



## Staff Report

HEARING DATE: August 17, 2016

STAFF REPORT DATE: August 10, 2016

TO: Planning Commission

FROM: Steve Regner, Associate Planner *SR*

PROPOSAL: **Allen 18 Unit Apartment Complex  
CU2016-0004 / DR2016-0055 / SDM2016-0006**

LOCATION: The site is on the north side of SW Allen Boulevard between SW Murray Boulevard and SW 141st Avenue Tax Lots 602, on Washington County Tax Assessor's Map 1S116CC.

SUMMARY: The applicant, NCD Development, requests approval for Design Review Three, Conditional Use for a residential use in the Neighborhood Service Zone, and Sidewalk Design Modification application for the construction of an eighteen unit, three story apartment building on the northern portion of the site. The proposal is composed of one building, with associated landscaping, surface parking and vehicle circulation areas. The existing two commercial buildings to the south are to remain.

APPLICANT: NCB Development  
James Kyung  
3601 SW River Parkway, #221  
Portland, OR 97239

APPLICANT'S REPRESENTATIVE: Vallaster Corl Architects  
Mike Corl  
711 SW Alder Street  
Portland, OR 97205

PROPERTY OWNERS: Young M. Kim and Mi-Sook Kim  
5757 Windfield Loop  
Lake Oswego, OR 97035

RECOMMENDATION: **APPROVAL of CU2016-0004 / DR2016-0055 / SDM2016-0006 (Allen 18 Unit Apartment Complex)**

## BACKGROUND FACTS

The applicant proposes constructing an 18 unit apartment complex and associated parking, landscaping, and circulation, on a vacant portion of a partially developed site. All developed is proposed on the flag lot, lot 602. Lot 602 is a split zoned lot, with the northern, undeveloped portion zoned Neighborhood Service (NS), and the southern, developed portion zoned Community Service (CS). Per Section 10.35.2.C, in situations where zoning boundaries are more than 20 feet away from lot lines, the boundary change shall be treated as a change of zone. This provision applies in this situation, therefore, staff is evaluating the proposed apartment building against the NS zone standards. Only minor pedestrian and landscaping improvements will be constructed in the CS zone portion of the site.

A wireless communication facility was constructed in 2003 on the western edge of the site. To provide visual screening for the neighbors to the north, significant landscaping was required with construction. This landscape plan can be found in Exhibit 1.3.

**\*This Background provides an accessible explanation of the application(s) under consideration. It is not a substantive part of the staff report. It does not contain proposed findings in response to the criteria and it does not evaluate evidence**

### Key Application Dates

Application	Submittal Date	Application Deemed Complete	Final Written Decision Date	240-Day*
CU2016-0004	April 21, 2016	June 29, 2016	October 27, 2016	February 24, 2017
DR2016-005	April 21, 2016	June 29, 2016	October 27, 2016	February 24 2017
SDM2016-0006	June 29, 2016	June 29, 2016	October 27, 2016	February 24, 2017

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	Neighborhood Service (NS) / Community Service (CS) [Split Zone]	
<b>Current Development</b>	Northern Portion: Undeveloped / Southern Portion: Two commercial buildings and one wireless communication facility.	
<b>Site Size &amp; Location</b>	The site is on the north side of SW Allen Boulevard, between SW Murray Boulevard and SW 141 <sup>st</sup> Avenue The site is approximately 1.00 acre.	
<b>NAC</b>	Central Beaverton	
<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> R7 Residential <u>South:</u> Community Service <u>East:</u> Community Service / R2 Residential <u>West:</u> Neighborhood Service	<b>Uses:</b> <u>North:</u> Single Family Home <u>South:</u> Single Family Residential <u>East:</u> Multi Family Residential <u>West:</u> Offices

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<b><u>Attachment C:</u> DR2016-0055 <i>Design Review Three</i></b>	DR1-DRXX
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<b><u>Attachment E:</u> <i>Conditions of Approval</i></b>	COA1-COA6

### Exhibits

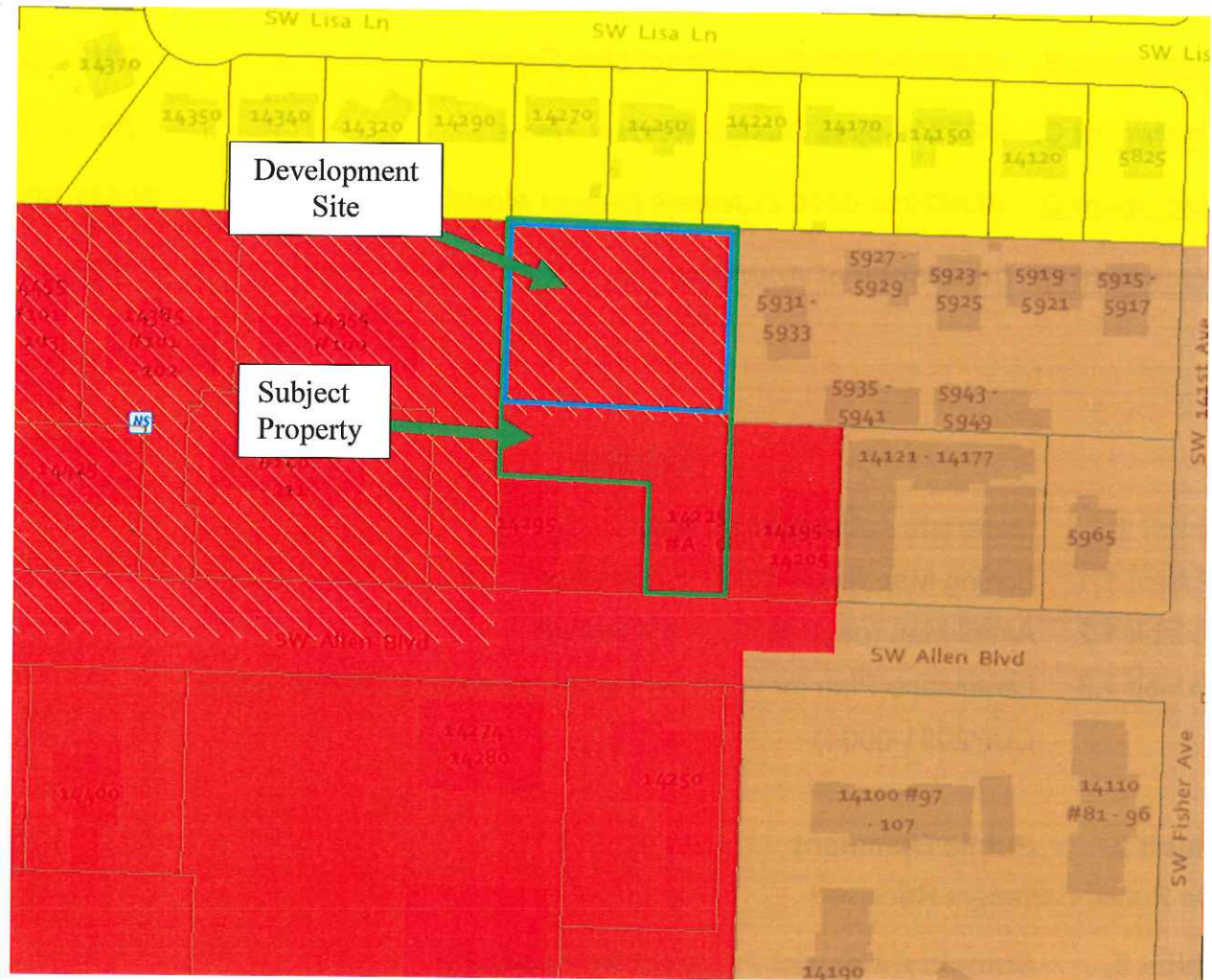
#### **Exhibit 1. Materials submitted by Staff**

