

## STAFF REPORT

**Report Date:** February 1, 2023

**Application/Project Name:** Floor & Décor

**Application Numbers:** DR2022-0078 / PD2022-0006

**Proposal:** The applicant, Floor & Décor Outlets of America, Inc., requests approval of a Design Review Three for a new 75,100-square-foot retail building with associated site improvements in the southwest portion of the site. The applicant also requests approval of a Shared Parking Application to share required off-street parking spaces with a hotel and commercial development that was approved on the north portion of the site in February 2022 by the Beaverton Planning Commission.

**Proposal Location:** The site is located at 10700 SW Allen Boulevard on the south side of SW Allen Boulevard and east of Highway 217, specifically identified as Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA.

**Applicant:** Floor & Décor Outlets of America, Inc.

**Recommendation:** APPROVAL of Floor & Décor DR2022-0078 / PD2022-0006, subject to conditions identified at the end of this report.



**Hearing Information:** 6:30 p.m. February 8, 2023, at City Hall, 12725 SW Millikan Way  
**Note: Public Hearings are held remotely** and can be viewed at the following link:  
<https://beavertonoregon.gov/913/Agendas-Minutes>

### Contact Information:

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Lakewood, CO 80401

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Property Owner:

Oregon Worsted Co.  
Attn: Howard Dietrich  
9701 SE McLoughlin Blvd  
Portland, OR 97222

## Existing Conditions

**Zoning:** Community Service (CS)

**Site Conditions:** The site is currently vacant land containing a flood storage basin and is located next to Fanno Creek.

**Site Size:** Approximately 17.5 acres

**Location:** The site is located at 10700 SW Allen Boulevard on the south side of SW Allen Boulevard and east of Highway 217, specifically identified as Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA.

**Neighborhood Association Committee:** Denney Whitford / Raleigh West NAC

**Table 1: Surrounding Uses**

Direction	Zoning	Uses
North	Industrial (IND)	Warehouse/Industrial Uses
South	CS	Office/Commercial Uses
East:	IND and Residential Mixed A (RMA)	Beaverton School District Bus Storage/Maintenance Facility and Mobile Home Park
West:	CS	Hotel and Highway 217

# Application Information

**Table 2: Application Summaries**

Application	Application Type	Proposal Summary	Approval Criteria Location
DR2022-0078	Design Review Three	New 75,100-square-foot retail building and associated site improvements	Development Code Sections 40.03.1 and 40.20.15.3
PD2022-0006	Shared Parking Application	Share required off-street parking between the Floor & Décor and Allen Redevelopment sites	Development Code Section 40.55.15.2

**Table 3: Key Application Dates**

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
DR2022-00078	June 23, 2022	Dec. 14, 2022	April 13, 2023	Dec. 14, 2023
PD2022-0006	Nov. 7, 2022	Dec. 14, 2022	April 13, 2023	Dec. 14, 2023

\* 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.

## Summary of Public Comment

Exhibit 2.1 E-mail from Richard Kappler, expressing concerns about the size of the project and the need for frontage improvements along SW Allen Boulevard, including sidewalks.

**Staff Response:** As detailed in Attachment B of this staff report, the applicant’s proposal complies with, or can be conditioned to comply with, all applicable Design Guidelines for building design, parking lot design, and landscaping. Frontage improvements, including sidewalks, are discussed in detail in Attachments A and D of this staff report.

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## Exhibits

### Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Zoning Map (page 7 of this report)

Exhibit 1.2 Vicinity Map (page 8 of this report)

Exhibit 1.3 Phasing Diagram (page 9 of this report)

### Exhibit 2. Public Comment

Exhibit 2.1 Richard Kappler

### Exhibit 3. Materials submitted by the Applicant

Exhibit 3.1 Application Forms

Exhibit 3.2 Narrative

Exhibit 3.3 Service Provider Letters

Exhibit 3.4 Pre-Application Conference Notes

Exhibit 3.5 Traffic Impact Analysis

Exhibit 3.6 Shared Parking Assessment

Exhibit 3.7 Photometric Plan and Lighting Cut Sheets

Exhibit 3.8 Stormwater Report

Exhibit 3.9 Floodwater Storage Balance

Exhibit 3.10 Neighborhood Review Meeting Materials

Exhibit 3.11 Civil and Landscape Drawings

Exhibit 3.12 Architectural Drawings

Exhibit 3.13 Erosion Control Drawings

Exhibit 3.14 Affidavit of Site Posting

Exhibit 3.15 Preliminary Replat (Approved with Phase 1)

Exhibit 3.16 Phase 1 Storm Utilities Plan

Exhibit 3.17 Phase 1 Sewer and Water Utilities Plan

Exhibit 3.18 Phase 1 Stormwater Pump Station Details

Exhibit 3.19 Phase 1 Landscape Drawings

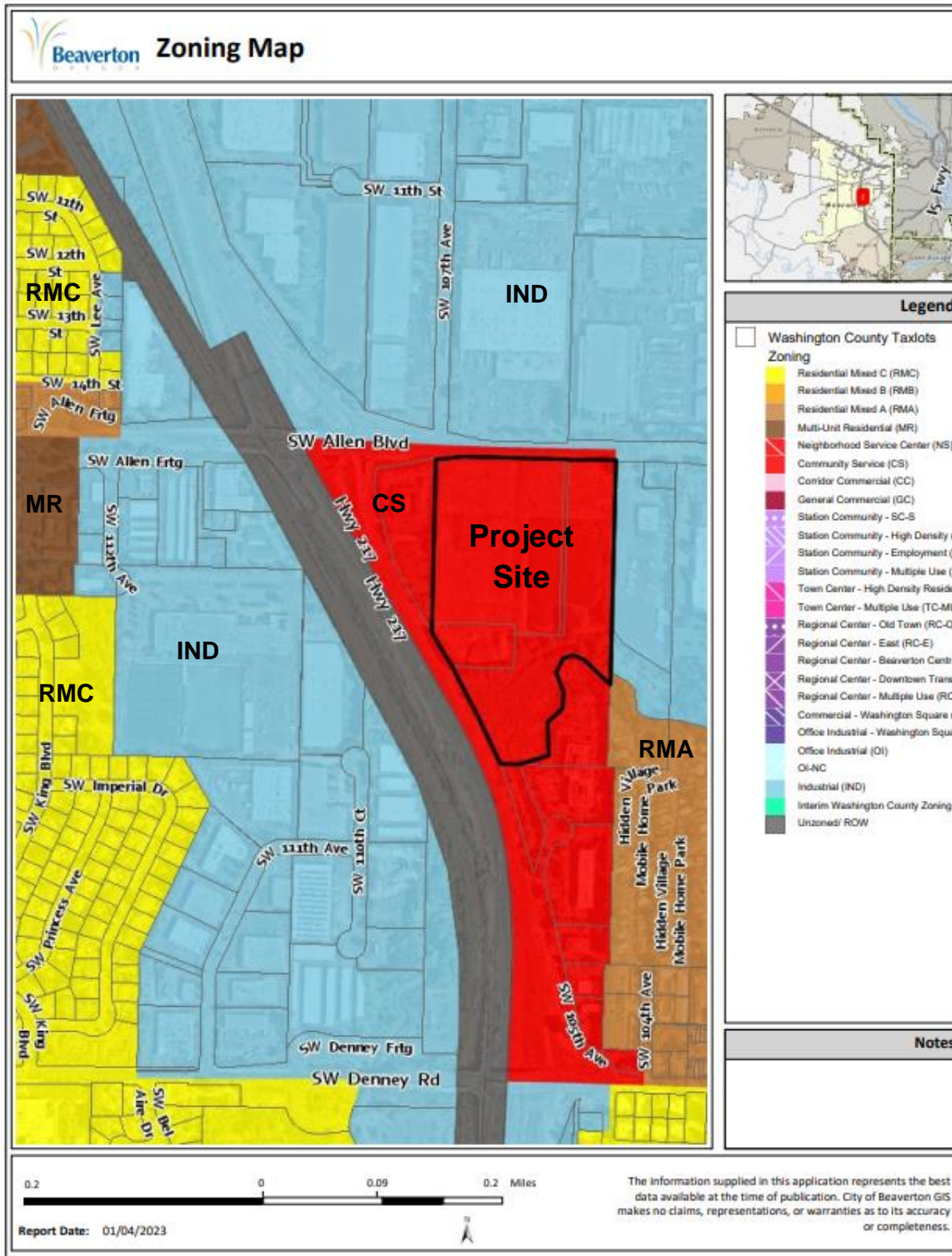
Exhibit 3.20 Supplemental Memorandum

Exhibit 1.1 Zoning Map





Exhibit 1.2 Vicinity Map





**Exhibit 1.3 Phasing Diagram**



# Attachment A: FACILITIES REVIEW COMMITTEE

## TECHNICAL REVIEW AND RECOMMENDATIONS

**Application:** Floor & Décor

**Proposal:** The applicant, Floor & Décor Outlets of America, Inc., requests approval of a Design Review Three for a new 75,100-square-foot retail building with associated site improvements in the southwest portion of the site. The applicant also requests approval of a Shared Parking Application to share required off-street parking spaces with a hotel and commercial development that was approved on the north portion of the site in February 2022 by the Beaverton Planning Commission.

**Recommendation:** APPROVE DR2022-0078 / PD2022-0006

### 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 a 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.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

- All twelve (12) criteria are applicable to the Design Review Three (DR2022-0078) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted Shared Parking Application (PD2022-0006).

