



Staff Report

HEARING DATE: July 11, 2018

STAFF REPORT DATE: July 2, 2018

TO: Interested Parties

FROM: Steve Regner, Associate Planner *SR*

PROPOSAL: **Cedar Hills Crossing Legacy Medical Clinic
CU2018-0009**

LOCATION: The site is bounded by SW Walker Road to the north, SW Cedar Hills Boulevard to the east and SW Jenkins Road to the south.

2725 SW Cedar Hills Boulevard; Tax Lot 01501 on Washington County Tax Assessor's Map 1S109AD

SUMMARY: The applicant, Center Development Oreg II LLC, requests approval for a new Conditional Use for a 13,779 square foot medical clinic in a Community Service zone. The medical clinic is proposed to be located in a building currently under construction, approved through Design Review Application DR2015-0121. No changes to the exterior of the building or site are proposed with this request.

APPLICANT: Center Developments Oreg II, LLC
Seth GaRey
1701 SE Columbia River Drive
Vancouver, WA 98661

APPLICANT'S REPRESENTATIVE: DOWL
Mike Towle
720 SW Washington St, Suite 750
Portland, OR 97205

PROPERTY OWNERS: Mall 2 LLC
Seth Garey
1701 SE Columbia River Drive
Vancouver, WA 98661

APPROVAL CRITERIA: Facilities Review, Section 40.03
New Conditional Use, Section 40.15.15.3.C

RECOMMENDATION: **APPROVAL of CU2018-0009 (Cedar Hills Crossing Legacy Medical Clinic).**

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Application Deemed Complete	120-Day*	365-Day**
CU2018-0009	May 22, 2018	May 23, 2018	September 20, 2018	May 23, 2019

*This is the latest date, without a continuance, by which a final written decision on the proposal can be made.

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Existing Conditions Table

Zoning	Community Service (CS)	
Current Development	Commercial Development	
Site Size & Location	The site is bounded by SW Walker Road to the north, SW Cedar Hills Boulevard to the east, and SW Jenkins Road to the south. The site is approximately 19.5 acres.	
NAC	Central Beaverton	
Surrounding Uses	Zoning: <u>North:</u> CS <u>South:</u> CS <u>East:</u> CS <u>West:</u> R-5 & R-15 (Washington County)	Uses: <u>North:</u> Commercial <u>South:</u> Commercial <u>East:</u> Commercial <u>West:</u> Single Family Residential and Limited Multi-Family Residential

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<u>Attachment A:</u> Facilities Review Committee Technical Review and Recommendation Report	FR1 – FR7
<u>Attachment B:</u> CU2018-0009 <i>New Conditional Use Permit</i>	CU1-CU5
<u>Attachment C:</u> <i>Conditions of Approval</i>	COA1

Exhibits

- Exhibit 1. Materials submitted by Staff**
- Exhibit 1.1 Vicinity Map (page SR-4 of this report)
 - Exhibit 1.2 Aerial Map (page SR-5 of this report)
- Exhibit 2. Public Comment**
- Exhibit 2.1 No Comments Submitted
- Exhibit 3. Materials submitted by the Applicant**
- Exhibit 3.1 Submittal Package including plans



**Cedar Hills Crossing Legacy Medical Clinic
CU2018-0009
Zoning Map**



**Cedar Hills Crossing Legacy Medical Clinic
CU2018-0009
Aerial Map**

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Cedar Hills Legacy Crossing Medical Clinic
CU2018-0009**

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.

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

- **All twelve (12) criteria are applicable to the submitted Conditional Use Permit.**

A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

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. The subject site has received previous Design Review approval through casefile DR2015-0121 Cedar Hills Crossing II. No physical changes are proposed to the site with this application, and site and building improvements are currently under construction. The committee recommends a condition of approval requiring completion of all site improvements before issuing a final occupancy permit.

The subject site's previous Design Review approval included a Traffic Impact Analysis (TIA) for three new buildings, including Building 1, the location for the proposed medical clinic. The tenant space identified as the location for the proposed medical clinic in Building 1 was projected to be used for medical office purposes in the TIA, and therefore, traffic impacts for this proposed use have already been considered.

The Committee finds that the development will provide required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

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

- B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to 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 years of occupancy.***

Chapter 90 of the Development Code defines “essential facilities” to be services that include transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The subject site has received previous Design Review approval through casefile DR2015-0121 Cedar Hills Crossing II. No physical changes are proposed to the site with this application, and site and building improvements are currently under construction.

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

- C. 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 applications which shall be already approved or which shall be considered concurrently with the subject proposal.***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Commercial Service (CS) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards.

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

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

Staff 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, in response to the above mentioned criteria.

60.25 Off-Street Loading Requirements

The original approval for the subject site received a Loading Determination approval to reduce the number of require loading berths from five to zero. This Loading Determination (casefile LO2016-0001) was approved under the assumption that the subject tenant space would be a retail use. Medical clinics do not have greater loading need than retail uses of the same size as required in Section 60.25. Therefore, the existing loading provided is sufficient to serve the proposed medical clinic.

