

GUGGENHEIM

ARCHITECTURE + DESIGN STUDIO

BAKERY BLOCK II

Date:

November 6, 2020

TO: CITY OF BEAVERTON

Cc: Sambo Kirkman, Jana Fox

Modification:

September 17, 2021

TABLE OF CONTENTS:

Project Summary	2
Introduction	3
Compliance	
Chapter 40	4
40.23.15.1 Application	4
40.35.15.1 Historic Review	5
Chapter 50	
50.95 Modification of a Decision	7
Chapter 70	8
70.15.10 District Purpose and Development Standards	8
70.15.20 Downtown Use Regulations	9
70.20.05 Site Design	9
Conclusion	9

GUGGENHEIM

ARCHITECTURE + DESIGN STUDIO

PROJECT SUMMARY

Owner/Applicant: KAD LLC
Attn: Katharine Gerrish
Email: kat@miraclesign.com

Site Address: 12375 SW Broadway St.
Beaverton, OR 97005

Site Area: 23,722 sf

Tax Map/Lot #: 1, 2, 10 & 11 of Block E

Comprehensive Plan: Regional Center Old Town (RC-OT) with Historic Overlay

Adjacent Zoning: Regional Center Beaverton Central (RC-BC)

Existing Structures: Robinson House, Pharmacy, 1976 rear addition

Request: **Modification of a Decision** to remove the front porch modification from the approved scope of work.

Project Contact: Guggenheim Architecture
Reid Leslie
915 NW 19th Ave. Ste C
Portland, OR 97209

503 272.1566
reid@guggenheimstudio.com

INTRODUCTION

Modification Statement:

The modification of the scope of work approved below is limited to the opening of the front porch. It is desired that the front porch of the Robinson House remain unchanged. This is due to the sprinkler riser that would have to be relocated if the porch were to be opened as previously proposed. In addition to the expense, the riser must have direct access to the front facade of the building in the event that the fire department would need to attach hoses to it. At the time of the previous application, the tenant was unknown, it is now a restaurant brewery and connection through the interior of the building is desired. The riser would occupy seating area or block an access point. Due to the technical requirements, occupation of customer area and cost it has become desirable not to move forward with the change, leaving the historic enclosed porch as it is described in the Historic Resource Document.

Business Operations

Binary Brewing will occupy the ground floor. Brewing will occur from 7 am to 5 pm with 2 brewers working. Taproom hours will be 3 pm to 10 pm (earlier on weekends) with a maximum of 4 employees, more often 2 employees. It is expected that there will be a maximum of 6 employees on-site on the busiest days.

Cottage Golf will occupy the 2nd floor. The business will provide private and group golf lessons for women on a simulator. The business will be appointment based with expected operation between 8am and 8pm. There will be 1 to 2 employees and guests are expected to not exceed 8 at one time with 2-4 or private lessons being more common.

COMPLIANCE

40.23.15.1 Application

A. Threshold. An applicant may utilize the Downtown Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:

1. Minor design changes to existing building or site including, but not limited to:
 - a. Facade changes, except changes in color.

Response: We are proposing a single change to the facade comprising approximately 75 sf of area. Note that the change is to the previous approval, the building will be unchanged.

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

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

1. The proposal satisfies the threshold requirements for a Downtown Design Compliance review Letter.

Response: Threshold 40.23.15.1 A.1.a is met. Facade change.

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

Response: All fees are submitted.

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

Response: All materials submitted.

4. The proposal meets all applicable Development Standards of Sections 70.03.2 of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.

Response: See chapter 70 section of this document.

5. The proposal is consistent with all applicable Design Standards of 70.04.

Response: See Chapter 70 section of this document.

6. The proposal complies with all applicable provisions in Chapter 60.

Response: Per the City of Beaverton's feedback, chapter 60 does not apply.

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

Response: Proposal does not modify a previously approved Type 3 application.

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

Response: As much as possible.

D. Submission Requirements. An application for a Downtown Design Compliance Letter shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Downtown Design Compliance Letter application shall

be accompanied by the information required by the application form and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

Response: Application has been submitted.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Downtown Design Compliance Letter application to ensure compliance with the approval criteria.

Response: None.

F. Appeal of a Decision. Refer to Section 50.60

Response: None.

G. Expiration of a Decision. Refer to Section 50.90.

Response: None.

H. Extension of a Decision. Refer to Section 50.93.

Response: None.

40.35.15.1 Historic Review

1. The proposal satisfies the threshold requirements for an Alteration of a Landmark application.

Response: The project meets threshold 1 as we are changing the exterior appearance of a landmark by adding two openings and mechanical screening.

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

Response: Fees have been submitted.

3. The distinguishing original historic or architectural qualities or character of a building, structure, or site and its environment are being preserved.