### Section 40.03.1.A

**Approval Criterion:** *All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.*

#### FINDING:

The subject site is made up of four tax lots (Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA) located on the south side of SW Allen Boulevard and east of Highway 217. In February 2022, the Beaverton Planning Commission approved a hotel and commercial development on the north portion of the

site (Allen Redevelopment: Hotel and Commercial Development, Case Nos. CU2021-0004 / CU2021-0005 / DR2021-0027 / LD2021-0002 / LO2021-0001 / TP2021-0003). The Floor & Décor project area is in the southwest portion of the site. This report and the conditions of approval will refer to the Allen Redevelopment site as “Phase 1” and the Floor & Décor site as “Phase 2,” as shown on Exhibit 1.3 and Sheet C1.1.

Chapter 90 of the Development Code defines “critical facilities” to be services that include potable and non-potable public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

**Potable Water:** The subject site is in the City of Beaverton water service area. As shown on the submitted utility plan (Sheet C6.0), the applicant proposes to install a 12-inch water line that will run north-south through the Phase 2 site and will connect to an approved water line on the Phase 1 site and a public water main in the SW Allen Boulevard right of way. City of Beaverton Engineering staff reviewed the proposal and issued a Water Service Provider Letter that states there will be adequate capacity to service the proposed development. Because Phase 2’s water service depends on water infrastructure being constructed on the Phase 1 site, the Committee recommends a condition of approval for Phase 2 to construct the water lines shown on Sheet C5.0 (drawn by DOWL on January 31, 2022) if Phase 1 does not move forward with construction. As conditioned, the Committee finds that adequate water service can be provided to the site to serve the proposed development.

**Non-Potable Water:** There is no non-potable water network in the area of development. Therefore, the proposal is exempt from connecting to a non-potable water network.

**Sanitary Sewer:** City of Beaverton sanitary sewer service is available to the site. The applicant proposes to connect to an existing 18-inch sanitary sewer main in the Highway 217 right of way via a sanitary sewer manhole located directly southwest of the site. The Committee finds that adequate sanitary sewer service can be provided to the site to serve the proposed development.

**Stormwater Drainage, Treatment, and Retention:** City of Beaverton stormwater service is available to the site. The applicant submitted a preliminary stormwater report dated December 1, 2022. The report details how stormwater runoff from the development will be treated with a new Low Impact Development Approach (LIDA) flow through planter at the southeast end of the site, as well as a combination of sumped catch basins, water quality manholes, and a storm filter vault, before being released into Fanno Creek, which is located directly southeast of the site. The applicant also proposes to connect Phase 2 to approved stormwater infrastructure on the Phase 1 site. Because stormwater service to Phase 2 depends on stormwater infrastructure and a pump station being constructed on the Phase 1 site, the Committee recommends conditions of approval for Phase 2 to construct the stormwater infrastructure shown on Sheet C4.2 (drawn by DOWL on January 31, 2022) and the pump station shown on the Romtec Utilities Scope of Supply and Design Submittal (dated June 15, 2022) if Phase 1 does not move forward with construction. As

conditioned, the Committee finds that adequate stormwater service can be provided to the site to serve the proposed development.

**Transportation:** The subject site is made up of four tax lots (Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA). Phase 1 is in the north portion of the site and Phase 2 is in the southwest portion of the site. All four tax lots are owned by the same entity, Oregon Worsted Company. In February 2022, the Beaverton Planning Commission approved a Replat One application to consolidate the four tax lots into one legal lot of record as part of the Phase 1 approval (Case No. LD2021-0002). As of the date of this report, the lot consolidation has not yet been recorded with Washington County.

The subject site has frontage on SW Allen Boulevard, which is classified as an arterial in the City of Beaverton Transportation System Plan (TSP). SW Allen Boulevard does not currently meet the minimum five-lane arterial standards in the City of Beaverton Engineering Design Manual (EDM); accordingly, the Planning Commission included a condition as part of the Phase 1 approval to dedicate sufficient right of way along the site's SW Allen Boulevard frontage for the minimum required half-street width of 50 feet along the site's western half and 48 feet along the site's eastern half. The Planning Commission also included conditions as part of the Phase 1 approval for the applicant to improve the SW Allen Boulevard frontage with bicycle lanes, planter strips, and sidewalks. The Committee recommends conditions of approval for Phase 2 to dedicate sufficient right of way, as shown on Sheet C1.4 (drawn by DOWL on January 31, 2022), and to improve the entirety of SW Allen Boulevard frontage with bicycle lanes, planter strips, and sidewalks if these items are not completed by the Phase 1 site. These conditions will ensure that adequate transportation facilities are provided to the Phase 2 site, even if construction does not move forward on the Phase 1 site.

The Phase 2 site does not have direct access onto a public street. Accordingly, the applicant proposes to utilize a commercial driveway that was approved on the Phase 1 site for vehicular access and have visitors travel south to the Phase 2 site, as shown on the submitted site circulation plan, Sheet C3.2. Additionally, the applicant proposes to provide public pedestrian and bicycle access from SW Allen Boulevard to the Phase 2 site by utilizing an approved walkway that runs north-south through the center of the Phase 1 site and connects to the Phase 2 site. The applicant also proposes an additional pedestrian and bicycle access point by connecting a paved walkway in the Phase 2 parking lot to an existing public pathway in the Fanno Creek Greenway at the southeast end of the site. Because vehicle, pedestrian, and bicycle access from SW Allen Boulevard to the Phase 2 site relies on Phase 1 construction, the Committee recommends conditioning the Phase 2 applicant to construct interim access and private street improvements if these items are not completed by the Phase 1 site. Additionally, because Phase 2's access requires visitors to travel across the Phase 1 site without any access easements, the Committee also recommends conditioning the Phase 2 applicant to submit documentation showing the lot consolidation approved under Case No. LD2021-0002 has been recorded. These conditions will ensure that adequate vehicle, pedestrian, and bicycle access is provided and maintained for the Phase 2 site.

Per Beaverton Development Code (BDC) Section 60.55.20.2.A, a Traffic Impact Analysis (TIA) is required because the proposed development will generate 300 vehicles or more per day in average weekday trips. The applicant submitted a TIA, prepared by Kittleson & Associates in June 2022, which projects 470 net new weekday daily trips from the proposed development, including 34 trips in the AM peak hour and 47 trips in the PM peak hour. The TIA examined seven intersections along SW Allen Boulevard and assumed both the Phase 1 and 2 sites would be fully developed in the year 2023. The TIA concluded that even with the estimated trip increase from the Phase 2 development, all study intersections are projected to continue meeting governing agency standards in 2023, except for the SW Allen Boulevard/Oregon 217 Southbound Ramps intersection; however, the Oregon Department of Transportation's (ODOT) Oregon 217 Auxiliary Lanes Project is currently under construction and will improve conditions at this intersection. ODOT also reviewed the applicant's proposal and stated no further mitigation is required for the project to satisfy ODOT mobility or safety requirements. Accordingly, the TIA concludes that no additional traffic improvements are required, but recommends maintaining all landscaping, signage, and utilities at the site access points to provide adequate sight distance.

**Fire Protection:** Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff issued Service Provider Permit approval for the applicant's proposal and stated that a final inspection will be required for the project. TVF&R will verify that their requirements are met prior to site development permit issuance. The Committee finds that adequate fire protection service can be provided to the site to serve the proposed development.

As conditioned, the Committee finds that critical facilities and services can be made available with adequate capacity to serve the proposed development.

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

## **Section 40.03.1.B**

**Approval Criterion:** *Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both, will be provided to serve the proposed development within five (5) years of occupancy.*

### **FINDING:**

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

**Schools:** The proposed development is within the boundaries of the Beaverton School District. No new dwelling units are proposed as part of the development. Therefore, the Committee finds that the proposal will not affect the existing school capacity.

**Transit Improvements:** There are three bus stops within 500 feet of the subject site for TriMet Bus Line 53, which connects to the Beaverton Transit Center. The station is served by multiple bus lines, the MAX Light Rail, and the WES Commuter Rail. Accordingly, the Committee finds there is adequate transit service to serve the proposed development.

**Police Protection:** The City of Beaverton Police Department will provide police services to the development site. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Any comments from Beaverton Police will be forwarded directly to the applicant, and the Committee finds that adequate police protection service can be provided to the site to serve the proposed development.

**Pedestrian and Bicycle Facilities:** For pedestrian and bicycle facilities, the Committee refers to the findings under approval criterion 40.03.1.A of this report and the recommended conditions of approval.

As conditioned, the Committee finds that essential facilities and services can be made available with adequate capacity to serve the proposed development.

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

## Section 40.03.1.C

**Approval Criterion:** *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses), or Sections 20.25 and 70.15 if located within the Downtown Design District, unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses) or Sections 20.25 and 70.15 if located within the Downtown Design District.*

### FINDING:

The subject site is zoned Community Service (CS). The Committee refers to the Chapter 20 Use and Site Development Requirements table at the end of this report, which evaluates the project as it relates to the applicable code requirements of Section 20.10 Commercial Land Use Districts. As demonstrated in the table, this proposal complies with all applicable standards in Section 20.10 Commercial Land Use Districts.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.



## Section 40.03.1.D

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

### FINDING:

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 (Special Requirements). Staff will provide findings for the Design Review Three request within the applicable section of the staff report.

