

Beaverton Design Review Three Application



Date 2021.11.02
Project Name Modera Raleigh
Subject Revised Type Three Design Review Application

LAND USE REVIEWS REQUESTED

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1. PROJECT NARRATIVE

Modera Raleigh is a new 5 story residential development in the Raleigh neighborhood. The project is located on the present location of the Garage Sale Warehouse at 4810-4950 SW Western Ave within the CS Community Services Zone. The 6.13 Acre lot is bounded by SW Western Ave to the west and SW 5th St to the south. Modera Raleigh will be a sustainable project that is pursuing an Earth Advantage certification.

Modera Raleigh will provide 270 market rate apartments ranging from studios, 1 bedroom lofts, traditional 1 bedroom units, 2 bedroom units, and 2 bedroom plus den units with a focus on larger units. The site has two vehicular access points. Primary access is from SW Western Ave aligning with Kaiser's primary driveway. A secondary connection is provided at the SE corner from SW 5th St. The major pedestrian connection is directly from SW Western Ave. and connects to the residential lobby which will face North. Ground floor amenity spaces flank the lobby and provide an abundance of ground floor activity. Parking is primarily accessed from SW Western Ave. and will be comprised of a mix of surface parking, carports, and garages. The parking area contains 205 standard parking stalls, 125 covered stalls, and 30 garages. Long term bike parking will be located in dedicated bike rooms in the building and in units. 16 short term spaces will be located along the primary entrance north of the building.

The building is arranged in an H shape with the south end of the H forming a courtyard with a pool while the north end forms an entry court for the lobby.

The building exterior will be designed to promote permanence and quality as well as comply with the Design Standards & Guidelines. The façades are broken up into two types of formal expression: A vertical urban form with tall parapets and vertically grouped windows; and a horizontal expression with deep recessed balconies and a pronounced cornice. The vertical expression is used to signify main entry points and anchor the corner of SW 5th & Western while the horizontal expression ties to the lower scale of existing apartment developments to the East.

2. CHAPTER 20 STANDARDS COMPLIANCE

20.10.15 SITE DEVELOPMENT STANDARDS

20.10.15.B.1 Minimum Land Area – Residential Attached

Per code table the minimum is 1,000 SF per unit

Requires Adjustment. The site area is 267,080 SF and the project provides 270 units. The resulting ratio is 989 SF per unit. See adjustment section below for Adjustment Approval Criteria per 40.10.15.1.C.1-14.

20.10.15.C Minimum Lot Dimensions

Per code table the minimum is 70' Wide x 100' Deep

Complies. The site is much larger than the minimum since it is 460'-0" wide and 570'-0" deep after dedications.

20.10.15.D Minimum Yard Setbacks

Per code table with a zone of CS the following standards apply:

1. Front: Must comply with 60.05.15.6 due to parcel size.

See section 3 of this narrative for compliance with Chapter 60 items.

2. Side: Minimum is 10'

Complies. 10' side yards provided.

3. Rear: Minimum is 0 (no abutting residential zone)

Complies. No setback required.

20.10.15.E Open Air Display

1. Front: Minimum 20'

Complies. No open air display provided.

20.10.15.F Maximum Height

Maximum is 60'

Complies. The project provides multiple parapet and roof heights. The tallest of these parapets is 60' above average grade plane.

20.10.20 LAND USES

20.10.10.2.C Attached Dwellings in CS zones

Attached dwellings are permitted in CS zones

Complies. Project proposes only attached dwelling use.

20.10.35 OTHER CS ZONING REQUIREMENTS

1. Activity must be conducted wholly indoors

Complies. All residences are indoors.

2. No more than 5% of gross building floor area to be accessory open air sales / display / storage.

Complies. No open air sales / display / storage.

3. CHAPTER 60.05 STANDARDS COMPLIANCE

Design Review approval is requested for the proposed multifamily residential building. Where Design Standards cannot be met for the proposed development, the corresponding Design Guidelines are addressed instead. Table 6 below identifies the subject standards and corresponding design guidelines addressed in their place.

60.05.15 Building Design and Orientation Standards

1. Building Articulation & 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:

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.

Complies. Project is within 200 feet of both 5th and Western. Per 60.05.15.8.A - exclusively residential buildings in commercial zones are not required to have a minimum ground floor window area. Therefore project meets the standard by providing the below Ground Floor Window Areas and architectural features, including 5' deep recesses, window bays, material changes, and balconies.

West:

32% Ground Floor Window Area

65% Architectural Features

North:

45% Ground Floor Window Area

65% Architectural Features

East:

31% Ground Floor Window Area

67% Architectural Features

South:

29% Ground Floor Window Area

61% Architectural Features

C. The maximum spacing between permanent architectural features, both vertically and horizontally, shall be no more than:

1. Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones

Complies. The project provides multiple balconies, windows 5' deep material changes, and other architectural features at a maximum spacing of 6' vertically and 9' horizontally.

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.

Does not comply with standard. Instead complies with guidelines. Please see corresponding Guideline 60.05.35.1.E in section 4 of this document.

2. Roof Forms

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.