- Exhibit 1.1 Zoning Map (page SR-4 of this report)
- Exhibit 1.2 Aerial Map (page SR-5 of this report)
- Exhibit 1.3 Landscape Plan for Wireless Facility (casefile BDR2001-0028, CUP2001-0004)

#### **Exhibit 2. Public Comment**

No Public Comment Received

#### **Exhibit 3. Submittal Material Provided by Applicant**



**Allen 18 Unit Apartment Complex  
CU2016-0004 / DR2016-0055 / SDM2016-0006  
Vicinity & Zoning Map**



**Allen 18 Unit Apartment Complex  
CU2016-0004 / DR2016-0055 / SDM2016-0006  
Aerial Map**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
ALLEN 18 UNIT APARTMENT COMPLEX  
CU2016-0004 / DR2016-0055 / SDM2016-0006**

**Section 40.03 Facilities Review Committee:**

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

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

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:**

- **All twelve (12) criteria are applicable to the submitted Conditional Use and Design Review Three applications as submitted.**
  - **Facilities Review criteria do not apply to the Sidewalk Design Modification application.**
- A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.**

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water and public sanitary sewer facilities. The applicant has provided a Service Provider Letter (SPL) from Clean Water Services which shows compliance with stormwater requirements.

**Water, Sanitary Sewer, and Stormwater**

Water Service will be provided to the site by the City of Beaverton. The development proposes to connect to the existing 10-inch water line in SW Allen Boulevard. Adequate water service capacity exists to serve the site.

Sanitary sewer service is provided by the City of Beaverton. The development proposes to connect to the existing eight-inch sanitary sewer line at the north edge of the subject site. Adequate capacity exists to serve the proposed development.

Proposed stormwater drainage has been identified and described in the applicant's narrative and plans. Catch basins with cartridge filters will be employed to treat

stormwater. The applicant proposes to install a 120 foot long, 48 inch wide pipe to function as underground detention. Connections are proposed to an existing storm manhole at the northern edge of the subject property. The applicant has provided a Clean Water Services Service Provider Letter (SPL) to show compliance with CWS standards. As such the applicant has shown that adequate stormwater facilities exist to serve the site.

### Transportation

Transportation Facilities are, by definition, Critical Facilities, and are required to have adequate capacity at or prior to completion of the proposed development. Based on the proposed 18 residential units, a Traffic Impact Study was conducted by Lancaster Engineering. The Traffic Analysis, demonstrates an Average Daily Trip rate of 120 trips. Based on this report, the applicant does not meet the threshold needed to conduct a TIA, per BDC60.55.20.2.

Nonetheless, the applicant elected to have Charbonneau Engineering, LLC conduct a partial TIA to study the project's potential traffic impact on the SW Allen Boulevard and SW Murray Boulevard intersection.

The TIA analysis of the existing conditions show that all of the affected intersections within the analysis area currently meet the City's minimum standards. In addition, all intersections are expected to meet minimum standards in 2018 when the development could potentially be completed and occupied without the proposed development's traffic impacts. Therefore the proposal satisfies the existing conditions analysis requirements.

Once the development's estimated 120 net new daily trips are added to the expected 2018 conditions, the aforementioned intersection is forecast to operate within applicable standards. Therefore, the proposal satisfies the buildout year analysis requirements.

Dedication is proposed along SW Allen Boulevard to accommodate future arterial buildout. The entirety of lots 602 and 605 will receive 14 feet of dedication. The applicant is requesting approval of a Sidewalk Design Modification to allow the existing six and a half-foot-wide sidewalk to remain in place. Relocation of the sidewalk would result in a significant deflection for a short length of sidewalk. Staff anticipates SW Allen Boulevard street improvements to occur through a future city initiated project, though no plan or timetable for the improvements exist at this time. Therefore, the proposal satisfies the requirement to improve the adjacent street frontages.

### Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Comments and conditions of approval have been received from TVF&R. Conditions of approval submitted by TVF&R are included herein. Staff also cites the findings for Criterion H hereto regarding fire prevention.

To ensure appropriate design and construction of the critical facilities, including but not limited to utility connections, access to manholes and structures, maintenance requirements, and associated construction and utility phasing plans, the Committee recommends standard conditions of approval.

The Committee finds that the applicant has provided sufficient evidence that critical facilities exist or can be made to exist to serve the site. Therefore, the committee finds that the proposal meets the criterion.

**Therefore, the Committee finds that the proposal meets the criterion.**

***B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to 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 years of occupancy.***

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

#### Schools

Subject site will be served by Fir Grove Elementary School, Highland Park Middle School, and Beaverton High School. Plans were submitted to Beaverton School District for review. No comments were provided.

#### Police

The City of Beaverton Police currently serve the site and will continue to serve the proposed development.