**Section 60.30 Off-Street Parking:** The Phase 1 approval required a minimum of 162 off-street parking spaces, and Phase 2 will require a minimum of 248 off-street parking spaces (Table 60.30.10.5.A). The applicant has applied for a Shared Parking Application to share required off-street parking spaces between the Phase 1 and 2 sites, with 168 spaces provided on the Phase 1 site and 209 spaces provided on the Phase 2 site. The approval criteria for the Shared Parking Application will be addressed in Section 40.55.15.2 Shared Parking of the staff report. Facilities Review Committee criteria do not apply to the Shared Parking Application.

Based on the minimum bicycle parking requirements in Table 60.30.10.5.B, Phase 2 is required to provide a minimum of six short-term and six long-term bicycle parking spaces, and the applicant's site plan (Sheet C3.0) shows that adequate short-term and long-term bicycle parking will be provided. The Committee recommends conditioning the applicant to submit drawings demonstrating the bicycle parking spaces meet the minimum design standards in Chapter 60.30 Off-Street Parking and the EDM prior to site development permit issuance.

**Section 60.55 Transportation Facilities:** For transportation facilities, the Committee refers to the findings under approval criterion 40.03.1.A of this report and the recommended conditions of approval.

**Section 60.60 Trees and Vegetation Requirements:** The applicant proposes to remove four Landscape Trees from the southwest portion of the Phase 2 site that were originally proposed to be preserved on the Phase 1 landscaping plans. The trees include three Shore Pines and one American Sycamore. The applicant's landscaping plan (Sheet L1.1) demonstrates the removed trees will be mitigated in compliance with Section 60.60.25.9. The applicant also proposes to preserve multiple trees along the southern and western property lines, some of which are part of an existing Significant Grove. Accordingly, the Committee recommends a condition of approval for the applicant to install tree protection fencing for these trees prior to the start of Phase 2 construction, in compliance with Section 60.60.20.

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

### **Section 40.03.1.E**

**Approval Criterion:** *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.*

#### **FINDING:**

The property owner, Oregon Worsted Company, will retain ownership of the site and provide regular maintenance of all private common facilities and areas. The Committee finds that 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.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

### **Section 40.03.1.F**

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

#### **FINDING:**

The applicant's plans show there will be safe and efficient vehicular circulation patterns in the Phase 2 parking lot, and that the parking lot complies with minimum drive aisle widths and other parking lot design standards in Section 60.30.15. The applicant's site circulation plan (Sheet C3.2) also shows the parking lot is designed to provide adequate turning radii for delivery trucks accessing the site. The City of Beaverton Recycling & Waste Reduction Program and TVF&R reviewed the applicant's proposal and confirmed the site is designed to provide adequate turning radii for trash and recycling trucks and fire trucks accessing the site. Pedestrian walkways are designed to provide safe and efficient internal circulation throughout the site and provide connections from building entrances, vehicle parking areas, bicycle parking spaces, and trash and recycling areas.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

### **Section 40.03.1.G**

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

#### **FINDING:**

As stated in the findings for approval criterion 40.03.1.A, vehicle and pedestrian access from SW Allen Boulevard to the Phase 2 site is dependent on a commercial driveway and paved walkway being constructed on the Phase 1 site. Accordingly, the Committee recommends conditioning the Phase 2 applicant to construct interim access and private street improvements if these items are not completed by the Phase 1 site. The recommended conditions will ensure Phase 2's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner. The applicant also proposes an additional pedestrian and bicycle access point by connecting the paved walkway in the Phase 2 parking lot to an existing public pathway in the Fanno Creek Greenway at the southeast end of the site.

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

### **Section 40.03.1.H**

**Approval Criterion:** *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.*

#### **FINDING:**

As shown on Sheets C1.1 and C2.0, there are two existing City of Beaverton bicycle and pedestrian easements located on the Phase 2 site. One easement is approximately 25 feet wide, runs east-west across the Phase 2 site, and conflicts with the proposed location of the new Floor & Décor building. The second easement is approximately 12 feet wide, runs along the southern and southeastern boundaries of the Phase 2 site, and conflicts with the proposed location of the new LIDA flow through planter and other landscaping. The applicant has submitted Street Vacation applications requesting to vacate these easements, which will be reviewed by Beaverton City Council as the decision-making authority through a separate process. Because the easements conflict with the proposed Phase 2 development, the Committee recommends conditioning the applicant to enter into an agreement with the City for any work proposed within the easement areas, to submit documentation verifying the easement vacations have been approved by City Council prior to building permit issuance, and to submit documentation verifying the easement vacations have been recorded with Washington County prior to issuance of any certificate of occupancy. These conditions will ensure the proposed Phase 2 development is designed in accordance with adopted City codes and standards.

Fire protection will be provided by TVF&R. The layout of the proposed development provides proper spacing, building access, and turning radii. TVF&R staff issued Service

Provider Permit approval for the applicant's proposal, and the agency will verify that their requirements are met prior to site development permit issuance. The Committee finds that the site can be designed in accordance with City codes and standards and provide adequate fire protection.

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

## Section 40.03.1.I

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

### FINDING:

As stated in the findings for approval criterion 40.03.1.H, there are two existing easements on the Phase 2 site that conflict with the proposed locations of the new Floor & Décor building, LIDA flow through planter, and landscaping. Because the easements conflict with the proposed Phase 2 development, the Committee recommends conditioning the applicant to enter into an agreement with the City for any work proposed within the easement areas, to submit documentation verifying the easement vacations have been approved by City Council prior to building permit issuance, and to submit documentation verifying the easement vacations have been recorded with Washington County prior to issuance of any certificate of occupancy. These conditions will ensure the proposed Phase 2 development is designed in accordance with adopted City codes and standards.

The applicant states that all structures and public facilities serving the development site are designed in accordance with adopted City codes and standards. As of the date of this report, Beaverton Police have not raised any concerns about crime or accident at the development site. Any comments from Beaverton Police will be forwarded directly to the applicant, and the Committee finds the development is designed to provide adequate protection from crime and accident.

The applicant will be required to submit for development permits for life and safety review as part of the building permit review process. Accordingly, the Committee finds that review of the construction documents at the building permit stage will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

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

## Section 40.03.1.J

**Approval Criterion:** *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.*

#### **FINDING:**

The applicant states the Phase 2 site has been graded in such a way as to not adversely impact neighboring properties, public right-of-way, surface drainage, water storage facilities, or the public storm drainage system. Additionally, the applicant's preliminary grading plan (Sheet C4.0) demonstrates compliance with the on-site surface contouring standards for sites within 25 feet of a Significant Tree or Grove (Section 60.15.10.4). As stated in the findings for approval criterion 40.03.1.A, the applicant's proposed stormwater system will be designed so runoff is treated, detained, and discharged to the public storm system.

The Committee has reviewed the proposed preliminary grading plan and finds no adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, or the public storm drainage system are anticipated. The Committee recommends conditions of approval regarding the grading and contouring of the development site, which will be reviewed and approved prior to site development permit issuance.

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

### **Section 40.03.1.K**

**Approval Criterion:** *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.*

#### **FINDING:**

The applicant states that all paved on-site pedestrian routes will meet Americans with Disabilities Act (ADA) standards and facilitate efficient pedestrian travel. The applicant will also be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA. The Committee finds that review of the proposed plans at the site development and building permit stages is sufficient to guarantee compliance with accessibility standards.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

### **Section 40.03.1.L**

**Approval Criterion:** *The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.*

**FINDING:**

The applicant submitted a Design Review Three application on June 23, 2022, and a Shared Parking Application on November 7, 2022. Both applications were deemed complete as of December 14, 2022.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.



# Code Conformance Analysis

## Chapter 20 Use and Site Development Requirements Community Service (CS) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.10.20</b>			
Retail Trade	Permitted. No sales or outdoor storage of animals or livestock are allowed with this use.	The applicant proposes a new Retail Trade use on the site. No sales or outdoor storage of animals or livestock proposed.	<b>YES</b>
<b>Development Code Section 20.10.15</b>			
Minimum Parcel Area	7,000 square feet	The consolidated lot approved under Case No. LD2021-0002 will be approximately 17.5 acres in size.	<b>YES</b>
Minimum Land Area – Residential	1,000 square feet per unit	No residential use proposed.	<b>N/A</b>
Minimum Lot Dimensions	Width: 70 feet Depth: 100 feet	The consolidated lot approved under Case No. LD2021-0002 will be wider than 70 feet and deeper than 100 feet.	<b>YES</b>
Yard Setbacks	Front Minimum: None Front Maximum: 20 feet  West Side Minimum: None  East Side Minimum: 10 feet  Rear Minimum: None	Front: 260.5 feet. Because proposal exceeds maximum front setback, applicant has responded to the applicable Design Guideline, which is addressed in the Design Review Three findings.  West Side: 60 feet  East Side: 500 feet  Rear: 175 feet	<b>See DR Findings</b>
Maximum Building Height	60 feet	32 feet	<b>YES</b>
<b>Development Code Section 20.10.35</b>			
Other CS Zoning Requirements	Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities.	The proposed use will be conducted wholly within a new 75,100-square-foot building.	<b>YES</b>
Other CS Zoning Requirements	Accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment.	No accessory open air sales, display, or storage proposed.	<b>N/A</b>