Complies. There are two primary roof forms on the building. At vertical expression portions of the building a parapet larger than 12 inches is provided. At horizontal expression portions of the building a decorative cornice projecting 3' is provided. Both roof forms meet this standard.

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.

Complies. The project provides cover at all entries utilizing canopies. These canopies are 7' deep and at least 10' wide.

4. Exterior Building Materials

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.

Complies. All walls are architecturally treated double wall construction utilizing either lap or panel fiber cement over furring and exterior sheathing. No exposed concrete walls to be used above ground floor level.

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

Complies. Due to the sloping nature of the site some foundation walls will be exposed throughout project at varying heights. However, all exposed foundation walls are planned below 3' in height.

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
2. A screen
3. Setback from the street-facing elevation
4. Screened from view by another building

Complies. All roof equipment shall be screened from view utilizing options 1 and 3 and the calculation in 60.05.15.5.B.

B. As shown in the diagram below, the vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade at 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.

Complies. At parapet locations, the parapet provides required screening. Where the building utilizes a cornice, our building height is at 55'-6" which provides a 2:1 ratio for distance from parapet to height of equipment. The project's largest piece of mechanical equipment is 7' tall and further than 14' from the cornice edge. Therefore the project complies with option 3 – screening at zones without a parapet wall.

6. Building Location and Orientation Along Streets in Commercial and Multiple Use Zones

B. Buildings in Commercial zones shall occupy a minimum of 35 percent public street frontage where a parcel exceeds 60,000 gross square feet.

Complies:

SW Western – $348' \text{ building length} / 570' \text{ frontage length} = 61\%$

SW 5th – $161' \text{ building length} / 460' \text{ frontage length} = 35\%$

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.

Complies along SW Western – Frontage located between 12'-15' from property line due to angled site.

Does not comply along SW 5th – Frontage located 10' from 35' wide stormwater easement. See Chapter 4 of this document for proposed compliance path.

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.

Complies. The building is pushed toward the intersection of SW 5th & Western as far as possible and provides taller massing at this corner to have a strong presence at the intersection of these two pedestrian routes.

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.

Complies. The project provides an entry to its main lobby directly off of SW Western Ave.

F. Secondary entrances may face on streets, off-street parking areas, or landscaped courtyards.

Complies. Other access points face the courtyards and parking areas.

7. Building Scale Along Major Pedestrian Routes

A. The height of any portion of a building at or within 20 feet of the property line as measured from the finished grade at the property line abutting a Major Pedestrian Route shall be a minimum of twenty- two (22) feet and a maximum of sixty (60) feet. Building heights greater than sixty (60) feet are allowed if the portion of a building that is greater than sixty (60) feet in height is at least twenty (20) feet from the property line that abuts the Major Pedestrian Route. In all cases, building height shall meet the requirement of Section 20.20.50. for the specific zoning district.

Complies. Building height meets minimum 20' and maximum 60' requirement along SW 5th & Western.

8. Ground Floor Elevations on Commercial and Multiple Use Buildings

Not Applicable. All elevations are exclusively for residential use.

9. Compact Detached Housing Design

Not Applicable. Project provides no detached housing.

10. Ground Floor Elevations on Eligible Residential-only Buildings

Not Applicable. Project is not located within the RC-OT zoning district.

60.05.20 Circulation and Parking Design Standards

1. Connections to the Public 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.

Complies. The project provides primary vehicle connection along SW Western Ave in alignment with the existing connection to the neighboring property. Additionally, the project provides a secondary vehicle entrance

from SW 5th St. Pedestrian and bicycle connections are provided from both streets as well via direct sidewalk connection to the building in addition to a system of paved paths circulating all sides of the building and into the courtyard. All connections are provided as required by the Comprehensive Plan.

2. Loading Areas, Solid Waste Facilities and Similar Improvements

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.

Complies. Transformers, generator, and any other utilities are screened with a solid wood fence and landscaping. Project does not include any loading zones or service areas. All trash and recycling is located within the building.

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.

Complies. All facilities have pedestrian access and connect to both street frontages per the Comprehensive Plan.

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.

Complies. All entrances have direct connection to the streets via paths surrounding the building.

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.

Complies. Pedestrian access is provided at less than every 300' on both frontages.

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.

Complies. Project physically separates pedestrian connectors from parking and parallel vehicle traffic using curbs and landscaping.

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.

Complies. Crossing connections are composed of concrete to contrast against asphalt paving of vehicle access aisles.

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.

Complies. Project provides 5' minimum walkways paved with concrete.

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

Complies. As shown on drawing sheet L2, Street frontages will be landscaped with a combination of trees, evergreen shrubs, and ground cover. All trees will be planted at 2.5 caliper at a maximum of 30 feet on center.

5. Parking Area Landscaping

A. Landscaped planter islands shall be required according to the following:

2. All uses in Commercial and Multiple Use zones, one for every ten (10) contiguous parking spaces.

Complies. The landscape planter islands are spaced at regular intervals and at a maximum of 10 contiguous stalls per the zoning code.

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.

Complies. The majority of parking lot planter islands exceed the minimum 70 square feet required with a small number meeting the minimum. All islands meet the 6 foot minimum width. Parking lot landscaping provides the necessary 75% of trees required in parking islands. Each island provides at least one tree except in a few location where utilities conflict. See landscape plan L2.

