



MEMORANDUM

TO: Planning Commission
FROM: Brittany Gada, Associate Planner
DATE: August 17, 2022
SUBJECT: Rooted Care Communities

This memo is intended to supplement the staff report dated August 10, 2022, for the proposed Rooted Care Communities project (CU2022-0004 / DR2022-0005) scheduled for Planning Commission hearing on August 17, 2022. The memo incorporates additional exhibits for public comment, provides revised findings based on applicant materials submitted on August 15, 2022, addresses additional items raised by the applicant in their August 15, 2022 submittals, and corrects typographical errors found in the staff report.

Exhibits

The following exhibits are being submitted to the record for public comment:

Exhibit 2.11 Email from Eger, David 8025 SW Brentwood St (2), dated August 16, 2022

Exhibit 2.12 Email from Forbes, Laura, dated August 15, 2022

Exhibit 2.13 Email from Wachs, Brandi, dated August 17, 2022

Exhibit 2.14 Email and image from Wachs, Brandi, dated August 17, 2022

Revised Staff Report Findings

The following findings are intended to replace the findings of the sections referenced below that were provided in the staff report dated August 10, 2022. The revised findings respond to the following applicant materials submitted on August 15, 2022:

Exhibit 3.13 Parking Bike Garage provides a partial site and floor plan of the garage, driveway, and paved walkway area on the south side of the subject site. The plan identifies waste storage receptacles and locations in the garage, proposed bike parking spaces and dimensions, and proposed parking space locations and dimensions.

Exhibit 3.14 PC Code Analysis cites portions of Beaverton Development Code Sections 40.20, 60.05.30, 60.05.50, and 60.30 and discusses applicability of standards and guidelines.

Exhibit 3.15 Revised Landscape Plan shows revised landscape plant materials in landscape buffer areas and modifies proposed fencing materials along the northern property line.

Exhibit 3.16 Landscape Plant Details provides information about proposed plant species.

Based on the information provided in the applicant materials submitted on August 15, 2022, staff provides revised findings for the following sections of the staff report:

- Attachment A: Facilities Review Committee, Outstanding Technical Issues
- Attachment A: Facilities Review Committee, Section 40.03.1.D, Section 60.30 Off-Street Parking
- Attachment A: Facilities Review Committee, Section 40.03.1.E
- Attachment A: Facilities Review Committee, Table 5: Chapter 60 Special Requirements, Development Code Section 60.30 Required Bicycle Parking
- Attachment A: Facilities Review Committee, Table 5: Chapter 60 Special Requirements, Development Code Section 60.50 Fences
- Attachment B: New Conditional Use, Section 40.15.15.5.C.4
- Attachment B: New Conditional Use, Section 40.15.15.5.C.5
- Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.20 Circulation and Parking Design, 60.05.20.2.A Service Area Screening
- Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.20 Circulation and Parking Design, 60.05.20.2.C Screening Materials
- Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards, 60.05.25.9.A Materials
- Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards, 60.05.25.13 Landscape buffering between contrasting zoning districts
- Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.a
- Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.b
- Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.c
- Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.d
- Attachment E: Recommended Conditions of Approval, Design Review Three (DR2022-0005), C.6

Attachment A: Facilities Review Committee, Outstanding Technical Issues

The Committee recommends denial of the applications due to two outstanding technical issues regarding the proposal. First, the applicant seeks off-street vehicular parking reductions pursuant to BDC 60.30.10.11.G Reduction for Special Needs Residential. The applicant submitted a parking analysis of comparable facilities and requests that four off-street parking spaces be permitted for the use when six are required by the development code. However, only two off-

street parking spaces meet the locational requirements of BDC 60.30.10 and, therefore, count towards the proposed off-street parking total. Based on the information provided by the applicant, staff finds that two off-street parking spaces are inadequate to serve the proposed use.