## 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.	Applicant proposes a new 75,100-square-foot non-residential building and a Design Review Three is required.	<b>See DR Findings</b>
<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.	<b>N/A</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	Site is in the floodplain. The Committee recommends conditions of approval for the applicant to demonstrate compliance with the floodplain regulations in this section.	<b>YES w/ COA</b>
<b>Development Code Section 60.11</b>			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	Applicant is not proposing a food cart or food cart pod.	<b>N/A</b>
<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 credits are requested.	<b>N/A</b>
<b>Development Code Section 60.15</b>			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property, and within 25 feet of a Significant Tree or Grove.	Applicant's preliminary grading plan (Sheet C4.0) demonstrates compliance with the grading standards in Section 60.15.10.4.	<b>YES</b>
<b>Development Code Section 60.20</b>			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	<b>N/A</b>
<b>Development Code Section 60.25</b>			
Off-Street Loading Requirements	Minimum 3 Type B loading spaces required.	Applicant's site plan (Sheet C3.0) shows 3 Type B loading spaces will be provided.	<b>YES</b>

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.30</b>			
Off-Street Motor Vehicle Parking	<u>Retail:</u> Minimum: 248 spaces Maximum: 466 spaces	Applicant proposes to share parking between the Phase 1 and 2 sites. Refer to Shared Parking Application findings.	See Shared Parking Findings
<b>Development Code Section 60.30</b>			
Required Bicycle Parking	<u>Retail:</u> Short-Term: 6 spaces Long-Term: 6 spaces	Applicant proposes 6 short-term and 6 long-term bicycle parking spaces.	YES w/ COA
<b>Development Code Section 60.33</b>			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
<b>Development Code Section 60.35</b>			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
<b>Development Code Section 60.40</b>			
Sign Regulations	Requirements for signs.	All signs will be reviewed under a separate sign permit and are not reviewed with this proposal.	N/A
<b>Development Code Section 60.45</b>			
Solar Access Protection	Solar access requirements for subdivisions and single family homes.	No subdivisions or single family homes are proposed.	N/A
<b>Development Code Section 60.50</b>			
Fences	Height restrictions for fences and walls.	Applicant proposes a retaining wall along the eastern edge of the parking lot. Sheet C4.0 shows the retaining wall complies with the height restrictions in this section.	YES
<b>Development Code Section 60.55</b>			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	YES w/ COA
<b>Development Code Section 60.60</b>			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Refer to the Facilities Review Committee findings herein.	YES w/ COA

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.65</b>			
Utility Undergrounding	Requirements for placing overhead utilities underground.	The Committee recommends conditioning the applicant to place all affected, applicable existing overhead utilities and any new utility service lines underground.	<b>YES w/ COA</b>
<b>Development Code Section 60.67</b>			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	Significant Natural Resources exist on site. Clean Water Services (CWS) reviewed the proposal and issued a Service Provider Letter with conditions of approval. As conditioned, the proposal complies with the agency's standards.	<b>YES w/ COA</b>
<b>Development Code Section 60.70</b>			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	<b>N/A</b>

# Attachment B: DESIGN REVIEW THREE DR2022-0078

## ANALYSIS AND FINDINGS FOR DESIGN REVIEW THREE APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **DR2022-0078**, subject to the applicable conditions identified in Attachment D.

### 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

##### FINDING:

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, by meeting the conditions of approval, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criteria.

### Section 40.20.05 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 the proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

### Planning Commission Standards for Approval:

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

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:

### **Section 40.20.15.3.C.1**

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

#### **FINDING:**

The applicant proposes a new 75,100-square-foot non-residential building on a site that abuts a residential zone, which satisfies Design Review Three Threshold 2.

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

### **Section 40.20.15.3.C.2**

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

#### **FINDING:**

The applicant paid the required fee for this Design Review Three application.

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

### **Section 40.20.15.3.C.3**

For proposals meeting Design Review Three application thresholds numbers 1 through 7, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

#### **FINDING:**

This criterion applies because the proposal meets Design Review Three Threshold 2. As detailed in the Design Review Guidelines Analysis section of this staff report, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

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

### **Section 40.20.15.3.C.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.

**FINDING:**

The proposal is for new construction, not an addition or modification of an existing development; therefore, this criterion is not applicable.

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

### **Section 40.20.15.3.C.5**

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

**FINDING:**

The applicant does not propose a Design Review Build-out Concept Plan (DRBCP); therefore, this criterion is not applicable.

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

### **Section 40.20.15.3.C.6**

For proposals meeting Design Review Three application Threshold numbers 8 or 9, 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).

**FINDING:**

This criterion does not apply because the proposal meets Design Review Three Threshold 2 and does not meet Thresholds 8 or 9.

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

### **Section 40.20.15.3.C.7**

For proposals meeting Design Review Three application Threshold numbers 8 or 9, 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).

#### **FINDING:**

This criterion does not apply because the proposal meets Design Review Three Threshold 2 and does not meet Thresholds 8 or 9.

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

### **Section 40.20.15.3.C.8**

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

#### **FINDING:**

The applicant submitted a Shared Parking Application to be processed concurrently with this Design Review Three request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated application.

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

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends APPROVAL of DR2022-0078, subject to the applicable conditions identified in Attachment D.

# Design Review Guidelines Analysis

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

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

### **1. Building Articulation and Variety**

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

#### **FINDING:**

Floor & Decor proposes to construct a new 75,100-square-foot retail building on the Phase 2 site. As shown on the applicant's elevation drawing (Sheet ELEV-1), all building elevations are varied and articulated with offsetting pilasters, changes in exterior finish materials, and changes in roof parapet height. The northern and eastern building elevations also contain windows that are designed for a pedestrian scale (the windows are located on the building façades between 3 to 9 feet in height from finished grade) and provide added visual interest. The northern elevation faces the Phase 1 site and SW Allen Boulevard, and the eastern elevation contains the primary building entrance and an adjacent pedestrian walkway.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- C. To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)**

#### **FINDING:**

The northern and southern building elevations are 185 feet long and the eastern and western building elevations are 458 feet long. All building elevations are vertically balanced with offsetting pilasters of varying heights and changes in roof parapet height. The primary building entrance (on the eastern elevation) is also emphasized with a red entrance canopy, storefront glazing, raised parapet, and offsetting pilasters.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- D. Buildings should promote and enhance a comfortable pedestrian scale and**

**orientation. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.1.B)**

**FINDING:**

All building elevations include horizontal bands of varied exterior finish materials to break up the height of the building and promote a comfortable pedestrian scale. The northern and eastern elevations contain windows that are oriented for pedestrians (the windows are located on the building façades between 3 to 9 feet in height from finished grade) and provide additional visual interest. Furthermore, the primary building entrance is inviting for pedestrians because it is emphasized with a red entrance canopy, storefront glazing, raised parapet, and offsetting pilasters.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

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

**FINDING:**

The building is located adjacent to a surface parking lot but is located more than 200 feet away from the SW Allen Boulevard right of way. All building elevations are varied and articulated with offsetting pilasters, changes in exterior finish materials, and changes in roof parapet height. The northern and eastern building elevations also contain windows for added visual interest. There are no undifferentiated blank walls in the proposed building design.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**2. Roof Forms**

- B. Flat roofs should include a roofline that provides visual interest such as cornice treatments. (Standard 60.05.15.2.C)**

## FINDING:

The applicant proposes a flat roof, and the roofline provides visual interest with changes in parapet height at the primary building entrance (on the eastern elevation) and at the corners of the building.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

### 3. Primary Building Entrances

- A. The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.3)**

## FINDING:

Weather protection is provided for the primary building entrance on the eastern elevation with a 59-foot-long and 6-foot-wide canopy.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- B. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3)**

## FINDING:

The design of the primary building entrance is both attractive and functional; the entrance is emphasized with a large red canopy, storefront glazing, raised parapet, and offsetting pilasters.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

### 4. Exterior Building Materials

- A. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standards 60.05.15.4.A and B)**

## FINDING:

The applicant proposes to utilize aluminum, brick, metal coping, painted concrete, and EIFS (synthetic stucco) for exterior building materials and finishes. All materials convey an impression of permanence and durability. The northern and eastern building elevations also contain windows for added visual interest.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- B. Where masonry is used, decorative patterns (other than running bond pattern) should be provided, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. This guideline does not apply to development in Industrial zones, where masonry is used for exterior finishes. (Standards 60.05.15.4.B and C)**

## FINDING:

The applicant proposes to install horizontal brick bands along all building elevations to create a base for the concrete building. As described in the applicant's February 1, 2023, supplemental memorandum and as shown on the applicant's elevation drawing (Sheet ELEV-1), the brick bands will have a stacked bond pattern with decorative soldier course detailing on the top row.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- 5. Screening of equipment. All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)**

## FINDING:

The Floor & Décor building is located more than 200 feet away from the SW Allen Boulevard right of way; accordingly, roof-mounted equipment will be screened from the public street by roof parapets and buildings and landscaping on the Phase 1 site. Trash and recycling areas will be enclosed and screened from the public street by the Floor & Décor building because they are located at the southern end of the Phase 2 site.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

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

- A. Buildings should be oriented toward and located within close proximity to public streets and public street intersections. The overall impression should be that architecture is the predominant design element over parking areas and landscaping. Property size, shape and topographical conditions should also be considered, together with existing and proposed uses of the building and site, when determining the appropriate location and orientation of buildings. (Standards 60.05.15.6.A and B)**