#### Pedestrian/Bicycle/Transit Facilities

Pedestrian, Bicycle, and Transit Facilities are, by definition Essential Facilities and are typically required to be in place prior to occupancy. Sidewalks are included in the Essential Facilities. The existing 5 foot wide sidewalk along SW Allen Boulevard street frontage is proposed to remain "as is" through a Sidewalk Design Modification. The subject site is limited to 65 feet of street frontage, therefore, relocating the sidewalk to the ultimate location for that limited length would result in a significant deflection and would likely not function correctly. The site is currently served by transit via the 88 bus line along Allen Boulevard.

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



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

Staff cites the Code Conformance Analysis chart on page FR-9, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Neighborhood Service (NS) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards.

**Therefore, the Committee finds that the proposal meets the criterion.**

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

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria.

#### SECTION 60.05.20 CIRCULATION AND PARKING DESIGN STANDARDS

The applicant's plans show the proposed apartment building will be accessed by vehicles from an existing driveway on the adjacent lot, lot 605. Pedestrian access is provided by connecting to an existing pathway that runs adjacent to the existing building on lot 602. The exiting pathway may need to be reconstructed to provide ADA compliant access to the new development.

All of the proposed sidewalks and walkways are proposed to have at least 5 feet of unobstructed width.

#### SECTION 60.30 OFF-STREET PARKING

The application proposes 18 multifamily dwelling units, composed on 6 one-bedroom units, and 12 two-bedroom units. One-bedroom units require 1.25 parking spaces, and two-bedroom units require 1.5 parking spaces. The development proposes 18 parking spaces, which is the required minimum. Therefore, the proposal meets the standards for minimum vehicle parking spaces.

For bicycle parking spaces, Attached Dwelling buildings that contain four or more units require a minimum of 2 short-term spaces, or 1 space per 20 units, whichever is larger, and 1 long-term space per unit. The applicant's narrative does not provide any information regarding bicycle parking. However, staff finds that long term bicycle parking can be satisfied with a storage in each apartment unit. As a Condition of Approval, the applicant shall submit details of the proposed short term bike parking spaces, showing that the racks are at least 30 inches wide by 36 inches high, centered within 6 foot by 4 foot parking areas. By meeting the condition of approval, the proposal meets the standards for minimum bicycle spaces.

As a condition of approval, staff recommend the applicant provide plans that show that the vehicle, bicycle, and pedestrian circulation areas, as well as parking areas, be lighted to at least the 0.5 foot-candle standard required by the City's Technical Lighting Standards and Engineering Design Manual.

All of the proposed vehicle parking spaces are at least 18 ½ feet by 9' feet and there is one ADA-compliant space shown. The parking area appears to comply with the applicable design standards for layout and dimensions.

#### Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements

The proposal provides for safe and efficient circulation and access for all modes of travel. The connection for vehicles, bicycles, and pedestrians extend to the southern boundary of the site. Walkways and vehicle maneuvering and parking areas will be lighted to at least the minimum standard of 0.5 foot-candles as a Condition of Approval. Analysis of the pedestrian walkways for compliance with ADA provisions is typically a part of the Building Permit review, but preliminary analysis of the sidewalks and intersections shows that the existing pathway utilized for pedestrian connection contains a step and several small deflections that will likely need to be fixed to satisfy ADA requirements. Therefore staff is recommending a condition of approval requiring the replacement of the pedestrian path along the existing building, constructed to satisfy ADA requirements.

#### Sections 60.55.30 and .35 Minimum Street Width and Access Standards:

SW Allen Boulevard is classified as an Arterial on the City's Comprehensive Plan. All of the surrounding streets are under the jurisdiction of the City. With the approval of the Sidewalk Design Modification application, the street improvements proposed meet the applicable standards for street design and sight distance requirements. With the additional ROW dedication along SW Allen Boulevard., all streets will meet the City's standards for street width.

#### 60.65 Utility Undergrounding

To meet the requirements of Section 60.65, staff recommends a standard condition of approval requiring that utility lines are placed underground.

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

- 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 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 maintenance by the City or other public agency.***

The applicant's narrative states adequate means will be provided by the owners to maintain all private common facilities. The applicant also states that the owners will

maintain ownership of both tax lot 602 and 605. Staff is concerned however, that a possible sale of lot 605 would result in no legal access to the proposed development on lot 602. Therefore, staff recommends a condition of approval requiring an access easement be conveyed across the driveway of lot 605 to ensure permanent vehicular access to the new development in the case of a sale. With the conveyance of the access easement across lot 605, the proposal, as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

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

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

As noted above, the vehicular and pedestrian circulation patterns within the boundaries of the site are safe and efficient for the operation of the proposed development. Staff cite the findings in criteria B and D above as relevant to criterion F.

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

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

As noted above, the vehicular and pedestrian circulation systems connect to the surrounding systems in a safe, efficient, and direct manner. Staff cite the findings in criteria B and D above as relevant to criterion G.

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

***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.***

Preliminary comments and conditions of approval have been received from Tualatin Valley Fire and Rescue District (TVF&R). Specific details regarding fire flow and hydrant placement will be reviewed for flow calculations and hydrant locations during site development and building permit stages.

The Committee concludes that, subject to meeting the conditions of approval the site can be designed in accordance with City codes and standards and provide adequate fire protection.

**Therefore, the Committee finds that by meeting the conditions of approval, the**

proposal meets the criterion.

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

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The proposed sidewalks and walkways will be adequately lighted to meet the minimum applicable Design Standards, as a Condition of Approval. The walkways and drive aisles have been designed to meet the applicable Engineering Design Standards.

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

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

The applicant's response to J states that there is minimal grading on site and all stormwater collected in the parking lot will be directed towards catch basins, which will connect to an existing stormwater pipe on the north end of the site. Grading plans consistent with City standards have been provided. Grading is primarily proposed for the building pads and associated site improvements.

The applicant must show compliance with Site Development erosion control measures at the time of Site Development permit issuance.

