memo

to Lina Smith, City of Beaverton

from Shayna Rehberg, MIG|APG

cc Westgate + Hall Project Team

re Westgate + Hall Mixed Use Development (CU2023-0003 / DDR2023-0008 / LLD2023-0002 / TP2023-0002)
Land Use Application Final Submittal – ONLINE SUBMITTAL

date September 25, 2023

On behalf of CEDARst (the applicant) and project team, MIG|APG is submitting this final submittal package for the Westgate + Hall Mixed Use Development (CU2023-0003 / DDR2023-0008 / LLD2023-0002 / TP2023-0002). This resubmittal responds to City of Beaverton comments emailed by staff on August 17, September 7, September 18, and September 22, 2023, as well as the Draft Facilities Review Committee Report, dated September 8, 2023.

Updated materials in this submittal include the following:

- Application narrative (tracked-change and "clean" versions)
- Exhibit A (updated architectural, civil, and landscape plans)
- Exhibit O (updated exhibit showing hauler truck turning)

The following summarizes how City comments have been addressed.

A. Short-term bike parking – At the Facilities Review Committee Meeting on September 13, it was determined that just two short-term bike parking spaces (1 rack) would be needed for the proposed commercial space in addition to the 12 spaces (6 racks) for the proposed residential use. The City further directed the applicant to relocate the proposed short-term bike parking from the right-of-way. Therefore, updated plans (Exhibit A) and narrative reflect 7 racks in the building setback, 2 racks on the northwest corner of the building on the Hall Boulevard frontage and 5 racks south of the northeast corner of the building on the Westgate Drive frontage.

B. Waste/recycling hauler access – Through an iterative and collaborative process, the applicant, hauler (Pride Disposal), and City staff have arrived at a solution for hauler access off of Hall Boulevard. Updated trash rooms and building footprint for hauler maneuvering space are shown in the Site Plan and Level 1 Floor Plan (Exhibit A, Sheets A1.01 and A2.01). Updated turning maneuver diagrams are included in Exhibit O. The

design team has sought to limit changes to other building and site characteristics while accommodating this access. For now, the building design has maintained the number of housing units and has lost one vehicle parking space, which is reflected in updated plans (Exhibit A) and narrative.[1]

C. Lighting in the Vegetated Corridor (VC) – Staff noted that lighting is not proposed in the Vegetated Corridor (VC) area adjacent to Beaverton Creek. The VC area, including the proposed short pathway, is intended to allow for the nocturnal habits of wildlife and is not intended to be used by people after dark. Thus, lighting is not proposed in this area. This information has been added to the findings in response to Section 70.20.05.9 (Lighting) of the Downtown Design District, which includes references and responses to the Design Guideline from Section 60.05.50 of the Beaverton Development Code.

Please contact Shayna Rehberg (srehberg@migcom.com; 503-297-1005 x2320) if you have any questions or need additional information. If Shayna is not immediately available, you can also contact Jon Pheanis (jonathanp@migcom.com; 503-297-1005 x2120).

Thank you for your time and consideration.

[1] The design team may attempt to recover the one vehicle parking space in later stages of building design.

Westgate + Hall Mixed Use Development

CEDARst™

Downtown Design Review Three
New Conditional Use
Tree Plan Two
Legal Lot Determination

Prepared by MIG I APG

Submitted to City of Beaverton,
Planning Division

Originally Submitted: March 8, 2023
Resubmitted: April 19, 2023
Resubmitted: August 9, 2023
Final Submittal: September 25, 2023

Development Application Project Team for
CEDARst: Westgate + Hall Mixed Use Development

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Development Application Summary Information for CEDARst: Westgate + Hall Mixed Use Development

Site Address:	3775 SW Hall Boulevard
Tax Map and Tax Lot:	1S109DD00105
Site Size:	Approx. 1.85 acres
Current Zoning:	Regional Center Mixed Use (RC-MU)
Comprehensive Plan Designation:	Downtown Regional Center
Community Plan:	Downtown Beaverton Regional Center Community Plan
Applications Submitted for:	Downtown Design Review Three New Conditional Use Tree Plan Two Legal Lot Determination

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Section 1: General Information

Project Description

The applicant CEDARst is proposing a catalyst mixed use development in the City of Beaverton's Regional Center and Downtown Design District at the corner of Hall Boulevard and Westgate Drive.

The proposed development consists of the following elements:

- Approximately 220,000 square feet of multi-dwelling residential (248 units in 7 stories)
- A 2-story concrete podium that includes ground floor commercial (approximately 2,800 square feet) and 2 levels of structured parking (approximately 75,000 square feet and 204 residential parking spaces)
- Residential patios and balconies for a number of units on the multiple facades of this C-shaped building
- New 10-foot sidewalks with tree wells and new street trees
- Secure long-term bike parking for residents and employees and short-term bike parking for visitors and customers
- A 50-foot buffer along the southern part of the site that protects Beaverton Creek and its Vegetated Corridor, regulated by Clean Water Services
- Enhancement of the Vegetated Corridor
- A more than 17,000 square foot deck on the building's 3rd floor, featuring numerous amenities as well as views to the south over Beaverton Creek, along with many other in-building amenities such as the fitness room and club room
- A path in the Vegetated Corridor for visual access to Beaverton Creek.

The proposed redevelopment of this site will provide needed housing and revitalize a prominent corner in Central Beaverton, activating the streetscape and this area.

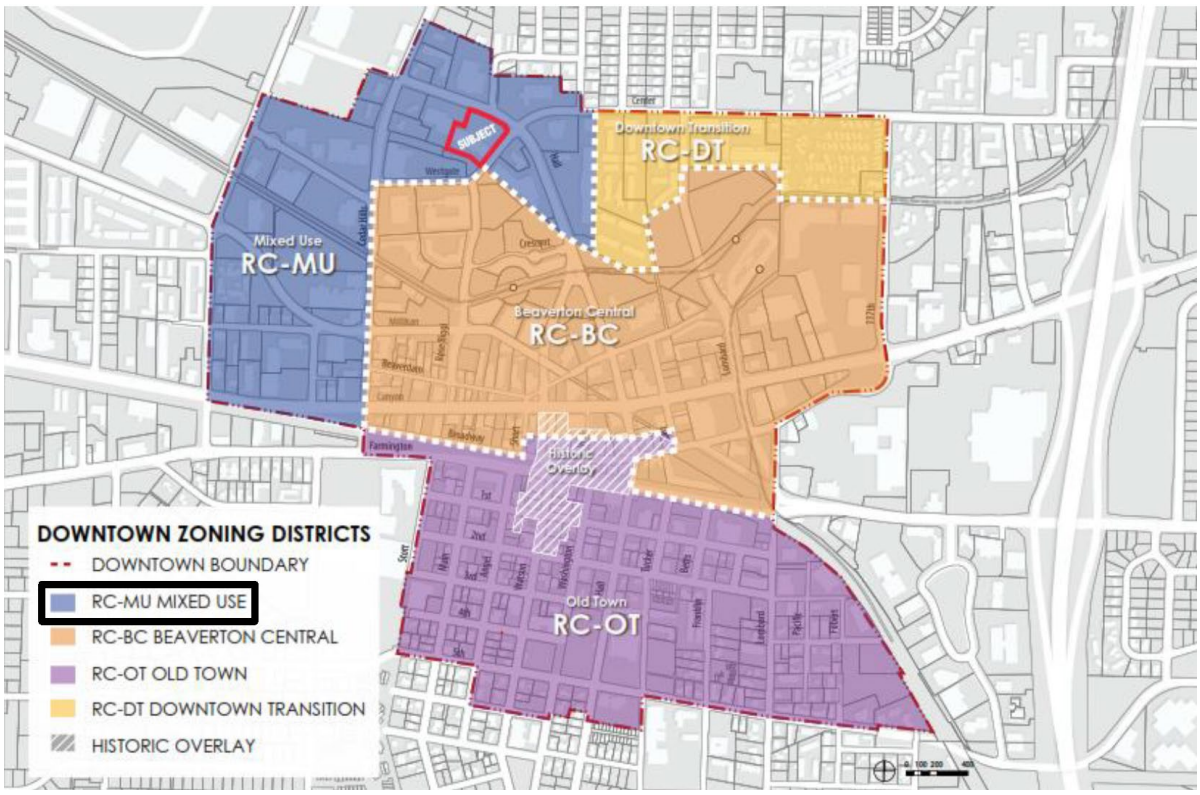
Project Site and Context

Project site, vicinity, and zoning are shown in Figure 1 and Figure 2. Relevant site information is summarized below:

- Tax Map and Lot: 1S109DD00105
- Site Size: Approx. 1.85 acres
- Address: 3775 SW Hall Boulevard
- Zoning: Regional Center-Mixed Use (RC-MU)
- Comprehensive Plan Designation: Downtown Regional Center

Figure 1. Aerial Map

Figure 2. Zoning Map



- Adjacent Land Uses:
  - North: Hall Boulevard, commercial uses (Cascade Plaza 6-story office building and Standard TV and Appliance store)
  - East: Westgate Drive, commercial uses (2-story strip office and retail building and standalone 1-story retail building)
  - South: Beaverton Creek, commercial use (large parking area for Goodwill Industries store)
  - West: commercial uses (1-story strip shopping center and a standalone Starbucks building)
- Floodway, floodplain, and significant natural resources are identified on the southern part of the site

Requested Land Use Review

Based on the scale and nature of the proposed development and the pre-application meeting with City staff, the applicant is seeking the following land use approvals.

1. New Conditional Use (Type 3)
2. Downtown Design Review Three (Type 3)
3. Tree Plan Two (Type 2)
4. Legal Lot Determination (Type 1)

As a consolidated application, the applicant understands that the application will be reviewed and decided pursuant to City Type 3 procedures.

Project Timeline

The land use application process is expected to run from roughly early March 2023 to late June/early July 2023. Construction is planned to begin at the end of 2023. The Westgate + Hall Mixed Use Development is targeted to be complete around mid-August 2025.

Section 2: Conformance with the Applicable Review Criteria

This section of the application narrative presents responses that demonstrate how this development application conforms to the applicable policies and regulations of the City of Beaverton Comprehensive Plan and the Beaverton Development Code (BDC).

Beaverton Comprehensive Plan Policies

The 2021 Downtown Beaverton Regional Center Community Plan states that for policies specific to Downtown, refer to Goal 3.6.2 (Downtown Regional Center) in Chapter 3 (Land Use Element) of Volume I of the Comprehensive Plan. Relevant policies from Goal 3.6.2 are addressed below.

VOLUME I – CITY OF BEAVERTON COMPREHENSIVE PLAN, CHAPTER 3 – LAND USE ELEMENT

Goal 3.6.2 Downtown Regional Center: Create and strengthen a vibrant downtown and central area for Beaverton

Policies:

c) New development, redevelopment, and public investments in this area should prioritize transit and multimodal street networks to create a welcoming environment that increases social interaction, commerce, creativity and fun.

f) Provide safe and comfortable connectivity that prioritizes active transportation (such as walking, jogging, running, cycling, wheelchair use, in-line skating or skateboarding) in public and private spaces.

Response: The proposed development site is at the intersection two multimodal streets: Hall Boulevard, where bike lanes are planned (and for which this development is dedicating right-of-way) and where TriMet has bus stops across the street and one property to the west; and Westgate Drive, where bike lanes or shared-lane markings are planned (and for which this development is dedicating right-of-way) and that is a route to the Beaverton Central MAX station. As part of the proposed development, wider (10-foot) sidewalks will be provided on both frontages, contributing to safe and comfortable connectivity. Therefore, the proposed development is consistent with these policies.

d) Encourage higher intensity development near MAX and WES stations, creating mixed-use station communities that locate housing, jobs, and services near transit.

e) Ensure that redevelopment intensifies land use, with less land dedicated to surface parking and more land occupied by multistory buildings along walkable streets.

i) Encourage a variety of Downtown housing options to reach the critical mass of people needed to support downtown businesses and increase mixed-use vibrancy.

j) Encourage an "18-hour" mix of uses, including retail, employment, civic, entertainment, and residential uses, that supports a diverse population that works, lives, and gathers downtown.

Response: The proposed development will significantly increase the density and mixed use of development on this site. The existing development consists of single-story commercial buildings occupying roughly half the site – on the rear half of the site, at that – and surface

parking occupying roughly the other half of the site, on the frontages of Hall Boulevard and Westgate Drive. The proposal will place a building right up along those frontages – a building with seven stories – and will tuck parking away from the frontages on two levels of covered structured parking in the interior of the site.

The proposed building will offer much-needed housing – 248 multi-dwelling units – as well as a modest amount of services and jobs, along a bus line and within about a quarter mile of a light rail line. As noted above, the development will provide wide (10-foot) sidewalks on both Hall Boulevard and Westgate Drive, for greater walkability.

In being close to the Beaverton Central MAX station, the development site is also part of a growing area of mixed use development (e.g., Arc Central and The Round) and key civic, cultural, and commercial destinations such as City Hall and City of Beaverton offices, the Reser (Patricia Reser Center for the Arts), the Hyatt House hotel, and assorted bars and restaurants including BG's Food Cartel.

Therefore, the proposed development is consistent with these policies.

k) Design places for people by promoting buildings and open spaces near sidewalks and streets that are interesting, enjoyable, and engaging for people passing by.

m) Encourage buildings to include architectural features that are humanly scaled, especially at the ground floor of a building; and pedestrian-scaled places and streetscapes that are welcoming, safe, and enjoyable for people.

Response: The proposed development places the building adjacent to new wide sidewalks and street trees on Hall Boulevard and Westgate Drive. The ground floor of the building will be human-scaled and inviting given the following: extensive glazing (windows) on both frontages; a raised "porch" area around the entrances that face onto Hall Boulevard; Downtown street light fixtures and bike parking on both frontages; residential patios and planters on the Westgate Drive frontage; and a 50-foot-long green swath on the south end of the Westgate Drive frontage where the site transitions to Beaverton Creek. Therefore, the proposed development is consistent with these policies.

q) Preserve, enhance and engage nature and natural systems, including Downtown's creeks and trees to promote flood control, wildlife habitat, beauty and improved health for all community members.

Response: Beaverton Creek and its Vegetated Corridor are key features on the southern part of this site. This proposal will not only protect the creek by setting back proposed development 50 feet but will enhance the Vegetated Corridor from conditions currently rated as "marginal" and "degraded" to "good" condition. A massive amount of invasive species removal and native species planting is a critical part of this enhancement. Therefore, the proposed development is consistent with this policy.

Beaverton Development Code (BDC)

CHAPTER 20 – LAND USES

20.20. Multiple Use Land Use Districts

20.20.05. Multiple Use Areas.

The areas of the City that are designated as Multiple Use implement the policies of the City's Comprehensive Plan and are identified on the City's Zoning Map. Full urban services are to be provided.

Multiple Use zoning districts establish varied levels of residential and commercial uses, supporting transit and pedestrian oriented development with minimum density and intensity requirements. Multiple Use areas include: the Downtown Beaverton and Washington Square Regional Centers, Town Centers, and Station Communities.

Downtown Design District zoning districts are in CHAPTER 70 - Downtown Design District. They are Regional Center - Beaverton Center, Regional Center - Old Town, Regional Center - Mixed Use and Regional Center - Downtown Transit. [ORD 4799; January 2021]

Response: The proposed development is located in the Downtown Design District in the RC-MU (Regional Center-Mixed Use) zoning district. See responses to the criteria in Section 70.15 (Downtown Zoning and Streets). Chapter 20.20 is not applicable.

20.25. Density and Bulk

20.25.05. Minimum Residential Density

A. New residential development in all Residential, Commercial, and Multiple Use districts which permit residential development must achieve at least the minimum density for the zoning district in which they are located.

Except for projects in the Downtown Design District, projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or variance. If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required. [ORD 4799; January 2021]

Response: The proposed development is located in the Downtown Design District and meets the minimum density requirements in Section 70.15 (Downtown Zoning and Streets). The site's zoning is RC-MU. The requirements of Section 20.25.05 are not applicable. See Section 70.15 in this narrative for minimum density criteria and responses.

20.25.10. Floor Area Ratio

A. Floor Area. Mixed Use Development, non-residential development, and residential development in certain zones are governed by minimum and maximum Floor Area Ratios. Generally, Floor Area Ratio (FAR) is the ratio of gross floor area to net acreage on a site. For

Mixed Use Developments, no maximum limitation shall be placed on the number of dwelling units permitted. [ORD 4584; June 2012] [ORD 4799; January 2021] [ORD 4822; June 2022]

Response: The proposed development is located in the Downtown Design District and meets the minimum density requirements in Section 70.15 (Downtown Zoning and Streets). The site's zoning is RC-MU. See Section 70.15 later in this narrative for floor area ratio criteria and responses. The FAR is calculated using the method prescribed for mixed use development. The project contains one building and is not phased or part of a Planned Development.

20.25.20. Supplemental Multiple Use Density Standards.

A. Regional Center.

1. Maximum Floor Area Ratio for multiple use developments involving residential use in the RC-E Zone. The maximum permitted FAR in the RC-E Zone for a multiple-use project involving residential use shall be determined by the mix of uses and ratio thereof in accordance with the following:

Response: The project is located in the Downtown Design District in the RC-MU zone. The requirements of Section 20.25.20 are not applicable in the RC-MU zone.

CHAPTER 40 – APPLICATIONS

40.03. Facilities Review Committee

1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three, Single-Detached and Middle Housing Design Review Two, Single-Detached and Middle Housing Design Review Three, and applicable Land Division applications:

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

Response: BDC Chapter 90 defines critical facilities and services to include public water, public sanitary sewer, stormwater drainage and retention, transportation, and fire protection.

- Water, sewer, and stormwater – A Service Provider Letter (SPL) for water service (City of Beaverton) is required and the approved SPL is provided with the application in Exhibit H. Water and stormwater connections will be provided as shown in the Utility Plan (Exhibit A, Sheet C4.0).

  Stormwater from the property currently all drains into the public storm system at a catch basin on Westgate Drive, with no existing water quality or flow control facilities on the site. The existing system will be demolished, and a detention gallery and flow control structure will be constructed in order to meet hydromodification requirements and Clean Water Services (CWS) construction standards. Water quality treatment requirements for the property and the Westgate Drive frontage will be met through the off-site public water quality vault and, thus, the project will be requesting fee-in-lieu to satisfy the water quality requirement. The Hall Boulevard frontage drains to a separate public storm main. Therefore, to meet the water quality treatment for the new or disturbed impervious area along this frontage, a Low Impact Development Approach (LIDA) planter will be strategically located to manage an equal or greater amount of impervious area of the existing undisturbed roadway. This will offset the portion of the proposed Hall Boulevard frontage that will not be treated. See the Preliminary Stormwater Report in Exhibit C and the Utility Plan (Exhibit A, Sheet C4.0). A SPL from CWS is also included in this application (Exhibit H).

  Regarding sewer, the proposed development will connect to the existing 8” sanitary sewer line (currently a public main) at the existing manhole along the Hall Boulevard frontage. The existing 8” main is sloped at approximately 3.8%, which has more than adequate capacity to serve this development. The proposed development will remove the existing sanitary main on the property since it only serves the existing building on this property, which will be removed. The sanitary sewer connection into Hall Boulevard will be retained for service use. The sewer permit worksheet with fixture unit ratings, used to determine sanitary sewer flow, is included in this application package (Exhibit K).

- Transportation – As shown in the Transportation Documentation in Exhibit F, the proposed redevelopment results in a change in total trips of just 66 trips, below the City’s 300-trip threshold. Therefore, a TIA is not required per BDC Section 60.55.20.

See responses to Chapter 60 (Transportation Facilities) for compliance with applicable standards.

- Fire – A Service Provider Permit (SPP) from Tualatin Valley Fire & Rescue (TVF&R) has been approved (Exhibit H). The SPP submittal in Exhibit H includes a fire access site plan and fire access elevations (Sheets FS-1 and FS-2). The Fire Access Site Plan (Sheet FS-1) includes the following information: fire lanes, existing and new fire hydrants, knox box, fire department connections, and fire apparatus access.

B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.

Response: BDC Chapter 90 defines essential facilities and services as including schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. The following responses address these facilities.

- Schools – The site is located within the Beaverton School District. An approved SPL from the Beaverton School District to serve the proposed development is provided in Exhibit H.

- Transit – TriMet will continue to provide transit service in the site's vicinity. As the City's Pre-Application Conference Summary (Exhibit B) notes, City staff may route land use applications to TriMet staff for review.

- Police – The City of Beaverton Police Department will provide service to the site. The City of Beaverton Police Department has served previous uses on the site and will continue to provide service to the site.

- Pedestrian and bicycle facilities – Proposed development includes new wider curb-tight sidewalks (10 feet wide) along the frontages of Westgate Drive and Hall Boulevard. All buildings abutting the street have entrances that face the street and are set back no greater than 13 feet from the sidewalk (public right-of-way). Pedestrian and bicycle circulation are addressed in detail later in this narrative, in response to Chapter 60 standards.

C. The proposed development is consistent with all applicable provisions of CHAPTER 20 (Land Uses), or Sections 20.25 and 70.15 if located within the Downtown Design District, unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of CHAPTER 20 (Land Uses) or Sections 20.25 and 70.15 if located within the Downtown Design District. [ORD 4799; January 2021]

Response: The proposed development is located in the Downtown Design District. Consistency with applicable Section 70.15 provisions is demonstrated in responses to those criteria later in this narrative. Consistency with applicable Section 20.25 provisions is earlier in this narrative. No applicable provisions are proposed to be modified.

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

Response: Consistency with applicable provisions of Chapter 60 is demonstrated later in this narrative.

E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.

Response: CEDARst will be responsible for overseeing development of the site. Future maintenance responsibilities of the site and buildings will be provided by FLATS, the property management affiliate. FLATS will manage the steps necessary to provide continued maintenance and necessary replacement of private common facilities and areas such as drainage facilities, sidewalks, the parking garage, landscaping, utility facilities, and garbage and recycling storage areas.

Trash rooms (waste and recycling rooms) are located on the northwest corner of the building for access off of Hall Boulevard. The rooms will be at grade for the easy maneuvering of containers. Dimensions are shown on Sheet A1.01 (Exhibit A) to demonstrate adequate space for necessary containers. See Sheets A1.01, A2.01, and A2.02 for detailed information on waste and recycling storage and access. Additionally, hauler truck turnaround is accommodated on the site (Exhibit A, Sheet A1.01, and Exhibit O).

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

Response: Safe and efficient vehicular and pedestrian circulation will be provided within the boundaries of the development. Pedestrian facilities and circulation on-site are addressed in response to applicable standards in Section 60.55.25 and Section 60.55.30 of this narrative. Parking and loading area standards are addressed in Sections 60.25 and 60.30.15 of this narrative.

- Vehicular circulation on-site consists of the structured parking areas on Levels 1 and 2 of the building, with ingress and egress from a driveway on Westgate Drive on the southeast corner of the site. The parking areas have 24-foot-wide two-way drive aisles.

- Pedestrian circulation will consist of primary building entrance areas on the Hall Boulevard frontage. A secondary residential entrance is proposed on the Westgate Drive frontage. The development's shared open space (amenity deck) has access from

the Level 3 indoor common space, with connections from the hallway and elevators or stairs.

See the Site Plan and Level 1, 2, and 3 Floor Plans (Exhibit A, Sheets A1.01 and A2.01-A2.03).

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

Response: The development's on-site circulation system will connect to the surrounding circulation system in a safe, efficient and direct manner. Vehicle and pedestrian facilities, circulation, and connections are addressed in response to Subsection B of this section and in response to applicable provisions of Sections 60.55.25 and 60.55.30 later in this narrative. Vehicles will connect to the surrounding transportation system via a driveway proposed on Westgate Drive on the southeast corner of the site. Pedestrians and bicycles will connect to Westgate Drive and Hall Boulevard via dedicated access points for pedestrians and/or bicycles separate from vehicles and the improved sidewalks proposed on both of those streets. See the Site Plan (Exhibit A, Sheet A1.01). Access is subject to City of Beaverton approval and EDM standards.

H. Structures and public facilities and services 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.

Response: Fire facilities are addressed in Subsection A of this section. A SPP from TVF&R is included in this application (Exhibit H).

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

Response: Compliance with lighting, glazing, and other applicable BDC standards provides protection from crime and accident conditions. Lighting is addressed in response to provisions in Section 70.20.05.9 (and its references to Section 60.05.30) later in this narrative. See Lighting Plans in Exhibit A. There is extensive glazing on the building's facades, particularly the ground floor of the building that is the storefront for proposed commercial and residential amenity uses. The glazing will allow visibility and "eyes" on the street. Construction documents for building and site development permitting will be reviewed to ensure protection from hazardous conditions.

