

**Received
Planning Division
04/22/2020**

**MEMORANDUM
RE: ADDITIONAL DOCUMENTATION**

DATE: April 22, 2020

ORIGINAL HEARING DATE: April 15, 2020

RESCHEDULED HEARING DATE: April 29, 2020

FROM: Kainui Investments LLC (Owner) and Greg Kurahashi (Applicant)

PROPOSAL: Hawaii Kai Multi-Family
CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001

LOCATION: 4500 and 4550 SW 96th Avenue.

The Property Line Adjustment includes 4560 SW 96th Avenue; Tax Lots 1602, 1600 and 1501 of Washington County Assessor's Map 1S114BA.

Applicant hereby submits the following additional documentation and information with regard to the above referenced Applications. The documentation is intended to supplement and clarify it's prior submittals. In this regard, Applicant has directed it's focus on all items listed as not approved on Staff's April 8, 2020 Staff Report and supplemental April 15, 2020 supplemental Staff Memorandum.

The following documents are submitted through the Box Submittal System:

Revised Horizontal Plans:

1. Revised Site Plan.
2. Revised Utility Plan.
3. Revised Grading Plan
4. Revised Tree Preservation Plan
5. Revised Landscape Plan
6. Revised Planning Info Sheet
7. Revised Existing Conditions Plan

Revised Vertical Plans:

1. Revised Modular Building Elevations
2. Revised Modular Materials Board

Revised Narratives:

1. Chapter 20
2. Chapter 40
3. Chapter 60
4. Design Review

Staff Report Responses:

1. April 8, 2020 Staff Report and April 15, 2020 Staff Memo, combined, with Responses

Other:

1. Revised Trash Enclosure Drawings
2. Pecil Point Juniper Photo

Note that all changes in narratives are marked **RESPONSE: Followed by the response in blue.**

In addition, we have responded to each objection or non-approved designation made in the Staff Report of April 8, 2020 and supplemental April 15, 2020 Staff Memorandum. Said response is made by merging both documents and inserting our **RESPONSE: Followed by the response in blue.** All items that are listed in the Staff Report/Memorandum as Approved, Approved with Conditions or Not-Applicable are left as-is.

The focus of these additional documents, other than to clarify and make consistent where needed and make the horizontal plans more readable, is to respond to specific items that are listed in the Staff Report/Memo as non-approved. Those items approved, approved with conditions or not applicable are not the focus of the additional documents.

Accordingly, the following non-approved items as set forth in the April 8 Staff Report and supplemental April 15 Staff Memorandum are specifically addressed in the additional documents:

Facilities Review:

- Item C. Previously resolved as indicated in the April 15 Staff Memo. See Response to Staff Report/Memo with Applicant's Response.
- Item D. Turn-around ratio from parking spot. See Site Plan, Narrative and Response to Staff Report/Memo in appropriate location.
- Item J. Grading Plan. See revised Grading Plan, Narrative and Staff Report/Memo with Applicant's Response.
- Item L. Incomplete submission, inconsistent submission, etc. See this entire submittal.

Conditional Use:

- Paragraph 3. Comp Plan. See Staff Report/Memo with Applicant's Response at applicable section.
- Paragraph 6. Docs and Application not meeting standards. See full submittal with all info. Findings: See responses to all issues.

Design Review Three Findings:

Standards Not Met:

40.03.1A-L. See Facilities Review Response above.

Paragraph 6:

60.05.15.3 Weather Protection. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.

60.05.15.20.2 A-D. Screening. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.

60.05.20.3 F. Minimum Paving Width. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.

60.05.25.3 A. Landscape Area. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.

- 60.05.25.3 B. Active Open Space. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.
- 60.05.25.4 J. Alternative Active Features. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.
- 60.05.25.10. Grading. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.
- 60.05.25.13. Landscape Buffer Width. See applicable Section and Chart in Staff Report/Memo with Applicant's Response.

Guidelines Requested But Not Met:

- 60.05.35.1 B. Visual Interest. See applicable Section in Staff Report/Memo with Applicant's Response.
- 60.05.35.1.C. Vertical Elements. See applicable Section in Staff Report/Memo with Applicant's Response.
- 60.05.35.1.D. Pedestrian Scale and Orientation. See applicable Section in Staff Report/Memo with Applicant' Response.
- 60.05.35.1.E. Architectural Features. See applicable Section in Staff Report/Memo with Applicant' Response.
- 60.05.45.7 A. Fences – Durable Materials. See applicable Section in Staff Report/Memo with Applicant' Response.

Tree Plan:

Paragraph 11: Same issues as raised in Facilities Review concerns about Paragraph J.
See response to Facilities Review J.

It is our sincere belief and hope that the submitted Additional Documents meet all the requirements and issues raised in a coherent and consistent matter. We apologize again for the prior presentation being incomplete and the plans being difficult to read. With the Additional Documents, we believe the Application to be fully complete, consistent, clear and easy to review.

Finally, in regard to the question raised at the April 15 Hearing about permitting of the vertical modular building component of the project, we would like to explain the process as we see it. First, the vertical plans for the buildings/structures themselves are reviewed and permitted by the State of Oregon, not the City of Beaverton. That review is conducted and completed without any input from the City. Moreover, it does not take into consideration any design guidelines that come solely from City policy. And only when permitted by the State, are the plans provided to the City Building Department, although this must occur before horizontal building permits issue.

Concurrently, horizontal permits are reviewed solely by the local jurisdiction, in this case Beaverton. Necessarily, some plans overlap; e.g., foundation plans and design guideline issues for the exterior of the building. In the case of the foundation for instance, the modular plans given to the state must contain certain information about the foundation and how the modules are attached thereto and each other. These structural calculations and procedures must then be consistent with the actual foundation plans that the structural engineer prepares for the actual foundation, reviewed and permitted by the local jurisdiction. Since the State and local jurisdiction do not communicate directly about any specific plans, this can be quite challenging.

Design guideline issues for the outside look of the building pose similar problems. Especially when dealing with standard modular building plans previously prepared and used for other projects as was the case herein. It is for this reason that Applicant has had difficulty presenting consistent elevations

and modular plans for the buildings. Each required design guideline change required by the City must then be incorporated into the State plans and separately approved.

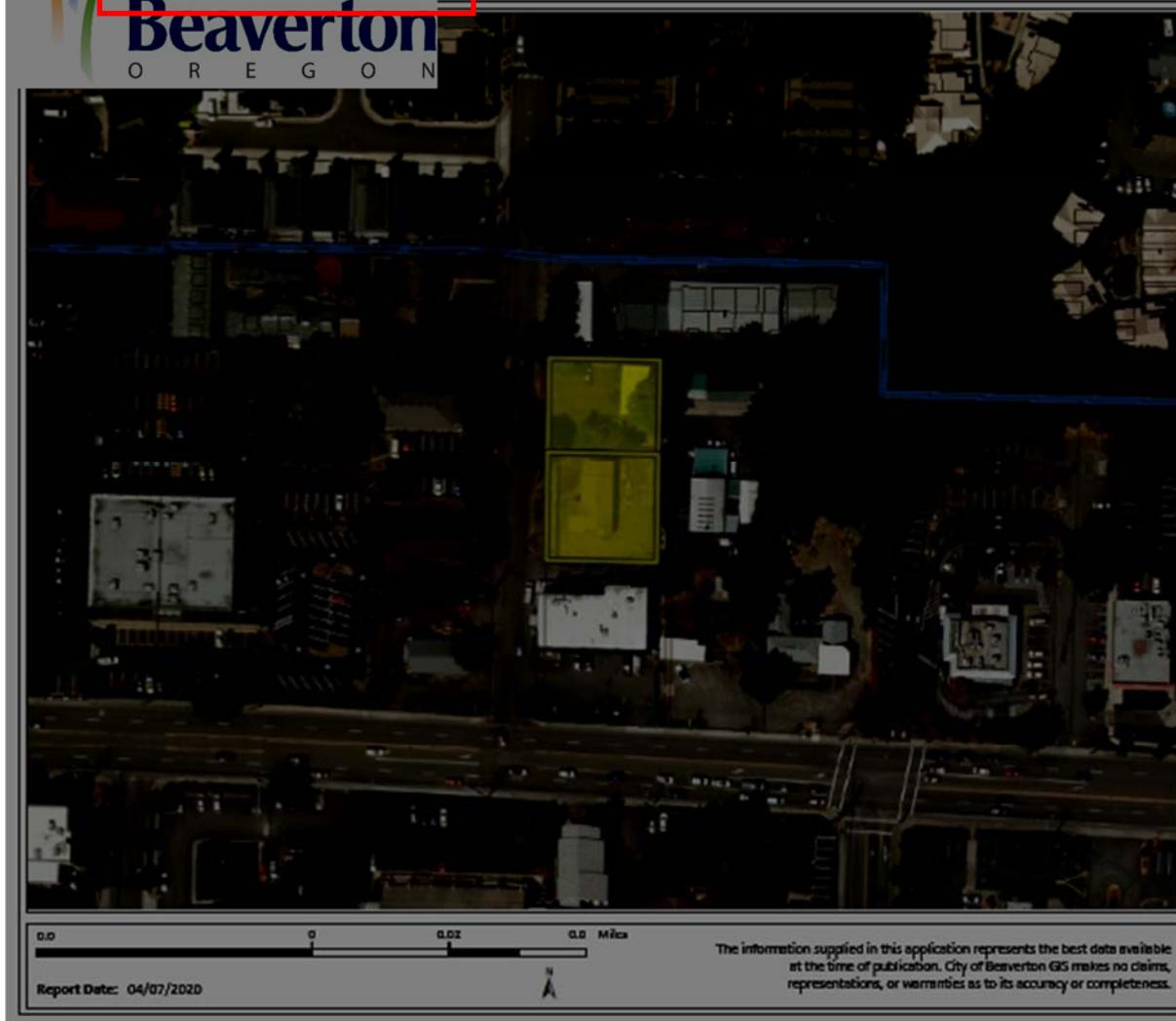
Thus, in general, the horizontal (City) plans and vertical (State modular) plans are separately reviewed and approved. Construction is also separately inspected and approved, with the City inspecting and approving all utilities, street, sidewalk, landscape and foundation plans while the State inspects the construction of the modules for the building off-site at the modular plant. Only when the foundation is complete and approved and the buildings modules are likewise complete and approved does everything merge. At that time, the Applicant issues what's referred to as a Notice of Incomplete Structure which is sent to the local jurisdiction involved (City) and the City then is tasked with overseeing the set of the modules on the foundation, subsequent 'trim' thereof and the connection of horizontal utilities to the buildings' utilities ultimately leading to the City issuing the Certificate of Occupancy. All of which is further complicated when a multi-unit, multi-story building is involved as is the case herein since such modular buildings are not yet common.

We appreciate the opportunity to submit the Additional Documents. Applicant's intent with its affordable housing project is to create a unique, beautiful, efficient and pleasant affordable community for its employees working throughout the area in its restaurants. The involved land was a design challenge but the final product is twelve badly needed affordable units that will be greatly appreciated and used by their ultimate users.

Sincerely,

Gregory Kurahashi

Received
Planning Division
04/22/2020



Staff Report

STAFF REPORT DATE: April 8, 2020

HEARING DATE: April 15, 2020

TO: Interested Parties

FROM: Elena Sasin, Associate Planner
Jana Fox, Current Planning
Manager

PROPOSAL: Hawaii Kai Multi-Family
CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001
/ TP2019-0001

LOCATION: The site is located at 4500 and 4550 SW 96th Avenue and the Property Line Adjustment includes 4560 SW 96th Avenue; Tax Lots 1602, 1600 and 1501 of Washington County Assessor's Map 1S114BA.

ZONING / NAC: Neighborhood Service (NS) / Denney Whitford-Raleigh West NAC

SUMMARY: The applicant, Kurahashi and Associates Company, requests approval of the following land use applications for the construction of a 12-unit apartment complex: Conditional Use approval for attached-dwelling residential use within the NS zone, Design Review Three approval for the construction of two buildings and associated site improvements, Replat One approval to consolidate two lots, Property Line Adjustment to modify a property line between the subject site and an abutting property, and a Tree Plan Two for the removal of Community Trees from the subject site.

DECISION: **RECOMMENDATION OF DENIAL of Hawaii Kai Multi-Family CU2019-0001 / DR2019-0012 / TP2019-0001**

RECOMMENDATION OF APPROAL of Hawaii Kai Multi-Family LD2019-0003 / PLA2020-0001

PROPERTY OWNERS: Kainui Investments LLC
Mike & Roxanne Martin
2280 Hammerle St.
West Linn, OR 97068

Gerald & Deanna Cundari
4520 SW 75th Ave
Portland, OR 9725

APPLICANT: Kurahashi and Associates Company
Greg Kurahashi
4470 SW Hall Blvd, Ste C
Beaverton, OR 97005

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Applicant Deemed Themselves Complete	120-Day*	365-Day**
CU2019-0001	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020
DR2019-0012	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020
LD2019-0001	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020
PLA2020-0001	January 13, 2020	January 13, 2020	July 29, 2020	January 12, 2021
TP2019-0001	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

** This is the latest date, with a continuance, by which a final written decision on the proposal can be made

Existing Conditions Table

Zoning	Neighborhood Service (NS)	
Current Development	Two single family dwellings, one on each of the two primary tax lots. A commercial building is located on the site of the proposed PLA property.	
Site Size & Location	The subject proposal is located at 4500 and 4550 SW 96 th Avenue. The site area is approximately 0.43 acres.	
NAC	Denney Whitford / Raleigh West	
Surrounding Uses	Zoning: <u>North:</u> Urban Medium Density (R2)	Uses: <u>North:</u>
	<u>South:</u> Neighborhood Service (NS)	<u>South:</u>
	<u>East:</u> Neighborhood Service (NS)	<u>East:</u>

	<u>West:</u> Neighborhood Service (NS)	<u>West:</u>
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DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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Attachment B:	Conditional Use (CU2020-0001)	CU1-CU3
Attachment C:	Design Review Three (DR2019-0012)	DR1-DR23
Attachment D:	Replat One for Lot Consolidation (LD2019-0003)	LD1 – LD3
Attachment E:	Property Line Adjustment (PLA2020-0001)	PLA1 – PLA3
Attachment F:	Tree Plat Two (TP2019-0001)	TP1 – TP5
Attachment G:	Recommended Conditions of Approval	COA1 – COA2

Exhibits

Exhibit # Materials submitted by Staff

- Exhibit 1.1 Vicinity Map (page SR-5 of this report)
- Exhibit 1.2 Aerial Map (page SR-6 of this report)

Public Comment

No public comments received as of the date of Staff Report issuance.

Exhibit 1.1

Hawaii Kai Multi-Family CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001

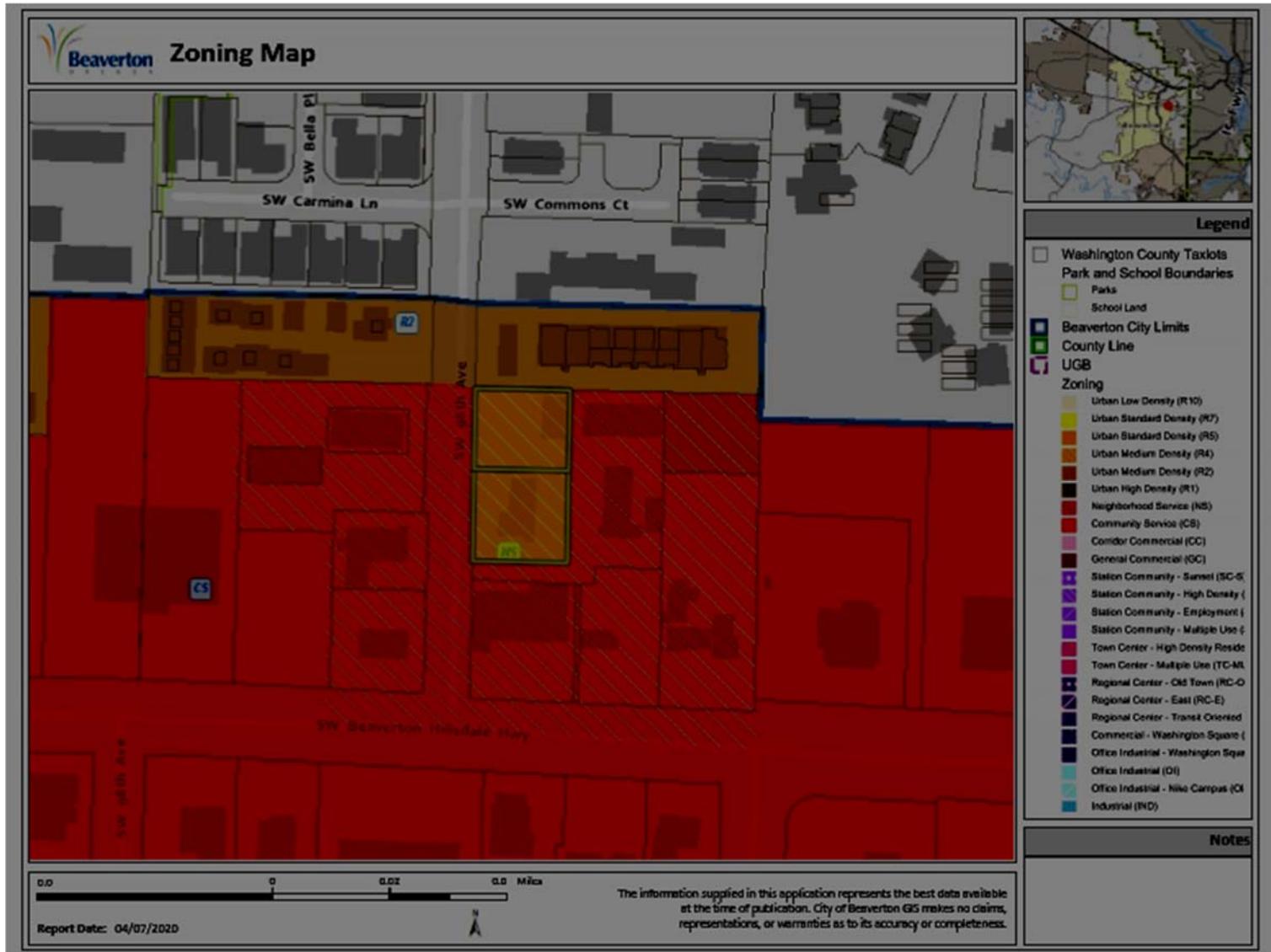
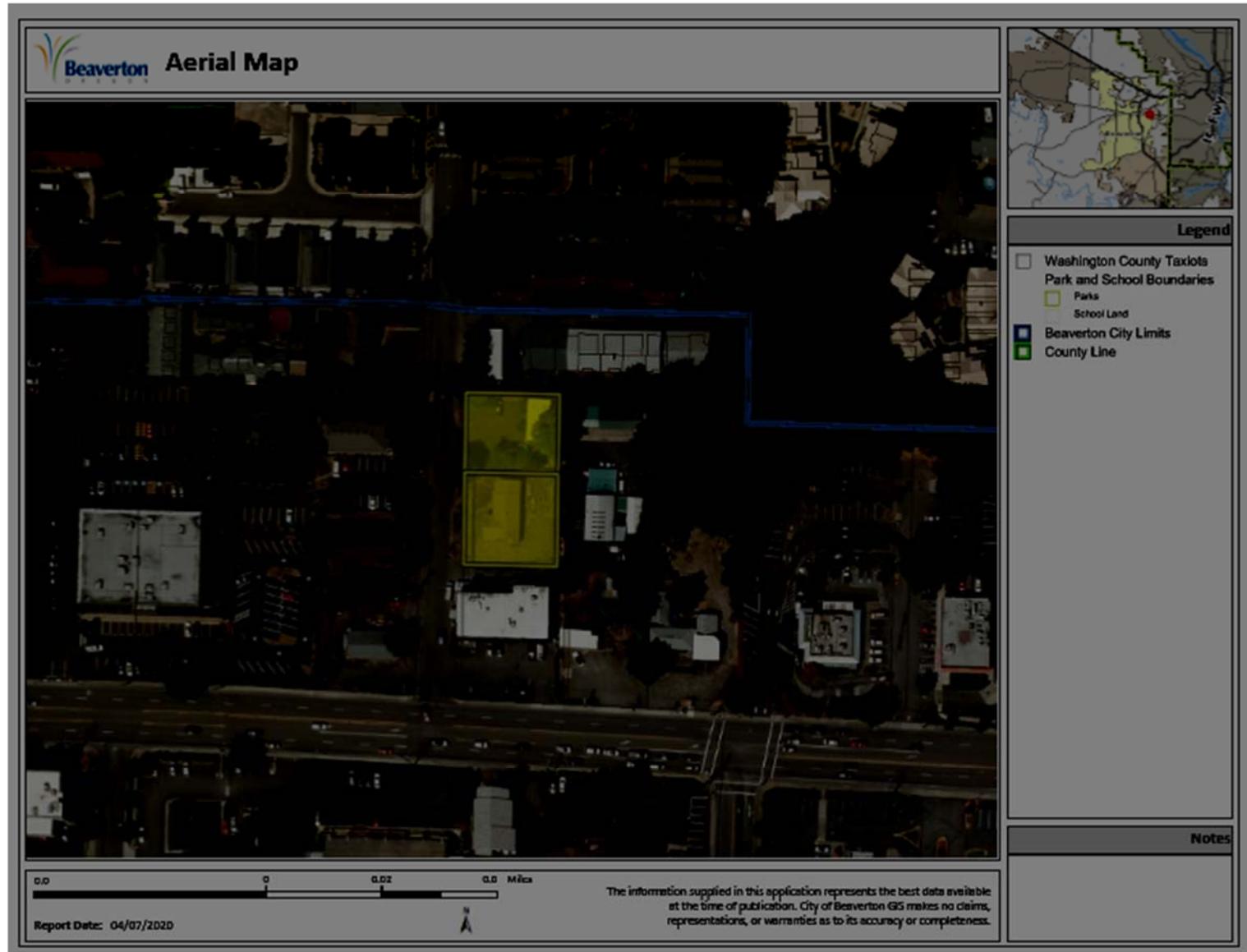


Exhibit 1.2

Hawaii Kai Multi-Family CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001



**FACILITIES REVIEW COMMITTEE TECHNICAL
REVIEW AND RECOMMENDATIONS**
Hawaii Kai Multifamily

(CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001)

Section 40.03.1 Facilities Review Committee:

The Facilities Review Committee (Committee) has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria are reviewed for all criteria that are applicable to the submitted application as identified below:

- All twelve (12) criteria are applicable to the Conditional Use (CU2019-0001) and Design Review Three (DR2019-0012) 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.

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

Public Water, Sanitary Sewer and Storm

The City of Beaverton (City) is the sanitary sewer and storm drainage provider to the site. West Slope District is the water service provider (the applicant erroneously references Metzger Water District). Public facilities are within the vicinity of the subject site. Two 30-inch stormwater mains cross the northern portion of the site diagonally, with existing manholes on the site and in the abutting right-of-way (SW 96th Avenue). An 18-inch sanitary line also runs through the site in the north. Public utilities located on private property must be located within easements. The Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans prior to Site Development permit issuance, clearly showing the existing easement for both the existing storm and sanitary sewers on the site plan.

The applicant explains that the stormwater from the roofs of the two proposed buildings is collected by rain drains which connect to the storm lines that then drain to a Storm Filter Catch Basin. The applicant's plans show stormwater

lines running from the south side of the site, and from the parking lot, to the onsite Contech stormwater filter. The applicant further explains that an orifice structure per CWS Drawing 270 (flow control structure) will be located upstream from the catch basin to control the flow "and to back up to detain flow to pre development conditions". The applicant states that permeable surfaces are used for the small plaza area and for the children's play area draining to underground gravel chambers. The applicant also states that water quantity is not required and proposes to discharge stormwater into the floodplain. The applicant's narrative provides differing information and at times conflicts with the submitted plans. The applicant's stormwater plans and analysis will be reviewed in detail during the Site Development Permit process to ensure compliance with City of Beaverton and Clean Water Services standards.

The applicant's utility plan appears to show both existing utilities as well as proposed utilities. The Facilities Review Committee recommend a condition of approval that the existing culvert and ditch inlet located in SW 96th Avenue be removed and replaced with a storm sewer system that can capture and convey the stormwater from the post development sub-basin.

The applicant has submitted a Service Provider Letter (SPL) from Clean Water Services (CWS).

An existing 8-inch sanitary sewer main parallel to the site is also located within SW 96th Avenue. The applicant's plans show the two proposed buildings connect to the sanitary sewer main in SW 96th Avenue.

The subject site is located within the West Slope Water District, however, City maps indicate that Tualatin Valley Water District (TVWD) also has water lines located within SW 96th Avenue adjacent to the site. Although the West Slop Water District does not issue service provider letters, the Facilities Review Committee recommend a condition of approval that requires the applicant to demonstrate that concurrence from TVWD was received for the proposed relocation of a TVWD riser in SW 96th Avenue. The applicant's plans show a public water main located in SW 96th abutting the site. In review of the proposal, the Facilities Review Committee, has determined that by meeting the conditions of approval at the end of this report, the proposal does not impact the level of facilities and services available. The capacity of the existing systems is adequate to support the increase uses of these critical facilities.

Transportation

The subject site is located along SW 96th Avenue, a Neighborhood Route, within Washington County's operational jurisdiction. The County has reviewed the proposal and has provided draft conditions of approval. Direct and efficient vehicular and pedestrian access connections are proposed to SW 96th Avenue. In this location, SW 96th Avenue has a Washington County NR-3 designation, requiring a total right-of-way width of 60 feet. The applicant is required to accommodate the required right-of-way width and make half-street improvements, therefore, the applicant is proposing to place six feet of the subject site within a public access easement to complete a 30 foot-wide half street cross section as needed. Sidewalks along streets and primary building

elevations in Commercial and Multiple Use zones must provide 10-foot wide curb-tight sidewalks, with a minimum unobstructed width of five feet (Section 60.05.20.7.A). The applicant's plans show a 12-foot wide sidewalk with an unobstructed path exceeding five feet. However, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

A Traffic Impact Analysis (TIA) was not required for the proposed 12-unit development, as the development is not expected to generate 300 or more vehicle trips in a day (Section 60.55.20.2.A).

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue (TVF&R). The applicant has provided a copy of a TVF&R Service Provider Permit #2020-0011, which did not include conditions of approval. Compliance with TVF&R approved plans will be verified at the time of Site Development Permit issuance.

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

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.

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant's plans and materials were shared with Beaverton School District, Tualatin Hills Park and Recreation District (THPRD), City Transportation staff and City Police Department.

Schools

The applicant has provided a copy of a Service Provider Statement from the Beaverton School District (District), which states that the District believes it will have sufficient capacity to accommodate new students from the proposed development. The District has been notified of the proposed development and has not provided written comments or conditions.

Transit Improvements

The subject is located approximately 530 feet from the nearest bus stop, route 54 on Beaverton Hillsdale Highway, which provides frequent service between Beaverton Transit Center and Portland City Center.

Police

To the date of this report Beaverton Police have not provided comments or recommendations to the Committee. Beaverton Police will serve the development site and any comments will be shared with the applicant.

Pedestrian and Bicycle Facilities

The subject site is adjacent to SW 96th Avenue, a Neighborhood Route within Washington County's operational jurisdiction. To provide the standard right-of-way width, an additional six feet is required. The applicant's plans show the required six feet is proposed to be accommodated on the subject site within an easement. The applicant's plans show a 12-foot wide curb-tight sidewalk, exceeding the minimum 10 feet required, along the site's frontage, with at least five feet of unobstructed width. As previously mentioned, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

The applicant's plans show one pedestrian connection is proposed between the onsite buildings and abutting right-of-way. Bike lanes are not proposed nor required. The applicant's plans show two short-term bike parking spaces located near the ADA stall and within approximately 50 feet of each entrance. The applicant has not submitted a bike rack detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate the minimum required off-street bicycle parking is provided on site (according to the minimum rates listed in the parking table in BDC 60.30.10.5) and that the layout and design for the short term bicycle parking meets the minimum design standards in the City's Engineering Design Manual, Section 340. For long-term bike parking, the applicant states that a vertical dual bike storage rack will be provided in each unit.

Parks

The site will be served by the Tualatin Hills Park and Recreation District (THPRD). The applicant's materials were shared with THPRD who have not provided comments or recommendations to the Facilities Review Committee.

The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

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

C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be

already approved or which shall be considered concurrently with the subject 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).

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report, which evaluates the project as it relates to applicable code requirements of Chapter 20 for the Neighborhood Service (NS) zone, as applicable to the aforementioned criterion. As demonstrated in the chart, the development proposal ~~does not meet_s, or can be conditioned to meet~~, all applicable Chapter 20 criteria. ~~setbacks, specifically the southern building does not appear to meet the side setbacks in the southeast corner of the site.~~

Therefore, the Committee finds that the proposal ~~does not~~ meets_s the criterion for approval.

RESPONSE: The April 15, 2020 Staff Memo changed this to an approved criteria based on submittals made between April 8 and April 15. All Narratives and plans have been updated to reflect the changes made.

D. The proposed development 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.

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, as applicable to the above mentioned criteria. Staff will provide findings for the applicable Design Review Standards and Guidelines (Code Section 60.05) and well as provisions applicable to Land Division applications, within the Design Review (DR2019-0012) and Land Division (LD2019-0003) sections of the staff report.

Off-Street Parking (Section 60.30)

The standard parking ratio for attached dwellings outside of multiple-use zones is 1.25 spaces per one-bedroom unit and 1.5 for two-bedroom units. The subject proposal includes four two-bedroom units and eight one-bedroom units, requiring a minimum of 16 parking spaces for the proposed multi-family development.

The applicant's plans show 2 short-term bicycle parking stall located near the proposed ADA stall location and within approximately 50 feet of both primary building entrances.

The applicant states a vertical dual bike storage rack will be provided in each unit to accommodate the 12 long-term bike parking stalls required for the proposed development. However, the applicant has not submitted a bike rack

detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate the minimum required off-street bicycle parking is provided on site (according to the minimum rates listed in the parking table in BDC 60.30.10.5) and that the layout and design for the short term bicycle parking meets the minimum design standards in the City's Engineering Design Manual, Section 340. For long-term bike parking, the applicant states that a vertical dual bike storage rack will be provided in each unit.

The proposal includes 90-degree parking stalls with a dead end. Drawings provided in Section 60.30.15 of the Development Code outline the parking lot design requirements. Two-way, 90-degree, dead-end parking lots must provide a five-foot deep backing area at the dead-end to allow vehicles to exit the parking lot. The applicant's plans show that the proposed backing area is approximately 3.5 feet in depth and therefore does not meet the standard. Any change from the numerical requirements contained in Section 60.30. (Off-street Parking) are subject to review under the Major Adjustment application, which the applicant has not submitted.

Therefore, staff find the criterion has not been met.

RESPONSE: See response to entire section D below on next page.

Street and Bicycle and Pedestrian Connection Requirements (Section 60.55.25)

The subject site abuts SW 96th Avenue to the west, a right-of-way under the jurisdiction of Washington County and therefore subject to Washington County's standards. The County has reviewed the proposal and has provided draft conditions of approval which are included in this report.

An additional six-feet of right-of-way is required to meet the County's requirement for an NR-3 Neighborhood Route, having a total right-of-way width of 60 feet. To accommodate the required street section and half-street street improvements, the applicant proposed to place the additional six-feet necessary within an easement on the subject site. As previously mentioned, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

The applicant's plans show the proposed pedestrian improvements extend to the boundaries of the site. The applicant's plans show walkways internal to the site are provided at primary building entrances and through the parking lot, connecting the proposed buildings to the abutting public circulation system in a direct and efficient manner. The development's frontage is approximately 186 feet in length therefore only one walkway into the site is required (Section 60.55.25.10.B). The applicable Washington County road section does not require bike lanes here and the applicant is not proposing bike lanes along the site's frontage.

Transportation Facilities (Section 60.55)

As noted above in the response to Facilities Review Criterion A, B and D above, the subject site is adjacent to SW 96th Avenue, an existing local street, within Washington County's jurisdiction. Access spacing and the right-of-way width has been reviewed by Washington county staff who have provided conditions of approval. The Committee recommends Washington County's conditions of approval be incorporated into the conditions of approval.

Trees and Vegetation (Section 60.60)

The applicant states that 13 out of 13 Community Trees are proposed for removal. However, the applicant's tree inventory show that only eight of the trees found on-site meet the Beaverton Development Code's definition of Community Tree. Those trees identified in the applicant's inventory as "street trees" are in this case also considered Community Trees. No Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove) are found onsite. The applicant has submitted a Sensitive Area Pre-Screening Site Assessment conducted by Clean Water Services, dated January 30, 2020, which does not indicate the presence of sensitive areas on the subject site.

Utility Undergrounding (Section 60.65)

The applicant has provided a preliminary utility plan demonstrating the undergrounding of the proposed utilities. However, the applicant also states that a power pole on the abutting property to the east (1S114BA01501) may need to be moved. In the event this power pole is affected, it shall be undergrounded. The Committee recommends a standard condition of approval requiring that utility lines are placed underground, consistent with Section 60.65.

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

RESPONSE: Because of the above 60.30 Off-Street Parking objection, the April 15 Staff Memo stated that the overall D requirement is not met. Applicant's revised plans and narratives show how these objections are cured by removal of one parking stall (still meeting total requirements) and having 5' turn-arounds as shown on the plans. As a result, a Major Adjustment application is not required for this item. See the revised Site Plan, revised Grading Plan and revised Chapter 40 Facilities Review 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.

The applicant states that the proposed facilities will be owned and maintained by the apartment complex owners.

The applicant's plans indicate that a retaining wall is proposed to cross property lines between the subject site and the lot to the east (1S114BA01501). The Facilities Review Committee recommend a condition of approval requiring the applicant to submit a maintenance agreement specifying the maintenance responsibility of the proposed retaining wall, prior to final plat.

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

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

In review of Criterion F, staff incorporates the findings prepared in response to A, B and D above. The applicant states that two five-foot wide pedestrian walkways are proposed through the site and shall be scored concrete. However, the applicant's plans do not show the differentiating materials therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised plans demonstrating compliance with Section 60.05.20.3.E-F, prior to Site Development permit issuance.

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

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

In review of Criterion G, staff incorporates the findings prepared in response to A, B, D and F above. The applicant's plans show a pedestrian path connects onsite buildings to the abutting public right-of-way and to an onsite open space area proposed within the northwest corner of the site. Additionally, the Facilities Review Committee recommend a condition of approval that the applicant submit plans demonstrating that the onsite walkways be differentiated by the use of a different material than the onsite drive aisle, as outlined in Section 60.05.20.3.E-F. By meeting the recommended condition of approval, the development's on-site vehicular and pedestrian circulation systems can connect to the surrounding circulation systems in a safe, efficient and direct manner.

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

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

The applicant states all public facilities have been shown and will be designed to meet Washington County requirements and Tualatin Valley Fire and Rescue (TVF&R) standards or as already coordinated with TVF&R and West Slope Water District. TVF&R has reviewed the proposed development and has provided a Service Provider Permit.

The proposal will also need to show compliance to the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards.

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

I. Structures and public facilities serving the development 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.

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

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

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

The applicant states that the proposed improvements meld into existing adjacent improvements improving storm drainage conditions, flood plain issues of grading and traffic conditions where possible and add waterline improvements to the West Slope Water District.

The applicant's grading plan is difficult to read and therefore compliance with Facilities Review criterion J and other grading standards cannot be determined. Without the ability to determine if the proposed grading complies with Development Code standards, affirmative findings cannot be made.