60.30 Off-Street Parking

With the addition of the proposed medical clinic, the required vehicle parking for the subject site is 838 spaces. With full buildout, the site will contain 1,021 parking spaces, meeting the vehicle parking need.

With the addition of the proposed medical clinic, the required bicycle parking for the subject site is 19 short-term spaces and 21 long-term spaces. With full buildout, the site will contain 23 short-term spaces and 26 long-term spaces, meeting the bicycle parking need.

Section 60.55.10 General Provisions

As noted above, the applicant prepared a Traffic Impact Analysis (TIA) with the previous land use approval that demonstrated that the surrounding street system can reasonably accommodate the expected growth in traffic due to full site buildout. The proposed medical clinic was included in the original TIA.

Section 60.55.20 Traffic Impact Analysis

The applicant conducted a Traffic Impact Analysis, as required. The study met the applicable standards for scope, contents, analysis, and recommended mitigations.

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

- 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 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 maintenance by the City or other public agency.***

The applicant's narrative states that all private common facilities will be placed in a common maintenance agreement to insure proper periodic maintenance. 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 that the proposal meets the criterion.

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

As noted above in response to criteria A and B, the vehicular and pedestrian circulation patterns within the boundaries were evaluated under previous Design Review approval DR2015-0121, ensuring the site is safe and efficient circulation

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

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

As noted in response to criteria A and B, the on-site vehicular and pedestrian circulation systems were evaluated under previous Design Review approval DR2015-0121, ensuring the design was connected to the surrounding circulation systems in a safe, efficient, and direct manner.

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

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.*

Comments and conditions of approval were submitted by Tualatin Valley Fire and Rescue District (TVF&R) for the site's original Design Review approval. The proposed change in use presents no additional concerns related to adequate fire protection.

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

I. *Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.*

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The proposed sidewalks and walkways will be adequately lighted to meet the minimum applicable Design Standards, as a Condition of Approval. The walkways and drive aisles have been designed to meet the applicable Engineering Design Standards.

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

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

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.*

The subject site has received previous Design Review approval through casefile DR2015-0121 Cedar Hills Crossing II. No physical changes are proposed to the site

with this application, and site and building improvements are currently under construction. No grading or site changes are proposed, therefore, no adverse effects on the drainage and stormwater systems on site or adjacent properties.

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

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.

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 American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the street sidewalks and walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated. Therefore, the Committee finds that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.25.10 and the criterion will be met.

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

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

The applicant submitted the applications on May 22, 2018. The applicant submitted a written request to deem the submittal complete on May 22, 2018. 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
Community Service (CS) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.10.20. Land Uses – CS			
Use, Conditionally Permitted	Medical Clinic	The applicant proposes a new medical clinic	YES w/ CU
Development Code Section 20.10.15. Site Development Standards – CS			
Land Area Minimum	7,000 square feet	274,583 square feet	YES
Minimum Lot Dimensions Width Depth	70' 100'	Lot 1: 381' x 461'	YES
Yard Setbacks Minimum	Front: 35 feet Side: 10 feet Rear: 0 feet	No New Development Proposed	N/A
Building Height Maximum	60'	No New Development Proposed	N/A

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	No site or building changes are proposed	N/A
Development Code Section 60.07			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a Floodplain.	N/A
Development Code Section 60.12			
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 techniques proposed.	N/A
Development Code Section 60.15 – Land Division Standards			
Land Division Standards	Standards pertaining to Land Divisions	No Land Division is proposed with this application.	N/A
Development Code Section 60.25 – Off Street Loading			
Loading Facilities	Retail Loading Requirements equal to Medical Clinic Loading Requirements	No new loading berths are required or proposed	YES
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking Zone A	Total Required: 838 Spaces	<u>Vehicle Parking</u> 1,021 spaces	YES
Required Bicycle Parking	Short Term Total: 19 Spaces Long Term Total: 21 Spaces	<u>Bicycle Parking</u> Short Term Total: 23 Spaces Long Term Total: 26 Spaces	
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes- with COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No trees proposed for removal with this request.	N/A
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	No physical improvements to the site proposed.	N/A

**CU2018-0009
ANALYSIS AND FINDINGS FOR
CONDITIONAL USE APPROVAL**

Section 40.03.1 Facilities Review Approval 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:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

Therefore, the Committee finds that the proposal meets the criteria.

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.*

The applicant proposes a 13,779 square foot medical clinic to occupy a tenant space of a building currently under construction. Medical clinics are a conditional use in the CS zoning district.

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

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

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.*

The applicant identified the following applicable Comprehensive Plan Policies, and states that there are no conflicts with any of the policies identified.