J. Grading and contouring of the 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.

Response: The proposed grading of the site is designed to manage surface drainage on-site (Grading Plan, Exhibit A, Sheet C3.0). No stormwater drainage will discharge onto neighboring properties and the proposed development will not increase runoff into the public facility as the post-development discharge will not increase compared to the current development conditions. See the Preliminary Stormwater Report in Exhibit C.

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.

Response: Access and facilities for people with disabilities are incorporated into the development site and building design. The development provides a continuous and accessible route around the site. See the Site Plan (Exhibit A, Sheet A1.01).

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

Response: This application contains all applicable submittal requirements for each application as specified in the application forms and Pre-Application Conference Summary (Exhibit B).

40.15. Conditional Use

40.15.15. Application.

5. New Conditional Use.

A. Threshold. An application for a New Conditional Use shall be required when the following threshold applies:

1. The proposed use is Conditionally permitted in the underlying zoning district and a prior Conditional Use approval for the proposed use is not already in effect. [ORD 4332; January 2005] [ORD 4473; March 2008]

2. The proposed permitted residential use is located in the floodway fringe on a lot greater than five acres in size. Planned Unit Developments, single-detached and duplex dwellings are exempt. [ORD 4782; April 2020] [ORD 4822; June 2022]

3. A proposed use located on parcel(s) designated Interim Washington County, which requires Type III approval through Washington County's Development Code where no other Type 1 or greater review is required with the proposal. [ORD 4782; April 2020]

Response: The proposed development includes residential uses in the floodway fringe. The development is under 5 acres in size; however, the floodway fringe standards in Section 60.10.25 require a Conditional Use application for this type of development.[1] Therefore Threshold 2 is met.

B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for a New Conditional Use. The decision making authority is the Planning Commission.

[1] Per the Pre-Application Conference Summary (Exhibit B) and communication (email correspondence) with City staff on January 30, 2023. the stricter provision in Section 60.10.25 applies and the proposed development is subject to a Conditional Use application.

Response: This request is following Type 3 procedures as described in Section 50.45 of the BDC. The applicant is seeking approval from the Planning Commission. Therefore, this standard is met.

C. 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.

Response: As stated above, the proposed development is mixed use, including residential uses, and is located in the floodway fringe; thus, Threshold 2 is satisfied. Therefore, this standard is met.

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

Response: All applicable City application fees have been submitted as part of this application. Therefore, this standard is met.

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

Response: As demonstrated by the responses in Section 2 of this narrative, the proposal complies with all applicable policies of the Comprehensive Plan. Therefore, this standard is met.

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

Response: The size of the development site is approximately 1.85 acres. Its current use is a retail center and vacant restaurant with a parking lot. The grade of the site is level and is located adjacent to an existing stream channel (Beaverton Creek). Beaverton Creek floodway is designated on the southern border of the site and the site includes associated floodplain.

The proposed use is a mixed-use building with 248 residential units and roughly 2,800 square feet of commercial, whose footprint maximizes efficient use of the site. It is located in the City's Regional Center and Downtown Design District along two Collector Streets and in close proximity to other Downtown destinations and light rail. The proposed development will be a significant contribution to the continued regeneration and improvement of the surrounding neighborhood and will infuse activity at this prominent intersection in the Downtown District.

In addition to being an efficient and optimal urban use for this site, the proposed development exemplifies protection and improvement of the site's natural features. The proposal includes a 50-foot buffer for Beaverton Creek that comprises a protected Vegetated Corridor area. As addressed in the Natural Resource Assessment (Exhibit I) and by the Level 1 Planting Plan (Exhibit A, Sheet L002), this buffer area will be greatly enhanced, with major removal of invasive species and planting of native species.

Therefore, this standard is met.

5. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site. [ORD 4473; March 2008]

Response: Beaverton's Community Vision calls for a vibrant Downtown that is the social, economic and cultural heart of Beaverton. Downtown Design District regulations are intended to create a recognizable, vibrant, and walkable mixed-use downtown. Pedestrian-oriented, mixed-use environments are encouraged in the Downtown Design District. The proposed development meets the objectives of the district to a much greater extent than the existing development, which is low-density and auto-oriented commercial (including vacant space) with street-adjacent surface parking.

The mixed use development positively impacts the livability and appropriate use of the property. The development includes ground floors that engage the streets and sidewalks, adds to the diverse mix of residential and commercial uses, and promotes safe and comfortable connectivity with new wider sidewalks, sufficient right-of-way for bike facilities, and access to nearby transit. The adjacent properties are auto-oriented commercial or office uses. This proposed pedestrian-oriented retail and residential development will be a significant improvement to the surrounding neighborhood, infusing it with activity at a prominent intersection in Beaverton's Downtown.

Therefore, this standard is met.

6. The proposed residential use located in the floodway fringe meets the requirements in Section 60.10.25. [ORD 4782; April 2020]

Response: The proposed use contains residential units. Responses to the requirements of Section 60.10.25 are provided later in this narrative. Therefore, this standard is met.

7. For parcel(s) designated Interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code. [ORD 4782; April 2020]

Response: The parcel is not designated Interim Washington County. Therefore, this standard does not apply.

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: The applicant has submitted all documents related to the Conditional Use Three application in the proper sequence. Therefore, this standard is met.

40.23. Downtown Design Review

40.23.15. Application.

3. Downtown Design Review Three.

A. Threshold. An application for Downtown Design Review Three shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:

8. A project meeting the Downtown Design Review Two thresholds which does not meet more than three applicable design standards.

Response: The proposed development does not meet three or more applicable design standards in Section 70.20 and, thus, the project is meeting the corresponding guidelines. In addition, the proposed development is subject to a Type 3 Conditional Use. Therefore, the project is already planned to be heard and decided by the Beaverton Planning Commission.

B. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Downtown Design Review Three. The decision making authority is the Planning Commission.

Response: The proposed development meets Threshold 8 and requires a Conditional Use application. Therefore, the project will follow Type 3 procedures, including a public hearing and decision making by the Planning Commission.

C. Approval Criteria. [ORD 4365; October 2005] In order to approve a Design Review Three 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 Review Three application.

Response: As described above, the proposal meets Threshold 8 for Design Review Three. Therefore, this criterion is met.

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

Response: All required application fees are included with this application. Therefore, this criterion is met.

3. The proposal is consistent with all applicable Design Guidelines of Section 70.20 except where the applicant elects to respond to the applicable corresponding Design Standard(s). Where no Design Guideline is offered, the proposal is consistent with the Design Standard.

Response: The proposed development meets either the standards or guidelines in Section 70.20. Where no guideline is offered the proposal meets the standard. Therefore, this criterion is met.

4. For PDDP proposals, the proposed project shall demonstrate how minimum floor area will be met at ultimate buildout and applicable Development Standards in Section 70.15 and applicable design regulations in Section 70.20 can be realistically achieved at each phase of buildout.

Response: No PDDP is proposed. Therefore, this criterion is not applicable.

5. For proposals requesting Design Guidelines to be waived, the project shall demonstrate that the development better meets the applicable Downtown Design District Design Principles and Intent Statement(s) preceding the Design Guideline(s) than the Design Guideline requested to be waived.

Response: The applicant is not requesting any guideline be waived. The proposed development will meet the standards or guideline in Section 70.20. Therefore, this criterion is not applicable.

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

Response: All applications and documents related to this request will be submitted to the City on the schedule and in the sequence that the City requires.

40.47. Legal Lot Determination

40.47.15. Application.

Legal Lot Determination.

A. Threshold. An application for Legal Lot Determination shall be required when any of the following thresholds apply:

3. The Director requires a Legal Lot Determination be made as a prerequisite to, or concurrently with, the filing of a land use application.

Response: A Legal Lot Determination application has been included in this application package per staff request, as documented in the Pre-application Conference Summary (Exhibit B). As stated in those notes, "(t)he subject site is made up of one tax lot (1S109DD00105) that does not appear to have been platted. The Legal Lot Determination is required to determine the legal status of a lot that was created prior to the enactment of current subdivision regulations or prior to the City annexing a particular property. The applicant should submit a full deed history with the application and refer to Section 40.47.15.1 for additional information." Therefore, Threshold 3 is met.

C. Approval Criteria. In determining if the subject lot or parcel is a Legal Lot, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The application satisfies the threshold requirements for a Legal Lot Determination.

Response: As described above, the application meets Threshold 3 for a Legal Lot Determination. Therefore, this standard is met.

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

Response: The fees associated with the Legal Lot Determination are included with this application package. Therefore, this standard is met.

3. The unit of land conforms to the lot area and dimensional standards of Chapter 20 (Land Use) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District; except where a unit of land was created by sale prior to January 1, 2007 and was not lawfully established, the Director may deem the unit of land a Legal Lot upon finding:

a. The unit of land could have complied with the applicable criteria for creation of a lawful parcel or lot in effect when the unit of land was sold; or

b. The City, or County prior to annexation, approved a permit as defined in ORS 215.402 or 227.160(2) for the construction or placement of a dwelling or other structure on the unit of land after the sale, and such dwelling has all of the features listed in ORS 215.755(1)(a)-(e).

Response: The site conforms to lot area and dimensional standards, as described in the responses to Chapter 70.15 provisions. Therefore, this standard is met.

4. The application contains all applicable submittal materials as specified in Section 50.25.1. of the Development Code.

Response: This application package contains all applicable submittal materials including a deed history for the property (Exhibit E). Therefore, this standard is met.

5. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

Response: The application contains all applicable submittal materials as described in BDC Section 50.25.1 and the Legal Lot Determination application form. The materials are included in proper sequence. Therefore, this standard is met.

40.90. Tree Plan

40.90.15. Application.

2. Tree Plan Two

A. Threshold. An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10. apply, none of the thresholds listed in Section 40.90.15.1. apply, and one or more of the following thresholds apply:

2. Multiple Use zoning district: Removal of up to and including 85% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]

Response: As shown on the Existing Tree Schedule (Exhibit A, Sheet L000), there are 43 Trees located on the site, including 12 trees in the Vegetated Corridor, a Significant Natural Resource Area (SNRA). Three trees are proposed to be removed in the VC and any tree removal in the SNRA triggers a Tree Plan Two application. Therefore, the proposed development meets Threshold 2.

C. Approval Criteria. In order to approve a Tree Plan Two 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 Tree Plan Two application.

Response: As demonstrated above, the project meets Threshold 2 for a Tree Plan Two. Therefore, this criterion is met.

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

Response: All applicable City application fees have been submitted as part of this application package. Therefore, this criterion is met.

3. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.

Response: No tree removals are proposed in order to observe good forestry practices. Therefore, this criterion is not applicable.

4. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.

Response: As shown on the Tree Protection Plan (Exhibit A, Sheet L001), a tree in the VC, Landscape Trees, and Street Trees are proposed to be removed to accommodate the physical development of the site. Because of the scale of the new facility, construction activities such as grading and developing the building will require the removal of the identified trees. The Planting Plan -Level 1 (Exhibit A, Sheet L002) identifies tree replacement. Therefore, this criterion is met.

5. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.

Response: No tree removals are proposed due to the tree becoming a nuisance. Therefore, this criterion is not applicable.

6. If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.

Response: The removal of various trees is necessary to provide buildable land for the proposed mixed use development. Trees have been preserved to the maximum extent practicable; however, removal of the identified trees is necessary to make the project feasible. The proposed development is designed to meet the vison and design standards of the City's Downtown Design District and could not meet these vision, goals, or design standards without tree removal. Therefore, this criterion is met.

7. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles.

Response: No tree removals are proposed to enhance the health of a tree or grove. Therefore, this criterion is not applicable.

8. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.

9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.

Response: Three trees are proposed for removal in the VC – two of them being dead trees. This leaves nine trees that will be preserved in the VC, as well as tens of additional trees that are proposed to be planted. See the Level 1 Planting Plan (Exhibit A, Sheet L002). These actions will not result in a reversal of an SNRA determination or pose a safety hazard; to the contrary, the proposed actions will improve the natural resource and safety. Therefore, these criteria are met.

10. The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).

Response: Conformance with Section 60.60 is demonstrated in responses to Section 60.60 standards later in this narrative. Conformance with Section 60.67 (Significant Natural Resources) is demonstrated in responses to application provisions of that section.

11. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Response: As demonstrated by the Grading and Utility Plans (Exhibit A, Sheets C3.0-C4.0) and the Preliminary Stormwater Report (Exhibit C), the proposed development and its systems have been designed to meet the City of Beaverton standards for grading and drainage. In keeping with City requirements, the project has been designed to minimize adverse effects on neighboring properties, public rights-of-way, surface drainage, water storage facilities, and the public drainage system. (Also see the response for Section 40.03.A.1 regarding stormwater.) Therefore, this criterion is met.

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

Response: The proposed development meets all applicable application submittal requirements as specified in Section 50.25.1. Therefore, this criterion is met.

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: All applications and documents related to this request have been submitted to the City as required. Therefore, this criterion is met.

CHAPTER 50 – PROCEDURES

50.30. Neighborhood Review Meeting

2. Prior to submittal of an application subject to a Type 3 procedure, the applicant shall provide an opportunity to meet with neighboring property owners, residents and businesses (hereinafter collectively referred to as "neighbors") as well as representatives from the NAC within whose boundaries the site is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Neighborhood Review Meeting provided such meeting is held within six months prior to submitting an application for one specific site. This requirement does not apply to applications required by Design Review Three threshold number 7 (Section 40.20.15.3.A.7.) or applications for Quasi-Judicial Zoning Map Amendment (Section 40.97.15.1.), Discretionary Annexation Related Zoning Map Amendment (Section 40.97.15.4.)

[…]

4. To comply with this section, an applicant shall submit the following information with the application:

A copy of the notice sent to surrounding property owners and the NAC Representatives as described in Section 50.30.3.B.

B. A copy of the mailing list used to send out meeting notices as described in Section 50.30.3.B.

C. A written statement containing the information posted on the property as described in Section 50.30.3.C.

D. An affidavit of mailing and posting notices as described in Sections 50.30.3.A through C.

E. Copies of written materials and 8.5" x 11" size plans presented at the Neighborhood Review Meeting.

F. Notes of the meeting, including the meeting date, time, and location, the name and address of those attending, and a summary of oral and written comments received.

G. A certified mail receipt indicating mailing of the meeting notes to the Chairperson of the NAC.

H. If responses to the meeting notice were not received by the applicant and no one attended the Neighborhood Review Meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both.

Response: The Neighborhood Review Meeting was held as part of the Central Beaverton Neighborhood Association Committee (NAC) monthly meeting on October 3, 2022 – thus, within 6 months of submittal of this application. Meeting notice was sent to all property owners with 500 feet of the site, and notice boards were posted on Westgate Drive and Hall Boulevard.

The project team presented an overview of the proposed development and fielded questions and discussion, as summarized in the meeting notes.

Pursuant to this standard, the following Neighborhood Meeting Documentation is included in this application as Exhibit G:

- Neighborhood meeting notice
- Mailing list for notice
- Picture of posted notice signs
- Mailing and posting signed affidavits
- Meeting materials (PowerPoint)
- Meeting sign-in (Zoom attendee list)
- Meeting summary
- Receipt of certified mailing to NAC Chairperson

Therefore, this standard is met.

CHAPTER 60 – SPECIAL REQUIREMENTS

60.10. Floodplain Regulations

60.10.15. Development in Floodway.

1. Development in the floodway is prohibited, with the following exceptions, pursuant to the site development ordinance, which requires hydrological and hydraulic analyses demonstrating the proposed encroachment would not increase flood levels during the base flood discharge; [ORD 4744; October 2018]

A. Stormwater outfall pipes and other drainage; improvements;

B. Bridges;

C. Culverts;

D. Public utility lines;

E. Trails or bike paths;

F. Roads and other uses identified on the City's Transportation Plan; and

G. Stream habitat restoration, including vegetated corridor enhancement. [ORD 4744; October 2018]

H. Grading associated with A through G above. [ORD 4744; October 2018]60.10 Floodplain Regulations

Response: The only development proposed in the site's floodway is Vegetated Corridor enhancement (invasive species removal and native species planting, which will maintain flood levels and is permitted in the floodway per Subsection G above. Therefore, this standard is met.

60.10.20 Commercial and Industrial Uses in the Floodway Fringe

All commercial and industrial uses, if allowed in the primary zone are allowed in the floodway fringe if the proposed development:

1. Meets the requirements of Beaverton Code Section 9.05;

Response: Pursuant to BDC Sections 20.20.05 and 70.15.20, commercial uses proposed as part of this development are permitted outright in the primary zone (RC-MU). The proposed development must obtain a Site Development Permit before construction. It will need to meet the site development requirements in Beaverton Code Section 9.05 in order to obtain that permit. Therefore, this standard will be met.

2. Meets the requirements of the City Engineering Design Manual and Standard Drawings;

Response: The proposed development meets applicable requirements of the City's Engineering Design Manual and Standard Drawings outright or granted Engineering Design Modifications described in other sections of this narrative. The development will also demonstrate compliance with applicable requirements of the Engineering Design Manual and Standard Drawings through other non-land use permits it must obtain before construction.

Therefore, this standard is and will be met, granted approval of requested Engineering Design Modifications.

3. Meets the requirements of the Clean Water Services District Design and Construction Standards Manual based on affirmative statements in documentation from CWS; and [ORD 4224; August 2002] [ORD 4392; July 2006]

Response: Affirmative statements from CWS, including conditions of approval, are made in the SPL from CWS, included in this application in Exhibit H. Therefore, this standard is met.

4. Has been reviewed and approved by the appropriate City approval authority as meeting the requirements and standards of this ordinance.

Response: The proposed development will be reviewed and decided by the City Planning Commission in terms of meeting the requirements and standards of this ordinance. Therefore, this standard will be met, granted Planning Commission approval.

60.10.25. Residential Uses in the Floodway Fringe

1. Unless property is developed as a planned unit development, single-detached and duplex dwellings, even though allowed in the primary zone, are prohibited in the floodway fringe on any lot smaller in area than five acres. [ORD 4822; June 2022]

2. All other residential uses, if allowed in the primary zone, are allowed only as Conditional Uses in the floodway fringe. The request for a Conditional Use shall be processed and reviewed in the manner set forth in this ordinance.

Response: The proposed use includes multi-unit residential, which is allowed in the RC-MU zone. Therefore, the residential use is permitted as a Conditional Use in the floodway fringe.

Flood hazard mapping is included in the Pre-Application Conference Summary (Exhibit B). The applicant and project team coordinated extensively with City staff about base flood elevation (BFE) and siting proposed uses above the BFE as required. Some of that coordination is represented in the in the Pre-Application Conference Summary.

Conditional Use criteria are addressed in responses to Section 40.15 earlier in this narrative.

In addition to all other findings of fact required to be made in order to grant the Conditional Use, the following findings shall also be made: [ORD 4155; May 2001]

A. The proposed development meets all the site and building design standards and requirements of the Beaverton Code Section 9.05 and the technical standards of this ordinance; and [ORD 4155; May 2001] [ORD 4392; July 2006]

Response: The proposed development complies with applicable standards in the Site Development Ordinance (Section 9.05) and the EDM. Compliance with applicable technical standards of this ordinance is addressed in this narrative. The project will also secure the necessary site development and building permits before construction. Therefore, this standard is met.

B. The proposed development meets the building design standards and requirements of the Clean Water Services Design and Construction Standards based on affirmative statements in documentation from CWS. [ORD 4155; May 2001] [ORD 4224; August 2002]

Response: The proposed development meets applicable CWS requirements as documented by the CWS SPL and Natural Resource Assessment included in this application as Exhibit H and Exhibit I. Therefore, this standard is met.

5. A structure or use regulated by this section that does not comply with any regulation provided by this ordinance for the primary zone in which it is located shall be considered nonconforming in those particulars only and shall be treated in a manner consistent with the provisions of CHAPTER 30, the nonconforming use provisions.

Response: The use and structure subject to this code section complies with regulations provided by this ordinance for the RC-MU zone. Therefore, this standard is not applicable.

7. In the floodplain, the long-term storage, permanent placement, or installation of recreational vehicles on the land is prohibited.

Response: The long-term storage, permanent placement, or installation of recreational vehicles on floodplain on the development site is not proposed. Therefore, this standard is not applicable.

60.15 Land Division Standards

60.15.10. Grading Standards.

1. Applicability. The on-site surface contour grading standards specified in Section 60.15.10.3. are applicable to all land use proposals where grading is proposed, including land division proposals and design review proposals, as applicable. This Section does not supersede Section 60.05.25. (Design Review) and the exemptions listed in Section 60.15.10.2. will apply equally to design review proposals.

2. Exemptions. The following improvements will be exempted from the on-site surface contour grading standards specified in Section 60.15.10.3.:

A. Public right-of-way road improvements such as new streets, street widening, sidewalks, and similar or related improvements.

B. Storm water detention facilities subject to review and approval of the City Engineer.

C. On-site grading where the grading will take place adjacent to an existing public street right-of-way, and will result in a finished grade that is below the elevation of the subject public street right-of-way; provided such grading is subject to the approval of the City Engineer, who may require appropriate erosion and sediment control mitigation measures.

Response: It is understood that grading standards in this code section apply to land division and design review proposals as specified. No grading below the elevation of the public right-of-way is proposed (Exhibit A, Sheet C3.0).

3. On-site surface contouring. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following…

Response: Grading is not proposed within 25 feet of a property line within or abutting a residentially zoned property. Therefore, this standard is not applicable.

4. Significant Trees and Groves. Notwithstanding the requirements of Section 60.15.10.3, above, grading within 25 feet of a significant tree or grove, where the tree is located on- or off-site, shall observe the following:

A. 0 to 10 feet from the trunk of a significant tree or grove: No change in pre-development ground elevation;

B. More than 10 feet, and up to and including 25 feet, from the trunk of a significant tree or grove, or to the outside edge of the tree's drip line, whichever is greater: Maximum 10% slope gradient difference from the pre-development ground elevation;

C. Based on a recommendation of the City Arborist, the decision making body may require additional setbacks and/or other tree protection measures to protect the public health, safety and welfare.

Response: No significant trees or groves are identified on the site, as shown in the City's Tree Inventory Map in its Comprehensive Plan. Grading within 25 feet of a significant tree or grove is not proposed. Therefore, this standard is not applicable.

60.30 Off-Street Parking

60.30.05. Off-Street Parking Requirements.

Parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building or use which is erected, enlarged, altered, or maintained in accordance with the requirements of Sections 60.30.05 to 60.30.20.

1. Availability. Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.

Response: Parking spaces proposed on the site will be available only for operable vehicles and bicycles. Therefore, this standard will be met.

2. Vehicle Parking. Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.

Response: Vehicle parking will be provided as shown in the Site Plan and Level 1 and 2 Floor Plans (Exhibit A, Sheets A1.01, A2.01, and A2.02) and consistent with Section 60.30.10.5. See the responses for Section 60.30.10.5 below.

3. Bicycle Parking. [ORD 3965; November 1996] Bicycle parking shall be required for quadplexes, townhouses (with 4 or more units), cottage clusters, multi-dwellings, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual. [ORD 4397; August 2006] [ORD 4822; June 2022]

Response: Bicycle parking is required for the multi-dwelling and commercial uses proposed in this development. The number of bicycle parking spaces will be provided as required by Section 60.30.10.5. See the responses for Section 60.30.10.5 below. Bicycle parking facilities meet criteria in the Engineering Design Manual (EDM) as addressed directly below. Therefore, this standard is met.

Engineering Design Manual (EDM) Chapter 3 – Bicycle and Pedestrian Facilities

340.1 Number and Location of Bicycle Parking Spaces

A. The number and location of bicycle parking spaces required in new development is specified in the Development Code.

Response: See responses to standards in Section 60.30 for compliance with bike parking requirements in the Development Code.

B. Bicycle parking shall be visible and conveniently located for cyclists.

C. Bicycle parking shall offer security in the form of either a stationary rack to which the bicycle can be locked, a bicycle locker, or inside a building or lockable enclosure.

D. Bicycle parking spaces shall not obstruct walkways.

E. Bicycle parking for multiple uses may be clustered in one or several locations.

F. Short-term bicycle parking is encouraged to be located on site within 50 feet of a primary entrance. If there are site, setback, building design, or other constraints, short-term bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority.

G. For buildings with multiple entrances, short-term bicycle parking spaces shall be distributed proportionately.

H. Directional signage to the bicycle parking should be provided if the parking is not directly visible and obvious from an entrance or public right-of-way.

Response: Short-term bike parking for the residential and commercial uses is proposed within the building setback on the Hall Boulevard and Westgate Drive frontages. The parking will be provided as stationary, secure racks, within 50-100 feet of residential and commercial entries. The parking will be visible from entrances and the right-of-way (sidewalk) and it will not obstruct on-site doorways and walkways or public sidewalks, given its proposed locations in the building setback . See the Site Plan Site Plan and Level 1 Floor Plan (Sheets A1.01 and A2.01).