**FINDING:**

The subject site is made up of four tax lots located on the south side of SW Allen Boulevard and east of Highway 217. Phase 2 is in the southwest portion of the subject site and is bordered by Phase 1 to the north, Fanno Creek and associated natural resources to the south, a flood storage basin to the east, and the existing Peppertree Inn development and Highway 217 to the west. Due to these site constraints, the Phase 2 site and the Floor & Décor building are located more than 200 feet away from the SW Allen Boulevard right of way. The applicant states the Floor & Décor building is located as far north in the Phase 2 site as possible, while still allowing for safe circulation for trucks and vehicles and providing adequate landscaping. The Floor & Décor building is bordered by pedestrian pathways and, as detailed under Design Guideline 60.05.35.1.D, is designed to promote a comfortable pedestrian scale; accordingly, the project gives an overall impression that architecture is the predominant design element. Additionally, Phase 1 was approved with development that meets this Design Guideline and will include three buildings that face SW Allen Boulevard and are located within close proximity to the public right of way.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- D. Primary building entrances should be oriented toward and located in close proximity to public streets and public street intersections. Property size, shape and topographical conditions should also be considered. (Standard 60.05.15.6.E)**

**FINDING:**

As detailed under Design Guideline 60.05.35.6.A above, the Phase 2 site and the Floor & Décor building are located more than 200 feet away from the SW Allen Boulevard right of way due to existing site constraints and previously approved development. Accordingly, the Floor & Décor building's northern elevation faces SW Allen Boulevard but is not visible from the public street because it will be located behind buildings, parking, and landscaping on the Phase 1 site. Instead, the applicant has placed the primary building entrance on the eastern elevation, facing the main pedestrian pathway that runs north-south through the Phase 1 and 2 sites and connects to SW Allen Boulevard. Accordingly, staff finds that placing the primary building entrance on the eastern elevation complies with this Design Guideline, which is intended to have the entrance be pedestrian-oriented and easily accessible to the public.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**8. Building location and orientation in Commercial and Multiple Use zones.**

- A. Excluding residential only development, ground floor building elevations should be pedestrian oriented and treated with windows, display areas or glass doorway openings to the extent possible and where appropriate to the design and use of the building. This guideline particularly applies to ground floor building elevations situated along Major Pedestrian Routes (Standard 60.05.15.8.A.)**

**FINDING:**

All building elevations include horizontal bands of varied exterior finish materials to break up the height of the building and promote a comfortable pedestrian scale. The northern and eastern elevations contain windows that are oriented for pedestrians (the windows are located on the building façades between 3 to 9 feet in height from finished grade) and provide additional visual interest. The northern elevation faces the Phase 1 site and SW Allen Boulevard, and the eastern elevation contains the primary building entrance and an adjacent pedestrian walkway. Furthermore, the primary building entrance is inviting for pedestrians because it is emphasized with a red entrance canopy, storefront glazing, raised parapet, and offsetting pilasters.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations.**

**FINDING:**

Weather protection is provided for the primary building entrance on the eastern elevation, which faces the main pedestrian pathway that connects to SW Allen Boulevard, with a 59-foot-long and 6-foot-wide canopy.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**60.05.40 Circulation and Parking Design Guidelines.**

- 1. Connections to public street system. The on-site pedestrian, bicycle and motor vehicle circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets in accordance with connections identified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the**



## **Comprehensive Plan. (Standard 60.05.20.1)**

### **FINDING:**

The applicant's plans show there will be safe and efficient vehicular circulation patterns in the Phase 2 parking lot, and that the parking lot complies with minimum drive aisle widths and other parking lot design standards in Section 60.30.15. The applicant's site circulation plan (Sheet C3.2) also shows the parking lot is designed to provide adequate turning radii for trucks and emergency vehicles accessing the site. Pedestrian walkways are designed to provide safe and efficient internal circulation throughout the site and provide connections from building entrances, vehicle parking areas, bicycle parking spaces, and trash and recycling areas.

As detailed in Attachment A of this report, vehicle and pedestrian access from SW Allen Boulevard to the Phase 2 site is dependent on a commercial driveway and paved walkway being constructed on the Phase 1 site. Accordingly, the Committee recommends conditioning the Phase 2 applicant to construct interim access and private street improvements if these items are not completed by the Phase 1 site. The recommended conditions will ensure Phase 2's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner. The applicant also proposes an additional pedestrian and bicycle access point by connecting the paved walkway in the Phase 2 parking lot to an existing public pathway in the Fanno Creek Greenway at the southeast end of the site.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

## **2. Loading area, solid waste facilities, and similar improvements.**

### **A. On-Site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)**

#### **FINDING:**

Trash and recycling areas will be enclosed and screened from the public street by the Floor & Décor building because they are located at the southern end of the Phase 2 site.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

### **B. Except in Industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2)**

## FINDING:

The applicant proposes a loading area with 3 Type B loading spaces. The applicant's site plan (Sheet C3.0) shows the loading area will be located on the south side of the Floor & Décor building and it will not be visible from the public street.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

### 3. Pedestrian circulation.

#### A. Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)

## FINDING:

The applicant's site circulation plan (Sheet C3.2) shows pedestrian walkways are designed to provide safe and efficient internal circulation throughout the site and provide connections from building entrances, vehicle parking areas, bicycle parking spaces, and trash and recycling areas.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

#### B. Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)

## FINDING:

The applicant's site circulation plan (Sheet C3.2) shows pedestrian walkways will provide connections from all on-site facilities (such as building entrances, vehicle parking areas, bicycle parking spaces, and trash and recycling areas) to an approved walkway that runs north-south through the Phase 1 site and connects to the public sidewalk on SW Allen Boulevard. Because public pedestrian access from SW Allen Boulevard to the Phase 2 site relies on Phase 1 construction, staff recommends conditions of approval for the applicant to construct interim access and private street improvements if these items are not completed by the Phase 1 site and to submit documentation showing the lot consolidation approved under Case No. LD2021-0002 has been recorded. These conditions will ensure that adequate public pedestrian access is provided and maintained for the Phase 2 site. The applicant also proposes an additional pedestrian and bicycle access point by connecting a paved walkway in the Phase 2 parking lot to an existing public pathway in the Fanno Creek Greenway at the southeast end of the site.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

**C. Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)**

**FINDING:**

The applicant's site circulation plan (Sheet C3.2) shows pedestrian walkways will connect the Floor & Décor building entrances to an approved walkway that runs north-south through the Phase 1 site and connects to the public sidewalk on SW Allen Boulevard. Because public pedestrian access from SW Allen Boulevard to the Phase 2 site relies on Phase 1 construction, staff recommends conditions of approval to ensure public pedestrian access is provided and maintained for the Phase 2 site. The conditions are detailed under Design Guideline 60.05.40.3.B. The applicant also proposes an additional pedestrian and bicycle access point by connecting a paved walkway in the Phase 2 parking lot to an existing public pathway in the Fanno Creek Greenway at the southeast end of the site.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

**D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standards 60.05.20.3.C through E)**

**FINDING:**

The applicant's site plan (Sheet C3.0) shows pedestrian walkways will be evenly spaced throughout the Phase 2 parking lot and will be separated from vehicles with curbs and wheel stops. As detailed under Design Guideline 60.05.40.3.B, Phase 2 walkways will connect to an approved walkway that runs north-south through the Phase 1 site and connects to the public sidewalk on SW Allen Boulevard.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standards 60.05.20.3.A through H)**

**FINDING:**

When the Phase 1 site was approved in February 2022, the Planning Commission included conditions of approval for the applicant to improve the SW Allen Boulevard

frontage and install 6-foot-wide sidewalks. As detailed in Attachment A, staff recommends Phase 2 be conditioned to improve the entirety of SW Allen Boulevard frontage with bicycle lanes, planter strips, and sidewalks if these items are not completed by the Phase 1 site. These conditions will ensure the SW Allen Boulevard frontage will be designed to accommodate high levels of pedestrian activity.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

**F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)**

**FINDING:**

The applicant's site plan (Sheet C3.0) shows all pedestrian walkways will be designed for safe pedestrian movement and constructed of hard durable surfaces.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**5. Parking area landscaping. Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standards 60.05.20.5.A through D)**

**FINDING:**

As shown on the applicant's landscape plan (Sheet L1.1), landscape islands and perimeter landscaping are proposed throughout the Phase 2 site. All landscape islands includes trees, which provide tree canopy and shade over portions of the parking lot and break up large stretches of pavement. One landscape island is provided for every 10 parking spaces, which further minimizes the visual impact of the parking lot.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

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

**A. Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)**

**FINDING:**

When the Phase 1 site was approved in February 2022, the Planning Commission included conditions of approval for the applicant to improve the SW Allen Boulevard frontage and install 6-foot-wide sidewalks. As detailed in Attachment A, staff recommends

Phase 2 be conditioned to improve the entirety of SW Allen Boulevard frontage with bicycle lanes, planter strips, and sidewalks if these items are not completed by the Phase 1 site. These conditions will ensure the SW Allen Boulevard frontage will be designed to accommodate high levels of pedestrian activity.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

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

**FINDING:**

The applicant's site circulation plan (Sheet C3.2) shows pedestrian walkways will connect the Floor & Décor building entrances to an approved walkway that runs north-south through the Phase 1 site and connects to the public sidewalk on SW Allen Boulevard.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Commercial and Multiple Use zones.**