Second, staff has not received the required Photometric Plan detailing the technical specifications for existing lighting on site to support the applicant's responses to the Lighting Design Standards of BDC 60.05.30. The applicant submitted a lighting analysis document which does not provide staff with adequate information to confirm if existing lighting meets the Lighting Design Standards (BDC 60.05.30) and the Technical Lighting Standards (BDC Table 60.05-1). Staff recommended that the applicant respond to the Lighting Design Guidelines (BDC 60.05.50), rather than the Lighting Standards, which would have allowed staff to consider the provided lighting analysis to assess conformance with applicable Design Guidelines. Since the applicant chooses to address the Design Standards and a Photometric Plan has not been provided, the application is considered incomplete at this time.

Staff also notes that the original application requested Conditional Use and Design Review Three approval to allow a 15-bed Residential Care Facility on the subject property. During the processing of these requests, the applicant modified the request to a 12-bed facility. Staff requested that the applicant update all application materials to consistently reference the modified request. However, some application materials were not updated and reference a 15-bed Residential Care Facility. For the purpose of this review, staff has assumed the 12-bed facility is being proposed.

Attachment A: Facilities Review Committee, Section 40.03.1.D, Section 60.30 Off-Street Parking

The off-street vehicular parking space requirement for a Residential Care Facility is 0.5 spaces per bed based on the maximum capacity of the facility. Since the proposed maximum capacity is 12 beds, six off-street parking spaces are required. Bicycle parking is also required for Residential Care Facilities. Short-term bicycle parking is required at a ratio of one space per 100 beds, and long-term spaces are required at a ratio of one space per 50 beds. Based on the proposed number of beds, one short-term space and one long-term bicycle parking space are required on site. The applicant seeks the Reduction for Special Needs Residential for off-street vehicle and bicycle parking pursuant to BDC 60.30.10.11.G and proposes to allow existing conditions to serve the development. Specifically, the applicant's narrative and parking analysis request the reduction to allow four off-street parking spaces (three in the driveway and one in the garage) and zero bicycle parking spaces to serve the site. However, applicant materials submitted on August 15, 2022, show that three bike parking spaces are proposed in the existing garage. Because of this, staff assumes that the applicant proposes three long-term bike parking spaces, which meet the requirements for one short-term and one long-term bicycle parking spaces subject to compliance with the dimensional and placement standards in the EDM, per the proposed condition of approval.

The existing site has a two-car garage and an approximately 30-foot-wide paved driveway area that is used for parking. Per BDC Section 60.30, there are a total of two existing vehicular off-street parking spaces that meet development code requirements. Although the paved driveway area is wide enough to accommodate three 8.5-foot-wide parking spaces and the garage is sized for two cars, the development code requires that groups of more than two parking spaces be located so that their use requires no backing movements into the right of way (BDC 60.30.10.B). Since parking in the garage and driveway require backing movements into the right of way, only two spaces satisfy the location of vehicle parking requirements of BDC 60.30.10 and may be counted toward meeting the minimum parking requirement.

The Reduction for Special Needs Residential (BDC 60.30.10.11.G) requires that an applicant demonstrate that the proposed number of off-street vehicular parking spaces are appropriate for the site based on the size and location of the care facility, resident auto ownership, number of employees, and other relevant factors. Staff requested that the applicant provide a parking comparison of similar Residential Care Facilities based on the number of beds, care model, number of employees, visitation policies, and delivery needs. The applicant provided the analysis of comparable facilities detailing vehicular parking needs of similar sites and additional documentation in the project narrative, Parking Analysis Memo, and the staffing model and visitation document about the needs of the Rooted Care Communities facility.