340.2 Bicycle Parking Design

A. A bicycle parking space shall measure at least two (2) feet wide by six (6) feet long, so staple racks, which hold two bicycles, shall be installed at least 36 inches apart. Bicycle parking spaces shall also be a minimum of six (6) feet in length and shall have a vertical clearance of seven (7) feet. A width of three (3) feet is encouraged.

B. The minimum distance between rows of bicycle parking spaces shall be five (5) feet.

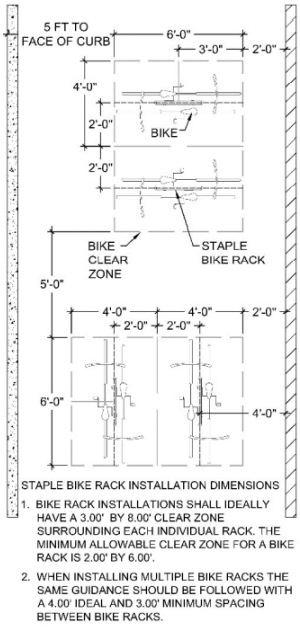
C. Minimum clearance between a bicycle parking space and a wall or structure shall be two (2) feet.

D. Bicycle parking spaces next to the curb shall be separated by at least two (2) feet, although a width of three (3) feet is encouraged.

E. Every bicycle parking space shall be accessible without moving another bicycle.

F. Developments that are required to have bike parking must demonstrate that such facilities will meet projected demand.

Figure 340.1 – Bicycle Parking Design



Response: As shown in the Site Plan (Sheet A1.01), bike parking spaces in the building setbacks on the Hall Boulevard and Westgate Drive frontages and in the interior of the site are 2 feet wide and 6 feet long per space. The bike parking spaces have more than 7 feet of vertical clearance because they are either outside with no overhead structure (see Building Elevations, Exhibit A, Sheet A3.15), or are indoors in rooms with ceilings more than 7 feet high.

340.3 Covered Bicycle Parking Spaces

A. Required covered bicycle parking spaces shall be provided in a location that protects the bicycle from prolonged direct exposure to the elements. The location shall be acceptable to the City review authority.

Examples include but are not limited to: inside a building or a bicycle locker, under a roof overhang or awning, within or visible from an individual's office, or in the case of multi-family residential units, within a unit.

B. Cover for required long-term bicycle parking is required. School buildings are exempt from covering long-term bicycle parking.

Response: Required long-term bike parking is inside the parking garage and building and, thus, is covered.

340.4 Bicycle Parking Facility Design

A. A bicycle rack shall accommodate common bicycle frame sizes and styles including bicycles without kickstands;

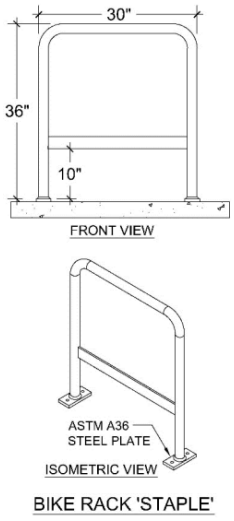
B. A bicycle rack shall support the bicycle frame at a minimum of two contact points; one contact point shall be the frame.

C. A rack shall allow both the frame and two wheels to be locked to the rack with the use of a cable or the frame and one wheel to be locked to the rack with a U-type lock.

D. Bicycle racks and bicycle lockers shall be securely anchored to concrete with vandal-resistant concrete mounting hardware.

E. Racks are to be a minimum of 30 inches wide by 36 inches tall.

Figure 340.2 – Bicycle Facility Design



Response: The bike racks proposed for the site will be floor- or sidewalk-mounted hoop racks that are securely anchored to the ground and accommodate common bike frame sizes and styles, allowing two contact points and locking with a u-type lock. The racks will be about 24 inches wide and 34 inches tall.[2]

F. For indoor bicycle parking facilities ("bike rooms"), wall-mounted racks are permitted, provided that at least a portion of the bicycle parking spaces are provided

[2] The applicant and design team are currently specifying Dero as the rack manufacturer.

by floor-mounted racks. Wall-mounted racks are exempt from the requirements of section 340.2, but shall be installed according to the rack manufacturer's recommendations and may be subject to City review.

Response: Bike parking proposed indoors consists primarily of wall-mounted racks accompanied by floor-mounted racks on Level 1 (Site Plan and Level 1 Floor Plan, Exhibit A, Sheets A1.01 and A2.01). Wall-mounted racks will be about 27 inches deep and 31 inches tall and will be installed per the manufacturer's recommendations.

G. The inverted "U" or staple style bicycle racks are common and meet the requirements of this section. Other types of bicycle racks or innovative designs, that meet the requirements of this section, will be considered on a case by case basis and must be approved by the City Traffic Engineer prior to fabrication. Innovative and/or unusual designs will also need to be approved by the Beaverton Planning Department.

Response: Other types of bike racks or innovative designs are not proposed.

60.30.10. Number of Required Parking Spaces.

2. Parking Categories.

A. Vehicle Categories. Contained in the table at Section 60.30.10.5. are vehicle parking ratios for minimum required parking spaces and maximum permitted number of vehicle parking spaces to be provided for each land use, except for those uses which are located in the Regional Center which are governed by Section 60.30.10.6. These requirements reflect the parking requirements of Title 4 of Metro's Regional Transportation Functional Plan. [ORD 4471; February 2008] [ORD 4584; June 2012] [ORD 4686; July 2016]

1. Minimum number of required parking spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.

2. Parking Zone A. Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter mile walking distance of bus transit stops that have 20-minute peak hour transit service or one-half mile walking distance of light rail station platforms that have 20-minute peak hour transit service.

5. Regional Center Parking Districts 1 and 2. Located within the boundary of the Regional Center are two (2) parking districts. Within these two districts, the parking requirements of Section 60.30.10.5.A do not apply. The required number of parking spaces for the Regional Center Parking Zones 1 and 2 shall be governed by Section 60.30.10.6. [ORD 4471; February 2008] [ORD 4584; June 2012] [ORD 4686; July 2016] [ORD 4799; January 2021]

Response: Given its proximity to frequent transit and Figure 60.30.10 (Regional Center Parking Districts Map), the site is located in Regional Center Parking District 1 and Parking Zone A. Vehicle parking provisions related to these designations are addressed below in response to Section 60.30.10.6.

Starting January 1, 2023, the State of Oregon required elimination of vehicle parking minimums in certain jurisdictions based on proximity to transit, which pertains to this site. The policy is part of the State's Climate Friendly and Equitable Communities (CFEC) directives

intended to reduce emissions that contribute to climate change.[3] As City staff reported, the State policy is being challenged by multiple jurisdictions in Oregon, who have requested that the new rules be delayed. If the Oregon Court of Appeals approves delaying the new rules, the City would review this project under current vehicle parking minimums in this code section.[4]

B. Bicycle Categories. The required minimum number of short-term and long-term bicycle parking spaces for each land use is listed in Section 60.30.10.5.

1. Short-Term parking. Short-term bicycle parking spaces accommodate persons that can be expected to depart within two hours. Short-term bicycle parking is encouraged to be located on site within 50 feet of a primary entrance, or if there are site, setback, building design, or other constraints, bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority

2. Long-Term parking. Long-term bicycle parking spaces accommodate persons that can be expected to leave their bicycle parked longer than two hours. Cover or shelter for long-term bicycle parking shall be provided. School buildings are exempted from the requirement to cover long-term bicycle parking.

3. Bicycle parking shall be designed, covered, located, and lighted to the standards of the Engineering Design Manual and Standard Drawings. [ORD 4302; June 2004]

Response: See responses to bike parking requirements in Table 60.30.10.5.B below.

Short-term and long-term bike parking is required for the proposed residential and commercial uses. As addressed above in response to applicable provisions from EDM Chapter 3 (Bicycle and Pedestrian Facilities), short-term bike parking will be provided within 50-100 feet of residential and commercial entrances. Long-term bike parking is provided inside the building or the building's structured parking and, thus, is covered and sheltered.

3. Ratios. In calculating the required number of vehicle and bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. In calculating the required number of vehicle and bicycle parking spaces, fractions less than 0.5 shall be rounded down to the nearest whole number. [ORD 3965; November 1996]

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[3] As a result of this State policy, the City is engaged in a Parking Policy and Code. Per the City's website about this project, amendments are being proposed to the BDC that would:

- Remove the City's current minimum off-street parking requirements, including those in Table 60.30.10.5.A (Parking Ratio Requirements For Motor Vehicles) and Table 60.30.10.6 (Parking Ratio Requirements For Motor Vehicles in the Regional Center).
- Adjust maximum off-street vehicle parking limits to comply with the State's CFEC rules, including mapping of applicable locations.
- Remove or adjust references to "required parking" in several places in the BDC because minimum vehicle parking is no longer required in the city.

The first hearing on the proposed BDC amendments is scheduled for March 1, 2023 before the City of Beaverton Planning Commission. After that public hearing, the City Council is scheduled to consider adoption of the amendments on May 2, 2023.
(Parking Policy and Code Project | Beaverton, OR - Official Website (beavertonoregon.gov))

[4] Email correspondence from Lina Smith, Associate Planner, on December 15, 2022

5. Parking Tables. The following tables list the required minimum and maximum vehicle (Table 60.30.10.5.A) and bicycle parking requirements (Table 60.30.10.5.B) for listed land use types. The vehicle parking table excludes uses located in Regional Center zoning districts (See Table 60.30.10.6). [ORD 4584; June 2012] [ORD 4782; April 2020]

Table 60.30.10.5.B. - PARKING RATIO REQUIREMENTS FOR BICYCLES

Minimum Required Bicycle Parking Spaces

Land Use Category	*Short Term*	*Long Term*
Multi-Dwelling Structure	*2 spaces or 1 space per 20 dwelling units*	*1 space per dwelling unit*
Retail, including shopping centers	*2 spaces or 1 space per 12,000 sq. ft. of floor area*	*2 spaces or 1 space per 12,000 sq. ft. of floor area*
Offices, Administrative Facilities	*2 spaces or 1 space per 8,000 sq. ft. of floor area*	*2 spaces or 1 space per 8,000 sq. ft. of floor area*
Eating, Drinking Establishments	*2 spaces or 1 space per 4,000 sq. ft. of floor area*	*2 spaces or 1 space per 4,000 sq. ft. of floor area*

Notes:

1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.

2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.

3. In calculating the required number of bicycle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.

4. Where an option is provided under bicycle parking, whichever standard results in the greater number of bicycle parking spaces is the minimum number required. "Not required" means that the provision of bicycle parking is at the option of the property owner.

Response: The proposed development will have 248 multi-dwelling units and currently one commercial space; the commercial space could be retail, office, or eating/drinking establishments. Given Notes 3 and 4 above, the required short-term and long-term parking for those uses will be as listed in the table below. The number of spaces proposed is also listed in the table below.

Land Use	Short-Term Spaces Required	Short-Term Spaces Proposed	Long-Term Spaces Required	Long-Term Spaces Proposed
Multi-Dwelling Use (248 Units)	1 space per 20 dwelling units = 12 short-term spaces	12 short-term spaces (2 spaces on Hall, 10 spaces on Westgate)	1 space per dwelling unit = 248 long-term spaces	248 spaces (160 spaces on Level 1, 88 spaces on Level 2)

Land Use	Short-Term Spaces Required	Short-Term Spaces Proposed	Long-Term Spaces Required	Long-Term Spaces Proposed
Commercial Uses	2 spaces per use	2 short-term spaces (2 spaces (1 rack) on Hall)	2 spaces per use	2 spaces (in garage, which employees will be able to access)
Total	14 short-term spaces required	14 short-term spaces proposed	250 long-term spaces required	250 long-term spaces proposed

These bike parking spaces are shown in the Site Plan and Level 1 and 2 Floor Plans (Exhibit A, Sheets A1.01, A2.01, and A2.02), and are enumerated in the Overall Project Information sheet (Exhibit A, Sheet G0.02). Therefore, this standard is met.

Table 60.30.10.6 - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES IN THE REGIONAL CENTER

Notes:

1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.

	Required Parking Spaces	*Max. Permitted Parking Spaces*
Land Use Category	*Parking District 1*	*Zone A*
Duplex, Triplex, Quadplex, Townhouse, or Multi-Dwelling (per unit)	*.75*	*2.0*
Eating, Drinking Establishments	*0*	*19.1*
Office, Administrative Facilities	*0*	*3.4*
Retail or Service Businesses/Professional Services	*0*	*5.1*

Response: The proposed development will provide off-street vehicle parking for the residential uses and not for the commercial use, as noted in responses to criteria in Section 60.30.10. Based on the State policy caveat noted in response to Section 60.30.10.2.A above, 186 off-street vehicle parking spaces (0.75 ratio) would be required for the 248 units proposed in the multi-dwelling portion of the building, if minimum vehicle parking space requirements still applied.

Vehicle parking spaces are shown in the Site Plan and Level 1 and 2 Floor Plans (Exhibit A, Sheets A1.01, A2.01, and A2.02), and are enumerated in the Overall Project Information sheet (Exhibit A, Sheet G0.02). On Level 1 of the structured parking, 94 standard spaces and 4 ADA-

accessible spaces are proposed. On Level 2, 106 standard spaces are proposed, making for a total of 204 spaces and a ratio of 0.82.

Therefore, this standard – if applicable – is met.

60.30.15 Off-Street Parking Lot Design.

All off-street parking lots shall be designed in accordance with City Standards for stalls and aisles as set forth in the following drawings and tables:

A = Parking Angle

B = Stall Width

C = Stall Depth (no bumper overhang)

D = Aisle Width

E = Stall Width (parallel to aisle)

F = Module Width (no bumper overhang)

G = Bumper Overhang

H = Backing Area

I = Module Intermesh

A	B	C	D	E	F	G	H	I
90 degrees	8.5	18.5	24.0	8.5	61.0	3.0	5.0	61.0
90 degrees*	7.5	15.0	24.0	7.5	58.0	2.0	5.0	58.0

** "Compact" Car (Section 60.30.10.12.)*

NOTE:

1) For one (1) row of stalls use "C" plus "D" as minimum bay width.

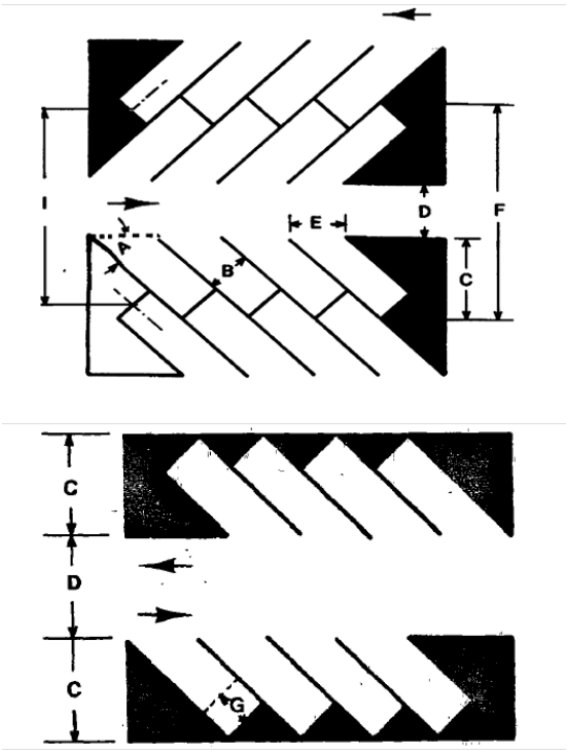
2) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right-of-way.

3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.

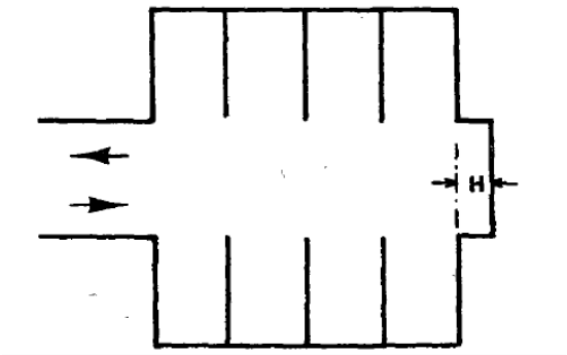
4) The stall width for self-parking of long duration is 8.5 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities (shoppers and packages) is 9.5-10 feet.

5) The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one way traffic) is 20 feet. Except as permitted in Section 60.30.15. Note 8(c). [ORD 4822; June 2022]

6) Where appropriate, bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth. Dimensions of required recreational vehicle spaces are 10 feet by 25 feet.



ANGLE TWO-WAY



90° DEAD END TWO-WAY

Response: As shown in the Site Plan and Level 1 and 2 Floor Plans (Exhibit A, Sheets A1.01, A2.01, and A2.01), the two-way drive aisles are 24 feet wide and the vehicle parking spaces are 18.5 feet long and 8.5 feet wide. Therefore, this standard is met.

60.30.20. Off-Street Parking Lot Construction.

Every parcel of land hereinafter developed for use as a parking area shall conform to the requirements of the Engineering Design Manual and Standard Drawings. [ORD 3293; November 1982] [ORD 4302; June 2004] [ORD 4332; January 2005]

Response: The proposed parking areas will conform to requirements of the EDM Design Manual and Standard Drawings, which will be demonstrated in the project's construction drawings.

60.55 Transportation Facilities

60.55.20. Traffic Impact Analysis.

For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. The Traffic Impact Analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

1. Engineer Certification.

2. Analysis Threshold.

A. Traffic Impact Analysis is required when the proposed land use change or development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer. [ORD 4706; May 2017]

B. A Traffic Impact Analysis or some elements of a Traffic Impact Analysis may be required when the volume threshold under subsection A. of this section is not met but the City Engineer finds that the traffic impacts attributable to the development have the potential to significantly impact the safe and efficient operation of the existing public transportation system.

3. Study Area.

4. Contents of the Traffic Impact Analysis Report.

A. Executive Summary

B. Description of Proposed Development

C. Existing Conditions

D. Traffic Forecasts

E. Traffic Impacts

F. Mitigation Identification

G. Recommendations

Response: A Traffic Impact Analysis (TIA) has been deemed not to be needed because the total change in trips between existing development and proposed development is estimated to be less than the 300-trip threshold.[5] See transportation documentation in Exhibit F from Kittelson & Associates, the project's certified traffic engineer.

60.55.25. Street and Bicycle and Pedestrian Connection Requirements.

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.

Response: No new streets are created with this proposed development. The existing adjacent streets of Hall Boulevard and Westgate Drive will provide for safe and efficient multimodal

[5] These findings were shared at a meeting between City staff and the applicant/project team on October 10, 2022.

access and circulation as a result of dedications and improvements made as part of this development.

Dedications will be made on both Hall Boulevard and Westgate Drive in order to meet EDM standards for 4/5-lane arterials and 3-lane collectors, with a difference of 10-foot sidewalks with tree wells instead of 6-foot sidewalks and 7.5-foot planter strips. Wider sidewalks will be provided on both frontages, as well as sufficient right-of-way for full lane widths on both streets and a bike lane on Hall Boulevard.

Pedestrian circulation is also addressed in response to standards and guidelines in Section 70.20.05.6.

2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.

Response: The Transportation Element figures and tables cited above identify the following related to the development site:

- Hall Boulevard as a 4/5-lane arterial and Westgate Drive as a 4/5-lane collector;
- High-priority bike lane need on Hall Boulevard, including TSP Project 590, adding bike lanes on Hall Boulevard from Cedar Hills Boulevard to Watson Avenue couplet; and
- No pedestrian or street connections for the site, including through the site, in local connectivity maps (Transportation Element Figure 6.13).

3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.

Response: The Transportation Element does not identify future street or bicycle and pedestrian connections at this site. The abutting properties are developed and a street or bicycle and pedestrian connection is not necessary to enable access between and among neighboring properties. Therefore, this standard is not applicable.

4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.

Response: Vehicle, pedestrian, and bicycle connections are available from the project site via existing roadways, Hall Boulevard and Westgate Drive. Closed-end transportation facilities are not needed or proposed. Therefore, this standard is met.

5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.

Response: Dedications will be made on both Hall Boulevard and Westgate Drive in order to meet EDM standards for 4/5-lane arterials and 3-lane collectors, with the difference of 10-foot curb-tight sidewalks with tree wells instead of 6-foot sidewalks and 7.5-foot planter strips. This is allowed for by Standard 7 in Section 70.20.05.6.C (Pedestrian Circulation, Design Guidelines and Standards). See the right-of-way cross sections in the Grading, Erosion Control, and Public Improvements Plan (Exhibit A, Sheet C3.0). Therefore, this standard is met.

6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.

Response: Bicycle and pedestrian facilities on Hall Boulevard and Westgate Drive will consist of improved sidewalks on both streets, as well as sufficient right-of-way for full lane widths to accommodate a future bike lane on Hall Boulevard and a bike lane or shared-lane bike facilities on Westgate Drive. These facilities will converge at the existing signalized intersection of the two streets. Therefore, this standard is met.

7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.

Response: The extent of proposed on-site circulation is two short walkways, including stairs and ramps, for access to the residential entrance and commercial entrances fronting Hall Boulevard. These connect directly to the sidewalk on Hall Boulevard and Westgate Drive. See the Site Plan (Exhibit A, Sheet A1.01). Therefore, this standard is met.

8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.

An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

Response: The City has not identified future street or bicycle and pedestrian connections on this site, nor any special setback area. Therefore, this standard is not applicable.

9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in Section 60.55.25.14. [ORD 4397; August 2006] [ORD 4697, December 2016]

An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

Response: The site does not provide connections between streets or between a street and a destination. Thus, no accessways are required or proposed as part of this development. Therefore, this standard is not applicable.

10. Pedestrian Circulation. [ORD 4487; August 2008]

B. Standards for Other Development. [ORD 4822; June 2022]

1. Walkways are required between parts of a development where the public is invited or allowed to walk.

2. A walkway into the development shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the development.

Response: On-site circulation consists of two short walkways, including stairs and ramps, for access to the residential entrance and commercial uses fronting Hall Boulevard. The frontage on Hall Boulevard is roughly 265 feet and on Westgate Drive is roughly 220 feet. Access into the site (the building) is provided by residential and commercial entrances on Hall Boulevard and a garage egress and residential entrance on Westgate Drive. See the Site Plan and the Grading, Erosion Control, and Public Improvements Plan (Exhibit A, Sheets A1.01 and C3.0). Therefore, these standards are met.

3. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. Walkways shall connect the development to walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multi-dwelling, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development. [ORD 4822; June 2022]

4. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.

Response: Short on-site walkways and a sidewalk on Hall Boulevard will connect building entrances and entrances to the street on that frontage. The sidewalk on Westgate Drive will connect building and garage entrances to the street on that frontage. The on-site walkways are limited and direct; they do not cross where vehicles operate. See the Site Plan (Exhibit A, Sheet A1.01). Therefore, these standards are met.

5. Walkways shall be paved and shall maintain at least five (5) feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided

where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards. [ORD 4782; April 2020]

Response: The short sections of walkways on the Hall Boulevard frontage are a minimum of 5 feet wide and unobstructed, as shown on the Site Plan (Exhibit A, Sheet A1.01) The slopes of the walkways and ramps on the Hall Boulevard frontage are a maximum of 1:12 slope, consistent with City standards and the ADA. Therefore, this standard is met.

6. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.

Response: Per ADA requirements, the walkways and ramps between the building and the sidewalk on the Hall Boulevard frontage do not exceed a 1:12 slope. Therefore, this standard is met.

7. On-site walkways shall be lighted to 0.5 foot-candle level at initial luminance. Lighting shall have cut-off fixtures so that illumination does not exceed 0.5 foot-candle more than five (5) feet beyond the property line.

Response: On-site walkways meet the minimum lighting requirements and do not exceed 0.5 foot-candles more than five feet beyond the property line (Site Lighting and Photometric Plan, Exhibit A). Therefore, this standard is met.

11. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:

A. For development within 200 feet of a Major Transit Stop:

1. Either locate buildings within 20 feet of the property line closest to the transit stop, a transit route or an intersecting street, or provide a pedestrian plaza at the transit stop or a street intersection;

2. Provide a transit passenger landing pad accessible to persons with disabilities if required by TriMet and the City;

3. Provide a reasonably direct pedestrian connection between the transit stop and building entrances on the site;

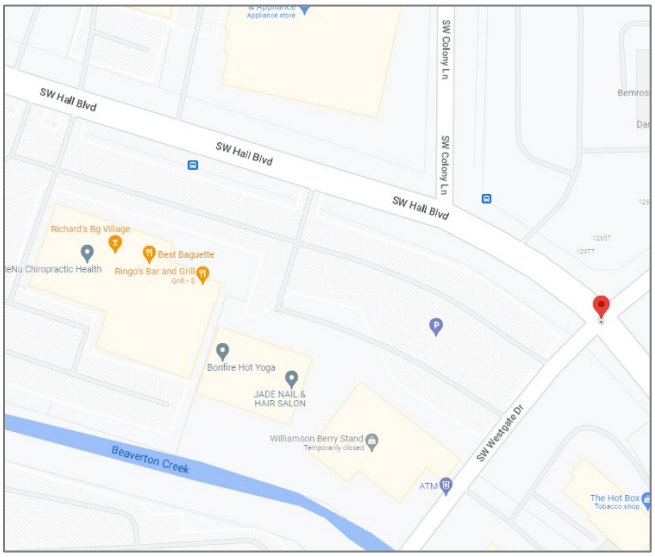
4. Where substantial evidence of projected transit ridership or other transit impacts is presented to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification, the City may require the developer to grant a public easement or dedicate a portion of the parcel for transit passenger bench(es), shelter, or both, and, if appropriate, the construction of a transit passenger bench, shelter, or both; and,

5. Provide lighting at the transit stop to City standards.

B. Except as otherwise provided in subsection A. of this section, for development within 300 feet of a Major Transit Stop, provide walkways connecting building entrances and streets

adjoining the site, and pedestrian connections to adjoining properties, except where such a connection is impracticable pursuant to subsection 14. of this section.

Response: BDC Chapter 90 defines Major Transit Stops as existing or planned light rail stations, park and ride lots, transit transfer stations, and transit stops that have 20-minute service during the weekday commute peak hour. TriMet has stops across Hall Boulevard from the site and on the frontage of the property to the west of the site (square blue icons in the image below). These stops are for bus line 20, which has 20-minute service. Thus, the site – while proposed for mixed multi-dwelling residential/commercial use and not strictly commercial or institutional use – is located within 200-300 feet of a Major Transit Stop.



The proposed building will be located within 20 feet of the property line closest to the transit route on Hall Boulevard. It will have direct pedestrian connections from the residential entrance and commercial entrances to the sidewalk on Hall Boulevard via short walkways, stairs, and ramps.

Because there are already stops across Hall Boulevard and directly west of the site, Subsections 2, 4, and 5 above do not apply to the site.

Therefore, applicable standards are met.

12. Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.

Response: A stream (Beaverton Creek) and Vegetated Corridor are found on the southern portion of the site. A short path into the Vegetated Corridor (VC) is proposed for visual access to the creek and in compliance with Guideline 8 of BDC Section 70.20.10.3.A. Given its dimensions and location, the path qualifies as an allowed use in the VC per CWS rules. On-

site mitigation will be provided at a 1:1 ratio (roughly 475 square feet), consistent with CWS standards. Therefore, this standard is met.

60.55.30 Minimum Street Widths

Minimum street widths are depicted in the Engineering Design Manual.

1. Any project-specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the Section 145 Design Modifications of the Engineering Design Manual. [ORD 4418; February 2007]

Response: The right-of-way widths proposed for Hall Boulevard and Westgate Drive are consistent with EDM standards for 4/5-lane arterials and 3-lane collectors (EDM Standard Drawings 200-1 and 200-2), granted dedications that will be made as part of this development and the allowance for 10-foot sidewalks with tree wells instead of 6-foot sidewalks and 7.5-foot planter strips in Standard 7 of BDC Section 70.20.05.6.C (Pedestrian Circulation, Design Guidelines and Standards).

As shown in the Grading, Erosion Control, and Public Improvements Plan (Exhibit A, Sheet C3.0), with dedications to be made on both frontages, the proposed right-of-way dimensions are:

- Hall Boulevard – 45 feet to centerline, which can accommodate: half of center/turn lane (6 feet); 11-foot and 12-foot travel lanes; 5-foot bike lane; 0.5-foot curb, 10-foot sidewalk with tree wells; and 0.5 feet back of sidewalk

- Westgate Drive – 34 feet to centerline, which can accommodate: half of center/turn lane (6 feet); 12-foot travel lane; 5-foot bike lane (or integrated shared lane[6]); 0.5-foot curb, 10-foot sidewalk with tree wells; and 0.5 feet back of sidewalk

EDM Design Modifications are not needed or proposed.

2. Any project-specific modifications of the standards of the Engineering Design Manual relating to the location and dimensions of required street landscaping and pedestrian features including, but not limited to, sidewalks, planter strips, street trees, street tree wells, street tree easements, or street furniture are subject to the procedures contained in CHAPTER 40 (Applications). The required application will depend on the scope of the proposed project and the type of application filed with the City. [ORD 4418; February 2007]

Response: Because 10-foot sidewalks with tree wells are permitted in place of 6-foot sidewalks and 7.5-foot planter strips by Standard 7 of BDC Section 70.20.05.6.C, a Sidewalk

[6] Per discussion at the Pre-Application Conference and Figures 3 and 4 in the 2018 City of Beaverton Active Transportation Plan, Westgate Drive is planned to be a collector with shared lane markings (“sharrows”) and not a bike lane.

Design Modification Application from Chapter 40 is not needed. Therefore, this standard is not applicable.

3. Street trees shall be planted at a maximum linear spacing of 30 feet along street frontages or in accordance with an approved street tree plan approved by the City Arborist. Proposed tree wells shall be designed to meet standards in the City Engineering Design Manual. [ORD 4782; April 2020]

Response: Street trees are planted in tree wells at less than 30 feet spacing along Hall Boulevard and Westgate Drive, except where street lighting or other utilities are present. In some of these cases, street trees may exceed the 30-foot spacing, but proposed tree placement seeks to minimize these cases. See the Landscape Plan (Exhibit A, Sheet L002).

60.55.35. Access Standards.

1. The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved.

Response: As shown on the Site Plan (Exhibit A, Sheet A1.01), the proposed development – the mixed use building and structured parking – will occupy most of the site and will have just one vehicle and multimodal access point on Westgate Drive, which was extensively coordinated with City staff. That driveway is an entrance into the site's structured parking. (The existing access easement off of Hall Boulevard will be preserved and will provide limited access such as for utility and bike purposes.) Therefore, this standard is met.

2. No more than 25 dwelling units may have access onto a closed-end street system unless the decision-making authority finds that identified physical constraints preclude compliance with the standard and the proposed development is still found to be in compliance with the Facilities Review criteria of Section 40.03. [ORD 4584; June 2012]

Response: A closed-end street system is not proposed. Therefore, this standard is not applicable.

3. Intersection Standards

A. Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual except in Regional and Town Centers. [ORD 4462; January 2008]

Response: The development site is in a Regional Center. Therefore, this standard is not applicable.

All the same, a sight distance diagram is included in this application as Exhibit J.

B. Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.

Response: Existing intersection angles and alignment at Hall Boulevard and Westgate Drive will be maintained and are consistent with EDM standards. Therefore, this standard is met.

C. Driveways.

1. Corner Clearance for Driveways. Corner clearance at signalized intersections and stop-controlled intersections, and spacing between driveways shall meet the standards of the Engineering Design Manual and Standard Drawings.

Response: Per EDM Section 210.21 (Driveways), a minimum of 150 feet is required between the face of the curb of the intersecting street and the nearside edge of the driveway for collectors where the posted speed is 25 miles per hour or less.[7] The distance between the driveway proposed on Westgate Drive and the intersection is approximately 216 feet. The distance between the existing driveway to be retained on Hall Boulevard and the intersection is approximately 269 feet. Therefore, this standard is met.

2. Shared Driveway Access. Whenever practical, access to Arterials and Collectors shall serve more than one site through the use of driveways common to more than one development or to an on-site private circulation design that furthers this requirement.

Consideration of shared access shall take into account at a minimum property ownership, surrounding land uses, and physical characteristics of the area. Where two or more lots share a common driveway, reciprocal access easements between adjacent lots may be required.

Response: Given the proposed building coverage of this site, Beaverton Creek to the south, and proposed protection of the riparian Vegetated Corridor (VC) from permanent impacts, the only practicable location for the development's driveway is as proposed on Westgate Drive and not adjacent properties to the west. The driveway on Hall Boulevard will be retained for fire access to the site as well as continued access to the adjacent property's parking lot.

3. No new driveways for detached dwellings shall be permitted to have direct access onto an Arterial or Collector Street except in unusual circumstances where emergency access or an alternative access does not exist. Where detached dwelling access to a local residential street or Neighborhood Route is not practicable, the decision-making authority may approve access from a detached dwelling to an Arterial or Collector.

Response: The proposed development does not involve detached dwellings. Therefore, this standard is not applicable.

60.55.40. Transit Facilities.

[ORD 4302; June 2004] Transit routes and transit facilities shall be designed to support transit use through provision of transit improvements. These improvements shall include passenger landing pads, accessways to the transit stop location, or some combination thereof, as required by TriMet and the City, and may also include shelters or a pad for a shelter. In addition, when required by TriMet and the City, major industrial, institution, retail, and office developments shall provide either a transit stop on site or a pedestrian connection to a transit stop adjacent to the site.

[7] The posted speed on Westgate Drive is 20 miles per hour.

Response: There are existing transit stops across from and directly to the west of this site. Therefore, this standard does not apply to this site.

60.60 Tree and Vegetation

60.60.15. Pruning, Removal, and Preservation Standards.

2. Removal and Preservation Standards.

A. All removal of Protected Trees shall be done in accordance with the standards set forth in this section. [ORD 4697; December 2016]

Response: Per BDC Chapter 90, Protected Trees are Significant Individual Trees, Historic Trees, Trees within a Significant Natural Resource Area or Significant Grove, and Mitigation Trees. Twelve trees within a Significant Natural Resource Area (SNRA) – specifically, a Vegetated Corridor (VC) – are found on the proposed development site (Trees 30-41). See the Tree Protection Plan (Exhibit A, Sheet L000). Removal will be conducted consistent with the standards in this section.

B. Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.

Response: Of the remaining 31 non-exempt trees surveyed, 9 trees are “off-site” in right-of-way (Street Trees) and 22 trees are on-site and considered Landscape Trees (Tree Protection Plan/Tree Inventory Table, Exhibit A, Sheet L000). Landscape Trees and Protected Trees in the VC that are proposed to be removed will be mitigated consistent with provisions in Section 60.60.25. See responses to that section below.

C. For SNRAs and Significant Groves, the following additional standards shall apply…

1. The minimum DBH of non-exempt surveyed trees that must be preserved on a site is as follows:

a. Multiple Use zoning districts: Fifteen percent (15%) of the DBH of non-exempt surveyed trees found on a project site.

Response: The 12 trees in the VC total 208 inches DBH, per the Tree Inventory Table in the Tree Protection Plan. Three of the 12 trees are proposed to be felled, two of them being dead trees and one with its root zone in the development work area (the trunk is 4 feet away from the proposed building wall). Given their DBH of 63 inches, that leaves 145 inches – or 70% of the DBH – to be preserved. Therefore, this standard is met.

2. DBH to be retained shall be preserved in cohesive areas, termed Preservation Areas, when development is proposed in SNRAs or Significant Groves.

3. Native understory vegetation and trees shall be preserved in Preservation Areas.

4. Preservation Areas, conditioned for protection through the Development Review process, shall be preserved in clusters that are natural in appearance rather than in linear strips. Preservation Areas should connect with adjoining portions of the Significant Grove or SNRA on other sites.

5. Preservation Areas, conditioned for protection through the Design Review process, shall be set aside in conservation easements and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.

6. Preservation Areas, conditioned for protection through the Land Division process, shall be set aside in tracts and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.

Response: As described in the Natural Resource Assessment (Exhibit I), the existing VC consists of three plant communities whose conditions are marginal or degraded; the only native species within the VC are a small grouping of native shrubs growing along the creek bank. As such, the plant conditions do not meet the characteristics for Preservation Areas as set out above.

Invasive species in the VC will be removed and native vegetation will be planted, enhancing per CWS standards.

7. Within the development review process, where a person is presented with a particular decision whether to retain a native or non-native tree, the native species shall be retained provided all other considerations between the two categories of trees remain equal.

Non-native tree species may also be retained for aesthetic, unique condition, size, and wildlife habitat purposes.

Response: The existing trees to be preserved in the VC are non-native species. However, they are proposed to be preserved for their aesthetic, condition, size, and habitat value.

8. Hazardous and dead trees within Significant Groves and SNRAs should be fallen only for safety and left at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.

Response: An arborist will need to confirm the lack of disease for the two dead trees proposed for removal in the SNRA (VC). The trees are not currently known to be diseased and, if confirmed, they could remain on the site after being felled.

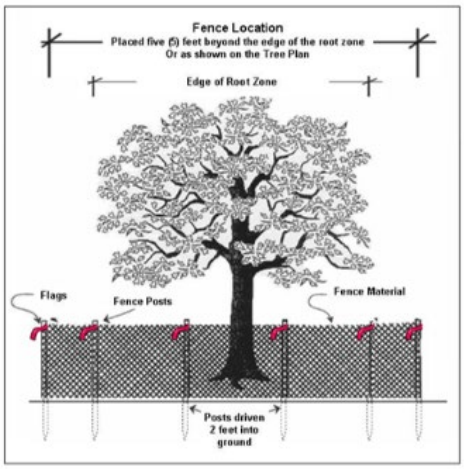
60.60.20. Tree Protection Standards during Development.

1. Trees classified as Protected Trees under this Code shall be protected during development in compliance with the following:

A. A construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall meet the following:

1. The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.

2. Other City approved protection measures that provide equal or greater protection may be permitted, and may be required as a condition of approval.



Response: According to notes on the Tree Protection Plan (Exhibit A, Sheet L000), tree protection is proposed to consist of 6-foot chain link fencing along the northern edge of the tree protection area within the VC, outlined in the plan drawing. This perimeter is at least 5 feet beyond the edges of root zones of trees to be preserved. Signs will be attached to the fencing identifying the area as a tree protection zone, not to be disturbed without prior approval by the project arborist.

The notes in the plan also specify other restrictions to be observed related to the tree protections zone. Altogether these proposed measures will provide protection equal to or greater than those in Subsection 1. Therefore, the standards are met.

B. Within the protected root zone of each tree, the following development shall not be permitted:

1. Construction or placement of new buildings.

2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.

3. New impervious surfaces.

4. Trenching for utilities, irrigation, or drainage.

5. Staging or storage of any kind.

6. Vehicle maneuvering or parking

Response: Per the Tree Protection Plan drawing, plan notes, and the Site Plan (Exhibit A, Sheets L000 and A1.01), the development and uses above are not proposed and will not be permitted in the tree protection zone. Per the Natural Resource Assessment (Exhibit I), there is an existing gas line in the VC, but it will be abandoned in place. As specified by Notes 4 and 9 in the Tree Protection Plan, any excavation within the protection zone will be the minimum necessary, performed only with non-motorized handheld tools, and directed by an arborist. Therefore, this standard is met.

60.60.25. Mitigation Requirements.

1. The following standards shall apply to mitigation for the removal of Significant Individual Trees or trees within Significant Groves or SNRAs.

A. All mitigation tree planting shall take place in conformance with accepted arboricultural practices and shall be spaced a minimum of ten (10) feet apart.

Response: Trees proposed to be planted in mitigation for trees removed from the SNRA (VC) are shown in the Level 1 Planting Plan (Exhibit A, Sheet L002), guided by accepted arboricultural practices and including 20 Red Alder trees and 20 Western Red Cedar trees that are a minimum of 10 feet apart. Therefore, this standard is met.

B. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be maintained in accordance with the approved mitigation plan. Monitoring of mitigation planting shall be the ongoing responsibility of the property owner where mitigation trees are located, unless otherwise approved through Development Review. Monitoring shall take place for a period of two (2) years. Trees that die shall be replaced in accordance with the tree replacement standards of this section.

C. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be set aside in a conservation easement or a separate tract and shall be designated as "Mitigation Trees" and recorded with a deed restriction identifying the trees as "Mitigation Trees".

D. Each Mitigation Tree planted shall be insured through a performance security, equal to 110 percent of the cost of the landscaping, filed with the City for a period of two (2) years to ensure establishment of the mitigation planting.

Response: It is understood that mitigation planting shall be monitored and, as needed, replaced; and that this is the responsibility of the owner, consistent with this standard.

The mitigation trees will be placed in a conservation easement and recorded with a deed restriction, as well as insured with a performance security.

Therefore, these standards will be met.

E. Street trees shall not be counted as providing mitigation of a SNRA or Significant Grove.

Response: Street trees are not proposed to be counted toward mitigation. Therefore, this standard is met.

F. Transplanting trees within the project site is not subject to mitigation. However, a performance security is required for transplanted tree(s) to insure that the tree(s) will be replaced if the tree(s) is dead or dying at the end of two (2) years.

Response: Existing trees on the site are not proposed to be transplanted. Therefore, this standard is not applicable.

2. Mitigation for the removal of trees from Significant Groves or SNRAs shall be required as follows:

A. Calculate the total DBH of the trees to be removed. Denote both deciduous and coniferous trees in separate tables; however, both tables will result in the sum total of the DBH to be removed.

B. If the total DBH of trees to be removed is less than or equal to 50% of the total DBH of surveyed trees on the site, then no mitigation is required for the trees to be removed.

C. If the total DBH of trees to be removed is greater than 50% of the total DBH of surveyed trees on site, then mitigation is required for the amount of DBH to be removed that exceeds 50% of the total DBH of surveyed trees on site.

For example, if 75 inches is the total amount of DBH to be removed from a site and 60 inches of DBH represents 50% of the total surveyed DBH, then 15 inches of DBH is the total required amount of mitigation.

Response: The 12 trees in the VC (Trees 30-41, species Chamaecyparis obtusa and Pinus nigra) are all coniferous and their total DBH is 208 inches. Three trees totaling 63 inches DBH are proposed to be removed. That represents less than 50% of the total DBH; therefore, no mitigation is required.

3. In addition to the requirements listed in Section 60.60.25.1. Mitigation Requirements, the following mitigation requirements shall apply for the removal of trees from Significant Groves or SNRAs.

A. Dead or dying trees within a Significant Grove or SNRA shall be fallen when required for safety. Such tree falling shall not require mitigation. However, the fallen log should remain in the Significant Grove or SNRA, to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and the log must be removed from the area to protect the remaining trees.

B. All trees planted for mitigation must meet the following minimum requirements…

Response: The two dead trees proposed for removal in the VC are not currently known to be diseased. If an arborist confirms that they are not diseased, they could remain on the site after being felled.

Mitigation is not required for the proposed removal of trees in the VC per the standard and its findings in Section 60.60.25.2 above.

8. In addition to the standards in Mitigation Standards 1, the following standards shall apply to mitigation for the removal of a Significant Individual Tree…

Response: No Significant Individual Trees are being removed as a result of this development. Therefore, these standards are not applicable.

9. The following standards apply to the replacement of a Landscape Tree:

A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.

A. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the City may allow replacement with a different species.

B. Replacement of a Landscape Tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. Replacement of tree on a one-to-one basis shall be as follows:

1. Calculate the sum of the total linear DBH measurement of the tree to be removed.

2. The total linear DBH measurement of the tree to be removed shall be replaced with tree at least 1.5 caliper inches in diameter. The total caliper inches of the replacement tree shall be at least equal to the sum total of the linear DBH measurement of the removed tree.

Response: All existing Landscape Trees on the site – not Street Trees and trees not in the VC – are proposed to be removed because the proposed building will cover almost the entire site outside the VC. The total DBH of existing Landscape Trees is approximately 277 inches. See the Tree Protection Plan and Tree Inventory Table (Exhibit A, Sheet L000).

Replacing that DBH one-to-one would require the planting of 93 3-inch caliper trees. This is not possible given the almost complete build-out of the site that is proposed. Short of one-to-one replacement, the proposed build-out of the site restricts the site's capacity to accommodate any replacement trees. One opportunity for replacement would potentially be in the site's VC. However, planting in this area must comply with CWS standards, which require the planting of 40 trees at a minimum size of 2-gallon containers. As a result, 20 Red Alders and 20 Western Red Cedars, from 2-gallon containers and with minimum heights of 2 feet are proposed in the VC (Level 1 Planting Plan, Exhibit A, Sheet L200). Yet, these trees are not at least 1.5 inches DBH and, thus, do not quality as replacement DBH.

60.65 Utility Undergrounding

60.65.15. Regulation.

All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.

1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connection boxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and that portion of a project where undergrounding will require boring under a Collector or Arterial roadway, and City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects. [ORD 4343; April 2005] [ORD 4363; August 2005]

Response: As shown in the Overall Utility Plan (Exhibit A, Sheet C4.0), all utilities will be undergrounded, except for fire department connections as allowed for in this standard. Therefore, this standard is met.

2. The developer shall make all necessary arrangements with the serving private utility to cause the utility service(s) to be placed underground;

Response: Necessary arrangements with utility companies have been and are being made. Therefore, this standard is and will be met.

3. The City reserves the right to approve surface mounted facilities;

Response: No surface-mounted facilities are proposed. Therefore, this standard is not applicable.

4. All underground public and private utilities shall be constructed or installed prior to the final surfacing of the streets; and

Response: Underground utilities will be constructed and installed prior to final street surfacing, as applicable. Therefore, this standard is met.

5. Stubs for service connections and other anticipated private extensions at street intersections shall be long enough to avoid disturbing street surfaces and right-of-way improvements such as sidewalks and landscaping areas when service connections are made.

Response: No stubs for future service connections are necessary with this proposal. Therefore, this standard is not applicable.

6. Unless otherwise specifically required in an existing franchise between the City and the particular private utility, or PUC rule, the applicant or developer responsible for initiating the requirement for placing overhead utilities underground is responsible for the cost of converting all existing customer equipment and private utilities on private or public property, or both to meet utility undergrounding requirements.

Response: Conversion of existing customer equipment and private utilities will not be necessary.

7. If the private utility service provider requires an applicant, as a component of the applicant's placing private utilities underground, to install facilities to accommodate extra capacity beyond those necessitated by the proposed development, the private utility service provider shall be financially responsible for providing the means to provide such extra capacity.

Response: It is understood that the private utility service provider shall be financially responsible for installing oversized facilities.[8]

60.65.20. Information on Plans.

The applicant for a development subject to design review, subdivision, partition, or site development permit approval shall show, on the proposed plan or in the explanatory information, the following:

1. Easements for all public and private utility facilities;

2. The location of all existing above ground and underground public and private utilities within 100 feet of the site;

3. The proposed relocation of existing above ground utilities to underground; and

Response: The location of all existing and proposed above ground and underground public and private utilities is shown on the Utility Plan (Exhibit A, Sheets C4.0), but no easements are necessary. Therefore, this standard is met.

4. That above ground public or private utility facilities do not obstruct vision clearance areas pursuant to Section 60.55.35.3 of this Code. [ORD 4697; December 2016]

Response: The vision clearance standards in Section 60.55.35.3.A do not apply to this site because it is in a Regional Center.

60.65.25. Optional Fee In Lieu of the Undergrounding Requirement

If any of the following criteria are met as determined by the City, after receiving a recommendation from the Facilities Review Committee, at the applicant's option, applicant shall either immediately place the private utilities underground or pay a fee to the City toward future undergrounding in lieu of immediately placing private utilities underground. [ORD 4224; August 2002]

Response: Fee-in-lieu of undergrounding is not proposed. Therefore, this standard is not applicable.

60.67 Significant Natural Resources

60.67.05. Local Wetland Inventory.

Prior to issuing a development permit, the Local Wetland Inventory map shall be reviewed to determine if the site proposed for development is identified as the location of a significant wetland.

[8] NW Natural needs oversized gas service to the proposed building in order to serve the building and to re-establish the connection to the property to the west.

1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant wetlands shall be subject to relevant procedures and requirements specified in CHAPTER 50, of this ordinance.

2. Upon City's determination that a site contains wetland as identified on the Local Wetland Inventory map, notice of the proposed development shall be provided to the Division of State Lands (DSL) in a manner and form prescribed by DSL pursuant to ORS requirements

Response: No wetland has been determined on the site. See the Natural Resource Assessment (Exhibit I).

60.67.10. Significant Riparian Corridors.

Prior to issuing a development permit, the list of Significant Riparian Corridors shall be reviewed to determine if the site proposed for development is identified as being listed corridor.

1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant riparian corridors, shall be subject to relevant procedures and requirements specified in CHAPTER 50 of this ordinance. [ORD 4659; July 2015].

Response: As described in the Natural Resource Assessment, shown in Figures 2-5 in the report (Exhibit I), and updated by the amended CWS SPL (Exhibit H):

- There is an existing 12,153 square feet (0.28 acres) of VC on the site. The VC is comprised of an area 50 feet back from the ordinary high water (OHW) of Beaverton Creek, which extends into the southern part of the site. See Figure 2 in the report.