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

RESPONSE: Applicant has submitted a revised Grading plan that is easier to read and meets the requirements of Facilities review criterion J and other grading standards. See also the changes made to the Chapter 20 Facilities Review Narrative which sets forth detailed explanations of the grading, etc. changes made to meet compliance.

K Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

The applicant states that all access and facilities for physically handicapped people have been incorporated into the development site improvements and building design. The development will be required to meet all applicable accessibility standards of the International Building Code, the Fire Code, and other standards as required by the American Disabilities Act (ADA). Compliance with ADA requirements are reviewed at the time of Building permit application. Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, it appears that the general site layout can meet accessibility requirements.

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

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

The application was submitted on January 31, 2019. The applicant deemed the application complete on July 30, 2019. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are not contained within this proposal. The applicant has not provided sufficient and/or consistent evidence in the application materials needed to determine compliance with applicable criteria, such as **setbacks and grading**.

Therefore, the Committee finds that the proposal does not meet the criterion for approval. The application was submitted on January 31, 2019. The applicant deemed the application complete on July 30, 2019. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are not contained within this proposal. The applicant has not provided sufficient and/or consistent evidence in the application materials needed to determine compliance with applicable criteria, such as setbacks and grading.

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

RESPONSE: The entirety of Applicant's Additional Documents and previous submittals creates a complete and acceptable Application that meets the requirements of 50.25.1

**Code Conformance Analysis
Chapter 20 Use and Site Development Requirements**

Neighborhood Service (NS) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code 20.10.20			
Use – Attached Residential	Conditional	The proposal includes two buildings, with six units within each building, for a total of 12 units.	See CU2019-0001 Section of Staff Report
Development Code Section 20.10.15 (Residential Urban Medium Density)			
Minimum Land Area – Residential (Attached)	1,000 square feet/unit	Approximately 18,862 square feet or approximately 1,571 square feet per unit.	Yes
Lot Dimensions	Min. Width = 70 feet Min. Depth = 100 feet	Proposed Width = approximately 186 feet Proposed Depth = 100 feet	Yes
Minimum Yard Setbacks	Front = 20 Side = 10 Rear = zero	Proposed Front: 26 feet Rear: Zero Side: 10 feet The applicant has proposed a property line adjustment between the subject site and abutting lot to the east (IS114BA01501) however the applicant's plans are difficult to read and compliance with all side setbacks cannot be determined.	Yes No
Maximum Building Height	35 feet	The applicant states that the proposed structures are 35 feet in height. The applicant's architectural elevations show the proposed buildings are approximately 33.5 feet in height, yet elsewhere in the applicant's materials, the applicant states the proposed buildings have a height of 35 feet plus a one-foot parapet above the 35 feet. The Facilities Review Committee recommend a condition of approval that the applicant submit revised plans and narrative that consistently demonstrate the proposed buildings do not exceed 35 feet in height, including parapet walls.	Yes, w/COA

Conditional Use

Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria E, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

RESPONSE: See responses to Facilities Review Paragraphs J and L, evidencing that said criteria are now met.

**Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Neighborhood Service (NS) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code 20.10.20			
Use – Attached Residential	Conditional	The proposal includes two buildings, with six units within each building, for a total of 12 units.	See CU2019-0001 Section of Staff Report
Development Code Section 20.10.15 (Residential Urban Medium Density)			
Minimum Land Area – Residential (Attached)	1,000 square feet/unit	Approximately 18,862 square feet or approximately 1,571 square feet per unit.	Yes

ATTACHMENT A

Lot Dimensions	Min. Width = 70 feet Min. Depth = 100 feet	Proposed Width = approximately 186 feet Proposed Depth = 100 feet	Yes
Minimum Yard Setbacks	Front = 20 Side = 10 Rear = zero	Proposed Front: 26 feet Rear: Zero Side: The applicant has proposed a property line adjustment between the subject site and abutting lot to the east (1S114BA01501) however the applicant's plans are difficult to read and compliance with all side setbacks cannot be determined.	No YES PER LAST HEARING
Maximum Height Building	35 feet	The applicant states that the proposed structures are 35 feet in height. The applicant's architectural elevations show the proposed buildings are approximately 33.5 feet in height, yet elsewhere in the applicant's materials, the applicant states the proposed buildings have a height of 35 feet plus a one-foot parapet above the 35 feet. The Facilities Review Committee recommend a condition of approval that the applicant submit revised plans and narrative that consistently demonstrate the proposed buildings do not exceed 35 feet in height, including parapet walls.	Yes, w/COA

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The applicant has requested to be reviewed under a combination of Design Review Standards and Guidelines.	See DR2019-0012 Section of Staff Report
Development Code Section 60.10			
Floodplain Regulations	Requirements for development within floodplains.	The northern portion of the subject site is located within a floodplain. The applicant's plans show development is proposed within the floodplain but no habitable buildings are shown within the mapped floodplain area. The Facilities Review Committee recommend a number	Yes, w/COA

		of conditions requiring the applicant to provide additional information or analysis as needed to demonstrate compliance with applicable floodplain regulations.	
Development Code Section 60.15			
Land Division Standards	Grading and tree protection standards pertaining to land divisions.	The subject site consists of two tax lots. The applicant has submitted a Replat One (LD2019-0003) to request the consolidation of the two lots and Property Line Adjustment (PLA2020-0001) to adjust the shared property line between the subject site and abutting lot to the east (1S114BA01501). Applicable Land Division Standards will be reviewed in greater detail in that section of the staff report.	See LD2019-0003 Section of Staff Report RESPONSE: APPROVED AT HEARING
Development Code Section 60.30			
Off-street motor vehicle parking	<p>Total Minimum Required: 16</p> <p>Attached Dwellings: Min.: 17 spaces</p> <p>Eight one bedroom units x 1.25 spaces = 10 spaces</p> <p>Four two bedroom units x 1.5 spaces = 6 spaces</p> <p>Max.: 22 spaces</p> <p>Eight one bedroom units x 1.8 spaces = 14 spaces</p> <p>Four two bedroom units x 2.0 spaces = 6 spaces</p>	<p>The applicant's plans show 16 parking spaces on the subject site.</p>	Yes
Required Bicycle Parking Short Term and Long Term	<p>Attached Dwellings (12 units)</p> <p><u>Short term</u>: 2 spaces</p> <p><u>Long Term</u>: 1 space per unit</p>	<p>The Facilities Review Committee refers to findings provided in response to criterion D of the Facilities Review report herein. Additionally, the applicant has not submitted a bike rack</p>	Yes, w/COA

		detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate compliance with applicable bicycle parking requirements.	
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Annexation to THPRD	The applicant states that the property is located within THPRDs district therefore annexation is not necessary.	N/A
Development Code Section 60.55			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes, w/COA

Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No Protected Trees are present on the subject site. The applicant's plans indicate the removal of 8 Community Trees from the subject site. Mitigation is not required for Community Trees.	
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	All utilities are required to be placed underground in accordance with standards identified in Section 60.65. The Committee proposes a standard condition of approval to ensure utility undergrounding complies with Section 60.65.	Yes, w/CO A

ATTACHMENT A

Significant Natural Resources	Regulations pertaining to Significant Natural Resources	Significant Natural Resources are not found on site.	N/A

CU2019-0001
ANALYSIS AND FINDINGS FOR
CONDITIONAL USE APPROVAL

Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

RESPONSE: The project now meets all three Criteria (C, J and L) as above set forth.

Section 40.15.15.3.C New Conditional Use Approval Criteria:

In order to approve a New Conditional Use application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a New Conditional Use application.

The applicant proposes 12 units of attached residential housing in the Neighborhood Service (NS) zoning district. Attached residential housing is a Conditional Use in the NS zone, meeting threshold 1:

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.

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

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

The applicant paid the required fee associated with a New Conditional Use application.

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

3. The proposal complies with the applicable policies of the Comprehensive Plan.

ATTACHMENT B

The pre-application conference notes as well as the incompleteness letter for Hawaii Kai Multi-family identified Comprehensive Plan criteria which are applicable to the proposal. The identified Comprehensive Plan criteria include:

- Goal 3.1.1: Policies a, c, l
- Goal 3.2.1: Policy a
- Goal 3.3.1: Policies a, b
- Goal 3.7.1: Policies a, b, c
- Goal 3.7.4: Policies a, d, e
- Goal 4.1.1: Policies a, b, c
- Goal 4.5.1: Policy a
- Goal 7.3.1.1: Policies a, c, e, f
- Goal 7.3.2.1: Policy a
- Goal 7.3.4.1: Policy a
- Goal 8.7.1: Policies a, c

The applicant in their response to this criterion does not address any comprehensive plan criteria but states “the proposed development complies with all zoning and applicable policies of the Comprehensive Plan for the area.”

This statement does not sufficiently address the applicable comprehensive plan criteria and therefore staff finds that the approval criterion is not met as the applicant has failed to address the relevant criteria identified in the pre-application conference notes and completeness review letter.

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

RESPONSE: As stated below, Staff has now approved this section.

The applicant has submitted this New Conditional Use application in association with the following land use applications; Design Review Three, Replat One, Property Line Adjustment, and Tree Plan Two. ~~The New Conditional Use application is dependent upon approval of the associated land use applications. Staff recommends a condition of approval that all associated applications be approved in order for the New Conditional Use to be approved. applicant has not provided written responses to the Comprehensive Plan criteria, which are required for approval. Therefore the applicant has not provided all documents necessary related to this request for Conditional Use approval.~~

Therefore, staff finds that ~~by meeting the conditions of approval~~ the proposal ~~does not~~ meets the approval criterion.

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

The applicant states that the existing grading, improvements, and topography with minor changes can reasonably accommodate the propose use. The site can accommodate the proposed 12 dwelling units, a mix of 4 two-bedroom and 8 one-bedroom units with associated parking, and open space.

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

5. 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.*

The applicant states that the development requires a flat site to be compatible with apartments and is compatible with surrounding uses such as condominiums and apartments. The subject site is set back from SW Beaverton Hillsdale Highway on SW 96th Avenue. The surrounding properties are mix of residential and commercial uses. ~~While The~~ proposed apartment development is consistent with size and scale of surrounding developments. ~~, staff cite the findings of Facilities Review Approval Criterion C (Attachment A), as applicable to this approval criterion. The development proposal does not meet all applicable setbacks, specifically the southern building does not appear to meet the side setbacks in the southeast corner of the site. Staff find that the location of the proposed buildings are not consistent with the required setback of the zoning district and there is not compatible to the surrounding area of the subject site.~~

RESPONSE: Staff has now stated Applicant meets this standard. \

Therefore, staff finds that the proposal ~~does not~~ meets the approval criterion.

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

The applicant has submitted this New Conditional Use application in association with the following land use applications; Design Review Three, Replat One, Property Line Adjustment, and Tree Plan Two. The applicant has not provided written responses to the Comprehensive Plan criteria, which are required for approval. Therefore the applicant has not provided all documents necessary related to this request for Conditional Use approval.

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

RESPONSE: Applicant has submitted the required written responses as above set forth.

RECOMMENDATION

Based on the facts and findings presented, staff recommends DENIAL of CU2019-0001 Hawaii Kai Multi-Family.

**DR2019-0012
ANALYSIS AND FINDINGS FOR
DESIGN REVIEW THREE APPROVAL**

Section 40.03.1 Facilities Review Approval Criteria:

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

RESPONSE: Criteria C, J and L have now been met.

Therefore, the Committee finds that the proposal does not meet the criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

RESPONSE: Criteria C, J and L have now been met

Planning Commission Standards for Approval:

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 3 Design Review.

Section 40.20.15.3.C Approval Criteria: 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 Design Review Three application.***

The applicant proposes to construct a new multi-family development consisting of twelve units in two buildings. The proposal meets Criterion No. 8 since it cannot meet all the applicable design review standards in Section 60.05 of the Development Code.

8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.

Therefore, staff finds that the criterion is met.

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

The applicant paid the required fees for a Design Review Three application.

Therefore, staff finds that the criterion is met.

3. **For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).**

The proposal meets Design Review Three threshold number 8, therefore this criterion is not applicable.

Therefore, staff finds the criterion is not applicable.

4. **For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:**

- a. **A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or**
- b. **The location of existing structural improvements prevent the full implementation of the applicable guideline; or**
- c. **The location of the existing structure to be modified is more than 300 feet from a public street.**

The proposal is new construction. Therefore, this criterion, which pertains to additions or modification of existing development, does not apply.

Therefore, staff finds the criterion is not applicable.

5. **For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.**

The applicant does not propose a DRBCP.

Therefore, staff finds the criterion is not applicable.

6. *For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [ORD 4531; March 2010]*

The proposal meets Design Review Three threshold number 8. Staff cites the Design Review and Guidelines Analysis at the end of this Design Review section, which evaluates the project as it relates the applicable Design Review Standards and Guidelines found in Section 60.05 of the Development Code. Staff reviews each Standard and Guideline with respect to the applicability of the Standard or Guideline to the project, the applicant's response, and illustrative representation of the proposal. Staff provides an evaluation of the proposal in relation to the Standard or Guideline and a statement as to whether the Standard or Guideline is met below. Staff finds that the proposal does not meet the following Design Standards and a corresponding Design Guideline has not been addressed:

- 60.05.15.3 (Weather Protection) Roof over front shown on elevation more than 4' x 6'
- 60.05.20.2.A-D (Screening) See landscape plan. Plants screen the exposed foundation
- 60.05.20.3.F (Minimum Paving Width) All 5' now with 5' clear. No commercial buildings that need more space (10')
- 60.05.25.3.A (Landscape Area)
- 60.05.25.3.B (Active Open Space)
- 60.05.25.3.J (Alternative Active Features)
- 60.05.25.10 (Grading)
- 60.05.25.13 (Landscape Buffer Width)

RESPONSE: Applicant has remedied all of the above deficiencies in its revised Plans and Narrative. Specifics of each change and where located are as set forth below in the applicable section of the Design Standards Analysis Chart.

The applicant has requested certain Design Guidelines be addressed since their correlating Design Standard could not be met. Based on the evaluation of the proposal and the supporting information provided by the applicant, staff find that the proposal does not meet the following design guidelines:

- 60.05.35.1.B (Articulation & Variety – Visual Interest)
- 60.05.35.1.C (Articulation & Variety – Vertical Elements)
- 60.05.35.1.D (Articulation & Variety – Pedestrian Scale & Orientation)
- 60.05.35.1.E (Articulation & Variety – Architectural Features)
- 60.05.45.7.A (Fences & Walls – Durable Materials)

Therefore, staff finds that the criterion is not met.

RESPONSE: Applicant has made changes to resolve all issues. See plans and narrative. See each specific items analysis below for specific changes made.

- 7. For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).**

The applicant has chosen to address a combination of Design Standards and Guidelines.

Therefore, staff finds the criterion is not applicable.

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

The applicant has submitted all documents related to this request for Design Review Three approval. The applicant has also submitted Conditional Use, Replat One, Property Line Adjustment, and Tree Plan Two applications. The Design Review Three is dependent upon the Conditional Use, Replat One, Property Line Adjustment and Tree Plan Two approval. Staff recommends a condition that approval of the Design Review Three is dependent upon approval of all associated land use applications.

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

Recommendation

Based on the facts and findings presented, staff recommend DENIAL of DR2019-0012 (Hawaii Kai Multi-Family).

Design Standards Analysis
Section 60.05.15 Building Design and Orientation

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Building Articulation and Variety		
60.05.15.1.A Max length of attached residential buildings in residential zones	The subject site is located within a Commercial zoning district.	N/A
60.05.15.1.B Min 30% articulation and variety	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.35.1.B, C, and D	See DR Guidelines
60.05.15.1.C Max 40' between architectural features	The spacing between the permanent architectural features on elevations facing the street and/or containing a primary entrance is less than 40 feet.	Yes
60.05.15.1.D Max 150 sq. ft. undifferentiated blank walls facing streets	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.35.1. E	See DR Guidelines
Roof Forms		
60.05.15.2.A Min roof pitch = 4:12 for sloped roofs	The proposed roofline is flat; therefore, this standard is not applicable.	N/A
60.05.15.2.B Min roof eave = 12" for sloped roofs	The proposed roofline is flat; therefore, this standard is not applicable.	N/A
60.05.15.2.C Flat roofs need parapets	The applicant's plans show a 1-foot tall parapet wall.	Yes
60.05.15.2.D New structures in existing development be	The proposed is a new development.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
similar to existing development roof		
60.05.15.2.E 4:12 roof standard is N/A to smaller feature roofs	No feature roofs are proposed.	N/A
Primary Building Entrances		
60.05.15.3 Weather protection for primary entrance	The applicant states that the primary entrances are covered and treated as a permanent architectural feature with shed roofs that are 4 feet deep and 8.5 to 10.75 feet wide. However, the applicant's submitted architectural elevations or site plan do not show any weather protection for primary entrances. The applicant's exterior materials board includes an image of the proposed buildings, however this image does not include dimensions or a scale of this covered area, therefore staff is unable to evaluate compliance with the standard and therefore cannot provide an affirmative finding in response. RESPONSE. Scale has been provided on the Site Plan and Grading Plan for the covered entrances. Deck and Roof: North 5'x16.5' and South 4'x11'.	No
Exterior Building Materials		
60.05.15.4.A Residential buildings in Residential and Multiple Use zones shall have double wall construction	The subject site is located within a Commercial zoning district.	N/A
60.05.15.4.B Maximum 30% of primary elevation to be made of unfinished concrete block	As demonstrated on the applicant's plans and stated by the applicant, plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard do not exceed 30% of any primary elevation.	Yes
60.05.15.4.C Foundations	The applicant's plans show the exposed concrete foundation is 1.5 feet above grade and shall not be more than 3 feet.	Yes
Roof-Mounted Equipment		
60.05.15.5.A through C Roof-mounted equipment screening. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.	The applicant states that only pipe extensions and vents are on the roof, which are exempt. However because this review does not include mechanical permit review for roof mounted equipment, and because the ultimate equipment needs and location of the necessary equipment may change, staff recommend a condition of approval that prior to building permit issuance of any building permit which includes non-exempt roof-mounted equipment, the applicant shall	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	demonstrate compliance with Section 60.05.15.5.	
Building Location and Orientation Along Streets in MU and Com. Districts		
60.05.15.6.A-F Building location for parcels located along Major Pedestrian Routes (MPR) or parcels 60,000 square feet or greater in Commercial zoning districts.	The subject site is not located along any designated MPR, nor is the subject site 60,000 square feet or greater.	N/A
Building Scale Along Major Pedestrian Routes		
60.05.15.7.A-C Building scale standards for parcels located along MPR.	The subject site is not located along any designated MPR.	N/A
Ground Floor Elevation on Commercial and Multiple Use Buildings		
60.05.15.8.A-B Glazing Requirements	The proposal is residential in nature only.	N/A
Compact Detached Housing Design		
60.05.15.9.A-K	Compact Detached Housing is not proposed.	N/A
Ground Floor Elevations on Eligible Residential-only Buildings		
60.05.15.10.A.1-2 Standards for locating ancillary residential uses on the ground level and ground floor design.	The proposal is not an eligible residential-only building.	N/A

Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Connections to the public street system		
60.05.20.1.A Connect on-site circulation to existing and planned street system	The subject site is located along an existing street, SW 96 th Avenue, a street within Washington County's operational jurisdiction. The applicant's plans show proposed improvements to the SW 96 th Avenue frontage, consistent with Neighborhood Route design standards. The applicant's plans also show that the onsite circulation systems connect to the abutting public circulation system. However, the proposed access must comply with applicable Washington County standards therefore staff recommend incorporating Washington County's condition of approval, requiring the applicant obtain approval for a Design Exception to the Access Spacing Standards from the Washington County Engineer for the proposed access on SW 96th Avenue.	Yes, w/COA
Loading Areas, solid waste facilities and similar improvements		
60.05.20.2.A-D Screen from public view	The applicant states that the waste storage and recycling containers are enclosed with Hardie plank siding and wood gate to match building. The applicant also explains that screening shall be one foot higher than the object being screened. However, the applicant's materials do not include elevations or dimensions of the proposed enclosure therefore staff is unable to determine compliance with dimensional requirements or design elements. The applicant further states that a transformer and above ground utility services shall be screened and shown on construction drawings to keep from view from the public street. However, staff is unable to determine where above ground utilities are located or how they are to be screened. RESPONSE: The necessary changes have been put on the Landscape Plan.	No RESPONSE: Landscape Plan and Site Plan revised to meet requirements. Slider door elevation and materials provided
Pedestrian Circulation		
60.05.20.3.A Link to adjacent facilities	The subject site is located along an existing street, SW 96 th Avenue. The applicant proposes to improve the adjacent sidewalk and to connect the onsite pedestrian	Yes

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	circulation system with the adjacent public street system.	
60.05.20.3.B Direct walkway connection	The applicant's plans show a reasonably direct walkway connection is provided between primary entrances, and the abutting public street system.	Yes
60.05.20.3.C Walkways every 300'	The development's frontage is approximately 186 feet in length therefore only one walkway into the site is required.	Yes
60.05.20.3.D Physical separation	The applicant's plans show pedestrian connections through the site are separated from parallel vehicle traffic through the use of curbs.	Yes
60.05.20.3.E Distinct paving	The applicant states two concrete sidewalks are used to cross the driveway to provide access to the parking and an open space area. However, the applicant's plans do not show different paving material is proposed to differentiate the pedestrian walkways. Therefore, staff recommend a condition of approval that the applicant submit plans demonstrating compliance with 60.05.20.3.E.	Yes w/COA
60.05.20.3.F 5' minimum width	The applicant states and the submitted plans show that the walkways between the two buildings are less than 5 feet. The Design Standard is not met and the applicant has not addressed the corresponding Design Guideline and it is not clear that the site can accommodate wider walkways in all locations. RESPONSE: 5' walkways are now shown on the Site Plan. The deck of the South East to make room.	No
Street Frontages and Parking Areas		
60.05.20.4.A Perimeter Landscaping	The applicant states, that a 6-foot wide planting strip between the right-of-way and parking is proposed. The applicant further states that the plans show three trees have been provided as required and that berberis juliane 'Wintergreen Barberry' has been selected as the evergreen hedge. However, the applicant's plans do not show the use of berberis juliane in this area and instead indicate erica/springwood and viburnum davidii will be planted in the required perimeter landscape area. Although both plant varieties (verberis juliane and viburnum davidii) are evergreen shrubs, staff recommend a condition of approval requiring the applicant to provide plans	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	demonstrating compliance with the height and opacity requirements of section 60.05.20.4.A.	
Parking and Landscaping		
60.05.20.5.A-D 1 Landscape island per 10 spaces, size of planter and tree species	The onsite parking area does not include more than 8 car stalls in a bay, therefore, this standard is not applicable.	N/A
Off-Street Parking Frontages in Multiple-Use Districts		
60.05.20.6.A.1-3 50% Max on Class 1 MPR 65% Max on Class 2 MPR 50% Max for detached residential projects along any street	The subject site is not located along a designated MPR.	N/A
Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts		
60.05.20.7.A Required sidewalk widths	The applicant states that the proposed development includes a 10 foot wide sidewalk with an unobstructed path of 5 feet along SW 96 th . However, the applicant's plans, sheet 7 of 9 labeled Details, provides a street cross section which shows a 7' unlabeled area and a 5' area labeled sidewalk. Given the inconsistency between the applicant's plans, details and narrative staff recommends a condition of approval that prior to Site Development Permit issuance the applicant provide revised plans showing a sidewalk design having a minimum width of ten (10) feet and an unobstructed path of at least five (5) feet and trees within tree-wells planted approximately 30 feet on center to comply with Section 60.05.20.7.A.	Yes, w/COA
60.05.20.7.B Internal sidewalks and walkway widths	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.40.7.B.	See DR Guidelines
60.05.20.7.C Common Greens	Proposal does not include common greens or shared courts.	N/A
Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts		
60.05.20.8.A Drive aisles to be designed as public streets, if applicable	Proposed drive aisle provides access to perpendicular stalls.	N/A
Ground Floor uses in parking structures		

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.20.9 Parking Structures	No parking structures are proposed.	N/A

Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Minimum Landscaping		
60.05.25.3.A Minimum Landscape Area (15%)	<p>The subject site is 18,862 square feet, requiring a minimum of 2,829 square feet of landscaping area. The applicant states 21% of the gross area is landscaped, however, the submitted landscaping plans indicate that approximately 10% (or 1,916 square feet) of the gross site is landscaped. The proposal does not meet this standard and the applicant has not addressed the corresponding Design Guidelines.</p> <p>RESPONSE: The revised Landscape Plan shows ground cover on all areas that do not have shrubs and trees, creating a percentage 3,885 sq. ft. All soil shows ground cover and ground cover, trees and shrubs create the landscape. The ground cover lines don't show over the entire plans because it would be unreadable on the plans.</p>	No
60.05.25.3.B Active Open Space (25% of the required open space)	<p>The standard required open space for the site is 2,829 square feet, 25% of which is 707 square feet. The applicant states 718 square feet of active open space is proposed in the "barbeque and sunning area". Beaverton Development Code defines Active Open Space as, "Open space where human activities include recreational and social opportunities, such as play fields, playgrounds, swimming pools, plazas and other recreational facilities."</p> <p>The applicant's plans do not show the boundaries of the proposed active open spaces, however, the area with the picnic table and barbeque on the applicant's plans appears to be enclosed by evergreen shrubs, limiting the open area to approximately 310 square feet by staff measurements. The applicant proposes a second open space area designated as the</p>	No

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	<p>“children’s play area” which the applicant states is 348 square feet. The applicant does not identify where the “children’s play area” is to be located. The only other open area appears to be a 384 square foot area between the two buildings that is heavily landscaped around its perimeter. The non-densely landscaped area contains a paved area with four (4) benches. Staff’s calculations show that the non-densely landscaped area is approximately 200 square feet of the 384 square foot area calculated by staff. The total active area between the 310 square foot picnic area and the 384 square foot area between buildings is 694 square feet, which is less than the 707 square feet required. Staff finds the proposal does not meet this standard and the applicant has not addressed the corresponding Design Guidelines. RESPONSE: On the revised Landscape plan, the area around the barbecue and picnic tables has been increased to equal the requirement. The children's area no longer needs to be considered as part of Open Active Space.</p>	
60.05.25.3.C Environmentally Sensitive Areas and aboveground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement.	The subject site does not contain environmentally sensitive areas or aboveground water quality treatment facilities.	N/A
60.05.25.3.D Vehicle Circulation	Vehicular circulation areas are not being considered in the landscape calculations.	N/A
60.05.25.3.E Individual Exterior Spaces	The applicant states that no individual exterior spaces are used toward the common open space requirement.	N/A
60.05.25.3.F Abutting Collector or Higher	The subject site does not abut a Collector or higher street.	N/A
60.05.25.3.G Open Space Size, 640 sq. ft. in area and min. width and length of 20 feet.	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.1.A-D.	See DR Guidelines
60.05.25.3.H Phased Development	Proposal does not include phased development.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.25.3.I Active Open Space Improvements	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.1.A-D.	See DR Guidelines
60.05.25.3.J Other improvements providing similar levels of activity	The applicant states that there is no alternative review proposed under this section, however the applicant does not provide two items from each list in the each active open space area and does not address the corresponding Design Guideline. RESPONSE: Additional improvements of a 'mister' and barbecue are shown on the Landscape Plan.	No
60.05.25.4.A Front Yard Landscaping	The applicant states that all front yard areas are heavily landscaped and exceed the required trees and shrubs required. Although the applicant's submitted landscape plan does show a variety of plants throughout the site, it is not clear if all front yard areas are landscaped. Specifically, plants in front of the southern building's western facing elevation are proposed in groups along with several trees and some ground cover, but there are also open spaces where no plant is proposed and grass or other ground cover are not identified. Staff recommend a condition of approval that the applicant submit revised plans clearly demonstrating compliance with 60.05.25.4.A.	Yes, w/COA
60.05.25.4.B Bare Gravel, Rock, Bark Maximum (25%)	The applicant states that the areas behind the buildings are not visible and that is where the use of bark and other materials is mostly proposed. The applicant states that these areas will not exceed 25%. The applicant further states that larger shrubs shall have bark, gravel and rock under them. The applicant's plans do not indicate where bare gravel, rock or bark is proposed, therefore staff recommend a condition of approval, requiring the applicant to submit revised plans clearly demonstrating compliance with 60.05.25.4.B.	Yes, w/COA
60.05.25.4.C Vehicle Circulation	The applicant states vehicular circulation is not counted in landscape calculation.	N/A
60.05.25.4.D Landscaping along foundations	The applicant's plans show the use of 'berberis thunbergii crimson pygmy', a deciduous dwarf shrub, generally reaching a maximum mature height of 24 inches, along the northern building's western facing elevation. The standard requires the use of	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	evergreen shrubs, therefore, as proposed the standard is not met. The applicant's plans show that the landscaping along the southern building's street-facing elevation consists of bergenia cordifolia bressingham, a low lying evergreen perennial and berberis julianae, and evergreen shrub. However, the applicant's plans show that the proposed plants are located at the distance that is greater than three feet. Section 60.05.25.4.D.2 states that an evergreen shrub shall be planted for every three lineal feet of foundation, therefore, staff recommend a condition of approval, requiring the applicant to submit revised landscaping plans demonstrating compliance with all applicable provisions of Section 60.05.25.4.D through the planting of evergreen shrubs along foundation landscaping.	
60.05.25.4.E Minimum Planting Requirements	The applicant's plans show more than 4 trees are proposed on the subject site and have a greater caliper inch than 1.5 as required. The applicant's plans also show more than 7 evergreen shrubs (reaching a minimum mature height of 48 inches) are provided are proposed. The applicant's plans do no indicate where bare gravel, rock or bark is proposed, therefore staff recommend a condition of approval, requiring the applicant to submit revised plans clearly demonstrating compliance with 60.05.25.4.E in which no greater than 25% of the site landscape area may utilize bare gravel, rock, or bark.	Yes, w/COA
60.05.25.4.F Pedestrian Plaza	Pedestrian plazas are intended to be small, semi-enclosed areas adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit or stand (Chapter 90). The applicant states that concrete is used to form a plaza near the barbecue area and asks to address the Design Guidelines 60.05.45.2.A-B.	See Design Guidelines
Retaining Walls		
60.05.25.8 Retaining Walls	The applicant erroneously states that the proposal does not include retaining walls 6 feet in height, and therefore this standard is not applicable. The applicant proposes a wall which reaches over 7 feet in areas. The standard is also applicable to retaining walls longer than fifty (50) lineal feet, which	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	the applicant proposes. The applicant provides a wall detail on sheet 8 of 11, however it is unclear how the proposed wall construction can occur without crossing private property lines or being located under the building foundation. Staff recommend a condition of approval, requiring the applicant to submit plans demonstrating compliance with Section 60.05.25.8.	
Fences and Walls		
60.05.25.9.A Fences and walls shall be constructed of durable materials	The applicant states that the proposed walls will be constructed of concrete or split faced block. The applicant's plans also show a fence around the subject site, ranging in height from 4 feet to 6 feet. The applicant states that coated chain link fences with slats are proposed.	Yes
60.05.25.9.B Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material.	The applicant states that the proposed walls will be constructed of concrete or split faced block. The applicant states that coated chain link fences with slats are proposed.	Yes
60.05.25.9.C Wall thickness	The applicant states the proposed walls are 6 to 8 inches thick. Staff recommend a condition of approval that prior to Site Development permit issuance, the applicant submit plans demonstrating compliance with Section 60.05.25.9.C by demonstrating that the wall is a minimum of 6 inches thick.	Yes, w/COA
60.05.25.9.D For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities...	The proposal is residential only.	N/A
60.05.25.9.E.1 Fences and walls may not exceed three feet in height in required front yards along streets.	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.7.A-B.	See DR Guideline
Minimize Significant Changes to Existing On-Site Surface Contours At Residential Property Lines		
60.05.25.10 Minimize grade changes	The applicant's grading plan is difficult to read, only the 220 contour line is labeled, existing and proposed grading are not labeled in the legend or on the plan, and it is unclear how the proposed walls and	No

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	<p>structures tie into the surrounding grading. Therefore compliance with grading standards cannot be determined by staff. Without the ability to determine if the proposed grading complies with Development Code standards, affirmative findings cannot be made. RESPONSE: The Grading Plan has been corrected to show the necessary information.</p>	
Integrate water quality, quantity, or both facilities		
60.05.25.11 Location of facilities	The applicant states that no non-vaulted treatment facilities are propose with slopes greater than 2:1. The applicant further states that a swale or raingarden with walls may be required during final stormwater design but will be designed to Clean Water Standards in the right-of-way and provided on Washington County approved street standards. The applicants plans do not currently show above ground stormwater facilities so they are not under consideration with this application. Should the applicant modify their plans at a future date further Design Review would be required.	N/A
Natural Areas		
60.05.25.12 No encroachment into buffer areas.	No natural areas exist on site. The applicant has submitted a Clean Water Services Sensitive Area Pre-Screening Site Assessment form.	N/A
Landscape Buffering and Screening		
60.05.25.13 A landscape buffer is required along the side and rear of properties between different zoning district designations and the width of the buffer cannot exceed the standard yard setback.	The subject site is zoned NS and abuts a parcel zoned R2 to the north, therefore a 10 foot wide B3 buffer is required. The side setback in the NS zone is 10 feet therefore the required landscape buffer does not exceed the setback dimension. However, the applicant's plans show that the proposed landscape buffer along the norther property line ranges in width from 8 feet to 10 feet. Therefore, as proposed the standard is not met. The applicant has not requested to address the corresponding Design Guideline. RESPONSE: The North buffer is now 10' as shown on the Site Plan. One previously provided parking spot was removed to provide room for this change.	No
60.05.25.13.A Exemptions	None of the outlined exemptions are applicable.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.25.13.D B3-High screen buffer	The applicant's plans show a 6 foot tall fence along the northern property line and three eastern redbud trees proposed in the buffer area, as required. However, the applicant does not indicate the planting height, which is required to be a minimum of 6 feet. Staff recommend a condition of approval requiring the applicant to submit plans demonstrating compliance with all applicable provisions of 60.05.25.13.D. The applicant's plans show viburnum davidii, an evergreen shrub, is proposed between the trees. The applicant's plans show the use of rubus calycinoides as ground cover in the landscape buffer area.	Yes, w/COA
60.05.25.13.E Changes to buffer widths and standards	The applicant has not requested a change to the buffer width standard.	N/A
60.05.25.13.F Landscape buffer installation	The applicant that the landscape buffer along the north property line shall be constructed prior to the request for occupancy permit issuance.	Yes

Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Adequate on-site lighting and minimize glare on adjoining properties		
60.05.30.1.A Lighting complies with the City's Technical Lighting Standards	The applicant's submitted lighting plan shows onsite lighting levels do not meet the minimum of 1.5 foot-candles in some areas. As a condition of approval, staff recommend that the applicant demonstrate compliance with all applicable lighting levels, as outlined in Section 60.05.30 and Table 60.05-1. Furthermore, the applicant's photometric lighting plan does not reflect the lighting proposed on the building elevations. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/ COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.30.1.B Lighting provided for vehicle and pedestrian circulation	Lighting is proposed for vehicular and most pedestrian circulation areas. The applicant's photometric lighting plan does not include lighting data for the proposed picnic area. The applicant's plans include a mix of pole lights and wall lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/COA
60.05.30.1.C Lighting of Ped Plazas	The applicant states that the pedestrian plaza lighting requirements have been met. The applicant's plans do not show any lighting in the pedestrian plaza area which they refer to earlier as the barbecue area. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/COA
60.05.30.1.D Lighting of building entrances	The applicant's elevations shows lighting at building entrances but the applicant's photometric lighting plan does not account for these lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/COA
60.05.30.1.E Canopy lighting recessed	The applicant states canopy lighting under the shed entrances shall be provide by a recessed light in a downward covered fixture at both entrances of the buildings. However, the applicant's photometric lighting plan does not indicate the use of canopy lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/ COA
Pedestrian-scale on-site lighting		
60.05.30.2.A Pedestrian Lighting	The applicant's photometric lighting plan shows the use of pole mounted lights throughout the site. Given the geometry and size of the site, the same lighting poles that are used to light the vehicular circulation areas also illuminate the pedestrian pathways. The proposed light poles are 16.5 feet in height, which exceed	Yes

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	the maximum height for pedestrian ways but is below the maximum height permitted for on-site vehicular circulation areas.	
60.05.30.2.B Non-Pole Mounted Lighting	The applicant states that all luminaires proposed comply with the City's Technical Lighting. Staff recommend a condition of approval that the applicant demonstrate compliance with all applicable lighting levels, as outlined in Section 60.05.30 and Table 60.05-1. And a condition requiring details showing light fixtures and mounts at Site Development permitting stage on submitted plans.	Yes, w/COA
60.05.30.2.C Lighted Bollards	Lighted bollards are not proposed.	N/A

DESIGN REVIEW GUIDELINES ANALYSIS

In the following analysis, staff have only identified the Design Guidelines which are relevant to the subject development proposal. Non-relevant Guidelines have been omitted.

