



Staff Report

STAFF REPORT DATE: April 8, 2020

HEARING DATE: April 15, 2020

TO: Interested Parties

FROM: Elena Sasin, Associate Planner
Jana Fox, Current Planning Manager

PROPOSAL: **Hawaii Kai Multi-Family
CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001
/ TP2019-0001**

LOCATION: The site is located at 4500 and 4550 SW 96th Avenue and the Property Line Adjustment includes 4560 SW 96th Avenue; Tax Lots 1602, 1600 and 1501 of Washington County Assessor's Map 1S114BA.

ZONING / NAC: Neighborhood Service (NS) / Denney Whitford-Raleigh West NAC

SUMMARY: The applicant, Kurahashi and Associates Company, requests approval of the following land use applications for the construction of a 12-unit apartment complex: Conditional Use approval for attached-dwelling residential use within the NS zone, Design Review Three approval for the construction of two buildings and associated site improvements, Replat One approval to consolidate two lots, Property Line Adjustment to modify a property line between the subject site and an abutting property, and a Tree Plan Two for the removal of Community Trees from the subject site.

DECISION: **RECOMMENDATION OF DENIAL of Hawaii Kai Multi-Family CU2019-0001 / DR2019-0012 / TP2019-0001**

RECOMMENDATION OF APPROVAL of Hawaii Kai Multi-Family LD2019-0003 / PLA2020-0001

PROPERTY OWNERS: Kainui Investments LLC
Mike & Roxanne Martin
2280 Hammerle St.
West Linn, OR 97068

Gerald & Deanna Cundari
4520 SW 75th Ave
Portland, OR 9725

APPLICANT: Kurahashi and Associates Company
Greg Kurahashi
4470 SW Hall Blvd, Ste C
Beaverton, OR 97005

BACKGROUND FACTS

Key Application Dates

| Application | Submittal Date | Applicant Deemed Themselves Complete | 120-Day* | 365-Day** |
|--------------|------------------|--------------------------------------|---------------|------------------|
| CU2019-0001 | January 31, 2019 | July 30, 2019 | July 29, 2020 | July 29, 2020 |
| DR2019-0012 | January 31, 2019 | July 30, 2019 | July 29, 2020 | July 29, 2020 |
| LD2019-0001 | January 31, 2019 | July 30, 2019 | July 29, 2020 | July 29, 2020 |
| PLA2020-0001 | January 13, 2020 | January 13, 2020 | July 29, 2020 | January 12, 2021 |
| TP2019-0001 | January 31, 2019 | July 30, 2019 | July 29, 2020 | July 29, 2020 |

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

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Existing Conditions Table

| | | |
|---------------------------------|--|--|
| Zoning | Neighborhood Service (NS) | |
| Current Development | Two single family dwellings, one on each of the two primary tax lots. A commercial building is located on the site of the proposed PLA property. | |
| Site Size & Location | The subject proposal is located at 4500 and 4550 SW 96 th Avenue. The site area is approximately 0.43 acres. | |
| NAC | Denney Whitford / Raleigh West | |
| Surrounding Uses | Zoning: <u>North:</u> Urban Medium Density (R2) | Uses: <u>North:</u> Attached Residential |
| | <u>South:</u> Neighborhood Service (NS) | <u>South:</u> Commercial |
| | <u>East:</u> Neighborhood Service (NS) | <u>East:</u> Commercial |
| | <u>West:</u> Neighborhood Service (NS) | <u>West:</u> Commercial |

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Exhibits

Exhibit # Materials submitted by Staff

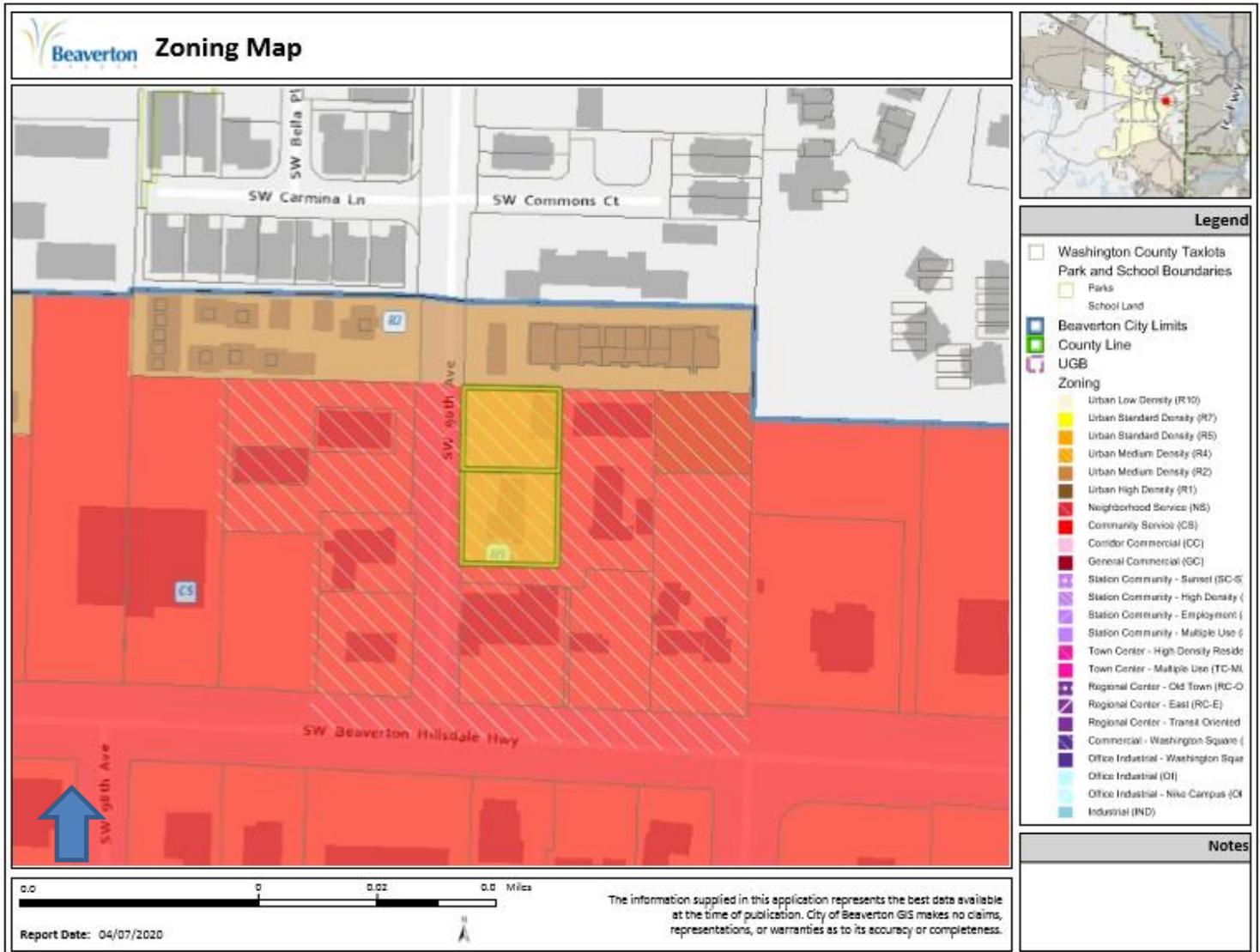
- Exhibit 1.1 Vicinity Map (page SR-5 of this report)
- Exhibit 1.2 Aerial Map (page SR-6 of this report)

