

STAFF REPORT

Report Date: September 27, 2023

Application/Project Name: Westgate + Hall Mixed Use Development

Application Numbers: CU2023-0003 / DDR2023-0008 / LLD2023-0002 / TP2023-0002

Proposal: The applicant, Cedar Street Companies, requests approval of a New Conditional Use and Downtown Design Review Three for a new 7-story mixed-use building partially located in the floodway fringe. The building will include approximately 248 residential units, with ground-floor commercial space and structured parking. The applicant requests a Legal Lot Determination to determine the legal status of the subject lot. The applicant requests approval of a Tree Plan Two to remove 3 trees located in the Clean Water Services Vegetated Corridor.



Proposal Location: The site is located at 3775 SW Hall Boulevard, specifically identified as Tax Lot 00105 on Washington County Tax Assessor's Map 1S109DD.

Applicant: 3775 Beaverton Owner, LLC dba Cedar Street Companies

Recommendation: APPROVAL of Westgate + Hall Mixed Use Development CU2023-0003 / DDR2023-0008 / LLD2023-0002 / TP2023-0002

Hearing Information: 6:30 p.m. October 4, 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>

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Existing Conditions

Zoning: Regional Center – Mixed-Use (RC-MU)

Site Conditions: The site is located at the intersection of SW Hall Boulevard and SW Westgate Drive and is currently occupied by two commercial buildings, a surface parking lot, and associated landscaping. Vehicular access is provided to the site via two existing commercial driveways on SW Westgate Drive. There is also an existing commercial driveway on SW Hall Boulevard at the northwest corner of the site and vehicular access is provided via an access easement over the neighboring property to the west (3615 – 3655 SW Hall Boulevard; Tax Lot 00106 on Washington County Tax Assessor's Map 1S109DD). Beaverton Creek abuts the site to the south and the southern portion of the site is occupied by the Clean Water Services (CWS) Vegetated Corridor. The site is also partially located in the Federal Emergency Management Agency (FEMA) floodway fringe.

Site Size: 1.85 acres

Location: Southwest intersection of SW Hall Boulevard and SW Westgate Drive, directly north of Beaverton Creek.

Neighborhood Association Committee: Central Beaverton NAC

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	RC-MU	Commercial Uses
South	RC-MU	Public Park/Parkway
East:	RC-MU	Commercial Uses
West:	RC-MU	Commercial Uses

Application Information

Table 2: Application Summaries

Application	Application type	Proposal summary	Approval criteria location
CU2023-0003	New Conditional Use	New multi-dwelling residential use located in the floodway fringe	Development Code Sections 40.03.1 and 40.15.15.5.C
DDR2023-0008	Downtown Design Review Three	New 7-story mixed-use building that exceeds 75-foot maximum height in RC-MU zone	Development Code Sections 40.03.1 and 40.23.15.3.C
LLD2023-0002	Legal Lot Determination	Request to determine the subject lot is a legal lot	Development Code Section 40.47.15.1.C
TP2023-0002	Tree Plan Two	Request to remove 3 trees in Clean Water Services (CWS) Vegetated Corridor	Development Code Section 40.90.15.2.C

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
CU2023-0003	March 8, 2023	April 19, 2023	Aug. 17, 2023	April 18, 2024
DDR2023-0008	March 8, 2023	April 19, 2023	Aug. 17, 2023	April 18, 2024
LLD2023-0002	March 8, 2023	April 19, 2023	Aug. 17, 2023	April 18, 2024
TP2023-0002	March 8, 2023	April 19, 2023	Aug. 17, 2023	April 18, 2024

*Applicant provided a continuance of 102 days to the original 120-day deadline, resulting in a Final Decision deadline of November 27, 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 Chris Lindsley, property owner of 2375 SW Sandalwood Ave, asking if the applicant will be required to construct a bicycle lane along Beaverton Creek and comply with the Beaverton Active Transportation Plan.

Staff Response: The Beaverton Active Transportation Plan shows a future Tualatin Hills Park & Recreation District (THPRD) multi-use trail running along the east-west portion of SW Westgate Drive, which does not abut the project site. However, as shown on the applicant’s landscaping plans (Sheets L001 to L002), the applicant proposes a pathway in the southern portion of the site, next to Beaverton Creek. The applicant will also construct bicycle lanes along both the project’s SW Hall Boulevard and SW Westgate Drive frontages. Staff also notes that although the Beaverton Active Transportation Plan was adopted by City Council resolution in February 2018, it is not an implementing document for development review because it has not been incorporated into the Beaverton Development Code (BDC) or the Beaverton Transportation System Plan (TSP).

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Exhibit 3.9	Property Deed History
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Exhibit 3.14 Sight Distance Analysis

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Exhibit 3.19 Trash Truck Turning Diagrams

Exhibit 4. Agency Comments

Exhibit 4.1 Tualatin Hills Park & Recreation District

Exhibit 1.1 Zoning Map

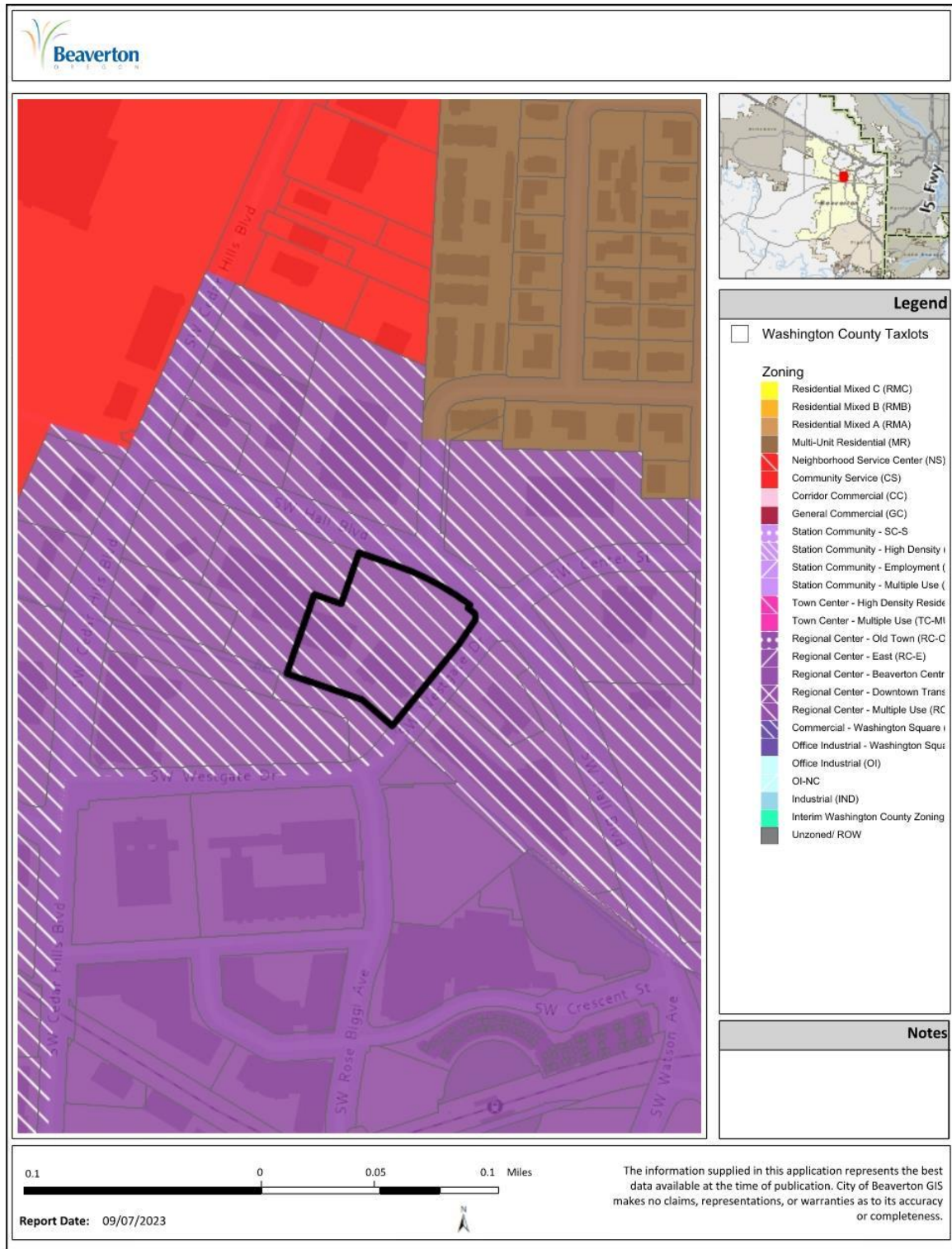
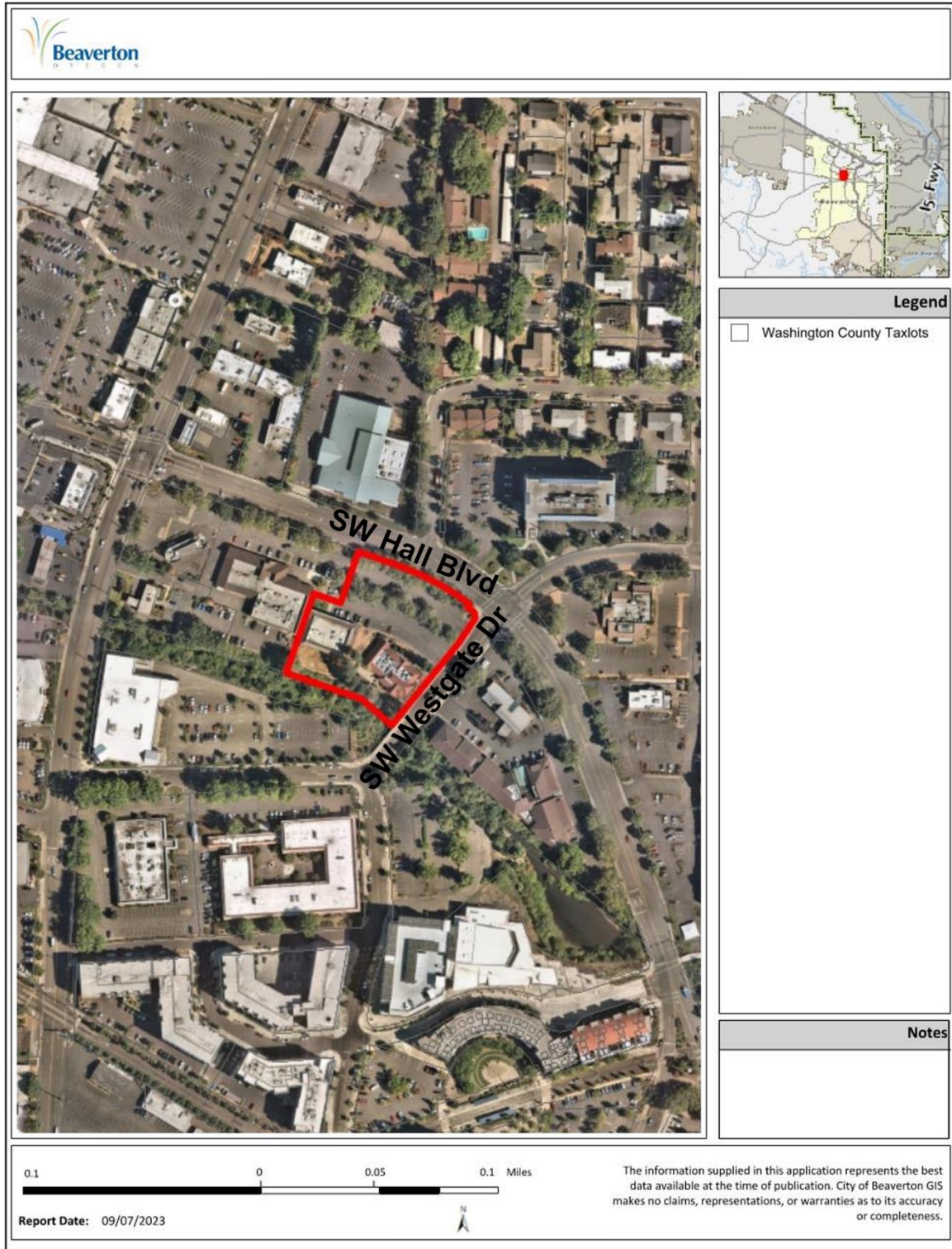