Response: Principle facades and massing will be preserved. New openings are located at non-distinguishing facades. The historic Robinson house porch will be altered in such a way as to retain it's spindel work and decorative cornice with carved wooden brackets. Though there is no photographic evidence, we deduce, based upon the position, attachment and presence of siding on the interior, that the paneling to enclose the porch was added after the original porch was constructed.

4. Any alteration to buildings, structures, and sites are in keeping with the time period of the original construction.

Response: The replacement insert windows are similar in type, proportion and appearance to the original construction though they will meet current energy code. The original window sills, blindstops and trim will be retained. The door at the new opening to the south east elevation will be similar in appearance to the existing pharmacy storefront facade.

5. Any distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site have been preserved unless said features are a threat to public health and safety or are in violation of building, fire, or access regulations.

GUGGENHEIM

ARCHITECTURE + DESIGN STUDIO

Response: Distinctive stylistic features including the millwork at the house porch and the brickwork at the pharmacy storefront will be preserved.

6. Deteriorating architectural features will be repaired rather than replaced, wherever possible.

Response: Repair to the building will be achieved where necessary.

7. New material used for replacement will match the material being replaced in terms of composition, design, color, texture, and other visual qualities.

Response: All replacement materials will be similar in composition, design, color, texture and other visual qualities. The appeal of the buildings is that they are historic, we will retain as much of the character as possible.

8. The repair or replacement of missing architectural features is based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence.

Response: The only missing architectural feature is the clock that mysteriously disappeared one night. It will not be replaced at this time as it would be cost prohibitive.

9. The design of the proposed addition or alteration does not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, material, and character of the property, neighborhood, or environment.

Response: The design does not destroy any significant elements.

10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.

Response: The proposal is consistent, see above for specific chapter 20 compliance.

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.

Response: The proposal is consistent, see below for specific chapter 60 compliance.

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

Response: All materials are submitted.

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

Response: As much as possible.

CHAPTER 50 - PROCEDURES

50.95. Modification of a Decision

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

Response: The modification of the previously approved scope of work is limited to the opening of the front porch. It is desired that the front porch of the Robinson House remain unchanged. This is due to the sprinkler riser that would have to be relocated if the porch were to be opened as previously proposed. In addition to the expense, the riser must have direct access to the front facade of the building in the event that the fire department would need to attach hoses to it. At the time of the previous application, the tenant was unknown, it is now a restaurant brewery and connection through the interior of the building is desired. The riser would occupy seating area or block an access point. Due to the technical requirements, occupation of customer area and cost it has become desirable not to move forward with the change, leaving the historic enclosed porch as it is described in the Historic Resource Document.

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

Response: The pre-application meeting has been completed. Other information is included.

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

Response: The application will abide by these requirements.

4. Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified.

Response: The previous decision was approved.

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

Response: The previous decision was subject to a Type 3 review, the City of Beaverton has indicated that the modification will be subject to a Downtown Design Review Compliance Letter.

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.

Response: Both B & C are relevant. The modification to the original decision would mandate zero changes to that portion of the building. The circumstances of the have changed in that originally it was thought there would be two to three tenants in the space and a single tenant has committed to the full area. The opening of the porch would necessitate the sprinkler riser moving which is cost-prohibitive for the redevelopment. Additionally, moving the riser would require exterior access for the fire department which limits the locations where it can be placed. Neither of these outcomes are desirable.

Chapter 70

Chapter 70.15.10 District Purpose and Development Standards

2. Old Town (RC-OT)

- A. Purpose. The Old Town (RC-OT) District encompasses Beaverton's original Downtown and is intended to provide a mix of housing, jobs and services at a scale that acknowledges and complements historic patterns.

Response: The city retains the existing historic built fabric of the area while redeveloping into vibrant businesses for Beaverton.

- B. Building Height and Density

Response: The existing site conditions will not change and currently meet height and FAR requirements with a height of 27'-6" (65 ft max.) and FAR of .64:1 (.5:1 min.).

- C. Setbacks

Response: The existing building massing will not change, there is no additional square footage. The front and east side setbacks are 0 ft in accordance with the regulations. The west side setback is 52'-6" and an existing parking lot. The rear setback is on a private drive and varies.

Chapter 70.15.20 Downtown Use Regulations

Response: The development will include an Eating and Drinking Establishment and Personal Service Business, both of which are allowed by table 70.15.20.A.

Chapter 70.20.05 Site Design

Response: The proposal is to retain the existing building porch, there is no additional building area or site design in the scope of this work.

GUGGENHEIM

ARCHITECTURE + DESIGN STUDIO

Conclusion:

The applicant has submitted evidence to demonstrate compliance with applicable approval criteria and respectfully requests approval of the submitted applications for Downtown Design Compliance Letter.