Public Comment

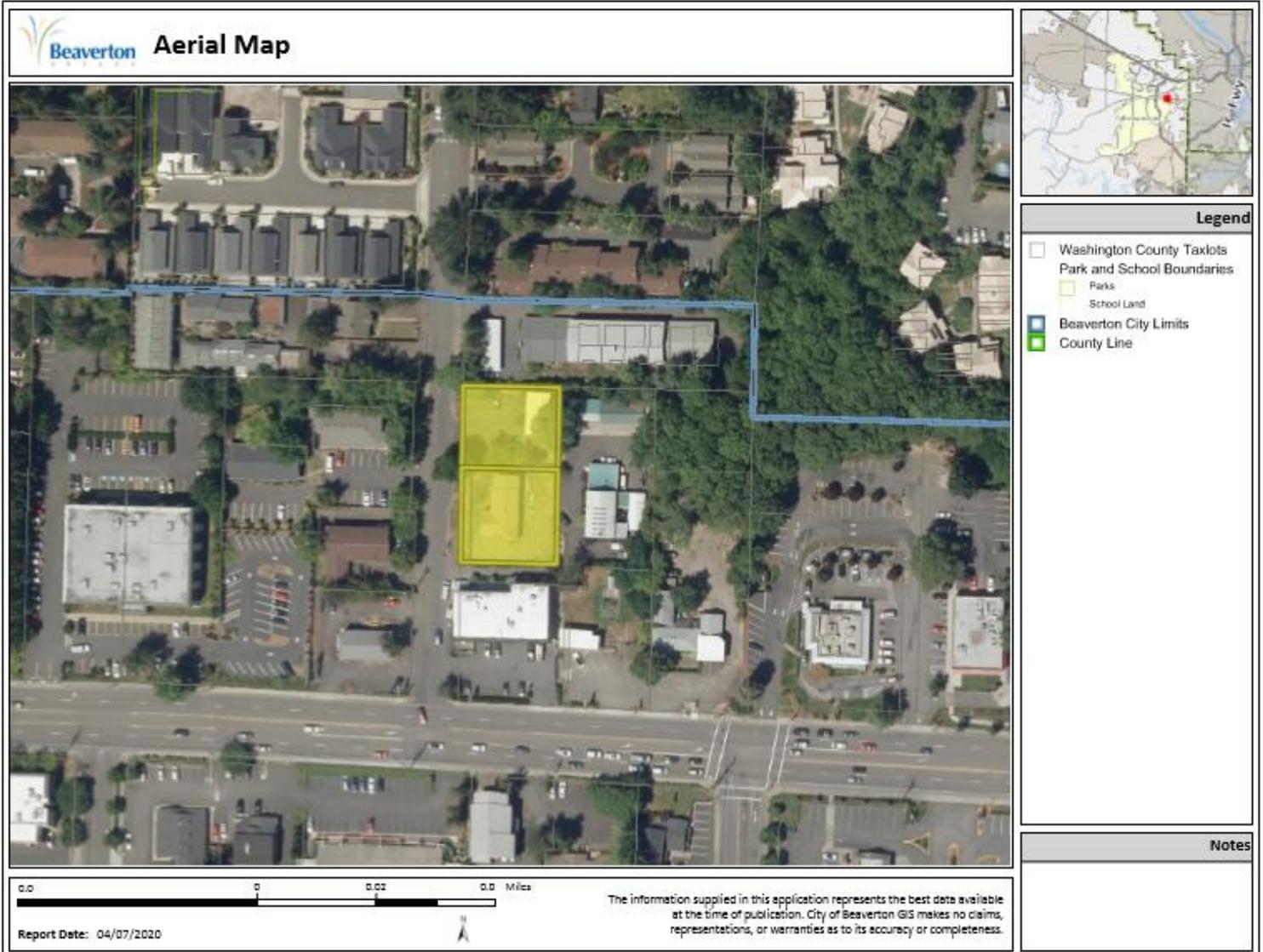
No public comments received as of the date of Staff Report issuance.

Exhibit 1.1

Hawaii Kai Multi-Family
 CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001



Hawaii Kai Multi-Family
CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001



**FACILITIES REVIEW COMMITTEE TECHNICAL
REVIEW AND RECOMMENDATIONS
Hawaii Kai Multifamily**

(CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001 / TP2019-0001)

Section 40.03.1 Facilities Review Committee:

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

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

The Facilities Review Committee Criteria are reviewed for all criteria that are applicable to the submitted application as identified below:

- **All twelve (12) criteria are applicable to the Conditional Use (CU2019-0001) and Design Review Three (DR2019-0012) applications.**
- A. 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.**

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

Public Water, Sanitary Sewer and Storm

The City of Beaverton (City) is the sanitary sewer and storm drainage provider to the site. West Slope District is the water service provider (the applicant erroneously references Metzger Water District). Public facilities are within the vicinity of the subject site. Two 30-inch stormwater mains cross the northern portion of the site diagonally, with existing manholes on the site and in the abutting right-of-way (SW 96th Avenue). An 18-inch sanitary line also runs through the site in the north. Public utilities located on private property must be located within easements. The Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans prior to Site Development permit issuance, clearly showing the existing easement for both the existing storm and sanitary sewers on the site plan.

The applicant explains that the stormwater from the roofs of the two proposed buildings is collected by rain drains which connect to the storm lines that then drain to a Storm Filter Catch Basin. The applicant's plans show stormwater lines running from the south side of the site, and from the parking lot, to the onsite Contech stormwater filter. The applicant further explains that an orifice structure per CWS Drawing 270 (flow control structure) will be located upstream from the catch basin to control the flow "and to back up to detain flow to pre development conditions". The applicant states that permeable surfaces are used for the small plaza area and for the children's play area draining to underground gravel chambers. The applicant also states that water quantity is not required and proposes to discharge stormwater into the floodplain. The applicant's narrative provides differing information and at times conflicts with the submitted plans. The applicant's stormwater plans and analysis will be reviewed in detail during the Site Development Permit process to ensure compliance with City of Beaverton and Clean Water Services standards.

The applicant's utility plan appears to show both existing utilities as well as proposed utilities. The Facilities Review Committee recommend a condition of approval that the existing culvert and ditch inlet located in SW 96th Avenue be removed and replaced with a storm sewer system that can capture and convey the stormwater from the post development sub-basin.

The applicant has submitted a Service Provider Letter (SPL) from Clean Water Services (CWS).

An existing 8-inch sanitary sewer main parallel to the site is also located within SW 96th Avenue. The applicant's plans show the two proposed buildings connect to the sanitary sewer main in SW 96th Avenue.

The subject site is located within the West Slope Water District, however, City maps indicate that Tualatin Valley Water District (TVWD) also has water lines located within SW 96th Avenue adjacent to the site. Although the West Slope Water District does not issue service provider letters, the Facilities Review Committee recommend a condition of approval that requires the applicant to demonstrate that concurrence from TVWD was received for the proposed relocation of a TVWD riser in SW 96th Avenue. The applicant's plans show a public water main located in SW 96th abutting the site. In review of the proposal, the Facilities Review Committee, has determined that by meeting the conditions of approval at the end of this report, the proposal does not impact the level of facilities and services available. The capacity of the existing systems is adequate to support the increase uses of these critical facilities.

Transportation

The subject site is located along SW 96th Avenue, a Neighborhood Route, within Washington County's operational jurisdiction. The County has reviewed the proposal and has provided draft conditions of approval. Direct and efficient vehicular and pedestrian access connections are proposed to SW 96th

Avenue. In this location, SW 96th Avenue has a Washington County NR-3 designation, requiring a total right-of-way width of 60 feet. The applicant is required to accommodate the required right-of-way width and make half-street improvements, therefore, the applicant is proposing to place six feet of the subject site within a public access easement to complete a 30 foot-wide half street cross section as needed. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones must provide 10-foot wide curb-tight sidewalks, with a minimum unobstructed width of five feet (Section 60.05.20.7.A). The applicant's plans show a 12-foot wide sidewalk with an unobstructed path exceeding five feet. However, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

A Traffic Impact Analysis (TIA) was not required for the proposed 12-unit development, as the development is not expected to generate 300 or more vehicle trips in a day (Section 60.55.20.2.A).