**A. On-Site vehicle circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8)**

**FINDING:**

As shown on applicant's site plan (Sheet C3.0), there are two vehicle access points from the Phase 1 site to the Phase 2 site. The access points are evenly spaced at the northeast and northwest corners of the Phase 2 site, allowing them to be easily differentiated from parking lot drive aisles. Additionally, the access points are clearly identified with curbs and landscaping.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**B. Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)**

**FINDING:**

As shown on the applicant's landscape plan (Sheet L1.1), one landscape island is provided for every 10 parking spaces to break up large stretches of pavement and

minimize the visual impact of the parking lot. All landscape islands include trees, shrubs, and grasses/groundcover to provide additional visual interest to the site.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

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

#### **3. Minimum landscaping for Conditional Uses in Residential zones and for developments in Commercial, Industrial, and Multiple Use zones.**

- A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings. (Standards 60.05.25.5.A, B, and D)**

#### **FINDING:**

The applicant's landscape plan (Sheet L1.1), shows that landscaping will be provided along the northern and eastern elevations of the Floor & Décor building, along the perimeter of the project site, and throughout the parking lot to soften the edges of the building and to break up large stretches of pavement in the parking lot. The landscaping includes an interesting variety of grasses or groundcover, shrubs, and trees to add aesthetic interest to the site. The applicant will also preserve many existing mature trees along the southern and southwestern property lines, which will increase the overall attractiveness of the project site and minimize impacts to the adjacent natural resource area.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standards 60.05.25.5.A and B)**

#### **FINDING:**

Proposed landscaping will include an attractive variety of grasses or groundcover, shrubs, and trees, and will include native species such as Kinnikinnick, Oregon Grape, and Weeping Alaskan Cedar for compatibility with local and regional climatic conditions.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standards 60.05.25.5.A and B)**

## FINDING:

The applicant will preserve many existing mature trees along the southern and southwestern property lines, which will increase the overall attractiveness of the project site and minimize impacts to the adjacent natural resource area.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

### **E. A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.5)**

## FINDING:

The Design Review Three landscape plans that were approved by Planning Commission for the Phase 1 site included multiple new Landscape Trees on the Phase 2 site, totaling 121.5 caliper inches (Case No. DR2021-0027). The applicant proposes to modify the Landscape Trees that were approved on the Phase 2 site under Case No. DR2021-0027, to accommodate the Floor & Décor building, parking lot, and associated site improvements. As shown on the applicant's landscape plan (Sheet L1.1), 73 replacement Landscape Trees will be planted, totaling 188 caliper inches. The applicant will also plant similar species of trees to those approved under Case No. DR2021-0027, including Bowhall Maples, Emerald Sunshine Elms, and Japanese Zelkovas. Accordingly, staff finds the applicant's replacement Landscape Trees meet the mitigation standards in Section 60.60.25.9 and are approvable. Furthermore, the applicant's overall landscape plan shows that a diversity of grasses or groundcover, shrubs, and trees will be provided, and landscaping will include native species such as Kinnikinnick, Oregon Grape, and Weeping Alaskan Cedar for compatibility with local and regional climatic conditions.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

### **6. Retaining walls. Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.8)**

## FINDING:

A retaining wall will be installed along the eastern boundary of the Floor & Décor parking lot, located between the Phase 2 site and the flood basin to the east. The retaining wall is shorter than 6 feet but longer than 50 feet. The retaining wall will be architecturally treated with texture and will have a Versa-Loc block design, as described in the applicant's February 1, 2023, supplemental memorandum and as shown on the applicant's materials board. Furthermore, the applicant states approved landscaping on the Phase 1 site will

provide screening for the retaining wall, as shown on Sheets L1.0 to L1.2, drawn by DOWL on January 31, 2022.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**7. Fences and walls.**

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

**FINDING:**

A retaining wall will be installed along the eastern boundary of the Floor & Décor parking lot, located between the Phase 2 site and the flood basin to the east. As described in the applicant's February 1, 2023, supplemental memorandum and as shown on the applicant's materials board, the retaining wall will be constructed of Versa-Loc masonry block, which is an attractive, durable material.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**8. Changes to existing on-site surface contours at residential property lines. The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as drainage impacts, damage to tree root zones, and blocking sunlight. (Standard 60.05.25.10)**

**FINDING:**

The Phase 2 site is located more than 350 feet away the nearest residential zone; accordingly, grading on the project site will not impact neighboring residential properties. The site is located directly adjacent to an existing Significant Grove, and the applicant's preliminary grading plan (Sheet C4.0) shows there will be minimal grading and impacts to existing tree root zones.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

**9. Integrate water quality, quantity, or both facilities. Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.11)**



## FINDING:

The applicant's landscape plan (Sheet L1.1) shows that a new LIDA flow through planter will be installed at the southeast end of the Phase 2 site, and it will be integrated into the overall landscape design with trees, shrubs, and herbaceous plants. There is also a large flood storage basin located directly east of the Phase 2 site; landscaping for the flood storage basin was approved as part of the Design Review Three application for the Phase 1 site (Case No. DR2021-0027).

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

### **10. Natural areas. Natural features that are indigenous to a development site, such as streams, wetlands, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan. (Standard 60.05.25.12)**

## FINDING:

The area directly south and southeast of the Phase 2 site is occupied by Fanno Creek, Clean Water Services (CWS) Vegetated Corridor, and an existing Significant Grove. The applicant proposes to preserve many existing mature trees along the southern boundary of the site and has designed the Phase 2 development to minimize impacts to the adjacent natural resource areas. Additionally, CWS reviewed the applicant's proposal and issued a Service Provider Letter stating the project complies with the agency's standards. CWS also included conditions of approval for the applicant to protect the Vegetated Corridor prior to and during construction. These conditions have been incorporated into Attachment D of this staff report.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

### **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)**

## FINDING:

As shown in Exhibit 1.2 Zoning Map of this staff report, the subject site is zoned CS and abuts the IND and RMA zones to the east and southeast. The Phase 2 site is located more

than 350 feet away from the neighboring IND and RMA zones and development on the Phase 2 site will be naturally buffered and screened by the flood basin to the east and the Fanno Creek natural resource area to the southeast. Accordingly, staff finds existing site conditions will provide a high degree of visual screening and that no additional buffering or screening is required.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- 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)**

**FINDING:**

As shown in Exhibit 1.2 Zoning Map of this staff report, the subject site is zoned CS and abuts the IND and RMA zones to the east and southeast. The Phase 2 site is located more than 350 feet away from the neighboring IND and RMA zones and development on the Phase 2 site will be naturally buffered and screened by the flood basin to the east and the Fanno Creek natural resource area to the southeast. Accordingly, staff finds existing site conditions will provide a high degree of visual screening and that no additional buffering or screening is required.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- 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)**

**FINDING:**

The Phase 2 site is located more than 350 feet away from the neighboring IND and RMA zones and development on the Phase 2 site will be naturally buffered and screened by the flood basin to the east and the Fanno Creek natural resource area to the southeast. The flood basin will be landscaped with a variety of trees, shrubs, and ground covers that were approved as part of the Design Review Three application for Phase 1 (Case No. DR2021-0027). The Fanno Creek natural resource area contains a variety of existing native trees, shrubs, and ground covers that provide a high degree of visual screening between the Phase 2 site and the existing residential area to the southeast.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

## 60.05.50 Lighting Design Guidelines.

1. **Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standards 60.05.30.1 and 2)**

### FINDING:

The applicant states pole-mounted lighting will be evenly spaced throughout the Phase 2 site to provide uniform illumination, and wall-mounted lighting on the Floor & Décor building will ensure all adjacent pedestrian areas, building entries, and bicycle parking areas are adequately lit. The applicant states lighting is designed to maximize safety; however, staff identified that parking spaces along the eastern edge of the Phase 2 site (on Sheet E501) do not meet the minimum 1.0-footcandle requirement for commercial developments in Table 60.05-1. Accordingly, staff recommends a condition of approval for the applicant to submit a revised photometric plan demonstrating compliance with this lighting standard.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

2. **Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)**

### FINDING:

The applicant's electrical site plan (Sheet E103) and lighting cut sheets show that pole-mounted lighting fixtures will be of a consistent type throughout the Phase 2 development site and comply with the height restrictions in Table 60.05-1. The applicant's elevation drawing (Sheet ELEV-1) also shows that wall-mounted lighting fixtures will be incorporated into the architectural design of the building and comply with the height restrictions in Table 60.05-1. Overall, staff finds on-site lighting has been designed for a pedestrian scale.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

3. **Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standards 60.05.30.1 and 2)**

## FINDING:

The applicant's site photometric plan (Sheet E501) demonstrates that lighting has been designed to minimize direct and indirect glare impacts to abutting and adjacent properties. The applicant has paid special attention to avoiding light pollution on the adjacent Fanno Creek natural resource area.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- 4. On-Site lighting should comply with the City's Technical Lighting Standards. (Standards 60.05.30.1 and 2.) Where the proposal does not comply with Technical Lighting standards, the applicant should describe the unique circumstance attributed to the use or site where compliance with the standard is either infeasible or unnecessary.**

## FINDING:

Staff identified that parking spaces along the eastern edge of the Phase 2 site (on Sheet E501) do not meet the minimum 1.0-footcandle requirement for commercial developments in Table 60.05-1. Accordingly, staff recommends a condition of approval for the applicant to submit a revised photometric plan demonstrating compliance with this lighting standard.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the guideline.