Exhibit 1.2 Vicinity Map



Attachment A: FACILITIES REVIEW COMMITTEE

TECHNICAL REVIEW AND RECOMMENDATIONS

Application: Westgate + Hall Mixed Use Development

Proposal: The applicant, Cedar Street Companies, requests approval of a New Conditional Use and Downtown Design Review Three for a new 7-story mixed-use building partially located in the floodway fringe. The building will include approximately 248 residential units, with ground-floor commercial space and structured parking. The applicant requests a Legal Lot Determination to determine the legal status of the subject lot. The applicant requests approval of a Tree Plan Two to remove 3 trees located in the Clean Water Services Vegetated Corridor.

Recommendation: APPROVE CU2023-0003 / DDR2023-0008 / LLD2023-0002 / TP2023-0002

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 New Conditional Use (CU2023-0003) and Downtown Design Review Three (DDR2023-0008).
- Facilities Review Committee criteria do not apply to the submitted Legal Lot Determination (LLD2023-0002) and (TP2023-0002) applications.

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:

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: City of Beaverton water service is available to the site. The applicant proposes to connect to an existing 8-inch water main in the SW Hall Boulevard right of way. City staff reviewed the applicant's proposal and issued a Service Provider Letter stating there is adequate capacity to serve the proposed development. Therefore, 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 sanitary sewer main in the SW Hall Boulevard right of way, and states sanitary sewer service is adequate to serve the proposed development. The site contains two existing one-story buildings and a surface parking lot, and there is an existing sanitary sewer main that runs through the parking lot and provides service to the western building. This sanitary sewer main will be removed, but an existing connection to SW Hall Boulevard will be retained for service use. Based on the applicant's narrative and preliminary utility plans, 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 states a detention gallery and flow control structure will be constructed to meet hydromodification requirements and Clean Water Services (CWS) Design and Construction Standards. The applicant requests a fee in-lieu of water quality because water quality treatment for the property and the SW Westgate Drive frontage will be met through an off-site public water quality vault. The SW Hall Boulevard frontage drains to a separate public storm main; therefore, the applicant proposes to install a Low Impact Development Approach (LIDA) planter to meet the water quality treatment requirement for the new or disturbed impervious area along this frontage. The Committee recommends conditioning the applicant to submit construction plans and a drainage report demonstrating compliance with applicable surface water management requirements as part of the site development permit. The applicant's request for a fee in-lieu will also be reviewed during the site development permit process. Accordingly, as conditioned, the Committee finds that adequate stormwater drainage, treatment, and retention can be provided to the site to serve the proposed development.

Transportation: The subject site has public street frontage on SW Hall Boulevard, a City of Beaverton arterial street, and SW Westgate Drive, a City of Beaverton collector street. Half-street improvements will be required along SW Hall Boulevard, including right of way dedication (which varies in width along the frontage), sidewalks, bicycle lanes, streetlights, and street trees in tree wells. The applicant proposes to utilize an existing commercial driveway on SW Hall Boulevard via an access easement with the neighboring property (3615 – 3655 SW Hall Boulevard; Tax Lot 00106 on Washington County Tax Assessor's Map 1S109DD) for emergency access and waste hauler access. Half-street improvements will also be required along SW Westgate Drive, including right of way dedication (which

varies in width along the frontage), sidewalks, bicycle lanes, streetlights, and street trees in tree wells. A new commercial driveway approach will be installed along the SW Westgate Drive frontage to provide vehicular access into the development's new parking structure. The Committee recommends a condition of approval for the applicant to substantially complete the required half-street improvements prior to occupancy to ensure adequate transportation facilities are provided.

Per Beaverton Development Code (BDC) Section 60.55.20.2.A, a Traffic Impact Analysis (TIA) is required if a proposed development generates 300 vehicles or more per day in average weekday trips. The applicant submitted a trip generation memorandum dated April 3, 2023, and prepared by Kittleson & Associates, which demonstrates the proposal does not generate 300 vehicles or more per day in average weekday trips, and therefore, a TIA is not required.

Pedestrian and bicycle access will be provided by sidewalks and bicycle lanes along both public street frontages. Additionally, the building and all building entrances will be located directly adjacent to public sidewalks, allowing direct and convenient access into the site.

By constructing the proposed street improvements and complying with the recommended conditions of approval, the applicant will ensure that the surrounding transportation system can accommodate the traffic expected to be generated by the proposed development.

Fire Protection: Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff issued Service Provider Permit (SPP) 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 applicant proposes a mixed-use building with 248 residential units, and the site is located within the Beaverton School District (BSD) boundaries. The applicant obtained a BSD Service Provider Letter dated March 3, 2023. BSD estimates the project will generate 54 new students and there is sufficient capacity to accommodate the new students. The site will be served by William Walker Elementary School, Cedar Park Middle School, and Beaverton High School. The Committee finds BSD has adequate capacity to serve the proposed development.

Transit Improvements: There are approximately 10 TriMet bus stops located within a quarter-mile of the subject site, which are served by multiple bus lines including Bus Line 20, which connects to the City of Portland. The subject site is also located within a half-mile of the Beaverton Central MAX Station and the Beaverton Transit Center, which 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: The applicant will construct half-street improvements along SW Hall Boulevard and SW Westgate Drive, which will provide adequate pedestrian and bicycle facilities including 10-foot-wide sidewalks and bicycle lanes. With the proposed improvements, the Committee finds there are adequate pedestrian and bicycle facilities to serve the proposed development.

For these reasons, the Committee finds that essential facilities and services related to the proposed development are available with adequate capacity to serve the development.

Conclusion: Therefore, the Committee finds that 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 site is zoned Regional Center – Mixed Use (RC-MU) and is located within the Downtown Design District. The Committee refers to the Chapter 70 use and site development requirements table at the end of this report, which evaluates the project as it relates to applicable code requirements of Section 70.15 (*Downtown Design District Downtown Zoning and Streets*). As demonstrated in the table, the development proposal is consistent with all applicable provisions of Chapter 70.15 (*Downtown Design District Downtown Zoning and Streets*).

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 Downtown Design Review Three request within the applicable section of the staff report.

Section 60.30 Off-Street Parking: Under the State of Oregon Climate Friendly Equitable Communities (CFEC) rules, cities and counties may not require vehicle parking spaces for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops as of January 1, 2023 (Oregon Administrative Rules 660-012-0440). This application was submitted on March 8, 2023, and because the subject site is located within three-quarters mile of two MAX stations, no minimum vehicle parking is required for this development.

Although maximum parking ratios are outlined in BDC Table 60.30.10.6, the project may exceed maximum parking ratios without requiring a Major Adjustment because all on-site parking is located within a parking structure (BDC 60.30.10.7). However, as detailed in the findings below, the applicant has demonstrated compliance with maximum parking restrictions.

The proposal is in maximum parking Zone A and will include 248 multi-dwelling units (maximum 2.0 spaces per dwelling unit) and approximately 2,800 square feet of ground

floor commercial space. The applicant states the commercial space is designed for future retail use (including shopping centers), which has a maximum parking ratio of 5.1 spaces per 1,000 square feet of floor area. Based on these calculations, the development is allowed a maximum of 510 parking spaces. The applicant proposes a total of 204 parking spaces and therefore complies with maximum parking restrictions.

Bicycle Parking Requirements (BDC Table 60.30.10.5.B)		
Land Use Category	Short-Term Parking	Long-Term Parking
Multi-Dwelling Structure	12 spaces	248 spaces
Retail (Including Shopping Centers)	2 spaces	2 spaces
Total Required	14 spaces	250 spaces

The table above calculates the development’s minimum bicycle parking requirements based on the ratios in BDC Table 60.30.10.5.B. Based on these calculations, the development is required to provide a minimum of 14 short-term bicycle parking spaces and 250 long-term bicycle parking spaces. The applicant’s site plan (Sheet A1.01) shows that short-term bicycle parking will be provided by 5 bicycle parking racks (10 spaces) along the building’s SW Westgate Drive frontage and 2 bicycle parking racks (4 spaces) adjacent to the commercial driveway on SW Hall Boulevard. The Committee has concerns that the 2 bicycle parking racks along the SW Hall Boulevard frontage will obstruct vehicle access to the driveway or pedestrian access from the adjacent stairs to the east. Accordingly, the Committee recommends a condition of approval for the applicant to demonstrate all short-term bicycle parking complies with the applicable standards in BDC Chapter 60.30 and Section 340 of the Beaverton Engineering Design Manual (EDM). The applicant’s plans (Sheets A1.01 to A2.02) also show that 250 long-term bicycle parking spaces will be provided either inside the parking garage or inside the building.