3.7.1 Enhanced Commercial Centers and Corridors

a) Over time, new development and redevelopment should improve accessibility and comfort for non-auto modes, including:

- i. Improving pedestrian and bicycle connections within and between sites*
- ii. Enhancing or creating multi-modal connections wherever feasible*
- iii. Providing direct pedestrian connections to, and amenities near, transit stops*
- iv. Providing a more visually engaging and appealing street frontage through the addition of buildings adjacent to the street, enhanced landscaping, more pedestrian scale signage, etc.*
- v. Providing safe and convenient paths for pedestrians within large parking areas*

The applicant states that the proposed medical clinic will occupy space in a building that was approved through a previous Design Review application (DR2015-0121). No changes to the building, pedestrian connections, street frontage or other site features are proposed with this application. The applicant cites Sheet C2.0, the previously approved design for the site showing direct and convenient pedestrian connections from the building to the public sidewalk on SW Cedar Hills Boulevard and SW Jenkins Road. These pedestrian connections provide safe access throughout the parking area and direct access to transit stops on SW Cedar Hills Boulevard. DR 2015-0121 proposed two buildings along SW Jenkins Road that will create a visually engaging and appealing street frontage; no changes are proposed to the street frontage with this application.

Staff concurs that this proposal supports the developments ability to improve accessibility for non-automobile modes of transportation.

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

The applicant states that this Conditional Use application will allow a medical clinic on the second floor of a previously approved building. The proposed Legacy medical clinic will complement the mix of commercial and office uses along the corridor. No ground-floor residential uses are proposed.

Staff concurs that the proposed use supports the city's goal of commercial and employment uses in Commercial Corridors.

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

The applicant states that no housing or other development is proposed through this application. This policy does not apply.

Staff acknowledges that no housing is proposed with this application. Staff also notes the proposed medical clinic does not preclude the development of housing elsewhere on site in future phases.

Goal 3.7.3 Community Commercial: Provide for commercial services that serve the surrounding community, with limited auto-oriented uses

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

The applicant states that this proposal will allow a medical clinic that will complement the mix of commercial and office uses along the corridor. The overall Cedar Hills Crossing development contains a variety of uses at a range of scales. The proposed medical clinic will provide additional resources to the community.

Staff concurs that the proposed use provides additional commercial uses and services for the community.

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

No new automotive services are proposed with this request.

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

No new vehicle sales or services are proposed with this request.

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

The proposed building and associated site improvements have been approved through a previous Design Review (DR2015-0121). Compliance with development standards and compatibility of the development with neighboring uses was demonstrated in that application.

Furthermore, staff cites the noise analysis under Goal 8.4.1. as further evaluation of impacts to the neighborhood.

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

The applicant states that the proposed medical clinic will occupy space in a building that was approved through a previous Design Review application (DR2015-0121). No changes to the building, pedestrian connections, street frontage or other site features are proposed with this application. The applicant cites Sheet C2.0, the previously approved design for the site showing direct and convenient pedestrian connections from the building to the public sidewalk on SW Cedar Hills Boulevard and SW Jenkins Road. These pedestrian connections provide safe access throughout the parking area and direct access to transit stops on SW Cedar Hills Boulevard. DR 2015-0121 proposed two buildings along SW Jenkins Road that will create a visually engaging and appealing

street frontage; no changes are proposed to the street frontage with this application.

Staff concurs that this proposal supports the developments ability to support pedestrian and bicycle traffic.

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

The applicant is not proposing to modify the land use designation.

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

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

b) The City shall comply with EPA and DEQ noise standards.

The applicant states that the proposed medical clinic will operate during normal business hours and activities associated with the medial use will be conducted inside the building. Therefore, no noise impacts are anticipated with this use. Futhermore, staff notes that the subject tenant spaces is centrally located on site, limiting any noise impacts on neighboring properties.

Staff concurs that that the proposed medical clinic will have not significant impacts to the site or surrounding properties.

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.*

The applicant states that the site is 7.16 acres, relatively flat and contains no natural features. The size, shape and conditions of the site provide adequate space for the proposed development. The medical clinic use will be located in Building 1 on the second floor. Building 1 was designed with adequate space to accommodate the medical clinic. SW Jenkins Road provides primary access to the site. The site is configured to accommodate multiple uses with associated parking and landscaping.

Staff concurs with the applicant's statement, that the site can reasonably accommodate the medical clinic use as proposed.

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.***

The applicant states the proposed project will complement the mix of services available at the shopping center and provide additional resources to the community. The proposed medical clinic would have minimal impact on livability, uses and development of surrounding properties as it will be enclosed and located within Building 1 along with other uses. The proposed clinic will operate during normal business hours.

Staff finds that the size, location and functional characteristics of the proposal are reasonably compatible with and have minimal impact on surrounding uses.

Therefore, staff finds that by meeting the conditions of approval, the criterion is met.

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

The applicant has submitted all documents related to this request for New Conditional Use approval. No additional applications or documents are needed at this time.

Therefore, staff finds that by meeting the conditions of approval, the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **CU2018-0009 (Cedar Hills Crossing Legacy Medical Clinic)**, subject to the applicable conditions identified in Attachment C.

CONDITIONS OF APPROVAL

1. In accordance with Section 50.90.1 of the Development Code, Conditional Use approval shall expire 2 years after the date of approval unless, prior to that time, the approved use has been established, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code. (Planning/ SR)
2. Prior to final occupancy, the applicant shall ensure all site improvements approved under casefile DR2015-0121 have been completed. (Planning/ SR)
3. The Conditional Use permit shall apply only to the tenant space identified on sheet C2.0 of Exhibit 3.1, and shall continue to be valid upon change of ownership or tenant. (Planning/ SR)