10.15.2.C Approval Criteria

In order to approve a Major Adjustment 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 Adjustment application.***

Findings:

Section 40.10.15.2.A.1 Threshold: *An application for Major Adjustment shall be required when the following threshold applies:*

“1. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses).”

The minimum number of bicycle spaces for an elementary/middle school is one (1) space for every nine (9) students. The applicant proposes Twenty-eight (28) total bicycle spaces, which is eighteen (18) fewer spaces than the required fifty-six (56), a 50% adjustment.

Therefore, staff finds that the criterion is met.

2. ***The application complies with all applicable submittal requirements as specified in Section 50.25.1 and includes all applicable City application fees.***

Findings:

The City of Beaverton received the appropriate fee and written requirements for a Major Adjustment application.

Therefore, staff finds that the criterion is met.

3. ***Special conditions exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.***

Findings:

The applicant states that special conditions exist in regard to the location of the site along SW Hall Boulevard, making it challenging for children to ride their bicycles to school. The nature of any charter or private school is unique because it pulls its enrollment from the entire city, covering a large geographic area. Arco Iris uses a lottery system to determine its enrollment and geography of a student's home is not a factor. The wide range of distances of student's homes, makes it virtually impossible to provide consistent bus service and the Beaverton School District does not provide funding for bus service to this school. As a result of the factors identified above, practically all of the students are driven to school by their parents or by carpool.

Additionally, The Beaverton Development Code requires bicycle racks to be located within 50-feet of the primary entrance. The existing site was originally developed as an office building and as such, did not have a requirement for 56 bicycle parking spaces. The primary entrance of the subject building faces SW Hall Boulevard. To accommodate 56 bicycle spaces, significant landscaping would have to be removed, which would decrease the visual appeal of the building. This is particularly important for this site because the primary entrance directly faces SW Hall Boulevard.

The City of Beaverton Traffic Engineer concurs with the applicant's findings above that given the unique nature of this type of school and its proposed location, that 28 bicycle spaces is adequate to accommodate students and staff who decide to travel by bicycle to the subject location.

Therefore, staff finds that the criterion is met.

4. ***The special conditions or circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.***

Findings:

The applicant states that the request is not a result of financial hardship or convenience and that the special conditions described in staff's findings for Criterion 3, as stated above, are circumstances that are unique to the subject lot.

Therefore, staff finds that the criterion is met.

5. ***Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.***

Findings:

The proposed reduction of bicycle spaces, will not obstruct any existing pedestrian or vehicular movements.

Therefore, staff finds that the criterion is met.

6. ***City-designated significant trees and/or historic resources, if present, will be preserved.***

Findings:

There are no City-designated significant trees and/or historic resources on the subject site.

Therefore, staff finds that this approval criterion is not applicable.

7. ***If more than one (1) adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zoning district.***

Findings:

The applicant is only proposing one adjustment.

Therefore, staff finds that the criterion is not applicable.

8. ***Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.***

Findings:

The applicant states that throughout their five years of operation at their current location, they have only observed one family using a single bicycle parking space. As stated previously, enrollment is performed by lottery only and geography of student's place of residence is not a consideration. The applicant intends to encourage a higher level of bicycle use at the proposed location since it does have nearby neighborhoods to the north and west, but given the vast distances of the places of residence of their students throughout Beaverton and past bicycle use data, they anticipate a need of no more than ten bicycle parking spaces. Therefore, the proposed 28 bicycle spaces, is more than adequate to serve future needs of the school even at full capacity.

Staff finds that the applicant has demonstrated that the requested Major Adjustment is the minimum necessary to make possible a reasonable use of the land and future structures, with minimal impact on surrounding property owners.

Therefore, staff finds that the criterion is met.

9. ***Either it can be demonstrated that the modification equally or better meets the intent of the standard to be modified or the proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.***

Findings:

In response to Criterion 9, the applicant states that the proposed design adequately incorporates the existing building and landscaping by providing more than adequate bicycle spaces for their students and staff while also preserving the visual appeal and articulation toward SW Hall Boulevard, an arterial road, as designated in the City's Functional Classification system

Staff finds that the intent of the Standard to be modified is to ensure minimal impact on the existing use and surrounding property owners, while also meeting the intent of the code to encourage bicycle use and make it more convenient to commute by bicycle.