Section 60.55 Transportation Facilities: Per BDC 60.55.20.2.A, a TIA is required if a proposed development generates 300 vehicles or more per day in average weekday trips. The applicant submitted a trip generation memorandum dated April 3, 2023, and prepared by Kittleson & Associates, which demonstrates the proposal does not generate 300 vehicles or more per day in average weekday trips, and therefore, a TIA is not required.

The applicant will construct half-street improvements along SW Hall Boulevard and SW Westgate Drive, which will provide adequate pedestrian and bicycle facilities including 10-foot-wide sidewalks and bicycle lanes. With the proposed improvements, the Committee finds there are adequate pedestrian and bicycle facilities to serve the proposed development.

Section 60.60 Trees and Vegetation Requirements: The southern portion of the site, abutting Beaverton Creek, is in the Clean Water Services (CWS) Vegetated Corridor. The applicant proposes to remove 3 trees from this Vegetated Corridor, and these tree removals are further addressed under the Tree Plan Two findings of this report. Activity in the Vegetated Corridor is subject to CWS regulations for tree removals and mitigation plantings. Accordingly, the Committee recommends a condition of approval for the applicant to comply with all conditions outlined in the CWS Amended Service Provider Letter (SPL) dated June 13, 2023 (CWS File Number 22-002144), which addresses tree protection, tree removal, and mitigation plantings. Additionally, the Committee recommends a condition of approval for the applicant to install tree protection fencing in compliance with BDC 60.60.20 prior to the start of construction.

The applicant also proposes to remove 22 Landscape Trees to accommodate the new mixed-use building and associated site improvements. The applicant states the 22 Landscape Trees that will be removed have a total linear DBH of approximately 277 inches. BDC 60.60.25.9.C states that replacement of a Landscape Tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. As shown on the applicant's site plan (Sheet A1.01), the project area located north of the CWS Vegetated Corridor will be completely occupied by the new mixed-use building and associated site improvements. Accordingly, staff finds it is not feasible for the applicant to plant mitigation Landscape Trees at a one-to-one ratio in the project area located outside of the Vegetated Corridor while accommodating the proposed development. However, as shown on the applicant's landscape plan (Sheet L001), the applicant proposes a third-floor amenity deck that will include new Landscape Trees that will help mitigate for some of the removed DBH. The applicant will also provide landscaping and open space in compliance with the applicable Downtown Design Guidelines and Standards in BDC Section 70.20, which is further addressed under the Downtown Design Review Three findings in this report.

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 applicant states that regular maintenance of all private common facilities and areas will be provided by a property management company. 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 will install a new commercial driveway approach along SW Westgate Drive to provide vehicular access into the development's new parking structure. The applicant also proposes to utilize an existing commercial driveway on SW Hall Boulevard via an access easement with the neighboring property (3615 – 3655 SW Hall Boulevard; Tax Lot 00106 on Washington County Tax Assessor's Map 1S109DD) for emergency access and waste hauler access. The applicant's plans (Sheets A1.01 to A2.02) show there will be safe and efficient vehicular circulation patterns within the parking structure, and the structure complies with the minimum drive aisle widths and other parking lot design standards in BDC 60.30.15. Additionally, the building and all building entrances will be located directly adjacent to public sidewalks, allowing for safe and efficient pedestrian access and circulation throughout the development site. For these reasons, the Committee finds there are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

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:

The applicant will construct 10-foot-wide sidewalks along both the SW Hall Boulevard and SW Westgate Drive frontages, and the proposed building and all building entrances will be located directly adjacent to the public sidewalks, allowing for safe, efficient, and direct pedestrian access into the site.

The applicant will install a new commercial driveway approach along SW Westgate Drive to provide vehicular access into the development's new parking structure. The applicant also proposes to utilize an existing commercial driveway on SW Hall Boulevard via an access easement with the neighboring property (3615 – 3655 SW Hall Boulevard; Tax Lot 00106 on Washington County Tax Assessor's Map 1S109DD) for emergency access and waste hauler access. TVF&R reviewed the applicant's plans and issued Service Provider Permit approval for the proposed emergency access. Additionally, the waste hauler (Pride Disposal) reviewed the applicant's waste/recycling truck turning diagrams and supported the applicant's proposal. Accordingly, the Committee finds the development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

Conclusion: Therefore, the Committee finds that 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:

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 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:

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 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 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 that the site has been graded in such a way as to not impact neighboring properties as well as the right-of-way. 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 applications for a New Conditional Use, Downtown Design Review Three, Legal Lot Determination, and Tree Plan Two on March 8, 2023. All applications were deemed complete, in accordance with Section 50.25 Application Completeness, on April 19, 2023. The applicant has provided a continuance of 102 days to the original 120-day deadline, resulting in a final decision deadline of November 27, 2023.

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

Code Conformance Analysis
Chapter 70 Use and Site Development Requirements
Regional Center – Mixed Use (RC-MU) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 70.15.20			
Multi-Dwellings Retail	Permitted (Retail must be conducted wholly within an enclosed structure)	Mixed-use building with 248 multi-dwelling units and ground floor commercial. Specific commercial tenants are to be determined after land use approval.	YES
Development Code Section 70.15.10			
Maximum Building Height	75 feet or buildings can be built to 120 feet in height through a discretionary review process	82 feet	See DDR Findings
Intensity (Floor Area Ratio)	Minimum: 1.0 Maximum: None	3.9	YES
Setbacks	<u>Front (Facing Hall Boulevard):</u> Minimum: 0 feet Maximum 16 feet <u>Interior Side (West):</u> 0 feet <u>Rear (South):</u> 0 feet <u>Street Facing Side (Facing Westgate Drive) With Ground Floor Residential:</u> Minimum: 6 feet Maximum: 16 feet <u>Street Facing Side (Facing Westgate Drive) Without Ground Floor Residential:</u> Minimum: 0 feet Maximum: 15 feet	Applicant's site plan (Sheet A1.01) demonstrates all minimum setbacks are met.	YES

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The proposal is in the Downtown Design District and is subject to Chapter 70 regulations.	N/A
Development Code Section 60.07			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The proposed mixed-use building is partially located in the floodway fringe. Because the proposal includes a multi-dwelling residential use in the floodway fringe, a New Conditional Use is required per BDC 60.10.25.2. Applicant has also obtained CWS SPL approval.	See CU Findings
Development Code Section 60.11			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	Applicant is not proposing a food cart or food cart pod.	N/A
Development Code Section 60.12			
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.	N/A
Development Code Section 60.15			
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.	No on-site contouring proposed within 25 feet of a residentially zoned property or Significant Tree or Grove.	N/A
Development Code Section 60.20			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.25			
Off-Street Loading Requirements	Minimum: None	According to Table 60.25.15.5, no minimum number of loading spaces is required because the applicant proposes less than 15,000 square feet of commercial space.	N/A
Development Code Section 60.30			
Off-Street Motor Vehicle Parking	Minimum: None (OAR 660-012-0440) Maximum: N/A (BDC 60.30.10.7)	Applicant proposes 204 parking spaces.	YES
Development Code Section 60.30			
Required Bicycle Parking	Short-Term: 14 spaces Long-Term: 250 spaces	Applicant proposes 14 short-term spaces and 250 long-term spaces.	YES
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
Development Code Section 60.35			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
Development Code Section 60.40			
Sign Regulations	Requirements for signs.	All signs will be reviewed under a separate sign permit and are not reviewed with this proposal.	N/A
Development Code Section 60.50			
Fences	Height restrictions for fences and walls.	No fences or walls are proposed.	N/A
Development Code Section 60.55			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	YES w/ COA
Development Code Section 60.60			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Refer to the Facilities Review Committee findings herein.	YES w/ COA

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.65			
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.	YES w/ COA
Development Code Section 60.67			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	CWS has issued SPL approval related to natural resources on site. As of the date of this report (September 27, 2023), the Department of State Lands (DSL) reviewed the proposal and stated that a state permit will not be required for this project.	YES
Development Code Section 60.70			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	N/A

Attachment B: NEW CONDITIONAL USE CU2023-0003

ANALYSIS AND FINDINGS FOR NEW CONDITIONAL USE APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **CU2023-0003**, subject to the applicable conditions identified in Attachment F.

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 40.15.05 Purpose:

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional Uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. This Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval:

Section 40.15.15.5.C of the Development Code provides standards to govern the decisions of the Planning Commission as they evaluate and render decisions on New Conditional Use Applications. The Planning Commission will determine whether the application as presented, meets the New Conditional Use approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for New Conditional Use.

To approve a New Conditional Use application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Section 40.15.15.5.C.1

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

FINDING:

Because the applicant's proposal includes a multi-dwelling residential use partially located in the floodway fringe, a Conditional Use application is required per Section 60.10.25.2. No prior conditional use approval for the proposed use is in effect on the subject site. Accordingly, staff finds the proposal is subject to a New Conditional Use review by meeting Threshold 1 which reads:

- 1. The proposed use is Conditionally permitted in the underlying zoning district and a prior Conditional Use approval for the proposed use is not already in effect.*

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

Section 40.15.15.5.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 New Conditional Use application.

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

Section 40.15.15.5.C.3

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

FINDING:

The applicant identified the following applicable Comprehensive Plan Policies, but states that there are no conflicts with any of the policies identified.

Goal 3.6.2 Downtown Regional Center: Create and strengthen a vibrant downtown and central area for Beaverton

Policy c) New development, redevelopment, and public investments in this area should prioritize transit and multimodal street networks to create a welcoming environment that increases social interaction, commerce, creativity and fun.

The subject site is well-served by transit. There are approximately 10 TriMet bus stops located within a quarter-mile of the subject site, which are served by multiple bus lines including Bus Line 20, which connects to the City of Portland. The subject site is also located within a half-mile of the Beaverton Central MAX Station and the Beaverton Transit Center, which is served by multiple bus lines, the MAX Light Rail, and the WES Commuter Rail. Additionally, the site is located at the intersection of two multimodal streets: SW Hall Boulevard and SW Westgate Drive.