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue (TVF&R). The applicant has provided a copy of a TVF&R Service Provider Permit #2020-0011, which did not include conditions of approval. Compliance with TVF&R approved plans will be verified at the time of Site Development Permit issuance.

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

- B. 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.**

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant's plans and materials were shared with Beaverton School District, Tualatin Hills Park and Recreation District (THPRD), City Transportation staff and City Police Department.

Schools

The applicant has provided a copy of a Service Provider Statement from the

Beaverton School District (District), which states that the District believes it will have sufficient capacity to accommodate new students from the proposed development. The District has been notified of the proposed development and has not provided written comments or conditions.

Transit Improvements

The subject is located approximately 530 feet from the nearest bus stop, route 54 on Beaverton Hillsdale Highway, which provides frequent service between Beaverton Transit Center and Portland City Center.

Police

To the date of this report Beaverton Police have not provided comments or recommendations to the Committee. Beaverton Police will serve the development site and any comments will be shared with the applicant.

Pedestrian and Bicycle Facilities

The subject site is adjacent to SW 96th Avenue, a Neighborhood Route within Washington County's operational jurisdiction. To provide the standard right-of-way width, an additional six feet is required. The applicant's plans show the required six feet is proposed to be accommodated on the subject site within an easement. The applicant's plans show a 12-foot wide curb-tight sidewalk, exceeding the minimum 10 feet required, along the site's frontage, with at least five feet of unobstructed width. As previously mentioned, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

The applicant's plans show one pedestrian connection is proposed between the onsite buildings and abutting right-of-way. Bike lanes are not proposed nor required. The applicant's plans show two short-term bike parking spaces located near the ADA stall and within approximately 50 feet of each entrance. The applicant has not submitted a bike rack detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate the minimum required off-street bicycle parking is provided on site (according to the minimum rates listed in the parking table in BDC 60.30.10.5) and that the layout and design for the short term bicycle parking meets the minimum design standards in the City's Engineering Design Manual, Section 340. For long-term bike parking, the applicant states that a vertical dual bike storage rack will be provided in each unit.

Parks

The site will be served by the Tualatin Hills Park and Recreation District (THPRD). The applicant's materials were shared with THPRD who have not provided comments or recommendations to the Facilities Review Committee.

The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

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

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

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report, which evaluates the project as it relates to applicable code requirements of Chapter 20 for the Neighborhood Service (NS) zone, as applicable to the aforementioned criterion. As demonstrated in the chart, the development proposal does not meet all applicable setbacks, specifically the southern building does not appear to meet the side setbacks in the southeast corner of the site.

Therefore, the Committee finds that the proposal does not meet the criterion for approval.

- D. 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.**

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, as applicable to the above mentioned criteria. Staff will provide findings for the applicable Design Review Standards and Guidelines (Code Section 60.05) and well as provisions applicable to Land Division applications, within the Design Review (DR2019-0012) and Land Division (LD2019-0003) sections of the staff report.

Off-Street Parking (Section 60.30)

The standard parking ratio for attached dwellings outside of multiple-use zones is 1.25 spaces per one-bedroom unit and 1.5 for two-bedroom units. The subject proposal includes four two-bedroom units and eight one-bedroom

units, requiring a minimum of 16 parking spaces for the proposed multi-family development.

The applicant's plans show 2 short-term bicycle parking stall located near the proposed ADA stall location and within approximately 50 feet of both primary building entrances.

The applicant states a vertical dual bike storage rack will be provided in each unit to accommodate the 12 long-term bike parking stalls required for the proposed development. However, the applicant has not submitted a bike rack detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate the minimum required off-street bicycle parking is provided on site (according to the minimum rates listed in the parking table in BDC 60.30.10.5) and that the layout and design for the short term bicycle parking meets the minimum design standards in the City's Engineering Design Manual, Section 340. For long-term bike parking, the applicant states that a vertical dual bike storage rack will be provided in each unit.

Street and Bicycle and Pedestrian Connection Requirements (Section 60.55.25)

The subject site abuts SW 96th Avenue to the west, a right-of-way under the jurisdiction of Washington County and therefore subject to Washington County's standards. The County has reviewed the proposal and has provided draft conditions of approval which are included in this report.

An additional six-feet of right-of-way is required to meet the County's requirement for an NR-3 Neighborhood Route, having a total right-of-way width of 60 feet. To accommodate the required street section and half-street street improvements, the applicant proposed to place the additional six-feet necessary within an easement on the subject site. As previously mentioned, it is not clear on all of the applicant's plans that six feet of the required right-of-way will be accommodated within an easement, therefore, the Facilities Review Committee recommend a condition of approval requiring the applicant to submit plans showing a consistent easement of six feet along the site's frontage and right-of-way improvements that include a minimum 10-foot wide sidewalk with five feet of unobstructed width.

The applicant's plans show the proposed pedestrian improvements extend to the boundaries of the site. The applicant's plans show walkways internal to the site are provided at primary building entrances and through the parking lot, connecting the proposed buildings to the abutting public circulation system in a direct and efficient manner. The development's frontage is approximately 186 feet in length therefore only one walkway into the site is required (Section 60.55.25.10.B). The applicable Washington County road section does not require bike lanes here and the applicant is not proposing bike lanes along the site's frontage.

Transportation Facilities (Section 60.55)

As noted above in the response to Facilities Review Criterion A, B and D above, the subject site is adjacent to SW 96th Avenue, an existing local street, within Washington County's jurisdiction. Access spacing and the right-of-way width has been reviewed by Washington county staff who have provided conditions of approval. The Committee recommends Washington County's conditions of approval be incorporated into the conditions of approval.

Trees and Vegetation (Section 60.60)

The applicant states that 13 out of 13 Community Trees are proposed for removal. However, the applicant's tree inventory show that only eight of the trees found on-site meet the Beaverton Development Code's definition of Community Tree. Those trees identified in the applicant's inventory as "street trees" are in this case also considered Community Trees. No Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove) are found onsite. The applicant has submitted a Sensitive Area Pre-Screening Site Assessment conducted by Clean Water Services, dated January 30, 2020, which does not indicate the presence of sensitive areas on the subject site.

Utility Undergrounding (Section 60.65)

The applicant has provided a preliminary utility plan demonstrating the undergrounding of the proposed utilities. However, the applicant also states that a power pole on the abutting property to the east (1S114BA01501) may need to be moved. In the event this power pole is affected, it shall be undergrounded. The Committee recommends a standard condition of approval requiring that utility lines are placed underground, consistent with Section 60.65.

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

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage 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.**

The applicant states that the proposed facilities will be owned and maintained by the apartment complex owners.

The applicant's plans indicate that a retaining wall is proposed to cross property lines between the subject site and the lot to the east (1S114BA01501). The Facilities Review Committee recommend a condition of approval requiring the applicant to submit a maintenance agreement

specifying the maintenance responsibility of the proposed retaining wall, prior to final plat.

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

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

In review of Criterion F, staff incorporates the findings prepared in response to A, B and D above. The applicant states that that two five-foot wide pedestrian walkways are proposed through the site and shall be scored concrete. However, the applicant's plans do not show the differentiating materials therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised plans demonstrating compliance with Section 60.05.20.3.E-F, prior to Site Development permit issuance.