60.05.35 Building Design and Orientation Guidelines. *Unless otherwise noted, all guidelines apply in all zoning districts.*

1. Building Elevation Design Through Articulation and Variety

B. *Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standards 60.05.15.1.A and B)*

The applicant has not provided a response to Design Guideline 60.05.35.1.B, which is applicable to Design Standard 60.05.15.1.B to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence

to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

RESPONSE: The buildings have three colors, decks on each unit, front entrances with deck/roofs and have faux brick and various sizes of Hardyboard siding placed both vertically and horizontally. Windows are large and all have trim. See attached elevations.

Therefore, staff finds that the Guideline is not met.

C. To balance horizontal features on long building elevations, vertical building elements, such as building entries, should be emphasized. (Standards 60.05.15.1.A and B)

The applicant has not provided a response to Design Guideline 60.05.35.1.C, which is applicable to Design Standard 60.05.15.1.B to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

RESPONSE: Building entrances are centered in the buildings, with all sidewalks, landscaping, etc. designed around them. The Entrances are large and have covered roofs. The buildings are midsized (76') and the two buildings are sited at a right angle to break up any potential 'combined' look of the two buildings.

Therefore, staff finds that the Guideline is not met.

D. Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standards 60.05.15.1.B)

The applicant states that the north building front (west) wall that faces the street has 169.77 square feet of undifferentiated blank wall but that a different width and direction of hardie plank siding is proposed to break up the façade. The north building front elevation provides pedestrian level windows and material treatments that differentiate the floors of the building, providing visual relief to pedestrians.

The applicant states that the west side elevation of the southern building has an areas of 246.45 square feet of undifferentiated blank wall, the narrative states that a different pattern of hardie plank is used to provide visual relief, however the applicant's elevations do not reflect this materials change, it is unclear to staff what is proposed in this area as the narrative and plans do not match. As such, staff has insufficient information to determine what is proposed by the applicant and cannot make affirmative findings that the Guideline is met.

RESPONSE: Applicant has revised the building elevations and narrative to match. The narrative. As now shown, the buildings promote and enhance a comfortable pedestrian scale and orientation. The Site Plan was specifically designed for this purpose with the two buildings sited at right angles and sidewalks, trees, parking designed to break up all planes and straight lines.

Therefore, staff finds that the Guideline is not met.

E. *Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D)*

The applicant has not provided a response to Design Guideline 60.05.35.1.E, which is applicable to Design Standard 60.05.15.1.E to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

RESPONSE: All building elevations visible from and within 200' of SW 96th Ave. and the parking areas have arhcitectural features such as large windows,with trim off-set front entrance, three types of siding (installed both vertically and horizontally, balconies (portion seen from front), faux brick. Moreover, two buildings, rather than one, were chosen to break up the bulk of one large building. The lanscapping and sidewalk plan add to the appealing front aestic.

Therefore, staff finds that the Guideline is not met.

60.05.40. Circulation and Parking Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

7. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones.

B. *Pedestrian connections should be provided along primary elevations having building and tenant entrances. (Standard 60.05.20.7.B)*

The applicant states that a 10 foot commercial sidewalk is inappropriate for the proposed apartments. The proposal includes pedestrian walkways that provide adequate connections to the primary building entrances, public streets, and shared open space areas.

Therefore, staff finds that the Guideline is met.

60.05.45. Landscape, Open Space and Natural Areas Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

1. Common open spaces for residential uses in Residential zones.

A. Common open spaces should be provided that are sized and designed for anticipated users, and are located within walking distance for residents and visitors, and should be integrated into the overall landscape plan. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.A, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

B. Common open spaces should be available for both passive and active use by people of all ages, and should be designed and located in order to maximize security, safety, and convenience. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.B, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

C. Common open spaces should be free from all structural encroachments unless a structure is incorporated into the design of the common open space such as a play structure. (Standard 60.05.25.1-3)

The applicant doesn't specify that 60.05.45.1.C is being responded to, however their response is regarding the desired placement of play structures which leads staff to believe the response is intended to address this criterion. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

D. Common open spaces should be located so that windows from living areas, excluding bedrooms and bathrooms, of a minimum of four (4) residences face on to the common open space. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.B, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

2. Minimum landscaping in Residential zones.

A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape. (Standard 60.05.25.4)

The applicant has not provided a response to Design Guideline 60.05.45.2.A, which is applicable to Design Standard 60.05.25.4.F to which the applicant responded that the Design Guideline would be addressed. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.4)

The applicant has not provided a response to Design Guideline 60.05.45.2.B, which is applicable to Design Standard 60.05.25.4.F to which the applicant responded that the Design Guideline would be addressed. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

7. Fences and walls.

A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.9)

The applicant has not provided a response to Design Guideline 60.05.45.7.A, which is applicable to Design Standard 60.05.25.9.E to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings. **RESPONSE: Fences and walls are made out**

of chain-link fence with slats. This is in the narrative provided. Fences and walls are shown on the Site Plan – 5' chainlink on SE and West.

Therefore, staff finds that the Guideline is not met.

B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.9.E)

The applicant states that they wish to provide a 48 inch tall fence west (in front) of the four foot retaining wall in the front yard for fall protection. It is unclear how a fence of the same height will provide fall protection for a four foot wall. Staff concurs that fall protection is important. The applicant stated in response to the Design Standards that chain link fence with slats was proposed. As chain link with slats on top of a wall would provide for a large undifferentiated wall and not provide views into the site, staff recommends a condition of approval that the fence within the front yard setback must be a decorative metal fence that provides views into the site. Staff also recommends a condition of approval that the fall protection fence be placed along the top of the wall to provide adequate fall protection, areas for which fall protection are not needed shall not have fence on top of the wall or in excess of three feet in the front yard. **RESPONSE: This is acceptable.**

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

**LD2019-0003
ANALYSIS AND FINDINGS FOR
REPLAT ONE**

Section 40.45.05 Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.2.C Approval Criteria

In order to approve a Replat One 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 application satisfies the threshold requirements for a Replat One.

The lot consolidation meets Threshold 1 for the Replat One.

The subject site currently consists of two full lots and a small portion of a third lot, subject to Property Line Adjustment approval:

- 1S114BA01600, Lot Part 32 of Woodland Acres No. 2
- 1S114BA01602, Lot Part 32 of Woodland Acres No. 2
- 1S116AD03100 Lot Parts 32-33 of Woodland Acres No.2 is the abutting lot to the east, under separate ownership, subject to the Property Line Adjustment (PLA2020-0001)

The applicant is proposing to consolidate lot 1600, 1602 and small portion of 3100 within an existing plat, Woodland Acres No. 2, to accommodate the development.

40.45.15.3.A. Thresholds:

1. *The reconfiguration of lots, parcels, or tracts within a single existing plat that decreases or consolidates the number of lots, parcels, or tracts in the plat.*

Therefore, staff find that the proposal meets the criterion for approval.

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

The applicant has paid the required application fee for a Replat One application.

Therefore, staff find that the proposal meets the criterion for approval.

3. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the partition process to comply with current Code standards and requirements.

The applicant states that the proposed replat does not conflict with any existing City approval, staff concurs. The subject site contains two houses which will be demolished to allow for construction of the proposed apartment buildings.

Therefore, staff find that the proposal meets the criterion for approval.

4. ***Oversized parcels (oversized lots) resulting from the Replat shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

Chapter 90 defines an oversize lot as at least twice the minimum lot size permitted in the zoning district. For attached residential development within the NS zoning district, the minimum parent parcel of land area per dwelling unit is 1,000 square feet. The combined parcel size exceeds 1,000 square feet and provides approximately 1,571 square feet per unit.

Therefore, staff find that the proposal meets the criterion for approval.

5. ***Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:***
 - a) ***Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
 - b) ***Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.***

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

6. ***Applications that apply the lot area averaging standards of Section 20.05.15.D. do not require further Adjustment or Variance approvals for the Land Division.***

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

7. *If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.*

Phasing is not requested as part of this application.

Therefore, staff find that the criterion for approval does not apply.

8. *The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.*

The proposed replat does not eliminate pedestrian access, utility service, or vehicle access to the subject properties. The applicant's plans show the existing structures on the site are to be demolished and the site redeveloped with new pedestrian, utility services and vehicle access.

Therefore, staff find that the proposal meets the criterion for approval.

9. *The proposal does not create a parcel or lot which will have more than one (1) zoning designation.*

The three affected lots are existing lots are all zoned NS (Neighborhood Service) the proposed consolidated lot has a single zoning designation, NS.

Therefore, staff find that the proposal meets the criterion for approval.

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

The applicant has submitted all documents related to this request for Replat One (LD2019-0003) approval. The applicant has also submitted Conditional Use, Design Review Three, Property Line Adjustment, and Tree Plan Two applications. No additional application or documents are needed at this time related to this request for a Replat One for Lot Consolidation. The Replat One application is dependent upon approval of the Property Line Adjustment application.

Therefore, staff find that by meeting the conditions of approval the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2019-0003 Hawaii Kai Multi-Family**, subject to the applicable conditions identified in Attachment G.

**ANALYSIS AND FINDINGS FOR
PROPERTY LINE ADJUSTMENT
PLA2020-0001**

Section 40.45.15.1.C Approval Criteria.

In order to approve a Property Line Adjustment application, 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 Property Line Adjustment.

Facts and Findings:

Section 40.45.15.1.A Threshold: An application for Property Line Adjustment shall be required when any of the following thresholds apply:

"The changing of a common boundary of two (2) lots of record where the number of lots or parcels does not change; except a proposal meeting the threshold for a Replat under Section 40.45.15.2, shall be processed as a Replat and not as a Property Line Adjustment."

The applicant proposes to adjust the common boundary between lot 1S114BA01600 and lot 1S116AD03100 by a total area of approximately 119 square feet.

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

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

The applicant submitted the applicable fee for a Property Line Adjustment application.

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

3. The Property Line Adjustment does not conflict with any existing City land use approval, public easement, or previous condition of approval applied to the subject property.

The proposed property line adjustment does not conflict with any previous conditions of approval. The proposal to adjust lines has been reviewed by Site Development staff and finds that the adjustment, as shown on the submitted plans, does not conflict with any existing public easement, or previous condition of approvals applied to the subject properties.

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

4. An additional lot or parcel is not created.

The applicant proposes to adjust the common boundary between lot 1S114BA01600 and lot 1S116AD03100. A request to consolidate lots is reviewed concurrently, under a separate application for a Replat One, LD2019-0003. The applicant's proposal will not create an additional lot of record.

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

- 5. *The Property Line Adjustment is consistent with all applicable provisions of Chapter 20 (Land Uses), unless the applicable provisions are modified by means of one or more applications which shall be already approved or considered concurrently with the Property Line Adjustment.***

The subject lots are currently zoned Neighborhood Service (NS). The proposed property line adjustment does not reduce lot dimensions below standards of the zone. Similarly, each lot will retain the minimum lot area and setbacks of the zone.

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

- 6. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).***

Staff cites the Facilities Review report which analysis compliance with Chapter 60. Portions of Chapter 60 related to the request for a Property Line Adjustment are in compliance.

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

- 7. *All critical facilities and services have, or can be improved to have, adequate capacity to serve the reconfigured lots.***

Staff cites the Facilities Review Report, criterion A, which evaluates the critical facilities and services related to the proposed development. Staff finds that critical facilities and services are adequate to serve the reconfigured lots.

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

- 8. *The proposal will not eliminate pedestrian or vehicle access to the affected properties.***

The property line adjustment will not eliminate pedestrian or vehicular movement access to the affected properties.

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

9. *The proposal does not create a parcel which will have more than one (1) zoning designation.*

The properties will retain the NS zoning designation and will not have more than one (1) zoning designation.

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

10. *The application contains all required submittal materials as specified in Section 50.25.1 of the Development Code.*

The application was submitted on January 13, 2020. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

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

The applicant has provided the required documentation for this property line adjustment application. No additional documentation is needed at this time. The applicant as a condition of approval shall provide the City with a draft of the documents related to the Property Line Adjustment prior to recording for review and approval.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **PLA2020-0001 Hawaii Kai Multi-Family**, subject to the applicable conditions identified in Attachment G.

**TP2019-0001
ANALYSIS AND FINDINGS
FOR TREE PLAN TWO APPROVAL**

Section 40.90.05 Tree Plan Applications: Purpose

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees, thus helping to preserve and enhance the sustainability of the City's urban forest.

Section 40.45.15.5.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.***

No Protected Trees are present on the subject site. The applicant's plans indicate the removal of 8 Community Trees from the subject site.

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

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

The applicant paid the required fee for a Tree Plan Two application.

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

- 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.***

Removal of the Community Trees is necessary to accommodate the proposed development.

Therefore, staff find that the criterion for approval does not apply.

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

The applicant states that the trees are in the direct location of improvements and cannot be saved. The applicant's plans show the site is proposed to be fully developed and the Community Trees must be removed to accommodate physical development.

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

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.***

The applicant states the purpose of the removal is to accommodate physical development where no reasonable alternative exists, as described in response to Criterion 4 above. Staff concurs.

Therefore, staff finds that the criterion for approval does not apply.

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.***

As described in response to Criterion 4 and Criterion 5 above, the removal of the Community Trees is necessary to accommodate development. Three Community Trees are shown to be located within the area designated for the standard sidewalk along SW 96th Avenue, therefore, tree removal is also necessary to accommodate required right-of-way improvements.

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

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.***

The purpose of the removal is to accommodate physical development where no reasonable alternative exists as described above. No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply

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.

No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply.

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.*

No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply.

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

Staff cites the Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies, or can be made to comply through conditions of approval, with all applicable provisions of Chapter 60.60 and 60.67.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

11. *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.*

This approval criterion is identical to Facilities Review approval criterion J found within Attachment A above. Staff incorporate the finding as stated therein.

Therefore, staff find the proposal does not meet the criterion for approval.

RESPONSE: Corrections to the Grading Plan and Landscape Plan have been made to resolve all issues realting to Facilities Review approval criterion J and, hence, this requirement.

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

The submitted Tree Plan proposal contained all applicable submittal requirements necessary to review the application.

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

I3. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

The Tree Plan Two application is being processed concurrently with the Conditional use, Design Review Three, Replat One, and Property Line Adjustment applications. In the review of the materials during the application review, staff found that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal. Staff recommends a condition of approval that the above-mentioned Design Review Three application, be approved in order for this Tree Plan Two to be approved.

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

Recommendation

Based on the facts and findings presented, staff recommend **DENIAL** of **TP2019-0001 (Hawaii Kai Multi-Family)**.

RESPONSE: All objections have been resolved. Accordingly, the TP2019-0001 should be approved.

Code Conformance Analysis

Chapter 60.60 Trees and Vegetation & Chapter 60.67 Significant Natural Resources

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.1A-B	Pruning Standards for Protected Trees	The subject site does not contain any Protected Trees.	N/A
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	The subject site does not contain any Protected Trees.	N/A
60.60.15.2.B	Mitigation is required as set forth in 60.60.25	The subject site does not contain any Protected Trees. No mitigation is required for Community Trees.	N/A
60.60.15.2.C.1-8	Standards for SNRA & Significant Groves	A SNRA (Significant Natural Resource Area) is not present on the site, nor is a Significant Grove.	N/A
60.60.20 Tree Protection Standards During Development			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	To protect trees on abutting sites that may have roots on the subject site, staff recommend the applicant demonstrate compliance with Section 60.60.20, prior to Site Development permit issuance.	Yes w/ COA

RECOMMENDED CONDITIONS OF APPROVAL
Hawaii Kai Multi-Family
(CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001/ TP2019-0001)

Conditional Use (CU2019-0001)

As staff recommends Denial of the Conditional Use application CU2019-0001 no conditions of approval are provided as a Denial cannot be conditioned.

Design Review (DR2019-0012)

As staff recommends Denial of the Design Review Three application DR2019-0012 no conditions of approval are provided as a Denial cannot be conditioned.

Replat One (LD2019-0003)

A. General Conditions, the Applicant shall:

1. Ensure the associated land use application PLA2020-0001 has been approved. (Planning / ES)

B. Prior to approval of the final plat, the applicant shall:

2. Submit electronic copies of the proposed final plat to the City for review and approval, prior to recording. (Planning / ES)
3. Submit copies of the proposed final plat to Washington County for preliminary review and comments, to be shared with the City of Beaverton, prior to recording. (Planning / ES)
4. Show the dedication of a six (6) foot easement along the property's frontage to SW 96th Avenue to Washington County for purposes of public access to the sidewalk. (Transportation/KM)
5. Have commenced construction of the site development improvements to provide minimum critical public services to the proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./TDM)
6. Show granting of any required off-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./TDM)

7. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits for each parcel, ready for recording concurrently with the final plat at Washington County. (Site Development Div./TDM)

Property Line Adjustment (PLA2020-0001)

A. General Conditions, the applicant shall:

1. Ensure the associated land use applications CU2019-0001, DR2019-0012, LD2019-0003, and TP2019-0001 have been approved. (Planning / ES)

B. Prior to Site Development permit issuance, the applicant shall:

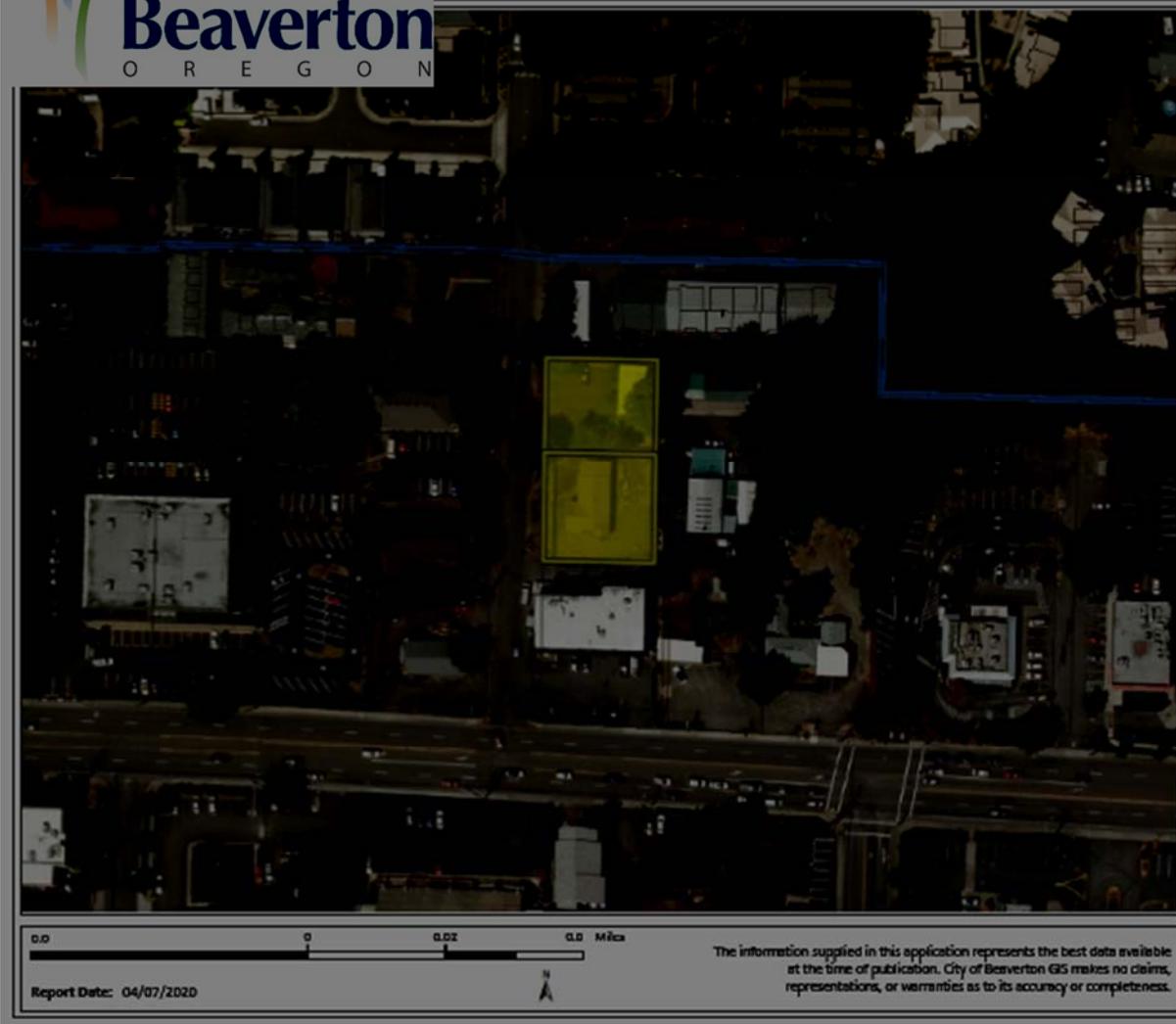
2. Submit a draft maintenance agreement specifying the maintenance responsibility of the proposed retaining wall (where it crosses property lines), signed by all affected parties, to be recorded with the final plat. (Planning/ES)

C. Prior to the approval of the final plat, the applicant shall:

3. Submit electronic copies of the proposed final plat, or alternate documents if a plat is not proposed, to the City for review and approval, prior to recording. (Planning / ES)
4. Submit copies of the proposed final plat to Washington County for preliminary review and comments, to be shared with the City of Beaverton, prior to recording. (Planning / ES)

Tree Plan Two (TP2019-0001)

As staff recommends Denial of the Tree Plan Two application TP2019-0001 no conditions of approval are provided as a Denial cannot be conditioned.



Staff Report

STAFF REPORT DATE: April 8, 2020

HEARING DATE: April 15, 2020

TO: Interested Parties

FROM: Elena Sasin, Associate Planner
Jana Fox, Current Planning
Manager

PROPOSAL: Hawaii Kai Multi-Family
CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001
/ TP2019-0001

LOCATION: The site is located at 4500 and 4550 SW 96th Avenue and the Property Line Adjustment includes 4560 SW 96th Avenue; Tax Lots 1602, 1600 and 1501 of Washington County Assessor's Map 1S114BA.

ZONING / NAC: Neighborhood Service (NS) / Denney Whitford-Raleigh West NAC

SUMMARY: The applicant, Kurahashi and Associates Company, requests approval of the following land use applications for the construction of a 12-unit apartment complex: Conditional Use approval for attached-dwelling residential use within the NS zone, Design Review Three approval for the construction of two buildings and associated site improvements, Replat One approval to consolidate two lots, Property Line Adjustment to modify a property line between the subject site and an abutting property, and a Tree Plan Two for the removal of Community Trees from the subject site.

DECISION: **RECOMMENDATION OF DENIAL of Hawaii Kai Multi-Family CU2019-0001 / DR2019-0012 / TP2019-0001**

RECOMMENDATION OF APPROAL of Hawaii Kai Multi-Family LD2019-0003 / PLA2020-0001

PROPERTY OWNERS: Kainui Investments LLC
Mike & Roxanne Martin
2280 Hammerle St.
West Linn, OR 97068

Gerald & Deanna Cundari
4520 SW 75th Ave
Portland, OR 9725

APPLICANT: Kurahashi and Associates Company
Greg Kurahashi
4470 SW Hall Blvd, Ste C
Beaverton, OR 97005

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Applicant Deemed Themselves Complete	120-Day*	365-Day**
CU2019-0001	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020
DR2019-0012	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020
LD2019-0001	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020
PLA2020-0001	January 13, 2020	January 13, 2020	July 29, 2020	January 12, 2021
TP2019-0001	January 31, 2019	July 30, 2019	July 29, 2020	July 29, 2020

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

** This is the latest date, with a continuance, by which a final written decision on the proposal can be made

Existing Conditions Table

Zoning	Neighborhood Service (NS)	
Current Development	Two single family dwellings, one on each of the two primary tax lots. A commercial building is located on the site of the proposed PLA property.	
Site Size & Location	The subject proposal is located at 4500 and 4550 SW 96 th Avenue. The site area is approximately 0.43 acres.	
NAC	Denney Whitford / Raleigh West	
Surrounding Uses	Zoning: <u>North:</u> Urban Medium Density (R2)	Uses: <u>North:</u>
	<u>South:</u> Neighborhood Service (NS)	<u>South:</u>
	<u>East:</u> Neighborhood Service (NS)	<u>East:</u>

	<u>West:</u> Neighborhood Service (NS)	<u>West:</u>
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DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

		<u>Page No.</u>
Attachment A:	Facilities Review Committee Technical Review and Recommendation Report	FR1 – FR15
Attachment B:	Conditional Use (CU2020-0001)	CU1-CU3
Attachment C:	Design Review Three (DR2019-0012)	DR1-DR23
Attachment D:	Replat One for Lot Consolidation (LD2019-0003)	LD1 – LD3
Attachment E:	Property Line Adjustment (PLA2020-0001)	PLA1 – PLA3
Attachment F:	Tree Plat Two (TP2019-0001)	TP1 – TP5
Attachment G:	Recommended Conditions of Approval	COA1 – COA2

Exhibits

Exhibit # Materials submitted by Staff

- Exhibit 1.1 Vicinity Map (page SR-5 of this report)
- Exhibit 1.2 Aerial Map (page SR-6 of this report)

Public Comment

No public comments received as of the date of Staff Report issuance.

Exhibit 1.1

Hawaii Kai Multi-Family CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001

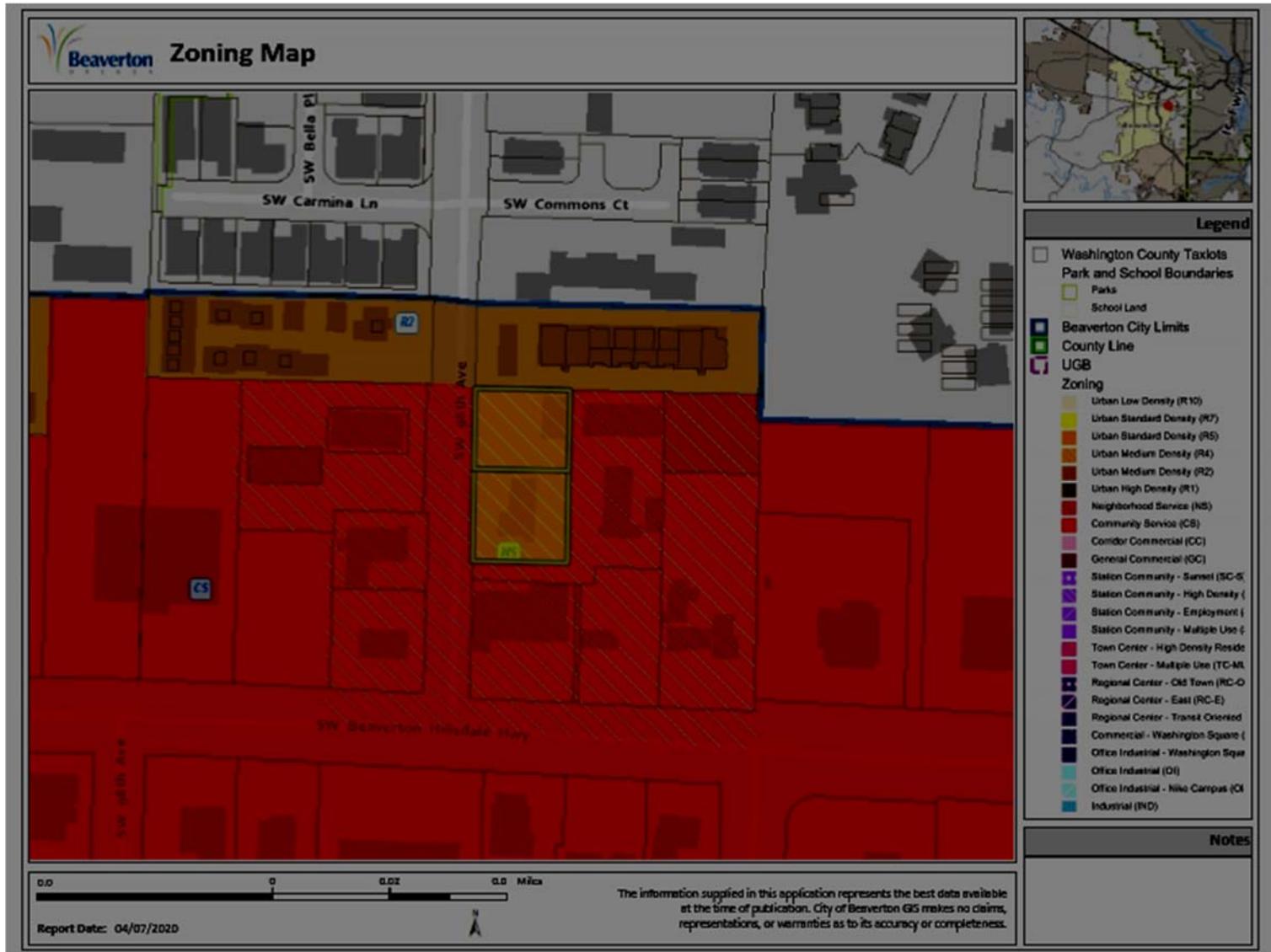


Exhibit 1.2

Hawaii Kai Multi-Family CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001



**FACILITIES REVIEW COMMITTEE TECHNICAL
REVIEW AND RECOMMENDATIONS**
Hawaii Kai Multifamily

(CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001)

Section 40.03.1 Facilities Review Committee:

The Facilities Review Committee (Committee) has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria are reviewed for all criteria that are applicable to the submitted application as identified below:

- **All twelve (12) criteria are applicable to the Conditional Use (CU2019-0001) and Design Review Three (DR2019-0012) 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.**

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

Public Water, Sanitary Sewer and Storm

The City of Beaverton (City) is the sanitary sewer and storm drainage provider to the site. West Slope District is the water service provider (the applicant erroneously references Metzger Water District). Public facilities are within the vicinity of the subject site. Two 30-inch stormwater mains cross the northern portion of the site diagonally, with existing manholes on the site and in the abutting right-of-way (SW 96th Avenue). An 18-inch sanitary line also runs through the site in the north. Public utilities located on private property must be located within easements. The Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans prior to Site Development permit issuance, clearly showing the existing easement for both the existing storm and sanitary sewers on the site plan.

The applicant explains that the stormwater from the roofs of the two proposed buildings is collected by rain drains which connect to the storm lines that then drain to a Storm Filter Catch Basin. The applicant's plans show stormwater

lines running from the south side of the site, and from the parking lot, to the onsite Contech stormwater filter. The applicant further explains that an orifice structure per CWS Drawing 270 (flow control structure) will be located upstream from the catch basin to control the flow "and to back up to detain flow to pre development conditions". The applicant states that permeable surfaces are used for the small plaza area and for the children's play area draining to underground gravel chambers. The applicant also states that water quantity is not required and proposes to discharge stormwater into the floodplain. The applicant's narrative provides differing information and at times conflicts with the submitted plans. The applicant's stormwater plans and analysis will be reviewed in detail during the Site Development Permit process to ensure compliance with City of Beaverton and Clean Water Services standards.

The applicant's utility plan appears to show both existing utilities as well as proposed utilities. The Facilities Review Committee recommend a condition of approval that the existing culvert and ditch inlet located in SW 96th Avenue be removed and replaced with a storm sewer system that can capture and convey the stormwater from the post development sub-basin.

The applicant has submitted a Service Provider Letter (SPL) from Clean Water Services (CWS).

An existing 8-inch sanitary sewer main parallel to the site is also located within SW 96th Avenue. The applicant's plans show the two proposed buildings connect to the sanitary sewer main in SW 96th Avenue.

The subject site is located within the West Slope Water District, however, City maps indicate that Tualatin Valley Water District (TVWD) also has water lines located within SW 96th Avenue adjacent to the site. Although the West Slop Water District does not issue service provider letters, the Facilities Review Committee recommend a condition of approval that requires the applicant to demonstrate that concurrence from TVWD was received for the proposed relocation of a TVWD riser in SW 96th Avenue. The applicant's plans show a public water main located in SW 96th abutting the site. In review of the proposal, the Facilities Review Committee, has determined that by meeting the conditions of approval at the end of this report, the proposal does not impact the level of facilities and services available. The capacity of the existing systems is adequate to support the increase uses of these critical facilities.

Transportation

The subject site is located along SW 96th Avenue, a Neighborhood Route, within Washington County's operational jurisdiction. The County has reviewed the proposal and has provided draft conditions of approval. Direct and efficient vehicular and pedestrian access connections are proposed to SW 96th Avenue. In this location, SW 96th Avenue has a Washington County NR-3 designation, requiring a total right-of-way width of 60 feet. The applicant is required to accommodate the required right-of-way width and make half-street improvements, therefore, the applicant is proposing to place six feet of the subject site within a public access easement to complete a 30 foot-wide half street cross section as needed. Sidewalks along streets and primary building

elevations in Commercial and Multiple Use zones must provide 10-foot wide curb-tight sidewalks, with a minimum unobstructed width of five feet (Section 60.05.20.7.A). The applicant's plans show a 12-foot wide sidewalk with an unobstructed path exceeding five feet. However, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

A Traffic Impact Analysis (TIA) was not required for the proposed 12-unit development, as the development is not expected to generate 300 or more vehicle trips in a day (Section 60.55.20.2.A).

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue (TVF&R). The applicant has provided a copy of a TVF&R Service Provider Permit #2020-0011, which did not include conditions of approval. Compliance with TVF&R approved plans will be verified at the time of Site Development Permit issuance.

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

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.

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant's plans and materials were shared with Beaverton School District, Tualatin Hills Park and Recreation District (THPRD), City Transportation staff and City Police Department.

Schools

The applicant has provided a copy of a Service Provider Statement from the Beaverton School District (District), which states that the District believes it will have sufficient capacity to accommodate new students from the proposed development. The District has been notified of the proposed development and has not provided written comments or conditions.

Transit Improvements

The subject is located approximately 530 feet from the nearest bus stop, route 54 on Beaverton Hillsdale Highway, which provides frequent service between Beaverton Transit Center and Portland City Center.

Police

To the date of this report Beaverton Police have not provided comments or recommendations to the Committee. Beaverton Police will serve the development site and any comments will be shared with the applicant.

