

February 23, 2015

Steven L. Pfeiffer
SPfeiffer@perkinscoie.com
D. (503) 727-2261
F. (503) 346-2261

VIA EMAIL

Mayor John L. Cook and Tigard City Council
Tigard Civic Center - City Hall
13125 SW Hall Blvd
Tigard, OR 97223

**Re: Land Use Applications for A + O Apartments
City Case Nos. CPA 2014-00002/PDR 2014-00003/SDR 2014-00004/SLR 2014-00002
Applicant's Final Written Argument**

Dear Mayor Cook and Members of the Tigard City Council:

This office represents DBG Oak Street, LLC ("DBG"), the applicant requesting approval of the land use applications for the A + O Apartments on SW Oak Street (City Case Nos. CPA 2014-00002/PDR 2014-00003/SDR 2014-00004/SLR 2014-00002) ("Applications"). This letter constitutes DBG's final written argument in support of the Applications.

DBG has provided substantive evidence and written response to the full range of raised issues during the Council's review, including legal arguments from project opponents. As such, DBG will not restate those arguments and evidentiary submittals at this time. Rather, this letter will summarize how the Applications serve the City's adopted planning objectives, policies and implementing procedures relating to anticipated development at his location and how the project, as modified, will mitigate and minimize all potential impacts of the project.

With regard to the adopted policy context, DBG's proposal serves the following adopted City planning objectives:

- Meets Identified Housing Need: Provides 215 units of well-designed, high-density modern multi-family housing to meet need identified by the City in its acknowledged comprehensive plan for such housing opportunities within the identified regional center;
- Creates Connected, Mixed-Use Center: Facilitates pedestrian, bicycle, vehicle, and transit connections to nearby commercial and retail uses at Washington Square

Shopping Center and Lincoln Center (about one-quarter of a mile away), allowing for an integrated, mixed-use neighborhood as called for in the Washington Square Regional Center Plan;

- Creates Attractive Community: Provides an attractive living environment for project residents with a high level of on-site amenities and adjacent open space;
- Preserves and Enhances Open Space: Preserves and enhances valuable open space areas while utilizing portions of the overall site that are not significantly constrained by floodplain, wetlands, or other constraints;
- Dedicates Trail Easement: Provides an easement for the future trail along Ash Creek identified in the City's Parks Master Plan and the Washington Square Regional Center Plan;
- Establishes Buffers: Borders the apartment project with preserved open space to the south to provide a buffer between the apartments and Highway 217;
- Accommodates Parking Demand: Provides sufficient on-site parking for the needs of residents and their visitors to avoid parking overflow into nearby neighborhoods and, subject to the final determination by the Council, the provision of on-street parking on SW Oak Street adjacent to the project site;
- Enhances and Mitigates Wetlands: Provide off-site wetland mitigation as required by now approved federal 404 authorization, together with significant wetland enhancement plantings beyond the federal permit requirements; and
- Balances Resource Preservation with Neighborhood Compatibility: Minimizes encroachment into significant natural resource areas while proposing a development that respects the modest heights of surrounding uses. Avoiding all resource impacts would result in a developed project that is well in excess of the height and massing of surrounding uses.

Further, DBG has taken into account various issues and potential project modifications raised during this review process:

- Parking Exception Withdrawn: Eliminates the request for an exception to the on-site parking requirement by providing additional ground-level parking;
- Bus Shelter Easement: Continues positive negotiations with TriMet and the operators of Lincoln Center for a transit shelter easement along SW Greenburg Road;
- Paved Connection to SW Oak Street Sidewalk: Provides paved pathway connecting to the existing sidewalk to the west on the north side of SW Oak Street

for an improved pedestrian route to transit stops for two frequent service transit lines;

- Pedestrian Path Easement over SW Lincoln Street: Orland Ltd. (property owner of both the proposed development site and two properties which would include the future SW Lincoln Street) agrees to provide an easement over the future road location to allow a pedestrian path. DBG offers to build a pedestrian path within the easement. This (and the prior item) will provide an improved pedestrian way from the proposed apartments to Metzger School, and to other sidewalks along SW Locust Street and SW Greenburg Road;
- Commitment to Sell SW Lincoln Street Right-of-Way: Orland Ltd. (property owner of both the proposed development site and two properties which would include the future SW Lincoln Street) agrees that they will sell the necessary right-of-way for that street extension at fair market value for the land. This will allow future development interests in the area to construct the SW Lincoln Street extension when it is deemed necessary;
- Raised Crosswalk Across SW 90th Avenue: DBG to provide a raised crosswalk across SW 90th Avenue to the Metzger Elementary School, which should reduce vehicle speeds on SW 90th Avenue, provide a safer crossing for students and for others accessing the public sidewalk on SW Locust Street which lead to SW Hall Boulevard and SW Greenburg Road;
- Intersection Reconfiguration: Improved plans for reconfiguring the intersection of SW 90th Avenue and SW Oak Street.

As these lists indicate, DBG's development proposal will offer wide-ranging benefits to the City and the community that will, in turn, serve to implement adopted City planning objectives.

Finally, DBG notes that opponents have expressed concern about the provision of on-street parking on SW Oak Street. Although DBG believes that this parking would provide surplus spaces to serve periodic community and school needs and would function as a traffic-calming measure, DBG is willing to eliminate these spaces at the discretion of the City Engineer. If the City Council agrees, the City Council can impose a condition allowing the City Engineer to address the issue within the discretion afforded him/her by the applicable Code provisions, as applied to the project and location.

In conclusion, the substantial evidence available in the record demonstrates that the Applications satisfy all applicable criteria, and the information offered by project opponents does not serve to undermine this evidentiary support or the corresponding

Mayor John Cook and Tigard City Council
February 23, 2015
Page 4

conclusions of compliance. Therefore, we must request that the City Council approve the Applications, subject to the conditions of approval proposed by City staff as modified by DBG's earlier testimony.

I have asked staff to place a copy of this letter before you and in the official record for this matter. Thank you for your thoughtful review of the Applications.

Very truly yours,



Steven L. Pfeiffer

SLP:crl

cc: Gary Pagenstecher (via email)
Dan Olsen (via email)
Jerry Offer (via email)
Client (via email)
Seth King (via email)