

**BEFORE THE PLANNING  
COMMISSION FOR  
THE CITY OF BEAVERTON,  
OREGON**

**After recording return to:**  
City of Beaverton, City Recorder:  
12725 SW Millikan Way  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL ) ORDER NO. 2677  
OF A DESIGN REVIEW THREE FOR A NEW ) DR2018-0123 ORDER APPROVING  
COMMERCIAL AMUSEMENT AND DISTRICT ) PATRICIA RESER CENTER FOR THE ARTS AND  
PARKING GARAGE DEVELOPMENT (PATRICIA ) GARAGE, DESIGN REVIEW THREE  
RESER CENTER FOR THE ARTS AND GARAGE). )  
CITY OF BEAVERTON AND BEAVERTON URBAN )  
RENEWAL AGENCY, APPLICANT. )

The matter came before the Planning Commission on February 6, 2019, on a request for Design Review Three for a new Commercial Amusement facility for a performing arts theater, gallery space and studio space and an adjacent district parking garage with ground floor commercial space, within the Regional Center – Transit Oriented (RC-TO) zoning district. The subject site is located north of SW Crescent Street, west of SW Hall Boulevard, and east of SW Rose Biggi Avenue. Tax Lots 3300, 3400, 800 on Washington County Tax Assessor’s Map 1S109DD.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

During the hearing, Planning Division staff (staff) identified typographical errors in the proposed conditions of approval as outlined in Exhibit 1.5 of staff's Supplemental Memorandum dated February 6, 2019. Staff explained that conditions 30 and 31 were in need of revision simply because the language was incorrectly inserted into the wrong condition. For condition 30, staff proposed to remove the language, "except for the one LED floodlight 30 feet in height located within the plaza area shown on sheet EL0.71 (stamped February 05, 2019) of the applicant's plans" and add it to condition 31 in place of the text " except as modified by the decision making authority". The Planning Commission and applicant agreed to the revised conditions.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated January 30, 2019 and Supplemental Memorandum dated February 6, 2019 and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2018-0123** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated January 30, 2019 and the Supplemental Memorandum dated February 6, 2019, subject to the conditions of approval as follows:

**A. Prior to site development permit issuance, the applicant shall:**

1. Submit a narrative that responds to all applicable conditions of approval and discusses how each condition

has or will be satisfied prior to issuance of the Site Development Permit. (Site Development Div./JJD)

2. Contact Building Department at (503)350-4079 or (503)526-2409 to obtain a Plumbing Permit from the Building Department for the proposed onsite utilities. Submit the Plumbing Permit application concurrently with the Site Development Permit application. (Site Development Div./TDM)
3. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
4. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in the City Engineering Design Manual and Standard Drawings (City EDM), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
5. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and the City EDM; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
6. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities, all site work in the floodplain, and Clean Water Services (CWS) required plantings by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)

7. Submit any required off-site easements, and any SPL-required new CWS-sensitive area and vegetated-corridor easement, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
8. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation (ODOT) Rail and Public Transit Division (Carrie Martin at 503.986.6801) for work within 500 feet of the rail crossing areas. (Site Development Div./JJD)
9. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
10. Submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. If determined to be needed by the City Building Official, this analysis shall be supplemented by an actual flow test and evaluation by a professional engineer (meeting the standards set by the City Engineer as specified in the Engineering Design Manual Chapter 6, 610.L). The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)
11. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
12. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
13. Provide final construction plans and a final detailed drainage report prepared by a professional engineer

meeting the standards set by the City Engineer and demonstrating compliance with CWS Resolution and Order 2007-020 in regard to water quality treatment (Chapter 4) for the proposal. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)

14. Provide final construction ready plans showing a proprietary Stormfilter system (for treatment of the site's surface water runoff) with a minimum of 3.0 cartridges per tributary impervious acre. Plans shall also show an oil and sediment trap for any auxiliary inlet structures (ex: sumped, lynch-type catch basin, trench drain with trap, or other City of Beaverton approved equivalent) located in front any Stormfilter unit. (Site Development Div./JJD)
15. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot to another lot area shall not be considered a direct plumbing service. (Site Development Div./JJD)
16. Provide a final engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City Engineer. The public notice and a 10 day appeal period shall occur after final approval of the site development permit AND building permit plans by the City Engineer, City Building Official, and Planning Director. (Site Development Div./JJD)
17. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor (this can be with or shown on the submitted building plans). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces on the site. In addition, specific types of impervious area

totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel or pervious pavement surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, modified existing impervious, the new impervious surface area created, and total final impervious surface area on the entire site after completion. (Site Development Div./JJD)

18. Pay a storm water system development charges (overall system conveyance and for quantity detention) for any net new impervious area proposed for the entire project. (Site Development Div./JJD)
19. Provide plans for street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director), an on-site lighting plan, and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
20. Obtain the City Building Official's review approval of the proposed private fire service mains (fire line), vault, backflow prevention and Fire Department Connection (FDC). (Site Development Div./JJD)
21. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD)
22. Provide plans showing a City standard commercial driveway apron at the intersection of any private driveway and a public street. (Site Development Div./JJD)
23. Prior to approval of the Site Development Permit, the applicant shall submit plans that show bike parking that complies with the City's requirements. All short-term

bike parking spaces shall be provided by inverted U-type or staple-type racks that are a minimum of 30 inches wide and 36 inches tall (or similar as permitted by the City Engineer), centered within parking areas that are at least 6 feet long by 4 feet wide, separated from buildings by at least 2 feet. (Planning / ES)