Pedestrian and Bicycle Facilities

The subject site is adjacent to SW 96th Avenue, a Neighborhood Route within Washington County's operational jurisdiction. To provide the standard right-of-way width, an additional six feet is required. The applicant's plans show the required six feet is proposed to be accommodated on the subject site within an easement. The applicant's plans show a 12-foot wide curb-tight sidewalk, exceeding the minimum 10 feet required, along the site's frontage, with at least five feet of unobstructed width. As previously mentioned, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

The applicant's plans show one pedestrian connection is proposed between the onsite buildings and abutting right-of-way. Bike lanes are not proposed nor required. The applicant's plans show two short-term bike parking spaces located near the ADA stall and within approximately 50 feet of each entrance. The applicant has not submitted a bike rack detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate the minimum required off-street bicycle parking is provided on site (according to the minimum rates listed in the parking table in BDC 60.30.10.5) and that the layout and design for the short term bicycle parking meets the minimum design standards in the City's Engineering Design Manual, Section 340. For long-term bike parking, the applicant states that a vertical dual bike storage rack will be provided in each unit.

Parks

The site will be served by the Tualatin Hills Park and Recreation District (THPRD). The applicant's materials were shared with THPRD who have not provided comments or recommendations to the Facilities Review Committee.

The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

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

C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be

already approved or which shall be considered concurrently with the subject 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).

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report, which evaluates the project as it relates to applicable code requirements of Chapter 20 for the Neighborhood Service (NS) zone, as applicable to the aforementioned criterion. As demonstrated in the chart, the development proposal ~~does not meet_s, or can be conditioned to meet~~, all applicable Chapter 20 criteria. ~~setbacks, specifically the southern building does not appear to meet the side setbacks in the southeast corner of the site.~~

Therefore, the Committee finds that the proposal ~~does not~~ meets_s the criterion for approval.

RESPONSE: The April 15, 2020 Staff Memo changed this to an approved criteria based on submittals made between April 8 and April 15. All Narratives and plans have been updated to reflect the changes made.

D. The proposed development 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.

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, as applicable to the above mentioned criteria. Staff will provide findings for the applicable Design Review Standards and Guidelines (Code Section 60.05) and well as provisions applicable to Land Division applications, within the Design Review (DR2019-0012) and Land Division (LD2019-0003) sections of the staff report.

Off-Street Parking (Section 60.30)

The standard parking ratio for attached dwellings outside of multiple-use zones is 1.25 spaces per one-bedroom unit and 1.5 for two-bedroom units. The subject proposal includes four two-bedroom units and eight one-bedroom units, requiring a minimum of 16 parking spaces for the proposed multi-family development.

The applicant's plans show 2 short-term bicycle parking stall located near the proposed ADA stall location and within approximately 50 feet of both primary building entrances.

The applicant states a vertical dual bike storage rack will be provided in each unit to accommodate the 12 long-term bike parking stalls required for the proposed development. However, the applicant has not submitted a bike rack

detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate the minimum required off-street bicycle parking is provided on site (according to the minimum rates listed in the parking table in BDC 60.30.10.5) and that the layout and design for the short term bicycle parking meets the minimum design standards in the City's Engineering Design Manual, Section 340. For long-term bike parking, the applicant states that a vertical dual bike storage rack will be provided in each unit.

The proposal includes 90-degree parking stalls with a dead end. Drawings provided in Section 60.30.15 of the Development Code outline the parking lot design requirements. Two-way, 90-degree, dead-end parking lots must provide a five-foot deep backing area at the dead-end to allow vehicles to exit the parking lot. The applicant's plans show that the proposed backing area is approximately 3.5 feet in depth and therefore does not meet the standard. Any change from the numerical requirements contained in Section 60.30. (Off-street Parking) are subject to review under the Major Adjustment application, which the applicant has not submitted.

Therefore, staff find the criterion has not been met.

RESPONSE: See response to entire section D below on next page.

Street and Bicycle and Pedestrian Connection Requirements (Section 60.55.25)

The subject site abuts SW 96th Avenue to the west, a right-of-way under the jurisdiction of Washington County and therefore subject to Washington County's standards. The County has reviewed the proposal and has provided draft conditions of approval which are included in this report.

An additional six-feet of right-of-way is required to meet the County's requirement for an NR-3 Neighborhood Route, having a total right-of-way width of 60 feet. To accommodate the required street section and half-street street improvements, the applicant proposed to place the additional six-feet necessary within an easement on the subject site. As previously mentioned, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

The applicant's plans show the proposed pedestrian improvements extend to the boundaries of the site. The applicant's plans show walkways internal to the site are provided at primary building entrances and through the parking lot, connecting the proposed buildings to the abutting public circulation system in a direct and efficient manner. The development's frontage is approximately 186 feet in length therefore only one walkway into the site is required (Section 60.55.25.10.B). The applicable Washington County road section does not require bike lanes here and the applicant is not proposing bike lanes along the site's frontage.

Transportation Facilities (Section 60.55)

As noted above in the response to Facilities Review Criterion A, B and D above, the subject site is adjacent to SW 96th Avenue, an existing local street, within Washington County's jurisdiction. Access spacing and the right-of-way width has been reviewed by Washington county staff who have provided conditions of approval. The Committee recommends Washington County's conditions of approval be incorporated into the conditions of approval.

Trees and Vegetation (Section 60.60)

The applicant states that 13 out of 13 Community Trees are proposed for removal. However, the applicant's tree inventory show that only eight of the trees found on-site meet the Beaverton Development Code's definition of Community Tree. Those trees identified in the applicant's inventory as "street trees" are in this case also considered Community Trees. No Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove) are found onsite. The applicant has submitted a Sensitive Area Pre-Screening Site Assessment conducted by Clean Water Services, dated January 30, 2020, which does not indicate the presence of sensitive areas on the subject site.

Utility Undergrounding (Section 60.65)

The applicant has provided a preliminary utility plan demonstrating the undergrounding of the proposed utilities. However, the applicant also states that a power pole on the abutting property to the east (1S114BA01501) may need to be moved. In the event this power pole is affected, it shall be undergrounded. The Committee recommends a standard condition of approval requiring that utility lines are placed underground, consistent with Section 60.65.

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

RESPONSE: Because of the above 60.30 Off-Street Parking objection, the April 15 Staff Memo stated that the overall D requirement is not met. Applicant's revised plans and narratives show how these objections are cured by removal of one parking stall (still meeting total requirements) and having 5' turn-arounds as shown on the plans. As a result, a Major Adjustment application is not required for this item. See the revised Site Plan, revised Grading Plan and revised Chapter 40 Facilities Review 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.

The applicant states that the proposed facilities will be owned and maintained by the apartment complex owners.

The applicant's plans indicate that a retaining wall is proposed to cross property lines between the subject site and the lot to the east (1S114BA01501). The Facilities Review Committee recommend a condition of approval requiring the applicant to submit a maintenance agreement specifying the maintenance responsibility of the proposed retaining wall, prior to final plat.

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

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

In review of Criterion F, staff incorporates the findings prepared in response to A, B and D above. The applicant states that two five-foot wide pedestrian walkways are proposed through the site and shall be scored concrete. However, the applicant's plans do not show the differentiating materials therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised plans demonstrating compliance with Section 60.05.20.3.E-F, prior to Site Development permit issuance.

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

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

In review of Criterion G, staff incorporates the findings prepared in response to A, B, D and F above. The applicant's plans show a pedestrian path connects onsite buildings to the abutting public right-of-way and to an onsite open space area proposed within the northwest corner of the site. Additionally, the Facilities Review Committee recommend a condition of approval that the applicant submit plans demonstrating that the onsite walkways be differentiated by the use of a different material than the onsite drive aisle, as outlined in Section 60.05.20.3.E-F. By meeting the recommended condition of approval, the development's on-site vehicular and pedestrian circulation systems can connect to the surrounding circulation systems in a safe, efficient and direct manner.

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

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

The applicant states all public facilities have been shown and will be designed to meet Washington County requirements and Tualatin Valley Fire and Rescue (TVF&R) standards or as already coordinated with TVF&R and West Slope Water District. TVF&R has reviewed the proposed development and has provided a Service Provider Permit.

The proposal will also need to show compliance to the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards.

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

I. Structures and public facilities serving the development 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.

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

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

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

The applicant states that the proposed improvements meld into existing adjacent improvements improving storm drainage conditions, flood plain issues of grading and traffic conditions where possible and add waterline improvements to the West Slope Water District.

The applicant's grading plan is difficult to read and therefore compliance with Facilities Review criterion J and other grading standards cannot be determined. Without the ability to determine if the proposed grading complies with Development Code standards, affirmative findings cannot be made.

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

RESPONSE: Applicant has submitted a revised Grading plan that is easier to read and meets the requirements of Facilities review criterion J and other grading standards. See also the changes made to the Chapter 20 Facilities Review Narrative which sets forth detailed explanations of the grading, etc. changes made to meet compliance.

K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

The applicant states that all access and facilities for physically handicapped people have been incorporated into the development site improvements and building design. The development will be required to meet all applicable accessibility standards of the International Building Code, the Fire Code, and other standards as required by the American Disabilities Act (ADA). Compliance with ADA requirements are reviewed at the time of Building permit application. Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, it appears that the general site layout can meet accessibility requirements.

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

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

The application was submitted on January 31, 2019. The applicant deemed the application complete on July 30, 2019. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are not contained within this proposal. The applicant has not provided sufficient and/or consistent evidence in the application materials needed to determine compliance with applicable criteria, such as **setbacks and grading**.

Therefore, the Committee finds that the proposal does not meet the criterion for approval. The application was submitted on January 31, 2019. The applicant deemed the application complete on July 30, 2019. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are not contained within this proposal. The applicant has not provided sufficient and/or consistent evidence in the application materials needed to determine compliance with applicable criteria, such as setbacks and grading.

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

RESPONSE: The entirety of Applicant's Additional Documents and previous submittals creates a complete and acceptable Application that meets the requirements of 50.25.1

**Code Conformance Analysis
Chapter 20 Use and Site Development Requirements**

Neighborhood Service (NS) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code 20.10.20			
Use – Attached Residential	Conditional	The proposal includes two buildings, with six units within each building, for a total of 12 units.	See CU2019-0001 Section of Staff Report
Development Code Section 20.10.15 (Residential Urban Medium Density)			
Minimum Land Area – Residential (Attached)	1,000 square feet/unit	Approximately 18,862 square feet or approximately 1,571 square feet per unit.	Yes
Lot Dimensions	Min. Width = 70 feet Min. Depth = 100 feet	Proposed Width = approximately 186 feet Proposed Depth = 100 feet	Yes
Minimum Yard Setbacks	Front = 20 Side = 10 Rear = zero	Proposed Front: 26 feet Rear: Zero Side: 10 feet The applicant has proposed a property line adjustment between the subject site and abutting lot to the east (IS114BA01501) however the applicant's plans are difficult to read and compliance with all side setbacks cannot be determined.	Yes No
Maximum Building Height	35 feet	The applicant states that the proposed structures are 35 feet in height. The applicant's architectural elevations show the proposed buildings are approximately 33.5 feet in height, yet elsewhere in the applicant's materials, the applicant states the proposed buildings have a height of 35 feet plus a one-foot parapet above the 35 feet. The Facilities Review Committee recommend a condition of approval that the applicant submit revised plans and narrative that consistently demonstrate the proposed buildings do not exceed 35 feet in height, including parapet walls.	Yes, w/COA

Conditional Use

Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria E, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

RESPONSE: See responses to Facilities Review Paragraphs J and L, evidencing that said criteria are now met.

**Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Neighborhood Service (NS) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code 20.10.20			
Use – Attached Residential	Conditional	The proposal includes two buildings, with six units within each building, for a total of 12 units.	See CU2019-0001 Section of Staff Report
Development Code Section 20.10.15 (Residential Urban Medium Density)			
Minimum Land Area – Residential (Attached)	1,000 square feet/unit	Approximately 18,862 square feet or approximately 1,571 square feet per unit.	Yes

ATTACHMENT A

Lot Dimensions	Min. Width = 70 feet Min. Depth = 100 feet	Proposed Width = approximately 186 feet Proposed Depth = 100 feet	Yes
Minimum Yard Setbacks	Front = 20 Side = 10 Rear = zero	Proposed Front: 26 feet Rear: Zero Side: The applicant has proposed a property line adjustment between the subject site and abutting lot to the east (1S114BA01501) however the applicant's plans are difficult to read and compliance with all side setbacks cannot be determined.	No YES PER LAST HEARING
Maximum Height Building	35 feet	The applicant states that the proposed structures are 35 feet in height. The applicant's architectural elevations show the proposed buildings are approximately 33.5 feet in height, yet elsewhere in the applicant's materials, the applicant states the proposed buildings have a height of 35 feet plus a one-foot parapet above the 35 feet. The Facilities Review Committee recommend a condition of approval that the applicant submit revised plans and narrative that consistently demonstrate the proposed buildings do not exceed 35 feet in height, including parapet walls.	Yes, w/COA

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The applicant has requested to be reviewed under a combination of Design Review Standards and Guidelines.	See DR2019-0012 Section of Staff Report
Development Code Section 60.10			
Floodplain Regulations	Requirements for development within floodplains.	The northern portion of the subject site is located within a floodplain. The applicant's plans show development is proposed within the floodplain but no habitable buildings are shown within the mapped floodplain area. The Facilities Review Committee recommend a number	Yes, w/COA

		of conditions requiring the applicant to provide additional information or analysis as needed to demonstrate compliance with applicable floodplain regulations.	
Development Code Section 60.15			
Land Division Standards	Grading and tree protection standards pertaining to land divisions.	The subject site consists of two tax lots. The applicant has submitted a Replat One (LD2019-0003) to request the consolidation of the two lots and Property Line Adjustment (PLA2020-0001) to adjust the shared property line between the subject site and abutting lot to the east (1S114BA01501). Applicable Land Division Standards will be reviewed in greater detail in that section of the staff report.	See LD2019-0003 Section of Staff Report RESPONSE: APPROVED AT HEARING
Development Code Section 60.30			
Off-street motor vehicle parking	<p>Total Minimum Required: 16</p> <p>Attached Dwellings: Min.: 17 spaces</p> <p>Eight one bedroom units x 1.25 spaces = 10 spaces</p> <p>Four two bedroom units x 1.5 spaces = 6 spaces</p> <p>Max.: 22 spaces</p> <p>Eight one bedroom units x 1.8 spaces = 14 spaces</p> <p>Four two bedroom units x 2.0 spaces = 6 spaces</p>	<p>The applicant's plans show 16 parking spaces on the subject site.</p>	Yes
Required Bicycle Parking Short Term and Long Term	<p>Attached Dwellings (12 units)</p> <p><u>Short term</u>: 2 spaces</p> <p><u>Long Term</u>: 1 space per unit</p>	<p>The Facilities Review Committee refers to findings provided in response to criterion D of the Facilities Review report herein. Additionally, the applicant has not submitted a bike rack</p>	Yes, w/COA

		detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate compliance with applicable bicycle parking requirements.	
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Annexation to THPRD	The applicant states that the property is located within THPRDs district therefore annexation is not necessary.	N/A
Development Code Section 60.55			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes, w/COA

Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No Protected Trees are present on the subject site. The applicant's plans indicate the removal of 8 Community Trees from the subject site. Mitigation is not required for Community Trees.	
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	All utilities are required to be placed underground in accordance with standards identified in Section 60.65. The Committee proposes a standard condition of approval to ensure utility undergrounding complies with Section 60.65.	Yes, w/CO A

ATTACHMENT A

Significant Natural Resources	Regulations pertaining to Significant Natural Resources	Significant Natural Resources are not found on site.	N/A

CU2019-0001
ANALYSIS AND FINDINGS FOR
CONDITIONAL USE APPROVAL

Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

RESPONSE: The project now meets all three Criteria (C, J and L) as above set forth.

Section 40.15.15.3.C New Conditional Use Approval Criteria:

In order to approve a New Conditional Use application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a New Conditional Use application.

The applicant proposes 12 units of attached residential housing in the Neighborhood Service (NS) zoning district. Attached residential housing is a Conditional Use in the NS zone, meeting threshold 1:

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.

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

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

The applicant paid the required fee associated with a New Conditional Use application.

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

3. The proposal complies with the applicable policies of the Comprehensive Plan.

ATTACHMENT B

The pre-application conference notes as well as the incompleteness letter for Hawaii Kai Multi-family identified Comprehensive Plan criteria which are applicable to the proposal. The identified Comprehensive Plan criteria include:

- Goal 3.1.1: Policies a, c, l
- Goal 3.2.1: Policy a
- Goal 3.3.1: Policies a, b
- Goal 3.7.1: Policies a, b, c
- Goal 3.7.4: Policies a, d, e
- Goal 4.1.1: Policies a, b, c
- Goal 4.5.1: Policy a
- Goal 7.3.1.1: Policies a, c, e, f
- Goal 7.3.2.1: Policy a
- Goal 7.3.4.1: Policy a
- Goal 8.7.1: Policies a, c

The applicant in their response to this criterion does not address any comprehensive plan criteria but states “the proposed development complies with all zoning and applicable policies of the Comprehensive Plan for the area.”

This statement does not sufficiently address the applicable comprehensive plan criteria and therefore staff finds that the approval criterion is not met as the applicant has failed to address the relevant criteria identified in the pre-application conference notes and completeness review letter.

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

RESPONSE: As stated below, Staff has now approved this section.

The applicant has submitted this New Conditional Use application in association with the following land use applications; Design Review Three, Replat One, Property Line Adjustment, and Tree Plan Two. ~~The New Conditional Use application is dependent upon approval of the associated land use applications. Staff recommends a condition of approval that all associated applications be approved in order for the New Conditional Use to be approved. applicant has not provided written responses to the Comprehensive Plan criteria, which are required for approval. Therefore the applicant has not provided all documents necessary related to this request for Conditional Use approval.~~

Therefore, staff finds that ~~by meeting the conditions of approval~~ the proposal ~~does not~~ meets the approval criterion.

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

The applicant states that the existing grading, improvements, and topography with minor changes can reasonably accommodate the propose use. The site can accommodate the proposed 12 dwelling units, a mix of 4 two-bedroom and 8 one-bedroom units with associated parking, and open space.

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

5. 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.*

The applicant states that the development requires a flat site to be compatible with apartments and is compatible with surrounding uses such as condominiums and apartments. The subject site is set back from SW Beaverton Hillsdale Highway on SW 96th Avenue. The surrounding properties are mix of residential and commercial uses. ~~While The~~ proposed apartment development is consistent with size and scale of surrounding developments. ~~, staff cite the findings of Facilities Review Approval Criterion C (Attachment A), as applicable to this approval criterion. The development proposal does not meet all applicable setbacks, specifically the southern building does not appear to meet the side setbacks in the southeast corner of the site. Staff find that the location of the proposed buildings are not consistent with the required setback of the zoning district and there is not compatible to the surrounding area of the subject site.~~

RESPONSE: Staff has now stated Applicant meets this standard. \

Therefore, staff finds that the proposal ~~does not~~ meets the approval criterion.

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

The applicant has submitted this New Conditional Use application in association with the following land use applications; Design Review Three, Replat One, Property Line Adjustment, and Tree Plan Two. The applicant has not provided written responses to the Comprehensive Plan criteria, which are required for approval. Therefore the applicant has not provided all documents necessary related to this request for Conditional Use approval.

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

RESPONSE: Applicant has submitted the required written responses as above set forth.

RECOMMENDATION

Based on the facts and findings presented, staff recommends DENIAL of CU2019-0001 Hawaii Kai Multi-Family.

DR2019-0012
ANALYSIS AND FINDINGS FOR
DESIGN REVIEW THREE APPROVAL

Section 40.03.1 Facilities Review Approval Criteria:

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

RESPONSE: Criteria C, J and L have now been met.

Therefore, the Committee finds that the proposal does not meet the criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

RESPONSE: Criteria C, J and L have now been met

Planning Commission Standards for Approval:

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 3 Design Review.

Section 40.20.15.3.C Approval Criteria: 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 Design Review Three application.***

The applicant proposes to construct a new multi-family development consisting of twelve units in two buildings. The proposal meets Criterion No. 8 since it cannot meet all the applicable design review standards in Section 60.05 of the Development Code.

8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.

Therefore, staff finds that the criterion is met.

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

The applicant paid the required fees for a Design Review Three application.

Therefore, staff finds that the criterion is met.

3. **For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).**

The proposal meets Design Review Three threshold number 8, therefore this criterion is not applicable.

Therefore, staff finds the criterion is not applicable.

4. **For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:**

- a. **A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or**
- b. **The location of existing structural improvements prevent the full implementation of the applicable guideline; or**
- c. **The location of the existing structure to be modified is more than 300 feet from a public street.**

The proposal is new construction. Therefore, this criterion, which pertains to additions or modification of existing development, does not apply.

Therefore, staff finds the criterion is not applicable.

5. **For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.**

The applicant does not propose a DRBCP.

Therefore, staff finds the criterion is not applicable.

6. *For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [ORD 4531; March 2010]*

The proposal meets Design Review Three threshold number 8. Staff cites the Design Review and Guidelines Analysis at the end of this Design Review section, which evaluates the project as it relates the applicable Design Review Standards and Guidelines found in Section 60.05 of the Development Code. Staff reviews each Standard and Guideline with respect to the applicability of the Standard or Guideline to the project, the applicant's response, and illustrative representation of the proposal. Staff provides an evaluation of the proposal in relation to the Standard or Guideline and a statement as to whether the Standard or Guideline is met below. Staff finds that the proposal does not meet the following Design Standards and a corresponding Design Guideline has not been addressed:

- 60.05.15.3 (Weather Protection) Roof over front shown on elevation more than 4' x 6'
- 60.05.20.2.A-D (Screening) See landscape plan. Plants screen the exposed foundation
- 60.05.20.3.F (Minimum Paving Width) All 5' now with 5' clear. No commercial buildings that need more space (10')
- 60.05.25.3.A (Landscape Area)
- 60.05.25.3.B (Active Open Space)
- 60.05.25.3.J (Alternative Active Features)
- 60.05.25.10 (Grading)
- 60.05.25.13 (Landscape Buffer Width)

RESPONSE: Applicant has remedied all of the above deficiencies in its revised Plans and Narrative. Specifics of each change and where located are as set forth below in the applicable section of the Design Standards Analysis Chart.

The applicant has requested certain Design Guidelines be addressed since their correlating Design Standard could not be met. Based on the evaluation of the proposal and the supporting information provided by the applicant, staff find that the proposal does not meet the following design guidelines:

- 60.05.35.1.B (Articulation & Variety – Visual Interest)
- 60.05.35.1.C (Articulation & Variety – Vertical Elements)
- 60.05.35.1.D (Articulation & Variety – Pedestrian Scale & Orientation)
- 60.05.35.1.E (Articulation & Variety – Architectural Features)
- 60.05.45.7.A (Fences & Walls – Durable Materials)

Therefore, staff finds that the criterion is not met.

RESPONSE: Applicant has made changes to resolve all issues. See plans and narrative. See each specific items analysis below for specific changes made.

- 7. For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).**

The applicant has chosen to address a combination of Design Standards and Guidelines.

Therefore, staff finds the criterion is not applicable.

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

The applicant has submitted all documents related to this request for Design Review Three approval. The applicant has also submitted Conditional Use, Replat One, Property Line Adjustment, and Tree Plan Two applications. The Design Review Three is dependent upon the Conditional Use, Replat One, Property Line Adjustment and Tree Plan Two approval. Staff recommends a condition that approval of the Design Review Three is dependent upon approval of all associated land use applications.

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

Recommendation

Based on the facts and findings presented, staff recommend DENIAL of DR2019-0012 (Hawaii Kai Multi-Family).

Design Standards Analysis
Section 60.05.15 Building Design and Orientation

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Building Articulation and Variety		
60.05.15.1.A Max length of attached residential buildings in residential zones	The subject site is located within a Commercial zoning district.	N/A
60.05.15.1.B Min 30% articulation and variety	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.35.1.B, C, and D	See DR Guidelines
60.05.15.1.C Max 40' between architectural features	The spacing between the permanent architectural features on elevations facing the street and/or containing a primary entrance is less than 40 feet.	Yes
60.05.15.1.D Max 150 sq. ft. undifferentiated blank walls facing streets	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.35.1. E	See DR Guidelines
Roof Forms		
60.05.15.2.A Min roof pitch = 4:12 for sloped roofs	The proposed roofline is flat; therefore, this standard is not applicable.	N/A
60.05.15.2.B Min roof eave = 12" for sloped roofs	The proposed roofline is flat; therefore, this standard is not applicable.	N/A
60.05.15.2.C Flat roofs need parapets	The applicant's plans show a 1-foot tall parapet wall.	Yes
60.05.15.2.D New structures in existing development be	The proposed is a new development.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
similar to existing development roof		
60.05.15.2.E 4:12 roof standard is N/A to smaller feature roofs	No feature roofs are proposed.	N/A
Primary Building Entrances		
60.05.15.3 Weather protection for primary entrance	The applicant states that the primary entrances are covered and treated as a permanent architectural feature with shed roofs that are 4 feet deep and 8.5 to 10.75 feet wide. However, the applicant's submitted architectural elevations or site plan do not show any weather protection for primary entrances. The applicant's exterior materials board includes an image of the proposed buildings, however this image does not include dimensions or a scale of this covered area, therefore staff is unable to evaluate compliance with the standard and therefore cannot provide an affirmative finding in response. RESPONSE. Scale has been provided on the Site Plan and Grading Plan for the covered entrances. Deck and Roof: North 5'x16.5' and South 4'x11'.	No
Exterior Building Materials		
60.05.15.4.A Residential buildings in Residential and Multiple Use zones shall have double wall construction	The subject site is located within a Commercial zoning district.	N/A
60.05.15.4.B Maximum 30% of primary elevation to be made of unfinished concrete block	As demonstrated on the applicant's plans and stated by the applicant, plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard do not exceed 30% of any primary elevation.	Yes
60.05.15.4.C Foundations	The applicant's plans show the exposed concrete foundation is 1.5 feet above grade and shall not be more than 3 feet.	Yes
Roof-Mounted Equipment		
60.05.15.5.A through C Roof-mounted equipment screening. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.	The applicant states that only pipe extensions and vents are on the roof, which are exempt. However because this review does not include mechanical permit review for roof mounted equipment, and because the ultimate equipment needs and location of the necessary equipment may change, staff recommend a condition of approval that prior to building permit issuance of any building permit which includes non-exempt roof-mounted equipment, the applicant shall	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	demonstrate compliance with Section 60.05.15.5.	
Building Location and Orientation Along Streets in MU and Com. Districts		
60.05.15.6.A-F Building location for parcels located along Major Pedestrian Routes (MPR) or parcels 60,000 square feet or greater in Commercial zoning districts.	The subject site is not located along any designated MPR, nor is the subject site 60,000 square feet or greater.	N/A
Building Scale Along Major Pedestrian Routes		
60.05.15.7.A-C Building scale standards for parcels located along MPR.	The subject site is not located along any designated MPR.	N/A
Ground Floor Elevation on Commercial and Multiple Use Buildings		
60.05.15.8.A-B Glazing Requirements	The proposal is residential in nature only.	N/A
Compact Detached Housing Design		
60.05.15.9.A-K	Compact Detached Housing is not proposed.	N/A
Ground Floor Elevations on Eligible Residential-only Buildings		
60.05.15.10.A.1-2 Standards for locating ancillary residential uses on the ground level and ground floor design.	The proposal is not an eligible residential-only building.	N/A

Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Connections to the public street system		
60.05.20.1.A Connect on-site circulation to existing and planned street system	The subject site is located along an existing street, SW 96 th Avenue, a street within Washington County's operational jurisdiction. The applicant's plans show proposed improvements to the SW 96 th Avenue frontage, consistent with Neighborhood Route design standards. The applicant's plans also show that the onsite circulation systems connect to the abutting public circulation system. However, the proposed access must comply with applicable Washington County standards therefore staff recommend incorporating Washington County's condition of approval, requiring the applicant obtain approval for a Design Exception to the Access Spacing Standards from the Washington County Engineer for the proposed access on SW 96th Avenue.	Yes, w/COA
Loading Areas, solid waste facilities and similar improvements		
60.05.20.2.A-D Screen from public view	The applicant states that the waste storage and recycling containers are enclosed with Hardie plank siding and wood gate to match building. The applicant also explains that screening shall be one foot higher than the object being screened. However, the applicant's materials do not include elevations or dimensions of the proposed enclosure therefore staff is unable to determine compliance with dimensional requirements or design elements. The applicant further states that a transformer and above ground utility services shall be screened and shown on construction drawings to keep from view from the public street. However, staff is unable to determine where above ground utilities are located or how they are to be screened. RESPONSE: The necessary changes have been put on the Landscape Plan.	No RESPONSE: Landscape Plan and Site Plan revised to meet requirements. Slider door elevation and materials provided
Pedestrian Circulation		
60.05.20.3.A Link to adjacent facilities	The subject site is located along an existing street, SW 96 th Avenue. The applicant proposes to improve the adjacent sidewalk and to connect the onsite pedestrian	Yes

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	circulation system with the adjacent public street system.	
60.05.20.3.B Direct walkway connection	The applicant's plans show a reasonably direct walkway connection is provided between primary entrances, and the abutting public street system.	Yes
60.05.20.3.C Walkways every 300'	The development's frontage is approximately 186 feet in length therefore only one walkway into the site is required.	Yes
60.05.20.3.D Physical separation	The applicant's plans show pedestrian connections through the site are separated from parallel vehicle traffic through the use of curbs.	Yes
60.05.20.3.E Distinct paving	The applicant states two concrete sidewalks are used to cross the driveway to provide access to the parking and an open space area. However, the applicant's plans do not show different paving material is proposed to differentiate the pedestrian walkways. Therefore, staff recommend a condition of approval that the applicant submit plans demonstrating compliance with 60.05.20.3.E.	Yes w/COA
60.05.20.3.F 5' minimum width	The applicant states and the submitted plans show that the walkways between the two buildings are less than 5 feet. The Design Standard is not met and the applicant has not addressed the corresponding Design Guideline and it is not clear that the site can accommodate wider walkways in all locations. RESPONSE: 5' walkways are now shown on the Site Plan. The deck of the South East to make room.	No
Street Frontages and Parking Areas		
60.05.20.4.A Perimeter Landscaping	The applicant states, that a 6-foot wide planting strip between the right-of-way and parking is proposed. The applicant further states that the plans show three trees have been provided as required and that berberis juliane 'Wintergreen Barberry' has been selected as the evergreen hedge. However, the applicant's plans do not show the use of berberis juliane in this area and instead indicate erica/springwood and viburnum davidii will be planted in the required perimeter landscape area. Although both plant varieties (verberis juliane and viburnum davidii) are evergreen shrubs, staff recommend a condition of approval requiring the applicant to provide plans	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	demonstrating compliance with the height and opacity requirements of section 60.05.20.4.A.	
Parking and Landscaping		
60.05.20.5.A-D 1 Landscape island per 10 spaces, size of planter and tree species	The onsite parking area does not include more than 8 car stalls in a bay, therefore, this standard is not applicable.	N/A
Off-Street Parking Frontages in Multiple-Use Districts		
60.05.20.6.A.1-3 50% Max on Class 1 MPR 65% Max on Class 2 MPR 50% Max for detached residential projects along any street	The subject site is not located along a designated MPR.	N/A
Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts		
60.05.20.7.A Required sidewalk widths	The applicant states that the proposed development includes a 10 foot wide sidewalk with an unobstructed path of 5 feet along SW 96 th . However, the applicant's plans, sheet 7 of 9 labeled Details, provides a street cross section which shows a 7' unlabeled area and a 5' area labeled sidewalk. Given the inconsistency between the applicant's plans, details and narrative staff recommends a condition of approval that prior to Site Development Permit issuance the applicant provide revised plans showing a sidewalk design having a minimum width of ten (10) feet and an unobstructed path of at least five (5) feet and trees within tree-wells planted approximately 30 feet on center to comply with Section 60.05.20.7.A.	Yes, w/COA
60.05.20.7.B Internal sidewalks and walkway widths	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.40.7.B.	See DR Guidelines
60.05.20.7.C Common Greens	Proposal does not include common greens or shared courts.	N/A
Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts		
60.05.20.8.A Drive aisles to be designed as public streets, if applicable	Proposed drive aisle provides access to perpendicular stalls.	N/A
Ground Floor uses in parking structures		

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.20.9 Parking Structures	No parking structures are proposed.	N/A

Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Minimum Landscaping		
60.05.25.3.A Minimum Landscape Area (15%)	<p>The subject site is 18,862 square feet, requiring a minimum of 2,829 square feet of landscaping area. The applicant states 21% of the gross area is landscaped, however, the submitted landscaping plans indicate that approximately 10% (or 1,916 square feet) of the gross site is landscaped. The proposal does not meet this standard and the applicant has not addressed the corresponding Design Guidelines.</p> <p>RESPONSE: The revised Landscape Plan shows ground cover on all areas that do not have shrubs and trees, creating a percentage 3,885 sq. ft. All soil shows ground cover and ground cover, trees and shrubs create the landscape. The ground cover lines don't show over the entire plans because it would be unreadable on the plans.</p>	No
60.05.25.3.B Active Open Space (25% of the required open space)	<p>The standard required open space for the site is 2,829 square feet, 25% of which is 707 square feet. The applicant states 718 square feet of active open space is proposed in the "barbeque and sunning area". Beaverton Development Code defines Active Open Space as, "Open space where human activities include recreational and social opportunities, such as play fields, playgrounds, swimming pools, plazas and other recreational facilities."</p> <p>The applicant's plans do not show the boundaries of the proposed active open spaces, however, the area with the picnic table and barbeque on the applicant's plans appears to be enclosed by evergreen shrubs, limiting the open area to approximately 310 square feet by staff measurements. The applicant proposes a second open space area designated as the</p>	No