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

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

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated. Therefore, the Committee finds that by meeting

the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

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

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

The applicant submitted the applications on April 21, 2016 and the application was deemed complete on June 29, 2016. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

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

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

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.05.20 (R2)</b>			
Use – Conditionally Permitted	Attached Dwellings	Attached Dwellings	Yes w/ CU Approval
<b>Development Code Section 20.05.15 (NS)</b>			
Minimum Lot Area	1,000 square feet / dwelling unit	43,564 square feet	Yes
Minimum Lot Dimensions Width Depth	70' 100'	180' 300'	Yes
Minimum Yard Setbacks Front Side Rear	20' 10' 20'	140' 20.5' 26'	Yes
Maximum Building Height	35'	35'	Yes

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Design Review standards and guidelines will be reviewed in the Design Review portion of the staff report.	See DR Findings
<b>Development Code Section 60.07</b>			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	N/A
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	No mapped floodplains are located within the subject site.	N/A
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	N/A
<b>Development Code Section 60.15 – Land Division Standards</b>			
Land Division Standards	Standards pertaining to Land Divisions	No land division is proposed	N/A
<b>Development Code Section 60.25 – Off Street Loading</b>			
Loading Facilities	No loading facilities are required for this use.	No loading facilities are proposed	N/A
<b>Development Code Section 60.30 – Off-Street Parking</b>			
Off-street motor vehicle parking Parking Zone A	<u>Attached Dwellings</u> 1.5 per two bedroom unit = 9 spaces 1.25 per one bedroom unit = 17 spaces	9 spaces 19 spaces	See DR Findings
Required Bicycle Parking	Short Term: 2 spaces Long Term: 1 space per unit	Short Term: 0 shown on plans Long Term: 18 spaces (within the individual residential units)	YES w/ COA
<b>Development Code Section 60.55 – Transportation</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes- with COA
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Removing two community trees, planting approximately 22 new trees.	Yes

**Development Code Section 60.65**

Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	The applicant states that they are aware of the undergrounding requirements. To ensure the proposal meets requirements of this section, staff recommends a condition requiring undergrounding completion prior to occupancy.	<b>Yes- with COA</b>
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**CU2016-0004  
ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL**

**Section 40.03.1 Facilities Review Approval Criteria:**

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

**Facilities Review Approval Criteria Section 40.03.1.A-L**

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Therefore, the Committee finds that the proposal meets the criteria.**

**Section 40.15.15.3.C New Conditional Use Approval Criteria:**

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

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

The applicant proposes a new 18 unit apartment building in the Neighborhood Service zone (NS). Attached Residential uses are a Conditional Use in the NS zoning district, and only 50% of the contiguous area within any NS zone may be developed residentially. The proposal would result in only 15% of the total contiguous area developed as a residential use.

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

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

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

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

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

The applicant's response to Criterion No. 3 states that the proposal will comply with the applicable policies of the Comprehensive Plan. The applicant has responded to the applicable sections of the Comprehensive Plan.

Staff cites the following Comprehensive Plan policies and associated findings as applicable to this criterion:

## **Chapter 3 (Land Use Element)**

**3.9.1 Goal: Main Street Areas with a vibrant mix of neighborhood commercial and residential uses in a pedestrian friendly environment that includes wide sidewalks with pedestrian amenities.**

- a. Regulate new development along designated Main Streets to promote transit-supportive development that is relatively dense, mixed in use, and designed for the safety, interest, and convenience of pedestrians.*

The proposal for and 18 unit apartment building will provide housing that is relatively dense in nature, approximately 29 units/acre, when considering only the area to be developed. The proposed apartment complex adds to the variety of uses in the neighborhood, adding a residential building to the two retail buildings to the south, and office uses to the west. The proposal includes safe pedestrian access to the street by constructing a new pedestrian path which will connect to the existing pedestrian path that serves the eastern commercial building, and will connect to the existing six foot wide sidewalks along SW Allen Boulevard.

## **Chapter 4 (Housing Element)**

**4.2.1.1 Goal: Maximize use of buildable residential land in the City.**

The applicant states that the proposal is located on a centrally located, partially developed site, and this infill development helps to maximize the use of buildable land in the City. Staff concurs that this project contributes to maximizing residential buildable land in the City.

**4.2.2.1 Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry**

The applicant states that developing the 18 unit apartment complex is the highest and best use for the property. Staff concurs that the proposal is the densest residential product possible, and will add to the variety of quality housing types to serve Beaverton's Citizenry.

**4.2.3.2 Goal: Promote the production of new affordable housing units in the City.**

The applicant states that the goal of this project is to develop a mid-market rate apartment project that is within a mixed use neighborhood of varying types of commercial and residential products. While staff notes that there is no apparent intent from the applicant to market these units to "at risk" populations, including those at or below 60% of the Median Family Income (MFI), consistent with Policy B of this goal, the addition of 18 new apartment units into the rental market will provide some level of relief to the strained rental market.

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

The applicant states that the site can accommodate all required elements and setbacks for a multifamily project. Staff adds that slope on the site is moderate, but the proposal is accommodated by the minimum necessary site grading, as well as a non-traditional roof form to meet density goals without exceeding the NS Zone building height maximum of 35 feet. Staff concurs that the design of the site is reasonable to accommodate the proposed use. As shown in the code conformance analysis in the Facilities Review Report and in the Design Review section of this report, the site can accommodate the proposed development.

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

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

The applicant states that the existing neighborhood contains several apartment complexes, as well as commercial, office, and single family uses. The proposal is compatible with the surrounding area of the subject site and would not negatively impact the livability or appropriate use and development of the site. Staff concurs that the surrounding residential, retail and office uses would not be negatively impacted by the proposed multifamily use.

The building height and massing is no more impactful than any other building containing an outright permitted use. As demonstrated by the applicant's traffic study, impacts to the transportation system are manageable, and in fact, are likely less impactful than a commercial use of similar intensity. The TIA and supplemental memo dated May 26, 2016 show that the site can accommodate the proposed use without additional adverse impacts.

Staff finds that the size, location and functional characteristics of the proposal are reasonably compatible with and have minimal impact on surrounding uses.

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

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

The applicant submitted the application for a Conditional Use on April 21, 2016 and was deemed complete on June 29, 2016. Design Review Three and Sidewalk Design Modification applications are being processed concurrently with the subject request for a New Conditional Use. The Conditional Use application is dependent upon approval of the Design Review Three application. Staff recommends a condition of approval which states that approval of the Conditional Use application is subject to approval of the Design Review application.

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

**Recommendation**

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2016-0004 (Allen 18 Unit Apartment Complex)**, subject to the conditions of approval in Attachment E.