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

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

In review of Criterion G, staff incorporates the findings prepared in response to A, B, D and F above. The applicant's plans show a pedestrian path connects onsite buildings to the abutting public right-of-way and to an onsite open space area proposed within the northwest corner of the site. Additionally, the Facilities Review Committee recommend a condition of approval that the applicant submit plans demonstrating that the onsite walkways be differentiated by the use of a different material than the onsite drive aisle, as outlined in Section 60.05.20.3.E-F. By meeting the recommended condition of approval, the development's on-site vehicular and pedestrian circulation systems can connect to the surrounding circulation systems in a safe, efficient and direct manner.

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

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

The applicant states all public facilities have been shown and will be designed to meet Washington County requirements and Tualatin Valley Fire and Rescue (TVF&R) standards or as already coordinated with TVF&R and West

Slope Water District. TVF&R has reviewed the proposed development and has provided a Service Provider Permit.

The proposal will also need to show compliance to the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards.

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

- I. 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.**

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

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

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

The applicant states that the proposed improvements meld into existing adjacent improvements improving storm drainage conditions, flood plain issues of grading and traffic conditions where possible and add waterline improvements to the West Slope Water District.

The applicant's grading plan is difficult to read and therefore compliance with Facilities Review criterion J and other grading standards cannot be determined. Without the ability to determine if the proposed grading complies with Development Code standards, affirmative findings cannot be made.

Therefore, the Committee finds that the proposal does not meet the criterion for approval.

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

The applicant states that all access and facilities for physically handicapped people have been incorporated into the development site improvements and building design. The development will be required to meet all applicable accessibility standards of the International Building Code, the Fire Code, and other standards as required by the American Disabilities Act (ADA). Compliance with ADA requirements are reviewed at the time of Building permit application. Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, it appears that the general site layout can meet accessibility requirements.

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

L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.

The application was submitted on January 31, 2019. The applicant deemed the application complete on July 30, 2019. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are not contained within this proposal. The applicant has not provided sufficient and/or consistent evidence in the application materials needed to determine compliance with applicable criteria, such as setbacks and grading.

Therefore, the Committee finds that the proposal does not meet the criterion for approval.

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

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|---|---|--|---|
| Development Code 20.10.20 | | | |
| Use – Attached Residential | Conditional | The proposal includes two buildings, with six units within each building, for a total of 12 units. | See CU2019-0001 Section of Staff Report |
| Development Code Section 20.10.15 (Residential Urban Medium Density) | | | |
| Minimum Land Area – Residential (Attached) | 1,000 square feet/unit | Approximately 18,862 square feet or approximately 1,571 square feet per unit. | Yes |
| Lot Dimensions | Min. Width = 70 feet Min. Depth = 100 feet | Proposed Width = approximately 186 feet Proposed Depth = 100 feet | Yes |
| Minimum Yard Setbacks | Front = 20 Side = 10 Rear = zero | Proposed Front: 26 feet Rear: Zero Side: The applicant has proposed a property line adjustment between the subject site and abutting lot to the east (1S114BA01501) however the applicant's plans are difficult to read and compliance with all side setbacks cannot be determined. | No |
| Maximum Building Height | 35 feet | The applicant states that the proposed structures are 35 feet in height. The applicant's architectural elevations show the proposed buildings are approximately 33.5 feet in height, yet elsewhere in the applicant's materials, the applicant states the proposed buildings have a height of 35 feet plus a one-foot parapet above the 35 feet. The Facilities Review Committee recommend a condition of approval that the applicant submit revised plans and | Yes, w/COA |

| | | | |
|--|--|--|--|
| | | narrative that consistently demonstrate the proposed buildings do not exceed 35 feet in height, including parapet walls. | |
|--|--|--|--|

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 applicant has requested to be reviewed under a combination of Design Review Standards and Guidelines. | See DR2019-0012 Section of Staff Report |
| Development Code Section 60.10 | | | |
| Floodplain Regulations | Requirements for development within floodplains. | The northern portion of the subject site is located within a floodplain. The applicant's plans show development is proposed within the floodplain but no habitable buildings are shown within the mapped floodplain area. The Facilities Review Committee recommend a number of conditions requiring the applicant to provide additional information or analysis as needed to demonstrate compliance with applicable floodplain regulations. | Yes, w/COA |
| Development Code Section 60.15 | | | |
| Land Division Standards | Grading and tree protection standards pertaining to land divisions. | The subject site consists of two tax lots. The applicant has submitted a Replat One (LD2019-0003) to request the consolidation of the two lots and Property Line Adjustment (PLA2020-0001) to adjust the shared property line between the subject site and abutting lot to the east (1S114BA01501). Applicable Land Division Standards will be reviewed in greater detail in that section of the staff report. | See LD2019-0003 Section of Staff Report |
| Development Code Section 60.30 | | | |
| Off-street motor vehicle parking | Total Minimum Required: 16 Attached Dwellings: <u>Min.: 17 spaces</u> | The applicant's plans show 16 parking spaces on the subject site. | Yes |

| | | | |
|--|--|---|-------------------|
| | <p>Eight one bedroom units x 1.25 spaces = 10 spaces</p> <p>Four two bedroom units x 1.5 spaces = 6 spaces</p> <p><u>Max.: 22 spaces</u></p> <p>Eight one bedroom units x 1.8 spaces = 14 spaces</p> <p>Four two bedroom units x 2.0 spaces = 6 spaces</p> | | |
| <p>Required Bicycle Parking Short Term and Long Term</p> | <p>Attached Dwellings (12 units)</p> <p><u>Short term:</u> 2 spaces</p> <p><u>Long Term:</u> 1 space per unit</p> | <p>The Facilities Review Committee refers to findings provided in response to criterion D of the Facilities Review report herein. Additionally, the applicant has not submitted a bike rack detail that includes dimensions, therefore the Facilities Review Committee recommend a condition of approval that the applicant submit revised dimensioned site plans that demonstrate compliance with applicable bicycle parking requirements.</p> | <p>Yes, w/COA</p> |
| Development Code Section 60.33 | | | |
| <p>Park and Recreation Facilities and Service Provision</p> | <p>Annexation to THPRD</p> | <p>The applicant states that the property is located within THPRDs district therefore annexation is not necessary.</p> | <p>N/A</p> |
| Development Code Section 60.55 | | | |
| <p>Transportation Facilities</p> | <p>Regulations pertaining to the construction or reconstruction of transportation facilities.</p> | <p>Refer to Facilities Review Committee findings herein.</p> | <p>Yes, w/COA</p> |

| Development Code Section 60.60 | | | |
|---------------------------------------|---|---|--|
| Trees & Vegetation | Regulations pertaining to the removal and preservation of trees. | No Protected Trees are present on the subject site. The applicant's plans indicate the removal of 8 Community Trees from the subject site. Mitigation is not required for Community Trees. | See TP2019-0001 Section of Staff Report. |
| Development Code Section 60.65 | | | |
| Utility Undergrounding | All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground. | All utilities are required to be placed underground in accordance with standards identified in Section 60.65. The Committee proposes a standard condition of approval to ensure utility undergrounding complies with Section 60.65. | Yes, w/COA |
| Development Code Section 60.67 | | | |
| Significant Natural Resources | Regulations pertaining to Significant Natural Resources | Significant Natural Resources are not found on site. | N/A |

**CU2019-0001
ANALYSIS AND FINDINGS FOR
CONDITIONAL USE APPROVAL**

Section 40.03.1 Facilities Review Approval Criteria:

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

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

Section 40.15.15.3.C New Conditional Use Approval Criteria:

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

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

The applicant proposes 12 units of attached residential housing in the Neighborhood Service (NS) zoning district. Attached residential housing is a Conditional Use in the NS zone, meeting threshold 1:

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.