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	<p>“children’s play area” which the applicant states is 348 square feet. The applicant does not identify where the “children’s play area” is to be located. The only other open area appears to be a 384 square foot area between the two buildings that is heavily landscaped around its perimeter. The non-densely landscaped area contains a paved area with four (4) benches. Staff’s calculations show that the non-densely landscaped area is approximately 200 square feet of the 384 square foot area calculated by staff. The total active area between the 310 square foot picnic area and the 384 square foot area between buildings is 694 square feet, which is less than the 707 square feet required. Staff finds the proposal does not meet this standard and the applicant has not addressed the corresponding Design Guidelines. RESPONSE: On the revised Landscape plan, the area around the barbecue and picnic tables has been increased to equal the requirement. The children's area no longer needs to be considered as part of Open Active Space.</p>	
60.05.25.3.C Environmentally Sensitive Areas and aboveground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement.	The subject site does not contain environmentally sensitive areas or aboveground water quality treatment facilities.	N/A
60.05.25.3.D Vehicle Circulation	Vehicular circulation areas are not being considered in the landscape calculations.	N/A
60.05.25.3.E Individual Exterior Spaces	The applicant states that no individual exterior spaces are used toward the common open space requirement.	N/A
60.05.25.3.F Abutting Collector or Higher	The subject site does not abut a Collector or higher street.	N/A
60.05.25.3.G Open Space Size, 640 sq. ft. in area and min. width and length of 20 feet.	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.1.A-D.	See DR Guidelines
60.05.25.3.H Phased Development	Proposal does not include phased development.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.25.3.I Active Open Space Improvements	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.1.A-D.	See DR Guidelines
60.05.25.3.J Other improvements providing similar levels of activity	The applicant states that there is no alternative review proposed under this section, however the applicant does not provide two items from each list in the each active open space area and does not address the corresponding Design Guideline. RESPONSE: Additional improvements of a 'mister' and barbecue are shown on the Landscape Plan.	No
60.05.25.4.A Front Yard Landscaping	The applicant states that all front yard areas are heavily landscaped and exceed the required trees and shrubs required. Although the applicant's submitted landscape plan does show a variety of plants throughout the site, it is not clear if all front yard areas are landscaped. Specifically, plants in front of the southern building's western facing elevation are proposed in groups along with several trees and some ground cover, but there are also open spaces where no plant is proposed and grass or other ground cover are not identified. Staff recommend a condition of approval that the applicant submit revised plans clearly demonstrating compliance with 60.05.25.4.A.	Yes, w/COA
60.05.25.4.B Bare Gravel, Rock, Bark Maximum (25%)	The applicant states that the areas behind the buildings are not visible and that is where the use of bark and other materials is mostly proposed. The applicant states that these areas will not exceed 25%. The applicant further states that larger shrubs shall have bark, gravel and rock under them. The applicant's plans do not indicate where bare gravel, rock or bark is proposed, therefore staff recommend a condition of approval, requiring the applicant to submit revised plans clearly demonstrating compliance with 60.05.25.4.B.	Yes, w/COA
60.05.25.4.C Vehicle Circulation	The applicant states vehicular circulation is not counted in landscape calculation.	N/A
60.05.25.4.D Landscaping along foundations	The applicant's plans show the use of 'berberis thunbergii crimson pygmy', a deciduous dwarf shrub, generally reaching a maximum mature height of 24 inches, along the northern building's western facing elevation. The standard requires the use of	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	evergreen shrubs, therefore, as proposed the standard is not met. The applicant's plans show that the landscaping along the southern building's street-facing elevation consists of bergenia cordifolia bressingham, a low lying evergreen perennial and berberis julianae, and evergreen shrub. However, the applicant's plans show that the proposed plants are located at the distance that is greater than three feet. Section 60.05.25.4.D.2 states that an evergreen shrub shall be planted for every three lineal feet of foundation, therefore, staff recommend a condition of approval, requiring the applicant to submit revised landscaping plans demonstrating compliance with all applicable provisions of Section 60.05.25.4.D through the planting of evergreen shrubs along foundation landscaping.	
60.05.25.4.E Minimum Planting Requirements	The applicant's plans show more than 4 trees are proposed on the subject site and have a greater caliper inch than 1.5 as required. The applicant's plans also show more than 7 evergreen shrubs (reaching a minimum mature height of 48 inches) are provided are proposed. The applicant's plans do no indicate where bare gravel, rock or bark is proposed, therefore staff recommend a condition of approval, requiring the applicant to submit revised plans clearly demonstrating compliance with 60.05.25.4.E in which no greater than 25% of the site landscape area may utilize bare gravel, rock, or bark.	Yes, w/COA
60.05.25.4.F Pedestrian Plaza	Pedestrian plazas are intended to be small, semi-enclosed areas adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit or stand (Chapter 90). The applicant states that concrete is used to form a plaza near the barbecue area and asks to address the Design Guidelines 60.05.45.2.A-B.	See Design Guidelines
Retaining Walls		
60.05.25.8 Retaining Walls	The applicant erroneously states that the proposal does not include retaining walls 6 feet in height, and therefore this standard is not applicable. The applicant proposes a wall which reaches over 7 feet in areas. The standard is also applicable to retaining walls longer than fifty (50) lineal feet, which	Yes, w/COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	the applicant proposes. The applicant provides a wall detail on sheet 8 of 11, however it is unclear how the proposed wall construction can occur without crossing private property lines or being located under the building foundation. Staff recommend a condition of approval, requiring the applicant to submit plans demonstrating compliance with Section 60.05.25.8.	
Fences and Walls		
60.05.25.9.A Fences and walls shall be constructed of durable materials	The applicant states that the proposed walls will be constructed of concrete or split faced block. The applicant's plans also show a fence around the subject site, ranging in height from 4 feet to 6 feet. The applicant states that coated chain link fences with slats are proposed.	Yes
60.05.25.9.B Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material.	The applicant states that the proposed walls will be constructed of concrete or split faced block. The applicant states that coated chain link fences with slats are proposed.	Yes
60.05.25.9.C Wall thickness	The applicant states the proposed walls are 6 to 8 inches thick. Staff recommend a condition of approval that prior to Site Development permit issuance, the applicant submit plans demonstrating compliance with Section 60.05.25.9.C by demonstrating that the wall is a minimum of 6 inches thick.	Yes, w/COA
60.05.25.9.D For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities...	The proposal is residential only.	N/A
60.05.25.9.E.1 Fences and walls may not exceed three feet in height in required front yards along streets.	The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.7.A-B.	See DR Guideline
Minimize Significant Changes to Existing On-Site Surface Contours At Residential Property Lines		
60.05.25.10 Minimize grade changes	The applicant's grading plan is difficult to read, only the 220 contour line is labeled, existing and proposed grading are not labeled in the legend or on the plan, and it is unclear how the proposed walls and	No

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	<p>structures tie into the surrounding grading. Therefore compliance with grading standards cannot be determined by staff. Without the ability to determine if the proposed grading complies with Development Code standards, affirmative findings cannot be made. RESPONSE: The Grading Plan has been corrected to show the necessary information.</p>	
Integrate water quality, quantity, or both facilities		
60.05.25.11 Location of facilities	The applicant states that no non-vaulted treatment facilities are propose with slopes greater than 2:1. The applicant further states that a swale or raingarden with walls may be required during final stormwater design but will be designed to Clean Water Standards in the right-of-way and provided on Washington County approved street standards. The applicants plans do not currently show above ground stormwater facilities so they are not under consideration with this application. Should the applicant modify their plans at a future date further Design Review would be required.	N/A
Natural Areas		
60.05.25.12 No encroachment into buffer areas.	No natural areas exist on site. The applicant has submitted a Clean Water Services Sensitive Area Pre-Screening Site Assessment form.	N/A
Landscape Buffering and Screening		
60.05.25.13 A landscape buffer is required along the side and rear of properties between different zoning district designations and the width of the buffer cannot exceed the standard yard setback.	The subject site is zoned NS and abuts a parcel zoned R2 to the north, therefore a 10 foot wide B3 buffer is required. The side setback in the NS zone is 10 feet therefore the required landscape buffer does not exceed the setback dimension. However, the applicant's plans show that the proposed landscape buffer along the norther property line ranges in width from 8 feet to 10 feet. Therefore, as proposed the standard is not met. The applicant has not requested to address the corresponding Design Guideline. RESPONSE: The North buffer is now 10' as shown on the Site Plan. One previously provided parking spot was removed to provide room for this change.	No
60.05.25.13.A Exemptions	None of the outlined exemptions are applicable.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.25.13.D B3-High screen buffer	The applicant's plans show a 6 foot tall fence along the northern property line and three eastern redbud trees proposed in the buffer area, as required. However, the applicant does not indicate the planting height, which is required to be a minimum of 6 feet. Staff recommend a condition of approval requiring the applicant to submit plans demonstrating compliance with all applicable provisions of 60.05.25.13.D. The applicant's plans show viburnum davidii, an evergreen shrub, is proposed between the trees. The applicant's plans show the use of rubus calycinoides as ground cover in the landscape buffer area.	Yes, w/COA
60.05.25.13.E Changes to buffer widths and standards	The applicant has not requested a change to the buffer width standard.	N/A
60.05.25.13.F Landscape buffer installation	The applicant that the landscape buffer along the north property line shall be constructed prior to the request for occupancy permit issuance.	Yes

Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Adequate on-site lighting and minimize glare on adjoining properties		
60.05.30.1.A Lighting complies with the City's Technical Lighting Standards	The applicant's submitted lighting plan shows onsite lighting levels do not meet the minimum of 1.5 foot-candles in some areas. As a condition of approval, staff recommend that the applicant demonstrate compliance with all applicable lighting levels, as outlined in Section 60.05.30 and Table 60.05-1. Furthermore, the applicant's photometric lighting plan does not reflect the lighting proposed on the building elevations. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/ COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.30.1.B Lighting provided for vehicle and pedestrian circulation	Lighting is proposed for vehicular and most pedestrian circulation areas. The applicant's photometric lighting plan does not include lighting data for the proposed picnic area. The applicant's plans include a mix of pole lights and wall lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/COA
60.05.30.1.C Lighting of Ped Plazas	The applicant states that the pedestrian plaza lighting requirements have been met. The applicant's plans do not show any lighting in the pedestrian plaza area which they refer to earlier as the barbecue area. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/COA
60.05.30.1.D Lighting of building entrances	The applicant's elevations shows lighting at building entrances but the applicant's photometric lighting plan does not account for these lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/COA
60.05.30.1.E Canopy lighting recessed	The applicant states canopy lighting under the shed entrances shall be provide by a recessed light in a downward covered fixture at both entrances of the buildings. However, the applicant's photometric lighting plan does not indicate the use of canopy lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.	Yes, w/ COA
Pedestrian-scale on-site lighting		
60.05.30.2.A Pedestrian Lighting	The applicant's photometric lighting plan shows the use of pole mounted lights throughout the site. Given the geometry and size of the site, the same lighting poles that are used to light the vehicular circulation areas also illuminate the pedestrian pathways. The proposed light poles are 16.5 feet in height, which exceed	Yes

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	the maximum height for pedestrian ways but is below the maximum height permitted for on-site vehicular circulation areas.	
60.05.30.2.B Non-Pole Mounted Lighting	The applicant states that all luminaires proposed comply with the City's Technical Lighting. Staff recommend a condition of approval that the applicant demonstrate compliance with all applicable lighting levels, as outlined in Section 60.05.30 and Table 60.05-1. And a condition requiring details showing light fixtures and mounts at Site Development permitting stage on submitted plans.	Yes, w/COA
60.05.30.2.C Lighted Bollards	Lighted bollards are not proposed.	N/A

DESIGN REVIEW GUIDELINES ANALYSIS

In the following analysis, staff have only identified the Design Guidelines which are relevant to the subject development proposal. Non-relevant Guidelines have been omitted.

60.05.35 Building Design and Orientation Guidelines. *Unless otherwise noted, all guidelines apply in all zoning districts.*

1. Building Elevation Design Through Articulation and Variety

B. *Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standards 60.05.15.1.A and B)*

The applicant has not provided a response to Design Guideline 60.05.35.1.B, which is applicable to Design Standard 60.05.15.1.B to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence

to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

RESPONSE: The buildings have three colors, decks on each unit, front entrances with deck/roofs and have faux brick and various sizes of Hardyboard siding placed both vertically and horizontally. Windows are large and all have trim. See attached elevations.

Therefore, staff finds that the Guideline is not met.

C. To balance horizontal features on long building elevations, vertical building elements, such as building entries, should be emphasized. (Standards 60.05.15.1.A and B)

The applicant has not provided a response to Design Guideline 60.05.35.1.C, which is applicable to Design Standard 60.05.15.1.B to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

RESPONSE: Building entrances are centered in the buildings, with all sidewalks, landscaping, etc. designed around them. The Entrances are large and have covered roofs. The buildings are midsized (76') and the two buildings are sited at a right angle to break up any potential 'combined' look of the two buildings.

Therefore, staff finds that the Guideline is not met.

D. Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standards 60.05.15.1.B)

The applicant states that the north building front (west) wall that faces the street has 169.77 square feet of undifferentiated blank wall but that a different width and direction of hardie plank siding is proposed to break up the façade. The north building front elevation provides pedestrian level windows and material treatments that differentiate the floors of the building, providing visual relief to pedestrians.

The applicant states that the west side elevation of the southern building has an area of 246.45 square feet of undifferentiated blank wall, the narrative states that a different pattern of hardie plank is used to provide visual relief, however the applicant's elevations do not reflect this materials change, it is unclear to staff what is proposed in this area as the narrative and plans do not match. As such, staff has insufficient information to determine what is proposed by the applicant and cannot make affirmative findings that the Guideline is met.

RESPONSE: Applicant has revised the building elevations and narrative to match. The narrative. As now shown, the buildings promote and enhance a comfortable pedestrian scale and orientation. The Site Plan was specifically designed for this purpose with the two buildings sited at right angles and sidewalks, trees, parking designed to break up all planes and straight lines.

Therefore, staff finds that the Guideline is not met.

E. *Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D)*

The applicant has not provided a response to Design Guideline 60.05.35.1.E, which is applicable to Design Standard 60.05.15.1.E to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

RESPONSE: All building elevations visible from and within 200' of SW 96th Ave. and the parking areas have arhcitectural features such as large windows,with trim off-set front entrance, three types of siding (installed both vertically and horizontally, balconies (portion seen from front), faux brick. Moreover, two buildings, rather than one, were chosen to break up the bulk of one large building. The lanscapping and sidewalk plan add to the appealing front aestic.

Therefore, staff finds that the Guideline is not met.

60.05.40. Circulation and Parking Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

7. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones.

B. *Pedestrian connections should be provided along primary elevations having building and tenant entrances. (Standard 60.05.20.7.B)*

The applicant states that a 10 foot commercial sidewalk is inappropriate for the proposed apartments. The proposal includes pedestrian walkways that provide adequate connections to the primary building entrances, public streets, and shared open space areas.

Therefore, staff finds that the Guideline is met.

60.05.45. Landscape, Open Space and Natural Areas Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

1. Common open spaces for residential uses in Residential zones.

A. Common open spaces should be provided that are sized and designed for anticipated users, and are located within walking distance for residents and visitors, and should be integrated into the overall landscape plan. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.A, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

B. Common open spaces should be available for both passive and active use by people of all ages, and should be designed and located in order to maximize security, safety, and convenience. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.B, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

C. Common open spaces should be free from all structural encroachments unless a structure is incorporated into the design of the common open space such as a play structure. (Standard 60.05.25.1-3)

The applicant doesn't specify that 60.05.45.1.C is being responded to, however their response is regarding the desired placement of play structures which leads staff to believe the response is intended to address this criterion. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

D. Common open spaces should be located so that windows from living areas, excluding bedrooms and bathrooms, of a minimum of four (4) residences face on to the common open space. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.B, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

2. Minimum landscaping in Residential zones.

A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape. (Standard 60.05.25.4)

The applicant has not provided a response to Design Guideline 60.05.45.2.A, which is applicable to Design Standard 60.05.25.4.F to which the applicant responded that the Design Guideline would be addressed. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.4)

The applicant has not provided a response to Design Guideline 60.05.45.2.B, which is applicable to Design Standard 60.05.25.4.F to which the applicant responded that the Design Guideline would be addressed. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

7. Fences and walls.

A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.9)

The applicant has not provided a response to Design Guideline 60.05.45.7.A, which is applicable to Design Standard 60.05.25.9.E to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings. **RESPONSE: Fences and walls are made out**

of chain-link fence with slats. This is in the narrative provided. Fences and walls are shown on the Site Plan – 5' chainlink on SE and West.

Therefore, staff finds that the Guideline is not met.

B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.9.E)

The applicant states that they wish to provide a 48 inch tall fence west (in front) of the four foot retaining wall in the front yard for fall protection. It is unclear how a fence of the same height will provide fall protection for a four foot wall. Staff concurs that fall protection is important. The applicant stated in response to the Design Standards that chain link fence with slats was proposed. As chain link with slats on top of a wall would provide for a large undifferentiated wall and not provide views into the site, staff recommends a condition of approval that the fence within the front yard setback must be a decorative metal fence that provides views into the site. Staff also recommends a condition of approval that the fall protection fence be placed along the top of the wall to provide adequate fall protection, areas for which fall protection are not needed shall not have fence on top of the wall or in excess of three feet in the front yard. **RESPONSE: This is acceptable.**

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

**LD2019-0003
ANALYSIS AND FINDINGS FOR
REPLAT ONE**

Section 40.45.05 Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.2.C Approval Criteria

In order to approve a Replat One 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 application satisfies the threshold requirements for a Replat One.

The lot consolidation meets Threshold 1 for the Replat One.

The subject site currently consists of two full lots and a small portion of a third lot, subject to Property Line Adjustment approval:

- 1S114BA01600, Lot Part 32 of Woodland Acres No. 2
- 1S114BA01602, Lot Part 32 of Woodland Acres No. 2
- 1S116AD03100 Lot Parts 32-33 of Woodland Acres No.2 is the abutting lot to the east, under separate ownership, subject to the Property Line Adjustment (PLA2020-0001)

The applicant is proposing to consolidate lot 1600, 1602 and small portion of 3100 within an existing plat, Woodland Acres No. 2, to accommodate the development.

40.45.15.3.A. Thresholds:

1. *The reconfiguration of lots, parcels, or tracts within a single existing plat that decreases or consolidates the number of lots, parcels, or tracts in the plat.*

Therefore, staff find that the proposal meets the criterion for approval.

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

The applicant has paid the required application fee for a Replat One application.

Therefore, staff find that the proposal meets the criterion for approval.

3. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the partition process to comply with current Code standards and requirements.

The applicant states that the proposed replat does not conflict with any existing City approval, staff concurs. The subject site contains two houses which will be demolished to allow for construction of the proposed apartment buildings.

Therefore, staff find that the proposal meets the criterion for approval.

4. ***Oversized parcels (oversized lots) resulting from the Replat shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

Chapter 90 defines an oversize lot as at least twice the minimum lot size permitted in the zoning district. For attached residential development within the NS zoning district, the minimum parent parcel of land area per dwelling unit is 1,000 square feet. The combined parcel size exceeds 1,000 square feet and provides approximately 1,571 square feet per unit.

Therefore, staff find that the proposal meets the criterion for approval.

5. ***Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:***
 - a) ***Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
 - b) ***Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.***

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

6. ***Applications that apply the lot area averaging standards of Section 20.05.15.D. do not require further Adjustment or Variance approvals for the Land Division.***

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

7. *If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.*

Phasing is not requested as part of this application.

Therefore, staff find that the criterion for approval does not apply.

8. *The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.*

The proposed replat does not eliminate pedestrian access, utility service, or vehicle access to the subject properties. The applicant's plans show the existing structures on the site are to be demolished and the site redeveloped with new pedestrian, utility services and vehicle access.

Therefore, staff find that the proposal meets the criterion for approval.

9. *The proposal does not create a parcel or lot which will have more than one (1) zoning designation.*

The three affected lots are existing lots are all zoned NS (Neighborhood Service) the proposed consolidated lot has a single zoning designation, NS.

Therefore, staff find that the proposal meets the criterion for approval.

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

The applicant has submitted all documents related to this request for Replat One (LD2019-0003) approval. The applicant has also submitted Conditional Use, Design Review Three, Property Line Adjustment, and Tree Plan Two applications. No additional application or documents are needed at this time related to this request for a Replat One for Lot Consolidation. The Replat One application is dependent upon approval of the Property Line Adjustment application.

Therefore, staff find that by meeting the conditions of approval the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2019-0003 Hawaii Kai Multi-Family**, subject to the applicable conditions identified in Attachment G.

**ANALYSIS AND FINDINGS FOR
PROPERTY LINE ADJUSTMENT
PLA2020-0001**

Section 40.45.15.1.C Approval Criteria.

In order to approve a Property Line Adjustment application, 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 Property Line Adjustment.

Facts and Findings:

Section 40.45.15.1.A Threshold: An application for Property Line Adjustment shall be required when any of the following thresholds apply:

"The changing of a common boundary of two (2) lots of record where the number of lots or parcels does not change; except a proposal meeting the threshold for a Replat under Section 40.45.15.2, shall be processed as a Replat and not as a Property Line Adjustment."

The applicant proposes to adjust the common boundary between lot 1S114BA01600 and lot 1S116AD03100 by a total area of approximately 119 square feet.

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

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

The applicant submitted the applicable fee for a Property Line Adjustment application.

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

3. The Property Line Adjustment does not conflict with any existing City land use approval, public easement, or previous condition of approval applied to the subject property.

The proposed property line adjustment does not conflict with any previous conditions of approval. The proposal to adjust lines has been reviewed by Site Development staff and finds that the adjustment, as shown on the submitted plans, does not conflict with any existing public easement, or previous condition of approvals applied to the subject properties.

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

4. An additional lot or parcel is not created.

The applicant proposes to adjust the common boundary between lot 1S114BA01600 and lot 1S116AD03100. A request to consolidate lots is reviewed concurrently, under a separate application for a Replat One, LD2019-0003. The applicant's proposal will not create an additional lot of record.

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

- 5. *The Property Line Adjustment is consistent with all applicable provisions of Chapter 20 (Land Uses), unless the applicable provisions are modified by means of one or more applications which shall be already approved or considered concurrently with the Property Line Adjustment.***

The subject lots are currently zoned Neighborhood Service (NS). The proposed property line adjustment does not reduce lot dimensions below standards of the zone. Similarly, each lot will retain the minimum lot area and setbacks of the zone.

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

- 6. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).***

Staff cites the Facilities Review report which analysis compliance with Chapter 60. Portions of Chapter 60 related to the request for a Property Line Adjustment are in compliance.

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

- 7. *All critical facilities and services have, or can be improved to have, adequate capacity to serve the reconfigured lots.***

Staff cites the Facilities Review Report, criterion A, which evaluates the critical facilities and services related to the proposed development. Staff finds that critical facilities and services are adequate to serve the reconfigured lots.

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

- 8. *The proposal will not eliminate pedestrian or vehicle access to the affected properties.***

The property line adjustment will not eliminate pedestrian or vehicular movement access to the affected properties.

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

9. *The proposal does not create a parcel which will have more than one (1) zoning designation.*

The properties will retain the NS zoning designation and will not have more than one (1) zoning designation.

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

10. *The application contains all required submittal materials as specified in Section 50.25.1 of the Development Code.*

The application was submitted on January 13, 2020. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

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

The applicant has provided the required documentation for this property line adjustment application. No additional documentation is needed at this time. The applicant as a condition of approval shall provide the City with a draft of the documents related to the Property Line Adjustment prior to recording for review and approval.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **PLA2020-0001 Hawaii Kai Multi-Family**, subject to the applicable conditions identified in Attachment G.

**TP2019-0001
ANALYSIS AND FINDINGS
FOR TREE PLAN TWO APPROVAL**

Section 40.90.05 Tree Plan Applications: Purpose

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees, thus helping to preserve and enhance the sustainability of the City's urban forest.

Section 40.45.15.5.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.***

No Protected Trees are present on the subject site. The applicant's plans indicate the removal of 8 Community Trees from the subject site.

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

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

The applicant paid the required fee for a Tree Plan Two application.

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

- 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.***

Removal of the Community Trees is necessary to accommodate the proposed development.

Therefore, staff find that the criterion for approval does not apply.

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

The applicant states that the trees are in the direct location of improvements and cannot be saved. The applicant's plans show the site is proposed to be fully developed and the Community Trees must be removed to accommodate physical development.

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

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.***

The applicant states the purpose of the removal is to accommodate physical development where no reasonable alternative exists, as described in response to Criterion 4 above. Staff concurs.

Therefore, staff finds that the criterion for approval does not apply.

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.***

As described in response to Criterion 4 and Criterion 5 above, the removal of the Community Trees is necessary to accommodate development. Three Community Trees are shown to be located within the area designated for the standard sidewalk along SW 96th Avenue, therefore, tree removal is also necessary to accommodate required right-of-way improvements.

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

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.***

The purpose of the removal is to accommodate physical development where no reasonable alternative exists as described above. No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply

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.

No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply.

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.*

No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply.

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

Staff cites the Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies, or can be made to comply through conditions of approval, with all applicable provisions of Chapter 60.60 and 60.67.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

11. *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.*

This approval criterion is identical to Facilities Review approval criterion J found within Attachment A above. Staff incorporate the finding as stated therein.

Therefore, staff find the proposal does not meet the criterion for approval.

RESPONSE: Corrections to the Grading Plan and Landscape Plan have been made to resolve all issues realting to Facilities Review approval criterion J and, hence, this requirement.

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

The submitted Tree Plan proposal contained all applicable submittal requirements necessary to review the application.

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

I3. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

The Tree Plan Two application is being processed concurrently with the Conditional use, Design Review Three, Replat One, and Property Line Adjustment applications. In the review of the materials during the application review, staff found that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal. Staff recommends a condition of approval that the above-mentioned Design Review Three application, be approved in order for this Tree Plan Two to be approved.

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

Recommendation

Based on the facts and findings presented, staff recommend **DENIAL** of **TP2019-0001 (Hawaii Kai Multi-Family)**.

RESPONSE: All objections have been resolved. Accordingly, the TP2019-0001 should be approved.

Code Conformance Analysis

Chapter 60.60 Trees and Vegetation & Chapter 60.67 Significant Natural Resources

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.1A-B	Pruning Standards for Protected Trees	The subject site does not contain any Protected Trees.	N/A
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	The subject site does not contain any Protected Trees.	N/A
60.60.15.2.B	Mitigation is required as set forth in 60.60.25	The subject site does not contain any Protected Trees. No mitigation is required for Community Trees.	N/A
60.60.15.2.C.1-8	Standards for SNRA & Significant Groves	A SNRA (Significant Natural Resource Area) is not present on the site, nor is a Significant Grove.	N/A
60.60.20 Tree Protection Standards During Development			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	To protect trees on abutting sites that may have roots on the subject site, staff recommend the applicant demonstrate compliance with Section 60.60.20, prior to Site Development permit issuance.	Yes w/ COA

RECOMMENDED CONDITIONS OF APPROVAL
Hawaii Kai Multi-Family
(CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001/ TP2019-0001)

Conditional Use (CU2019-0001)

As staff recommends Denial of the Conditional Use application CU2019-0001 no conditions of approval are provided as a Denial cannot be conditioned.

Design Review (DR2019-0012)

As staff recommends Denial of the Design Review Three application DR2019-0012 no conditions of approval are provided as a Denial cannot be conditioned.

Replat One (LD2019-0003)

A. General Conditions, the Applicant shall:

1. Ensure the associated land use application PLA2020-0001 has been approved. (Planning / ES)

B. Prior to approval of the final plat, the applicant shall:

2. Submit electronic copies of the proposed final plat to the City for review and approval, prior to recording. (Planning / ES)
3. Submit copies of the proposed final plat to Washington County for preliminary review and comments, to be shared with the City of Beaverton, prior to recording. (Planning / ES)
4. Show the dedication of a six (6) foot easement along the property's frontage to SW 96th Avenue to Washington County for purposes of public access to the sidewalk. (Transportation/KM)
5. Have commenced construction of the site development improvements to provide minimum critical public services to the proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./TDM)
6. Show granting of any required off-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./TDM)

7. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits for each parcel, ready for recording concurrently with the final plat at Washington County. (Site Development Div./TDM)

Property Line Adjustment (PLA2020-0001)

A. General Conditions, the applicant shall:

1. Ensure the associated land use applications CU2019-0001, DR2019-0012, LD2019-0003, and TP2019-0001 have been approved. (Planning / ES)

B. Prior to Site Development permit issuance, the applicant shall:

2. Submit a draft maintenance agreement specifying the maintenance responsibility of the proposed retaining wall (where it crosses property lines), signed by all affected parties, to be recorded with the final plat. (Planning/ES)

C. Prior to the approval of the final plat, the applicant shall:

3. Submit electronic copies of the proposed final plat, or alternate documents if a plat is not proposed, to the City for review and approval, prior to recording. (Planning / ES)
4. Submit copies of the proposed final plat to Washington County for preliminary review and comments, to be shared with the City of Beaverton, prior to recording. (Planning / ES)

Tree Plan Two (TP2019-0001)

As staff recommends Denial of the Tree Plan Two application TP2019-0001 no conditions of approval are provided as a Denial cannot be conditioned.

Design Review Three Narrative:

40.20.15.3 Design Review Three

C. Approval Criteria

1. The proposal satisfies the threshold requirements for a Design Review Three application.

Response: The conditional use requirement requires the Design Review Three application. Also the proposed development falls under threshold requirement #8 because it meets the Design Review Two threshold under requirement 3 but does not meet three applicable design standards.

2. Fees

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

3 Submittal Requirements

This application does not fall under thresholds 1 through 7 and is therefore submitted as threshold 8. And also is required because of its conditional use designation of residential development in a NS Zone which requires a Design Review Three Application.

4 Not applicable

5 Not applicable

6. This is the approval criteria for the submittal. This application addresses a combination of standards and guidelines. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 Design Standards except for the Design Standards where the proposal is instead subject to the applicable corresponding Design Guidelines. This proposal is not consistent with 2.

Design Standards 60.05.15B, 60.05.15D, 60.05.15G and 60.05.15I. The Justification For these requests are stated below.

Design Review Standards

60.05.15 Building Design and Orientation Standards

1. Building articulation and variety.

B. Buildings visible from and within 200 feet of an adjacent public street shall have a minimum portion of the street-facing elevation(s) and the elevation(s) containing a primary building entrance or multiple tenant entrances devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18"), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is: [ORD 4584; June 2012]

1. Thirty (30) percent in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]
2. Fifty (50) percent in Commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.
3. Fifteen (15) percent in Industrial zones. [ORD 4462; January 2008]

In Industrial zones, where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities, the above standards shall apply only to elevations visible from and within 100 feet of an adjacent public street, and elevations that include a primary building entrance or multiple tenant entrances. [ORD 4659; June 2015]

Response: The buildings are in the Commercial Zone and glazing is greater than 35%.

North Building: The percentage is 43% on the North building front. This meets the requirement for the North building.

South Building: The South building west end faces the street, brick veneer has been added, the percentage is 64.44% with the brick veneer and therefore now meets this requirement. Design review is no longer needed because of the percentage attributed to the brick veneer.

Below are the calculations for the South Building.

<i>Windows not in depressions</i>	46.50 SF
<i>Depressions</i>	200.56 SF
<i>Concrete</i>	50.1 SF
<i>Wood Trim</i>	124.75 SF
<i>Brick Veneer</i>	300.63 SF
Total Materials Calculation	<u>722.54 SF</u>

The Windows, Depressions Concrete and Wood Trim and Brick Veneer = 64.44%. This greater than the 50% required. The condition is now met. The overall facade of the south building is 1,121.04 sq. ft.

GUIDELINES 60.05.15.1.D

The Development has Chosen to use the design guidelines for Section D below.

D. In addition to the requirements of Section 60.05.15.1.B. and .C., detached and attached residential building elevations facing a street, common green or shared court shall not consist of undifferentiated blank walls greater than 150 square feet in area. Building elevations shall be articulated with architectural features such as windows, dormers, porch details, alcoves, balconies or bays. [ORD 4542; June 2010]

Response:

The north building front wall that faces the street has 149 square feet of undifferentiated wall with the addition of Brick Veneer. This condition is now met Design Guideline review Is no longer required.

The South building West wall has an area of 75.11 SF That has an undifferentiated wall of the same material after the addition of Brick Veneer. This condition is now met Design Guideline review is no longer required.

GUIDELINES 60.05.20.7.B

B. A sidewalk or walkway internal to the site is required along building elevations that include a primary building entrance, multiple tenant entrances or display windows. The sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide at building entrances, and along elevations containing display windows. Sidewalks shall be paved with scored concrete or modular paving materials. If adjacent to parking areas, the sidewalk shall be separated from the parking by a raised curb. [ORD 4531; April 2010]

Response: We wish to have a Type 3 review of the proposed sidewalk. The proposed sidewalk is to serve two apartment buildings. The use of a commercial sidewalk of 10 feet is inappropriate. The proposed entrances and windows do not serve multiple buildings and display windows. We would request that Design Review approve through the Design Guidelines for a 5 foot sidewalk.

GUIDELINES 60.05.25.3.G

The Development has Chosen to use the design guidelines for Section G below.

G. Common open space shall be no smaller than 640 square feet in area, shall not be divided into areas smaller than 640 square feet, and shall have minimum length and width dimensions of 20 feet. [ORD 4515; September 2009]

Response: The development has revised the plans to meet the 640 square feet requirement. There is now a contiguous area of 707.67 square feet. The project does not meet the dimension standard in that the south side of the Active open space is 19.787 lineal feet and is .213 feet short of the dimension required. We have chosen to request a Design Guideline review of this distance. The required square feet is 702.22 square feet and this part of the standard has been met.

GUIDELINES 60.05.25.3.I

The Development has Chosen to use the design guidelines for Section I below.

I. Active common open spaces shall be included in all developments, and shall include at least two (2) of the following improvements:

1. A bench or other seating with a pathway or other pedestrian way;
 2. A water feature such as a fountain;
 3. A children's play structure;
 4. A gazebo;
 5. Clubhouse;
 6. Tennis courts;
- 5

7. An indoor or outdoor sports court; or
8. An indoor or outdoor swimming and/or wading pool.
9. Plaza

Response: *The barbecue area has benches and a table and barbecue to meet this requirement. We have also placed a mister as a feature and believe the barbecue, benches and mister meet the standard. All three are proposed as improvements to meet the requirement of improvements. We wish Design Review to consider these 3 improvements to meet the standard above. We placed three improvements on the plan because we don't know if the barbecue and/or mister will be considered approved improvements.*

GUIDELINES 60.05.25.9.E.1

Response: *This guideline is no longer required because we have agreed to recommendations of Staff to use a three foot wrought iron fence in the front.*

Received
Planning Division
04/22/2020

20.10. COMMERCIAL LAND USE DISTRICTS

Neighborhood Service (NS)

The NS District is intended to provide minimal areas of service and convenience uses to meet the frequent needs of nearby residents.

Response:

The site is zoned NS which allows an R1 density as an allowed residential density therefore 12 units are proposed. We are proposing 12 Units. 8 two bedroom and 4 one bedroom units. The density calculations will be provided as part of this narrative.

Development Standards Of Section 20.10.15

Applicable Development Standards NS Zone:

- A. ***Attached Residential Size Requirement:***
- B. ***Minimum Land Area:***
- C. ***Lot Dimensions:***
- D. ***Minimum Yard Setbacks***

The proposed development meet the size requirement of the minimum of 1000 square feet per unit. 12 units are proposed and the overall parcel after consolidation and lot line adjustment with lot 1501 is 18,862 square feet and would allow 18 units. Lot Dimensions: Minimum Width: The minimum width allowed is 70 feet and the parcel is 180.6 feet wide which meets this standard. Minimum Depth: The minimum depth is 100 feet. The parcel is 100.66 feet which meets this requirement. This meets the depth standard. Minimum Yard Setbacks: Front: The minimum front yard setback is 20 feet. The proposed setback is 20 feet which meets this requirement. The 2 superscript to this section does not apply since we are not proposing a subdivision of land. Side: The minimum side yard is 10 feet and is met on the north side yard. The minimum side

yard of 10 feet is met as an interior side yard standard. The superscript note refers to an allowance that this property does not need to meet. There for the proposed side yard meets the requirements for side yard setback. The minimum rear setback of 20 feet is not met by either of the 2 buildings. The northern building is has a rear yard setback of 3 feet with the southern building having a rear yard setback of .2 feet. The superscript for this standard does apply. The buildings do not abut residential zones (NS Zoned property abuts the development on the east side where the rear yard setback is at.) Therefore the minimum rear yard setback is 0 feet as per the superscript. Minimum Open Air Display Setbacks: Front setback is 20 feet but this section does not apply since we have no Open Air Displays. Building Height: The proposed development has 34.6 foot high structure including the needed parapet wall (for flat roofs) from top of roof to ground and therefore meets the requirement of 35 feet. It is within 100 feet of residentially zoned property so the superscript 6 does apply but is already limited to this height in the NS zone which is the designation of this property.

Additional Changes to the Submittal:

The City needs 31 feet of property from the center line to be available. There is currently 25 feet. Hawaii Kai proposes to provide the City with a 6 foot non limited easement to provide for the needs of the City and the County for further unrelated development and any future improvements that may be required. The development also shall meet City and County requirements related to the improvements required in the right of way.

Section 20.10.20.