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.

Complies. Paths are not counted towards island areas.

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.

Complies. All trees in planting plan are specified from the City of Beaverton Street Tree List. See Landscape Planting Plans for species

6. Off-street Parking Frontages in Multiple Use Zones

Not applicable. Project in a Commercial Zone.

7. Sidewalks Along Streets and Primary Building Elevations in Commercial and Multiple Use Zones

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.

Complies. Such sidewalk is provided on both SW 5th & Western. Note that the sidewalk on Western is being constructed as part of the City of Beaverton Western Avenue CIP project.

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.

Complies. A sidewalk surrounds the building on all elevations and is at least 10 feet wide with 5 foot unobstructed path at building entrances.

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.

Not applicable. Unit entries are not provided from a shared court or common greens.

8. Connect On-site Buildings, Parking, and Other Improvements with Identifiable Streets and Drive Aisles in Residential, Commercial, and Multiple Use Zones

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.

Complies. All drive aisles either provide direct access to perpendicular parking stalls or are under 100 feet long.

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.

Not applicable. Project does not include private streets, common greens, or shared courts

9. Ground Floor Uses in Parking Structures

Not applicable. Project does not propose 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.

Not applicable. Project does not propose these unit counts.

2. Minimum Landscape Requirements for Residential Developments Consisting of Four (4) to Seven (7) Units of Attached Housing or Compact Detached Housing.

Not applicable. Project does not propose these unit counts.

3. Minimum Landscape Requirements for Residential Developments Consisting of Eight (8) or More Units of Attached Housing or Compact Detached Housing.

Complies. Project provides the required landscape for residential developments. See table on Landscape Compliance Plan L1.1 for specifics.

4. Additional Minimum Landscape Requirements for Attached Housing and Compact Detached Housing

Complies. The project provides the necessary 15% landscaping, 25% active open space, B1 buffer, B3 buffer, and parking lot landscaping. See Landscape Compliance Plan L1.1 for more detail.

5. Minimum Landscape Requirements for Non-residential Developments and Mixed Use Development

Not applicable. Project is a residential project.

6. Common Greens

Not applicable. Project does not include detached housing.

7. Shared Courts for Compact Detached Housing

Not applicable. Project does not include detached housing.

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.

Complies. Project includes one retaining wall at NE of site that slopes from 0' tall to 5' tall and back down to 0' in a length of 90'. A wall along the south side of the lot will average approximately 2' in height for a length of 266'. Wall to have architectural treated board-form pattern.

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.

Complies. Fences to be wood or coated metal picket style.

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.

Complies. Project does not utilize chain link fencing.

C. Masonry walls shall be a minimum of six inches thick. All other walls shall be a minimum of three inches thick.

Complies. The project includes one Keystone Masonry wall at the NE corner of the site. This wall is 12" thick. More details can be found on sheet C8.1 of the graphic set. Additional masonry walls are not proposed on site.

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.

Not applicable. Project comprises only of residential uses.

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.

Complies. Fences in front yards to be 36".

2. May be permitted up to six feet in a required front yard along designated Collector and Arterial streets.

Not applicable. Project does not provide taller fences in front yards .

3. 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.

Not applicable. Project does not include detached housing.

10. Minimize Significant Changes to Existing On-site Contours at Residential Property Lines

A. Where grading is proposed, the requirements listed in Section 60.15.10 shall apply.

Complies. Grading at adjacent residential property lines matches neighbor grading and meets requirements of Section 60.15.10.

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 Individual Tree, identified Historic Tree, or a tree within an identified Significant Grove or Significant Natural Resource Area located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree.

Complies. Grading does not change by more than 10% within 25' of the property line at identified Historic Tree, or a tree within an identified Significant Grove or Significant Natural Resource Area.

11. Integrate water quality, quantity, or both facilities.

Non-vaulted surface stormwater 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.

Complies. No stormwater facilities are located between the street and an adjacent building. Street side stormwater planters are proposed on SW 5th within the public ROW. On-site stormwater facilities include a mix of rain gardens and mechanical treatment with underground detention chambers.

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.

Complies. Site does not include natural areas. Stormwater line serving adjacent creek easement is being maintained as required.

13. Landscape Buffering and Screening

Complies. The project provides the necessary B1 buffer (1 tree per 30 LF 2 shrubs or groundcover per 30 LF). B3 buffer (1 tree per 30 LF, evergreen hedge to grow 4-6FT in height within 2 years, remaining area to be filled with shrubs and ground cover). See landscape plan L2 for reference.

14. Community Gardens

Not applicable. Project does not propose a community garden.

60.05.30 Lighting Design Standards

1. Adequate On-site Lighting & Minimal Glare on Adjoining Properties

Complies. See attached Lighting Plans for compliance with the City's Technical Lighting Standard.

2. Pedestrian-scale On-site Lighting

Complies. See attached Lighting Plans for compliance with the City's Technical Lighting Standard.

4. CHAPTER 60.05 GUIDELINE COMPLIANCE

60.05.35 Building Design and Orientation Guidelines

1. Building Articulation and Variety

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)

Complies. This compliance is in lieu of complying with standard 60.05.15.1.D which requires a maximum size wall of 150 SF.