The applicant states that residents at Rooted Care Communities will not own vehicles, and the facility plans to have two staff members on site at all times. However, staff levels are determined by an Acuity-Based Staffing Tool as required by the State of Oregon based on the cumulative amount of care required for all residents, so staffing requirements may change depending on who resides at the facility and applicable state regulations. Regarding visitation policies of the facility, the applicant states that visitors are asked to call in advance, if possible, to ensure visits do not conflict with daily care needs of residents, and the site expects one visitor per day. Additionally, a hospice nurse visits the property up to three times per week and provides care on an as-needed basis for residents. The applicant explains in the project narrative that therapy such as occupational or physical therapy services are provided in house by staff, so other outside medical care provider visits are uncommon. The applicant's narrative also provides information about deliveries. The applicant explains that deliveries occur two to three times per week in short box trucks typically through Amazon or UPS, and grocery shopping is done twice per week. Information regarding delivery of medical supplies or linen services which are common services needed to operate care facilities have not been provided, and it is unclear if the site will require such deliveries. Based on the information provided for the Rooted Care Facility, two parking spaces for staff, one space for visitors, and an additional space for deliveries and as-needed care visits are needed for this site, totaling four needed off-street parking spaces.

The applicant's parking analysis of comparable facilities provides information on the off-street vehicular and bicycle parking needs of five care establishments with similar care models. To conduct the analysis, the applicant used Google Earth Pro to review on-site conditions and called care facilities directly to discuss vehicle and bike parking availability and utilization. The first facility in Ontario, Oregon is a 14-bed facility in a residential neighborhood. Three off-street vehicle parking spaces are available, including one accessible van space. The applicant reports that there

is unrestricted parallel street parking which provides additional parking areas for visitors and deliveries. The second care facility in Grants Pass, Oregon has 15 beds and provides four off-street parking spaces, including one accessible space. The third facility in Portland has 10 beds and is described as both a Residential Care Facility and a memory care facility. The site appears to have four off-street parking spaces based on aerial photographs provided by the applicant. Fourth, the applicant provides details of a closed 16-bed facility in Portland which appears to have had off-street parking for four vehicles. Lastly, a 15-bed facility in Portland was assessed and appears to have three spaces. The applicant notes that on-street parking is available at most of the facilities. Based on the applicant's analysis, similar sites provide between three and four off-street parking spaces. Regarding bicycle parking, the applicant states that no bicycle parking facilities were visible on Google Earth. Phone call inquiries were made to the four operating care facilities which confirmed that the facilities do not provide formal bike parking areas and allow employees to place bikes in garages or other areas on site. However, the applicant's analysis states that administrators of the five facilities could not recall a time an employee rode a bike to work. The applicant's revised site plan shows providing three bicycle parking spaces which comply with the minimum code requirements for bicycle parking without the special needs parking reduction for bicycle parking, however the applicant did not amend their narrative to reflect the bike parking shown on their most recent plan.

The applicant also provided a Parking Analysis Memo prepared by a licensed engineer to support the Reduction for Special Needs Residential request. The memo concludes that a 12-bed Residential Care Facility will require five parking spaces based on peak demand of the use. The applicant's parking analysis discusses the availability of transit nearby and the availability of on-street parking suggest that the four requested off-street spaces will be adequate for the use based on comparable facilities and meets the parking demand identified in the Parking Analysis Memo prepared by the engineer.

In summary, the information provided by the applicant concludes that the proposed four off-street parking spaces and zero bike parking spaces will be adequate to support the proposed 12-bed Residential Care Facility. However, the existing parking areas of the site, including the garage and driveway, do not meet the locational parking space requirements of BDC 60.30.10.B which prohibits more than two spaces from backing into the right of way. Single-detached and duplex residential uses are exempt from this standard, but Residential Care Facilities are defined as a commercial land use and are not exempt from this provision. Since all existing parking on the site must back into the right of way to exit the property, only two spaces meet development code requirements and can be counted towards the number off-street parking spaces available on site. For this reason, staff concludes that the two existing off-street vehicular parking spaces are inadequate to support the proposed use.