**DR2016-0055  
ANALYSIS AND FINDINGS FOR  
DESIGN REVIEW THREE APPROVAL**

**Section 40.03.1 Facilities Review Approval Criteria:**

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

**Facilities Review Approval Criteria Section 40.03.1.A-L**

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Therefore, the Committee finds that the proposal meets the criteria.**

**Section 40.20.05 Design Review Applications; Purpose**

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. To achieve this purpose, the Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment.

The Design Standards are intended to provide a "safe harbor" approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process. However, the applicant may elect to bypass design review under the Design Standards and go straight to Design Review under the Design Guidelines, where review is subject to a public hearing at the applicant's option.

The purpose of Design Review, as summarized in this section, is carried out by the approval criteria listed herein.

**Section 40.20.15.3.C Approval Criteria:** In order to approve a Design Review Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

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

The applicant proposes to construct a new 18 unit apartment building. The proposal meets all design standards except Section 60.05.15.2.A, Roof Forms. Any Design Review application that does not meet an applicable design standard is reviewed as a Type 3 Design Review. The following threshold is met:

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

**Therefore, staff find that the criterion is met.**

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

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

**Therefore, staff find that the criterion is met.**

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

As noted above, the application meets threshold 3. The proposal does not meet threshold 1 through 6.

**Therefore, staff finds the criterion is not applicable.**

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

The proposal adds a new building to a partially developed site. The proposal requests to be reviewed against Design Standards, except for Section 60.05.15.2.A, Roof Forms. Roof forms will be reviewed against the corresponding Design Guideline, 60.05.35.2.A. The Design Standards, as well as Guideline 60.05.35.2.A are addressed in the tables, found below. As noted in the tables, the proposal with limited conditions does satisfy all of the applicable Design Review Standards & Guidelines.

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

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

The proposal does not include a Design Review Buildout Concept Plan.

Therefore, staff finds the criterion is not applicable.

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

As noted above the proposal meets Threshold 8. The proposal requests to be reviewed against Design Standards, except for Section 60.05.15.2.A, Roof Forms. Roof forms will be reviewed against the corresponding Design Guideline, 60.05.35.2.A. The Design Standards, as well as Guideline 60.05.35.2.A are addressed in the tables, found below. As noted in the tables, the proposal with limited conditions does satisfy all of the applicable Design Review Standards & Guidelines.

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

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

As noted above the proposal meets Threshold 8. The proposal requests to be reviewed against Design Standards, except for Section 60.05.15.2.A, Roof Forms. Roof forms will be reviewed against the corresponding Design Guideline, 60.05.35.2.A.

Therefore, staff finds the criterion is not applicable.

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

The applicant submitted the application for Design Review Three on April 21, 2016, and was deemed complete June 29<sup>th</sup>, 2016. An application for a New Conditional Use and Sidewalk Design Modification are being processed concurrently with request for Design Review Three.

**Therefore, staff find the criterion is met.**

**Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.**



**Design Standards Analysis**  
**Section 60.05.15 Building Design and Orientation**

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Building Articulation and Variety</b>		
<b>60.05.15.1.A</b> Max length of attached residential buildings	The building is 132 feet long, 68 feet shorter than the 200 feet maximum	YES
<b>60.05.15.1.B</b> Min 30% articulation	New building is located greater than 200 feet from a public street, therefore standard does not apply. However the applicant notes that between the glazing, stair and entry areas, and variety of siding would meet the minimum 30% articulation standard if it were applicable.	N/A
<b>60.05.15.1.C</b> Max 40' between architectural features	Architectural features, including windows and building entrances are spaced less than 40 feet apart.	YES
<b>60.05.15.1.D</b> Max 150 sq. ft. undifferentiated blank walls facing streets	Buildings will not have more than 150 square feet of undifferentiated blank walls facing a street.	YES
<b>Roof Forms</b>		
<b>60.05.15.2.A</b> Min roof pitch = 4:12	Roofline has a mix of 1.5/12 and 3/12. Applicant has requested to be evaluated against corresponding Design Guideline 60.05.35.2	See DR Guideline Findings Following This Table
<b>60.05.15.2.B</b> Min roof eave = 12"	All proposed roofs have eaves of approximately 24 inches.	YES
<b>60.05.15.2.C</b> Flat roofs need parapets	No flat roofs are visible from the property line.	N/A
<b>60.05.15.2.D</b> New structures in existing development be similar	This is proposed new development.	N/A
<b>60.05.15.2.E</b> 4:12 roof standard is N/A to smaller feature roofs	No feature roofs are proposed.	N/A
<b>Primary Building Entrances</b>		
<b>60.05.15.3</b> Weather protection for primary entrance	The applicant has designed the building so that all entrances are accessed from shared 24 foot by 12 foot covered areas.	YES
<b>Exterior Building Materials</b>		
<b>60.05.15.4.A</b> Residential double wall construction	Double wall construction is proposed throughout the building.	YES
<b>60.05.15.4.B</b> Maximum 30% of primary elevation to be made of unfinished concrete block	No unfinished concrete block is proposed on any elevation	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.15.4.C Foundations	Exposed foundation is no higher than three feet at any point.	YES
<b>Roof-Mounted Equipment</b>		
60.05.15.5.A through C Equipment screening	No rooftop units are proposed	N/A
<b>Building Location and Orientation along Streets in MU and Com. Districts</b>		
60.05.15.6.A through F 50% Street Frontage on Class 1 MPR	The subject site is in a commercial zone, is under 60,000 square feet, and is not on a Major Pedestrian Route (MPR).	N/A
<b>Building Scale along Major Pedestrian Routes</b>		
60.05.15.7.A through C 22' Height Minimum 60' Height Maximum	The subject site does not abut a Major Pedestrian Route (MPR).	N/A
<b>Ground Floor Elevation on Commercial and Multiple Use Buildings</b>		
60.05.15.8.A-B Glazing Requirements	The proposal is residential in nature only.	N/A
<b>Compact Detached Housing Design</b>		
60.05.15.9.A-K	Compact Detached Housing is not proposed.	N/A