This project uses walls beyond 150 SF to accentuate entrances and provide articulation per design guidelines 60.05.35.1 & 3. At portions of the building near entrances and at the intersection of SW 5th & Western some walls are the full 60' height of the building and wider than 2'-6" in order to articulate that these are the more urban and anchoring portions of the building. This provides strong articulation of these zones contributing to compliance with design guidelines 60.05.35.1.E as well additional contributions to the spirit of guidelines 60.05.35.1 A, B, C and 60.05.35.3.A, B.

6. Building location and orientation in Commercial and Multiple Use zones

C. On Class 1 Major Pedestrian Routes, building entrances should be oriented to streets, or have reasonably direct pedestrian connections to streets and pedestrian and transit facilities. (Standards 60.05.15.6.C and D)

Complies. This compliance is in lieu of complying with Standard 60.05.15.6.C which cannot be complied with due to a 35' stormwater easement preventing the project from building within the required 20' of SW 5th St. Instead the design anchors the building to street from further away by utilizing vertical building articulation at the street intersection with SW Western Ave. to enhance pedestrian experience. This meets the intent of Design Guideline 60.05.35.6 and further enhances other goals of building articulation, variety, and pedestrian scale.

5. CHAPTER 60.10 FLOODPLAIN REGULATIONS

60.10.05 PURPOSE

Regulations governing development within floodplains are intended to recognize the need to protect the health, safety and welfare of the community, and maintain the functions and values of floodplains through control of development within the floodplain area so as to minimize public and private losses due to flooding. The preservation of natural features and topography as an aid in floodplain management is a primary purpose of

these regulations. However, in the administration of these regulations the existing pattern of man-made improvements must in some areas be recognized as a constraint on achieving this purpose. The provisions of this Section are designed to: [ORD 4155; May 2001]

1. Protect human life, health, and property; [ORD 4155; May 2001]
2. Minimize expenditure of public money, costly repairs of flood damage, and costly flood control projects; [ORD 4155; May 2001]
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Make information is available upon request to potential buyers that property is in an area of special flood hazard; [ORD 4155; May 2001]
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. [ORD 3563; May 1987]
9. Maintain the functions and values of floodplains, such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems. [ORD 4155; May 2001]

Complies. Project maintains floodplain and fringe on property per above. Project will maintain floodplain volumes through a floodplain balance on a per foot basis. See attached floodplain memo.

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.

Complies. See flood plain information on site plan.

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]

Not applicable. No interpretation requested

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]

Noted by applicant.

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]

Complies. Project does not plan to store uncontained hazardous materials in floodplain.

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]

Complies. Project does not propose any prohibited development in floodway. Project will maintain floodplain volumes through a floodplain balance on a per foot basis. See attached floodplain memo.

60.10.20 COMMERCIAL AND INDUSTRIAL USES IN THE FLOODWAY FRINGE

Not applicable. Project does not propose any Commercial or Industrial uses.

60.10.25 RESIDENTIAL USES IN THE FLOODWAY FRINGE

Not applicable. Project does not propose any Residential uses in the floodway fringe.

60.10.25 DEVELOPMENT OF CRITICAL FACILITIES IN THE FLOODWAY FRINGE

Not applicable. Project does not propose any Critical Facilities in the floodway fringe.

6. CHAPTER 60.30 OFF-STREET PARKING

60.30.05 OFF-STREET PARKING REQUIREMENTS

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

1. Availability

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

Complies. Project to make provided parking available as required.

2. Vehicle Parking

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

Complies. Project proposes required parking.

3. Bicycle Parking

Bicycle parking shall be required for all multi-family residential developments of four units or more, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual.

Complies. Project proposes required parking.

60.30.10 NUMBER OF REQUIRED PARKING SPACES

1. Parking Calculations

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

Complies. For residential uses per unit values will be used as noted in table 60.30.10.5.A

2. Parking Categories

A. Vehicle Categories

1. Minimum number of spaces required for project is as follows:

One Bedroom Units – 192 times 1.25 = 240

Two Bedroom Units – 78 times 1.50 = 117

Total required parking – 357 spaces

Complies. Project provides 360 spaces in a mix of carports, garages, and surface parking. Three of the provided spaces are within the floodway and are not counted in the total required stalls on the site. With the reduction of those three stalls, the site is still in compliance with the required parking count with a total of 357 spaces provided

2. Parking Zone A

Not applicable. Parcel is within ¼ mile of bus stop with longer than 20 minute peak-hour service

3. Parking Zone B maximum parking allowed for project is as follows:

One Bedroom Units – 192 times 1.80 = 347

Two Bedroom Units – 78 times 2.00 = 156

Total Maximum parking – 503 spaces

Complies. Project provides less than 503 spaces.

4. Dual Parking Zones

Not applicable. Parcel is not in both parking zones.

5. Regional Center Parking Districts 1 and 2

Not applicable. Parcel is not within the Regional Center District.

B. Bicycle Categories

1. Short-term parking required for project is as follows:

Dwelling Units – 270 divided by 20 = 14 required spaces

Complies. Project is proposing 16 short term spaces as shown on C2.1 within 50 feet of primary entrance.