- Currently, existing development encroaches into part of the 50-foot VC setback. See Figure 2 in the report.

- Beaverton Creek (to OHW) on the site comprises an area of approximately 1,293 square feet (0.03 acres). See Figure 2 in the report.

- The existing VC can be organized into three distinct plant communities – Plant Community A (2,833 square feet/0.07 acres), Plant Community B (5,736 square feet/0.13 acres), and Plant Community C (3,584 square feet/0.08 acres). Their conditions, respectively, have been determined to be marginal, marginal, and degraded. See Figure 3 in the report.

- The proposed development will involve temporary encroachments into the VC and one permanent encroachment for a short path (471 square feet), and will remove existing permanent encroachments. See Figures 4 and 5 in the report, as updated by the amended CWS SPL (Exhibit H). Temporary encroachments of approximately 4,963 square feet are needed to remove existing building and patio structures from the VC, to add topsoil to the area to match the grade of the adjoining undeveloped VC, and to construct the proposed building's south façade and glazing. Regarding this construction access, given this area is lawn and will not require ground disturbing activities, that there will be no impacts to native vegetation or other degradation of existing conditions.

- With the removal of permanent encroachments into the VC and mitigation of encroachment for the path (476 square feet), the entire on-site VC can be established (approximately 13,131 square feet), for an increase of on-site VC of 978 square feet. See Figure 5, as updated by the amended CWS SPL (Exhibit H). The VC will also be enhanced to “good” corridor condition versus existing “marginal” and “degraded” conditions by removing invasive species and planting native trees and shrubs. Where there will be bare soil following the removal of the existing building and patio, these areas will be enhanced by applying a native seed mix. All planting will be done in compliance with CWS spacing, density, and native species requirements.

CHAPTER 70 – DOWNTOWN DESIGN DISTRICT

70.15 Downtown Zoning and Streets

70.15.10. District Purpose and Development Standards

3. Mixed Use (RC-MU)

A. Purpose. The Mixed Use (RC-MU) District is intended to create a high-density neighborhood with a mix of uses in close proximity to Beaverton Central.

B. Building Height & Density

Table 70.15.10.3.A RC-MU Building Height & Density			
Standard			**Response**
HEIGHT	*75 ft [1]*	*Maximum*	The proposed building is almost 82 feet at maximum height. See the Overall Project Information and Building Sections in Exhibit A (Sheets G0.02 and A4.01-A4.02). The proposed maximum height is just slightly more than the 75-foot standard. Per Footnote 1, heights up to 120 feet may be permitted in this zone subject to the discretionary review process. See the response to Section 70.20.10.3.G8 later in this narrative.
INTENSITY (FLOOR AREA RATIO)	*1.0 [2]*	*Minimum*	The proposed floor area ratio (FAR)is approximately 3.9, given an allowable gross site area of approximately 78,446 square feet and proposed gross building floor area of approximately 306,616 square feet (Overall Project Information, Exhibit A, Sheet G0.02). Therefore, this standard is met.
	None	*Maximum*	
DENSITY (UNITS/ACRE) [3]	*43 [2]*	*Minimum*	Mixed use development is proposed. According to Footnote 3, this standard is not applicable because the development is not 100% residential.
	None	*Maximum*	
ADDITIONAL MASSING REGULATIONS			
Refer to Section 70.20.10.3			
1)Buildings can be built to 120 feet in height through a discretionary review process (refer to 70.20.10.3.G8)			

2)Sites with average depth or width measurements less than 50 feet whose configuration existed prior to December 9, 1999, shall be subject to reduced minimum density and intensity standards. See Section 70.15.10.5 Supplemental Density and Intensity Standards.

3)Minimum density only applies to 100% residential development.

C. Setbacks

Table 70.15.10.3.B RC-MU SETBACKS			
Standard			Response
Front setback with ground floor residential units	*6 ft*	*Minimum*	Hall Boulevard is the primary building frontage (front). The proposed building setback on Hall Boulevard does not have ground floor residential units. Therefore, this standard is not applicable.
	16 ft	*Maximum*	
Front setback without ground floor residential units	*0 ft*	*Minimum*	The building frontage on Hall Boulevard does not have ground floor residential units. Portions of the building on this frontage will be set back 0 feet (Site Plan, Exhibit A, Sheet A1.01).
	16 ft	*Maximum*	The building setback varies along Hall Boulevard for building articulation and for residential entrances, commercial entrances and porches, walkways, stairs, and ramps. However, the maximum proposed setback is approximately 12.5 feet (Site Plan, Exhibit A, Sheet A1.01). Therefore, this standard is met.
Interior side or rear setback minimum	*0 ft*		
Street facing side or rear setback with ground floor residential units	*6 ft*	*Minimum*	The building frontage on Westgate Drive (non-primary street) contains ground floor residential units. The setback on Westgate Drive is proposed to be a minimum of 6 feet except at the corner at Hall Boulevard,

Table 70.15.10.3.B RC-MU SETBACKS			
			where residential units are not proposed. See the Site Plan (Exhibit A, Sheet A1.01). This standard is met.
	16 ft	*Maximum*	The maximum proposed setback on Westgate Drive where there are ground floor residential units is approximately 9 feet (Site Plan, Exhibit A, Sheet A1.01). Therefore, this standard is met.
Street facing side or rear setback without ground floor residential units	*0 ft*	*Minimum*	The use at the north end of Westgate Drive and the corner with Hall Boulevard is a street facing side. The proposed setback is 0 feet. See Site Plan (Exhibit A, Sheet A1.01). Therefore, this standard is met.
	15 ft	*Maximum*	The proposed setback of the use on the north end of Westgate Drive is 0 feet. Therefore, this standard is met.
Minimum setback abutting property zoned residential and Downtown Transition (DT)	*10 ft*	*Side*	The site does not abut property zoned residential or Downtown Transition. Therefore, these standards are not applicable.
	20 ft	*Rear*	

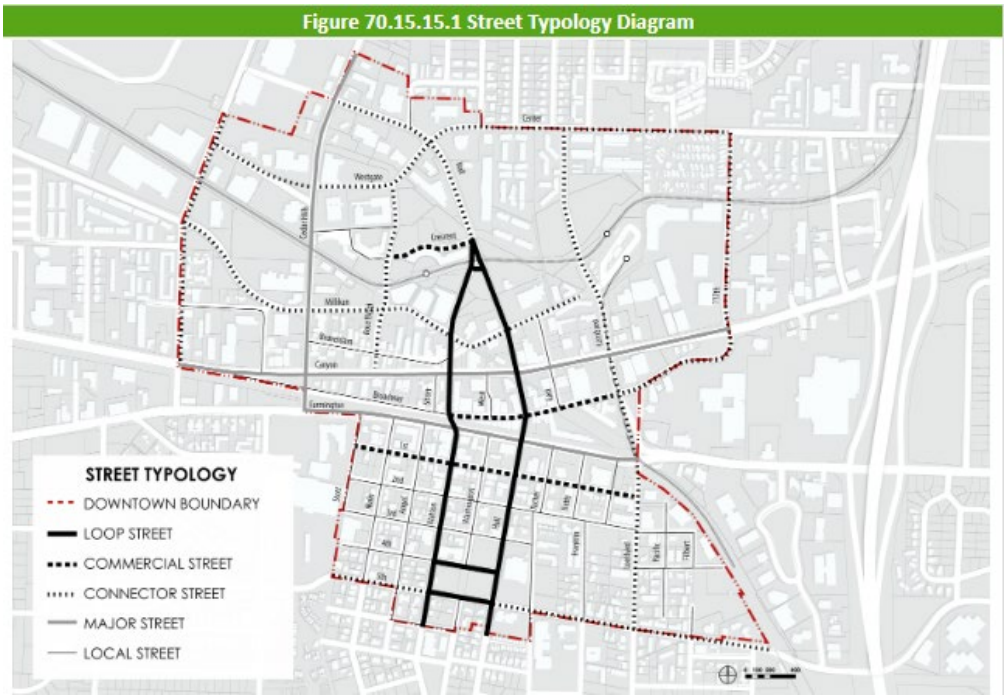
70.15.15. Street Typology

The Street Typology Diagram identifies street hierarchies in the Downtown Design District. Guidelines and Standards throughout the code may refer to the Street Typology Diagram regulating items including primary frontages and locating parking, loading and new curb cuts.

These Typologies do not replace or supersede the Functional Classifications as described in the Transportation System Plan.

New streets dedicated after establishment of this code shall be designated Local Streets, or as determined by the Director.

Figure 70.15.15.1 Street Typology Diagram



1. Determining Primary Frontage. For provisions of this code referring to Primary Frontages, the Primary Frontage shall be determined as follows:

A. Sites with one frontage: The primary frontage shall be the street facing lot line.

B. Sites with multiple frontages: The primary frontage shall be the street facing lot line with the highest level typology ranked in the following order:

1. Loop Street

2. Commercial Street

3. Connector Street

4. Major Street

5. Local Street

C. If abutting streets are designated as the same Downtown Street Type, the primary street may be determined by the applicant.

Response: Hall Boulevard and Westgate Drive are both designated Connector Streets.

According to Subsection 1.C, the applicant determines the primary street if the abutting streets are designated the same Downtown Street Type. The applicant designates Hall Boulevard as the primary street.

70.15.20. Downtown Use Regulations

The following Land Uses are classified in the following three categories: Permitted (P) including their accessory uses and structures, Conditional Uses (C), or Prohibited (N) uses as identified in the table below for all four Zoning Districts. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below.70.20 Downtown Design Guidelines and Standards

Table 70.15.20.A

Category and Specific Use	*RC-MU*
Residential	
1. Residential *F. Multi-dwelling*	*P*
Commercial	
6. Eating and Drinking Establishment	*P*
14. Retail	*P (9)*
15. Personal Service Business	*P*
16. Service Business / Professional Services	*P (10)*

9) This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of 15 percent of the gross floor area. No outdoor sales or outdoor storage of animals or livestock are allowed with this use.

10) The maximum building footprint size for a building involving a single use shall be 10,000 square feet. In addition, the maximum square footage for these uses within a multiple use development shall be 25 percent of the total square footage of the development.

Response: The project proposes a mixed use development comprised of multi-dwelling residential and commercial uses. Both uses are permitted outright in the RC-MU zone according to Table 70.15.20.A. Footnote 9 requires retail activity to be located wholly within an enclosed structure. The proposed commercial use – if it is used as retail space – is wholly within the building. No outdoor storage or sales of animals or livestock is proposed. Therefore, this standard is met.

70.20 Downtown Design Guidelines and Standards

70.20.05. Site Design.

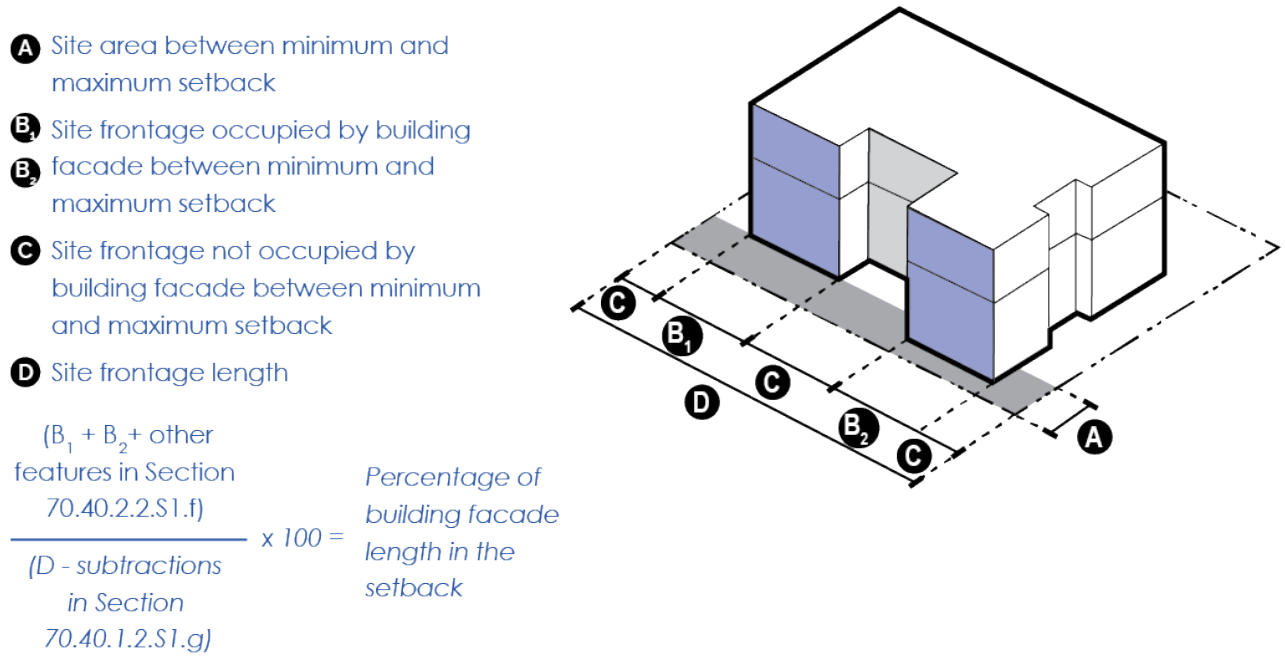
70.20.05.4. Building Frontage and Placement

C. Design Guideline and Standards

Table 70.20.05.4.A Design Guidelines and Standards: Building Frontage and Placement	
Design Guideline	*Design Standard*
Minimum Building Frontage Along Streets	
G1. and G2. Sufficient building facades shall be present near each street frontage to promote a continuous street wall and limit gaps in pedestrian interest while	*S1. Buildings shall occupy a minimum percentage of the site frontage between the minimum setback and the maximum setback. Minimums are based on street*

Table 70.20.05.4.A Design Guidelines and Standards: Building Frontage and Placement	
Design Guideline	*Design Standard*
allowing necessary site access. The amount of building frontage shall be greatest on the highest level streets as identified in Figure 70.15.15.1 Street Typology Diagram. Buildings may be set back to accommodate plazas, outdoor dining, entry forecourts or similar spaces provided that pedestrian interest along the frontage is incorporated into the design of these spaces.	*typology as identified in Figure 70.15.15.1 and as described below:* *d. Connector Streets:* *I. Millikan between Cedar Hills and East: 75 percent; and* *II. All other Connector Street frontages: 60 percent.*

Figure 70.20.05.4.1 Street Wall Diagram



Response: Hall Boulevard and Westgate Drive are Connector Streets per Section 70.15.15. Subsection d.II of Standard 1 establishes that, on these Connector Streets, buildings must occupy a minimum 60% of the site frontage between the minimum and maximum setbacks.

Per standards in Table 70.15.10.3.B, minimum and maximum setbacks are 0 feet to 16 feet for uses proposed along Hall Boulevard. On Westgate Drive, the setbacks are 6 feet to 16 feet where residential units are proposed, and 0 feet to 15 feet on the corner where residential units are not proposed.

As shown in the Site Plan (Exhibit A, Sheet A1.01), on Hall Boulevard, the building occupies all but approximately 18 feet of the site frontage, all of the building set back between 0 feet and

12 feet from where the front property line will be located after the right-of-way dedication that this development will make. On Westgate Drive, the building occupies all but approximately 12 feet on the north end – where the entrance walkway, ramp, and stairs are proposed – and roughly 24 feet on the south end where the driveway into the structured parking is proposed; the building is set back 0 feet for the proposed corner lobby use and between 6 feet and 9.5 feet for the proposed residential units. Thus, the building occupies more than 60% of the site's frontage on Hall Boulevard and Westgate Drive. Therefore, this standard is met.

G1. and G2. Sufficient building facades shall be present near each street frontage to promote a continuous street wall and limit gaps in pedestrian interest while allowing necessary site access. The amount of building frontage shall be greatest on the highest level streets as identified in Figure 70.15.15.1 Street Typology Diagram. Buildings may be set back to accommodate plazas, outdoor dining, entry forecourts or similar spaces provided that pedestrian interest along the frontage is incorporated into the design of these spaces.	*S2. If the development has multiple frontages, the minimum percentage of street frontage required to be occupied by a building facade shall be met on the primary frontage but may be reduced by 25 percent on one non-primary street frontage, except if the non-primary frontage is a Major Street. For example, a requirement that 75 percent of the frontage shall be occupied by a building facade could be reduced to 50 percent of the frontage on one non-primary street frontage.*

Response: Hall Boulevard is the primary frontage and Westgate Drive is the secondary or non-primary frontage, As addressed in response to Standard 1 above, the proposed building occupies more than the minimum 60% of the site frontage on both streets and no reduction of the minimum percentage is necessary.

Minimum Building Separation for Residential-only Buildings	
G3. Adequate separation shall be provided between buildings where ground floor residential units have exterior entries to provide usable space between the buildings and avoid narrow, dark passageways.	*S3. New buildings containing ground-floor dwelling units shall be set back 10 feet from other buildings on the site that contain ground-floor dwelling units.*

Response: Only one building is proposed on the site. Therefore, this standard and guideline are not applicable.

70.20.05.5. Setback Design

C. Design Guideline and Standards

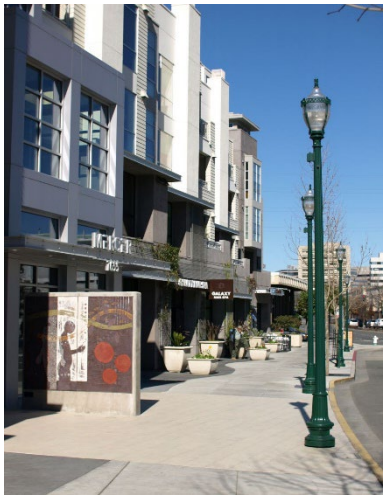
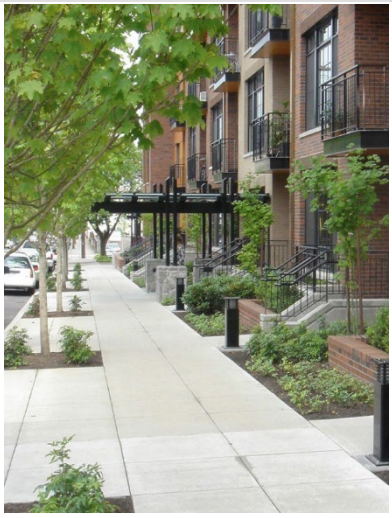
Table 70.20.05.5.A Design Guidelines and Standards: Setback Design	
Design Guideline	*Design Standard*
Setback Design	
G1. Where there is space between the building facade and the right of way, the space shall be designed with paving, landscaping, and other design elements appropriate for the ground-floor building use. Setback spaces shall incorporate one or more of the following to provide quality connections from the building to the street while providing an appropriate transition between the public realm and the private realm: *Provide an extension of the sidewalk for use by pedestrians;* *Provide additional space for building entries;* *Increase frontage activity with outdoor seating or terraces;* *Provide opportunities for landscaping.*  *Extension of Public Realm (Walnut Creek, CA)* *Deeper building setbacks along a commercial storefront facade allows for wider sidewalks and pedestrian amenities.*	*S1. Where the building facade is between the minimum and maximum setback from the right of way, the area between the building facade and the property line shall be designed in the following manner:* *a. For ground-floor building facades designed for non-residential occupancy with an entry or entries that face the street:* *I. The setback area between any entry doors and public rights of way shall be paved; and* *II. If the area between the building facade and right of way is less than 24 inches, the setback area shall be paved; or* *III. If the area between the building facade and lot line is greater than 24 inches, at least 50 percent of the setback area shall be paved. Any areas not paved in the setback area shall be landscaped with:* *1.A combination of shrubs, ground cover and perennials. A minimum of one 3-gallon shrub for every 3 lineal feet of plant bed must be provided. Ground cover must fully cover the remainder of the landscaped area; or* *2.Raised landscape planters a minimum of 18 inches in height and a maximum of 30 inches in height with a minimum horizontal depth of 2 feet that contain living plant material. Raised planters shall not reduce the pedestrian way to narrower than 5 feet and shall not obstruct Americans with Disabilities Act access; or* *3.Some combination of 1 and 2.* *IV. One of the following pedestrian amenities must be provided for each 100 sq ft of hardscape between the building and the*

Table 70.20.05.5.A Design Guidelines and Standards: Setback Design	
Design Guideline	*Design Standard*
 *Residential Setback Character (Portland, OR)* *A transition between the public sidewalk and private residential units is created with landscape plantings, stoop entries and terraced planters*	*street - Bench, tree, planter, drinking fountain* *b. For ground-floor building facades designed for non-residential occupancy with no entries facing the street, setback areas greater than 24 inches in depth shall have a minimum of 20 percent landscaping. Landscaping shall include:* *I.A combination of shrubs, ground cover and perennials. A minimum of one 3-gallon shrub for every 3 lineal feet of plant bed must be provided. Ground cover must fully cover the remainder of the landscaped area; or* *II. Raised landscape planters a minimum of 18 inches in height and a maximum of 30 inches in height with a minimum horizontal depth of 2 feet that contain living plant material. Raised planters shall not reduce the pedestrian way to narrower than 5 feet and shall not obstruct Americans with Disabilities Act access; or* *III. Some combination of i and ii.* *c. For ground-floor building facades designed for residential uses that have individual unit entries facing the street not subject to Section 70.20.10.6 Active Ground-floor Design Regulations, the setback area shall have a minimum of 60 percent landscaping. Landscaping shall include…* *e. For building facades designed for ground-floor residential uses that do not have individual unit entries, a minimum of 60 percent of the setback area shall be landscaped consistent with Section 70.20.05.8.S1 Site Landscaping.*

Response: Elements such as patios, planters, additional space for building entries, walkways, stairs, and ramps are proposed where there is space in the setback between the building façade and new right-of-way boundary. See the Site Plan, Landscape Plan, and Level 1 Planting Plan (Exhibit A, Sheets A1.01, L100, and L200). Therefore, this guideline is met.

Setback Area - Allowed Encroachments	
G2. Buildings and landscape elements may encroach within setback areas between the building facade and right of way to enhance the pedestrian experience and increase activity along building frontages.	*S2. The following elements are allowed to encroach within the setback areas between building facades and right of way:* *a. Architectural projections, building modulations, occupiable projections, or other similar features approved by the decision-making authority. The bottom of the architectural feature shall be no lower than eight feet above on-site pedestrian walkways to allow for pedestrian clearance. No more than 50% of the facade may have these elements project into the setback;* *b. Weather protection structures such as canopies, sunshades or other similar features approved by the decision-making authority. The bottom of the architectural feature shall be no lower than eight feet above sidewalk grade to allow for pedestrian clearance;* *c. Terraces, porches, or balconies;* *d. Stoops and/or stairs to building entrances;* *e. Handrails;* *f. Fences or railings meeting the requirements of 70.20.05.5.S3* *g. Landscape planters and low walls not exceeding 30 inches in height from sidewalk grade;* *h. Bicycle parking;* *i. Permanent seating;* *j. Public art;* *k. Other elements as approved by the decision-making authority.*

Response: As shown in the Site Plan (Exhibit A, Sheet A1.01), the setback area between the building facades and right-of-way is not encroached except for permitted elements, which include: porches for first floor residential units and planters on SW Westgate Drive; stairs, ramps, and building entrances on SW Hall Boulevard; and railings, balcony overhangs, and canopies along SW Westgate Drive and SW Hall Boulevard. These elements support the pedestrian experience and activity along the building frontages on both streets. Therefore, this guideline is met.

Fences Adjacent to Streets	
G3. Fencing along public streets shall allow for views into the site and shall not detract from the pedestrian experience along site frontages.	*S3. Fences within 10 feet of any right of way shall be no taller than 42 inches and shall be at least 40% transparent. Retaining walls, as well as fencing utilized to satisfy screening requirements in Section 70.20.05.7 Parking, Loading, and Service Areas are exempt.*

Response: Fencing is not proposed between the building and the right-of-way. Therefore, this standard and guideline are not applicable.

70.20.05.6. Pedestrian Circulation

C. Design Guideline and Standards

Table 70.20.05.6.A Design Guidelines and Standards: Pedestrian Circulation	
Design Guideline	*Design Standard*
Pedestrian Connections	
G1. On-site pedestrian connections shall provide sufficient and high-quality connections among important destinations on a site and to off-site transportation routes and facilities.	*S1. At least one pedestrian connection to the public street network shall be provided for every 300 feet of street frontage. On-site pedestrian connections shall link to abutting streets, planned accessways in the Comprehensive Plan Transportation Element; multi-use paths on or adjacent to the site, including those required to meet Block Design standards identified in Figure 70.20.05.3.1 Future Connections; transit stops; building entries; automobile and bicycle parking; loading areas, solid waste facilities and similar improvements; and outdoor open spaces. Connections that are not feasible because of topographic features; buildings or other man-made structures; natural areas; or similar obstacles may be waived as approved by the decision- making authority.*

Response: Figure 70.20.05.3.1 does not identify future pedestrian connections for this site. The length of the Hall Boulevard frontage is roughly 265 feet and the length of the SW Westgate Drive frontage is roughly 220 feet. Therefore, this standard is not applicable.