Regarding bicycle parking, staff does not concur with the applicant's assessment in the parking analysis that zero bicycle parking spaces are adequate to serve the proposed use. However, the applicant's revised materials submitted on August 15, 2022, propose three wall-mounted 1.5-foot-deep by six-foot-long long-term bicycle parking spaces in the existing garage. The proposed number of spaces satisfies the bike parking ratio requirements of BDC 60.30.10. However, the proposed spaces do not meet the dimensional and facility design requirements of Engineering

Design Manual Section 340. Because of this, the Committee recommends a condition of approval that the applicant install two long-term bicycle parking spaces in the garage in conformance with the standards of the Engineering Design Manual prior to issuance of final occupancy of the building permit.

In conclusion, the proposal will comply with the bicycle parking requirements of BDC 60.30 by meeting the conditions of approval. Regarding vehicle parking, staff concurs with the applicant's findings that four off-street vehicular parking spaces are adequate to serve the 12-bed Residential Care Facility and is supportive of the applicant's Reduction for Special Needs Residential request for four parking spaces. However, only two off-street spaces meet development code requirements and can be counted towards the number of existing off-street parking spaces. Therefore, existing site conditions do not provide the four off-street parking spaces that the Reduction for Special Needs Residential analysis determined to be adequate for the proposed use. For this reason, the proposal does not meet the off-street vehicular parking standards of BDC 60.30.

[...]

Conclusion: Therefore, the Committee finds that the proposal does not meet the approval criterion.

Attachment A: Facilities Review Committee, Section 40.03.1.E

The applicant states that the owner of the proposed Residential Care Facility will maintain the subject property for the proper care and consideration of the residents. The owner of the facility intends to lease the building from the property owner by private agreement and will carry out all maintenance.

The Committee has outstanding questions related to the ongoing maintenance of proposed trash and recycling facilities for the site. The applicant's narrative states that the facility will use two 90-gallon trash receptacles, two 64-gallon recycling receptacles, and one 64-gallon yard debris receptacle which will be serviced once per week. However, the applicant submitted updated application materials on August 15, 2022, which identify six 96-gallon receptacles for trash and recycling waste storage in addition to one glass recycling cart. Trash and recycling receptacles are proposed to be stored in the existing garage.

Per the Beaverton City Code (Section 4.08.030), Residential Care Facilities are classified as a multifamily use. The City Solid Waste and Recycling Administrative Rules require a minimum waste capacity for multifamily uses of twenty gallons per unit per week for garage, twenty gallons per unit per week for recycling, and one gallon per unit per week for glass (Section E.3.a.(1)(c)). This equates to a minimum standard of 240 gallons for trash, 240 gallons for recycling, and 12 gallons for glass per week based on a 12-bed Residential Care Facility. The applicant's proposal to provide six 96-gallon receptacles for trash and mixed recycling would exceed the minimum standard of 480 gallons. However, it is unclear if a 12-gallon or larger glass recycling receptacle will be provided. Additionally, recycling receptacles used by the hauler are a maximum volume of

64-gallons, rather than the 96-gallon containers shown by the applicant. Despite this, the applicant’s garage layout plan for waste storage demonstrates that there is adequate space in the garage to store the required number and volume of trash and recycling receptacles per the Beaverton City Code. To address outstanding questions related to the receptacle size for glass and mixed recycling, the Committee recommends a condition of approval that the applicant provide a plan prior to final occupancy permit showing adequate provision of garbage and recycling facilities that comply with the waste storage capacity requirements of the city code in addition to the applicable waste storage location and receptacle requirements of the Building and Fire codes.