2. Long-term parking required for project is as follows:

Dwelling Units – 270 times 1 = 270 required spaces

Complies. Project to provide 270 spaces in locked bicycle storage rooms within the building and in residential units as required by section 340 of the engineering design manual.

3. Ratios

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

Complies. Project uses ratios as noted in above calculations.

4. Uses Not Listed

Not applicable. Uses are listed.

5. Parking Tables

Complies. Tabular values used in calculations of 60.30.10.2 above.

6. Regional Center Parking Tables

Not applicable. Project not in Regional Center Districts.

7. Exceeding Parking Ratios

Not applicable. Project does not exceed maximum parking ratios.

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.)

Complies. All parking spaces meet this dimensional requirement. Some stalls on the proposed site plan utilize overhang at the front of the parking stalls using curbs or wheel stops.

9. Parking Space Calculation

Not applicable. Project does not include multiple uses or establishments.

10. Location of Vehicle Parking

A. All required off-street parking spaces shall be provided on the same property as the use requiring the spaces, with the following exceptions.

Complies. Project provides all parking spaces on the same property as its use.

B. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by an access that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

Complies. Project provides drive aisles to not require any backing or maneuvering within the adjacent R.O.W.

C. In R10, R7, R5 and R4 zones parking and loading spaces may be located in side and rear yards and may be located in the front yard of each dwelling unit only if located in the driveway area leading to its garage

Not applicable. Project is not in these zones.

D. Parking in the front yard is allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard and closest to the driveway subject to the following conditions.

Not applicable. Project does not provide any parking in front yard.

11. Reductions and Exceptions

Not applicable. Project does not utilize any reductions or exceptions for parking standards.

12. Compact Cars

Not applicable. Project does not utilize any compact car spaces for meeting the minimum parking requirements.

13. Carpool and Vanpool Parking Requirements.

Not applicable. Project does not utilize any carpool or vanpool spaces for meeting the minimum parking requirements.

60.30.15 OFF-STREET PARKING LOT DESIGN

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

Complies. All parking has been designed per the tables and drawings provided in section 60.30.15. See Site Plan for design.

7. CHAPTER 60.55 TRANSPORTATION FACILITIES

60.55.10 GENERAL PROVISIONS

1. All public and private transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies. [ORD 4782; April 2020]

2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development. [ORD 4103; May 2000]

3. For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.

4. The decision-making authority may impose development conditions of approval per Section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements).

5. Dedication of right-of-way shall be determined by the decision-making authority.

6. Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.

7. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.

At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds

per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity (V/C) ratio for each lane group shall be no greater than 0.98. Signal progression shall also be considered. If the intersection is under County or ODOT jurisdiction, the V/C ratio for each land group shall not exceed the V/C ratio imposed by that jurisdiction.

At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.

If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.

Complies. The project will construct both private and public facilities in compliance with the EDM. Western Ave will include ROW Dedications and frontage improvements completed as part of the City of Beaverton CUP project. The proposed project will construct a 10' sidewalk with tree wells and street lighting along the project frontage. No other proposed improvements are recommended through the traffic study. See attached Traffic Trip & Queue Memos for compliance.

60.55.20 TRAFFIC IMPACT ANALYSIS

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

Not Applicable. See attached Traffic Trip Memo for compliance.

60.55.25 STREET AND BICYCLE AND PEDESTRIAN CONNECTION REQUIREMENTS

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

Complies. See Site Plan for specific points of connection. The driveway located on Western Avenue is located across from the access to the Kaiser Medical facility. This access location promotes safer vehicle movements to avoid conflicting turning movements. Sidewalk connections are proposed at multiple locations across the project frontages in order to provide safe circulation and access to and from the site. Vision Clearance Triangles are shown on the site plan and preliminary sight distance exhibits have been provided for the 2 site access points.

60.55.30 MINIMUM STREET WIDTHS

1. Any project-specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the

movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the Section 145 Design Modifications of the Engineering Design Manual.

Complies. No standards modifications required.

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

Complies. No standards modifications required.

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

Complies. See Landscape Planting Plan.

60.55.35 ACCESS STANDARDS

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

Complies. The driveway located on Western Avenue is located across from the access to the Kaiser Medical facility. This access location promotes safer vehicle movements to avoid conflicting turning movements. Vision Clearance Triangles are shown on the site plan and preliminary sight distance exhibits have been provided for the 2 site access points. See Site Plan for reference.

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

Complies. Primary entrance is on SW Western Ave.

3. Intersection Standards

Complies. See Traffic Memos for traffic and queuing volumes. See Site Plan for driveway locations. The driveway located on Western Avenue is located across from the access to the Kaiser Medical facility. This access location promotes safer vehicle movements to avoid conflicting turning movements.

60.55.40 TRANSIT FACILITIES

Transit routes and transit facilities shall be designed to support transit use through provision of transit improvements. These improvements shall include passenger landing pads, accessways to the transit stop location, or some combination thereof, as required by TriMet and the City, and may also include shelters or a pad for a shelter. In addition, when required by TriMet

and the City, major industrial, institution, retail, and office developments shall provide either a transit stop on site or a pedestrian connection to a transit stop adjacent to the site.