Policy f) Provide safe and comfortable connectivity that prioritizes active transportation (such as walking, jogging, running, cycling, wheelchair use, in-line skating or skateboarding) in public and private spaces. Incorporate context-sensitive design in public spaces, streets, sidewalks, paths and other infrastructure that helps move people around Downtown.

The applicant will construct street improvements along both the SW Hall Boulevard and SW Westgate Drive frontages, which will include 10-foot-wide sidewalks and bicycle lanes. As shown on the applicant's landscaping plans (Sheets L001 to L002), the applicant will also construct a pathway in the southern portion of the site, next to Beaverton Creek. All proposed improvements will further increase the site's connectivity and contribute to an active transportation environment.

Policy d) Encourage higher intensity development near MAX and WES stations, creating mixed-use station communities that locate housing, jobs, and services near transit.

Policy e) Ensure that redevelopment intensifies land use, with less land dedicated to surface parking and more land occupied by multistory buildings along walkable streets.

Policy i) Encourage a variety of Downtown housing options to reach the critical mass of people needed to support downtown businesses and increase mixed-use vibrancy.

Policy j) Encourage an "18-hour" mix of uses, including retail, employment, civic, entertainment, and residential uses, that supports a diverse population that works, lives, and gathers downtown.

The applicant provided the following response to the above-referenced policies:

The proposed development will significantly increase the density and mixed use of development on this site. The existing development consists of single-story commercial buildings occupying roughly half the site – on the rear half of the site, at that – and surface parking occupying roughly the other half of the site, on the frontages of Hall Boulevard and Westgate Drive. The proposal will place a building right up along those frontages – a building with seven stories – and will tuck parking away from the frontages on two levels of covered structured parking in the interior of the site.

The proposed building will offer much-needed housing – 248 multi-dwelling units – as well as a modest amount of services and jobs, along a bus line and within about a quarter mile of a light rail line. As noted above, the development will provide wide (10-foot) sidewalks on both Hall Boulevard and Westgate Drive, for greater walkability.

In being close to the Beaverton Central MAX station, the development site is also part of a growing area of mixed use development (e.g., Arc Central and The Round) and key civic, cultural, and commercial destinations such as City Hall and City of Beaverton offices, the Reser (Patricia Reser Center for the Arts), the Hyatt House hotel, and assorted bars and restaurants including BG’s Food Cartel.

Staff agrees with the applicant’s statement that the proposal complies with the above-referenced policies.

Policy k) Design places for people by promoting buildings and open spaces near sidewalks and streets that are interesting, enjoyable, and engaging for people passing by.

Policy m) Encourage buildings to include architectural features that are humanly scaled, especially at the ground floor of a building; and pedestrian-scaled places and streetscapes that are welcoming, safe, and enjoyable for people.

The applicant proposes a new mixed-use building that will be setback between zero to 10 feet from the public right of way, and will include residential porches, outdoor seating areas, and covered retail entries located directly adjacent to new 10-foot-wide sidewalks. The ground floor of the building will also include large windows, steel canopies and other forms of weather protection, and landscaping to create pedestrian-scaled streetscapes that are welcoming, safe, and enjoyable for residents, employees, and visitors.

Policy q) Preserve, enhance and engage nature and natural systems, including Downtown’s creeks and trees to promote flood control, wildlife habitat, beauty and improved health for all community members.

The subject site is located directly north of Beaverton Creek and the southern portion of the site is occupied by the Clean Water Services (CWS) Vegetated Corridor. The applicant proposes to construct a pathway in this Vegetated Corridor area that will allow residents, employees, and visitors to view and engage with the natural area. Additionally, the applicant obtained an approved CWS Service Provider Letter (SPL) and submitted a landscaping plan (Sheet L002), which demonstrates how the applicant will enhance the Vegetated Corridor with native plantings.

Goal 4.3.1: Increase the supply of housing in and near Beaverton's Downtown Regional Center

The project is in Beaverton's Downtown Regional Center and the applicant proposes to construct a new mixed-use building with 248 residential units. The proposal will provide much-needed housing to the growing Downtown area.

Goal 9.4.1: Position Downtown Beaverton and Surrounding Areas as a Major Employment Center and an Attractive Urban Lifestyle Center

The applicant proposes a new mixed-use building with 248 residential units and ground-floor commercial space in the growing Downtown Regional Center. The project will increase residential and commercial activity in an area that is well-served by transit, and provide attractive amenities for Downtown residents, employees, and visitors.

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

Section 40.15.15.5.C.4

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

FINDING:

The applicant's site plan (Sheet A1.01) demonstrates the site's size, dimensions, configuration, and topography can reasonably accommodate the new mixed-use building and proposed Vegetated Corridor enhancements. The project is designed to provide pedestrian-scaled streetscapes that are welcoming, safe, and enjoyable for residents, employees, and visitors; to provide all on-site parking in a parking structure, thereby efficiently developing the site and eliminating the need for surface parking; and to comply with all required setbacks, landscaping, and other Downtown Design Guidelines and Standards. Further analysis of Downtown Design Guidelines and Standards is addressed in Attachment C of this staff report. Furthermore, the applicant obtained an approved CWS SPL and submitted a landscaping plan (Sheet L002), which demonstrates how the proposal will enhance the Vegetated Corridor at the southern end of the site with native

plantings. The project is also partially located in the floodway fringe, and as detailed in the findings for approval criterion 40.15.15.5.C.6, the proposal complies with all applicable floodplain and floodway regulations.

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

Section 40.15.15.5.C.5

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

FINDING:

The applicant provided the following response to this approval criterion:

Beaverton's Community Vision calls for a vibrant Downtown that is the social, economic and cultural heart of Beaverton. Downtown Design District regulations are intended to create a recognizable, vibrant, and walkable mixed-use downtown. Pedestrian-oriented, mixed-use environments are encouraged in the Downtown Design District. The proposed development meets the objectives of the district to a much greater extent than the existing development, which is low-density and auto-oriented commercial (including vacant space) with street-adjacent surface parking.

The mixed use development positively impacts the livability and appropriate use of the property. The development includes ground floors that engage the streets and sidewalks, adds to the diverse mix of residential and commercial uses, and promotes safe and comfortable connectivity with new wider sidewalks, sufficient right-of-way for bike facilities, and access to nearby transit. The adjacent properties are auto-oriented commercial or office uses. This proposed pedestrian-oriented retail and residential development will be a significant improvement to the surrounding neighborhood, infusing it with activity at a prominent intersection in Beaverton's Downtown.

Staff agrees with the applicant's statement and finds the proposal is reasonably compatible with and will have minimal impact on surrounding properties.

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

Section 40.15.15.5.C.6

The proposed residential use located in the floodway fringe meets the requirements in Section 60.10.25.

FINDING:

The applicant's proposal includes a multi-dwelling residential use partially located in the floodway fringe and Section 60.10.25.2 requires a New Conditional Use application for this project. Section 60.10.25.2 also requires the applicant to demonstrate compliance with the following standards:

- A. The proposed development meets all the site and building design standards and requirements of the Beaverton Code Section 9.05 and the technical standards of this ordinance; and*
- B. The proposed development meets the building design standards and requirements of the Clean Water Services Design and Construction Standards based on affirmative statements in documentation from CWS.*

The applicant will be required to obtain site development and building permits prior to construction. The City of Beaverton Floodplain Manager will verify the project complies with the technical standards in Beaverton Code Section 9.05 prior to issuance of any site development or building permits. Additionally, the Floodplain Manager reviewed the applicant's plans and had no objections to the proposal.

The applicant obtained an approved CWS SPL (CWS File No. 22-002144), which demonstrates compliance with CWS Design and Construction Standards for Sensitive Areas and Vegetated Corridors. The applicant will also be required to demonstrate compliance with all other applicable CWS Design and Construction Standards prior to site development permit issuance.

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

Section 40.15.15.5.C.7

For parcel(s) designated Interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code.

FINDING:

This criterion does not apply because the site is not designated Interim Washington County.

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

Section 40.15.15.5.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 applications for a Downtown Design Review Three, Legal Lot Determination, and Tree Plan Two to be processed concurrently with this New Conditional Use application. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 CU2023-0003, subject to the applicable conditions identified in Attachment F.

Attachment C: DOWNTOWN DESIGN REVIEW THREE DDR2023-0008

ANALYSIS AND FINDINGS FOR DOWNTOWN DESIGN REVIEW THREE APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **DDR2023-0008**, subject to the applicable conditions identified in Attachment F.

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 40.23.05 Purpose:

The purpose of Downtown Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. The purpose of Downtown Design Review as summarized in this Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval:

Section 40.23.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Downtown Design Review Three Applications. The Commission will determine whether the application as presented, meets the Downtown 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 Downtown Design Review.

To approve a Downtown 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 40.23.15.3.C.1

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

FINDING:

The applicant proposes a new mixed-use building that exceeds the 75-foot maximum building height in the RC-MU zone, which satisfies Downtown Design Review Three Threshold 6. Additionally, the proposal does not meet more than 3 Downtown Design Standards and the applicant has elected to respond to the corresponding Downtown Design Guidelines, which satisfies Downtown Design Review Three Threshold 8.

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

Section 40.23.15.3.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 Downtown Design Review Three application.

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

Section 40.23.15.3.C.3

The proposal is consistent with all applicable Design Guidelines of Section 70.20 except where the applicant elects to respond to the applicable corresponding Design Standard(s). Where no Design Guideline is offered, the proposal is consistent with the Design Standard.

FINDING:

As detailed in the analysis of Downtown Design Guidelines and Standards below, the proposal is consistent with all applicable Downtown Design Guidelines in Section 70.20,

except where the applicant elected to respond to a corresponding Downtown Design Standard.

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

Section 40.23.15.3.C.4

For PDDP proposals, the proposed project shall demonstrate how minimum floor area will be met at ultimate buildout and applicable Development Standards in Section 70.15 and applicable design regulations in Section 70.20 can be realistically achieved at each phase of buildout.

FINDING:

This criterion does not apply because the applicant is not proposing a Phased Downtown Development Plan (PDDP).