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

Attachment A: Facilities Review Committee, Table 5: Chapter 60 Special Requirements, Development Code Section 60.30 Required Bicycle Parking

Development Code Section 60.30			
Required Bicycle Parking	1 short-term space per 100 beds = 1 space required	The applicant proposes three long-term bicycle parking spaces in the existing garage. However, proposed spaces do not meet the dimensional and facility design requirements of the Engineering Design Manual. Therefore, the Committee recommends a condition of approval that the applicant install at least two long-term bike parking spaces in the garage that meet EDM requirements prior to issuance of final occupancy.	YES w/ COA
	1 long-term space per 50 beds = 1 space required		

Attachment A: Facilities Review Committee, Table 5: Chapter 60 Special Requirements, Development Code Section 60.50 Fences

Development Code Section 60.50

Fences	Height restrictions for fences and walls.	A six-foot-tall vinyl privacy fence is existing along the eastern property line. Six-foot-tall wooden fencing also exists in the rear yard area in the northwestern portion of the property. The applicant also proposes new six-foot-tall privacy fencing along the northern property line. All existing and proposed fences meet applicable fence height restrictions.	YES
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Attachment B: New Conditional Use, Section 40.15.15.5.C.4

The subject property has an existing 12-bedroom single-detached dwelling with a two-car garage on a relatively flat 0.46-acre corner lot. The site has an existing driveway off SW Brentwood Street which provides access to the property. The applicant states that the existing structure "...is ideal for the proposed use as a Residential Care Facility. Most of the bedrooms (9) are on the ground floor, upstairs areas will be used only by staff and management. The house is designed with a private, level central courtyard area that residents can access." Staff concurs that the size and configuration of the existing single-detached home on the site is adequate to support the proposed use as a Residential Care Facility for up to 12 residents. Facilities for the use of residents are located on the main floor, and the site provides an accessible entrance to the home to access these facilities.

However, staff has outstanding concerns about the existing parking facilities on the subject site. Staff cites findings for Facilities Review criteria D in Attachment A as relevant to this criterion which discuss the applicable off-street parking requirements of BDC 60.30 and the findings of the Reduction for Special Needs Residential request.

A Building Permit was issued in 2016 to construct a large, two-story addition to a single-detached home to convert the structure for use as an Adult Foster Care facility for up to five individuals (B2015-5203). The proposed work included a two-car attached garage and a driveway off of SW Brentwood Street to serve the site. While the proposed addition met requirements to serve the Adult Foster Care use, the expansion of the site created insufficient parking facilities for a 12-bed Residential Care Facility. Due to the locations of the constructed addition and driveway and their proximity to SW Brentwood Street right of way, all existing off-street parking spaces and any expansion of the parking areas would require backing movements into SW Brentwood Street. Since locational requirements of BDC 60.30.10.10.B prohibit more than two parking spaces from backing into a street, the site was constructed in a way that prevents providing the four off-street parking spaces that were determined to be adequate for the use based on the findings of the Reduction for Special Needs Residential Parking request.

In summary, repurposing the existing building and site which was intended for Adult Foster Care without modifications to provide adequate parking for the proposed use does not accommodate the needs of the proposal. Therefore, staff finds that the existing man-made features of the site do not reasonably accommodate the proposed 12-bed Residential Care Facility.

Conclusion: Therefore, staff finds the proposal does not meet the criterion for approval.

Attachment B: New Conditional Use, Section 40.15.15.5.C.5

The applicant states that the proposed use of the existing property as a Residential Care Facility for up to 12 individuals would not impact the appropriate use or development of other properties in the surrounding area. The proposal is a change in use of an existing building, so proposed exterior changes are limited in scope and will not affect the use or development of other properties. Most activity associated with the Residential Care Facility would take place indoors, and residents would have use of the fenced in backyard for their relaxation and enjoyment. The applicant proposes new privacy fencing and additional landscaping which will increase compatibility with adjacent properties and help mitigate potential visual or noise impacts associated with the use.

However, staff cites findings in Attachment A regarding inadequate off-street parking facilities. Staff also cites findings in Attachment C regarding insufficient information to assess the lighting design standards of BDC 60.05.30. Inadequate off-street parking for vehicles and delivery services reduces compatibility with nearby residences and may cause impacts due to parking overflow into the surrounding neighborhood and improperly parked delivery vehicles. Staff also does not have enough information to evaluate potential lighting impacts that may occur from existing on-site lighting. For these reasons, staff finds that aspects of the proposal related to parking cannot be made reasonably compatible with the surrounding neighborhood and may have impacts on livability. Further, staff is unable to assess if existing lighting will impact the surrounding area.