Not applicable. Project does not include transit facilities.

8. CHAPTER 60.60 TREES AND VEGETATION

60.60.05 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. In conjunction with processes set forth in Section 40.90. of this Code, this section is intended to help manage changes to the City's urban forest by establishing regulations and standards for the protection, pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove), Landscape Trees, and Community Trees.

Complies. There are no Significant Individual Trees nor Historic Trees on site. The existing trees on site shall be removed, see civil plans for reference. Landscape shall be providing a robust diversity of new trees that meet and exceed the city's tree planting requirements. See landscape plans for reference.

9. CHAPTER 60.65 UTILITY UNDERGROUNDING

60.65.05 PURPOSE

The purposes and objectives of locating existing and proposed private utilities underground are to:

1. Implement the policies, goals, and standards of the City Council and the adopted Comprehensive Plan of the City of Beaverton.
2. Improve aesthetics of the community by reducing the number of utility poles and above ground wires.
3. Provide consistency in management of the City's rights-of-way.
4. Protect essential public services from natural and manmade accidental disruptions.
5. Improve public safety by reducing the possibility for injury from downed lines.
6. Allow fewer fixed obstructions in the public right-of-way.

Complies. Project is supporting Beaverton's undergrounding of utilities along SW Western Ave. See Site Plan & Utility Plan for compliance.

10. TECHNICAL CRITERIA FROM SECTION 40.03

Consistent with Section 10.95.3. (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, **Design Review Three**, Downtown Design Review Two, Downtown Design Review Three, Public Transportation Facility Reviews, Street Vacations, and

applicable Land Divisions. Applicable land division applications are Replats, Partitions, Subdivisions, Fee Ownership Partitions, and Fee Ownership Subdivisions. In making a recommendation on an application to the decision making authority, the Facilities Review Committee shall base its recommendation on a determination of whether the application satisfies all the following technical 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, as applicable:

1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown 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.

Complies. The city development code identifies critical facilities as public water, sewer, stormwater, transportation, and fire service. This project provides these critical facilities through the following available utilities or transportation systems:

Water: Water is available to the site through a new 16" watermain installed by the City of Beaverton as a part of the Western Ave CIP project. There is an existing water service on the east side of the site that will be connected to through a looped 12" (as determined through future modeling) public waterline on the northern side of the proposed development site. Services to the building and fire systems will be provided from this new Public watermain through the site.

Sewer: Public sewer is available to the west in Western Ave and to the South in 5th. The city CIP project is installing a new 20" main in 5th St that will provide adequate depth and capacity to serve our proposed development site. A new private lateral will be installed from the new building to this new mainline installed by the city.

Stormwater: An existing 48" public storm main exists on the site to connect from the open channel east of the proposed development to the public closed conveyance system in Western Avenue which extends west through adjacent private developments. The existing 48" line is under capacity and is located under the proposed building. The proposed development will install a new 60" storm main and connect to the existing 48" line on the east property line and a new 60" culvert installed with the city CIP project to the west. The city engineering staff has prepared multiple concept designs for the downstream storm connection west of the culvert on Western Ave. These concept designs will continue to be developed as the project progresses through the MOU development agreement. Onsite stormwater quality will be handled through a combination of LIDA and mechanical treatment with detention occurring with underground stormwater chambers. A possible connection for the adjacent property to the north of the subject site may be required if underground storm lines are present. A private storm easement would be recorded as needed to install the line through the subject development.

Transportation: The site is located adjacent to Western Ave to the west and SW 5th Street to the south. Western is classified as an arterial per the city TSP with 5th being classified as a local street east of Western and a Collector west of Western. The proposed city CIP project will reconstruct a portion of Western Ave to provide 4 lanes and bike lanes along the project frontage as well as planter strips, sidewalks, and street lighting. The proposed development will include new sidewalks, street trees and lighting along 5th St. a new driveway approach will be constructed on Western to align with the existing Kaiser access on the west side of Western. This will provide a safer access location to avoid conflicting turn movements compared to the existing driveway access that currently serves the site. The access points on 5th will be reduced to a single access point in the SE corner of the development parcel. These improvements will provide safe access for vehicles, bikes and peds consistent with the city TSP.

Fire: The site is located within the TVF&R service district and service access will be taken from Western Ave and through the development site. Aerial access has been provided along Western Ave and fire access aisle have been provided onsite. The building will be served with an automatic sprinkler system connected from a new service from the new public water main through the site. There are multiple fire hydrants around the building including a new hydrant onsite and along Western Ave. A TVF&R service provider letter has been included with this application.

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.

Complies. The city development code defines essential facilities as services that include schools, transit, police, and pedestrian and bike facilities in the public right of way. The proposed development will provide these essential facilities in the following way.

Schools: The site is located within Beaverton School District Boundaries and will be served by Raleigh Hills Elementary School, Whitford Middle School and Beaverton High School. A service provider letter from BSD dated June 28, 2021 concluded that with new school capacity that is scheduled to come online in the coming years ahead, the district will have adequate capacity to serve the project. Until those projects come available, the district will continue to monitor enrollment and capacity at all schools and may take additional actions to manage capacity.