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

Section 40.23.15.3.C.5

For proposals requesting Design Guidelines to be waived, the project shall demonstrate that the development better meets the applicable Downtown Design District Design Principles and Intent Statement(s) preceding the Design Guideline(s) than the Design Guideline requested to be waived.

FINDING:

This criterion does not apply because the applicant is not requesting to waive any Downtown Design Guidelines.

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

Section 40.23.15.3.C.6

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 applications for a New Conditional Use, Legal Lot Determination, and Tree Plan Two to be processed concurrently with this Downtown Design Review Three application. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 DDR2023-0008, subject to the applicable conditions identified in Attachment F.

Downtown Design Standards Analysis (Section 70.20)

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?
Block Design		
70.20.05.3.S1-9 New connections in superblocks	The subject site is not identified on Figure 70.20.05.3 .1 Future Connections; therefore, these standards do not apply.	N/A
Building Frontage and Placement		
	Both Hall Boulevard and Westgate Drive are Connector Streets (Figure 70.15.15.1).	
70.20.05.4.S1-2 Minimum frontage occupation	<p><u>Hall Boulevard (Primary Frontage):</u> Required: 60% Proposed: 100%</p> <p><u>Westgate Drive (Non-Primary Frontage):</u> Required: 35% Proposed: 100%</p>	YES
70.20.05.4.S3 Residential ground floor separation	Only one mixed-use building is proposed, with ground-floor residential units along Westgate Drive; therefore, separation between buildings is not required.	N/A
70.20.05.4.S4 Major intersection treatments	Site not located at a major intersection (Figure 70.20.05.4.2).	N/A
Setback Design		
70.20.05.5.S1 Design between building and sidewalk	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.05.5.S2 Setback encroachments	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.05.5.S3 Street adjacent fences	No fencing is proposed between the building and the right of way.	N/A
Pedestrian Circulation		
70.20.05.6.S1 One pedestrian connection for every 300 feet	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.05.6.S2 Accessible access with sustainability component	The applicant has elected to respond to the Design Guideline.	See Design Guideline

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?
70.20.05.6.S3 Pedestrian connections abutting parking areas	No walkways abutting heads of parking spaces are proposed.	N/A
70.20.05.6.S4 Pedestrian connections crossing drive aisles	No walkways crossing driveways or drive aisles are proposed.	N/A
70.20.05.6.S5 Pedestrian connections through parking lots	No surface parking lots are proposed.	N/A
70.20.05.6.S6 Fences between buildings and creeks	No fencing is proposed between the building and Beaverton Creek.	N/A
70.20.05.6.S7 Sidewalk widths	All public sidewalks are 10 feet wide, with 5-foot unobstructed paths.	YES
Parking, Loading and Service Areas		
70.20.05.7.S1 Curb cut design	Curb cuts are proposed to meet EDM requirements.	YES
70.20.05.7.S2 Driveway limitations	Applicant proposes one new driveway on Westgate Drive to access structured parking.	YES
70.20.05.7.S3 Driveway placement – frontage hierarchy	Both Hall Boulevard and Westgate Drive are Connector Streets. Applicant proposes a new driveway on Westgate Drive to access structured parking. Existing driveway on Hall Boulevard will be reconstructed and used only for emergency and waste hauler access.	YES
70.20.05.7.S4 Sight clearance	Staff recommends condition of approval for applicant to submit certified sight distance for both accesses.	YES w/ COA
70.20.05.7.S5 Surface parking location	No surface parking proposed.	N/A
70.20.05.7.S6 Surface parking screening	No surface parking proposed.	N/A
70.20.05.7.S7 Surface parking along creekside paths	No surface parking proposed.	N/A
70.20.05.7.S8 Utility, loading and	The applicant has elected to respond to the Design Guideline.	See Design Guideline

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?
service areas		
70.20.05.7.S9 Waste container curb cuts	No ramp for waste container access is proposed.	N/A
Landscaping		
70.20.05.8.S1 Landscape requirements for sites over one acre	The site is 1.85 acres in size and applicant states 19% landscaping will be provided.	YES
70.20.05.8.S2 Planting and ground cover requirements	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.05.8.S3 Irrigation	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.05.8.S4 Plant specifications	Applicant's narrative and planting plan (Sheet L002) demonstrate compliance with plant specifications outside of the Vegetated Corridor. Plantings in Vegetated Corridor are subject to CWS standards.	YES
70.20.05.8.S5 Plant variety and density	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.05.8.S6 Drought resistance	Applicant states 34% of plantings outside of Vegetated Corridor are drought resistant. All plantings in Vegetated Corridor are native and drought resistant.	YES
70.20.05.8.S7 Tree preservation	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.05.8.S8 Tree staking	Applicant states all new trees will be staked in accordance with this standard.	YES
70.20.05.8.S9 Residential zone buffers	Site does not abut residentially zoned properties located outside of Regional Center.	N/A
70.20.05.8.S10 Surface parking landscaping	No surface parking proposed.	N/A
Lighting		
70.20.05.9.S1 Must meet 60.05.30	The applicant has elected to respond to the Design Guideline.	See Design Guideline
Massing and Articulation		
70.20.10.3.S1 Building facades over	Both the Hall Boulevard and Westgate Drive façades are over 200 feet long.	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?
200 feet	Applicant's architectural plans show major breaks on both façades meeting this standard.	
70.20.10.3.S2 Building taller than 30 feet and facades greater than 100 feet	Both the Hall Boulevard and Westgate Drive façades are over 30 feet tall and over 100 feet wide. Elevation drawings (Sheets A3.14 to A3.17) show vertical and/or horizontal shifts on at least 20% of each façade.	YES
70.20.10.3.S3-S4 Large buildings in RC-BC	Site is not zoned RC-BC.	N/A
70.20.10.3.S5-S6 Large buildings in RC-OT	Site is not zoned RC-OT.	N/A
70.20.10.3.S7 Buildings greater than 55 feet in RC-MU	Building is greater than 55 feet tall and Level 7 is entirely above 55 feet. Level 7 floor area is less than 75% average floor area of floors below and is stepped back at least 6 feet from Hall Boulevard façade.	YES
70.20.10.3.S8 Buildings exceeding 75 feet height limit in RC-MU	The applicant is required to respond to the Design Guideline.	See Design Guideline
70.20.10.3.S9 Large buildings in RC-DT	Site is not zoned RC-DT.	N/A
70.20.10.3.S10 Height transition	The site and abutting properties are located within the Regional Center.	N/A
Façade Design		
70.20.10.4.S1 Applicability	Façades facing rights of way are subject to Design Standards in this section.	YES
70.20.10.4.S2 Building façade articulation, balcony projection/recession	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.10.4.S3 Defined base and top	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.10.4.S4 Window design	Windows for commercial storefronts will use a curtain wall. All other windows will be recessed at least 2 inches.	YES
70.20.10.4.S5 Minimum glazing	The applicant has elected to respond to the Design Guideline.	See Design Guideline

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?
70.20.10.4.S6 Minimum glazing 20% of façade	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.10.4.S7 Minimum glazing	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.10.4.S8 Minimum glazing – bird safe	Applicant states all glazing will be treated with UV-coated glass.	YES
70.20.10.4.S9-S10 Building entries	Hall Boulevard is the primary frontage and includes primary commercial entries and a primary shared residential entry. All entries are above back of sidewalk grade. Commercial entries are 12 feet wide and the residential entry is 6 feet wide.	YES
70.20.10.4.S11 Blank walls	The applicant has elected to respond to the Design Guideline.	See Design Guideline
Gateways		
70.20.10.5.S1 Gateway enhancements	Site is not located at gateway intersection.	N/A
Active Ground Floor Design		
70.20.10.6.S1 Non-Residential	Site is not subject to Active Ground Floor Design standards (Figure 70.20.10.6.2).	N/A
70.20.10.6.S2 Residential Design	Site is not subject to Active Ground Floor Design standards (Figure 70.20.10.6.2).	N/A
70.20.10.6.S2 Residential Private Entries	Site is not subject to Active Ground Floor Design standards (Figure 70.20.10.6.2).	N/A
Usable Open Space		
70.20.10.7.S1 Non-residential buildings – 5% requirement	Proposal is for a mixed-use building.	N/A
70.20.10.7.S2 Residential buildings – 48 sq ft / unit	Proposal is for a mixed-use building.	N/A
70.20.10.7.S3 Mixed use buildings – 48 sq ft / unit or 10%	Proposal is required to provide 11,904 square feet of open space (48 square feet per residential unit). Applicant states 17,800 square feet of shared open space will be provided (Level 3 Amenity Deck).	YES
70.20.10.7.S4	No PAOS is proposed.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?
Publicly Accessible Open Spaces (PAOS)		
70.20.10.7.S5 Shared open space	The applicant has elected to respond to the Design Guideline.	See Design Guideline
70.20.10.7.S6 Common community rooms	No common community rooms proposed.	N/A
70.20.10.7.S7 Private open space	Proposal includes residential balconies, but applicant does not propose balconies to count toward open space requirements.	N/A
Roof Elements		
70.20.10.8.S1 Rooftop sustainability elements	Applicant proposes roofing material with a Solar Reflectance Index of 78 or higher on 90 percent of the roof.	YES
70.20.10.8.S2 Rooftop equipment screening	Line of sight drawings (A4.01 to A4.02) show rooftop equipment will not be visible from public rights of way.	YES
Structured Parking		
70.20.10.9.S1 Structured parking location	Proposed structured parking is not subject to active ground-floor design rules (Figure 70.20.10.6.2). Additionally, structured parking is located at the interior and rear of the property and does not abut a public street.	N/A
70.20.10.9.S2 Structure parking screening	Screening for vehicle headlights is at least 3 feet tall. Lighting is screened and designed to reduce light trespass and glare.	YES
70.20.10.9.S3 Façade modulation and architectural interest	Structured parking is located at the interior and rear of the property and will not be visible from a public street.	N/A
Materials		
70.20.10.10.S1 Exterior Material Allowances Primary-Minimum 65% Secondary- No greater than 35% Accent- No greater than 5%	Applicant's building elevations – materials plan (Sheet A3.19) show the following amounts of materials will be utilized on the building façades: <ul style="list-style-type: none"> • Primary Materials: 69-100% • Secondary Materials: 0-29% <ul style="list-style-type: none"> ○ Not used as primary cladding • Accent Materials: 0-3% 	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?
70.20.10.10.S2 Exterior Material Prohibitions	No prohibited materials proposed.	YES
Historic Overlay Design		
70.20.10.11.A-K Historic Overlay Requirements	Site is not located in Historic Overlay Boundary (Figure 70.20.10.11.1)	N/A

Section 70.20 Downtown Design Guidelines

Section 70.20.05.5.G1 Setback Design

Design Guideline: Where there is space between the building façade and the right of way, the space shall be designed with paving, landscaping, and other design elements appropriate for the ground-floor building use. Setback spaces shall incorporate one or more of the following to provide quality connections from the building to the street while providing an appropriate transition between the public realm and the private realm:

- Provide an extension of the sidewalk for use by pedestrians;
- Provide additional space for building entries;
- Increase frontage activity with outdoor seating or terraces;
- Provide opportunities for landscaping.