Category of Specific Use: Attached Dwellings
Conditional Use with footnote 1

Footnote 1: Detached or Attached Dwellings; only 50% of the contiguous area within any NS zone may be developed residentially.

Response:

Section 20.10.20 Table has within the NS requirements for residential use the need for the development to be a Conditional Use. It also has a specific limitation for residential developments in the NS Zone, as a footnote to the Conditional Use Requirement, that less than 50% of the land area within the contiguous NS Zoned designated land must be residential at the time of development. The area at the time of the original submittal of this development was Evaluated by a review of existing residential properties. This was done by a field survey of the properties within the NS Zoned Map area.

The survey of the contiguous NS zone areas shows the areas according to tax maps to be 132754 square feet of which 27,463 square feet is in residential use including the development therefore the property can be developed in a residential use. This is 21% and 50% is the limit therefore this conditional use requirement is met.

20.10.30. OTHER NS ZONING REQUIREMENTS

Uses shall be subject to the following (excludes food cart pods, parks and playgrounds):

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities and as allowed in item 2, below.

The Development plan calls for an outside play area and shared picnic are as part of the Active Open Space Required in the NS district.

2. Accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment.

Response:

There are no accessory open air sales since the use is an apartment complex.

3. Excluding food stores, individual establishments shall not exceed 15,000 square feet gross floor area.

Response:

No individual establishments only residential units smaller than 15,000 square feet.

20.25.05. MINIMUM RESIDENTIAL DENSITY

Response:

The site is zoned NS which allows an R1 density as an allowed residential density therefore 12 units are proposed. The area of the site of 18726 SF will allow 18 units to meet the minimum density. The number of units can be reduced by the amount of area within the flood plain which is about 7,340 square feet. We will use 6,762 square feet to develop the density calculation and when subtracted from the overall area (18762 – 6762 = 12,000 square feet results in a need to provide 12 units of residential housing. We are therefore proposing 12 Units. 4 two bedroom and 8 one bedroom units.

40.03. FACILITIES REVIEW COMMITTEE

1. *All Conditional Use, Design Review Two, 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:

This development will require suitable road improvements as has been shown on the plan.

Including Water Line improvements in the public right of way which have tentatively been worked out with Metzger Water District. Improvements include a Fire Hydrant required a certain distance from the Fire Department Connection for fire protection.

This has also been coordinated with the TVFR Fire Marshall. Also the access for the fire truck to fight a fire of a building higher than 30 feet has been worked out with TVFR since the Ladder Truck is located closer than normally allowed to the building (15 normally required 11.5 feet is what is shown) The location of the access requires a distance from the adjacent property to the south closer than standard and will need to be approved during facilities review. The location is necessary to allow parking geometry to work for 16 cars as required by the number of units required to meet density.

A dedication of 6 feet has been changed to a request to create an easement of 6 feet which has been allowed on other projects this will be confirmed with Washington County as well as the City of Beaverton Traffic Engineering Staff. The County has indicated that parking rather than bike path improvements are required.

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:

All improvements necessary are proposed as part of approvals and shall be constructed prior to occupancy.

C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject 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).

Response:

There are several design review approvals are required during the design review process. A conditional use to have a residential development in an NS zone. Also a lot line adjustment is required. The development realizes that these will have to be approved with all provisions of Chapter 20 (Land Uses)

D. The proposed development 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:

The proposed development is consistent with all applicable provisions of Chapter 60 less the distance of access to the Parking Lot from an adjacent property and a request will be made to have a lesser than standard distance approved as a Design Exception Request or in a way that is needed to receive this approval. Sidewalks proposed to be four feet in the original application were modified by moving the North building east to meet the planning requirements related to a minimum of 5 feet and all sidewalks now meet this standard.

E. Adequate means ` 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:

The proposed facilities will be owned by the apartment complex and therefore assurance that the facilities will be maintained are assured to be maintained.

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

Response:

The facilities have been designed to City Standards and requires final approval through the facilities review process.

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

Response:

The location for access has been designed to meet standards required by the City including proposals for standard driveway and sidewalks on site and connections to public systems coordinated with Washington County. The location of the access requires an allowance for the driveway to allow access closer than 50 feet to the access of a lot that is located in the back of the project. Approximately 46 feet is available. This requires the owner to submit a design exception request as a condition of approval by Site Development prior to building permit issuance.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

Response:

All public facilities have been shown and will be designed to meet Washington County requirements and TVFR standards or as already coordinated with TVFR, West Slope Water District and Tualatin Valley Water District.

I. Structures and public facilities serving the development 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:

All Improvements along the frontage must be constructed to meet Washington County and City of Beaverton standards. Currently, the as-built improvements are substandard along the frontage. Submitted plans show improvements necessary as coordinated with the City Washington County. This is listed as a condition of approval on the Staff Report of April 8, 2020.

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Response:

The proposed improvements meld into existing adjacent improvements improving storm drainage conditions, floodway issues of grading and traffic conditions where possible and add waterline improvements to the West Slope Water District.

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:

All Access and Facilities for physically handicapped people have been incorporated into the development site improvements and building design.

L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]

Response:

Applications required by the City Have Been Submitted for as required by the City. If any others are required they will be submitted as Requested.

40.15. CONDITIONAL USE

The proposal satisfies the threshold requirements for a Conditional Use application.

Response: In the NS Zone Section 20.10.20, A conditional use was required as explained below.

In Residential Uses 2. Dwellings C. The Development requires a conditional use application as a residential apartment complex, and must meet a specific requirement of the superscript that applies to this use.

Superscript 1 applies and states that 1. Detached or Attached Dwellings: only 50% of the contiguous area with any NS zone may be developed residentially.

A field survey of the contiguous NS zone properties was done. All properties were surveyed.

According to tax maps the NS zone was 132,754 square feet, of which 27,462 square feet is in residential use including the development therefore the property can be developed in a residential use. The requirement was that not more than 50% could be residential and with the development it is 20%

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

Response: All application forms and fees have been submitted for to the City of Beaverton.

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

Response: The proposed development complies with all zoning and applicable policies of the Comprehensive Plan for the Area.

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 existing grading, improvements and topography with minor changes can reasonably accommodate the proposed use.

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: The above development requires a flat site to be compatible with apartment use and to handle the required ADA access requirements. It meets these requirements and is compatible with other uses which include adjacent apartments, and condominiums and the adjacent Commercial Uses.

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: Any required additional approval documents will be submitted as required by the City in proper sequence.

40.20.15.3. Design Review Three

1. The proposal satisfies the threshold requirements for a Design Review Three application.

Response: The conditional use requirement requires the Design Review Three application. Also threshold #8 where standard are not met and the applicant wishes to be considered under the design guidelines for several conditions.

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

Response: All city application fees for a Design Review Three have been submitted.

3. For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

Response: The Development design is consistent with the Following sections:

60.05.35 Building Design and Orientation Guidelines.

Response:

Building articulation and variety.

Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians.

Residential buildings should be of a limited length: The project has Residential building which are required by this section of the code and has a 32.4 foot wide elevation facing the street for the Southern Building that is in the narrowed set back this is a very pedestrian friendly width

and shows a pathway that goes between buildings. The other dimension for both duplexes is 76.4 feet long again not a long distance for the apartment building.

Building elevations should be varied:

Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided.

The building elevation has an articulated side that indents for a deck area on the both sides of the two buildings on all 3 floors. The building design also has varied panels of siding including shiplap siding, board and batten siding and brick veneer which add to the variety of the visual features of the building. Also three paint colors have been used to provide even more variety.

Balance to the horizontal features:

To balance horizontal features on longer building elevations, vertical building elements,
such as building entries, should be emphasized.

Building entries are emphasized by placing a roof over the entry doors. Also the indentation of the deck space creates an articulated building elevation. The deck indent to the façade and the front door entry cover adds to the spacial variation of the façade.

Buildings should promote and enhance a comfortable pedestrian scale and orientation:

Buildings should promote and enhance a comfortable pedestrian scale and orientation. This

guideline does not apply to buildings in Industrial districts where the principal use of the

building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or

distribution activities.

The size of the complex with only two buildings and the angled orientation of the buildings add to the short and comfortable placement of doors to the units and the short ness of the travel to the public right of way which add to the quality of the pedestrian scale of sidewalks and circulation.

Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with articulated features:

Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided.

There are no undifferentiated blank walls to either the side or the front elevations of the building. Articulation is part of the design in which a large indent made by the private decks and forward projecting roof covered entry. These are design features of the building caused by the design requirements and available design elements. To this are features of panel design to change the flat features of the building with directional paneling that respond to the building features. The deck wall has board and batten siding and the remainder of the siding is horizontal ship lap siding and brick veneer. The building face a children's play area and also have a view of the open space that tenants will use for leisure activities.

Buildings used for other than residential issues:
Section F.

Building elevations visible from and within 100 feet of an adjacent street where the principle use of the building is manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities in an Industrial zoning district, should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street should be avoided.

Does not apply because all buildings on the site are residential.

Roof forms.

Roof forms should be distinctive:

Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be emphasized.

***The roof form of the Modular Homes are difficult to create distinctive features and the proposed roof is flat.
Quality is added by creating a parapet wall beyond the roof edge elevation.***

Flat roofs:

Flat roofs should include distinctive cornice treatments.

A distinctive horizontally line Cornice treatment accents the roof line.

The Building has a 1 foot parapet cornice painted a trim color to cover the low sloping roof for a more attractive look.

Primary building entrances.

The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings and canopies.

The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun.

***The two buildings have a front porch covered with a sloped roof.
The North building sloped roof is 5 feet X 12 feet. The South Building sloped roof is 4 feet X 7.4 feet (to not block the 5 foot access Handicap Ramp).***

This protects the door entry area as well as providing an area for tenants and visitors to remove rain coats and close umbrellas under cover.

Special attention to primary building entrance.

Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.

The front entrance has a solid black roof facing to be the canopy and pedestrian cover at the front door.

Exterior building materials.

Exterior building materials and finishes:

Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays.

Hardie plank provides a surface with permanence and durability. The use of brick veneer also help this semblance of durability

Screening of Equipment.

All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means.

There is no roof mounted equipment to screen.

All meters will be screened by arborvitae at the east end of South building. This genus of arborvitae that will grow 5 feet tall between the building and the right of way. If a transformer is added on site it will be hidden from view from the street using an evergreen shrub visual barrier 5

feet tall. The location of the transformer is on the Site Plan and Grading as revised and has been hidden from view from the Street.

Building Location and Orientation.

A.

Buildings should be oriented toward and located within close proximity to public streets and public street intersections. The overall impression should be that architecture is the predominant design element over parking areas and landscaping. Property size, shape and topographical conditions should also be considered, together with existing and proposed uses of the building and site, when determining the appropriate location and orientation of buildings.

Response:

The buildings have been oriented in the only direction possible given the need to provide parking and to provide locations that are outside of the floodway and flood plain. The geometry of the site had to consider the shape of the buildings that needed to share entries on each floor to maximize the utilitarian features of a common entrance. This was important to minimize the walkways necessary to connect the entries as required by the design element requirement of the city. Also critical was to establish an access to the building that allowed ladder truck fire access to the roof.

D. Primary building entrances should be oriented toward and located in close proximity to public streets and public street intersections. Property size, shape and topographical conditions should also be considered.

Response:

The buildings have been oriented in the only direction possible given the need to provide parking and to provide locations that are outside of the floodway and flood plain. The geometry of the site had to consider the shape of the buildings that needed to share entries on each floor to maximize the

utilitarian features of a common entrance. This was important to minimize the walkways necessary to connect the entries as required by the design element requirement of the city. Also critical was to establish an access to the building that allowed ladder truck fire access to the roof.

60.05.40 Circulation and Parking Design Guidelines

Unless otherwise noted, all guidelines apply in all zoning districts.

Connections to public street system. The on-site pedestrian, bicycle, and motor vehicle circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets in accordance with connections identified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan.

Response: Connections to public street system:
The connections proposed only connect to 96th Avenue, since there are no plans that require connectivity of bike travel, pedestrian travel, or motor vehicle circulation through the property.

Loading area, solid waste facilities, and similar improvements.

- A. On-Site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street.

Response: The trash enclosure is screened from the roadway and the plans are being submitted with the location at the back of the property. Waste Management was contacted, because the design does not meet the standards set by the city. Adjustments to locate the trash enclosure adjacent to the sidewalk access from the street will be used if necessary, but we consider this very bad site design for livability. We feel that Waste Management has many situations that back up and moving of trash containers is much worse than what is proposed. Accordingly, the site plan was sent to Waste Management for their approval and they have approved the layout proposed. Slight changes have been made and the layout will be sent to waste management for

their approval. There have been revisions but the revisions increase the space from the plans most recently approved.

The recent evaluation by the City of a parking space 8 feet from the Northerly parking area resulted in the removal of one parking space. This changed the plan. Also the City determination that parking spaces within the set back was not treated as 0 setback made the back up space 3.76 feet which did not meet planning requirements. As a result, the trash enclosure was moved back to resolve the issue and removed the need to apply for a major adjustment. The back up space is now 5 feet.

B. Except in Industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations.

Response: There are no loading zones necessary in the residential development that is planned.

Pedestrian circulation.

Pedestrian connections should be made between on-site buildings, parking areas, and open spaces.

Response: Connections between buildings attempts to make the connection short and direct. The connection to 2 open spaces for the Children's play area and the transportation waiting area are very short. The Barbeque requires access through the parking lot but the distance is short. The sidewalk interior to the property adequately serve the motor vehicle parking on site.

Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures.

Response: The Pedestrian connection to the doors of the units are direct and is the only connection that people from the street would be using. On site connections to the children's play area should only be important to residents and

the transportation waiting area is for tenants. Finally the Barbeque is only for residents and should not have a connection direct to the street.

Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations.

Response: The building entrances are directly connected to the street which is the only destination for residents.

D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles

Response: The Parking lot is to small to have a separate connection to the street more than the connection that serves the entries to the buildings.

E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets.

Response: The 12 foot sidewalk provides the pedestrian with adequate access to to the residential area. This is the Beaverton's request since the area is commercial. A 12 foot sidewalk with tree wells is proposed. If an allowance for 10 foot sidewalks were appropriate, the Development would accept this. The 12 foot width used up the area given to the City as an easement.

Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces.

Response: The proposed sidewalk is concrete a hard durable surface.

60.05.45 Landscaping, and Open Space Design Guidelines (No Natural Areas)

Unless otherwise noted, all guidelines apply in all zoning districts.

1. Common open space for residential uses in Residential zones.

A. Common open space for residential uses in Residential zones. A. Common open spaces should be provided that are sized and designed for anticipated users, and are located within walking distance for residents and visitors, and should be integrated into the overall landscape plan.

Response: The proposed use is within an NS zone but is residential in use and therefore has a design of a Barbeque, Picnic table and Sunning Area. Also a Playground Area for small children and seating area for parents is proposed between the two buildings. The barbeque area has been increased to meet the code size, so additional room is not necessary. The area of the site is 18725.78 square feet. The total Landscaping required is 15% with 25% required for Active Open Space. The required open space is 3808.87 square feet. The active open space required is 702.216 square feet. 707.67 square feet of scored concrete for the barbeque area meets this requirement. This was accomplished by changing the landscaping to Pencil Point Juniper (A pdf picture has been provided).

B. Common open spaces should be available for both passive and active use by people of all ages, and should be designed and located in order to maximize security, safety, and convenience.

Response: The proposed use is within an NS zone but is residential in use and therefore has design of open spaces in areas to maximize visibility and openness for safety and security and convenience for tenants.

C. Common open spaces should be free from all structural encroachments unless a structure is incorporated into the design of the common open space such as a play structure.

Response: The proposed use is within an NS zone but is residential in use and therefore has design has structures only for convenience a barbeque, gazebo and picnic table and in the children's play area benches for several groups of parents.

D. Common open space should be located so that windows from living areas, excluding bedrooms and bathrooms, of a minimum of four (4) residences face on to the common open space.

Response: The proposed use is within an NS zone but is residential in use. The 2 active open spaces have windows from at least 4 units with a view to each open space.

Minimum landscaping in Residential zones.

A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape.

Response: The proposed use is within an NS zone but is residential in use. The landscaping as well as sidewalks are used in the setback north of the south building and west of the north building to enhance the architectural elements of the structure the landscaping to soften the edge of the transition to the driveway and the sidewalk necessary for access.

B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings.

Response: The proposed use is within an NS zone but is residential in use. The landscaping was used to cover the area exposed where footing meets the wall to soften this building edge. The plants adjacent to the building edge also create a step that adds an attractive landscape base to the building.

Minimum landscaping for Conditional Uses in Residential zones and for developments in Commercial, Industrial, and Multiple Use zones.

A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings.

Response: *The landscaping as well as sidewalks are used in the setback north of the south building and west of the north building to enhance the architectural elements of the structure the landscaping to soften the edge of the transition to the driveway and the sidewalk necessary for access.*

B. Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete.

Response: *The barbecue area will utilize interlocking block pavers. This will also be done in the children's play area.*

C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions.

Response:

Native Vegetation was not used and is far enough away from natural areas not to affect transfer of seeds or invasive transplant of vegetation. The development meets the landscaping requirement standards of the City.

D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development.

Response:

Mature Trees were saved and incorporated into the site design where possible but almost all have to be cut because of their location to paving areas.

E. A diversity of tree and shrub species should be provided in required landscaped areas.

Response:

A large diversity of tree and shrub species was used please see landscape plan to see the amount of diversity.

4. Common Greens.

Response: *There are no common greens in the project.*

5. Shared Courts.

Response: There are no shared in the project.

6. Retaining walls.

Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material.

Response: There is a retaining wall shorter than 6 feet and it will be made of split faced block on a concrete footing or treated face concrete to improve the looks of the wall.

RESPONSE: The front fence has been changed to a 3' fence made out of wrought iron. The two side fences are 5' chain-link fences with slates. The rear fence is a 5' chain-link fence to be placed on top of the rear retaining wall of varying heights (for purposes of preventing falls off the retaining wall).

7. Fences and walls

A. Fences and walls should be constructed of attractive, durable materials.

Response: The fence is 3 to 6 feet tall. The fence in the front will be wrought iron . The fence in back are concrete split face block or concrete with a facial treatment. The fences meet this requirement.

B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection.

Response: There is a fence on the top of the wall in front of the southern building. It is 3.5 feet tall for fall protection. In front of the wall are trees to soften the look and the building edge will be able to be seen past the wall and has wintergreen barberry

shrubs and vine maple trees to soften this edge. This planting has been made to place a base and to hide the concrete footing.

Since the recent submittal plants have been moved to completely hide the concrete foundation footing and in areas where plants were not used the deck is elevated to the height of the bottom of the siding. The rear fence is to cover the retaining wall in the back to make .

8. Changes to existing on-site surface contours at residential property lines.

The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as drainage impacts, damage to tree root zones, and blocking sunlight.

Response: The property line grading has been made to grade into the Development. Where walls are used they maintain the elevation of the property at the edge and no major water flows to the top of the wall. The adjacent surfaces are paved and water from these surfaces are handled on the adjacent sites.

9. Integrate water quality, quantity, or both facilities.

Response: The water quality will be handled by a Contech Stormfilter so no landscape water quality design component will be involved in the project. Also no water quantity is required since our discharge is in the flood plain.

Aboveground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design.

Response: The water quality will be handled by a Contech Stormfilter so no landscape water quality design component will be involved in the project. Also no water quantity is required since our discharge is in the flood plain. A landscape planter is therefore not required. There may be a landscape treatment facility within the right of way. This will be the decision of the County and City regarding storm water treatment.

10. Natural areas.

Natural features that are indigenous to a development site, such as streams, wetlands, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan

Response: All trees are recommended to be cut by the arborist.

A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses.

The buffer should not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening.

Response: There are no natural features along and in the property. The apartments to the North provide an opportunity to buffer the property. In this area a Type 3 landscape buffer is proposed with a 6 foot high site obscuring fence, trees and shrubs.

B. When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized.

Response: The conditional use applied for does not create need for special landscape screening.

C. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood.

Response: The landscape buffering complements the overall visual character as blending in with the street landscaping and the lawn of the Apartments to the North.

D. When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction.

Response: Changes in buffer widths to the street is a result of limited space available and the limited geometry to include site improvements. This establishes the smaller than 20 foot width to the Public Street.

Lighting Design Guidelines

Lighting Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires

Response: Pole mounted luminaires have been placed to provide 1 foot candles minimum of light over all sidewalks and parking areas. They are located at critical areas on the site.

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.

Response: Pedestrian Scale Standards for lighting was used for the parking and sidewalks since all lights serve to provide lighting for both uses. The parking lot is small and higher lights are not required to spread lighting.

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.

Response: Lighting from lights along the property lines have shields in them to limit the light to .5 foot candles at the property lines. As was mentioned in the pre application meeting, this requirement was not required on the right of way. An email from Ed Anderson indicated that we could have more than .5 footcandles of light on surfaces past the right of way line. This light only helps light the sidewalk in the right of way.

4. On-Site lighting should comply with the City's Technical Lighting Standards. 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.

Response: The lighting proposed shall comply with the City's Technical Lighting Standards in all areas of the site. The previous submittal met this requirement.

4. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines if any of the following conditions exist:
 - a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or
 - b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or
 - c. The location of the existing structure to be modified is more than 300 feet from a public street.

Response: The project removes all improvements so this section does not apply.

5. For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in the Development Code or greater, can be realistically achieved at ultimate build out of the DRBCP. [ORD 4584; June 2012]

Response: A Design Review Buildout Concept Plan is not required as the density is met with the proposed plan.

6. For proposals meeting Design Review Three application Threshold number 6 applies, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). as covered in the Design Review Section. [ORD 4531; April 2010]

Response: A combination of Design Guidelines and Standards are used for the review.

7. For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines). [ORD 4531; April 2010]

Response: The Design Review does not only address Design Guidelines therefore this section 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: Any other City approvals other than those already submitted shall be submitted to the City in the proper sequence.

40.45.15.2. Replat One.

1. The application satisfies the threshold requirements for a Replat One. [ORD 4584; June 2012]

A. Threshold. An application for Replat One shall be required when any of the following thresholds apply:

1. The reconfiguration of lots, parcels, or tracts within a single existing plat that decreases or consolidates the number of lots, parcels, or tracts in the plat;

Response: The proposed plan must consolidate 2 lots of a previous subdivision. And therefore be reconfigured.

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

Response: A lot consolidation application and fees has been submitted.

3. The proposed Replat does not conflict with any existing City approval, except the City may modify prior approvals through the Replat process to comply with current Code standards and requirements.

Response: The proposed replat allows for the Development by taking out a lot line that would not allow the Northern Building to be constructed.

4. Oversized lots or parcels (“oversized lots”) resulting from the Replat shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. [ORD 4584; June 2012]

Response: There is not an oversized lot as a result of the consolidation and the easements existing are not needing to be modified and all rights of way (which includes a sidewalk

easement of 6 feet along 96th Avenue) support the access to development. No existing lots are affected with the proposed consolidation.

5. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following: [ORD 4584; June 2012]

a. Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,

b. Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed, provides a standard street cross section with sidewalks. [ORD 4584; June 2012]

Response: The proposed consolidation does not affect Historic Resource Land or a Significant Natural Resource. The size complies with the minimum density requirements and although the parcel is slightly shallower than standard (which we cannot modify because of a need to dedicate land for a road widening) we meet the shape requirements within the NS Zone. The proposed street widening allows for the standard street cross-section and sidewalks.

6. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall not require further Adjustment or Variance approvals for the Land Division. [ORD 4584; June 2012]

Response: No Lot averaging is proposed.

If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.

Response: No Phasing is proposed.

8. The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties. [ORD 4584; June 2012]

Response: The proposed development does not eliminate pedestrian access to the development property or adjacent properties.

9. The proposal does not create a parcel or lot which will have more than one (1) zoning designation.

Response: Only one Zoning Designation is on the 2 parcel and will be the same after consolidation.

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

Response: Applications and documents that relate to the request shall be submitted to the City in the proper sequence.

40.90.15.3.A.1. Tree Plan Two

1. The proposal satisfies the threshold requirements for a Tree Plan Two application
40.90.15.3.A.1 (Threshold)

A. Threshold. An application for Tree Plan Two was submitted and confirmed.

Response: Threshold for Tree Plan 2 applies and therefore Tree Plan 2 is applicable.

Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in Section 40.90.10.1.

Response: More than 85% of the community trees are being removed. (13 of 13)

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

Response: A Tree Plan 2 application has been submitted and fees paid. Additional Fees related to the removal will be determined by the City and shall be paid when requested.

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: Tree removal will be removed under the review of an arborist if roots from the tree being removed are within a diameter inch of a tree to be saved on site.

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

Response: The removal of the trees are in direct location of improvements and cannot be saved.

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: Nuisance trees (Apples, have not been considered), also trees that may be impacted by construction will be evaluated by an arborist at time of construction.

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: Trees in the right of way are at elevations that will be affected by fill and also by location of the sidewalk.

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. [ORD 4584; June 2012]

Response: There are no tree grove or adjacent trees to enhance the health of other trees by removal and none that are being eliminated because of conflict of closeness to structures or vehicles.

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.

Response: No SNRA or Significant Grove is affected by the removal of trees.

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: Since No SNRA or Significant Grove exists in the area no safety hazard will occur.

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

Response: All requirements of protection, pruning shall be followed and section 60.67 do not apply.

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.
[ORD 4584; June 2012]

Response: Grading has been shown on the plans and is proposed to contain storm drainage to the site and where drainage comes to the site the direction of flow has not been blocked.

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

Response: All submittal documents recognized by the City and the Development Team has been submitted. Any other documentation shall be submitted on request if it is determined to be needed.

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: Applications and documents which will require further approval shall be submitted in the proper sequence.

CHAPTER 60 - SPECIAL REQUIREMENTS

60.05.15. Building Design and Orientation Standards.

1. Building articulation and variety.

A. Attached residential buildings in Residential zones shall be limited in length to two hundred (200) feet. [ORD 4542; June 2010]

Response: The property is in a NS zone but will be residential in Development. The 2 Buildings are 76.4 feet in length and therefore meet this requirement.

B. Buildings visible from and within 200 feet of an adjacent public street shall have a minimum portion of the street-facing elevation(s) and the elevation(s) containing a primary building entrance or multiple tenant entrances devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18"), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is: [ORD 4584; June 2012]

1. Thirty (30) percent in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]
2. Fifty (50) percent in Commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.
3. Fifteen (15) percent in Industrial zones. [ORD 4462; January 2008]

In Industrial zones, where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities, the above standards shall apply only to elevations visible from and within 100 feet of an adjacent public street, and elevations that include a primary building entrance or multiple tenant entrances. [ORD 4659; June 2015]

REFER TO GUIDELINES 60.05.15.1.B.2

IN DESIGN REVIEW 3 NARRATIVE. This Guideline has been Resolved by using brick veneer on the building. This will be explained in the design guideline section.

C. The maximum spacing between permanent architectural features shall be no more than:

1. Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]
2. Sixty (60) feet in Industrial zones.
3. Fifteen (15) feet in detached residential developments in Multiple Use zones for walls facing streets, common greens, and shared courts. [ORD 4542; June 2010]

Response: The indent is 14.2 feet and the overall building is 32.4 feet across. This makes the maximum spacing 16.2 feet. This meets this requirement of less than 40 feet.

D. In addition to the requirements of Section 60.05.15.1.B. and .C., detached and attached residential building elevations facing a street, common green or shared court shall not consist of undifferentiated blank walls greater than 150 square feet in area. Building elevations shall be articulated with architectural features such as windows, dormers, porch details, alcoves, balconies or bays. [ORD 4542; June 2010]

REFER TO GUIDELINES 60.05.15.1.D

IN DESIGN REVIEW 3 NARRATIVE. A design review of this section is no longer required since the materials of the section have been modified by utilizing brick veneer on the side of the building facing the street. For clarity this will be explained in the design review guideline section.

2. Roof forms.

A. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.

Response: The roof does not have this slope and must have a parapet as allowed in C.

B. Sloped roofs on residential uses in residential zones and on all uses in multiple use and commercial zones shall have eaves, exclusive of rain gutters, that must project from the building wall at least twelve (12) inches. [ORD 4584; June 2012]

Response: The roof does not have this slope and must have a 12 inch parapet as allowed in C.

C. All roofs with a slope of less than 4/12 pitch shall be articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches or architecturally treated, such as with a decorative cornice. [ORD 4584; June 2012]

Response: A one foot parapet is used to meet this requirement.

D. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.

Response: There are no existing structures to be left on the project so this requirement does not apply.

E. Smaller feature roofs are not subject to the standards of this Section.

Response: There is one additional feature of a roof over the front entrance. This will have a sloped roof but is not subject to the standards.

3. Primary building entrances.

A. Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least six (6) feet wide and four (4) feet deep.

Response: The primary entrances are covered and treated as a permanent architectural feature with shed roofs. The proposed covered area meets this requirement. They are 5' X 16.5' on the Northern Building. The Southern building has 4' X 11 feet deck and roof. This meets the 4 foot depth requirement for width and the 6 foot wide requirement.

4. Exterior building materials.

A. For attached residential uses in Residential zones and all residential uses in Multiple Use zones, a minimum of seventy-five (75) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances shall be double wall construction. [ORD 4542; June 2010] [ORD 4584; June 2012]

Response: The proposed development is in an NS zone and this requirement does on apply.

B. For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones (except detached residential uses fronting streets, common greens and shared courts), a maximum of thirty (30) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances may be plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard. The remaining elevation area for all applicable uses in all applicable zones shall be architecturally treated. Appropriate methods of architectural treatment shall include, but are not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment. [ORD 4542; June 2010] [ORD 4576; January 2012] [ORD 4584; June 2012]

Response: The proposed development buildings are within 200 feet of the public street and the only unfinished concrete is the foundation wall which is 1.5 feet of exposed concrete on a 32.4 foot wide foundation face which is therefore less than 5% of the exposed wall. This is less than the 30% requirement and therefore this requirement is met.

C. For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones, plain, smooth, exposed concrete and concrete block used as foundation material shall not be more than three (3) feet above the finished grade level adjacent to the foundation wall, unless pigmented, textured, or both. In Industrial districts, foundations may extend up to four (4) feet above the finished grade level. [ORD 4584; June 2012]

Response: The proposed development buildings are within 200 feet of the public street and the only unfinished concrete is the foundation wall which is 1.5 feet of exposed concrete above finished grade. Therefore this requirement is met.

5. Roof-mounted equipment.

A. All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways:

1. A parapet wall; or
2. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building; or
3. Setback from the street-facing elevation such that it is not visible from the public street(s).

Response: No roof mounted structures other than pipe extensions and vents are on the roof. These are exempt as per paragraph C. This requirement will exist if any post additions to the roof should be made.

B. The vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade of the property line or public right-of-way abutting the development site's front yard setback for a distance of one hundred (100) lineal feet measured outward from the development site's front property line. Once the vertical measuring distance is established for the site's front yard, this same vertical measuring distance shall be applied to all sides of the development site's perimeter property lines. [ORD 4531; April 2010]

Response: No roof mounted structures other than vent extensions and vents are on the roof. These are exempt as per paragraph C.

C. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.

Response: No roof mounted structures other than pipe extensions and vents are on the roof.

6. Building location and orientation along streets in Commercial and Multiple Use zones. [ORD 4584; June 2012]

A. Buildings in Multiple Use zones shall occupy a minimum public street frontage as follows:

1. 50 percent of the street frontage where a parcel abuts a Class 1 Major Pedestrian Route.
2. 35 percent of the street frontage where a parcel abuts a Class 2 Major Pedestrian Route.
3. 35 percent of the street frontage where a parcel does not abut any Major Pedestrian Route and the parcel exceeds 60,000 gross square feet. [ORD 4462; January 2008]
4. 50 percent of the street frontage for detached residential projects where the parcel abuts any street, common green or shared court. [ORD 4542; June 2010] [ORD 4576; January 2012]

Response: The Proposed project is not on a Class 1, Class 2 or and Major Pedestrian Route and the parcel is less than 60,000 gross square foot parcel and the project is not a detached residential project, therefore none of the conditions in 6.A. are applicable.

B. Buildings in Commercial zones shall occupy a minimum of 35 percent public street frontage where a parcel exceeds 60,000 gross square feet.

Response: The parcel being developed is less than 60,000 gross square feet so this requirement does not apply.

C. Buildings subject to the street frontage standard shall be located no farther than 20 feet from the property line. The area between the building and property line shall be landscaped to standards found in Section 60.05.25.5.B. or 60.05.25.5.C.

Response: The street frontage standard does not apply to the subject property.

D. Buildings on corner lots of multiple Major Pedestrian Routes shall be located at the intersections of the Major Pedestrian Routes. Where a site has more than one corner on a Major Pedestrian Route, this requirement must be met at only one corner.

Response: The proposed development is not on a corner lot of multiple Major Pedestrian Routes so this requirement does not apply.

E. Buildings subject to the street frontage standard shall have at least one primary building entrance oriented toward an abutting street or public pedestrian way. Where there is more than one abutting Class 1 Major Pedestrian Route, the primary entrance shall have a reasonably direct pedestrian connection to a minimum of one abutting Class 1 Major Pedestrian Route or shall be oriented to a Class 1 Major Pedestrian Route corner. [ORD 4706; May 2017]

1. A minimum of one primary building entrance shall not be set back more than 20 feet from the abutting public street or public pedestrian way.
2. Pedestrian connections to street oriented primary building entrances shall not cross vehicular circulation and parking areas.

Response: The proposed development is not subject to the street frontage standard. Therefore this requirement does not apply.

F. Secondary entrances may face on streets, off-street parking areas, or landscaped courtyards.

Response: There is only one entrance per building.

7. Building scale along Major Pedestrian Routes.

Response: The property is not located along a Major Pedestrian Route.

8. Ground floor elevations on commercial and multiple use buildings.

Response: The property is not a commercial or multiple use building.

9. Compact Detached Housing design.

Response: The project does not include compact detached housing design.

10. Ground floor elevations on eligible residential-only buildings.

Response: The project is not an eligible residential-only building, which are buildings located within the portions of the RC-OT zoning district with a 40 foot height limit.

60.05.20. Circulation and Parking Design Standards.

1. Connections to the public street system.

A. Pedestrian, bicycle, and motor vehicle connections shall be provided between the on-site circulation system and adjacent existing and planned streets as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element. [ORD 4531; April 2010]

Response: The proposed development Provides pedestrian, bicycle and motor vehicle connections between the on-site circulation system and existing streets. No planned streets are in the area.

2. Loading areas, solid waste facilities and similar improvements.

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. [ORD 4531; April 2010]

Response: The proposed development waste storage and recycling containers are located in a Trash enclosure with a Hardie plank siding and wood gate to match building. A transformer and above ground utility services shall be screened and shown on construction drawings to keep from view from the public street.

B. Except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, 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.

Response: There are no loading docks and loading zones that would need screening in this project. This requirement therefore does not apply.

C. 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:

1. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings,
2. Solid hedge wall with a minimum of ninety-five (95) percent opacity within two (2) years.
3. Solid wood fence

Response: The wall around the waste storage facility and the recycling containers shall be made of the same material that is on the primary building. The transformer and utility vaults and similar activities shall have solid hedge line with a minimum of ninety-five percent opacity within 2 years. The screening shall be one foot higher than the object being screened. The recent submittal had the wrong trash enclosure because it was designed before it was determined that a car was to be removed for setback and the detail did not adequately show the raising of the building above the flood plain. The present

enclosure elevation complies with the requirements originally proposed on the plan.