Transit: The site is adjacent to Western Ave on the west which is served by a TriMet bus line number 53. The site is also located approximately 500 feet south of Beaverton Hillsdale Highway which is served by Trimet line 54. Due to the proximity of these bus lines, the project will have adequate coverage for public transit options.

Police: The site is located with the Beaverton Police Department service district.

Pedestrian and Bike Facilities: The project is adjacent to Western Ave which is currently under construction through a City of Beaverton CIP. Through that project, Western Ave will be improved to accommodate bike lanes in each direction as well as new sidewalk amenities including street trees, street lighting and new sidewalks. New ADA ramps will be constructed at the corner of Western and 5th as part of the CIP. The proposed development project will improve the sidewalk corridor along 5th St. by adding street trees, street lighting and new sidewalks.

C. The proposed development is consistent with all applicable provisions of CHAPTER 20 (Land Uses), or Sections 20.25 and 70.3 if located within the Downtown Design District, unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of CHAPTER 20 (Land Uses) or Sections 20.25 and 70.3 if located within the Downtown Design District.

Complies. The proposed development is consistent with all applicable provisions of chapter 20 as described in section 2 of this narrative.

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.

Complies. All improvements and dedications are consistent with the requirements and provisions of chapter 60. ROW dedication and improvements along the Western Avenue frontage are provided through the city CIP project. The sidewalk widening along SW 5th is being provided in compliance with the requirements of Chapter 60 and the EDM. Future ROW dedication along Western Ave has been discussed with the city through a potential future dedication of the PUE along the proposed Frontage. Sections 3 through 9 of this narrative provide direct response to all of the relevant criteria in Chapter 60. Specifically, relevant to this criterion is section 60.30 – Off-street Parking. The proposed project based on the proposed number of units and unit mix required a total of 357 vehicle spaces. The proposed project is currently proposing 357 spaces and therefore provides adequate parking facilities.

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.

Complies. The owner of the site, Mill Creek Residential, will retain ownership and be responsible for maintenance of the site. These efforts will include ongoing utility maintenance to ensure proper functionality, landscape maintenance and parking lot maintenance.

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

Complies. Vehicular & pedestrian circulation has been provided as recommended by the engineering design manual and city standards. Onsite drive aisles have been designed to allow for safe movement into and out of the site, as well as while circulating onsite. Multiple crosswalks have been provided through the onsite parking facilities to allow for safe circulation of pedestrians through the site. These vehicle and pedestrian facilities connect to the public ROW on both Western and 5th to allow for safe circulation of users into the surrounding neighborhoods and street systems. See other chapters of this narrative and Site Plan for additional reference.

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

Complies. Vehicular & pedestrian access has been provided as recommended by the engineering design manual and city standards. The onsite vehicle access points provide safe access to the adjacent public ROW through alignment with existing access points. The northern access point along Western was designed to reduce conflicting turn movements with the Kaiser driveway on the west side of the street. Existing access locations on 5th were removed to relocate the access further from the intersection of Western and 5th to provide safe turning movements. Onsite sidewalks have been designed to meet all accessibility requirements to the public ROW. See Site Plan for additional reference.

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.

Complies. Fire protection, including hydrants, FDC's, access roads, and vaults have been coordinated and reviewed by Tualatin Valley Fire and Rescue and have been approved in concept through the attached SPL. The specific site details for fire flow, hydrant coverage, sprinkler design, etc. will be reviewed by the building official and VFR during the building permit process.

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.

Complies. All structures and public structures and facilities were designed in accordance with the appropriate City codes to meet this standard. Public structures and facilities providing adequate service already exist at the site, including a water system that provides adequate fire flow. In addition, access drives have been designed to provide safe access to and from the public street system through the use of sight distance triangles. See attached provider letters and the attached plan sets. The existing and proposed improvements across the project frontages will provide street lighting and new pedestrian facilities that will help provide crime protection and reduce safety incidents.

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.

Complies. Site has been graded in such a way to not impact neighboring properties as well as the right-of-way. Additionally, existing surface flows from neighboring properties have been accommodated. Small portions of the existing shared parking lot to the north will remain in place and allowed to sheet flow across the landscape buffer and onto the proposed parking facility. This small amount of runoff has been accommodated in the proposed storm facilities on the site. See Grading & Stormwater Plans for additional reference. Compliance with section 210 of the EDM will be reviewed with the site development permit application for the development.

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.

Complies. Accessibility has been provided throughout the site utilizing ADA & ANSI guidelines as applicable. The required onsite connections have been and will be designed to meet the application standards of the Americans with Disabilities Act and the City of Beaverton EDM. Access to the buildings has been provided through the use of accessible sidewalk and ramps where required to transition grades. See Site Plan for additional reference.

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

Complies. The application contains all the required materials. See attached Checklist.

2. Public Transportation Facility Improvements or Modifications, including Street Vacations.

Not Applicable. Project is not a Public Transportation Facility

11. COMPLIANCE WITH APPROVAL CRITERIA FOR TYPE 3 REVIEW

60.65.05 PURPOSE.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.

Satisfied. Project complies with Threshold 9 by meeting thresholds 3, 6, & 7 of Design Review 2 but does not meet all required design standards.