**Section 60.05.20 Circulation and Parking Design**

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	The development uses minimum five foot pedestrian paths linking the new building SW Allen Boulevard. The parking area utilizes an existing driveway which connects to SW Allen Boulevard in a safe and efficient manner. Staff recommends a condition of approval to record an access easement across lot 605 for the benefit of lot 602.	<b>YES w/ COA</b>
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Screen from public view	The proposed waste storage area is interior to the site in and is not visible from the public street. Additionally, the waste storage area is enclosed by a six foot tall wooden fence.	<b>YES</b>
<b>60.05.20.2.B</b> Loading areas shall be screened	No loading areas are proposed or required.	<b>N/A</b>
<b>60.05.20.2.C</b> Screening with walls, hedge, wood	The waste storage area is enclosed by a six foot tall wooden fence.	<b>YES</b>
<b>60.05.20.2.D</b> Chain-link screening prohibited	No chain link is proposed for screening.	<b>YES</b>
<b>60.05.20.2.E</b> Screening of loading waived in some zones.	No loading areas are proposed or required.	<b>N/A</b>
<b>Pedestrian Circulation</b>		
<b>60.05.20.3.A</b> Link to adjacent facilities	Pedestrian circulation is provided to the existing sidewalk system along all street frontages through pedestrian paths throughout the development.	<b>YES</b>
<b>60.05.20.3.B</b> Direct walkway connection	Primary entrances for the building have a reasonably direct walkway connection to SW Allen and transit stops	<b>YES</b>
<b>60.05.20.3.C</b> Walkways every 300'	The development has one pedestrian connections to SW Allen Boulevard frontage, which is only 182 feet wide, which meets the 300 foot maximum spacing standard.	<b>YES</b>
<b>60.05.20.3.D</b> Physical separation	All pedestrian connections are separated from vehicle parking and traffic by curbs.	<b>YES</b>
<b>60.05.20.3.E</b> Distinct paving	Pedestrian pathways are composed raised concrete, except for one parking lot crossing. The crossing will be concrete, making it distinct from the asphalt surface for vehicle parking and maneuvering.	<b>YES w/ COA</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.20.3.F 5' minimum width	All pedestrian walkways are a minimum 5 feet wide.	YES
<b>Street Frontages and Parking Areas</b>		
60.05.20.4.A Perimeter Landscaping	New proposed parking does not abut public streets	N/A
<b>Parking and Landscaping</b>		
60.05.20.5.A. 1 Landscape island per 8 spaces	Landscape planter islands are proposed for areas of surface parking at a ratio of greater than 1 island per 8 spaces.	YES
60.05.20.5.B 70 sq. ft.	All landscape islands are a minimum of 70 square feet and contain a tree and other vegetation.	YES
60.05.20.5.C Raised Sidewalks	Raised sidewalks are not proposed to be counted towards the number of landscape islands. Design proposal includes sufficient number of islands.	N/A
60.05.20.5.D Trees from Street Tree List	The applicant has chosen the Northern Red Oak, which is on the Beaverton Street Tree List.	YES w/ COA
<b>Off-Street Parking Frontages in Multiple-Use Districts</b>		
60.05.20.6.A 50% Max on MPR	Subject Site is in Commercial Zone	N/A
60.05.20.6.B Off-street parking frontages	Subject Site is in Commercial Zone	N/A
<b>Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts</b>		
60.05.20.7.A Required sidewalk widths	A sidewalk currently exists along SW Allen Boulevard. The applicant has applied for a Sidewalk Design Modification to deviate from the ten foot wide requirement.	YES w/ COA
60.05.20.7.B Internal pathway widths	New internal pathways will be ten feet wide along building elevations	YES
60.05.20.7.A Common Greens	Proposal does not include common greens	N/A
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
60.05.20.8.A Drive aisles to be designed as public streets, if applicable	Drive aisles provide access to perpendicular parking spaces.	N/A
<b>Ground Floor uses in parking structures</b>		
60.05.20.9 Parking Structures	No parking structures are proposed.	N/A

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

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.3.A</b> Minimum Landscape Area (15%)	Approximately 31% of the site is landscaped.	YES
<b>60.05.25.3.B</b> Active Open Space	Active open space is provided by pathways, benches, plazas, and exceeds the 25% minimum.	YES
<b>60.05.25.3.C</b> Environmentally Sensitive Areas	Environmentally Sensitive Areas do not exist on site.	YES
<b>60.05.25.3.D</b> Vehicle Circulation	Vehicular circulation area is not being considered in the landscape calculations.	YES
<b>60.05.25.3.E</b> Individual Exterior Spaces	Individual patios are not considered as part of the landscape calculations.	N/A
<b>60.05.25.3.F</b> Abutting Collector	Common open space does not abut a Collector or greater classified street.	YES
<b>60.05.25.3.G</b> Open Space Size	Pathway and plaza used to satisfy open space is larger than 640 square feet.	YES
<b>60.05.25.3.H</b> Phased Development	Proposal does not include phased development.	N/A
<b>60.05.25.3.I</b> Active Open Space Improvements	Proposal includes benches with pathways and a plaza.	YES
<b>60.05.25.4.A</b> Front Yard Landscaping	All required areas are landscaped.	YES
<b>60.05.25.4.B</b> Bare Gravel Maximum (25%)	All landscape areas include live plants or plazas, except one and a half foot wide stone along base of building for maintenance purposes.	YES
<b>60.05.25.4.C</b> Vehicle Circulation	Vehicular circulation is not counted in landscape calculation.	YES
<b>60.05.25.4.D</b> Landscaping along foundations	Landscaping is provided in front of all street facing elevations along the foundation.	YES
<b>60.05.25.4.E</b> Minimum Planting Requirements	Landscaped areas exceed planting requirements.	YES
<b>60.05.25.4.F</b> Pedestrian Plaza	Plaza does not exceed 25% of minimum landscaping, there it can be used to meet requirement.	YES
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	Retaining walls shall be architecturally treated.	YES w/ COA

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Fences and Walls</b>		
<b>60.05.25.9.A through E</b> Materials	Vinyl chain link with slats is proposed along northern property edge to replace existing fence. All other existing fences to remain.	<b>YES</b>
<b>Minimize Significant Changes To Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10</b> Minimize grade changes	Site grading is minimal, and will not impact abutting properties or root zones of preserved significant trees	<b>YES</b>
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Location of facilities	Water facilities are vaulted.	<b>N/A</b>
<b>Natural Areas</b>		
<b>60.05.25.12</b> No encroachment into buffer areas.	No natural areas exist on site	<b>YES</b>
<b>Landscape Buffering Requirements</b>		
<b>60.05.25.13</b> Landscape buffering between contrasting zoning districts	Landscape buffering is required along the perimeter of the north and east sides of the property. A 20 foot B3 buffer is required along the north side of the property, and a five foot B1 buffer is required along the east side of the new development. The applicant's proposed new landscaping, in concert with existing mature trees on site, will satisfy the east buffer. However, the applicant has located a concrete pathway and plaza within a portion of the north B3 buffer. While bare gravel, rock and bark may be located in the buffer, a paved plaza does not meet the standard. Staff recommends that the landscape buffering requirement should be evaluated against corresponding Design Guideline 60.05.45.11	<b>See DR Guideline Findings Following This Table</b>

### Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
<b>60.05.30.1.A</b> Lighting complies with the City's Technical Lighting Standards	The applicant provides a lighting plan with photometric details. On-site lighting meets the minimum lighting requirements in most areas but there are portions of the vehicle maneuvering area and pedestrian paths that do not meet minimum lighting standards. As a condition of approval the internal vehicular parking area and pedestrian paths to at least a minimum of 0.5 footcandles.	<b>YES w/ COA</b>
<b>60.05.30.1.B</b> Lighting provided for vehicle and pedestrian circulation	The applicant states that lighting for vehicle circulation are under 15 feet tall, bollards are under 48 inches, providing sufficient illumination for vehicle and pedestrian areas. Staff recommends a condition requiring details showing light fixtures and mounts at site development.	<b>YES w/ COA</b>
<b>60.05.30.1.C</b> Lighting of Ped Plazas	The applicant's lighting plan shows the portions of the plaza outside of the 20 foot B3 buffer lit.	<b>YES</b>
<b>60.05.30.1.D</b> Lighting of building entrances	The applicant's lighting plan shows lighting at building entrances.	<b>YES</b>
<b>60.05.30.1.E</b> Canopy lighting recessed	Canopy lighting is proposed to be recessed.	<b>YES</b>
<b>Pedestrian-scale on-site lighting</b>		
<b>60.05.30.2.A</b> Pedestrian Lighting	Pole mounted fixtures for pedestrian paths will be under 15 feet tall, pole mounted fixtures in vehicle circulation areas will be under 30 feet tall. Staff recommends a condition requiring details showing light fixtures and mounts at site development.	<b>YES w/ COA</b>
<b>60.05.30.2.B</b> Non-Pole Mounted Lighting	All wall mounted lights appear to comply with City's Technical Lighting Standards	<b>YES</b>
<b>60.05.30.2.C</b> Lighted Bollards	Proposed light bollards are under 48 inches. Staff recommends a condition requiring details showing light fixtures and mounts at site development	<b>YES w/ COA</b>

## Design Guidelines Analysis

### **60.05.35 Building Design and Orientation Guidelines.**

#### **2. Roof Forms**

- B. *Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be emphasized. (Standards 60.05.15.2.A and B)*

The applicant states that the architectural roof forms provide visual interest and utilize lower slopes to help reduce the impression of the building height. The roofs incorporate a 1.5/12 slope and a reverse 3/12 slope to break up the roofline. Staff concurs that the roof forms provide visual interest, and reduces the impression of the building size and massing.

**Therefore, staff finds the Guideline is met.**

### **60.05.45 Landscape, Open Space and Natural Areas Design Guidelines**

#### **11. Landscape buffering and screening.**

- A. *A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer should not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.13)*

The applicant proposes constructing multifamily residential in the Neighborhood Service zone. Adjacent development is composed of single family residential to the north, multifamily residential to the east, and offices to the west. The applicant proposes extensive landscape screening along each of the property lines, including a row of arborvitae, and vine maple, and incorporates existing mature deciduous and evergreen trees.

**Therefore, staff finds the Guideline is met.**

- B. *When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)*

Chapter 20 identifies attached residential uses as a Conditional Use in the Neighborhood



Service Zone. Dense landscaping is provided to the north and east sides, screening the proposed multifamily building from the existing single family homes to the north and existing office to the south. Staff finds that the potential impacts between the proposed attached residential and the adjacent office and single family uses are sufficiently mitigated with screening.

**Therefore, staff finds the Guideline is met.**

*C. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.13)*

The proposed landscape buffer utilizes Arborvitae, Vine Maple, and a variety of shrubs and ground cover, as well as existing mature trees to provide landscape buffering.

**Therefore, staff finds the Guideline is met.**

*D. When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction. (Standard 60.05.25.13.E).*

The majority of the proposed buffer meets the B3 and B1 width as set forth in 60.05.25.13 with the exception of the plaza on the north of the building, which encroaches into the 20 foot B3 buffer by approximately ten feet. However, staff finds that the replacement of the fence along the northern property line with a six foot vinyl clad chain link fence with slats, a planting of Arborvitae and several Vine Maples, and utilization of existing mature trees provides sufficient landscape screening to the north.

**Therefore, staff finds the Guideline is met.**

### **Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **DR2016-0055 (Allen 18 Unit Apartment Complex)**, subject to the applicable conditions identified in Attachment E.

**SDM2016-0006  
ANALYSIS AND FINDINGS FOR  
SIDEWALK DESIGN MODIFICATION**

**Section 40.58.05. Sidewalk Design Modification Application; Purpose**

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

**Section 40.58.15.1.C. Approval Criteria**

In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

1. ***The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.***

Section 40.58.15.1.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.

The applicant requests a sidewalk design modification for the sidewalk along SW Allen Boulevard. The applicant proposes the existing six foot wide sidewalk and four foot wide planter strip remain as is. The Engineering Design Manual requires a six foot wide sidewalk and a seven and a half foot wide landscape strip in the right-of-way's ultimate location, which is offset approximately ten feet from the existing sidewalk location.

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

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

The City of Beaverton received the appropriate fee for the Sidewalk Design Modification application.

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

3. **One or more of the following criteria are satisfied:**
- a. **That there exist local topographic conditions, which would result in any of the following:**
    - i. **A sidewalk that is located above or below the top surface of a finished curb.**
    - ii. **A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.**
  - b. **That there exist local physical conditions such as:**
    - i. **An existing structure prevents the construction of a standard sidewalk.**
    - ii. **An existing utility device prevents the construction of a standard sidewalk.**
    - iii. **Rock outcroppings prevent the construction of a standard sidewalk without blasting.**
  - c. **That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.**
  - d. **That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.**

The applicant states there is only 63 feet of frontage for the flag lot on which the proposal is located. Relocating the sidewalk for this limited width would be result in an impractical sidewalk layout. Staff concurs, noting that the ultimate location of the sidewalk is approximately 11 feet north of the existing sidewalk location. Relocating this limited amount of sidewalk by this distance would result in disjointed sidewalk system that likely would not function.