Conclusion: Therefore, staff finds that the proposal does not meet the criterion for approval.

Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.20 Circulation and Parking Design, 60.05.20.2.A Service Area Screening

Loading Areas, solid waste facilities and similar improvements		
60.05.20.2.A Service Area Screening	Waste and recycling storage areas are proposed inside the existing garage which faces SW Brentwood Street. The garage door is made of a semi-transparent material which does not fully obscure objects inside that are close to the door. The applicant provided a garage layout plan showing how the required volume of waste storage receptacles fit in the garage in locations behind walls and at the back of the garage which will prevent view of the waste storage facilities from the adjacent public street.	YES

Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.20 Circulation and Parking Design, 60.05.20.2.C Screening Materials

Loading Areas, solid waste facilities and similar improvements		
60.05.20.2.C Screening Materials	Trash and recycling receptacles are proposed to be located inside the existing garage. The applicant provided a garage layout plan showing how the required volume of waste storage receptacles fit in the garage in locations behind walls and at the back of the garage which will prevent view of the waste storage facilities from the adjacent public street. Since the facilities are not visible from public view, screening is not required. Therefore, this standard does not apply.	N/A

Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards, 60.05.25.9.A Materials

Fences and Walls		
60.05.25.9.A Materials	There is an existing vinyl fencing along the eastern property line and a wooden privacy fence on the western side of the yard. A new wooden privacy fence is proposed along a portion of the northern property line, and a continuation of the vinyl fencing along the remainder of the northern property line is proposed. All existing and proposed fencing materials are commonly used and durable.	YES

Attachment C: Design Review Three, Table 4: Section 60.05 Design Standards, Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards, 60.05.25.13 Landscape buffering between contrasting zoning districts

Landscape Buffering Requirements		
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The applicant has chosen to address the landscape buffering design standards for the buffer required along the northern property line and the design guidelines for the eastern landscape buffer. See the Design Guidelines Analysis below for findings regarding the eastern buffer. Staff recommended that the applicant also address the northern landscape buffer requirement through the design guidelines due to dense tree canopy areas that may make it challenging to install plant materials that meet applicable landscape buffer standards. However, the applicant continues to address the design standard.

60.05.25.13
Landscape buffering
between contrasting
zoning districts

Per Table 60.05-2, a 20-foot-wide landscape buffer meeting B3 planting standards is required along the north property line. The applicant proposes the construction of a new six-foot-tall vinyl privacy fence in the backyard area and another six-foot-tall wooden fully sight obscuring fence in the northern area of the front yard area to connect to the existing wooden fence. The applicant also proposes to plant three Acer Circinatum (Vine Maple) trees, nine Leatherleaf Viburnum evergreen shrubs, and 24 Mahonia Nervosa (Oregon Grape) plants to provide groundcover. The proposed fencing and plant materials meet the requirements of the B3-High Screen Buffer. Should the Planning Commission determine that the applications should be approved, the Committee recommends conditions of approval that the new privacy fencing and landscaping will be installed along the northern property line consistent with the landscape plan dated August 14, 2022, prior to issuance of an occupancy permit.

YES w/ COA

Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.a

The applicant has chosen to address this design guideline in lieu of the design standard for the required landscape buffer along the eastern property line. The landscape buffer standard along

the eastern property line requires a 20-foot-wide buffer meeting B3 planting requirements. However, Footnote 5 of Table 60.05-2 states that “a landscape buffer width cannot exceed a minimum yard setback dimension”. Since the side setback requirement is five feet, a five-foot-wide buffer meeting B3 planting requirements would meet the design standard. The applicant addresses the design guidelines and proposes a modified landscape buffer in this area.