# Attachment C: SHARED PARKING APPLICATION PD2022-0006

## ANALYSIS AND FINDINGS FOR SHARED PARKING APPLICATION APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **PD2022-0006**, subject to the applicable conditions identified in Attachment D.

### Section 40.55.05 Purpose:

The purpose of a Parking Determination is to establish required number of parking spaces for uses which do not have a parking ratio requirement listed in the Development Code. The Parking Determination application is established for determining the required number of off-street parking spaces in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

### Planning Commission Standards for Approval:

Section 40.55.15.2.C of the Development Code provides standards to govern the decisions of the decision making authority as they evaluate and render decisions on Shared Parking Applications. The decision making authority will determine whether the application as presented, meets the Shared Parking Application approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for a Shared Parking Application.

To approve a Shared Parking 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:

#### Section 40.55.15.2.C.1

The proposal satisfies the threshold requirements for a Shared Parking application.

#### FINDING:

The applicant requests a Shared Parking Application to share required off-street parking for all uses on the Phase 1 and 2 sites. The following threshold is met:

1. *The required off-street parking for two or more uses will share required parking spaces.*

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

## **Section 40.55.15.2.C.2**

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

### **FINDING:**

The applicant paid the required fee for this Shared Parking Application.

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

## **Section 40.55.15.2.C.3**

The shared off-street parking is located on any property within 500 feet of the property upon which the use requiring the parking is located, except in Multiple Use zoning districts where the location may be at any distance.

### **FINDING:**

Required off-street parking will be shared between the Phase 1 and 2 sites which are located less than 500 feet from one another.

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

## **Section 40.55.15.2.C.4**

The location of the shared parking and the site containing the use shall be connected by a hard surface pedestrian pathway.

### **FINDING:**

The applicant proposes to construct a new 75,100-square-foot retail building on the Phase 2 site. Based on the vehicle parking ratio requirements in Table 60.30.10.5.A, the applicant is required to provide a minimum of 248 spaces for the new retail building. The applicant proposes to provide 209 spaces on the Phase 2 site and to share required parking with the Phase 1 site, which will provide 168 spaces when it is fully developed. The applicant's site circulation plan (Sheet C3.2) shows that a hard surface pedestrian pathway will be provided to connect the Phase 1 and 2 sites. The applicant has also identified 40 parking spaces and an adjacent pedestrian pathway on the Phase 1 site (Sheet C3.2) that will be constructed by the Phase 2 applicant if Phase 1 does not move forward with construction. Staff recommends conditioning the applicant to construct the identified parking spaces and pedestrian pathway if they are not constructed as part of the Phase 1 development. This condition will ensure that adequate parking and pedestrian connections are provided for the Floor & Décor building, even if Phase 1 does not move forward with construction.

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

### **Section 40.55.15.2.C.5**

If the location of the shared parking and the site containing the use are separated by a street of collector or higher designation, the two locations shall each be within 300 feet of a controlled pedestrian crossing, such as a traffic light, stop-controlled intersection or marked pedestrian crossing such as a striped intersection or pedestrian-activated signal.

**FINDING:**

Required off-street parking will be shared between the Phase 1 and 2 sites. The two sites are directly adjacent to one another and are not separated by any streets.

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

### **Section 40.55.15.2.C.6**

If multiple properties are involved, the owners of the properties have each agreed to the shared parking by entering into a shared parking agreement.

**FINDING:**

Required off-street parking will be shared between the Phase 1 and 2 sites, which are located on four contiguous tax lots all owned by the same entity, Oregon Worsted Company. The four tax lots will be consolidated as part of the Phase 1 approval (Case No. LD2021-0002) and will remain under Oregon Worsted Company's ownership even after the consolidation is recorded. Because the subject site will remain under common ownership and the property owner signed the Shared Parking Application form, a shared parking agreement is not required.

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

### **Section 40.55.15.2.C.7**

The time of peak parking demand for the various uses located on the subject properties occur at different times of the day.

**FINDING:**

The applicant submitted a Shared Parking Assessment for the Phase 1 and 2 sites prepared by Kittleston & Associates on November 3, 2022. In February 2022, the Planning Commission approved the Phase 1 site with a mix of land uses that include one hotel and two commercial buildings with a fuel center. Because tenants have not yet been secured for the two commercial buildings on the Phase 1 site, the applicant's traffic engineer

prepared the Shared Parking Assessment based on a “worst-case scenario” with the two commercial buildings being occupied by drive-through fast-food restaurants, which is a use with the highest vehicle parking ratio in Table 60.30.10.5.A that is allowed in the CS zone. The applicant’s traffic engineer found the peak parking demand for the two uses with the highest parking demand on the Phase 1 and 2 sites occur at different times of the day, with the peak parking demand for the Phase 1 hotel building occurring at 4:00 A.M. and the peak parking demand for the Phase 2 Floor & Décor retail building occurring at 1:00 P.M. Although the assessment showed the peak parking demand for the Floor & Décor building and the anticipated drive-through fast-food restaurants overlap at 1:00 P.M. on weekends, staff finds this Shared Parking Application is still approvable because the applicant’s traffic engineer demonstrates that adequate parking will be provided at all times when the various uses are in operation, as further detailed in approval criterion 40.55.15.2.C.8 below.

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

## **Section 40.55.15.2.C.8**

Adequate parking will be available at all times when the various uses are in operation.

### **FINDING:**

The applicant submitted a Shared Parking Assessment for the Phase 1 and 2 sites prepared by Kittleson & Associates on November 3, 2022. Because tenants have not yet been secured for the two commercial buildings on the Phase 1 site, the applicant’s traffic engineer prepared the Shared Parking Assessment based on a “worst-case scenario” with the two commercial buildings being occupied by drive-through fast-food restaurants, which is a use with the highest vehicle parking ratio in Table 60.30.10.5.A that is allowed in the CS zone. Based on these assumptions, the applicant’s traffic engineer found the peak parking demand for all uses on the Phase 1 and 2 sites is 361 parking spaces on weekdays, occurring at 12:00 P.M. and 329 parking spaces on weekends, occurring at 1:00 P.M. Staff finds the applicant’s Shared Parking Assessment demonstrates adequate parking will be available at all times when the various uses are in operation because, at full construction, the Phase 1 and 2 sites will provide a total of 377 parking spaces. The applicant has also identified 40 parking spaces on the Phase 1 site (Sheet C3.2) that will be constructed by the Phase 2 applicant if Phase 1 does not move forward with construction. Staff recommends conditioning the applicant to construct these 40 spaces if they are not constructed as part of the Phase 1 development. This condition will ensure that adequate parking is provided for the Floor & Décor building, even if Phase 1 does not move forward with construction.

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



## Section 40.55.15.2.C.9

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

### FINDING:

As detailed in Attachments A and B of this staff report, the proposal complies with, or can be conditioned to comply with, all applicable provisions of CHAPTER 60 (Special Requirements).

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

## Section 40.55.15.2.C.10

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

### FINDING:

The applicant's plans show there will be safe and efficient vehicular circulation patterns in the Phase 2 parking lot, and that the parking lot complies with minimum drive aisle widths and other parking lot design standards in Section 60.30.15. The applicant's site circulation plan (Sheet C3.2) also shows the parking lot is designed to provide adequate turning radii for delivery trucks accessing the site. The City of Beaverton Recycling & Waste Reduction Program and TVF&R reviewed the applicant's proposal and confirmed the site is designed to provide adequate turning radii for trash and recycling trucks and fire trucks accessing the site. Pedestrian walkways are designed to provide safe and efficient internal circulation throughout the site and provide connections from building entrances, vehicle parking areas, bicycle parking spaces, and trash and recycling areas.

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

## Section 40.55.15.2.C.11

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

### FINDING:

The applicant submitted a Design Review Three application on June 23, 2022, and a Shared Parking Application on November 7, 2022. Both applications were deemed complete as of December 14, 2022.

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

## **Section 40.55.15.2.C.12**

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

### **FINDING:**

The applicant submitted a Design Review Three application to be processed concurrently with this Shared Parking request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated application.

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

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends APPROVAL of PD2022-0006, subject to the applicable conditions identified in Attachment D.