The proposed development will connect directly to the new 10-foot sidewalks on both frontages in multiple locations, consistent with this guideline.

***G2.** On-site pedestrian walkways shall be of adequate width and design to*	***S2.** On-site pedestrian walkways shall be at least 5 feet in width with 5 feet of unobstructed*

provide unobstructed walking areas that accommodate the anticipated amount of pedestrian traffic, be Americans with Disabilities Act compliant, and incorporate high-quality and attractive materials that promote sustainability and reduce heat island effect.

On-site Pedestrian Walkways Shaded by Tree Canopy (Portland, OR)

clearance, shall be paved with scored concrete, modular paving material, or other high quality hard surfaced material approved by the decision-making authority, and be compliant with Americans with Disabilities Act standards. In addition, development shall incorporate one of the following sustainability features:

a. At least 30 percent of paving material shall be permeable pavement; or

b. At least 30 percent of the paving material shall be made from recycled content; or

c. At least 50 percent of the pedestrian walkway pavement shall have a solar reflective index rating of a least 29; or

d. Provide shading for at least 50 percent of the total pedestrian walkway surfaces on the site. Shade can be provided by current or proposed buildings that shade the paving material at 3 p.m. June 21 and current or proposed trees, with the amount of shade included for each planted tree to be measured by the diameter of the mature crown cover stated for the species of the tree.

e. Walkways or other pedestrian connections within 25 feet of a creek as measured from top of bank shall meet Section 70.20.05.6.S2.4 and one of the sustainability features in 70.20.05.6.S2.1 through 3.

Response: The Site Plan (Exhibit A, Sheet A1.01) shows limited walkways on the Hall Boulevard frontage, namely stairs, ramps, and patio and building entrance areas. The plan calls out slopes and materials that are consistent with ADA requirements. Therefore, this guideline is met.

G3. *Pedestrian walkways abutting parking areas shall be of adequate width and design to provide unobstructed walking areas and accommodate the anticipated amount of pedestrian traffic.*	***S3.*** *Pedestrian walkways that abut the head of vehicle parking spaces shall be 7 feet wide unless wheel stops or curbs are used to ensure a minimum unobstructed width of 5 feet.*

Response: As shown in the Site Plan and Level 1 and 2 Floor Plans (Exhibit A, Sheet A1.01, A2.01, and A2.02), there are no pedestrian walkways abutting parking areas, with the parking for the development being structured parking with no pedestrian walkways. Therefore, this standard and guideline are not applicable.

G4. *Pedestrian walkways that cross driveways or vehicular access aisles shall meet standards S4.*	***S4.*** *Where a pedestrian walkway crosses driveways or vehicular access aisles, a continuous 5-foot walkway shall be provided and shall be composed of a different paving material that utilizes texture, color, or both, to contrast visually from the adjoining driving/parking surface. Paint may not be used to satisfy this requirement.*
G5. *Pedestrian connections through parking lots shall be evenly spaced and separated from vehicles. Parking lots with six or fewer spaces are exempt.*	***S5.*** *Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees and lighting, if not otherwise provided in the parking lot design. Parking lots with six or fewer spaces are not required to physically separate connections from vehicle parking and circulation but they must comply with the rules of Section 70.20.05.6.S4.*

Response: There are no pedestrian walkways crossing driveways or vehicular access aisles. Parking lots are not proposed in this development. Parking for this development will be provided by an on-site parking structure. Therefore, these guidelines and standards are not applicable.

G6. *Fences between buildings and creeks shall be designed and installed to allow views of the creeks and/or creekside natural areas from ground-floor viewpoints on buildings (including doors and windows) and allow views from pedestrian circulation areas between buildings and the creek.*	***S6.*** *Fences between buildings and creeks shall not be taller than 4 feet in height and shall be at least 70 percent transparent to allow views of creeks and natural areas from building fenestration and pedestrian circulation areas between the building and the creek.*

Response: Fences are not proposed between the building and Beaverton Creek. Therefore, this guideline and standard are not applicable.

G7. *The project must meet the Design Standard.*	***S7.*** *Sidewalks are required along all streets. Except where approved through a Sidewalk Design Modification, the sidewalk shall be at least 10 feet wide, and provide an unobstructed path at least 5 feet wide.*

Response: Sidewalks are proposed on both Hall Boulevard and Westgate Drive. As shown in the Site Plan (Exhibit A, Sheet A1.01), the sidewalks are 10 feet wide and will provide at least 5 feet unobstructed width, including at locations where tree wells and street lighting are proposed. Therefore, this standard is met.

70.20.05.7 Parking, Loading and Service Areas

C. Design Guideline and Standards

Table 70.20.05.7.A Design Guidelines and Standards: Parking, Loading and Service Areas	
Design Guideline	*Design Standard*
Vehicle and Parking Access	
G1. Curb cuts shall meet S1.	*S1. Curb cuts permitted under this section are subject to the applicable minimum standards within the adopted Engineering Design Manual.*

Response: The curb cut on Hall Boulevard will replace the existing one, will be consistent with the EDM Standard Driveway Detail, and – via a shared access easement – will provide fire access and access to the adjacent property's parking lot. Per City direction, waste and recycling haulers will also use the Hall Boulevard access.[9] Hauler truck turnaround is accommodated on the site (Exhibit O).

The proposed new curb cut on Westgate Drive will also be consistent with the EDM Standard Driveway Detail and meet the sight distance setback from the Hall Boulevard. (See the Sight Distance Diagram in Exhibit J.)

Therefore, this standard is met.

G2. *Driveways accessed from public streets shall be minimized in order to promote pedestrian safety and walkability, ensure safe vehicle maneuvering, and maximize on-street parking.*	***S2.*** *No additional driveways accessed from public streets shall be permitted, except where the Development Code requires the development to provide on-site parking or on-site loading, or where structured parking is provided.*

Response: One driveway is proposed on Westgate Drive with access to the structured parking on the site. Therefore, this standard is met.

G3. *Sites with multiple frontages shall construct driveways in locations that result in significant lengths of site frontage occupied by buildings and other active uses along key streets.*	***S3.*** *Sites with multiple frontages shall construct driveways on the lower hierarchy street, based on the street typology identified in Figure 70.15.15.1 Street Typology. Hierarchy is determined by the list of streets below, with streets listed first higher in the hierarchy:* *Major Street* *Loop Street*

[9] Email correspondence from Lina Smith, City of Beaverton Associate Planner, June 13, 2023

	Commercial Street *Connector Street* *Local Street* *Where frontages are of equal hierarchy, the applicant may select the single frontage to take access from. Sites with frontage directly adjacent to both streets at the below intersections are exempt from complying with this standard:* *SW Lombard and SW 1st; and* *SW Lombard and SW Broadway*

Response: As a site with multiple frontages, the driveway proposed on the south end of the site's Westgate Drive frontage preserves the remaining frontage on Westgate Drive and Hall Boulevard as continuous, occupied by the building and active uses along these streets.

Therefore, this guideline is met.

Sight Clearance	
G4. S4 shall be met.	*S4. To ensure visibility at intersections and driveways, all improvements adjacent to public streets, accessways, and driveways shall comply with BDC 60.55.35.3 Intersection Standards.*

Response: As stated in response to Section 60.55.35.3 earlier in this narrative, the standard does not apply to the site because it is in a Regional Center.

Utility, Loading and Service Areas	
G8. Utilities, loading, and service areas shall be screened, integrated into building and landscape design and/or located in less prominent locations to minimize the visual impact on the pedestrian experience.	*S8. Utilities and service areas shall be designed to minimize impact on the pedestrian experience by following the standards below:* *a. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.* *b. Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be fully sight-obscuring, shall be constructed a minimum of one foot higher than the feature to be screened, and shall be accomplished by one or more of the following methods:*

	I. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings, *II. Evergreen hedge wall that will grow one foot taller that the feature to be screened and reach 95 percent opacity within two years.* *III. Solid wood fence*

Response: As shown in the Site Plan (Exhibit A, Sheet A1.01), on-site utility and service areas, waste and recycling storage and staging, and similar uses are located in the interior of the site – within the building, alcoves of the building, or structured parking. They are, thus, screened and not visible from the adjacent public streets. Therefore, the guideline is met.

G8. *Utilities, loading, and service areas shall be screened, integrated into building and landscape design and/or located in less prominent locations to minimize the visual impact on the pedestrian experience.*	*c. All loading docks and loading zones shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. Screening of loading zones may be waived in if the applicant demonstrates the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the operations of the expected businesses during business hours.*

Response: Per Section 60.25.15, loading spaces are not required for the uses and scale of this development. Guideline 8 (G8) is addressed in the prior response.

Waste and recycling service has been extensively coordinated between the applicant/project team, City staff, and the hauler Pride Disposal. See the Site Plan and Level 1 Floor Plan (Exhibit A, Sheets A1.01 and A2.01) for the location of waste and recycling rooms and pick-up. Waste and recycling rooms are located on the northwest corner of the building for access off of Hall Boulevard. Dimensions have been added to Sheet A1.01 to demonstrate adequate space for necessary containers. The rooms will be at grade for the easy maneuvering of containers. Hauler truck turnaround is accommodated on the site (Exhibit A, Sheet A1.01, and Exhibit O).

G9. *Ramps constructed in the right of way for purposes of solid waste container access shall minimize impacts to the pedestrian environment by promoting pedestrian safety and walkability, and ensure there are limited impacts to on-street parking.*	***S9.*** *Ramps constructed in the right of way to accommodate solid waste container access shall be allowed if all of the following thresholds are met:* *a. The proposed ramp is no wider than 5-feet; and* *b. The site does not have off-street parking or off-street loading facilities (whether required in BDC 60.25 Off Street Loading and 60.30 Off Street Parking, or not); and*

	c. The site does not have direct and reasonably access to an alley; and *d. The solid waste containers needed to serve the proposed developed are 1-cubic yard or larger; and* *e. There are no existing ramps or driveways with 150-feet along the same block face. For the purposes of this threshold, pedestrian ramps at cross-walks or intersections are not considered existing ramps.*

Response: There will be no ramps constructed in the right-of-way to accommodate solid waste container access. Trash rooms have been relocated to the northwest corner of the building for access off of Hall Boulevard. The rooms will be at grade for the easy maneuvering of containers. Therefore, this standard is not applicable.

70.20.05.8 Landscaping

C. Design Guideline and Standards

Table 70.20.05.8.A Design Guidelines and Standards: Landscaping	
Design Guideline	*Design Standard*
Site Landscaping	
G1. Sites shall be landscaped with live plantings to soften the edges of buildings and paved areas, add visual interest, and increase the attractiveness of the development. Landscaped areas may be at-grade or integrated with structures. and shall provide options for storm water management and/or provide shade to on-site hardscaped areas. Sites one acre and larger in particular shall ensure a balance of hardscape and landscape features where structures are not present.	*S1. Sites one acre and larger shall have landscaped areas with live plantings equal to 10 percent of the site area. Up to 50 percent of the landscaping required by this provision may be met by areas with live plantings provided to satisfy the requirements of 70.20.10.7 Usable Open Space and 70.20.10.8 Roof Elements. Landscaping with plantings that is provided to meet other requirements of this code, including, but not limited to, screening requirements, buffering requirements, parking lot island requirements, and setback design requirements, may be used to meet up to 100 percent of the landscaping required by this provision. Sites under one acre do not have minimum landscaping requirement, but must still meet all other applicable provisions of this code.*

Response: The development site is approximately 1.85 acres, generally about 80,500 square feet. Roughly 15,000 square feet of landscaping is proposed, between the VC and planters on Hall Boulevard and Westgate Drive (Level 1 Planting Plan and City of Beaverton Notes, Exhibit A, Sheet L002). Thus, proposed landscaping accounts for about 19% of the site.

Therefore, this standard is met.

G2. *Landscaped areas shall be fully planted or hardscaped to create sustainable, attractive developments that are consistent with the uses on site, prevent erosion and preserve and enhance nature. Mulch shall be used sparingly, and shall have a material and color that is appropriate for the uses on site and contributes to site aesthetics.*	***S2.*** *All site areas not planted with trees, shrubs or other vegetated landscaping and also not occupied by structures, hardscaped areas (including paved areas), and sensitive natural areas shall be planted with live ground cover plants or other plants identified 70.20.05.8.S4 Plant Specifications, subsection e-f, as well as turf grasses. Mulch, as a ground cover, shall be composed of a naturally occurring material, have a natural color, and confined to areas underneath plants and within areas expected to be underneath plants at maturity. Mulch is not a substitute for ground cover plants.*

Response: The site will be almost entirely occupied by the proposed building, hardscaped areas (including paved areas that provide walkways, stairs, ramps, porches, and entryways), and natural area (VC) as well as part of an existing shared access easement. Planting is proposed in the building setback in the limited spaces where there will not be walkways, stairs, ramps, porches, and entryways. See the Site Plan and Landscape Plan, Exhibit A, Sheets A1.01 and L001. Therefore, this guideline is met.

Establishment	
G3. Irrigation shall be provided as appropriate, based on plant species and site conditions, to ensure proper establishment of plantings in all landscaped areas.	*S3. Irrigation shall be provided to ensure plants will survive their establishment period. Applications shall provide establishment period irrigation through one of the following options or a combination of options as long as the options cover all site plantings:* *a. A permanent, in-ground irrigation system with an automatic controller.* *b. An irrigation system designed and certified by a licensed landscape architect this is part of a landscape plan that provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if a licensed landscape architect certifies that the plants chosen can survive.* *c. Irrigation by hand for a maximum of 500 square feet per site.*

Response: As detailed in the Planting Notes section of the Level 1 Planting Plan (Exhibit A, Sheet L002), “(a)ll planting areas are to be irrigated with a permanent automatic irrigation system except vegetated corridor planting areas.” Additionally, a temporary irrigation system is to be used during the 2-year establishment period. Both systems have been designed and certified by a licensed landscape architect. Therefore, this guideline is met.

Plant specifications	
G4. Standard S4 shall be met.	*S4. Unless specified elsewhere in CHAPTER 70, all landscaping shall be planted at sizes no less than the following (measures shall be taken based on the American Standard for Nursery Stock ANSI standards). In the case of a code conflict, the higher requirement shall be met.* *a. Deciduous canopy trees shall be a minimum of 2-inch caliper size, balled and burlapped; and* *b. Deciduous ornamental trees shall be a minimum of 2-inch caliper size, balled and burlapped; and*

Response: Deciduous trees proposed on-site in the Level 1 Planting Plan consist of Red Alders in the VC.[10] Five Red Alders that are 1.5-inch caliper and balled and burlapped and 68 Red Alders in 2-gallon containers and minimum 2-foot height are proposed in the VC. However, CWS standards – different than those in this standard – govern these trees. See the response to Subsection g of Standard 4 (S4) below.

G4. Standard S4 shall be met.	*c. Evergreen trees shall be a minimum of 8 feet in height, balled and burlapped; and*

Response: Evergreen trees proposed on-site in the Level 1 Planting Plan consist of Western Red Cedars in the VC. Five Western Red Cedars that are 1.5-inch caliper and balled and burlapped and 69 Western Red Cedars in 2-gallon containers and minimum 2-foot height are proposed in the VC. However, CWS standards – different than those in this standard – govern these trees. See the response to Subsection g of Standard 4 (S4) below.

G4. Standard S4 shall be met.	*d. Evergreen and deciduous shrubs shall be a minimum of 24 inches high from finished grade and a minimum of 1 gallon in size, except dwarf shrubs such as boxwood, which have no minimum size; and* *e. Ferns and perennials shall be at least 1 gallon in size; and*

Response: All proposed shrubs are a minimum of 1 gallon in size. Species proposed for Level 1 planting outside the VC are also a minimum of 24 inches in height. See the Plant Schedule in the Level 1 Planting Plan (Exhibit A, Sheet L002).[11] Therefore, this standard is met.

[10] Three species of deciduous trees are proposed as Street Trees (in the right-of-way), each at 3-inch-caliper minimums. See the Level 1 Planting Plan (Exhibit A, Sheet L002).
[11] The two species of shrubs proposed in the right-of-way will also be planted from minimum 1-gallon containers.

G4. Standard S4 shall be met.	*f. Ground-covers plants including ornamental grasses shall be at least 4-inch pot size.*

Response: Grasses proposed for the Level 1 Planting Plan will be from minimum 1-gallon or 2-gallon containers. Therefore, this standard is met.

A seed mix will be utilized in the VC where the existing building and patio will be removed in order to "achieve 100% areal coverage," as indicated in the Planting Notes of the Level 1 Planting Plan (Exhibit A, Sheet L002). Similar to responses above, CWS standards – different than those in this standard – govern plantings (including groundcover) in the VC. See the response to Subsection g of Standard 4 (S4) below.

G4. Standard S4 shall be met.	*g. Areas subject to Clean Water Services regulations including stormwater facilities, vegetated corridors, and sensitive natural areas shall be planted consistent with Clean Water Services requirements.*

Response: The VC on the site will be planted consistent with CWS standards, as stated in Note 13 in the Level 1 Planting Plan (Exhibit A, Sheet L002). The Natural Resource Assessment (Exhibit I) also addresses planting in the VC and its enhancement from "marginal" and "degraded" existing conditions to "good" condition. Therefore, this standard is met.

Plant variety and density	
G5. Site landscaping shall be planted with a variety that provides visual interest, including in color, seasonal color and scale, and shall be planted at a density that provides sufficient opportunities for shade and fully cover areas not occupied by structures, paving or hardscaped areas.	*S5. Unless specified by other requirements in this Code, landscaped areas will be planted based on the following specifications:* *a. Landscaped areas will include plants from the following categories at the specified densities:* *I. Deciduous or evergreen trees that are able to reach a height 20 feet and a canopy width of 20 feet at maturity. If 25 square feet of surface soil area is not available for each tree, or if an existing or proposed structure would prevent full canopy width growth at maturity, ornamental, dwarf, columnar and similar species are permitted as determined by the decision- making authority.* *1.Sites under one acre shall provide one tree per 1,000 square feet of site area not occupied by a structure.* *2.Sites one acre and greater shall provide one tree per 3,000 square feet of total site area.* *3.All trees planted or preserved on-site to meet any provisions of this code may count toward the density requirements of this sub-section, providing*

	that they meet the size requirements of this subsection. *II. Shrubs and perennials.* *III. Ground cover, including ornamental grasses, shall be planted at a density such that the plants will cover the entire area within two years of planting. Applicants shall provide an objective source of information about the plant's spacing requirements.* *b. Plant diversity:* *I. If more than 10 trees are provided on a site, no more than 40 percent of the trees can be of one species; and* *II. If more than 25 shrubs are provided on a site, no more than 75 percent can be of one species.*

Response: The on-site plants outside of the VC have been selected to provide color and interest throughout the year. Evergreen shrubs and groundcover will provide winter interest, and the light texture and color of the ornamental grasses will contrast and complement the dark foliage of the evergreen plants during the summer months. The groundcover will produce purple flowers during the summer as well.

Given the building will cover most of the site aside from the VC, planting is proposed in the building setback in the limited spaces where there will not be walkways, stairs, ramps, porches, and entryways. Extensive landscaping is proposed on the Level 3 outdoor amenity deck, which will be visible from certain points south of the site. See the Landscape Plan and Level 1 Planting Plan (Exhibit A, Sheets L001 and L002),

Therefore, this guideline is met.

G6. *Drought-resistant landscaping shall be incorporated where possible to reduce the need for irrigated water.*	***S6.*** *A minimum of 25 percent of landscape plantings shall be drought-resistant species.*

Response: All plantings proposed in the VC are native per CWS standards. Nassella tenuissima is proposed on-site outside of the VC and is drought-tolerant. Nassella tenuissima comprises about 34% of the on-site plantings outside of the VC. See the Level 1 Planting Plan (Exhibit A, Sheet L002). Therefore, this standard is met.

Tree planting and preservation	
G7. Existing trees on-site that provide shade or visual interest shall be preserved where possible.	*S7. Existing Surveyed Trees that are preserved in the proposal may be counted as two required site trees when calculating required trees in 70.20.05.8.S5.a.I. For Surveyed Trees to counted toward the site tree requirement, they shall be*

	confirmed as healthy as determined by a certified arborist or city arborist.

Response: All but three existing trees in the VC – two of them dead trees – will be preserved.[12] Otherwise, existing trees on the rest of the site will need to be removed given that the proposed building and hardscape will cover almost all of the site beyond the VC. Therefore, the guideline is met.

G8. *Standard S8 shall be met.*	***S8.*** *New trees shall be supported (by use of stakes, wires or similar material) for at least one year. Trees may be staked for less than one year if based on the recommendation of a certified arborist.*

Response: Note 7 on the Level 1 Planting Plan (Exhibit A, Sheet L002) establishes these timing and staking requirements. Therefore, this standard is met.

70.20.05.9 Lighting

3. Design Guideline and Standards

Table 70.20.05.9.A Design Guidelines and Standards: Lighting	
Design Guideline	*Design Standard*
G1. On-site lighting shall meet the Guidelines of Development Code Section 60.05.50.	*S1. On-site lighting shall meet the standards of Development Code Section 60.05.30.*

Response: See the responses to Lighting Design Guidelines (Section 60.05.50) below.

60.05.50. Lighting Design Guidelines.
1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standards 60.05.30.1 and 2)
Response: Almost the entire site will be built out with the proposed building, aside from the VC. The VC area, including the proposed short pathway, is intended to allow for the nocturnal habits of wildlife and is not intended to be accessed by people after dark. Thus, lighting is not proposed in this area of the site. The lighting proposed on the site is focused on lighting the exterior of the building for safety at walkways and entrances, as well as street lights for lighting and safety on the streets and

[12] Trees in the VC are addressed in more detail in responses to criteria in Section 60.60, Trees and Vegetation. Those responses include information about the proposed planting of 147 new trees in the VC.

sidewalks on both frontages. Street lights will be pole-mounted and their proposed locations are shown in the Utility Plan and Street Lighting Plans (Exhibit A, Sheet C4.0, and Exhibit L). Proposed site lighting will be non-pole-mounted on canopies, building soffits, or building walls (Exhibit A, Site Lighting Plan).

Therefore, this guideline is met.

2. Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)

Response: Pole-mounted street lights on Hall Boulevard and Westgate Drive will match existing street lights per City standards, which are used in the district and are purposely human-scale. Building-mounted lighting will consist of soffit-mounted can lights and wall-mounted sconces, which are not mounted at great heights (and, thus, are human-scaled) and complement the rhythm of the building's vertical brick piers. See the Site Lighting Plans (Exhibit A), Lighting Cut Sheets (Exhibit D), and Street Lighting Plans (Exhibit L).

Therefore, this guideline is met.

3. Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standards 60.05.30.1 and 2)

Response: No uplighting is proposed. All lighting on the building is-surface mounted and pointing down. All lighting will meet lighting level requirements for safety while not washing onto adjacent properties.

The openings in the garage have a sill height of almost 4 feet to negate vehicle light wash. All lighting in the parking structure will be oriented and pointed away from the exterior walls to negate light washing outside the building.

See the Site Lighting and Photometric Plans (Exhibit A).

Therefore, this guideline is met.

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]

Response: See the responses to the Technical Lighting Standards below.

Table 60.05-1. TECHNICAL LIGHTING STANDARDS

D. Standards. The following standards are required of all exterior lighting:

1, When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of an angle greater than ninety (90) degrees, the minimum required interior illumination, the maximum permitted illumination at the property line, and the maximum permitted height of Luminaires shall be as shown on Table 60.05-1.

2. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the minimum permitted interior illumination, the maximum permitted illumination within five (5) feet of any property line, and the maximum permitted height of Luminaires is also shown on Table 60.05-1

Table 60.05-1
Technical Lighting Standards

Zoning District Type	*Minimum Required Illumination (internal) in Foot-candles*		*Maximum Permitted Illumination (internal) in Foot-candles*		*Maximum Permitted Illumination at property line in Foot-candles*	*Maximum Permitted Height of Luminaires*
	>90	*<90*	*>90*	*<90*		
Multiple Use with residential	*1.5*	*0.7*	*None*	*None*	*0.5*	*Pole-mounted Luminaires (inclusive of above grade base and light fixture):* ● *15 feet for on-site pedestrian ways for all development types.* ● *20 feet for on-site vehicular circulation areas for residential only and multiple use with residential.* ● *15 feet for the top deck of non-covered parking structures for all development types.* *Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas:* ● *20 feet above building finished grade for residential only and multiple use with residential development.*

Response: Lighting in the structured parking will be consistent with the minimum lighting requirements in Table 60.05-1. Maximum lighting at the property line will not exceed 0.5 foot candles. See the Photometric Plan (Exhibit A).