There are no existing natural features like wetlands or significant groves on the site that provide visual screening. The existing building and accessible pedestrian pathway along the eastern property line prevent the installation of plant materials within portions of the required buffer area. There is an existing six-foot-tall vinyl privacy fence along the eastern boundary which provides a high degree of visual screening. Additionally, the applicant proposes to plant 14 evergreen shrubs (leatherleaf viburnum) in the rear yard area adjacent to the eastern property line. The applicant also proposes to plant one additional tree in this area, a vine maple. The existing fence, existing trees, and proposed shrubs and tree will provide adequate screening and separation between the Residential Care Facility and the abutting residence. Staff recommends a condition of approval that new landscaping, as proposed by the applicant’s submitted landscape plan dated August 14, 2022, is installed and irrigated prior to issuance of final occupancy for the building permit.

Conclusion: Therefore, staff finds that the proposal meets the guideline.

Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.b

The proposal would convert the existing Adult Foster Care home, a residential use, to a Residential Care Facility, a commercial use that is conditionally permitted in the underlying residential zone. The site abuts residential properties to the north and east. The applicant has chosen to respond to the design guideline for the landscape buffer required along the eastern property line.

Impacts associated with the Residential Care Facility are anticipated to be minimal, as most activity takes place indoors. The existing six-foot-tall vinyl privacy fence, three trees, and the proposed shrubs (leatherleaf viburnum) and additional tree (vine maple) will effectively mitigate potential visual and noise impacts on residential properties to the east of the subject site. The reduced landscape buffer, as proposed, is appropriate for this location as impacts are expected to be limited and due to constraints associated with the existing building’s location.

Conclusion: Therefore, staff finds the proposal meets the guideline.

Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.c

The applicant chose to address the design guideline for the landscape buffer along the eastern property line. The applicant provided a landscape plan identifying a variety of existing trees and proposed shrubs. An existing vinyl fence provides visual screening, and the applicant proposes to plant eight new shrubs, five evergreen and three deciduous, on the interior side of the fence since the fence is located on the shared property line. Proposed shrubs (leatherleaf viburnum) and additional tree (vine maple) combined with existing trees and fencing will complement the visual character of the existing site. The new landscaping will not be visible to the adjacent

neighborhood, so no change is expected to the visual characteristics of the neighborhood related to landscaping beyond existing conditions.

Conclusion: Therefore, staff finds the proposal meets the guideline.

Attachment C: Design Review Three, Design Review Guidelines Analysis, 60.05.45.11.d

The applicant states that the existing building is six feet from the eastern property line, and a paved walkway is located between the property line and the building. The existing six-foot-tall vinyl fence is located on the shared eastern property line and abuts the paved walkway. The applicant explains that these constraints prevent the installation of the required five-foot-wide buffer in this area. Staff concurs with the applicant that existing conditions prevent planting landscaping in areas along the eastern property line where the pathway is located. The applicant's proposal to plant fourteen new shrubs (leatherleaf viburnum) in other areas along the eastern property line and one additional tree (vine maple). These new plantings combined with the existing fence will provide adequate screening for the proposed use despite the reduction of the standard where constraints exist.

Conclusion: Therefore, staff finds the proposal meets the guideline.

Attachment E: Recommended Conditions of Approval, Design Review Three (DR2022-0005), B.x

- x. Provide a plan showing compliance along the northern property line with the B3 Buffer planting standards in BDC Section 60.05.25.13 (Planning / BG)

Attachment E: Recommended Conditions of Approval, Design Review Three (DR2022-0005), C.6

- 6. Have installed a six-foot-tall fully sight obscuring fence along the entirety of the northern property line. The fence must be constructed within five feet of the shared property line. (Planning / BG)

[Response to Exhibit 3.14 'Specific Development Code Analysis'](#)

The applicant in Exhibit 3.14 asserts that the structure where the proposed Residential Care Facility is a detached dwelling and, therefore, design standards and guidelines do not apply (such as lighting). However, this fails to recognize that with the conversion of the existing Single-Detached Dwelling to a Residential Care Facility the structure becomes a commercial building. Because of this, the structure is no longer viewed as a Single-Family Residential dwelling and is now subject to Design Standards and/or Guidelines as applicable since they are no longer eligible for the Single-Family Detached Dwelling exemption in BDC 40.20.10.3.B.