Finding:

The proposed building's SW Hall Boulevard frontage includes ramps, stairs, and walkways that provide an extension of the sidewalk for use by pedestrians and additional space for building entries. Additionally, the applicant's Level 1 Floor Plan (Sheet A2.01) shows outdoor seating will be provided in front of the residential entry along SW Hall Boulevard, which will contribute to increased frontage activity. The applicant's renderings and elevation drawings (A3.11 to A3.17) show the SW Westgate Drive frontage will be emphasized with landscaping that complements the building design and patios that will provide residents with individual outdoor space. These design elements enhance the pedestrian experience along this frontage and give individual identity to the ground floor residential units.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.5.G2 Setback Area – Allowed Encroachments

Design Guideline: Buildings and landscape elements may encroach within setback areas between the building façade and right of way to enhance the pedestrian experience and increase activity along building frontages.

Finding:

The minimum setback for the SW Hall Boulevard frontage (front setback) and the portion of the SW Westgate Drive frontage that does not have ground floor residential units (street side setback) is zero feet. Accordingly, this Design Guideline only applies to the portion of the SW Westgate Drive frontage that does contain ground floor residential units, which has a minimum setback of 6 feet. The applicant proposes encroachments in this area that

enhance the pedestrian experience and complement the building's design, including architectural projections, balconies, residential patios, landscaping, and bicycle parking.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.6.G1 Pedestrian Connections

Design Guideline: On-site pedestrian connections shall provide sufficient and high-quality connections among important destinations on a site and to off-site transportation routes and facilities.

Finding:

The proposed building's SW Hall Boulevard frontage includes ramps, stairs, and walkways that are located directly adjacent to new 10-foot-wide public sidewalks. The building's SW Westgate Drive frontage is designed with all building entrances opening directly onto new 10-foot-wide public sidewalks. Accordingly, the development is designed to provide sufficient and high-quality pedestrian connections from the site to adjacent transportation facilities.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.6.G2 Pedestrian Connections

Design Guideline: On-site pedestrian walkways shall be of adequate width and design to provide unobstructed walking areas that accommodate the anticipated amount of pedestrian traffic, be Americans with Disabilities Act compliant, and incorporate high-quality and attractive materials that promote sustainability and reduce heat island effect.

Finding:

The proposed building's SW Hall Boulevard frontage includes ramps, stairs, and walkways that connect to adjacent public sidewalks. The applicant states the ramps, stairs, and walkways will be designed to comply with the Americans with Disabilities Act (ADA) and will incorporate high-quality and attractive building materials. 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. Staff finds review of the proposed plans at the site development and building permit stages is sufficient to guarantee compliance with accessibility standards.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.7.G8 Utility, Loading and Service Areas

Design Guideline: Utilities, loading, and service areas shall be screened, integrated into building and landscape design and/or located in less prominent locations to minimize the visual impact on the pedestrian experience.

Finding:

The applicant's site plan (Sheet A1.01) shows that utilities, on-site service areas, and waste and recycling storage will be located within the building or the parking structure, and will therefore be fully screened from view. Loading for waste and recycling trucks will be adjacent to the northwest portion of the building and is strategically located to minimize visual impacts to the pedestrian experience, while complying with the hauler's truck access and turnaround requirements.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.8.G2 Site Landscaping

Design Guideline: Landscaped areas shall be fully planted or hardscaped to create sustainable, attractive developments that are consistent with the uses on site, prevent erosion and preserve and enhance nature. Mulch shall be used sparingly, and shall have a material and color that is appropriate for the uses on site and contributes to site aesthetics.

Finding:

The southern portion of the site is occupied by the CWS Vegetated Corridor. The applicant's landscaping plan (Sheet L002) demonstrates how the Vegetated Corridor will be enhanced with CWS-approved native plantings that are sustainable and designed to prevent erosion and preserve the natural area. The project area located outside of the Vegetated Corridor will be primarily occupied by the new mixed-use building, as well as paved areas that include walkways, stairs, ramps, porches, and entryways. There are limited landscaped areas located along the building's SW Westgate Drive frontage. The applicant's landscaping plan demonstrates these areas will be planted with ornamental plantings that will be attractive and consistent with the proposed uses on site.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.8.G3 Landscaping Establishment

Design Guideline: Irrigation shall be provided as appropriate, based on plant species and site conditions, to ensure proper establishment of plantings in all landscaped areas.

Finding:

The applicant states all plantings outside of the CWS Vegetated Corridor will be irrigated with a permanent automatic irrigation system. A temporary irrigation system will also be utilized during the initial 2-year establishment period. Both irrigation systems have been designed and certified by a licensed landscape architect.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.8.G5 Plant Variety and Density

Design Guideline: Site landscaping shall be planted with a variety that provides visual interest, including in color, seasonal color and scale, and shall be planted at a density that provides sufficient opportunities for shade and fully cover areas not occupied by structures, paving or hardscaped areas.

Finding:

The southern portion of the site is occupied by the CWS Vegetated Corridor. The applicant's landscaping plan (Sheet L002) demonstrates how the Vegetated Corridor will be enhanced with CWS-approved native plantings that provide color and visual interest and will be planted with native trees that provide shade and complement the natural area. The project area located outside of the Vegetated Corridor will be primarily occupied by the new mixed-use building, as well as paved areas that include walkways, stairs, ramps, porches, and entryways. There are limited landscaped areas located along the building's SW Westgate Drive frontage. The applicant's landscaping plan demonstrates these areas will be planted with ornamental plantings that will be attractive and provide visual interest to the SW Westgate Drive building frontage.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.8.G7 Tree Planting and Preservation

Design Guideline: Existing trees on-site that provide shade or visual interest shall be preserved where possible.

Finding:

Because a majority of the project site will be occupied by the new mixed-use building, as well as paved areas that include walkways, stairs, ramps, porches, and entryways, the applicant proposes to remove all on-site trees located outside of the CWS Vegetated Corridor to accommodate the proposed development. Only 3 trees will be removed from the Vegetated Corridor; the remaining trees will be preserved and will continue to provide shade and visual interest to the site.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.05.9.G1 Lighting

Design Guideline: On-site lighting shall meet the Guidelines of Development Code Section 60.05.50.

Finding:

The Lighting Design Guidelines in Section 60.05.50 are individually addressed in the findings below.

Conclusion: Therefore, staff finds the Design Guideline is met.

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 project area located outside of the Vegetated Corridor will be primarily occupied by the new mixed-use building. Accordingly, the applicant proposes non pole-mounted lighting on the exterior of the building to illuminate walkways, stairs, ramps, porches, and entryways.

Conclusion: Therefore, staff finds the Design Guideline is met.

- 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:

As detailed in the submitted lighting plans (Sheets E0.01 to E1.01), the applicant proposes soffit-mounted can lights and wall-mounted sconces that will be installed a pedestrian scale and will complement the architectural design features of the building.

Conclusion: Therefore, staff finds the Design Guideline is met.

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 states that no uplighting is proposed. All lighting on the exterior of the building will be surface mounted and pointed down to minimize impacts to neighboring properties. Additionally, lighting in the parking structure is screened and designed to reduce light trespass and glare.

Conclusion: Therefore, staff finds the Design Guideline is met.

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:

The Technical Lighting Standards in Table 60.05-1 require a minimum internal illumination of 0.7 footcandles for lighting that has a total cutoff of light at an angle less than 90 degrees for multiple use developments with a residential component, and the applicant's photometric plan (Sheet E1.01) demonstrates the project area located outside of the Vegetated Corridor complies with this minimum illumination requirement.

In a supplemental memorandum dated September 25, 2023, the applicant states the Vegetated Corridor area (located in the southern portion of the site) is intended to allow for the nocturnal habitats of local wildlife and is not designed to be used by residents or visitors after dark; therefore, no on-site lighting is proposed in this area. Accordingly, staff finds that no on-site lighting is required for the Vegetated Corridor.

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

Section 70.20.10.3.G8 Building Height and Massing (RC-MU)

Design Guideline: In RC-MU, buildings may exceed the 75-foot height limit, up to 120 feet, by reducing the building mass of upper floors to minimize impacts on surrounding streets and buildings, and by providing at-grade pedestrian improvements. The building mass of upper floors

shall be reduced by stepping back facades, shortening facade lengths, or other methods that reduces the massing compared to lower floors which results in:

- a. Reduce the sense of enclosure for pedestrians along at least one street;
- b. Increase access to light or sky views for people on abutting streets; and
- c. Increase access to light for people inside current or future buildings across the street from the proposed development or, if the property abuts a creek, provide on-site creek access and enhancements that improve the pedestrian experience.

Finding:

The applicant's elevation drawings (Sheets A3.14 to A3.17) show the proposed building will be up to 82 feet tall. The applicant states:

The height limit is proposed to be exceeded in order to accommodate the base flood elevation (BFE) on this site, which raises Level 1 so that it needs to be accessed by stairs and ramps. The building height is proposed to be a minimal amount more than the height limit, particularly given the flood elevation. At the same time, the upper floor (Level 7) is proposed to be stepped back, reducing massing.

Regarding at-grade pedestrian improvements and on-site creek access, the applicant has worked with its natural resource consultant Pacific Habitat Services (PHS), the City, and CWS to develop a pedestrian amenity in the Beaverton Creek Vegetated Corridor that addresses this requirement.

A pedestrian path into the Vegetated Corridor – one of limited length and less than 10 feet wide – has been designed and added to provide visual access to the creek. The path is shown in application exhibits including the Site Plan and Landscape Plan (Sheets A1.01 and L001).