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

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

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

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

- 3. The proposal complies with the applicable policies of the Comprehensive Plan.**

The pre-application conference notes as well as the incompleteness letter for Hawaii Kai

Multi-family identified Comprehensive Plan criteria which are applicable to the proposal. The identified Comprehensive Plan criteria include:

- Goal 3.1.1: Policies a, c, l
- Goal 3.2.1: Policy a
- Goal 3.3.1: Policies a, b
- Goal 3.7.1: Policies a, b, c
- Goal 3.7.4: Policies a, d, e
- Goal 4.1.1: Policies a, b, c
- Goal 4.5.1: Policy a
- Goal 7.3.1.1: Policies a, c, e, f
- Goal 7.3.2.1: Policy a
- Goal 7.3.4.1: Policy a
- Goal 8.7.1: Policies a, c

The applicant in their response to this criterion does not address any comprehensive plan criteria but states “the proposed development complies with all zoning and applicable policies of the Comprehensive Plan for the area.”

This statement does not sufficiently address the applicable comprehensive plan criteria and therefore staff finds that the approval criterion is not met as the applicant has failed to address the relevant criteria identified in the pre-application conference notes and completeness review letter.

Therefore, staff finds the proposal does not meet the criterion for approval.

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

The applicant states that the existing grading, improvements, and topography with minor changes can reasonably accommodate the propose use. The site can accommodate the proposed 12 dwelling units, a mix of 4 two-bedroom and 8 one-bedroom units with associated parking, and open space.

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

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.*

The applicant states that the development requires a flat site to be compatible with apartments and is compatible with surrounding uses such as condominiums and apartments. The subject site is set back from SW Beaverton Hillsdale Highway on SW 96th Avenue. The surrounding properties are mix of residential and commercial uses. While proposed apartment development is consistent with size and scale of surrounding

developments, staff cite the findings of Facilities Review Approval Criterion C (Attachment A), as applicable to this approval criterion. The development proposal does not meet all applicable setbacks, specifically the southern building does not appear to meet the side setbacks in the southeast corner of the site. Staff find that the location of the proposed buildings are not consistent with the required setback of the zoning district and there is not compatible to the surrounding area of the subject site.

Therefore, staff finds that the proposal does not meet the approval criterion.

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

The applicant has submitted this New Conditional Use application in association with the following land use applications; Design Review Three, Replat One, Property Line Adjustment, and Tree Plan Two. The applicant has not provided written responses to the Comprehensive Plan criteria, which are required for approval. Therefore the applicant has not provided all documents necessary related to this request for Conditional Use approval.

Therefore, staff finds that the proposal does not meet the approval criterion.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **DENIAL** of **CU2019-0001 Hawaii Kai Multi-Family**.

**DR2019-0012
ANALYSIS AND FINDINGS FOR
DESIGN REVIEW THREE APPROVAL**

Section 40.03.1 Facilities Review Approval Criteria:

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

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria C, J, and L, and therefore does not meet the criterion for approval.

Therefore, the Committee finds that the proposal does not meet the criteria.

Planning Commission Standards for Approval:

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 3 Design Review.

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

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

The applicant proposes to construct a new multi-family development consisting of twelve units in two buildings. The proposal meets Criterion No. 8 since it cannot meet all the applicable design review standards in Section 60.05 of the Development Code.

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

Therefore, staff finds that the criterion is met.

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

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

Therefore, staff finds that the criterion is met.

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

The proposal meets Design Review Three threshold number 8, therefore this criterion is not applicable.

Therefore, staff finds the criterion is not applicable.

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

- a. ***A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or***
- b. ***The location of existing structural improvements prevent the full implementation of the applicable guideline; or***
- c. ***The location of the existing structure to be modified is more than 300 feet from a public street.***

The proposal is new construction. Therefore, this criterion, which pertains to additions or modification of existing development, does not apply.

Therefore, staff finds the criterion is not applicable.

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

The applicant does not propose a DRBCP.

Therefore, staff finds the criterion is not applicable.

6. ***For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [ORD 4531; March 2010]***

The proposal meets Design Review Three threshold number 8. Staff cites the Design Review and Guidelines Analysis at the end of this Design Review section, which evaluates the project as it relates the applicable Design Review Standards and Guidelines found in Section 60.05 of the Development Code. Staff reviews each Standard and Guideline with respect to the applicability of the Standard or Guideline to the project, the applicant's response, and illustrative representation of the proposal. Staff provides an evaluation of the proposal in relation to the Standard or Guideline and a statement as to whether the Standard or Guideline is met below. Staff finds that the proposal does not meet the following Design Standards and a corresponding Design Guideline has not been addressed:

- 60.05.15.3 (Weather Protection)
- 60.05.20.2.A-D (Screening)
- 60.05.20.3.F (Minimum Paving Width)
- 60.05.25.3.A (Landscape Area)
- 60.05.25.3.B (Active Open Space)
- 60.05.25.3.J (Alternative Active Features)
- 60.05.25.10 (Grading)
- 60.05.25.13 (Landscape Buffer Width)

The applicant has requested certain Design Guidelines be addressed since their correlating Design Standard could not be met. Based on the evaluation of the proposal and the supporting information provided by the applicant, staff find that the proposal does not meet the following design guidelines:

- 60.05.35.1.B (Articulation & Variety – Visual Interest)
- 60.05.35.1.C (Articulation & Variety – Vertical Elements)
- 60.05.35.1.D (Articulation & Variety – Pedestrian Scale & Orientation)
- 60.05.35.1.E (Articulation & Variety – Architectural Features)
- 60.05.45.7.A (Fences & Walls – Durable Materials)

Therefore, staff finds that the criterion is not met.

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

The applicant has chosen to address a combination of Design Standards and Guidelines.

Therefore, staff finds the criterion is not applicable.

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

The applicant has submitted all documents related to this request for Design Review Three approval. The applicant has also submitted Conditional Use, Replat One, Property Line Adjustment, and Tree Plan Two applications. The Design Review Three is dependent upon the Conditional Use, Replat One, Property Line Adjustment and Tree Plan Two approval. Staff recommends a condition that approval of the Design Review Three is dependent upon approval of all associated land use applications.

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

Recommendation

Based on the facts and findings presented, staff recommend **DENIAL** of **DR2019-0012 (Hawaii Kai Multi-Family)**.