24. Submit plans that show the sufficient right-of-way width on SW Crescent Street to meet City's 2-Lane Collector standards, or as approved by the City Engineer. (Planning / ES)
25. Ensure that the Conditional Use – PRCA (CU2018-0017), Conditional Use – Garage (CU2018-0018), Replat Two (LD2018-0032), Loading Determination (LO2018-0004), Parking Determination (PD2018-0002), Sidewalk Design Modification (SDM2018-0006), and Tree Plan Two (TP2018-0008) applications have been approved and are consistent with the submitted plans. (Planning/ES)

**B. Prior to building permit issuance for a building, the applicant shall:**

26. Provide proof of artwork approval by the Beaverton Arts Commission for any artwork proposed on the northern wall of the garage. The approved artwork shall cover at least 30% of the northern garage wall, as measured from 3 feet above grade to 74.5 feet above grade. 20% to 25% of the artwork shall project at least four (4) inches from the wall but shall not cross the property line. If approval is not provided for artwork on the northern undifferentiated wall, the applicant shall revise the plans and receive Design Review approval. The area of the artwork shall be determined by enclosing the entire area containing elements of art within a quadrilateral or a triangle of the smallest size sufficient to cover the entire area of the art. (Planning / ES)
27. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
28. Make provisions for installation of all mandated erosion

control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

29. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all elements of the new building construction are either elevated, constructed of flood damage resistant materials, or flood-proofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Engineer and City Building Official to the design flood elevation of least 178.5 feet NGVD-29 (182.0 NAVD-88) which is two feet above the base flood elevation [176.5 feet NGVD-29 (180.0 NAVD-88)]. (Site Development Div./JJD)
30. Provide a revised photometric plan, demonstrating compliance with the Technical Lighting Standards, as outlined in Table 60.05-1 of the Beaverton Development Code. (Planning / ES)
31. Provide plans demonstrating onsite pedestrian scale wall-mounted and pole-mounted lighting does not exceed 15 feet in height above building finished grade, as required by Table 60.05-1 Technical Lighting Standards of the Beaverton Development Code, except for the one LED floodlight 30 feet in height located within the plaza area shown on sheet EL0.71 (stamped February 05, 2019) of the applicant's plans. (Planning / ES)
32. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, on sheets A2.16 and X3.00G of the applicant's materials marked Exhibit 3, except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/ES)
33. EMERGENCY RESPONDER RADIO COVERAGE: In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated



Communications Agency shall be provided. (OFC 510, Appendix F, and OSSC 915) This applies to the parking garage portion only. (TVF&R / JF)

- i. Emergency responder radio system testing and/or system installation is required for this building. Please contact Jeremy Foster at TVF&R for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit.
- ii. Testing shall take place after the installation of all roofing systems; exterior walls, glazing and siding/cladding; and all permanent interior walls, partitions, ceilings, and glazing.

34. TVF&R's approval of this project includes multiple AM&M's as specified in the attached e-mail, with summary notes from David Suttle, dated 7/19/2018 (Exhibit 4.3 of the Staff Report Dated January 30, 2019). TVF&R's approval also includes the attached fire service plan sheet (Exhibit 4.3 of the Staff Report Dated January 30, 2019) and is also part of TVF&R's conditions of approval. (TVF&R / JF)

35. KNOX BOX: A Knox Box for building access may be required for structures and gates. See Appendix C for further information and detail on required installations. Order via [www.tvfr.com](http://www.tvfr.com) or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1) Knox Boxes will be required for these buildings. (TVF&R / JF)

**C. Prior to final occupancy permit issuance of each building permit, the applicant shall:**

36. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)

37. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD)

38. Have a professional architect, engineer, or surveyor

submit certification(s) on Federal Emergency Management Agency (FEMA) standard form (elevation certificate and if applicable a flood-proofing certificate), to the City Building Official, verifying that all at-risk elements of the new construction are either elevated or flood-proofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, requirements, and as determined by the City Engineer and City Building Official at permit issuance, to at least 178.5 feet NGVD-29 (182.0 NAVD-88) two feet above the base flood elevation [176.5 feet NGVD-29 (180.0 NAVD- 88)]. (Site Development Div./JJD)

39. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
40. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are damaged during the construction of the site. (Site Development Div./JJD)
41. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
42. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)
43. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A" of the applicant's materials, except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/ES)
44. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit A" of the applicant's materials, except as modified by the decision

making authority in conditions of approval. (On file at City Hall). (Planning/ES)

45. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning/ES)

46. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Landscape trees shall have a minimum caliper of 1-1/2 inches. Each tree is to be adequately staked. (Planning/ES)

47. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. (Planning/ES)

**D. Prior to release of performance security, the applicant shall:**

48. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)

49. Submit, if needed, any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. Ensure that no structures including the building roof eaves can encroach into the easements. (Site Development Div./JJD)

50. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the CWS-required plantings and vegetation within the sensitive area, vegetative corridor, and storm water planters as determined by the Public Works Director. If the plants are not well established (as determined by the Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./JJD)

51. Provide a post-construction cleaning, system maintenance, and filter recharge/replacement inspection report from a manufacturer-qualified maintenance provider for the site's proprietary storm water treatment system. Additionally, another servicing report from the manufacturer-qualified maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)

Motion **CARRIED**, by the following vote:

**AYES:** Matar, Uba, Lawler, Overhage, Winter.

**NAYS:** None.

**ABSTAIN:** None.

**ABSENT:** Brucker, Nye.

Dated this 14 day of February, 2018.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2677 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office

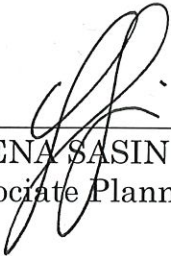
by no later than 4:30 p.m. on

February 25, 2019.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

  
\_\_\_\_\_  
ELENA SASIN  
Associate Planner

  
\_\_\_\_\_  
TERRY LAWLER  
Chair

  
\_\_\_\_\_  
ANNA SLATINSKY  
Planning Division Manager