# Attachment D: RECOMMENDED CONDITIONS OF APPROVAL

**Application:** Floor & Décor

**Recommendation:** APPROVE DR2022-0078 / PD2022-0006

## Design Review Three (DR2022-0078)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated Shared Parking application (PD2022-0006) has been approved and is consistent with the submitted plans. (Planning / LS)
2. The locations of the Phase 1 and Phase 2 sites referenced in the conditions of approval are identified on Sheet C1.1 of the applicant's approved civil drawings. (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. / SAS)
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. / SAS)
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. / SAS)
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. Any Phase 1 improvements constructed with Phase 2 shall be included only in the Phase 2 security. (Site Development Div. / SAS)

7. Submit a public water easement, 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. / SAS)
8. Provide plans showing the existing 10-inch city water line to be replaced with a 12-inch city water line. 10-inch city water lines are no longer allowed by the city. System development charge credits may be available for the difference in water line costs between the 10-inch and 12-inch lines. Any credits are subject to documentation concurrence by the City Engineer. (Site Development Div. / SAS)
9. Provide plans showing the proposed 8-inch and 12-inch city water lines extending through the Phase 1 site and connecting to the water main within SW Allen Blvd. (Site Development Div. / SAS)
10. Provide plans showing the storm water design for the outfall to Fanno Creek. (Site Development Div. / SAS)
11. Provide plans showing the flood storage basin in-flow and out-flow pipe connections to Fanno Creek. (Site Development Div. / SAS)
12. Provide flood storage basin pump design, calculations, and sizing determinations, satisfactory to the City. Provide a design and plan for a redundant pump system in the event of pump failure. (Site Development Div. / SAS)
13. Provide a design and plan for a pump station and redundant energy system in the event of electrical power failure, satisfactory to the City Engineer and Floodplain Administrator. (Site Development Div. / SAS)
14. Provide an Operations and Maintenance plan for the pump and redundant energy system, satisfactory to the City Engineer and Floodplain Administrator. This operations and maintenance plan shall be provided should the Phase 1 development not move forward with construction. (Site Development Div. / SAS)
15. Submit an owner-executed, notarized, Operations and Maintenance Agreement for the pump and energy system, satisfactory to the City Engineer, Floodplain Administrator, and City Attorney ready for recording with Washington County Records. This operations and maintenance agreement shall be provided should the Phase 1 development not move forward with construction. (Site Development Div. / SAS)
16. 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. / SAS)

17. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (Site Development Div. / SAS)
18. 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. / SAS)
19. 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. / SAS)
20. 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. / SAS)
21. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to the development. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer or as permitted per sections 307 and 311 of Oregon Uniform Plumbing Code. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div. / SAS)
22. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation shall be at least one foot higher and FFE shall be at least three feet higher than the 100 year/emergency overflow of the storm water management facility. (Site Development Div. / SAS)
23. 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. / SAS)

24. Provide plans showing a proprietary stormwater treatment system for treatment of the site's piped surface water runoff. Plans shall also show a trash capture water quality pre-treatment unit located directly upstream from any proprietary stormwater treatment system vaults or manholes. Plans shall also show a high flow bypass system to bypass surface water runoff high flows. (Site Development Div. / SAS)
25. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / SAS)
26. 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. / SAS)
27. 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 and private streets. 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. (Site Development Div. / SAS)
28. Provide plans for the placement of underground utility lines within the site 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. / SAS)
29. 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. / SAS)
30. 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. / SAS)
31. Resubmit site plans to demonstrate that the minimum sight distance requirements

outlined in the City of Beaverton Engineering Design Manual (EDM) are met for the proposed commercial driveway at SW Allen Boulevard. (BDC 40.03.1 and 60.55.35, and EDM Section 210.18) (Transportation / KM)

32. Resubmit site plans to demonstrate that the minimum required standards for short term bicycle parking are met. Specifically, there shall be a minimum of 2-foot wide clearance between the staple rack and a wall. A minimum 5-foot wide unobstructed path along pedestrian walkways shall not be impeded. (BDC 60.30.10.2.B and EDM Sections 340 and 450) (Transportation / KM)
33. Resubmit site plans demonstrating long term bicycle parking complies with all applicable design standards in BDC 60.30.10.2.B and EDM Sections 340 and 450. (Transportation / KM)
34. If Phase 1 has not yet substantially completed the site's access to SW Allen Boulevard and the site's private driveway, submit site plans for the required access improvements. The interim access improvements should include, at a minimum, the intersection at SW Allen Boulevard (including two through travel lanes and a northbound left turn lane), a private street with sufficient width for two-way vehicle traffic, and curb and walkways on at least one side of the private street that provides direct pedestrian access (compliant with ADA) to the Phase 2 site. Site plans for interim access and circulation improvements shall be approved by the City Transportation Engineer. (BDC 40.03.1.F, G, and K, and 60.55.10, 25, and 35) (Transportation / KM)
35. Submit a revised site photometric plan demonstrating compliance with the Technical Lighting Standards in BDC Table 60.05-1 and the walkway lighting standards in BDC 60.55.25.10.B.7. (Planning / LS)
36. The applicant shall enter into an agreement with the City, in a form approved by the City Attorney, for any work proposed within the City's bicycle and pedestrian easements, as shown on Sheets C1.1 and C2.0. The agreement shall be accompanied by a performance bond to cover the full cost to restore the easements in the event the easements are not vacated. The performance bond shall be submitted to the City Attorney for review and approval. (Planning / LS)

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

37. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / SAS)
38. 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. / SAS)

39. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all at-risk elements of the new construction are either elevated or floodproofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Floodplain Administrator and City Building Official. As the floodplain elevations change throughout the site, individual floodplain elevations will be identified on plans. (Site Development Div. / SAS)
40. Submit documentation showing that the two bicycle and pedestrian easements identified on Sheets C1.1 and C2.0 have been approved for vacation by Beaverton City Council. (Planning / LS)

**D. Prior to the start of construction, the applicant shall:**

41. Install tree protection fencing in compliance with BDC 60.60.20. Any alternatives to the standards in BDC 60.60.20 shall be approved by the City Arborist. (Planning / LS)
42. Survey, stake, and temporarily fence the Vegetated Corridor, in compliance with Clean Water Services Service Provider Letter 19-001462, dated June 1, 2022. During construction, the Vegetated Corridor shall remain fenced and undisturbed. (Clean Water Services / SB)

**E. Prior to issuance of any certificate of occupancy, the applicant shall:**

43. Submit documentation showing that vacation of the two bicycle and pedestrian easements identified on Sheets C1.1 and C2.0 has been recorded. (Planning / LS)

**F. Prior to issuance of temporary occupancy, the applicant shall:**

44. If not yet constructed by the Phase 1 redevelopment, Phase 2 shall construct water lines extending through the Phase 1 site and connecting to the water main within SW Allen Boulevard, as shown on Sheet C5.0 (drawn by DOWL on January 31, 2022). (Site Development Div. / SAS)
45. If not yet constructed by the Phase 1 redevelopment, Phase 2 shall construct the flood storage basin related stormwater infrastructure, as shown on Sheet C4.2 (drawn by DOWL on January 31, 2022), and the pump station on the Phase 1 plans, as shown on the Romtec Utilities Scope of Supply and Design Submittal (dated June 15, 2022). (Site Development Div. / SAS)
46. If not yet dedicated with the Phase 1 development, dedicate sufficient property for the purposes of public right of way along the site's frontage along SW Allen Boulevard for the minimum required half-street width of 50-feet along the site's western half and 48-



feet along the site's eastern half as shown on Sheet C1.4 (drawn by DOWL on January 31, 2022). If dedication has already occurred with Phase 1 development as shown on Sheet C1.4, provide documentation of the finalized right of way dedication. (BDC 40.03.1, 60.55.10) (Transportation / KM)

47. If not yet completed from Phase 1 redevelopment, reconstruct the public street frontage along SW Allen Boulevard to provide the following: (BDC 40.03.1. A, B, and D, and 60.55.10) (Transportation / KM)

a. Along the western half of the site's frontage: Portion of the center turn lane ranging from approximately 6'6" to 7'2" as shown on the applicant's approved site plans; two 12-foot wide eastbound vehicle travel lanes, 5-foot wide bicycle lane; 7.5-foot wide planter strip (including the standard 6" curb); and a 6-foot wide sidewalk.

b. Along the eastern half of the site's frontage: 5-foot wide portion of the center turn lane; two 12-foot wide eastbound vehicle travel lanes, 5-foot wide bicycle lane; 7.5-foot wide planter strip (including the standard 6" curb); and a 6-foot wide sidewalk.

48. If not yet constructed from Phase 1 redevelopment, construct the interim access and private street improvements approved in previous Site Development plans to provide direct vehicular and pedestrian access to SW Allen Boulevard. (BDC 40.03.1.F and G, and BDC 60.55.10 and 35) (Transportation / KM)

49. Submit documentation showing the lot consolidation of Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA has been recorded. (Planning / LS)

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

50. 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. / SAS)

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

52. 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. / SAS)

53. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)

54. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div. / SAS)
55. 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 one foot above base flood elevation (BFE) 192.2 feet, NAVD-88 and higher or flood-proofed to one foot above the BFE. (Site Development Div./SAS)

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

56. 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. / SAS)
57. Submit any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. 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. / SAS)
58. Provide a post-construction cleaning, system maintenance, and any proprietary stormwater treatment system recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary storm water treatment systems by a qualified maintenance provider as determined by the City Engineer. Additional service report will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div. / SAS)
59. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within the storm water management facility 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. / SAS)
60. 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 for plant establishment and is released 2 years after project acceptance following the correction of any identified defects. (Site Development Div. / SAS)

## Shared Parking Application (PD2022-0006)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated Design Review Three application (DR2022-0078) has been approved and is consistent with the submitted plans. (Planning / LS)
2. The locations of the Phase 1 and Phase 2 sites referenced in the conditions of approval are identified on Sheet C1.1 of the applicant's approved civil drawings. (Planning / LS)

### **B. Prior to issuance of temporary occupancy, the applicant shall:**

3. If not yet constructed as part of the Phase 1 redevelopment, Phase 2 shall construct the 40 parking spaces on the Phase 1 site that are identified on Sheet C3.2. A direct, paved pedestrian walkway shall be provided from these 40 parking spaces to the Phase 2 site. (BDC 40.55.15.2.A, 40.03.1.F and 60.30.15 and 20) (Transportation / KM)
4. If the 40 parking spaces identified on Sheet C3.2 have not yet been constructed as part of the Phase 1 redevelopment, Phase 2 shall submit a photometric plan demonstrating the 40 parking spaces comply with the applicable lighting standards in BDC Table 60.05-1 and BDC 60.55.25.10.B.7. (Transportation / KM)