Design Standards Analysis
Section 60.05.15 Building Design and Orientation

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|---|---|--------------------------|
| Building Articulation and Variety | | |
| 60.05.15.1.A Max length of attached residential buildings in residential zones | The subject site is located within a Commercial zoning district. | N/A |
| 60.05.15.1.B Min 30% articulation and variety | The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.35.1.B, C, and D | See DR Guidelines |
| 60.05.15.1.C Max 40' between architectural features | The spacing between the permanent architectural features on elevations facing the street and/or containing a primary entrance is less than 40 feet. | Yes |
| 60.05.15.1.D Max 150 sq. ft. undifferentiated blank walls facing streets | The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.35.1. E | See DR Guidelines |
| Roof Forms | | |
| 60.05.15.2.A Min roof pitch = 4:12 for sloped roofs | The proposed roofline is flat; therefore, this standard is not applicable. | N/A |
| 60.05.15.2.B Min roof eave = 12" for sloped roofs | The proposed roofline is flat; therefore, this standard is not applicable. | N/A |
| 60.05.15.2.C Flat roofs need parapets | The applicant's plans show a 1-foot tall parapet wall. | Yes |
| 60.05.15.2.D New structures in existing development be similar to existing development roof | The proposed is a new development. | N/A |
| 60.05.15.2.E 4:12 roof standard is N/A to smaller feature roofs | No feature roofs are proposed. | N/A |
| Primary Building Entrances | | |
| 60.05.15.3 Weather protection for primary entrance | The applicant states that the primary entrances are covered and treated as a permanent architectural feature with shed roofs that are 4 feet deep and 8.5 to 10.75 feet wide. However, the applicant's submitted architectural elevations or site plan do not show any weather protection for primary entrances. The applicant's exterior materials board includes an image of the proposed buildings, however this image does not include dimensions or a scale of this covered area, therefore staff is unable to evaluate compliance with the standard | No |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|---|--|-------------------|
| | and therefore cannot provide an affirmative finding in response. | |
| Exterior Building Materials | | |
| 60.05.15.4.A Residential buildings in Residential and Multiple Use zones shall have double wall construction | The subject site is located within a Commercial zoning district. | N/A |
| 60.05.15.4.B Maximum 30% of primary elevation to be made of unfinished concrete block | As demonstrated on the applicant's plans and stated by the applicant, plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard do not exceed 30% of any primary elevation. | Yes |
| 60.05.15.4.C Foundations | The applicant's plans show the exposed concrete foundation is 1.5 feet above grade and shall not be more than 3 feet. | Yes |
| Roof-Mounted Equipment | | |
| 60.05.15.5.A through C Roof-mounted equipment screening. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard. | The applicant states that only pipe extensions and vents are on the roof, which are exempt. However because this review does not include mechanical permit review for roof mounted equipment, and because the ultimate equipment needs and location of the necessary equipment may change, staff recommend a condition of approval that prior to building permit issuance of any building permit which includes non-exempt roof-mounted equipment, the applicant shall demonstrate compliance with Section 60.05.15.5. | Yes, w/COA |
| Building Location and Orientation Along Streets in MU and Com. Districts | | |
| 60.05.15.6.A-F Building location for parcels located along Major Pedestrian Routes (MPR) or parcels 60,000 square feet or greater in Commercial zoning districts. | The subject site is not located along any designated MPR, nor is the subject site 60,000 square feet or greater. | N/A |
| Building Scale Along Major Pedestrian Routes | | |
| 60.05.15.7.A-C Building scale standards for parcels located along MPR. | The subject site is not located along any designated MPR. | N/A |
| Ground Floor Elevation on Commercial and Multiple Use Buildings | | |
| 60.05.15.8.A-B Glazing Requirements | The proposal is residential in nature only. | N/A |
| Compact Detached Housing Design | | |
| 60.05.15.9.A-K | Compact Detached Housing is not | N/A |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|--|--|----------------|
| | proposed. | |
| Ground Floor Elevations on Eligible Residential-only Buildings | | |
| 60.05.15.10.A.1-2 Standards for locating ancillary residential uses on the ground level and ground floor design. | The proposal is not an eligible residential-only building. | N/A |

Section 60.05.20 Circulation and Parking Design

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|--|---|---|
| Connections to the public street system | | |
| <p>60.05.20.1.A Connect on-site circulation to existing and planned street system</p> | <p>The subject site is located along an existing street, SW 96th Avenue, a street within Washington County’s operational jurisdiction. The applicant’s plans show proposed improvements to the SW 96th Avenue frontage, consistent with Neighborhood Route design standards. The applicant’s plans also show that the onsite circulation systems connect to the abutting public circulation system. However, the proposed access must comply with applicable Washington County standards therefore staff recommend incorporating Washington County’s condition of approval, requiring the applicant obtain approval for a Design Exception to the Access Spacing Standards from the Washington County Engineer for the proposed access on SW 96th Avenue.</p> | <p align="center">Yes, w/COA</p> |
| Loading Areas, solid waste facilities and similar improvements | | |
| <p>60.05.20.2.A-D Screen from public view</p> | <p>The applicant states that the waste storage and recycling containers are enclosed with Hardie plank siding and wood gate to match building. The applicant also explains that screening shall be one foot higher than the object being screened. However, the applicant’s materials do not include elevations or dimensions of the proposed enclosure therefore staff is unable to determine compliance with dimensional requirements or design elements. The applicant further states that a transformer and above ground utility services shall be screened and shown on construction drawings to keep from view from the public street. However, staff is unable to determine where above ground utilities are located or how they are to be screened.</p> | <p align="center">No</p> |
| Pedestrian Circulation | | |
| <p>60.05.20.3.A Link to adjacent facilities</p> | <p>The subject site is located along an existing street, SW 96th Avenue. The applicant proposes to improve the adjacent sidewalk and to connect the onsite pedestrian circulation system with the adjacent public street system.</p> | <p align="center">Yes</p> |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|--|---|-------------------|
| 60.05.20.3.B Direct walkway connection | The applicant's plans show a reasonably direct walkway connection is provided between primary entrances, and the abutting public street system. | Yes |
| 60.05.20.3.C Walkways every 300' | The development's frontage is approximately 186 feet in length therefore only one walkway into the site is required. | Yes |
| 60.05.20.3.D Physical separation | The applicant's plans show pedestrian connections though the site are separated from parallel vehicle traffic through the use of curbs. | Yes |
| 60.05.20.3.E Distinct paving | The applicant states two concrete sidewalks are used to cross the driveway to provide access to the parking and an open space area. However, the applicant's plans do not show different paving material is proposed to differentiate the pedestrian walkways. Therefore, staff recommend a condition of approval that the applicant submit plans demonstrating compliance with 60.05.20.3.E. | Yes w/COA |
| 60.05.20.3.F 5' minimum width | The applicant states and the submitted plans show that the walkways between the two buildings are less than 5 feet. The Design Standard is not met and the applicant has not addressed the corresponding Design Guideline and it is not clear that the site can accommodate wider walkways in all locations. | No |
| Street Frontages and Parking Areas | | |
| 60.05.20.4.A Perimeter Landscaping | The applicant states, that a 6-foot wide planting strip between the right-of-way and parking is proposed. The applicant further states that the plans show three trees have been provided as required and that berberis juliane 'Wintergreen Barberry' has been selected as the evergreen hedge. However, the applicant's plans do not show the use of berberis juliane in this area and instead indicate erica/springwood and viburnum davidii will be planted in the required perimeter landscape area. Although both plant varieties (verberis juliane and viburnum davidii) are evergreen shrubs, staff recommend a condition of approval requiring the applicant to provide plans demonstrating compliance with the height and opacity requirements of section 60.05.20.4.A. | Yes, w/COA |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|---|--|--------------------------|
| Parking and Landscaping | | |
| 60.05.20.5.A-D 1 Landscape island per 10 spaces, size of planter and tree species | The onsite parking area does not include more than 8 car stalls in a bay, therefore, this standard is not applicable. | N/A |
| Off-Street Parking Frontages in Multiple-Use Districts | | |
| 60.05.20.6.A.1-3 50% Max on Class 1 MPR 65% Max on Class 2 MPR 50% Max for detached residential projects along any street | The subject site is not located along a designated MPR. | N/A |
| Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts | | |
| 60.05.20.7.A Required sidewalk widths | The applicant states that the proposed development includes a 10 foot wide sidewalk with an unobstructed path of 5 feet along SW 96 th . However, the applicant's plans, sheet 7 of 9 labeled Details, provides a street cross section which shows a 7' unlabeled area and a 5' area labeled sidewalk. Given the inconsistency between the applicant's plans, details and narrative staff recommends a condition of approval that prior to Site Development Permit issuance the applicant provide revised plans showing a sidewalk design having a minimum width of ten (10) feet and an unobstructed path of at least five (5) feet and trees within tree-wells planted approximately 30 feet on center to comply with Section 60.05.20.7.A. | Yes, w/COA |
| 60.05.20.7.B Internal sidewalks and walkway widths | The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.40.7.B. | See DR Guidelines |
| 60.05.20.7.C Common Greens | Proposal does not include common greens or shared courts. | N/A |
| Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts | | |
| 60.05.20.8.A Drive aisles to be designed as public streets, if applicable | Proposed drive aisle provides access to perpendicular stalls. | N/A |
| Ground Floor uses in parking structures | | |
| 60.05.20.9 Parking Structures | No parking structures are proposed. | N/A |