Given its dimensions and location, the path qualifies as an allowed use in the Vegetated Corridor per CWS rules. On-site mitigation will be provided at a 1:1 ratio (roughly 475 square feet), consistent with CWS standards. This information is included in the amended CWS SPL (CWS File No. 22-002144).

Staff agrees with the applicant's statement that the above-referenced design elements reduce the building mass of upper floors to minimize impacts on surrounding streets and buildings.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.10.4.G2 Façade Articulation

Design Guideline: Building façades facing the right of way, any internal drive or any internal accessway shall be articulated using recesses, projections, balconies, or similar strategies to provide visual interest, surface relief, depth, and shadows to the façade.

Finding:

The building's northern and eastern building façades will face public rights of way (SW Hall Boulevard and SW Westgate Drive). The applicant's elevation drawings (Sheets A3.14 to A3.17) show both façades will be articulated with a combination of recesses, projections, balconies, porches, and step backs, all of which will provide visual interest, surface relief, depth, and shadows to the façades.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.10.4.G3 Defined Base and Top

Design Guideline: For buildings taller than 30 feet, measured from grade plane to eave or top of parapet, with ground-floor commercial uses, building facades facing the right of way, any internal drive or any internal accessway shall be designed with a top and base that establish depth and visual interest, are visually distinctive, are proportional to the scale of the building, and are integrated into the building design.

Finding:

The applicant provided the following response to this Design Guideline:

The building is taller than 30 feet and faces the rights-of-way of Hall Boulevard and Westgate Drive. A portion of the frontages have ground floor commercial space and upper floor residential. Where the ground floor is commercial, the floor height is two levels approximately 22 feet in height where the first level is 11 feet in height.

The upper floor is set back a minimum of 2 feet from the primary building façade for 70% of the length along both street frontages and is clad in a primary material – metal panel – that is a change from the predominant brick cladding for both street-facing facades. This element is also brought down into the façade to provide additional scale relief. However, this element was intended primarily to meet this the guideline by providing a material change to emphasize the building top.

The building façades on both streets have a Black Break Metal Cornice along the roof line that projects 2 feet from the primary façade plane and is 1.5 feet tall, providing visual distinction and interest for the building.

Staff agrees with the applicant's statement that the proposed building design provides a defined base and top in compliance with this Design Guideline.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.10.4.G5 Fenestration – Clear Glazing

Design Guideline: Façades visible from a right of way, primary internal drive, or primary accessway shall provide adequate levels of clear glazing to ensure articulation on the façade, daylighting of interior spaces, and visibility into the street. Street-level glazing shall be inviting and enhance the pedestrian experience. Buildings abutting pedestrian walkways shall provide views of the walkway to promote pedestrian safety. Building façades built at shared property lines are exempt.

Finding:

The applicant's elevation drawings (Sheets A3.14 to A3.17) show how street-level glazing will be provided on both the façades facing SW Hall Boulevard and SW Westgate Drive. Glazing is designed to provide articulation on both façades, daylighting of interior spaces, and visibility into the street.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.10.4.G6 Fenestration – Non Street-Facing Façades

Design Guideline: Façades not visible from a street or internal drive or internal accessway shall provide sufficient transparency to ensure daylighting of interior spaces and visual interest on the façade, but may provide lower levels of transparency than street-facing façades.

Finding:

The building's western and southern façades do not face any public rights of way. The applicant's elevation drawings (Sheets A3.14 to A3.17) show that sufficient transparency will be provided on these façades to provide visual interest and daylighting of interior spaces.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.10.4.G7 Fenestration – Pedestrian Walkways

Design Guideline: Buildings abutting pedestrian walkways shall provide views of the walkway to promote pedestrian safety.

Finding:

The proposed building's SW Hall Boulevard frontage includes ramps, stairs, and walkways that are located directly adjacent to new 10-foot-wide public sidewalks. The building's SW Westgate Drive frontage is designed with all building entrances opening directly onto new 10-foot-wide public sidewalks. As shown on the applicant's elevation drawings (Sheets A3.14 to A3.17), both street-facing façades will provide ample glazing to provide views of adjacent walkways and promote pedestrian safety.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.10.4.G11 Blank Walls

Design Guideline: Where ground floor façades have gaps between doors and/ or windows greater than 40 feet in horizontal length, articulation methods shall be included to enhance the blank wall, including trellises, landscape screening, living green walls, decorative tile work, metal work, wood work, or concrete work, or other similar methods as approved by the decision-making authority. Building façades built at shared property lines are exempt.

Finding:

The applicant states the western and southern ground floor façades have gaps between doors and/or windows that are greater than 40 feet in horizontal length (Sheets A3.14 and A3.16). The applicant proposes to enhance these blank walls with metal trellises.

Conclusion: Therefore, staff finds the Design Guideline is met.

Section 70.20.10.7.G5 Shared Open Spaces

Design Guideline: Shared Open Spaces shall be open to the sky and be designed to be usable for tenants for a variety of communal activities and uses. Shared Open Spaces may include pedestrian paths, landscaped gardens, places to rest and relax, places to play, and places to gather and socialize. Shared Open Spaces shall be open to the sky and be designed to be usable for residents for a variety of communal activities and uses. Shared Open Spaces may include pedestrian paths, landscaped gardens, places to rest and relax, places to play, and places to gather and socialize.

Finding:

The applicant provided the following response to this Design Guideline:

The shared open space will consist primarily of the amenity deck on Level 3 (Sheets A2.03 and L001). It is enclosed on three sides and has dimensions significantly larger than a 20-foot by 20-foot square. The amenity deck total will be approximately 17,794 square feet.

The primary shared open space, the amenity deck on Level 3, is open to the sky and free of permanent weather protection for greater than 60% of its area. Covered amenities are proposed that are roughly 1,000 square feet.

The design of the amenity deck provides a large number of seating options including log seating elements, small seating areas, natural seating elements, raised spas, tables and chairs, and lounge chairs. As shown in the plans, the amenity deck further includes paths, landscaping, game areas, and general space for relaxing and gathering.

Staff agrees with the applicant's statement that the proposed Shared Open Space complies with the Design Guideline outlined above.

Conclusion: Therefore, staff finds the Design Guideline is met.

Attachment D: LEGAL LOT DETERMINATION LLD2023-0002

ANALYSIS AND FINDINGS FOR LEGAL LOT DETERMINATION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **LLD2023-0002**, subject to the applicable conditions identified in Attachment F.

Section 40.47.05 Purpose:

The purpose of the Legal Lot Determination is to determine the legal status of lots and subdivisions that were created prior to the enactment of current subdivision regulations or prior to the City annexing a particular property. This section provides criteria for rendering decisions on the legal status of lots and subdivisions consistent with State Statute. This Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval:

Section 40.47.15.1.C of the Development Code provides standards to govern the decisions of the decision-making authority as they evaluate and render decisions on Legal Lot Determination Applications. The decision-making authority will determine whether the application as presented, meets the Legal Lot Determination approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for a Legal Lot Determination.

To approve a Legal Lot Determination 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 40.47.15.1.C.1

The application satisfies the threshold requirements for a Legal Lot Determination.

FINDING:

The Director has required the applicant to submit a Legal Lot Determination application concurrently with the applicant's proposals for a New Conditional Use, Downtown Design Review Three, and Tree Plan Two. The following threshold is met:

- 3. The Director requires a Legal Lot Determination be made as a prerequisite to, or concurrently with, the filing of a land use application.*

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

Section 40.47.15.1.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 Legal Lot Determination application.

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

Section 40.47.15.1.C.3

The unit of land conforms to the lot area and dimensional standards of CHAPTER 20 (Land Use) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District; except where a unit of land was created by sale prior to January 1, 2007 and was not lawfully established, the Director may deem the unit of land a Legal Lot upon finding:

- a. The unit of land could have complied with the applicable criteria for creation of a lawful parcel or lot in effect when the unit of land was sold; or
- b. The City, or County prior to annexation, approved a permit as defined in ORS 215.402 or 227.160(2) for the construction or placement of a dwelling or other structure on the unit of land after the sale, and such dwelling has all of the features listed in ORS 215.755(1)(a)-(e).

FINDING:

The subject site is located in the RC-MU zone, which has no minimum parcel area requirement and no minimum lot width or minimum lot depth requirements (Section 70.15.10.3). Additionally, the applicant submitted the property deed history, which shows the subject lot has existed in its current configuration prior to January 1, 2007. Accordingly, the unit of land may be deemed a Legal Lot.

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

Section 40.47.15.1.C.4

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

FINDING:

The applicant submitted this Legal Lot Determination application on March 8, 2023, and it was deemed complete on April 19, 2023. The applicant has provided a continuance of 102 days to the original 120-day deadline, resulting in a final decision deadline of

November 27, 2023. In review of the materials during the application review process, staff finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

Section 40.47.15.1.C.5

Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

FINDING:

The applicant submitted applications for a New Conditional Use, Downtown Design Review Three, and Tree Plan Two to be processed concurrently with this Legal Lot Determination application. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 LLD2023-0002, subject to the applicable conditions identified in Attachment F.

Attachment E: TREE PLAN TWO TP2023-0002

ANALYSIS AND FINDINGS FOR TREE PLAN TWO APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **TP2023-0002**, subject to the applicable conditions identified in Attachment F.

Section 40.20.05 Purpose:

The purpose of the Tree Plan application is to maintain healthy trees and urban forests that provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and SNRAs, and Community Trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

Planning Commission Standards for Approval:

Section 40.90.15.2.C of the Development Code provides standards to govern the decisions of the decision-making authority as they evaluate and render decisions on Tree Plan Two Applications. The decision-making authority will determine whether the application as presented, meets the Tree Plan Two approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 2 Tree Plan.

To approve a Tree Plan Two application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Section 40.90.15.2.C.1

The proposal satisfies the threshold requirements for a Tree Plan Two application.

FINDING:

The site is zoned RC-MU and the applicant proposes to remove 3 trees, or 30% of the total DBH of non-exempt surveyed trees, located in the CWS Vegetated Corridor at the southern end of the site. Staff finds the proposal satisfies Threshold 2 for the Tree Plan Two application, which reads:

Multiple Use zoning district: Removal of up to and including 85% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.

