

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

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2967
OF A DOWNTOWN DESIGN REVIEW THREE,) DDR2023-0008 ORDER APPROVING
CEDAR STREET COMPANIES, APPLICANT.) WESTGATE + HALL MIXED USE DEVELOPMENT,
) DOWNTOWN DESIGN REVIEW THREE.

The matter came before the Planning Commission on October 4, 2023, on a request for a Downtown Design Review Three for a new 7-story mixed-use building with 242 residential units, approximately 2,800 square feet of ground-floor commercial space, and structured parking. The site is zoned RC-MU and is located at 3775 SW Hall Boulevard, specifically identified as Tax Lot 00105 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.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated September 27, 2023, and the Supplemental Memorandum dated October 4, 2023, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03.1 and 40.23.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DDR2023-0008** 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 September 27, 2023,

and the Supplemental Memorandum dated October 4, 2023, and the findings contained therein, subject to the conditions of approval as follows:

A. General Conditions, the applicant shall:

1. Ensure the associated land use applications CU2023-0003, LLD2023-0002, and TP2023-0002 have been approved and are consistent with the submitted plans. (Planning / LS)
2. The applicant shall comply with all applicable conditions outlined in Clean Water Services (CWS) Amended Service Provider Letter dated June 13, 2023 (CWS File No. 22-002144). (Planning / LS)

B. Prior to issuance of the site development permit, the applicant shall:

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. / HJ)
4. Retain a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / HJ)
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 utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; 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. / HJ)
6. Have the applicant for the subject property guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving 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. / HJ)

7. Submit easement release letters for the existing public sanitary sewer easement and public water easement on site, executed and ready for recording when required, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / HJ)
8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. The City will forward the applicant's submittals to Clean Water Services for review and processing. (Site Development Div. / HJ)
9. 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. / HJ)
10. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / HJ)
11. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. In addition, the analysis shall delineate any mapped FEMA floodplains and flood ways. (Site Development Div. / HJ)
12. The site plans shall clearly show the 100-year flood limits on each plan that contains elevation information. The flood conveyance and storage of the project area at each 1-foot contour must be preserved or enhanced with cut/fill balance and a zero-rise certification by a registered professional engineer. (Site Development Div. / HJ)
13. Provide an 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 for the proposed floodplain modifications. The applicant's engineer

shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Design & Construction standards as they refer to the 100-year floodplain, prior to this notice being sent. The public notice and a 10-day appeal period shall occur after final approval of the site development permit plans by the City. (Site Development Div. / HJ)

14. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation including parking facilities shall also be at least two feet higher than the base flood elevation. (Site Development Div. / HJ)
15. Any changes to approved grading must meet provisions of Beaverton Code 9.05.110 and 9.05.115, no grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. (Site Development Div. / HJ)
16. Provide plans showing conveyance of the site's piped surface water runoff to the regional public stormwater facility in SW Westgate Dr. Plans shall also show a trash capture water quality pre-treatment unit located directly upstream from any proprietary stormwater detention system vaults or manholes. (Site Development Div. / HJ)
17. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for any new impervious area proposed. (Site Development Div. / HJ)
18. 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. / HJ)
19. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div. / HJ)