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

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|---|---|------------------|
| Minimum Landscaping | | |
| <p>60.05.25.3.A Minimum Landscape Area (15%)</p> | <p>The subject site is 18,862 square feet, requiring a minimum of 2,829 square feet of landscaping area. The applicant states 21% of the gross area is landscaped, however, the submitted landscaping plans indicate that approximately 10% (or 1,916 square feet) of the gross site is landscaped. The proposal does not meet this standard and the applicant has not addressed the corresponding Design Guidelines.</p> | <p>No</p> |
| <p>60.05.25.3.B Active Open Space (25% of the required open space)</p> | <p>The standard required open space for the site is 2,829 square feet, 25% of which is 707 square feet. The applicant states 718 square feet of active open space is proposed in the “barbeque and sunning area”. Beaverton Development Code defines Active Open Space as, “Open space where human activities include recreational and social opportunities, such as play fields, playgrounds, swimming pools, plazas and other recreational facilities.”</p> <p>The applicant’s plans do not show the boundaries of the proposed active open spaces, however, the area with the picnic table and barbeque on the applicant’s plans appears to be enclosed by evergreen shrubs, limiting the open area to approximately 310 square feet by staff measurements. The applicant proposes a second open space area designated as the “children’s play area” which the applicant states is 348 square feet. The applicant does not identify where the “children’s play area” is to be located. The only other open area appears to be a 384 square foot area between the two buildings that is heavily landscaped around its perimeter. The non-densely landscaped area contains a paved area with four (4) benches. Staff’s calculations show that the non-densely landscaped area is approximately 200 square feet of the 384 square foot area calculated by staff. The total active area between the 310 square foot picnic area and the 384 square foot area between buildings is 694 square feet, which is less</p> | <p>No</p> |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|---|--|--------------------------|
| | than the 707 square feet required. Staff finds the proposal does not meet this standard and the applicant has not addressed the corresponding Design Guidelines. | |
| 60.05.25.3.C Environmentally Sensitive Areas and aboveground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement. | The subject site does not contain environmentally sensitive areas or aboveground water quality treatment facilities. | N/A |
| 60.05.25.3.D Vehicle Circulation | Vehicular circulation areas are not being considered in the landscape calculations. | N/A |
| 60.05.25.3.E Individual Exterior Spaces | The applicant states that no individual exterior spaces are used toward the common open space requirement. | N/A |
| 60.05.25.3.F Abutting Collector or Higher | The subject site does not abut a Collector or higher street. | N/A |
| 60.05.25.3.G Open Space Size, 640 sq. ft. in area and min. width and length of 20 feet. | The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.1.A-D. | See DR Guidelines |
| 60.05.25.3.H Phased Development | Proposal does not include phased development. | N/A |
| 60.05.25.3.I Active Open Space Improvements | The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.1.A-D. | See DR Guidelines |
| 60.05.25.3.J Other improvements providing similar levels of activity | The applicant states that there is no alternative review proposed under this section, however the applicant does not provide two items from each list in the each active open space area and does not address the corresponding Design Guideline. | No |
| 60.05.25.4.A Front Yard Landscaping | The applicant states that all front yard areas are heavily landscaped and exceed the required trees and shrubs required. Although the applicant's submitted landscape plan does show a variety of plants throughout the site, it is not clear if all front yard areas are landscaped. Specifically, plants in front of the southern building's western facing elevation are proposed in groups along with several trees and some ground cover, but there are also open spaces where no plant is proposed | Yes, w/COA |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|--|---|-------------------|
| | and grass or other ground cover are not identified. Staff recommend a condition of approval that the applicant submit revised plans clearly demonstrating compliance with 60.05.25.4.A. | |
| 60.05.25.4.B Bare Gravel, Rock, Bark Maximum (25%) | The applicant states that the areas behind the buildings are not visible and that is where the use of bark and other materials is mostly proposed. The applicant states that these areas will not exceed 25%. The applicant further states that larger shrubs shall have bark, gravel and rock under them. The applicant's plans do not indicate where bare gravel, rock or bark is proposed, therefore staff recommend a condition of approval, requiring the applicant to submit revised plans clearly demonstrating compliance with 60.05.25.4.B. | Yes, w/COA |
| 60.05.25.4.C Vehicle Circulation | The applicant states vehicular circulation is not counted in landscape calculation. | N/A |
| 60.05.25.4.D Landscaping along foundations | The applicant's plans show the use of 'berberis thunbergii crimson pygmy', a deciduous dwarf shrub, generally reaching a maximum mature height of 24 inches, along the northern building's western facing elevation. The standard requires the use of evergreen shrubs, therefore, as proposed the standard is not met. The applicant's plans show that the landscaping along the southern building's street-facing elevation consists of bergenia cordifolia bressingham, a low lying evergreen perennial and berberis julianae, and evergreen shrub. However, the applicant's plans show that the proposed plants are located at the distance that is greater than three feet. Section 60.05.25.4.D.2 states that an evergreen shrub shall be planted for every three lineal feet of foundation, therefore, staff recommend a condition of approval, requiring the applicant to submit revised landscaping plans demonstrating compliance with all applicable provisions of Section 60.05.25.4.D through the planting of evergreen shrubs along foundation landscaping. | Yes, w/COA |
| 60.05.25.4.E Minimum Planting Requirements | The applicant's plans show more than 4 trees are proposed on the subject site and have a greater caliper inch than 1.5 as required. The applicant's plans also show | Yes, w/COA |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|---|---|-------------------------------------|
| | <p>more than 7 evergreen shrubs (reaching a minimum mature height of 48 inches) are provided are proposed. The applicant's plans do not indicate where bare gravel, rock or bark is proposed, therefore staff recommend a condition of approval, requiring the applicant to submit revised plans clearly demonstrating compliance with 60.05.25.4.E in which no greater than 25% of the site landscape area may utilize bare gravel, rock, or bark.</p> | |
| <p>60.05.25.4.F Pedestrian Plaza</p> | <p>Pedestrian plazas are intended to be small, semi-enclosed areas adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit or stand (Chapter 90). The applicant states that concrete is used to form a plaza near the barbeque area and asks to address the Design Guidelines 60.05.45.2.A-B.</p> | <p>See Design Guidelines</p> |
| Retaining Walls | | |
| <p>60.05.25.8 Retaining Walls</p> | <p>The applicant erroneously states that the proposal does not include retaining walls 6 feet in height, and therefore this standard is not applicable. The applicant proposes a wall which reaches over 7 feet in areas. The standard is also applicable to retaining walls longer than fifty (50) lineal feet, which the applicant proposes. The applicant provides a wall detail on sheet 8 of 11, however it is unclear how the proposed wall construction can occur without crossing private property lines or being located under the building foundation. Staff recommend a condition of approval, requiring the applicant to submit plans demonstrating compliance with Section 60.05.25.8.</p> | <p>Yes, w/COA</p> |
| Fences and Walls | | |
| <p>60.05.25.9.A Fences and walls shall be constructed of durable materials</p> | <p>The applicant states that the proposed walls will be constructed of concrete or split faced block. The applicant's plans also show a fence around the subject site, ranging in height from 4 feet to 6 feet. The applicant states that coated chain link fences with slats are proposed.</p> | <p>Yes</p> |
| <p>60.05.25.9.B Chain link fences are acceptable as long as the fence is coated and includes slats made of</p> | <p>The applicant states that the proposed walls will be constructed of concrete or split faced block. The applicant states that coated chain link fences with slats are proposed.</p> | <p>Yes</p> |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|--|---|-------------------------|
| vinyl, wood or other durable material. | | |
| 60.05.25.9.C Wall thickness | The applicant states the proposed walls are 6 to 8 inches thick. Staff recommend a condition of approval that prior to Site Development permit issuance, the applicant submit plans demonstrating compliance with Section 60.05.25.9.C by demonstrating that the wall is a minimum of 6 inches thick. | Yes, w/COA |
| 60.05.25.9.D For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities... | The proposal is residential only. | N/A |
| 60.05.25.9.E.1 Fences and walls may not exceed three feet in height in required front yards along streets. | The applicant has requested to be evaluated against corresponding Design Guideline, 60.05.45.7.A-B. | See DR Guideline |
| Minimize Significant Changes to Existing On-Site Surface Contours At Residential Property Lines | | |
| 60.05.25.10 Minimize grade changes | The applicant's grading plan is difficult to read, only the 220 contour line is labeled, existing and proposed grading are not labeled in the legend or on the plan, and it is unclear how the proposed walls and structures tie into the surrounding grading. Therefore compliance with grading standards cannot be determined by staff. Without the ability to determine if the proposed grading complies with Development Code standards, affirmative findings cannot be made. | No |
| Integrate water quality, quantity, or both facilities | | |
| 60.05.25.11 Location of facilities | The applicant states that no non-vaulted treatment facilities are propose with slopes greater than 2:1. The applicant further states that a swale or raingarden with walls may be required during final stormwater design but will be designed to Clean Water Standards in the right-of-way and provided on Washington County approved street standards. The applicants plans do not currently show above ground stormwater facilities so they are not under consideration with this application. Should the applicant modify their plans at a future date further Design Review would be required. | N/A |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|--|--|-------------------|
| Natural Areas | | |
| 60.05.25.12 No encroachment into buffer areas. | No natural areas exist on site. The applicant has submitted a Clean Water Services Sensitive Area Pre-Screening Site Assessment form. | N/A |
| Landscape Buffering and Screening | | |
| 60.05.25.13 A landscape buffer is required along the side and rear of properties between different zoning district designations and the width of the buffer cannot exceed the standard yard setback. | The subject site is zoned NS and abuts a parcel zoned R2 to the north, therefore a 10 foot wide B3 buffer is required. The side setback in the NS zone is 10 feet therefore the required landscape buffer does not exceed the setback dimension. However, the applicant's plans show that the proposed landscape buffer along the northern property line ranges in width from 8 feet to 10 feet. Therefore, as proposed the standard is not met. The applicant has not requested to address the corresponding Design Guideline. | No |
| 60.05.25.13.A Exemptions | None of the outlined exemptions are applicable. | N/A |
| 60.05.25.13.D B3-High screen buffer | The applicant's plans show a 6 foot tall fence along the northern property line and three eastern redbud trees proposed in the buffer area, as required. However, the applicant does not indicate the planting height, which is required to be a minimum of 6 feet. Staff recommend a condition of approval requiring the applicant to submit plans demonstrating compliance with all applicable provisions of 60.05.25.13.D. The applicant's plans show viburnum davidii, an evergreen shrub, is proposed between the trees. The applicant's plans show the use of rubus calycinoides as ground cover in the landscape buffer area. | Yes, w/COA |
| 60.05.25.13.E Changes to buffer widths and standards | The applicant has not requested a change to the buffer width standard. | N/A |
| 60.05.25.13.F Landscape buffer installation | The applicant that the landscape buffer along the north property line shall be constructed prior to the request for occupancy permit issuance. | Yes |