The applicant contends that Design Review standards such as lighting are not required as physical development is not proposed. The City's definition of 'development' in BDC Chapter 90 reads as follows:

Development. The act of bringing about growth or change; to construct or alter a structure, to make a change in use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

The key phrase in the definition which is applicable to this situation is "to make a change in use." The applicant proposes to change the use of the site from a Single-Family Residential Dwelling to a Residential Care Facility. As such, staff can identify applicable Design Standards/Guidelines related to the change in use. In this case, staff identified Design Standards related to pedestrian access, lighting, landscape buffering, and solid waste screening as applicable to the proposed change in use. These items are all related to the potential impacts of the change of use on the adjacent properties and the ability to reasonably use the site as a Residential Care Facility. Staff understands that conversions of existing structures for new uses are complicated and as such has encouraged the applicant to respond to Design Guidelines as they allow more flexibility and context sensitivity, such as in the case of lighting. The applicant states that the Design Guidelines for lighting require compliance with the Technical Lighting Standards which is true, but the language also allows for deviation due to unique circumstances. The language of the applicable guideline 60.05.50.4 is below:

60.05.50.4. On-Site lighting should comply with the City's Technical Lighting Standards. (Standards 60.05.30.1 and 2.) Where the proposal does not comply with Technical Lighting standards, the applicant should describe the unique circumstance attributed to the use or site where compliance with the standard is either infeasible or unnecessary. [ORD 4531; April 2010]

Addressing the guideline above would allow the applicant to provide information supporting that the existing on-site lighting is adequate to provide safe pedestrian access for residents, employees, and visitors while minimizing impacts to adjacent properties. The applicant has chosen to continue to address the Design Standards related to lighting despite staff's recommendations. As such, staff cannot address Design Guidelines in place of Design Standards unless the applicant does so in the project narrative, as they have the burden of proof that the applicable Design Standards or Guidelines are met.

The applicant also addresses the bike parking requirements and their disagreement with staff over the interpretation of the minimum bike parking standard required per the code. Staff has consistently interpreted the bicycle parking requirements for Residential Care Facilities to be 1 space for up to 100 beds for long term and 1 space for up to 50 beds for short term bicycle parking. As the proposal includes 12 beds, there would be one long-term and one short-term bicycle parking space required for the proposed Residential Care Facility. As the applicant noted, they have provided a plan showing bicycle parking located in the garage. Those proposed spaces are subject to compliance with the technical dimensions and facility design requirements of the Engineering Design Manual (EDM) related to bicycle parking which is a recommended condition of approval. By complying with the EDM standards per the proposed condition of approval, they will have met the requirement for short-term and long-term bicycle parking spaces.

Typographical Errors

The following corrections are proposed to the Staff Report dated August 10, 2022 (new text is underlined, deleted text is ~~stricken~~).

Page 3, Table 3: Key Application Dates, Application column:

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
CU2022-000 <u>4</u> 4	April 14, 2022	June 28, 2022**	Oct. 26, 2022	June 28, 2023
DR2022-00 <u>22</u> 22 <u>05</u>	April 14, 2022	June 28, 2022**	Oct. 26, 2022	June 28, 2023

Staff Conclusions and Recommendations

Based on the facts and findings presented in this memorandum and the Staff Report dated August 10, 2022, staff recommends DENIAL of CU2022-0004 and DR2022-0005. Should the Planning Commission determine the application should be approved, staff recommends it is subject to the applicable conditions identified in Attachment D of the staff report dated August 10, 2022, except as modified by this memorandum.