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

Satisfied.

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).

Satisfied. Project does not meet thresholds 1 through 6.

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.

Satisfied. Project is not modifying or adding to existing development.

5. The proposal complies with the grading standards outlined in Section 60.15.10 or approved with an Adjustment or Variance.

Satisfied. See Grading Plan.

6. 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.

Satisfied. Project does not involve phasing of required floor area.

7. 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).

Satisfied. Project complies with all required design standards except 60.05.15.1.C and 60.05.15.6.C where project complies with corresponding design guidelines.

8. 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).

Satisfied. Project is not attempting to comply with the design guidelines only.

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

Satisfied. See attached checklist of required items.

12. OPERATION DATA

Project will include mostly multifamily housing with a small leasing/management office of 2-3 employees. Hours of operation will vary with season and number of leased units.

13. ADJUSTMENT APPROVAL CRITERIA

The project was designed to meet the maximum code density of one unit per 1,000 Sf of site area per unit. Site survey indicated a site area of 272,792 SF which would allow 270 units. Unbeknownst to the developer and applicant is that the current land owner (who is selling the property to Mill Creek) recorded dedications to city for adjacent street improvement project shortly before the applicant applied for the land use entitlement. The land area is now 267,080 SF. As dedications have already been recorded by the current land owner the project does not meet the code required minimum land area per residential unit (20.10.15.B.1). As such the project is seeking an adjustment due to unforeseen special circumstances related to the city street improvement project and a procedural mistake by the current land owner. See attached letter from the current land owner. The project complies with all adjustment approval criteria:

1. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:

Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in CHAPTER 20 (Land Uses) or Section 70.03 (Downtown Zoning and Streets) if the site is located within the Downtown Design District. This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6., and .7.

Satisfied. Adjustment requests a reduction of 1.1% of the tabular value of minimum land area per unit from 1,000 SF down to 989 SF (20.05.15.A).

2. The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.

Satisfied. The application has been provided along with all listed requirements as part of this narrative and attached drawings. Fee amount of \$1,056.74 is being wired to the city.

3. Special conditions or circumstances exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.

Satisfied. The project was designed utilizing an area of 272,747 SF that allows 270 units and a land area per unit of 1,010 SF. This area was based on discussions at the pre-application conference that noted the city will be reconstructing SW Western Avenue. At the time there was an awareness that as part of the street improvement project the city would be requesting a dedication of 5,667 SF from the applicant. While the applicant continued designing per the pre-dedication site area, the city requested the dedication from the current property owner who executed it (See attached dedication 2021-046290). After review with the current property owner, they were not aware that the execution of the dedication would impact the applicant's

ability to develop the planned 270 units (See attached letter from current owner).

As such the site and applicant are under the impact of special conditions that are tied to the site permanently; and which negatively impact the applicant's ability to meet the City of Beaverton's stated goals of more housing and additional units of development near the downtown core and providing urban building fabric.

4. The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.

Satisfied. The conditions do not arise from the applicant's actions as they were not aware that the dedication was being recorded and were planning on recording the dedication as part of this project. If this had been the case, the site area would have been sufficient to allow the proposed 270 units without this adjustment.

Additionally, providing 270 units does not impact the overall building massing or configuration in any way.

5. Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.

Satisfied. The attached trip memorandum is based on providing 270 units and shows that this number of units results in a decrease of daily trip making.

6. City designated significant trees and/or historic resources, if present, will be preserved.

Satisfied. The additional three units do not impact any tree resources.

7. Granting an adjustment to the grading standards will allow additional significant and/or community trees to be preserved.

Not Applicable. The adjustment is not regarding grading standards.

8. If more than one adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.

Not Applicable. Only one adjustment is being requested.

9. Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.

Satisfied. The project is asking for only the 1.1% reduction required to build the original 270 units with no additional reduction.

10. The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.

Satisfied. The project supports the City of Beaverton's goals of providing additional density and housing near the downtown core by maximizing density and providing urban building fabric.

11. The proposal is consistent with all applicable provisions of CHAPTER 20 (Land Uses) or Section 70.03 (Downtown Zoning and Streets) if the site is located within the Downtown Design District, unless applicable provisions are modified by means of one or more Adjustment, Variance, Planned Unit Development applications that already have been approved or are considered concurrently with the subject proposal.

Satisfied. The project is consistent with all other CHAPTER 20 provisions per section 2 of this narrative, beyond provision 20.05.15.A which is being adjusted by this request.

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

Satisfied. The project is consistent with all applicable provisions of CHAPTER 60 per sections 3-9 of this narrative.

13. 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: drainage ditches, 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 periodic maintenance by the City or other public agency.

Satisfied. The additional 3 units do not change the overall building area and would not impact any drainage ditches, 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 periodic maintenance by the City or other public agency.

14. The proposal does not include any lot area averaging as specified in Section 20.05.15.D.

Satisfied. The project does not include any Land Divisions or Lot Averaging.

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

Satisfied. Applicant to provide any additional documents as required.

From Artur Grochowski, SERA

cc