D. Screening from public view by chain-link fence with or without slats is prohibited.

Response: Chain-link fence shall not be used for the Trash Enclosure.

E. Screening of loading zones may be waived in Commercial and Multiple Use zones 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 hours or operations of the expected businesses. [ORD 4584; June 2012]

Response: No Loading zones are prepared because of the size of the project and the residential use and are therefore not proposed.

3. Pedestrian circulation.

A. Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element, and to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired. Pedestrian connections shall be provided except when one or more of the following conditions exist:

1. Where physical or topographic conditions, such as a grade change of ten (10) feet or more at a property line to an adjacent pedestrian facility, make connections impractical,
2. Where uses including manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts occur,
3. Where on-site activities such as movement of trucks, forklifts, and other large equipment would present potential conflicts with pedestrians, or
4. Where buildings or other existing development on adjacent lands physically preclude a connection now or in the future.

Response: Pedestrian connections are provided to the public street and to on-site buildings and there are no other facilities to be served at this time.

B. A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.

Response: The proposed walkway to the primary entrances from the street are direct reaching the north building first 55 feet from the public side walk. The sidewalk then turns to go to the South Building front porch only 50 feet away.

C. A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage or for every eight aisles of vehicle parking if parking is located between the building and the street. A reasonably direct walkway shall also be provided to any accessway abutting the site. This standard may be waived when topographic conditions, man-made features, natural areas, etc. preclude walkway extensions to adjacent properties.

Response: The development has 186.30 feet of frontage along the public street and has one access as required in C. There are no more than 7 cars without a side walk adjacent to the spaces and 2 spaces with a sidewalk within 18.5 feet from the rear of the cars.

D. 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.

Response: Because of the geometry of the space locations a separation of sidewalks cannot be provided but the sidewalks are of concrete across the driveways. The sidewalk also crosses to the Active outside picnic and sunning area as well as serving the 7 cars between the building and street as well as a 6 car area to the north.

E. Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.

Response: Two concrete sidewalks are used to cross the driveway to provide access to parking and an Open Space.

F. Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance and shall be paved with scored concrete or modular paving materials. In the event that

the Americans with Disabilities Act (ADA) contains stricter standards for any pedestrian walkway, the ADA standards shall apply. [ORD 4531; April 2010]

Response: The concrete walks are 5 feet wide as required and shall be scored concrete. All sidewalks meet the 5 foot standards.

4. Street frontages and parking areas.

A. Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards:

1. A minimum six (6)-foot wide planting strip between the right-of-way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees shall be planted at a minimum 2 1/2 inch caliper at a maximum of thirty (30) feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch high screen and fifty (50) percent opacity within two years. The maximum height shall be maintained at no more than thirty-six (36) inches. Areas not covered by trees or hedge shall be landscaped with live ground cover. Bumper overhangs which intrude into the planting strip shall not impact required trees or hedge; or
2. A solid wall or fence 30 to 36 inches in height parallel to and not nearer than four (4) feet from the right-of-way line. The area between the wall or fence and the street line shall be landscaped with live ground cover. Pedestrian walkways and vehicular driveways may cross the wall or fence.

Response (A.1-2): A 6 foot wide planting strip between the right-of-way and parking has been provided. Three trees for the 68 feet of parking space has been provided as required. Berberis Juliane 'Wintergreen Barberry has been used to be the evergreen hedge and are planted next to the sidewalk outside of the parking overhang and trees are planted along parking stripes to not impact the parking overhang. The Wintergreen Barberry shall be maintained to not intrude into the parking overhang.

5. Parking area landscaping.

A. Landscaped planter islands shall be required according to the following:

1. Residential uses in residential zones, one for every eight (8) contiguous parking spaces.
2. All uses in Commercial and Multiple Use zones, one for every ten (10) contiguous parking spaces. [ORD 4584; June 2012]

3. All Conditional Uses in Residential zones one for every twelve (12) contiguous parking spaces. [ORD 4584; June 2012]

4. All uses in Employment / Industrial zones, one for every twelve (12) contiguous parking spaces. [ORD 4584; June 2012]

Response (A.1-4): This requirement does not apply since there are no 10 car contiguous spaces. Spaces of 8 and 5 cars are shown as well as 2 cars. A.1 Does not apply. This meets A.2 for the Commercial Use

Zone NS that the project is in. A.3 and A.4 do not apply.

B. The island shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to protect landscaping. The landscaped island shall be planted with a tree having a minimum mature height of 20 feet. If a pole-mounted light is proposed to be installed within a landscaped planter island, and an applicant demonstrates that there is a physical conflict for siting the tree and the pole-mounted light together, the decision-making authority may waive the planting of the tree, provided that at least seventy-five (75) percent of the required islands contain trees. Landscaped planter islands shall be evenly spaced throughout the parking area.

Response: There is no requirement for an island since there are no more than 10 spaces contiguous and there is a division between the 8 and 5 cars using the active open space proposed.

C. Linear raised sidewalks and walkways within the parking area connecting the parking spaces and on-site building(s) may be counted towards the total required number of landscaped islands, provided that all of the following is met:

1. Trees are spaced a maximum of 30 feet on center on a minimum of one side of the sidewalk.
2. The minimum unobstructed sidewalk width is five feet.
3. The sidewalk is separated from the parking area by curbs, bollards, or other means on both sides.
4. Trees are located in planting area with groundcover or planted in covered tree wells.
5. Trees within the linear sidewalk area shall constitute no more than 50 percent of the total required number of trees within required landscaped planter islands. All remaining required trees shall be located within landscaped planter islands.

Response: No raised linear sidewalks are proposed to replace Islands and no islands are required since no more than 10 cars are contiguously located.

D. Trees planted within required landscaped planter islands or the linear sidewalk shall be of a type and species identified by the City of Beaverton Street Tree List or an alternative approved by the City Arborist.

Response: The Tree used is a Yoshino Flowering Cherry and is on the City of Beaverton Street Tree List.

6. Off-Street parking frontages in Multiple Use zones.

Response: The property is not located in a multiple use zone and therefore this section does not apply.

7. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones. [ORD 4584; June 2012]

A. A sidewalk is required on all streets. Except where approved through Sidewalk Design Modification (40.58), the sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide. [ORD 4531; April 2010]

Response: The Development proposes a Sidewalk Design to allow a 10 feet width with 4 X 6 foot tree wells and an unobstructed path of 5 foot sidewalk.

B. A sidewalk or walkway internal to the site is required along building elevations that include a primary building entrance, multiple tenant entrances or display windows. The sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide at building entrances, and along elevations containing display windows. Sidewalks shall be paved with scored concrete or modular paving materials. If adjacent to parking areas, the sidewalk shall be separated from the parking by a raised curb. [ORD 4531; April 2010]

**REFER TO GUIDELINES 60.05.20.7.B
IN DESIGN REVIEW 3 NARRATIVE.**

C. Residential development fronting common greens and shared courts, and detached units fronting streets are exempt from these standards of 7. B above, and are subject to the Engineering Design Manual. [ORD 4542; June 2010] [ORD 4576; January 2012]

8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Commercial, and Multiple Use zones. [ORD 4584; June 2012]

A. Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets consistent with the standard as described under Section 60.05.20.8.B., unless one of the following is met:

1. The parking lot drive aisle is less than 100 feet long;
2. The parking lot drive aisle serves 2 or less residential units; or
3. The parking lot drive aisle provides direct access to angled or perpendicular parking stalls.

Response (A.1-3): The proposed development has a drive aisle provides direct access to perpendicular parking spaces. There a private street design is not required.

B. Private streets, common greens, and shared courts shall meet the following standards:

1. Private streets serving non-residential uses and residential uses having five or more units shall have raised curbs and minimum five (5) foot wide unobstructed sidewalks on both sides.
2. Private streets serving less than five (5) residential units shall have raised curbs and a minimum five (5) foot wide unobstructed sidewalk on at least one side.
3. When common greens and shared courts are utilized, an unobstructed walkway a minimum of five (5) feet wide shall be provided within the common green or shared court. [ORD 4542; June 2010]

Response (B.1-3): A Private Street is not required as determined in the A.1-3 response above.

9. Ground floor uses in parking structures.

Response: The project does not include a parking structure.

60.05.25. Landscape, Open Space, and Natural Areas Design Standards.

1. Minimum landscape requirements for residential developments consisting of two (2) or three (3) units of Attached Housing or Compact Detached Housing.

Response: The project is 12-units, this section is not applicable.

2. Minimum landscape requirements for residential developments consisting of four (4) to seven (7) units of Attached Housing or Compact Detached Housing.

Response: The project is 12-units, this section is not applicable.

3. Minimum landscape requirements for residential developments consisting of eight (8) or more units of Attached Housing or Compact Detached Housing.

A. Common open space shall consist of active, passive, or both open space areas, and shall be provided as follows:

1. A minimum of 15% of the gross site area shall be landscaped as defined in Section 60.05.25.4. [ORD 4584; June 2012]
2. For developments that are part of a Planned Unit Development, provisions of Section 60.35.15.4. shall apply. [ORD 4486; July 2008]

Response (A.1-2): The Development has 21% of the gross area in Landscaping which is more than the 15% required.

B. At least twenty-five (25) percent of the total required open space area shall be active open space.

Response: The total site is 18,725.78 square feet in size. 15% of this is 2,808.87 square feet. 25% of this total is 702.22 square feet. 703.75 square feet is in the Barbeque and Sunning Area and 348 square feet is in the Children's Play Area. The Barbeque and sunning area meet the requirement. This requirement is therefore met.

C. For the purposes of this Section, environmentally sensitive areas shall be counted towards the minimum common open space requirement. Above ground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement.

Response: There are no environmentally sensitive areas on site and no above grade water quality treatment facilities are on the site.

D. For the purposes of this Section, vehicular circulation areas and parking areas, unless provided as part of a common green or shared court, shall not be considered common open space. [ORD 4542; June 2010]

Response: No vehicular circulation areas or parking areas are used as common green or shared court open space.

E. Individual exterior spaces such as outdoor patios and decks constructed to serve individual units shall count toward the common open space requirement, with the following restrictions: [ORD 4584; June 2012]

1. Only a maximum of 120 square feet per unit may count toward the requirement.
2. Only patios and decks provided on the ground floor elevation level may count toward the requirement.

Response (E.1-2): No individual Exterior Spaces are used toward the common open space requirement.

F. Common open space shall not abut a Collector or greater classified street as identified in the City's adopted Functional Classification Plan, unless that common open space shall be allowed adjacent to these street classifications where separated from the street by a constructed barrier at least three (3) feet in height.

Response: The proposed open space not adjacent to a Collector or greater classified street and therefore this section does not apply.

G. Common open space shall be no smaller than 640 square feet in area, shall not be divided into areas smaller than 640 square feet, and shall have minimum length and width dimensions of 20 feet. [ORD 4515; September 2009]

REFER TO GUIDELINES 60.05.25.3.G IN DESIGN REVIEW 3 NARRATIVE

H. In phased developments, common open space shall be provided in each phase of the development consistent with or exceeding the requirements for the size and number of dwelling units proposed.

Response: This development has no phases so this requirement does not apply.

I. Active common open spaces shall be included in all developments, and shall include at least two (2) of the following improvements:

1. A bench or other seating with a pathway or other pedestrian way;
2. A water feature such as a fountain;
3. A children's play structure;
4. A gazebo;
5. Clubhouse;

6. Tennis courts;
7. An indoor or outdoor sports court; or
8. An indoor or outdoor swimming and/or wading pool.
9. Plaza

REFER TO GUIDELINES 60.05.25.3.I

IN DESIGN REVIEW NARRATIVE. Originally we believed that a Design Review was necessary to meet this requirement but we believe that the Benches, Barbeque and the and Mister shown on the Site Plan meet this requirement. The mister can be considered a water feature. If not, it will be replaced by a fountain for children to play with water.

J. The decision-making authority shall be authorized to consider other improvements in addition to those provided under subsection I, provided that these improvements provide a similar level of active common open space usage.

Response: Alternately a barbeque is on the Plaza and we believe this will provide a similar level of active open space usage.

4. Additional minimum landscape requirements for Attached Housing and Compact Detached Housing.

A. All front yard areas and all required open space areas not occupied by structures, walkways, driveways, plazas or parking spaces shall be landscaped.

Response: All front yard areas are landscaped and the total landscaping exceed the required trees and shrubs.

B. Landscaping shall include live plants or landscape features such as fountains, ponds or other landscape elements. Bare gravel, rock, bark and similar materials are not a substitute for plant cover, and shall be limited to no more than twenty-five (25) percent of the landscape area.

Response: Areas behind buildings is not visible but are landscaped with ground cover. Shrubs shall have bark, gravel and or rock under them.

C. For the purposes of this Section, vehicular circulation areas and parking areas, unless provided as part of a shared court, shall not be considered landscape area. [ORD 4515; September 2009] [ORD 4542; June 2010]

Response: Vehicular circulation areas and parking areas are not used as shared court. This section does not apply.

:

D. All street-facing building elevations shall have landscaping along their foundation. When a porch obstructs a foundation, landscaping shall be installed along the outer edge of the porch. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or for plazas adjacent to the building. The foundation landscaping shall meet the following minimum standards:

1. The landscaped area shall be at least three (3) feet wide; and,
2. For every three (3) lineal feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted; and,
3. Groundcover plants shall be planted in the remainder of the landscaped area.

Response: 1. Landscape areas at street facing elevations are at least 3 feet wide are shown on the street facing side of the building edges except for areas required for pedestrian circulation. 2. For every 3 feet of foundation facing the street an evergreen shrub having a minimum height of 24 inches is shown to be planted. Three types of evergreens were used for variety. Pictures have been provide with this submittal. 3. Ground Cover has been shown in these areas around the base and in open areas towards the street.

E. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:

1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.

2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.
3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

(E.1-3) Response: 1: 19 trees are planted and with 2,808 sf of required landscaping only 4 were required. 2. 77 large shrubs will be planted that will reach the 4 foot size. 8 were required. These plantings meet the requirement. 3. Ground cover includes low growing plants and shrubs.

F. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement. When a shared court is utilized in a residential development in a Multiple Use zone, hard surface areas shall not exceed seventy-five (75) percent of the minimum landscaping requirement. A hard surface area shall be comprised of the following: [ORD 4542; June 2010] [ORD 4584; June 2012]

1. Brick pavers, or stone, scored, or colored concrete; and,
2. One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
3. Street furniture including but not limited to benches, tables, chairs, and trash receptacles; and, [ORD 4542; June 2010]
4. Pedestrian scale lighting consistent with the City's Technical Lighting Standards.

(F 1-4) Response: 1. Scored Concrete with a 3 X3 pattern are used in the Barbeque area. Guide line review is required. 2. Only two trees on the on the edge are shown. Not having trees on the plaza is important because we are concerned about fire and have trees close to the plaza for shade. We require a design guidelines review of this requirement. 2 trees not 3 trees are adjacent to the area but we cannot place the 3rd tree because of its closeness to the Barbeque Burner. 3.

The mister has been proposed as a water feature and qualify as required to make 2 features as required or a barbecue can be considered the second feature (neither are on the list of improvements and therefore must be evaluated for the second feature.) Also we need design guideline review regarding requiring 3 trees on the plaza has not been shown. The area is to be used for sunny days and trees. 4. Pedestrian scale lighting is provided to meet the code. See the Lighting Plan.

5. Minimum landscape requirements for non-residential developments and Mixed Use Development.

Response: The project is a residential-only development, this section is not applicable.

6. Common Greens.

Response: The project does not include a common green, this section is not applicable.

7. Shared Courts.

Response: The project does not include a shared court, this section is not applicable.

8. Retaining walls. Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet used in site landscaping or as an element of site design shall be architecturally treated with contrasting scoring, or texture, or pattern, or off-set planes, or different applied materials, or any combination of the foregoing, and shall be incorporated into the overall landscape plan, or shall be screened by a landscape buffer. Materials used on retaining walls should be similar to materials used in other elements of the landscape plan or related buildings, or incorporate other landscape or decorative features exclusive of signs. If screening by a landscape buffer is utilized, a buffer width of at least five (5) feet is required, landscaped to the B3-High Screen Buffer standards.

Response: No walls 6 feet are proposed so this requirement does not apply.

9. Fences and walls.

A. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, or brick, or other durable materials.

Response: *Fences shown on the plans are coated chain link and will include slats except for the North Wall which will be wood with no openings. The walls are Concrete or Split Faced Block depending on the width of the wall and the structural determination and construction issues.*

RESPONSE: *The front fence has been changed to a 3' fence made out of wrought iron. The two side fences are 5' chain-link fences with slates. The rear fence is a 5' chain-link fence with slats to be placed on top of the rear retaining wall (this fence is to prevent falls off the rear retaining wall).*

B. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slats may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.

Response: *Coated Chain Link fences with slats will be used on the side and rear Property Lines. The North and East Fences will require the bottom of the Fences above the Flood Plain Elevation in the north and east side in the flood plain area. We wish the height above the ground to be considered if necessary in a Type 3 design review process.*

C. Masonry walls shall be a minimum of six inches thick. All other walls shall be a minimum of three inches thick.

Response: *The proposed retaining walls on the rear lot line are a minimum of six inches thick with some eight inches due to their need to have Fire Vehicle Capacity on the adjacent Tax Lot 1501.*

D. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, the preceding standards apply when visible from and within 200 feet of a public street.

Response: *The buildings proposed are residential so this requirement does not apply.*

E. Fences and walls:

1. May not exceed three feet in height in a required front yard along streets, except required above ground stormwater facilities fencing which may be four feet in height in a required front yard, and eight feet in all other locations. [ORD 4659; June 2015]

***REFER TO GUIDELINES 60.05.25.9.E.1
IN DESIGN REVIEW NARRATIVE***

This design guideline review is no longer necessary since we are using Staff's recommendation of a wrought iron fence along the street..

2. May be permitted up to six feet in a required front yard along designated Collector and Arterial streets.

Response: The Development is not on a Collector or Arterial Street so this requirement does not apply. A 36 inch high fence is proposed.

3. [ORD 4576; January 2012] For detached housing along streets and housing facing common greens and shared courts in Multiple Use zones, 3 feet high fences and walls are permitted in front of the building, and on corner lots abutting a street, along the side of the building. Higher fences and walls are permitted on corner lots along the side of the building beginning within 15 feet of the back end of the building nearest to the property line.

Response: This project does not have detached housing and is not in a Multiple Use zone so this requirement does not apply.

10. Minimize significant changes to existing on-site surface contours at residential property lines.

Exempting the circumstances listed in Section 60.15.10.2, the following standards shall apply to design review proposals where grading is proposed: [ORD 4487; August 2008]

A. 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:

1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.

2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.

Response (A.1-5): 1 thru 5 This requirement is met and shown on the grading plan. Walls are being placed so that grade changes on the adjacent property is not necessary. 1. The grading plan shows that we meet this change in grade of less than 2 feet in the first 5 feet with the remaining conditions met. other than what occurs because of Wall top and bottom elevations. 2. This requirement is met as shown on the grading plan. 3. The grading plan shows that we meet this change in grade of less than 6 feet in 10 to 15 feet from the property line other than what occurs because of Wall top and bottom elevations. 4. The grading plan shows that we meet this change in grade of less than 8 feet in 15 to 20 feet from the property line other than what occurs because of Wall top and bottom elevations. 5. The grading plan shows that we meet this change in grade of less than 10 feet in 20 to 25 feet from the property line other than what occurs because of Wall top and bottom elevations.

B. Notwithstanding the requirements of subsection A. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree.

Response: There are no significant trees or historic trees in or adjacent to the property so this requirement does not apply.

C. The grading standards listed in subsection A. above shall not apply to the following:

1. Public right-of-way road improvements such as new streets, street widening, sidewalks, and similar or related improvements.
2. Storm water detention facilities subject to review and approval of the City Engineer.
3. 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 (C.1-3): 1. We do have public improvements but luckily the removal or construction near Significant trees or Historic Trees are not affected by the construction proposed on 96th Ave. 2. The City has informed us that detention is not required and therefore we do not need to use this exception. 3. There is private grading that will be below the public street and although we are not required to meet the requirements of A we do not have significant grades and will have separate erosion control as required by the Washington County when 96th Avenue is constructed under their requirements.

11. Integrate water quality, quantity, or both facilities. Non-vaulted surface storm water detention and treatment facilities having a side slope greater than 2:1 shall not be located between a street and the front of an adjacent building.

Response: No non-vaulted treatment facilities are propose with slopes greater than 2:1 a swale or raingarden with walls may be required during final design but will be designed to Clean Water Standards in the right-of-way and provided on Washington County approved street standards.

12. Natural areas. Development on sites with City-adopted natural resource features such as streams, wetlands, significant trees and significant tree groves, shall preserve and maintain the resource without encroachment into any required resource buffer standard unless otherwise authorized by other City or CWS requirements. [ORD 4531; April 2010]

Response: No Natural Areas are affected by the Development as has been mentioned in the SPL and will not be affected by the adjustment.

13. Landscape buffering and screening. All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2. and the following standards. For purposes of this Section, a landscape buffer is required along the side and rear of properties between different zoning district designations. A landscape buffer is required for non-residential land uses and parks in Residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section 60.05.45.10. [ORD 4584; June 2012]

A. Applicability of buffer standards:

1. The buffer standards shall not be applicable to individual single-family buildings on individual parcels.
2. The buffer standards shall not apply to areas where emergency access is required.
3. The buffer standards shall not apply to areas where a public utility easement exists. This exemption only applies to trees and does not exempt the requirement of shrubs and ground cover.
4. The buffer standards shall not apply along property lines where a non-residential use is already buffered by a natural feature or an open space dedication, if such a natural buffer or dedication is at least 40 feet in width, or if the width of the natural feature or open space dedication and the density and quality of landscaping meet or exceed the applicable landscape buffer standard.
5. The buffer standards shall not apply where required for visual access purposes as determined by the City Traffic Engineer or City Police. This exemption only applies to trees and shrubs and does not exempt the requirement of ground cover. [ORD 4531; April 2010]

B. B1-Low screen buffer: This buffer is intended to provide a minimal amount of transitional screening between zones. This buffer consists of: 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; and 2) live ground cover consisting of low-height plants, or shrubs, or grass proportionately spaced between the trees with actual spacing for low height plants or shrubs dependent upon the mature spread of the vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be

limited to no more than twenty-five (25) percent of the required buffer area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B1 buffer required for across the street.

C. B2-Medium screen buffer: This buffer is intended to provide a moderate degree of transitional screening between zones. This buffer consists of live ground cover consisting of low-height plants, or shrubs, or grass, and 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; 2) evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting planted proportionately between the required evergreen trees. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B2 buffer required for across the street.

D. B3-High screen buffer: This buffer is intended to provide a high degree of visual screening between zones. This buffer consists of minimum six (6)-foot high fully sight obscuring fences or walls with an adjoining landscape area on the interior of the fence when the fence is proposed within three (3) feet of the property line. If the fence is proposed to be setback from the property line more than three feet, the landscaping shall be on the exterior of the fence within a landscape area a minimum of five (5) feet in width, with adequate provision of access and maintenance of the landscaped area. The height of the fence shall be measured from the property on which the fence is to be located, and, if located on a wall, shall be in addition to the height of the wall. The landscape area shall be planted with one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width, filled between with evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

Response: A B3- High Screen Buffer has been designed along the North property line since a residential property is to the North. This is shown on the Landscape Plan Drawing submitted.

E. Changes to buffer widths and standards: Required buffer widths and buffer standards are the minimum requirements for buffering and screening. Changes in buffer widths and standards shall be reviewed through the public hearing process, except for the following:

1. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the reduction in buffer width is five (5) feet or less, shall be reviewed through administrative authorization provided that the next highest buffer standard is implemented.

Requests for changes in buffer widths and buffer standards shall only be authorized in review of the Design Review Guidelines for Landscape buffering and screening (Section 60.05.45.10.). [ORD 4584; June 2012]

F. Landscaping buffering installation: All required buffering shall be installed prior to occupancy permit issuance.

Response: A B3- High Screen Buffer has been designed along the North property line and shall be constructed prior to the request for occupancy permit issuance.

G. Pedestrian plazas in buffer areas: For non-residential development in non-residential zoning districts, in which the building is proposed to be placed at the required front yard buffer line, concrete or brick pavers shall be authorized in place of required live groundcover, or bark, or grass, for the length of the building for the front yard only; provided that required trees are still installed, the paved area is connected to the public sidewalk, and pedestrian amenities including but not limited to benches or tables, are provided.

Response: The Pedestrian Plaza does not propose to place does not propose anything other than sunning area on grass. This requirement is therefore met.

14. Community Gardens

Response: The project does not include a community garden, this section is not applicable.

60.05.30. Lighting Design Standards. Unless otherwise noted, all standards apply in all zoning districts.

1. Adequate on-site lighting and minimal glare on adjoining properties. [ORD 4584; June 2012]

A. Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.

Response: The standard for lighting have been met and is shown on the Lighting Plan provided as part of the submittal.

- B. Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.

Response: The standard for lighting have been met and is shown on the Lighting Plan provided as part of the submittal.

- C. Lighting shall be provided in pedestrian plazas, if any developed.

Response: The standard for lighting have been met on the pedestrian plaza and is shown on the Lighting Plan provided as part of the submittal.

- D. Lighting shall be provided at building entrances.

Response: The standard for lighting of building entrances have been met and is shown on the Lighting Plan provided as part of the submittal.

- E. Canopy lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way.

Response: Canopy lighting under the Shed Entrances shall be provide by a recessed light in a downward covered fixture at both entrances of the buildings.

2. Pedestrian-scale on-site lighting.

- A. Pole-mounted Luminaires shall comply with the City's Technical Lighting Standards, and shall not exceed a maximum of:

1. Fifteen (15) feet in height for on-site pedestrian paths of travel.
2. Twenty (20) feet in height for on-site vehicular circulation areas for residential uses in Residential zoning districts.
3. Thirty (30) feet in height for on-site vehicular circulation areas in non-residential zoning districts.
4. Fifteen (15) feet for the top deck of non-covered parking structures.

5. The height of the poles for on-site pedestrian ways and on-site vehicular circulation areas shall be measured from the site's finished grade.
6. The height of the poles on the top deck of non-covered parking structures shall be measured from the finished floor elevation of the top deck.
7. The poles and bases for pole-mounted luminaires shall be finished or painted a non-reflective color.

Response (A.1-7): 1. A maximum Height of 16.5 feet has been used with all fixtures mounted below 16.5 since the light serves the parking and pedestrian access. 2. A maximum Height of 16.5 feet has been used with all fixtures mounted below 16.5 feet. 3. We have a residential use so minimum 30 foot requirement does not make sense. . A maximum Height of 16.5 feet has been used with all fixtures mounted below 15 feet. 4. There are no covered parking structures so this statement does not apply. 5. The measurement of the height of the fixture is above finish grade of the ground at the light. 6. There are no covered parking structures so this statement does not apply. 7. Poles and bases shall be painted black with a non-reflective black paint or have a color added to the fiberglass to have a non-reflective black finish.

- B. Non-pole-mounted luminaires shall comply with the City's Technical Lighting Standards.

Response: Non-pole mounted luminaires are used on the project. Other than Canopy Light and these will meet City's Lighting standards with a recessed bulb to not create a glare to the public street. The fixture is a Eaton-Lumark light specifications of the light is In the lighting submittal. This will help light the front entrance and the Children's Play Area.

- C. Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.

Response: No non-pole mounted bollards are not used on the project therefore this requirement does not apply.

60.10. FLOODPLAIN REGULATIONS

60.10.10. Floodplain Designation.

1. Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," with amendments, dated October 19, 2018, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. The City of Beaverton shall notify the U.S. Department of Homeland Security's Federal Emergency Management Agency as soon as possible, but no later than six months after the date such information becomes available, of any changes to the base flood elevation, by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. [ORD 3563; May 1987] [ORD 4130; December 2000]. When base flood elevation data has not been provided in accordance with this section, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. For all development applications, the best available information as determined by the City Engineer shall be used in the determination of the floodplain limits. [ORD 3563; May 1987] [ORD 4337; January 2005] [ORD 4388; May 2006] [ORD 4692; November 2016] [ORD 4744; October 2018]

Response: The Flood way as shown on maps prepared FEMA show the flood way in a different location than is located on the ground. This is because the lowest area is on the property proposed for development on 4500 and 4550 SW 96th Ave. The request for modeling information was sent to FEMA and the information was not found. Rocky Brown of the County was able to provide us with the model information. The HEC-RAS information was used to establish the sections and 100 year flood plain elevations in the area of the site. The flood plain at 96th Ave. is 217.10 on the NGVD29 datum and the elevation at the East property line is 217.19. FEMA maps are on the NAVD88 datum and are 3.5 feet higher. We have added sections and in the area of the site and the section for the road was used for the whole length of the property. We therefore have designed the property to be used as the flood way since the adjacent property was not low enough to be considered the floodway and none of the grades would be low

enough to accept the overland flow. This decision affects development in the future but the assumption that this should have been the location of the flood way is correct. If the model is run with the actual topography the floodway will narrow over the property. In order to meet the no rise criteria if all the changes to the section increase the conveyance characteristics of the channel. The elevation of the flood plain and the resultant flood way using the same encroachments as was in the original model will be less. The parameters of the sections provided comparing the parameters before and after the grading and paving changes are provided as proof. Also as part of the submittal the treatment of the .36 inch 4 hour storm is provided using a storm water management filter. As well as the Hydromodification storage of 50% of the increase of a 2 year event using an 2 inch orifice flow control discharge. The storm drainage to be detained in 180 feet of 1.75 foot pipe. KAC has provided a professional engineer's stamped report to document this result. We do not wish to move the regulated floodway. Only to design for the proper location in the future.

2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), or if a development application is received for a site where a floodplain is unclear or lacks an established elevation, the City Engineer shall require the concerned person or applicant to provide a detailed hydraulic data report prepared in accordance with standard engineering practice by a registered engineer with background in the area of hydrology and hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. The report must document the base flood elevation and specific limits of inundation within a floodplain designated on a FIRM map in Zone A or in Zone AO or along a stream corridor beyond the FIRM studied limits.

After review of the available data and the report, the base flood elevation shall be established by the City Engineer. [ORD 4744; October 2018]

All applicable floodplain regulations for preservation flood conveyance and flood storage of sites and building elevation requirements shall be determined from the base flood elevation as established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. [ORD 3563; May 1987] [ORD 4155; May 2001] [ORD 4392; July 2006]

Response: The Flood Way was not mapped properly and we designed a cut to allow for a future flood way channel and have submitted the change and the necessary calculations to create a no rise analysis submittal as if the floodway was moved.

3. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. [ORD 3563; May 1987] [ORD 4744; October 2018]

Response: The Development understands the limitations of the information provided to us from the FEMA records received from Washington County (records were not available from the FEMA source, but the County had the Records that were given to FEMA from Watersheds 2000 developed through a contract administered by Clean Water Services. This does not create a liability to the City, any officer or employee thereof, or the Federal Insurance Administration for any damages that from the reliance on this ordinance or administrative decision lawfully made hereunder.

4. Uncontained areas of hazardous materials, as defined by the Department of Environmental Quality, are prohibited in the floodplain. Any storage or placement of materials in the floodplain that would obstruct the flow of water or reduce the available flood holding capacity of a site is prohibited. [ORD 3441; May 1985] [ORD 4093; April 2000] [ORD 4155; May 2001]

Response: The Development shall not store hazardous materials in the floodplain. Trash enclosure walls shall be designed to be above the 100 year elevation. Fence bottoms shall be designed to be above the 100 year elevation to not have it block flow.

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 bikepaths;
- 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]

Response: The Floodway analysis demonstrates that conveyance capacity has been increased by improving the parameters that allow floodway flows to increase with the same or lower flood levels at each section through the property. The flood way does not travel through the property and we do not want to move it. We are not developing in the regulated floodway therefore are only providing for a move should future land owners wish to move it. The design therefore reduces the flood profile levels but is not required to provide for this. It is only required to provide a cut and fill balance in the flood plain.

This has been provided for in the design submitted.

60.10.20. Commercial and Industrial Uses in the Floodway Fringe.

Response: The proposed use is residential.

60.10.25. Residential Uses in the Floodway Fringe.

1. Unless property is developed as a planned unit development, single family and two family dwellings, even though allowed in the primary zone, are prohibited in the floodway fringe on any lot smaller in area than five acres.

Response: No dwellings are proposed in the floodway fringe. This requirement is therefore met.

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. 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]

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 Development meets site design standards and has a trash container with a wall above the flood plain elevation so it will not block flows. All CWS standards for the parking area have been considered and designed for. The parking is less than 1 foot below the 100 year flood elevation and meet the requirements of A and B above.

3. The provisions of subsection 2., above, shall not operate to impose the status of nonconforming use on any single family or two family dwelling or use lawfully existing on the effective date of this ordinance.

Response: This Development is not an unconforming use and is removing a building in the flood way fringe and improving the floodway fringe by removing this barrier.

4. Single family and two family dwellings and uses located in the floodway fringe and on lots smaller in area than five acres shall be allowed to continue, subject to the provisions of the primary zone, as conforming uses.

Response: This Development is not an unconforming use and is removing a building in the flood way fringe and improving the floodway by removing this barrier.

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: This Development is not an unconforming use and is removing a building in the flood way and improving the floodway by removing this barrier.

6. All manufactured dwellings otherwise allowed to be placed or substantially improved within the floodplain shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam of the manufactured home is at or above the base flood elevation, and shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. All electrical crossover connections shall be elevated a minimum of two feet above the base flood elevation. [ORD 3563; May 1987] [ORD 4155; May 2001] [ORD 4392; July 2006] [ORD 4744; October 2018]

Response: This Development is removing a building in the flood way and improving the floodway by removing this barrier and no building is proposed in the floodway fringe and therefore this requirement does not apply.

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

Response: This Development proposes no recreational vehicles on the land being developed.

60.10.30. Development of Critical Facilities within the Floodway Fringe.

1. Construction of critical facilities shall be, to the extent possible, located outside the limits of the floodplain. Construction of new critical facilities within the floodway fringe shall be permissible if no feasible alternative site is available. Critical facilities that are constructed or substantially improved within the floodway fringe shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to new critical facilities and to existing critical facilities to the extent possible. [ORD 4692; November 2016] [ORD 4744; October 2018]

Response: This Development proposed no critical facilities. Therefore this section does not apply.

60.15. LAND DIVISION STANDARDS.

60.15.10. Grading Standards.

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.

Response: 96th Avenue is being improved and therefore is exempted. The contour grading standard will still be followed as if we are able to meet contour grading standards of Section 60.15.10.3.

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

Response: The pre-application conference has recommended no storm water detention facilities due to the location of the facility with respect to the creek and flood plain. Storm water facilities for the Hydromodification requirements have been provided as required by 2019 EDM Chapter 5 and CWS R&O 17-005.

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: On-site grading as shown on the plans has been done to meet this requirement and erosion control will be provide as required by Washington County and the City of Beaverton.

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:

A. 0 to 5 feet from property line: Maximum of two (2) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]

B. More than 5 feet and up to and including 10 feet from property line: Maximum of four (4) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]

C. More than 10 feet and up to and including 15 feet from property line: Maximum of six (6) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]

D. More than 15 feet and up to and including 20 feet from property line: Maximum of eight (8) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]

E. More than 20 feet and up to and including 25 feet from property line: Maximum of ten (10) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]

Response: The above standard have been met on the grading plan we have submitted. Walls have been used to allow vertical transitions where distance was not available.

F. Where an existing (pre-development) slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, above, the slope after grading (post-development) shall not exceed the pre-development slope.