20. Provide plans for the placement of underground utility lines within the site, and for services to the proposed new building. No overhead services shall remain on the site. 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. / HJ)
21. Submit plans that show access for a maintenance vehicle within 9-feet from the front, or within 19-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. (Site Development Div. / HJ)
22. When required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement is proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div. / HJ)
23. Submit ODOT ADA curb ramp design checklist and standard detail DET1720 and DET1721 showing level of design detail for every public sidewalk ramp proposed with this development. Maximum designed ramp slope shall be 7.5%, maximum designed cross slope, flat landing or turning space shall be 1.5%. Two directional ADA ramps shall be provided at all corners of all intersections, regardless of curb type. See ODOT standard drawings RD754, RD155, RD756, RD757, RD758 and RD759 for ramp details. (Site Development Div. / HJ)
24. Dedicate property for right of way purposes along the site's frontage of SW Hall Boulevard consistent with the City's adopted street standards for an arterial. The minimum half street width for a 5-lane Arterial with the alternative sidewalk design required in the Downtown Design District is 45-feet. (BDC 40.03.1, and 60.55.10) (Transportation / KM)
25. Dedicate property for right of way purposes along the site's frontage of SW Westgate Drive consistent with the City's adopted street standards for a collector. The minimum half street width for a 3-lane collector with the alternative sidewalk design required in the Downtown Design District is 34-feet. (BDC 40.03.1, and 60.55.10) (Transportation / KM)
26. Submit certified sight distance consistent with the Engineering Design Manual Section 210.18 for the site's two proposed accesses: one on SW Hall Boulevard, and one on SW Westgate Drive. (BDC 40.03.1, 60.55.10, and 60.55.25) (Transportation / KM)

27. Submit detailed plan sets, including signage and striping, for the required intersection and signal improvements at the site's frontage of SW Hall Boulevard and SW Westgate Drive. (BDC 40.03.1, 60.55.10, and 60.55.35) (Transportation / KM)
28. Demonstrate all short-term bicycle parking complies with the applicable standards in Chapter 60.30 of the Beaverton Development Code (BDC) and Section 340 of the Beaverton Engineering Design Manual (EDM). (Planning / LS)

C. Prior to building permit issuance, the applicant shall:

29. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / HJ)
30. 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. / HJ)
31. Provide proof of recording the necessary documents, including any necessary easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div. / HJ)

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

32. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; that each parcel has proper access provisions; and that each parcel has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div. / HJ)
33. Have commenced construction of the site development improvements to provide minimum critical public services as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div. / HJ)
34. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div. / HJ)
35. Submit a copy of the final plat to the City for review prior to recording. (Planning Division / LS)

E. Prior to final inspection and final occupancy permit, the applicant shall:

36. 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. / HJ)
37. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / HJ)
38. 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. / HJ)
39. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / HJ)
40. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor is at least two feet above base flood elevation (BFE) 179.7 feet, NAVD-88 and higher. (Site Development Div./HJ)
41. Have recorded the final plat in County records and submit a recorded copy to the City. (Site Development Div. / HJ)
42. Substantially complete required street improvements along site's frontage of SW Hall Boulevard. Required street improvements include, but are not limited to: 10-foot-wide curb tight sidewalk with tree wells, street lighting, ADA-compliant curb ramps, standard curb, a 5-foot-wide bicycle lane, and restriping of the vehicle travel lanes. (BDC 60.55.10) (Transportation / KM)
43. Substantially complete required street improvements along site's frontage of SW Westgate Drive. Required street improvements include, but are not limited to: 10-foot-wide curb tight sidewalk with tree wells, street lighting, ADA-compliant curb ramps, standard curb, a 5-foot wide bicycle lane, and restriping of the westbound turn pocket to extend the queue length. (BDC 60.55.10) (Transportation / KM)
44. Substantially complete the required intersection and signal improvements along the site's frontage of SW Hall Boulevard and SW Westgate Drive. (BDC 60.55.10) (Transportation / KM)

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

45. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per

adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. 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. / HJ)

46. Provide an additional maintenance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within the storm water management facility and vegetated corridor, as determined by the City Engineer. If the plants are not well established (as determined by the City) 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 prior to release of the security. (Site Development Div. / HJ)
47. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will run concurrently with the performance security of the plant establishment and it is released 2 years after project acceptance, or will be extended for a period determined by the City Engineer following the correction of any identified defects. (Site Development Div. / HJ)

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

AYES: Ellis, Glenewinkel, Lawler, Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Akkal, McCann, Nye.

Dated this 10 day of October, 2023.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2967 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 October 20, 2023.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

LINA SMITH
Associate Planner

Jerry Lawler

TERRY LAWLER
Vice Chair

STEVE REGNER
Senior Planner