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

Section 40.90.15.2.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 Tree Plan Two application.

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

Section 40.90.15.2.C.3

If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.

FINDING:

This criterion is not applicable because the applicant does not state the tree removals are necessary to observe good forestry practices.

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

Section 40.90.15.2.C.4

If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.

FINDING:

The applicant states the tree removals are necessary to accommodate a new mixed-use building with required utility connections and street improvements, as well as comply with minimum floor area ratio (FAR) requirements and applicable Downtown Design Guidelines and Standards. Because of the scale of the proposed development, construction activities such as grading will require the removal of the 3 identified trees in the CWS Vegetated Corridor. No reasonable alternative exists to the proposed tree removals.

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

Section 40.90.15.2.C.5

If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.

FINDING:

This criterion is not applicable because the applicant does not state the tree removals are necessary to remove nuisance trees.

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

Section 40.90.15.2.C.6

If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.

FINDING:

The applicant states the tree removals are necessary to accommodate a new mixed-use building with required street improvements, including 10-foot-wide sidewalks and bicycle lanes along both the SW Hall Boulevard and SW Westgate Drive frontages. Because of the scale of the proposed development, construction activities such as grading will require the removal of the 3 identified trees in the Vegetated Corridor. No reasonable alternative exists to the proposed tree removals.

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

Section 40.90.15.2.C.7

If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles.

FINDING:

This criterion is not applicable because the applicant does not state the tree removals are necessary to enhance the health of a tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles.

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

Section 40.90.15.2.C.8

If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.

FINDING:

The trees proposed for removal are located in the CWS Vegetated Corridor, but are not located in a SNRA or Significant Grove. Therefore, this criterion does not apply.

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

Section 40.90.15.2.C.9

If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.

FINDING:

The trees proposed for removal are located in the CWS Vegetated Corridor, but are not located in a SNRA or Significant Grove. Therefore, this criterion does not apply.

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

Section 40.90.15.2.C.10

The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources)

FINDING:

The applicant proposes to remove 3 trees from the CWS Vegetated Corridor located at the southern end of the site. Activity in the Vegetated Corridor is subject to CWS regulations for tree removals and mitigation plantings. Accordingly, staff recommends a condition of approval for the applicant to comply with all conditions outlined in the CWS Amended Service Provider Letter (SPL) dated June 13, 2023 (CWS File Number 22-002144), which addresses tree protection, tree removal, and mitigation plantings. Additionally, staff recommends a condition of approval for the applicant to install tree protection fencing in compliance with BDC 60.60.20 prior to the start of construction.

The applicant also proposes to remove 22 Landscape Trees from the site. Removal and mitigation of these Landscape Trees is further addressed under Attachment A, approval criterion 40.03.1.D of this report.

The subject site contains Significant Natural Resources and is therefore subject to the standards in Section 60.67. The applicant obtained an approved CWS SPL (CWS File No. 22-002144), which demonstrates compliance with CWS Design and Construction Standards for Sensitive Areas and Vegetated Corridors. The Department of State Lands (DSL) also reviewed the applicant's plans and, as of the date of this report (September 27, 2023), stated that a state permit will not be required for the project.

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

Section 40.90.15.2.C.11

Grading and contouring of the site are designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

FINDING:

Staff cites the findings under approval criterion 40.03.1.J in Attachment A of this report for analysis regarding the applicant's preliminary grading plan, and concludes that no adverse effects on neighboring properties, the public right-of-way, or the public storm system are anticipated.

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

Section 40.90.15.2.C.12

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

FINDING:

Pursuant to Section 50.25.1, the application package includes all of the necessary submittal requirements.

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

Section 40.90.15.2.C.13

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 applications for a New Conditional Use, Downtown Design Review Three, and Legal Lot Determination to be processed concurrently with this Tree Plan Two application. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 TP2023-0002 subject to the applicable conditions identified in Attachment F.

Attachment F: RECOMMENDED CONDITIONS OF APPROVAL

Application: Westgate + Hall Mixed Use Development

Recommendation: APPROVE CU2023-0003 / DDR2023-0008 / LLD2023-0002 / TP2023-0002

New Conditional Use (CU2023-0003)

A. General Conditions, the applicant shall:

1. Ensure the associated land use applications DDR2023-0003, LLD2023-0002, and TP2023-0002 have been approved and are consistent with the submitted plans. (Planning / LS)

Downtown Design Review Three (DDR2023-0008)

A. General Conditions, the applicant shall:

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

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

3. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / HJ)
4. Retain a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / HJ)

5. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div. / HJ)
6. Have the applicant for the subject property guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / HJ)
7. Submit easement release letters for the existing public sanitary sewer easement and public water easement on site, executed and ready for recording when required, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / HJ)
8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. The City will forward the applicant's submittals to Clean Water Services for review and processing. (Site Development Div. / HJ)
9. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div. / HJ)
10. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / HJ)
11. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. In addition, the analysis shall

- delineate any mapped FEMA floodplains and flood ways. (Site Development Div. / HJ)
12. The site plans shall clearly show the 100-year flood limits on each plan that contains elevation information. The flood conveyance and storage of the project area at each 1-foot contour must be preserved or enhanced with cut/fill balance and a zero-rise certification by a registered professional engineer. (Site Development Div. / HJ)
 13. Provide an engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City for the proposed floodplain modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Design & Construction standards as they refer to the 100-year floodplain, prior to this notice being sent. The public notice and a 10-day appeal period shall occur after final approval of the site development permit plans by the City. (Site Development Div. / HJ)
 14. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation including parking facilities shall also be at least two feet higher than the base flood elevation. (Site Development Div. / HJ)
 15. Any changes to approved grading must meet provisions of Beaverton Code 9.05.110 and 9.05.115, no grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. (Site Development Div. / HJ)
 16. Provide plans showing conveyance of the site's piped surface water runoff to the regional public stormwater facility in SW Westgate Dr. Plans shall also show a trash capture water quality pre-treatment unit located directly upstream from any proprietary stormwater detention system vaults or manholes. (Site Development Div. / HJ)
 17. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for any new impervious area proposed. (Site Development Div. / HJ)
 18. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div. / HJ)
 19. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian

- areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div. / HJ)
20. Provide plans for the placement of underground utility lines within the site, and for services to the proposed new building. No overhead services shall remain on the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div. / HJ)
 21. Submit plans that show access for a maintenance vehicle within 9-feet from the front, or within 19-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. (Site Development Div. / HJ)
 22. When required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement is proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div. / HJ)
 23. Submit ODOT ADA curb ramp design checklist and standard detail DET1720 and DET1721 showing level of design detail for every public sidewalk ramp proposed with this development. Maximum designed ramp slope shall be 7.5%, maximum designed cross slope, flat landing or turning space shall be 1.5%. Two directional ADA ramps shall be provided at all corners of all intersections, regardless of curb type. See ODOT standard drawings RD754, RD155, RD756, RD757, RD758 and RD759 for ramp details. (Site Development Div. / HJ)
 24. Dedicate property for right of way purposes along the site's frontage of SW Hall Boulevard consistent with the City's adopted street standards for an arterial. The minimum half street width for a 5-lane Arterial with the alternative sidewalk design required in the Downtown Design District is 45-feet. (BDC 40.03.1, and 60.55.10) (Transportation / KM)
 25. Dedicate property for right of way purposes along the site's frontage of SW Westgate Drive consistent with the City's adopted street standards for a collector. The minimum half street width for a 3-lane collector with the alternative sidewalk design required in the Downtown Design District is 34-feet. (BDC 40.03.1, and 60.55.10) (Transportation / KM)
 26. Submit certified sight distance consistent with the Engineering Design Manual Section 210.18 for the site's two proposed accesses: one on SW Hall Boulevard, and one on

SW Westgate Drive. (BDC 40.03.1, 60.55.10, and 60.55.25) (Transportation / KM)

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

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

29. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / HJ)
30. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div. / HJ)
31. Provide proof of recording the necessary documents, including any necessary easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div. / HJ)

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

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

35. Submit a copy of the final plat to the City for review prior to recording. (Planning Division / LS)

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

36. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div. / HJ)

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

38. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div. / HJ)

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

40. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor is at least two feet above base flood elevation (BFE) 179.7 feet, NAVD-88 and higher. (Site Development Div./HJ)

41. Have recorded the final plat in County records and submit a recorded copy to the City. (Site Development Div. / HJ)

42. Substantially complete required street improvements along site's frontage of SW Hall Boulevard. Required street improvements include, but are not limited to: 10-foot-wide curb tight sidewalk with tree wells, street lighting, ADA-compliant curb ramps, standard curb, a 5-foot-wide bicycle lane, and restriping of the vehicle travel lanes. (BDC 60.55.10) (Transportation / KM)

43. Substantially complete required street improvements along site's frontage of SW Westgate Drive. Required street improvements include, but are not limited to: 10-foot-wide curb tight sidewalk with tree wells, street lighting, ADA-compliant curb ramps, standard curb, a 5-foot wide bicycle lane, and restriping of the westbound turn pocket to extend the queue length. (BDC 60.55.10) (Transportation / KM)

44. Substantially complete the required intersection and signal improvements along the site's frontage of SW Hall Boulevard and SW Westgate Drive. (BDC 60.55.10) (Transportation / KM)

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

45. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div. / HJ)
46. Provide an additional maintenance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within the storm water management facility and vegetated corridor, as determined by the City Engineer. If the plants are not well established (as determined by the City) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City prior to release of the security. (Site Development Div. / HJ)
47. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will run concurrently with the performance security of the plant establishment and it is released 2 years after project acceptance, or will be extended for a period determined by the City Engineer following the correction of any identified defects. (Site Development Div. / HJ)

Legal Lot Determination (LLD2023-0002)

A. General Conditions, the applicant shall:

1. Ensure the associated land use applications CU2023-0003, DDR2023-0008, and TP2023-0002 have been approved and are consistent with the submitted plans. (Planning / LS)

Tree Plan Two (TP2023-0002)

A. General Conditions, the applicant shall:

1. Ensure the associated land use applications CU2023-0003, DDR2023-0008, and

LLD2023-0002 have been approved and are consistent with the submitted plans.
(Planning / LS)

B. Prior to the start of construction, the applicant shall:

2. 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)