As noted in the Lighting Plans (Exhibit A), none of the proposed building-mounted lighting will exceed 20 feet above building finished grade.

Therefore, these standards are met.

E. General Provisions. Notwithstanding any other provision of this Section to the contrary:.

1. Design Standards for Residential, Commercial, Industrial and Multiple-Use Districts:

a. No flickering or flashing lights shall be permitted.

b. No bare bulb lights shall be permitted for townhouse development and multi-dwelling development. [ORD 4822; June 2022]

c. No strobe lights shall be permitted.

d. Light sources or Luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.

3. Special Design Standard for Commercial and Multiple-Use Districts. Exterior neon lights shall only be permitted when incorporated into the architectural design of a building.

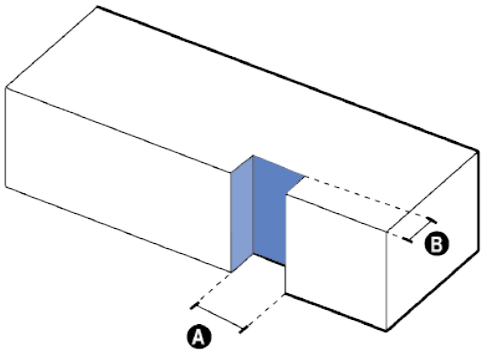
Response: No flickering, bare bulbs, flashing or strobe lights are proposed. Buffering and screening areas are not required. No exterior neon lights are proposed. Therefore, this standard is met.

70.20.10. Building Design.

70.20.10.3 Massing and Articulation

C. Design Guideline and Standards

Table 70.20.10.3A. Design Guidelines and Standards: Massing and Articulation	
Design Guideline	*Design Standard*
Break for Long Facades	
G1. Building facades longer than 200 feet facing the right of way, any internal drive or any internal accessway shall include massing breaks and/ or facade modulation to reduce the perceived length of building, reduce the bulk of the building,	*S1. All building facades longer than 200 feet facing the right of way, any internal drive or any internal accessway shall have at least one major break for every 200 feet in facade length. A major break shall be a vertical recess with a horizontal width of no less than fifteen feet and a footprint of 400 square feet. The recess shall extend from the roofline to grade or to an open space / landscaped area no greater than 5 feet above grade. If upper floors are set back a minimum of 6 feet from the primary facade plane, the major break does not have to extend through*

Table 70.20.10.3A. Design Guidelines and Standards: Massing and Articulation	
Design Guideline	*Design Standard*
provide pedestrian interest, introduce architectural variety and include high quality materials.	*those upper floors. Major breaks shall not be within 20 feet of the horizontal facade edge.* *Figure 70.20.10.3.1 Break for Long Facades* 

Response: Facades facing both Westgate Drive and Hall Boulevard are longer than 200 feet. There are no internal accessways proposed.

The Hall Boulevard façade meets the standards for a break in long facades, with a recess of approximately 45 feet in width, varying depth, a total recess area greater than 400 square feet, and not within 20 feet of the vertical edge of the building.

The Westgate Drive façade meets the standard, with a recess of approximately 39 feet, varying depth, a minimum recess area of greater than 400 square feet, and not within 20 feet of the vertical edge of the building.

See the Site Plan, Level 1 Floor Plan, Exterior Renderings, and Elevations (Exhibit A, Sheets A1.01, A2.01, A3.11, and A3.14-3.17).

Therefore, this standard is met.

Facade Modulation	
***G2.** Building facades that are taller than 30 feet, measured from grade plane to eave or top of parapet, whichever is higher, and longer than 100 feet facing the right of way, any internal drive or any internal accessway shall have facade*	***S2.** For buildings taller than 30 feet, measured from grade plane to eave or top of parapet, whichever is higher, facades greater than 100 feet facing the right of way, any internal drive or any internal accessway shall be modulated to provide visual interest and break up facade planes by using at least one of the following facade modulation elements:* *a. One or more vertical and/or horizontal recess(es) and/ or projection(s) with a minimum average depth of 12 inches that changes the primary plane of the facade for a minimum of 20 percent of the facade. Ground-floor and upper-floor step backs,*

modulations that create a distinct change in facade plane to create visual interest. Variation can be achieved through a combination of vertical shifts, horizontal shifts, upper-floor step backs, ground-floor step backs, angular shifts, exposed or emphasized structural elements, or other similar approach.	*as well as major breaks used to satisfy other Design Standards, may not be used to satisfy this requirement.* *b. A step back of upper-floor facades with a minimum depth of 6 feet from the primary plane of the facade for a minimum of 70 percent of the facade length. Buildings providing an upper-floor step back to satisfy 70.20.10.3. Design Standards S3-S9 may not use upper floor step backs to satisfy 70.20.10.3.S2.* *c. A step back of the ground-floor facade with a minimum depth of 2 feet from the primary plane of the facade for a minimum 70 percent of the length of the facade. Ground- floor step backs that exceed the maximum setback of the zone do not satisfy this standard.* *d. Angular sloped or faceted surfaces that extends at least two-thirds of the height of the facade plane along a facade with a minimum average depth of 12 inches and a maximum 40 feet in length before a shift in the plane.*

Shifting planes on the building facade provide visual interest and reduced monotony

Figure 70.20.10.3.2 Facade Modulation Diagrams

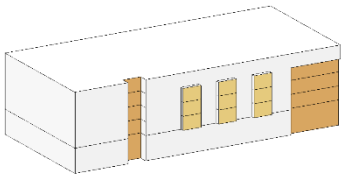
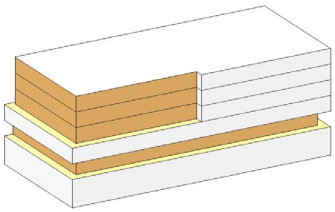
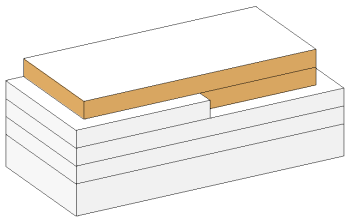
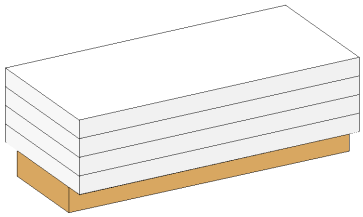
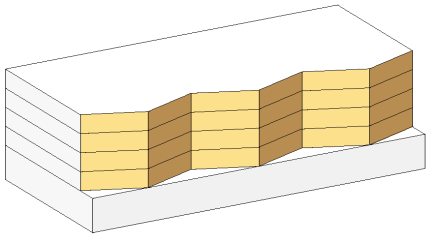
Vertical Shifts	**Horizontal Shifts**
	
Upper-floor Stepbacks	**Ground-floor Stepbacks**

Figure 70.20.10.3.2 Facade Modulation Diagrams





Angular Shifts



Facade Modulation Diagrams are illustrative only

Response: The proposed building is greater than 30 feet in height and has two facades greater than 100 feet that face right-of-way. There are no proposed internal accessways – thus, no facades face internal accessways.

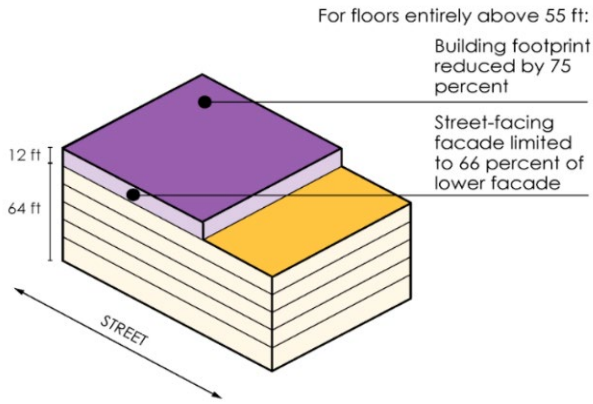
The Hall Boulevard façade incorporates horizontal and vertical shifts and projections (balconies) that are greater than 20% of the façade. See Building Elevations and Exterior Renderings (Exhibit A, Sheets A3.15and A3.11).

The Westgate Drive façade incorporates horizontal sifts and vertical projections (balconies) that are greater than 20% of the façade. See Building Elevations and Exterior Renderings (Exhibit A, Sheets A3.14, A3.11, and A3.12).

Therefore, this standard is met.

As a note, upper floor stepbacks are addressed in satisfying Standard S7 (the next standard). The vertical shifts for façade breaks are being used to meet Standard S1 (the previous standard).

Building Height and Massing (RC-MU)	
G7. In RC-MU, buildings greater than 55 feet in height shall reduce the overall scale and bulk of buildings and provide variety in	*S7. In RC-MU, buildings greater than 55 feet in height shall reduce the overall scale and bulk of buildings and provide variety in building heights by reducing mass of upper floors over certain heights by meeting the following standards:* *a. All building floors entirely above 55 feet in height shall have a floor area less than 75 percent of the average floor area of the floors below 55 feet; and.* *b. Street-facing facades of floors entirely above 55 feet that are*

building heights by reducing mass of upper floors.	*within the maximum setback shall be a maximum of 66 percent of the average facade length of the floors below 55 feet; or* *c. Floors entirely above 55 feet in height shall be stepped back by a minimum of 6 feet on the facade facing the primary frontage.* *Massing Reductions in RC-MU* *One approach to satisfying 70.20.10.3.S7* 

Response: The building will be approximately 82 feet tall. Level 7 floor level is above 55 feet (at 66 feet). As shown in Overall Project Information (Exhibit A, Sheet G0.02), Level 7 is a little less than 75% of the average of the floors below 55 feet. Level 7 is stepped back more than a minimum of 6 feet from the façade facing the primary frontage on Hall Boulevard. See Level 7 Floor Plan (Exhibit A, Sheet A.2.07). Therefore, this standard is met by satisfying Subsections a and c.

G8. *In RC-MU, buildings may exceed the 75-foot height limit, up to 120 feet, by reducing the building mass of upper floors to minimize impacts on surrounding streets and buildings, and by providing at-grade pedestrian improvements. The building mass of upper floors shall be reduced by stepping back facades, shortening facade lengths, or other methods that reduces the massing compared to lower floors which results in:* *a. Reduce the sense of enclosure for pedestrians along at least one street;* *b. Increase access to light or sky views for people on abutting streets; and* *c. Increase access to light for people inside current or future buildings across the street from the proposed development or, if the property abuts a creek, provide on-site creek access and enhancements that improve the pedestrian experience.*	***S8.*** *In RC-MU, buildings exceeding the 75-foot height limit can only respond to the G8 Guideline. There is no Design Standard.*

Response: The maximum building height is approximately 82 feet (Overall Project Information and Building Elevations, Exhibit A, Sheets G0.02 and A3.14-A3.17). The height limit is

proposed to be exceeded in order to accommodate the BFE on this site, which raises Level 1 so that it needs to be accessed by stairs and ramps. The building height is proposed to be a minimal amount more than the height limit, particularly given the flood elevation. At the same time, the upper floor (Level 7) is proposed to be stepped back, reducing massing.

Regarding at-grade pedestrian improvements and on-site creek access, the applicant has worked with its natural resource consultant Pacific Habitat Services (PHS), the City, and CWS to develop a pedestrian amenity in the Beaverton Creek VC that addresses this requirement.

A pedestrian path into the VC – one of limited length and less than 10 feet wide – has been designed and added to provide visual access to the creek. The path is shown in application exhibits including the Site Plan and Landscape Plan (Exhibit A, Sheets A1.01 and L001).

Given its dimensions and location, the path qualifies as an allowed use in the VC per CWS rules. On-site mitigation will be provided at a 1:1 ratio (roughly 475 square feet), consistent with CWS standards. This information is included in the amended CWS SPL in Exhibit H. Note: The Natural Resource Assessment (Exhibit I) is updated by reference by the amended CWS SPL.

Therefore, this guideline is met.

70.20.10.4 Facade Design

C. Design Guideline and Standards

Table 70.20.10.4.A Design Guidelines and Standards: Facade Design	
Design Guideline	*Design Standard*
General	
G1. All facades facing a public right of way, publicly accessible open space, or publicly accessible pathway shall meet all Guidelines in sections Section 70.20.10.4 Facade Design and 70.20.10.6 Active Ground Floor Design. Building facades built at shared property lines are exempt	*S1. All facades facing a public right of way, publicly accessible open space, or publicly accessible pathway shall meet all Standards in sections Section 70.20.10.4 Facade Design and 70.20.10.6 Active Ground Floor Design. Building facades built at shared property lines are exempt.*

Response: Two of the building's facades will face public right-of-way. This section and Section 70.20.10.6 apply to the building facades facing Westgate Drive and Hall Boulevard.

Facade Articulation	
G2. Building facades facing the right of way, any internal drive or any	*S2. Building facades facing the right of way, any internal drive or any internal accessway shall utilize at least one of the following facade articulation strategies to create visual interest.*

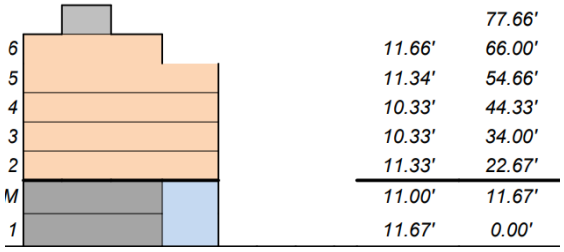
internal accessway shall be articulated using recesses, projections, balconies, or similar strategies to provide visual interest, surface relief, depth, and shadows to the facade.	*a. Recesses and/or projections that are a minimum depth of four inches that changes the primary plane the facade for a minimum of 30 percent of the facade; or* *b. Datum lines that continue the length of the facades, including one at the top of the building and, if the building has more than one story, a datum line between the first and second floor. Datum lines shall have a minimum 4 inches in depth and height or a minimum 2 inches in depth and height with a change in material. Alternative datum line locations may be approved by the decision-making authority; or* *c. Balconies projected and/or recessed, large enough to fit a 5-foot by 6-foot rectangle inside of them on every floor above the ground-floor level for at least 50% of the units or tenant spaces on that facade, or a minimum of one balcony for every 50 linear feet of building on each floor, whichever is greater. Each balcony shall have direct access via a door from at least one dwelling unit or tenant space on that floor.*

Response: The building faces Hall Boulevard and Westgate Drive. No internal drives or accessways are proposed. The facades on Hall Boulevard and Westgate Drive include a combination of recesses, projections, balconies, porches, and stepbacks that provide visual interest and breaks in surface and lighting of the facades. See the Building Renderings (Exhibit A, Sheets A3.11, and A3.12). Therefore, the guideline is met.

Defined Base and Top	
G3. *For buildings taller than 30 feet, measured from grade plane to eave or top of parapet, with ground-floor commercial uses, building facades facing the right of way, any internal drive or any internal accessway shall be designed with a top and base that establish depth and visual interest, are visually distinctive, are proportional to the scale of the building, and are integrated into the building design.* 	***S3.*** *For buildings taller than 30 feet, measured from grade plane to eave or top of parapet, with ground-floor commercial and upper-floor residential or office, building facades facing the right of way, any internal drive or any internal accessway shall be designed to have a defined base and a defined top, as described below.* *a. A building will meet the requirement of a defined base by meeting one of the following strategies:* *I. Floor-to-floor height of the ground floor is a minimum of 3 feet taller than the average of the remainder of the floor-to-floor heights.* *II. Ground-floor level is set back a minimum of 2 feet from the primary building facade for 70 percent of the street facing facade.* *III. All floors above the ground-floor level are set back a minimum of 2 feet from the ground floor level for 70 percent of the street facing facade.* *IV.A datum line that is provided between the ground floor and second floor. The datum line*

A clearly defined ground-floor "base" and corniced top (Portland, OR) ***Photo Credit: Dan Carter/DJC***	*may project or be recessed. The datum line shall be a minimum of 4 inches in depth and height. The datum line shall be a minimum of 2 inches and depth and height if the predominant exterior building material, excluding windows, changes between the first and second floor.* *b. A building will meet the requirement of a defined top by meeting one of the following strategies:* *I.A cornice that projects between 1 foot and 2 feet from the primary facade plane with a height of no less than 2 feet; or* *II. The top is set back a minimum of 2 feet from the primary building facade for 70 percent of the street- facing facade for a minimum height of 2 feet. At least 50% of the top element must be visible from a viewpoint of five feet above grade plane at a distance of 50 feet away, measured from the primary facade plane; or* *III. A change in material with a minimum height of 2 feet, located at or above the top floor; or* *IV. A sloped roof with a slope of 4:12 or greater with eaves that project at least 12 inches.*

Response: The building is taller than 30 feet and faces the rights-of-way of Hall Boulevard and Westgate Drive. A portion of the frontages have ground floor commercial space and upper floor residential. Where the ground floor is commercial, the floor height is two levels approximately 22 feet in height where the first level is 11 feet in height. The commercial frontage is represented by the blue area in the diagram below from the Overall Project Information (Exhibit A, Sheet G0.02).



The upper floor is set back a minimum of 2 feet from the primary building façade for 70% of the length along both street frontages and is clad in a primary material – metal panel – that is a change from the predominant brick cladding for both street-facing facades. This element is also brought down into the façade to provide additional scale relief. However, this element was intended primarily to meet this the guideline by providing a material change to emphasize the building top.

The building facades on both streets have a Black Break Metal Cornice along the roof line that projects 2 feet from the primary façade plane and is 1.5 feet tall, providing visual distinction and interest for the building.

See Building Renderings and Building Elevations (Exhibit A, Sheets A3.11-A3.12 and A3.14-A3.15).

Therefore, this guideline is met.

Fenestration	
G4. Windows shall be appropriately recessed or trimmed to created shadow and highlight fenestration.	*S4. All fenestration shall meet the following standards:* *a. Windows shall be recessed a minimum of 2 inches. Facades or portions of facades utilizing a curtain wall are exempt from this standard.*

Response: All windows are proposed to be recessed 2 inches with the exception of the commercial storefronts that have a curtain wall. See Building Elevations (Exhibit A, Sheets A3.14 to A3.17). Therefore, this standard is met.

G4. Windows shall be appropriately recessed or trimmed to created shadow and highlight fenestration.	*b. Windows that are flat or "flush" with the facade are prohibited unless applied to a portion of a building that is part of a recessed facade modulation with a minimum 4 inches in depth. Facades or portions of facades utilizing curtain walls are exempt from this standard.*

Response: No windows that are flat or "flush" with the façade are proposed. Windows have a metal flashing sill that extends 2 feet beyond the siding. See Building Elevations (Exhibit A, Sheets A3.14 to A3.17). Therefore, this standard is met.

G5. *Facades visible from a right of way, primary internal drive, or primary accessway shall provide adequate levels of clear glazing to ensure articulation on the facade, daylighting of interior spaces, and visibility into the street. Street-level glazing shall be inviting and enhance the pedestrian experience. Buildings abutting pedestrian walkways shall provide views of the walkway to promote pedestrian safety. Building facades built at shared property lines are exempt.*	***S5.*** *Facades visible from a public street or primary internal drive shall meet the minimum glazing requirements below. Building facades built at shared property lines are exempt.* *a. Non-residential uses:* *I. Ground-floor: Unless another standard requires greater glazing, a minimum of 40% of the ground- floor facade shall be glazed; and* *II. Upper-floors: Unless another standard requires greater glazing, minimum of 25% of the upper-floor facade area shall be glazed, excluding roof shapes and a parapets.* *b. Residential uses:* *I. Unless another standard requires greater glazing, a minimum of 25% of the ground floor facade and 25% of the total facade shall be glazed, excluding roof shapes and parapets.*

Response: The building faces the rights-of-way of Hall Boulevard and Westgate Drive. As can be seen in the Building Renderings and Elevations (Exhibit A, Sheets A3.11, A3.14, and A3.15), the ground floor on both streets is heavily glazed, particularly at the corner. Therefore, this guideline is met.

G6. *Facades not visible from a street or internal drive or internal accessway shall provide sufficient transparency to ensure daylighting of interior spaces and visual interest on the facade, but may provide lower levels of transparency than street-facing facades.*	***S6.*** *For all facades not visible from a public street or primary internal drive, a minimum of 20% of the total facade area shall be glazed. Building facades built at shared property lines are exempt.*

Response: The façades not visible from the right-of-way are on the west and south sides of the building. As can be seen in the Building Renderings and Elevations (Exhibit A, Sheets A3.12, A3.16, and A3.17), those facades will also have a high level of glazing, providing daylight and visual interest. Therefore, this guideline is met.

G7. *Buildings abutting pedestrian walkways shall provide views of the walkway to promote pedestrian safety.*	***S7.*** *Unless another standard requires greater glazing, facades within 15 feet of an on-site pedestrian connection shall a minimum of 20% of the ground floor facade and 20% of the total facade area shall be glazed, excluding roof shapes and parapets.*

Response: On-site pedestrian connections consist of short walkways and entryways into the residential and commercial uses on Hall Boulevard and Westgate Drive. These walkways will feature a high level of glazing described above in response to Guideline 6 (G6). Therefore, this guideline is met.

G8. *Window treatments shall be incorporated to reduce the likelihood of bird collisions.*	***S8.*** *Windows up to 60 feet above the ground floor shall be treated with one of the following bird-safe design techniques:* *a. Fritted glass* *b. Etched glass* *c. UV coated glass* *d. Permanent stencil or frosting* *e. Exterior apparatus*

Response: The proposed development's windows will use UV-coated glass. Therefore, this standard is met.

Building Entries

G9. Primary building entries shall be placed in a prominent location toward a public street or other pedestrian way.	*S9. Buildings entries shall be provided as follows:* *a. At least one primary building entrance shall face the primary frontage. Primary frontage is determined by the following hierarchy using Figure 70.15.15.1 Street Typology, with the streets listed first being higher priority than the streets listed after:* *I. Loop Street* *II. Commercial Street* *III. Connector Street* *IV. Major Street* *V. Local Street* *If all abutting streets are of the same typology, the primary street may be determined by the applicant.*

Response: Both Hall Boulevard and Westgate Drive are Connector Streets. Hall Boulevard will be the primary street, as determined by the applicant. The Hall Boulevard building facade includes the primary residential entrance (to the lobby) and the commercial entrances. See the Site Plan (Exhibit A, Sheet A1.01). Therefore, this standard is met.

***G10.** Building entries shall be easily identifiable, scaled proportionally to the number of people served (amount of floor-area or number of units accessed), and integrated into the overall facade composition.*	***S10.** Primary building entrances shall be at or above the back of sidewalk grade. Building entries shall be located on a public right of way, open space, internal drive, or internal accessway. Building entries inclusive of doorway, framing, and accompanying fenestration shall meet the following minimum dimensions:* *a. Individual residential entries: 5 feet in width* *b. Shared residential entries: 10 feet in width* *c. Individual non-residential entries serving tenants spaces less than 5,000 square feet: 6 feet in width* *d. Shared non-residential entries and Individual non-residential entries serving tenants spaces greater than 5,000 square feet: 20 feet in width*

Response: The primary shared residential entry (lobby) is proposed on Hall Boulevard. The entrance is above the sidewalk grade. The entry is approximately 6 feet in width. This width reflects that this entry is one of two shared residential entries on the Hall Boulevard and Westgate Drive frontages; and the ramping needed to make this entrance ADA-accessible given the ground floor's required height above the BFE.

Individual non-residential entries – for the proposed commercial space under 5,000 square feet – are located on Hall Boulevard. They measure approximately 12 feet in width each.

See the Site Plan and Level 1 Floor Plan (Exhibit A, Sheets A1.01 and A2.1). Therefore, this guideline is met.