Response: The pre-development slope met the standard of 60.15.10.3.A-E and therefore the plans were not governed with matching slope exceeding standards.

G. The on-site grading contours standards above apply only to the property lines of the parent parcel of a development. They do not apply to internal property lines within a development. [ORD 4584; June 2012]

Response: There are no internal property lines after consolidation of the two lots within the development. (this is being done after approval.) This allowance therefore does not apply.

4. Significant Trees and Groves.

Response: There are no identified Significant Trees or Groves within the project boundary or abutting properties.

60.30. OFF-STREET PARKING.

PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES

Land Use category	Required Parking Spaces		Maximum Permitted Parking Spaces
	Multiple Use Zones	All Other Zones	Zone A
Attached Dwellings			
One Bedroom (per unit)	1.0	1.25	1.8
Two Bedrooms (per unit)	1.0	1.5	2.0
Three Bedrooms (per unit)	1.0	1.75	2.0

Response: The requirement for parking requires the development to have 4 two bedroom units and 8 one bedroom units. There is a need to provide 16 parking spaces.

PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use category	Minimum Required Bicycle Parking Spaces
	Short Term

Multi-Family structure containing 4 or more dwelling units	2 spaces or 1 space per 20 dwelling units
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Response: *2 bike spaces are shown as coming off the Handicap parking ramp and a vertical dual bike storage rack in each unit(12). The type of temporary bike parking is part of our submittal documents for a bicycle bar and vertical dual bike storage device. Other manufacturers may be used to reduce costs.*

60.30.10.8. Residential Parking Dimensions. For all residential uses, any required parking space shall not be less than 8 1/2 feet wide and 18 1/2 feet long. (See also Section 60.30.15. (Off-Street Parking Lot Design) for other standards.) [ORD 4312; July 2004]

Response: *The parking spaces shown on the site plan are all 8.5' X 18.5'*

60.30.15. Off-Street Parking Lot Design.

Response: *The parking lot has a driveway that is 28.9 foot wide and cars will use the area on the trash concrete pad in front of the trash doors to provide a back out area. 2 Cars are shown to back out and turn into the 28.9 foot driveway and to maneuver to turn around. An Auto Turn Detail showing that normal maneuvering because the extra 4.9 feet of driveway has been provided.*

60.60. TREES AND VEGETATION.

60.60.10. Types of Trees and Vegetation Regulated.

Actions regarding trees and vegetation addressed by this section shall be performed in accordance with the regulations established herein and in Section 40.90. of this Code. The City finds that the following types of trees and vegetation are worthy of special protection:

1. Significant Individual Trees.
2. Historic Tree.
3. Trees within Significant Natural Resource Areas.
4. Trees within Significant Groves.
5. Landscape Trees.
6. Community Trees.
7. Mitigation Trees.

Response: *Community trees are being removed as shown on the Tree Preservation and Removal. Landscape trees on the*

residential lots must be removed for the Construction of the Development. Please see the tree preservation plan for trees removed (None are Saved).

60.60.15. Pruning, Removal, and Preservation Standards.

1. Pruning Standards.

- A. It shall be unlawful for any person to remove or prune to remove a tree's canopy or disturb the root zone of any Protected Tree, except in accordance with the provisions of this Code.
- B. All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.

Response: No trees require pruning since there are no trees preserved or protected. This requirement is not applicable.

2. Removal and Preservation Standards.

- A. All removal of Protected Trees shall be done in accordance with the standards set forth in this section.

Response: Removal of trees will be done under the direction of an Arborist to not impact trees on the adjacent lots.

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

Response: Trees Removed are replaced by Landscape trees in a number and size as required in section 60.60.25.

- 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.

- b) Residential, Commercial, or Industrial zoning district: Twenty five percent (25%) of the DBH of non-exempt surveyed trees found on a project site
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.
 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.
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: C1 There are no SNRA's or Significant Trees on the site. C2 This requirement does not apply. C3, C4, C5, C6 There are no preservation areas. C7 there is no **decision** of whether to save native trees since only trees in the way of development are proposed. C8 There are no hazardous trees on the site that will be saved.*

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: A1 and A2 shall be provided on construction drawings as normally provided to assure that the one tree to the north on the adjacent property is protected. An orange protective fence has been provided on the Grading Plan.

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: Since all trees are being cut the only protection is that of an offsite tree #16 whose root system will need to be protected with a Orange Fence along the property line or as directed by the arborist that will be

used to protect the tree. This will be inspected by an Arborist at the time of Construction. An orange protective fence has been provided on the Grading Plan.

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; September 2005]

Response: All utilities shall be undergrounded if required.

We wish to request the the Utility Pole serving Tax Lot 1500 that is involved in a lot line adjustment be allowed to keep its service above ground. It passes through an adjacent property not be undergrounded, since its future service will not be from this location but to 96th Ave. through its 20 foot lot connection to 96th Ave. This cost does not make sense to incur as its service is temporary.

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

Response: The Development shall make the necessary arrangements.

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

Response: The Transformer shall be coordinated with the PGE and the City as well as coordination of other cable utilities.

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

Response: All public and private utilities will be coordinated with the City, West Slope Water, Tualatin Valley Water District and Cable Communications Companies

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: Service Connections shall be designed not to affect street construction.

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: We understand it is the Development's responsibility to place utilities underground as required by the City on public and private property.

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: The Development realizes that capacity beyond the Development's need will be the responsibility of the service provider.

Description of Project:

This development is a 12 Unit Apartment Complex using modular construction. The units will be 3 stories 33.1 feet above the floor with the ground at the building edge 1.5 feet below the floor and 35 feet above the ground.

The height of building allowed is 35 feet and has a parapet wall 1' 34.6 feet above the ground.

R1 Density is allowed 18,753 Square Feet – 2861.10 (Flood Plain) = 15891.9 divided by 1000 Square Feet allows 15 units to be built on the site. 12 units is less than the allowed residential density.

This Density is the only amount that can be put on the property using the 4 two bedroom units and 8 one bedroom units with the parking restrictions.

Landscape required Areas and Percentages and proposed Areas and Percentages

Total Area of the Site 18,725.88 Square Feet

Total Landscaping required in the NS and R2 Zones 15% or 2,808.88 Square Feet or 21%

15% Required

Total Common Active Area Landscaping Required is 702.22 Square Feet. 707.67 is provided or 25% of Total Landscaping

25% Required

Common Area is made up of Barbeque, Mister, Picnic Table and Benches and Privacy Bench, All on scored concrete.

Fire Access shown on Site Plan. Special allowance from Fire Department for building less than 15 feet from access (11.5 feet provided)

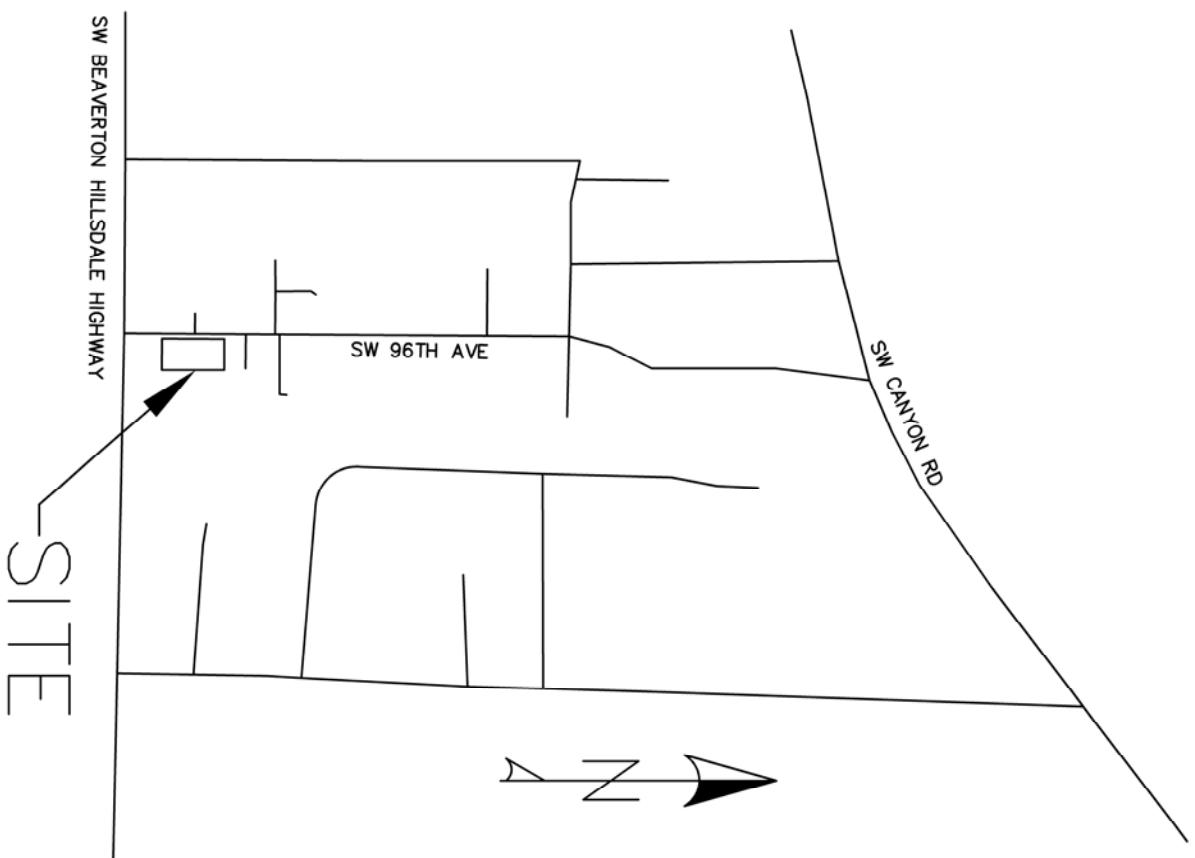
Area of Buildings 4,950.72 SF

Total Parking

Number of Parking spaces required 4 two bedrooms X 1.5 = 6
8 one bedrooms X 1.25 = 10

Number of Parking spaces provided equals 16 (including the Handicap Space)

Parking number Required is met.



PLANNING INFORMATION

HAWAII KAI OREGON
KAINUI INVESTMENTS LLC
STREET ADDRESS
CITY, STATE ZIP

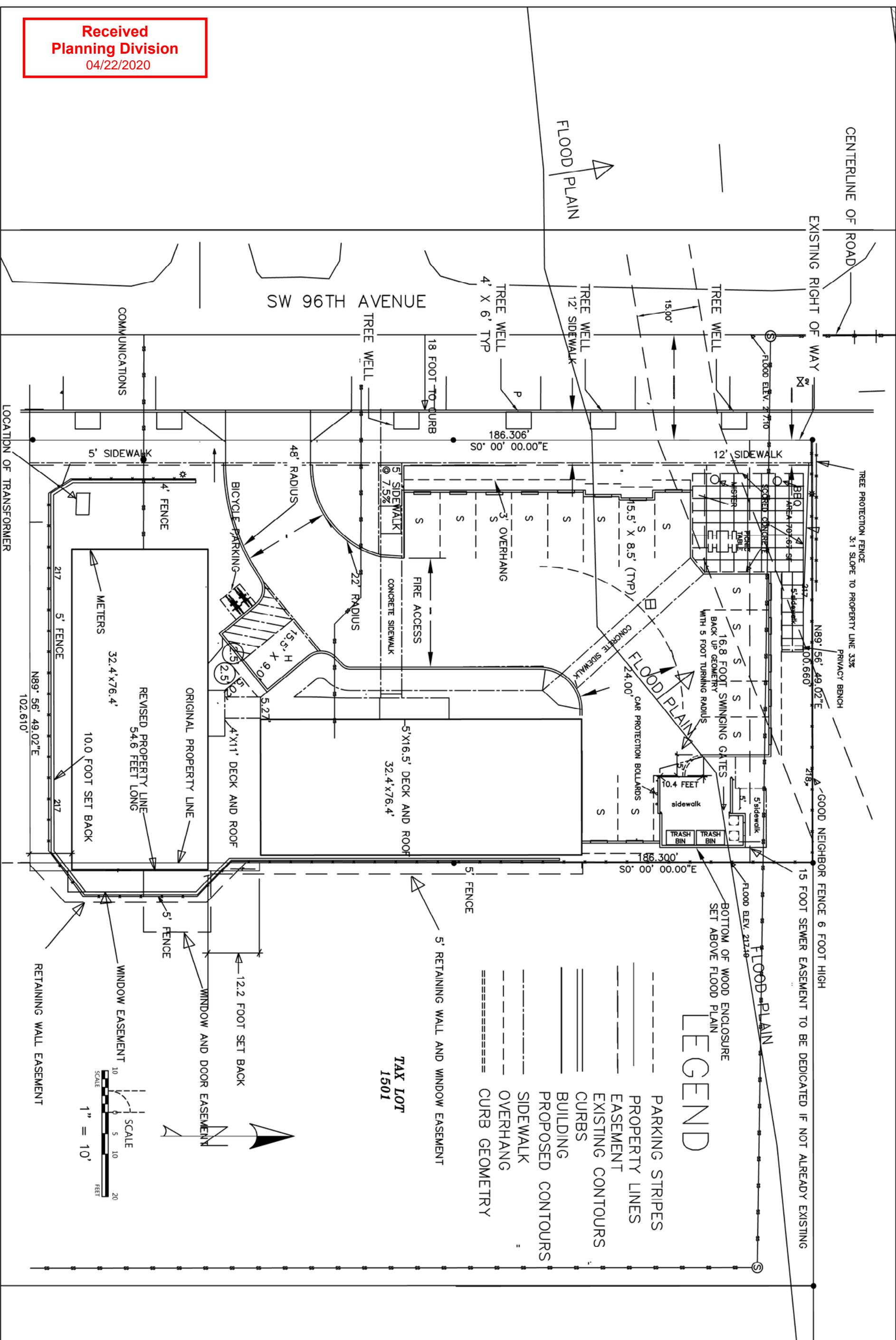
KURAHASHI AND ASSOCIATES
COMPANY
4470 SW HALL BLVD STE C
BEAVERTON, OR 97005



GTN Designed	4/22/17
GTN Drawn	4/22/17
GTN Checked	4/22/17
REVISIONS	

Received
Planning Division
04/22/2020

**Received
Planning Division
04/22/2020**



HAWAII KAI OREGON
KAINUI INVESTMENTS LLC

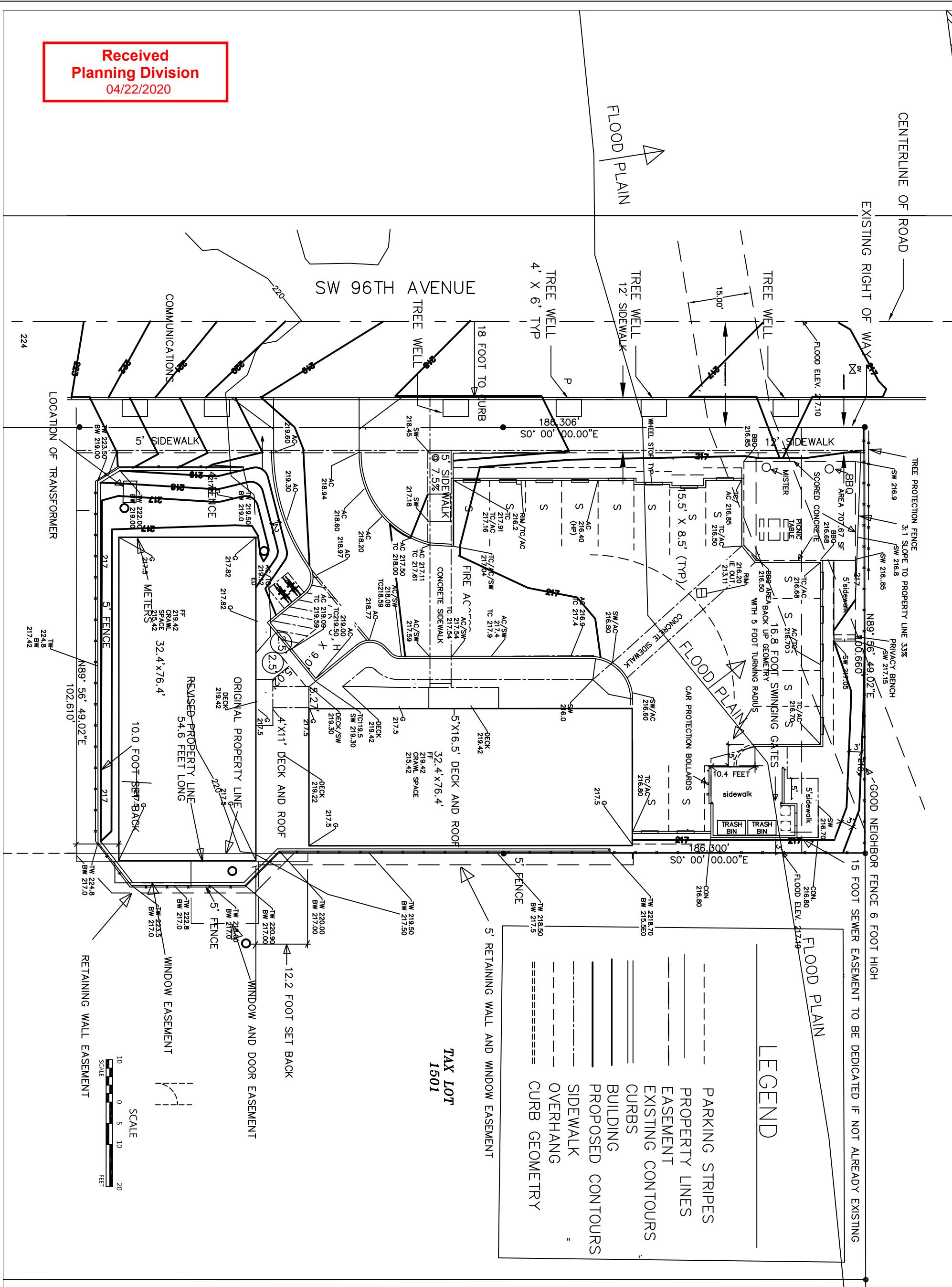
SITE PLAN

HAWAII K
KAINUI INV
STREET ADDRESS
CITY, STATE ZIP

A circular Oregon state license plate. The word "OREGON" is at the top, "STATE OF" is in the center, and "1973" is at the bottom. The word "REGISTRATION" is curved along the left side, and "EXPIRES 3/30/2021" is curved along the right side. In the center, it says "ENGINEER" above "KURAMASHI". At the bottom, the number "10.053" is printed.

<u>GTK</u>	<u>2/22/20</u>
<u>Designed</u>	<u>2/22/20</u>
<u>Drawn</u>	<u>2/22/20</u>
<u>GTR</u>	<u>2/22/20</u>
<u>Checked</u>	<u>Date</u>

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Planning Division
04/22/2020**



HAWAII KAI OREGON
KAINUI INVESTMENTS LLC

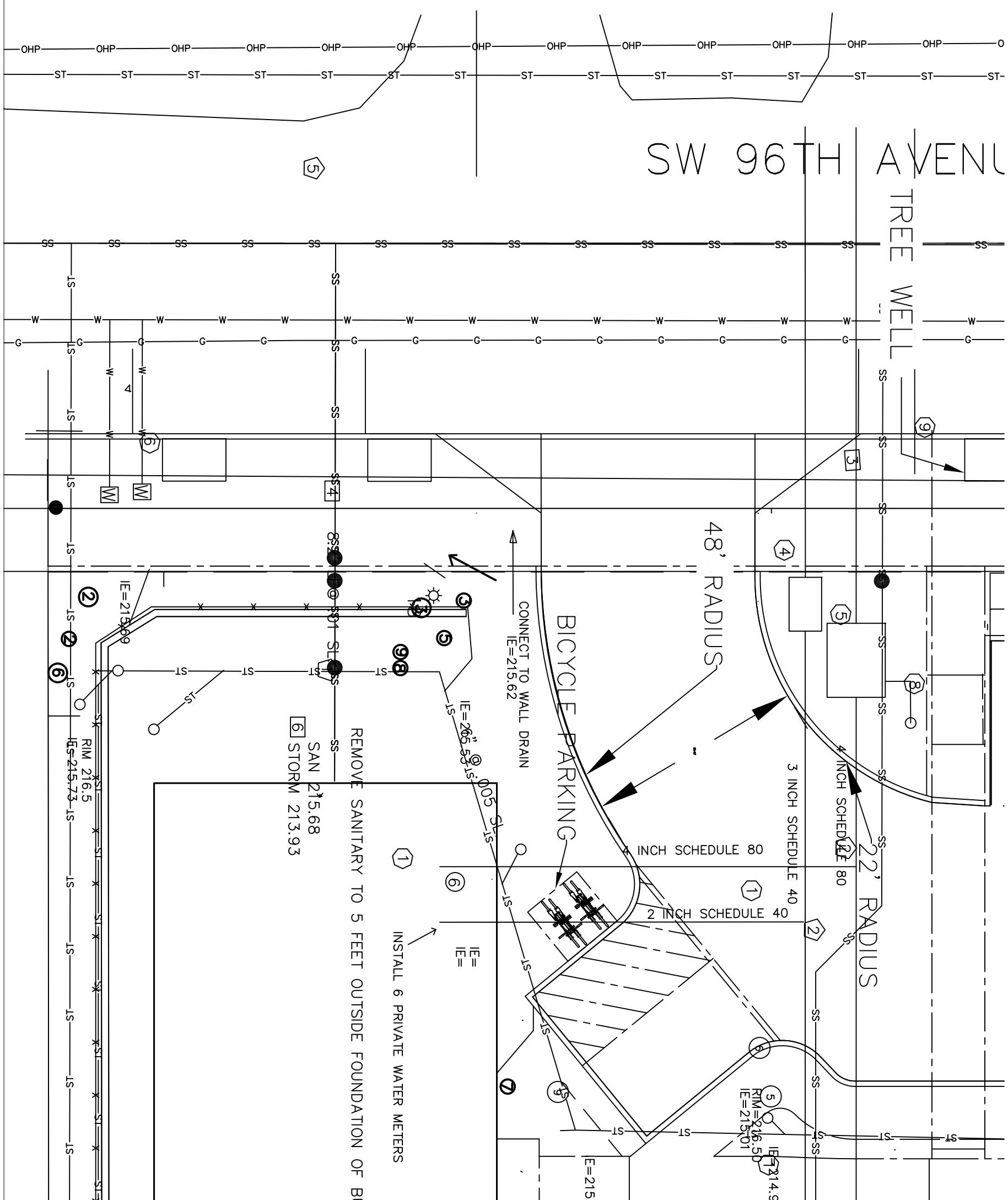
GRADING



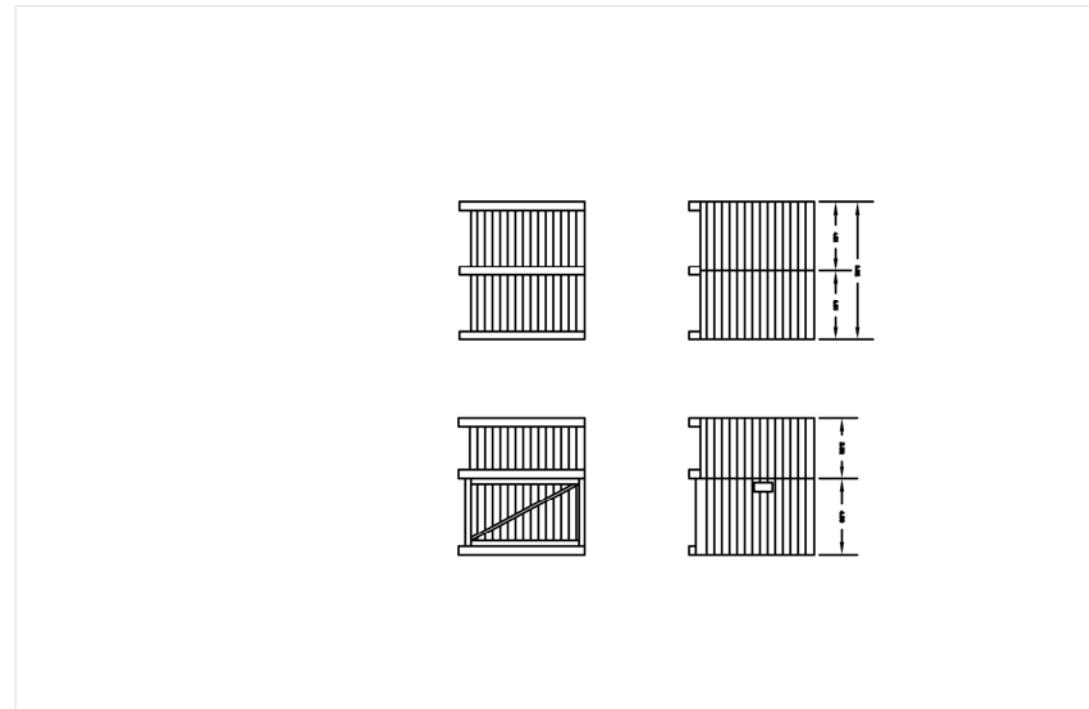
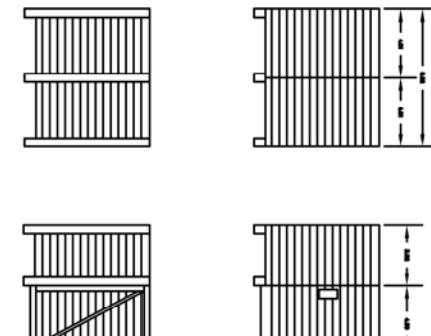
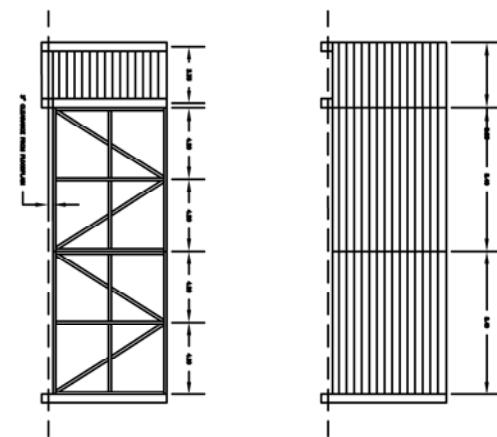
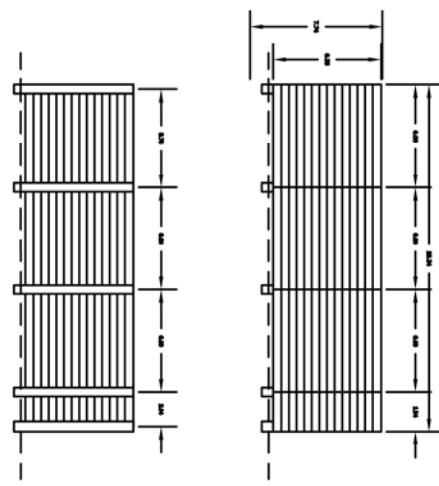
KURAHASHI AND ASSOCIATES
COMPANY
4470 SW HALL BLVD STE C
BEAVERTON, OR 97005

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CITY, STATE ZIP

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04/22/2020**

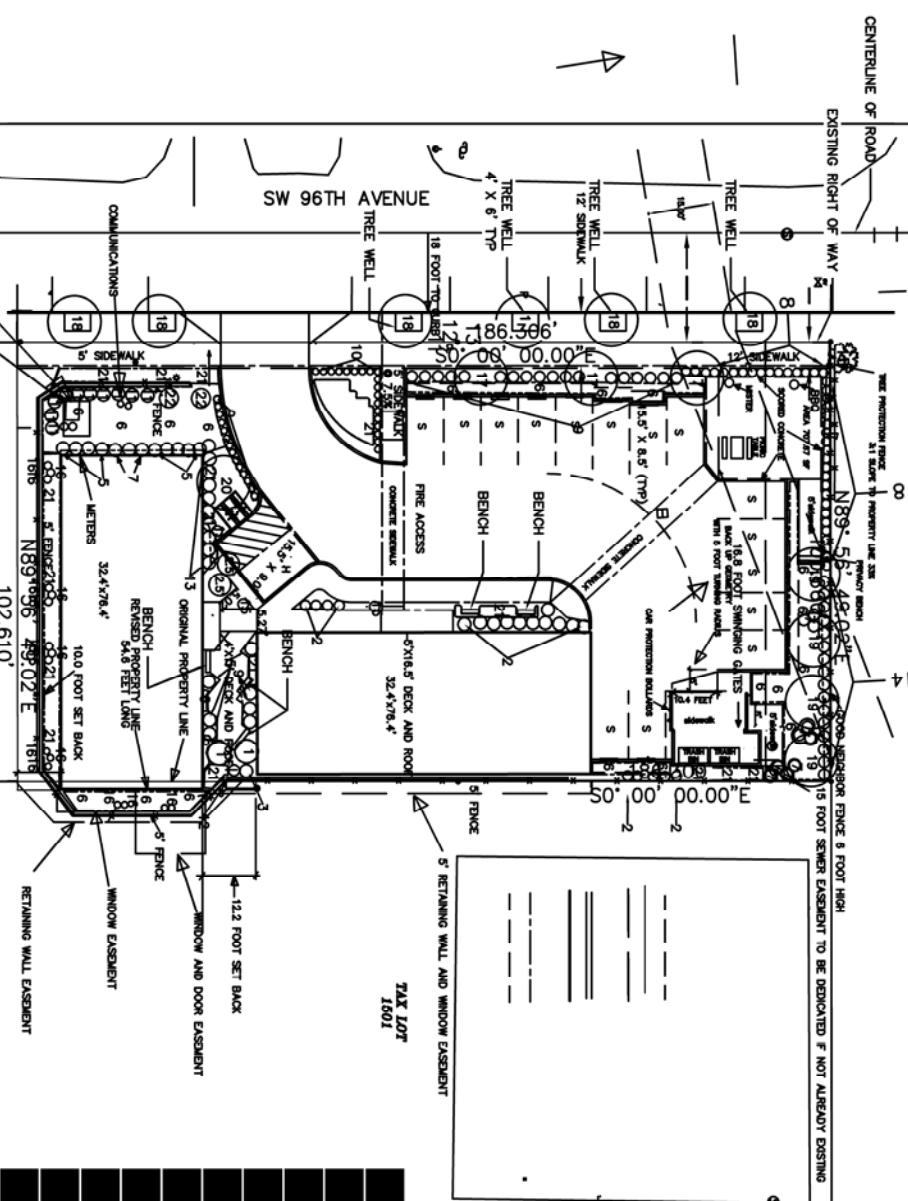


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Planning Division
04/22/2020**



Project No.	Sheet No.	HAWAII KAI OREGON KAINUI INVESTMENTS LLC STREET ADDRESS CITY, STATE ZIP	TRASH ENCLOSURE	REVISIONS
2723	1 OF 1	KURAHASHI AND ASSOCIATES COMPANY 4470 SW HALL BLVD STE C BEAVERTON, OR 97005	REGISTERED PROFESSIONAL ENGINEER TOMOKO EXPRESS 4/20/2020 KURAHASHI	GTN Designed 2/22/20 Drawn 2/22/20 Checked 2/22/20 Date Date Date Date

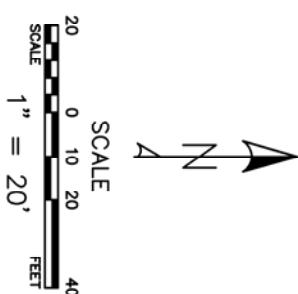
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Planning Division
04/22/2020**



LEGEND

#	PLANT	AMOUNT	SIZE	CONTAINER
1	PIERIS JAPONICA 'FOREST FLAME'	1	5 GAL	CAN
2	BERBERIS THUNBERGII/CRIMSON PYGMY	20	2 GAL	CAN
3	BERBERIS THUNBERGII 'GOLDEN NUGGET'	1	2 GAL	CAN
4	NANDINA DOMESTICA 'COMPACTA'	1	3 GAL	CAN
5	BERGENIA CORDIFOLIA 'BRESSINGHAM'	5	1 GAL	CAN
6	AJUGA REPTANS 'BRONZE BEAUTY'	257	GC 18"	4" POT
7	BERBERIS JULIANAE 'WINTERGREEN BARBERRY'	9	5 GAL	CAN
8	JUNIPERUS COMMUNIS 'PENCIL' PENCIL POINT JUNIPER'	38	5 GAL	CAN
9	ERICA/SPRINGWOOD PINK (WINTER)	25	GC 1 GAL	CAN
10	ERICA/SPRINGWOOD WHITE (WINTER)	19	GC 1 GAL	CAN
11	THUJA OCCIDENTALIS 'EVERGREEN'	8	3 GAL	CAN
12	PINUS MUGO/MUGO PINE	1	5 GAL	CAN
13	ROSMARINUS OFFICINALIS 'PROSTRATUS' (4')	10	3 GAL	CAN
14	VIBURNUM DAVIDII/DAVID VIBURNUM (3'-4')	17	3 GAL	CAN
15	YUCCA FILMENTOSA/ADAMS NEEDLE OR COLOR GUARD	1	5 GAL	CAN
16	(VARIEGATED) (2 1/2') PIERIS JAPONICA 'PRELUDE'	16	2 GAL	CAN
17	PRUNUS X YEDOENSIS/YOSHINO FLOWERING CHERRY	3	2" CALIPER	
18	ACER RUBRUM 'OCTOBER GLORY'	6	2" CALIPER	
19	CERCIS CANADENSIS/EASTERN REDBUD	4	2" CALIPER	
20	PRUNUS SERRULATA/MT. FUJI FLOWERING CHERRY	1	2" CALIPER	
21	RUBUS CALYCINOIDES	420	GC 1 GAL	CAN
22	ACER CIRCINATUM 'VINE MAPLE'	4	2 GAL	CAN

PLANT LIST



HAWAII KAI OREGON
KAINUI INVESTMENTS LLC

LANDSCAPE PLAN

KURAHASHI AND ASSOCIATES
COMPANY
4470 SW HALL BLVD STE C
BEAVERTON, OR 97005

HAWAII KAI OREGON
KAINUI INVESTMENTS LLC

STREET ADDRESS
CITY, STATE ZIP

The image shows a circular Oregon Professional Engineering registration card. The text on the card reads:
REGISTERED PROFESSIONAL ENGINEER
10,053
FEB 28, 1970
KURANASHI, TAKAYOSHI
OREGON

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Planning Division
04/22/2020**

Pencil Point Juniper



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Planning Division
04/22/2020**

Hawaii Kai Oregon Exterior Materials Board



Flashing and Downspouts
Rolex Steel White

Thermal Break Windows

1. Poured polyurethane Thermal-Break frame
2. Strong, stable, rigid .050 Aluminum
3. Sloped sill deflects water run off to the exterior
4. 1/4" insulated glass protected by a wrap-around S&S Overlapping interlocking sash and sill



Hawaii Kai

4950 & 4950
SE 16TH AVE.
BEAVERTON OR 97005
2860 80 ft



Colonial Beaded Lap Siding
Painted SW6329 (Faint Coral)
440 or 450 Series Smooth Trim
Painted SW6258 (Tri Corn Black)



LP Smart Side Siding
Painted SW7589 (Habanero Chile)
440 or 450 Series Smooth Trim
Painted SW6258 (Tri Corn Black)



Therma-Tru Exterior Door

Versi Weld 60mil Membrane
Roofing Material



440 or 450 Series Smooth Trim
Painted SW6258 (Tri Corn Black)



LP 38 Series Smooth Lap Siding
Painted SW6258 (Tri Corn Black)
440 or 450 Series Smooth Trim
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BEAVERTON OR 97005
2860 SQ FT



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Versi Weld 60mil Membrane
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