Therefore, staff finds that the criterion is met.

10. ***The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more application that have been approved or are considered concurrently with the subject proposal.***

Findings:

Staff cites the Code Conformance Analysis chart at the end of Section A, herein, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Office Industrial – Washington Square (OI-WS) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the existing development meets the site development standards. The applicant is not proposing any additional floor area but only minimal exterior building modifications.

Therefore, staff finds that the criterion is met.

11. ***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.***

Findings:

Staff cites the Code Conformance Analysis chart at the end of Section A, herein, which evaluates the project as it relates the applicable Code requirements of Chapter 60 for the Office Industrial – Washington Square (OI-WS) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets the applicable provisions of Chapter 60, with the exception of the bicycle parking for which this Major Adjustment is requested.

Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

12. ***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: drainage ditches, 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 periodic maintenance by the City or other public agency.***

Findings:

The applicant states that periodic maintenance and necessary normal replacement of the private common facilities and area will be provided for by the applicant/property owner.

Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

13. ***The proposal does not include any lot area averaging as specified in Section 20.05.50.1.B or include any lot dimension reductions as specified in Sections 20.05.50.2.A.2 and .4 or 20.05.50.2.B.2 and .4.***

Findings:

The proposal does not include any lot area averaging.

Therefore, staff finds the criterion is not applicable.

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

Findings:

The applicant has submitted this Major Adjustment application with associated, New Conditional Use and Design Review Compliance Letter applications. No other applications are required of the applicant at this stage of City review.

Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL of ADJ2018-0002 – Arco Iris Spanish Immersion Charter School** subject to the applicable conditions identified in Section E, herein.

**DESIGN REVIEW COMPLIANCE LETTER APPROVAL
ANALYSIS AND FINDINGS
Arco Iris Spanish Immersion Charter School
DR2018-0063**

PROJECT DESCRIPTION:

Proposed development includes addition of bicycle parking, removal of non-required parking stalls, addition of vehicle queueing and loading dock striping, construction of a mountable roundabout or yellow domes as part of the queueing plan, modification to roll up doors and store front windows, addition of a rear deck, installation of a new pedestrian walkway through the parking lot which connects to SW Creekside Parkway, as identified on the plans on file at City Hall. Any additional modifications or changes to the site are subject to additional approvals.

Findings:

Staff has reviewed the above referenced application and finds that the proposal meets the threshold(s) for a Design Review Compliance Letter. By meeting the Conditions of Approval in Section E, Herein, the proposal will meet the approval criteria associated with this application.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **DR2018-0063 - Arco Iris Spanish Immersion Charter School** subject to the conditions of approval identified in Section E, herein.

CONDITIONS OF APPROVAL
Arco Iris Spanish Immersion Charter School
CU2018-0007, ADJ2018-0002, DR2018-0063

1. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site unless otherwise specified in conditions attached to the permit. (Planning/JT)
2. The maximum enrollment shall not to exceed 504 Kindergarten through 8th Grade students. (Planning/JT)
3. Fire lanes are to be kept free and unobstructed at all times. (TVF&R/ JF)

Prior to Final Occupancy of any Building Permit:

4. A freestanding sign labeled "Right Turn Only" shall be placed at the entrance/exit of the subject site. All signs shall meet all requirements of Section 60.40 of the Development Code. (Transportation/JK) (Planning/JT)
5. Submit a revised site plan verified by a traffic engineer that shows compliance with the 5-lane arterial standard for SW Hall Boulevard. If dedication is necessary, submit a Dedication of Right-of-Way to the City of Beaverton to be reviewed and approved by the City Attorney. (Transportation/JK)

The City's standard form can be found at:

<https://www.beavertonoregon.gov/DocumentCenter/View/678/Right-of-Way-Dedication>

6. Submit a design for a fire truck mountable roundabout or yellow traffic domes at the northwest corner of the parking lot, in order to ensure safe traffic circulation and drop-off/pickup queueing, to be approved by the City Traffic Engineer. (Transportation/JK)