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

4. **The proposal complies with provisions of Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements and 60.55.30 Minimum Street Widths.**

The applicant states that the proposal complies with provisions of Section 60.55.25 as demonstrated in the narrative provided to this Section (Chapter 60). Staff refers to the Facilities Review findings for Approval Criterion C in reference to compliance with Section 60.55. Staff notes that the applicant will be dedicating right of way for both lots 602 and 605, which will accommodate a future road improvement project, though staff acknowledges the project is not designed or funded at this time.

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

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

The applicant submitted the application for Sidewalk Design Modification on June 29, 2016, and was deemed complete June 29<sup>th</sup>, 2016. An application for a New Conditional Use and Design Review Three are being processed concurrently with request for Sidewalk Design Modification. The Sidewalk Design Modification application is dependent upon approval of the Design Review Three application. Staff recommends a condition of approval which states that approval of the Sidewalk Design Modification application is subject to approval of the Design Review application.

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

6. ***The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.***

Staff cites the finding prepared herein in response to Criteria E and F of Facilities Review approval as adequate for supportive findings in response to Criterion No. 6 of SDM approval.

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

#### **Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **SDM2016-0006 (Allen 18 Unit Apartment Complex)** subject to the applicable conditions identified in Attachment E.

## CONDITIONS OF APPROVAL

### **CU2016-0004 New Conditional Use Permit**

1. In accordance with Section 50.90.1 of the Development Code, Conditional Use approval shall expire 2 years after the date of approval unless, prior to that time, a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code. In the case of phased development, each phase must be commenced within 2 years of completion of the prior phase, in accordance with Section 50.90.3.B of the Development Code. (Planning/SR)
2. Ensure that the associated Design Review Three application (DR2016-0055) has been approved and is consistent with the submitted plans. (Planning/SR)

### **DR2016-0055 Design Review Three**

#### **A. 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./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 Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), 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 4417; 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 and quantity) facilities, and emergency vehicle access 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./JJD)
7. Submit any required off-site easements, 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 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 2006 plan

format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (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. 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)
11. Provide final construction plans and a final drainage report, as generally outlined in the preliminary drainage plan (Spring 2016, by Craig Harris, P.E.) demonstrating full compliance with City storm detention requirements (per Section 330, of City Ordinance 4417) and with CWS Resolution and Order 2007-020 in regard to water quality treatment. (Site Development Div./JJD)
12. When or as required, have obtained the City Building Official's courtesy review approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)
13. Submit a revised grading plan showing that each proposed building has a minimum finished floor elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities. This land-use approval shall provide for minor grade changes less than two vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
14. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage 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. (Site Development Div./JJD)
15. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD) (Site Development Div./JJD)
16. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording in County Records. (Site Development Div./JJD)
17. Provide plans for LED street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) for all impacted public streets 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)

18. Provide plans for LED street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) for all impacted public streets 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)
19. Submit lighting plans that show all pedestrian walkways are lighted to at least the 0.5 foot-candle level. (Transportation/KR)
20. Submit plans that show dedication of 14 feet along SW Allen Blvd. frontage of lot 602 and lot 605. (Transportation/KR)
21. Submit plans that show the reconstruction of the existing walkway along the existing commercial building to eliminate the steps within the new right-of-way area and eliminate any deflections in the walkway. (Transportation/KR)
22. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2) The building exceeds 30 feet in height. The fire lane in front of the building as well as the approach of the hammerhead must be a minimum of 26 feet wide. (TVF&R/JF)
23. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4) Plans show compliance with this requirement. (TVF&R/JF)
24. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1) The plans must show a continuous and delineated fire lane that is exclusive of parking. (TVF&R/JF)
25. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3) All fire lanes must be marked. Revise plans to show compliance with this requirement. (TVF&R/JF)

26. FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1) (TVF&R/JF)
27. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) All fire lanes must meet these requirements. (TVF&R/JF)
28. COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW: The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure (OFC Appendix B Table B105.2). The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi. Note: Appendix B, Section B106, Limiting Fire-Flow is also enforced, save and except for the following: In areas where the water system is already developed, the maximum needed fire flow shall be either 3,000 GPM or the available flow in the system at 20 psi, whichever is greater. In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1 (TVF&R/JF)
29. FIRE FLOW WATER AVAILABILITY: Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) Provide fire flow testing documentation at site development review time. (TVF&R/JF)
30. FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1) At least one fire hydrant is required within 600 feet of all portions of the buildings will be required. (TVF&R/JF)
31. FIRE DEPARTMENT CONNECTIONS: A fire hydrant shall be located within 100 feet of a fire department connection (FDC) or as approved. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle. (OFC 912 & NFPA 13) FDC's must be remote from the buildings they serve and within 100 feet of a fire hydrant. Clearly show this location on the plans by site development review. (TVF&R/JF)
32. KNOX BOX: A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1) A Knox box is required for the building. (TVF&R/JF)
33. Ensure that all associated applications have been approved and are consistent with the submitted plans. (Planning Division/SR)



**B. Prior to Building Permit Issuance, the applicant shall:**

34. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
35. 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)

**C. Prior to occupancy permit issuance, the applicant shall:**

36. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
37. 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)
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./JJD)
39. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
40. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (Planning Div./SR)
41. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning Div./SR)
42. Ensure all landscaping approved by the decision making authority is installed. (Planning Div./SR)
43. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs, installation of native or riparian plantings, and plantings in tree preservation easements, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning Div./SR)
44. All mechanical units, roof or ground mounted, must be screened from view of public streets and adjacent properties. (Planning Div./SR)

**D. Prior to release of Performance Security, the applicant shall:**

45. 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)

46. Submit any required on-site easements, 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. (Site Development Div./JJD)
47. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)

**SDM2016-0006 Sidewalk Design Modification Application:**

48. Ensure that the associated Design Review Three application (DR2016-0055) has been approved and is consistent with the submitted plans. (Planning/SR)