Blank Walls	
G11. Where ground floor facades have gaps between doors and/ or windows greater than 40 feet in horizontal length, articulation methods shall be included to enhance the blank wall, including trellises, landscape screening, living green walls, decorative tile work, metal work, wood work, or concrete work, or other similar methods as approved by the decision- making authority. Building facades built at shared property lines are exempt.	*S11. Where ground floor facades have gaps between doors and/or windows greater than 40 feet in horizontal length, a minimum of one of the following shall be incorporated throughout the length of the blank wall. Building facades built at shared property lines are exempt from this standard.* *a. A trellis or trellises that covers the blank wall with vines planted that will grow vertically of sufficient density, height and width so that they provide coverage of 40 percent of the blank wall within two years. The plantings shall be at least 4 feet tall or cover at least 50 percent of each trellis at time of planting.* *b. Landscape screening incorporating the following:* *I. Ornamental or other short trees every 10 feet along the blank wall section.* *II. Evergreen shrubs planted 3 feet on center between the trees with a minimum of 2 feet in height at time of planting.* *This option shall only be available if there is 4 feet of space to plant the trees between the building facade and the sidewalk or other hardscaped area or sufficient width as determined by a licensed landscape architect to ensure that the plantings will not encroach into the abutting pedestrian walkways.* *c. Decorative tile work, composed of ceramic, stone, or similar material that covers at least 40 percent of the blank wall of the ground floor story.* *d. Decorative metal work or metal panels that covers at least 40 percent of the blank wall of the ground floor story.* *e. Decorative brickwork that projects or is recessed at least one inch, which covers at least 25 percent of the blank wall of the ground floor story.* *f. A green living wall that covers 40 percent of the blank wall of the ground floor story. The green living wall shall be fully planted at construction.*

Response: There are two limited sections of blank wall on the south façade (southwest corner) and west façade (northwest corner) of the building (Building Elevations, Exhibit A,

Sheets A3.15-A3.17). Metal trellis at vertical piers for vines to grow are proposed on these sections of wall. Therefore, this guideline is met.

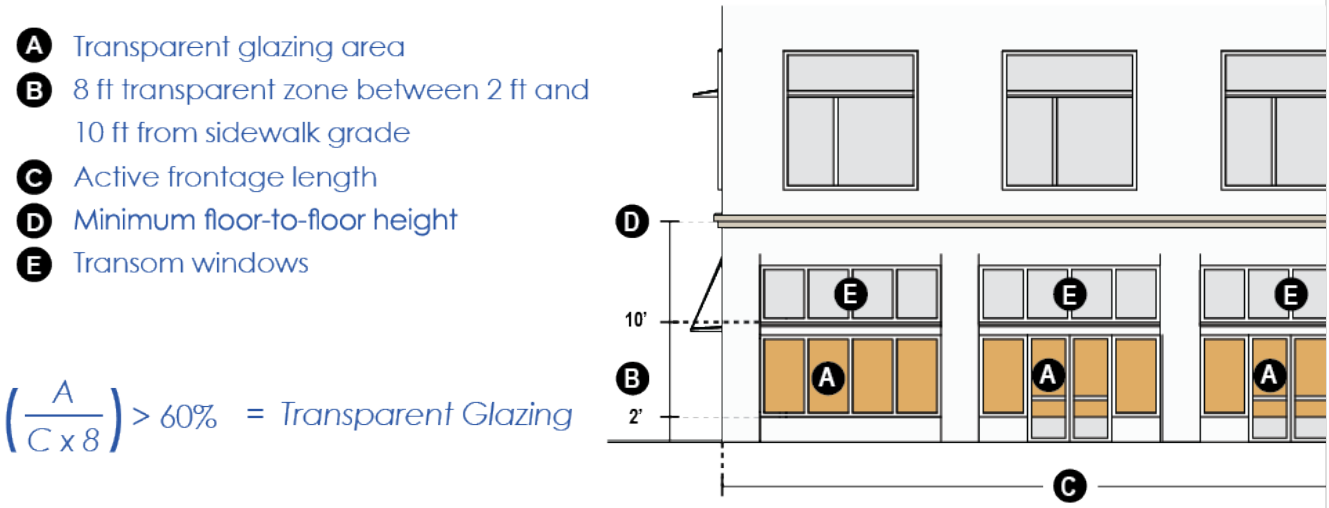
70.20.10.6 Active Ground Floor Design

C. Design Guideline and Standards

Table 70.20.10.6.A Design Guidelines and Standards: Active Ground Floor Design	
Design Guideline	*Design Standard*
Non-Residential Active Ground Floor Design	
G1. Buildings subject to the Active Ground-floor Design rules as identified in Figure 70.20.10.6.1 Active Frontages Map shall be designed to create an interesting and inviting environment for people. *a. Floor heights shall be adequate to accommodate multiple allowed non-residential uses* *b. Window transparency shall be adequate to create visibility between the building and publicly accessible paths, streets and open spaces.* *c. Ground-floor designs shall provide clear and comfortable entrances for pedestrians.* *. d. Ground-floor designs shall incorporate elements to avoid large blank wall areas, such as incorporating vegetation, trellis structures, artwork, architectural detailing, reveals, contrasting materials or other elements to provide visual interest. The elements shall be used in a manner consistent with the building's design and other facade composition elements.* *e. Awnings shall be integrated into the building design and provide regularly spaced shade and weather protection*	*S1. Buildings subject to the Active Ground-floor Design rules as identified in Figure 70.20.10.6.1 Active Frontages Map shall be designed to activate the public realm, create interesting and inviting ground-floor spaces, increase transparency into ground-floor spaces, and provide weather protection for ground-floor entrances, and shall meet the following requirements:* *a. Floor Height: The minimum floor-to-floor height of the ground floor shall be 16 feet.* *b. Transparency: Active frontage areas shall include a minimum 60 percent transparent glazing between 2 and 10 feet in height from sidewalk or terrace grade, providing unobstructed views into the commercial space. Transparent glazing shall have minimum Visible Transmittance (VT) value of 0.60. A lighted display zone 4 feet in depth from the windows may qualify as unobstructed views into the commercial space for up to 50 percent of the combined storefront window width on each storefront on primary frontages and on the entirety of secondary frontages.* *c. Entrances: Primary ground-floor entrances serving active uses shall include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning or other projecting element, or using a combination of those methods.* *d. Blank Walls: Walls without fenestration or doors shall not exceed 15 feet in length.* *e. Awnings, canopies and weather protection, where provided:* *I. When transom windows are above display*

Table 70.20.10.6.A Design Guidelines and Standards: Active Ground Floor Design	
Design Guideline	*Design Standard*
	windows, awnings, canopies and similar weather protection elements shall be installed between transom windows and display windows to allow for light to enter the storefront through the transom windows and allow the weather protection feature to shade the display window. *II. Awnings may be fixed or retractable.*

Figure 70.20.10.6.1 Active ground floor design



Response: The site is not identified in Figure 70.20.10.6.1 (Active Frontages Map); however, pursuant to Section 70.20.10.4.G1 earlier in this narrative, all facades facing public rights-of-way in the Downtown Design District shall meet guidelines in this section.

- Floor height – As shown in the Overall Project Information, Building Renderings, and Building Elevations (Exhibit A, Sheets G0.03, A3.11, and A3.15), the extended floor height will be able to accommodate commercial uses on the ground floor of the building.

- Window transparency – As noted above in responses to glazing criteria in Section 70.20.10.4, Guidelines 5 through 7 (G5 through G7), there is extensive glazing on all sides of the building, particularly the Hall Boulevard and Westgate Drive frontages.

- Ground floor entrances – Stairs and ramps on the Hall Boulevard frontage will provide clear and comfortable access to the primary residential and commercial entrances on this frontage. Simple short walkways/entryways will provide clear and comfortable access to secondary residential entrances (including the garage) on the Westgate Drive frontage. See the Site Plan (Exhibit A, Sheet A1.01).

- Ground floor walls – Glazing, building articulation, patios and porches, entryways, and plantings prevent large blank wall areas on the Hall Boulevard and Westgate Drive

frontages. See the Building Renderings and Site Plan (Exhibit A, Sheets A3.11, A3.12, and A1.01).

- Awnings – Canopies will be provided over the commercial and residential entrances on Hall Boulevard. The secondary residential entrance and ground floor residential patios on Westgate Drive will receive some protection from the projection of Levels 3 through 6. See the Building Renderings (Exhibit A, Sheets A3.11-A3.12).

Therefore, this guideline is met.

Active Ground-floor Residential Design	
G2. Buildings subject to the Active Ground-floor Use rules as identified in Figure 70.20.10.6.2 Active Frontages Map with ground floor residential uses shall enhance the pedestrian experience; give individual identity to ground-floor units; define the transition between public and private space; provide spaces for people to gather and spend time outdoors; and provide adequate level of resident privacy.	*S2. Ground floor residential units subject to the Active Ground- floor Use rules as identified in Figure 70.20.10.6.2 Active Frontages Map shall be designed to provide an adequate level of privacy to the unit while providing pedestrian interest and the opportunity for interaction between the public and private realms by complying with the following requirements:* *a. Ground-floor units, shall provide one of the Active Ground Floor Residential Unit Entry Types consistent with Section 70.20.10.6.S3.* *b. Ground floor height shall be a maximum four feet floor height above sidewalk grade.* *c. The ground floor shall have a minimum floor-to-floor height of 12 feet.*

Response: As shown in the Site Plan, Building Renderings, and Landscape Plan (Exhibit A, Sheets A1.01, A3.11, and L001), ground floor residential uses on Westgate Drive will have defined patio areas punctuated in a few places along that frontage by planters. Therefore, this guideline is met.

70.20.10.7 Usable Open Space

C. Design Guideline and Standards

Table 70.20.10.7.A Design Guidelines and Standards: Usable Open Space	
Design Guideline	*Design Standard*
Usable Open Space	
G3. Mixed use buildings that contain residential uses shall provide tenants and residents access to high-quality, usable open spaces	*S3. Mixed-use buildings that contain residential uses shall provide a minimum area of Usable Open Space equal to 10 percent of parcel area or 48 square feet per residential unit,*

Table 70.20.10.7.A Design Guidelines and Standards: Usable Open Space	
Design Guideline	*Design Standard*
that provides areas to gather, and may include a combination of PAOS, Shared Open Spaces, Private Open Spaces, and Common Community Room.	*whichever is greater. The minimum Usable Open Space area shall be met by complying with one of the following:* *a. Publicly Accessible Open Spaces (PAOS). Each square foot of a PAOS counts as 1.33 square per toward the total requirement; or* *b. Shared Open Space; or* *c. Common Community Room that abuts and is accessible from a Shared Open Space, PAOS, or public street (a Common Community Room cannot be counted for more than 20 percent of the required Usable Open Space); or* *d. Private Open Space; or* *e. Some combination of a through d.*

Response: Pursuant to this standard, 11,904 square feet of open space is required (48 square feet x 248 units). Calculating the requirement by 10% of site size would yield a requirement 7,845 square feet of open space, less than the per unit calculation. A total of 22,143 square feet of outdoor open space is proposed (Overall Project Information, Exhibit A, Sheet G0.02). In addition to private open space (balconies) proposed for several units, the amenity deck on Level 3 will provide roughly 17,800 square feet of shared open space. The amenity deck is being used to address shared open space requirements in the narrative below. Therefore, this standard is met.

Publicly Accessible Open Spaces (PAOS)	
G4. Publicly Accessible Open Spaces (PAOS) shall be designed to create usable open space for public use. PAOS may include pedestrian paths, pedestrian refuge area, landscaped gardens, places to rest and relax, places to play, and places to gather and socialize.	*S4. Publicly Accessible Open Spaces (PAOS) shall be designed to create usable open space for public use. PAOS shall:* *a. Be large enough to fit a 20-foot by 20-foot square inside of it; and*

Response: The proposed development will not include publicly accessible open space (PAOS). Therefore, this guideline and standard are not applicable.

***G5.** Shared Open Spaces shall be open to the sky and be designed to be usable for tenants for a variety of communal activities and uses. Shared Open Spaces may include pedestrian paths, landscaped gardens, places to rest and relax, places to*	*S5. Shared Open Spaces, such as courtyards, rooftop open spaces, terraces and frontage Courts, shall:* *a. Be large enough to fit a 20-foot by 20-foot square inside of it if enclosed on three sides or fewer and be large enough to fit a 40-foot*

play, and places to gather and socialize. Shared Open Spaces shall be open to the sky and be designed to be usable for residents for a variety of communal activities and uses. Shared Open Spaces may include pedestrian paths, landscaped gardens, places to rest and relax, places to play, and places to gather and socialize.	*by 40-foot square inside of it if enclosed on four sides. If enclosed on all four sides, the space does not qualify as a Shared Open Space if all walls bordering the open space have a building height more than 1.5 times the Shared Open Space perpendicular to that wall; and* *b. Provide at least 60 percent of the total Shared Open Space area as open to the sky free of permanent weather protection; and* *c. Include at least one bench or ledge at seating height per 200 square feet that can seat two people side by side; and* *d. Include landscaping on at least 20 percent of its area. Spaces at grade that are 500 square feet or larger shall provide one tree per 500 square feet of open space.*

Response: See the Level 3 Floor Plan, Landscape Plan, and Overall Project Information (Exhibit A, Sheets A2.03, L001, and G0.02). The shared open space will consist primarily of the amenity deck on Level 3. It is enclosed on three sides and has dimensions significantly larger than a 20-foot by 20-foot square. The amenity deck total will be approximately 17,794 square feet.

The primary shared open space, the amenity deck on Level 3, is open to the sky and free of permanent weather protection for greater than 60% of its area. Covered amenities are proposed that are roughly 1,000 square feet.

The design of the amenity deck provides a large number of seating options including log seating elements, small seating areas, natural seating elements, raised spas, tables and chairs, and lounge chairs. As shown in the plans, the amenity deck further includes paths, landscaping, game areas, and general space for relaxing and gathering.

Therefore, this guideline is met.

Common Community Room	
G6. Common Community Rooms shall be easily accessible by building occupants and designed to serve as gathering places and accessory spaces to Shared Open Spaces or PAOS. Common Community Rooms may include lounges, fitness rooms, shared kitchens, dining areas, co-working spaces, game rooms, or	*S6. Common Community Rooms shall be accessible to building occupants and designed to serve as gathering places. Common Community Rooms may include lounges, fitness rooms, shared kitchens, dining areas, co-working spaces, game rooms, or other spaces that provide opportunities for shared experiences. Common Community Rooms shall meet the following standards:*

other spaces that provide opportunities for shared experiences.	*a. Common Community Rooms shall be large enough so a 15-foot by 15-foot square will fit inside it; and* *b. The Common Community Room shall have a minimum floor-to-floor height of 12 feet; and* *c. The Common Community Room shall have one wall along an exterior facade of the building and shall have 30% glazing measured from the interior: or* *d. Common Community Rooms shall have direct access to a shared open space or PAOS.*

Response: Although provided as a building on the amenity deck, Common Community Rooms are not being used to meet the open space requirement. Therefore, this criteria guideline and standard are not applicable.

Private Open Spaces	
G7. Private Open Spaces shall be designed to create usable outdoor space for residents to spend time outdoors.	*S7. Private Open Spaces shall meet the following design standards:* *a. Shall be attached to and directly accessible from an individual residential unit; and* *b. Shall be large enough to fit a 5-foot by 6-foot rectangle inside of it; and* *c. Shall be screened a minimum 50% from abutting units to provide privacy; and* *d. Shall have a minimum clear height dimension of 8 feet 6 inches.*

Response: Although provided as balconies for several units, Private Open Spaces are not being used to meet the open space requirement. Therefore, this guideline and standard are not applicable.

70.20.10.8 Roof Elements

C. Design Guideline and Standards

Table 70.20.10.8.A Design Guidelines and Standards: Roof Elements	
Design Guideline	*Design Standard*
Rooftop Equipment and Screening	

Table 70.20.10.8.A Design Guidelines and Standards: Roof Elements	
Design Guideline	*Design Standard*
G1. Roofs on new buildings larger than 20,000 square feet in total floor area shall include sustainability features while allowing other rooftop uses essential to the building function and tenant needs.	*S1. On new buildings larger than 20,000 square feet of total floor area, roof areas with less than or equal to a 2:12 slope shall incorporate at least one of the following:* *a. A roofing material with a Solar Reflectance Index of 78 or higher on 90 percent of the roof, except for space dedicated to mechanical systems, vents, elevator enclosures, Eco-Roof, solar energy systems, skylights, tenant amenity areas (such as patios or recreational activity areas).* *b. An Eco-Roof or Rooftop Garden surface comprising a minimum of 30 percent of the total roof area.* *c. Solar energy panels comprising an area equivalent to a minimum of 30 percent of the total roof area.* *d. A system that collects rainwater for reuse from a minimum of 50 percent of the total roof area.*
Rooftop Garden Example (Portland, OR) *Rooftop gardens can reduce the urban heat island effect and detain storm water runoff.* © City of Portland, courtesy Bureau of Environmental Services 	

Response: As noted on the Roof Plan (Exhibit A, Sheet A2.08), a roofing material with a solar reflectance index of 78 or higher will be used on the building's roof. Therefore, this standard is met.

G2. Views of roof-mounted mechanical, electrical and communications equipment, except wireless communications facilities, and components shall be located and screened to minimize views from public	*S2. Rooftop mechanical, electrical and communications equipment and components shall be screened and/or located so it is not visible from the ground-level public rights of way that are within 100 feet of the site.* *a. Screening shall be made of a primary exterior finish material allowed in Section 70.20.10.10 and used on other portions of the building; architectural grade wood or masonry; or metal.*

rights of way near the building.	*b. Other rooftop elements, including solar panels, wind generators, roof access and elevator or green roof features are exempt from rooftop screening requirements.* *c. Roof access, weather protection for rooftop open spaces, and elevator equipment shall not exceed 16 feet in height above the roof structure.* *d. Wireless telecommunications facilities are exempt from this standard and shall meet applicable requirements of Section 60.70: Wireless Communications*

Response: Lines of visibility for a person standing 100 feet from the building are shown in the Building Sections (Exhibit A, Sheets A4.01-A4.02). They demonstrate that rooftop mechanical will not be visible and, thus, does not need to be screened. Therefore, this standard is met.

70.20.10.9 Structured Parking

C. Design Guideline and Standards

Table 70.20.10.9 Design Guidelines and Standards: Structured Parking	
Design Guideline	*Design Standard*
Structured Parking	
G1. Structured parking facing rights of way and multi-use paths way are discouraged. Below grade and structured parking spaces above ground level are encouraged. Parking facilities shall be placed toward the rear or interior of the property. Where structured parking is located adjacent to street, the street facing facades shall provide ground-floor active uses, whether residential or commercial, especially at corners, or be sufficiently screened to minimize visual impacts to pedestrians.	*S1. The location of structured parking shall be limited to the following:* *a. Parking structures subject to the Active Ground-floor Design rules as identified in Figure 70.20.10.6.1 Active Frontages Map shall…* *b. On other streets, structured parking shall:* *I. Provide ground-floor facades on the street facing elevations that comply with the provisions of 70.20.10.6 Active Ground Floor Design for at least 50% of the width of the facade; or* *II. Provide a building a minimum 5-foot building setback from all street-facing property lines and provide the following landscaping within that setback:* *1.One 1.5-inch caliper tree for every 15 linear feet from the Beaverton's approved street tree list, with trees of different sizes being acceptable; and* *2.Evergreen shrubs a maximum of 30 inches high from finished grade and a minimum 1 gallon in size planted next to each other to form a screen.*

Table 70.20.10.9 Design Guidelines and Standards: Structured Parking	
Design Guideline	*Design Standard*
	Additional shrubs in excess of those necessary to form a screen are allowed; and *3.Ground cover plants shall fully cover the remainder of the landscaped areas.*

Response: Figure 70.20.10.6.1 does not designate this site as an Active Ground Floor Design site. The structured parking is not located adjacent to the street and does not face rights-of-way or muti-use paths. The parking is located at the rear and interior of the property on Levels 1 and 2 of the building. The parking is entirely enclosed. See the Site Plan, Level 1 and 2 Floor Plans, and Building Renderings (Exhibit A, A1.01, A2.01-A2.02, and A3.11-A3.12). Therefore, this guideline and standard are not applicable.

G2. Parking structures shall be designed to minimize light trespass from vehicle headlights and interior lighting when viewed from public rights-of- way and adjacent buildings.	*S2. Screening shall be designed to minimize light trespass on adjacent public rights-of-way and buildings:* *a. Solid screening and/or building walls shall extend a minimum 3 feet from top of parking slab so vehicle headlights do not trespass beyond the building facade.* *b. Interior building lighting shall be screened and directed away from exterior walls to reduce light trespass and glare.*

Response: Where the parking areas abut adjacent properties a CMU screening wall greater than 3 feet in height is provided. Openings that are 4 feet in height are provided in the CMU wall. The wall is designed to screen interior building lights from the roof of the garage and reduce light trespass and glare. See Building Elevations (Exhibit A, Sheets A3.14-A3.16). Therefore, this standard is met.

70.20.10.10 Materials

C. Design Guideline and Standards

Table 70.20.10.10.A Design Guidelines and Standards: Materials	
Design Guideline	*Design Standard*
G1. Refer to Table 70.20.10.10.B Materials: *a. The predominant building material(s) shall be high quality, durable, and attractive.* *b. The predominant building material(s) may be complemented with other secondary*	*S1. Refer to Table 70.20.10.10.B Materials:* *a. Buildings shall utilize primary materials for no less than 65 percent of each building facade.*

Table 70.20.10.10.A Design Guidelines and Standards: Materials	
Design Guideline	*Design Standard*
materials that may not be appropriate on large areas of the facade. *c. Accent materials that would generally not be acceptable on large areas of the facade may be used in limited areas of the facade to highlight architectural features.*	

Response: Primary building materials are proposed to consist of brick, metal panel, concrete, and stucco, shown in the Exterior Materials Plan and the Building Elevations Materials Plan (Exhibit A, Sheets A3.18-A3.19). They will comprise from roughly 69% to 100% of each building façade. Therefore, this standard is met.

G1. Refer to Table 70.20.10.10.B Materials: *a. The predominant building material(s) shall be high quality, durable, and attractive.* *b. The predominant building material(s) may be complemented with other secondary materials that may not be appropriate on large areas of the facade.* *c. Accent materials that would generally not be acceptable on large areas of the facade may be used in limited areas of the facade to highlight architectural features.*	*b. Secondary materials are prohibited as primary cladding on building facades and shall not be allowed on more than 35 percent of each building facade.*

Response: Proposed secondary materials consist of split-face CMU and are not being used as primary cladding on facades. Building façades will feature roughly 14% secondary materials overall. The north and east elevations – the Hall Boulevard and Westgate Drive frontages – will include 0-6% of the secondary material and the west and south elevations will include about 29%, all less than the 35% maximum. See Building Elevations, Exterior Materials, and Building Elevations Materials (Exhibit A, Sheets A3.15-A3.19). Therefore, this standard is met.

G1. Refer to Table 70.20.10.10.B Materials: *a. The predominant building material(s) shall be high quality, durable, and attractive.* *b. The predominant building material(s) may be complemented with other secondary materials that may not be appropriate on large areas of the facade.*	*c. Accent materials are permitted on no greater than 5 percent of each facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).*

c. Accent materials that would generally not be acceptable on large areas of the facade may be used in limited areas of the facade to highlight architectural features.	

Response: Accent materials, mainly trellises, are not used on the north and east elevations and not more than 3% is proposed on the south and west elevations. See the Building Elevations Materials (Exhibit A, Sheet A3.19). Therefore, this standard is met.

G2. Standard S2 shall be met.	*S2. Materials identified as prohibited in Table 70.20.10.10.B*	
Table 70.20.10.10.B Materials	*P = Primary material S = Secondary Material A = Accent Material N = Prohibited Material or Fencing Type*	
Material	*Commercial, Industrial, Institutional, or Mixed-Use*	*Multi-Dwelling and Middle Housing*
Brick (full dimensional)	*P*	*P*
Stone/masonry	*P*	*P*
Stucco	*S[1]*	*P*
Glass (transparent, spandrel)	*P*	*P*
Finished wood, wood veneers, and wood siding	*P*	*P*
Factory or naturally finished flat, profiled, fluted, or ribbed metal panels	*P*	*P*
Fiber reinforced cement siding and panels	*S[1]*	*P*
Concrete blocks with integral color (ground, polished, or glazed finishes)	*S[1]*	*S[1]*
Concrete (poured in place or precast)	*P*	*P*
Concrete blocks with integral color (split face finish)	*S[1]*	*S[1]*
Ceramic tile	*S[1]*	*S[1]*
Standing seam metal	*S[1]*	*S[1]*
Other material as approved by the Planning Commission	*P/S*	*P/S*

Glass block	*A*	*A*
Corrugated metal	*A*	*A*
Vegetated wall panels or trellises	*A*	*A*
Vinyl siding	*N*	*N*
T-111 Plywood	*N*	*N*
Exterior Insulation Finishing System (EIFS)	*N*	*N*
Plastic or vinyl fencing	*N*	*N*
Chain link fencing[2]	*N*	*N*

[ORD 4822; June 2022]

[1] Smaller scale buildings may use this as a primary material. See 70.20.10.10.S1.d

[2] Existing chain link fencing may be replaced on sites 10,000 square feet and smaller

Response: Prohibited materials are not proposed. Proposed primary, secondary, and accent materials (Exterior Materials and Building Elevations Materials, Exhibit A, Sheet A3.18 and A3.19) addressed in the previous responses are all permitted for mixed uses per Table 70.20.10.10.B above. Therefore, this standard is met.