Section 60.05.30 Lighting Design Standards

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|---|--|---------------------------|
| Adequate on-site lighting and minimize glare on adjoining properties | | |
| <p>60.05.30.1.A Lighting complies with the City's Technical Lighting Standards</p> | <p>The applicant's submitted lighting plan shows onsite lighting levels do not meet the minimum of 1.5 foot-candles in some areas. As a condition of approval, staff recommend that the applicant demonstrate compliance with all applicable lighting levels, as outlined in Section 60.05.30 and Table 60.05-1. Furthermore, the applicant's photometric lighting plan does not reflect the lighting proposed on the building elevations. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.</p> | <p>Yes, w/ COA</p> |
| <p>60.05.30.1.B Lighting provided for vehicle and pedestrian circulation</p> | <p>Lighting is proposed for vehicular and most pedestrian circulation areas. The applicant's photometric lighting plan does not include lighting data for the proposed picnic area. The applicant's plans include a mix of pole lights and wall lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.</p> | <p>Yes, w/COA</p> |
| <p>60.05.30.1.C Lighting of Ped Plazas</p> | <p>The applicant states that the pedestrian plaza lighting requirements have been met. The applicant's plans do not show any lighting in the pedestrian plaza area which they refer to earlier as the barbeque area. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.</p> | <p>Yes, w/COA</p> |
| <p>60.05.30.1.D Lighting of building entrances</p> | <p>The applicant's elevations shows lighting at building entrances but the applicant's photometric lighting plan does not account for these lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.</p> | <p>Yes, w/COA</p> |
| <p>60.05.30.1.E Canopy lighting recessed</p> | <p>The applicant states canopy lighting under the shed entrances shall be provide by a recessed light in a downward covered</p> | <p>Yes, w/ COA</p> |

| DESIGN STANDARD | PROJECT PROPOSAL | MEETS STANDARD |
|--|--|-------------------|
| | <p>fixture at both entrances of the buildings. However, the applicant's photometric lighting plan does not indicate the use of canopy lights. Staff recommend a condition of approval requiring the applicant to submit a photometric plan demonstrating compliance with applicable standards outlined in Section 60.05.30 and Table 60.05-1.</p> | |
| Pedestrian-scale on-site lighting | | |
| <p>60.05.30.2.A Pedestrian Lighting</p> | <p>The applicant's photometric lighting plan shows the use of pole mounted lights throughout the site. Given the geometry and size of the site, the same lighting poles that are used to light the vehicular circulation areas also illuminate the pedestrian pathways. The proposed light poles are 16.5 feet in height, which exceed the maximum height for pedestrian ways but is below the maximum height permitted for on-site vehicular circulation areas.</p> | Yes |
| <p>60.05.30.2.B Non-Pole Mounted Lighting</p> | <p>The applicant states that all luminaries proposed comply with the City's Technical Lighting. Staff recommend a condition of approval that the applicant demonstrate compliance with all applicable lighting levels, as outlined in Section 60.05.30 and Table 60.05-1. And a condition requiring details showing light fixtures and mounts at Site Development permitting stage on submitted plans.</p> | Yes, w/COA |
| <p>60.05.30.2.C Lighted Bollards</p> | <p>Lighted bollards are not proposed.</p> | N/A |

DESIGN REVIEW GUIDELINES ANALYSIS

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

60.05.35 *Building Design and Orientation Guidelines.* *Unless otherwise noted, all guidelines apply in all zoning districts.*

1. *Building Elevation Design Through Articulation and Variety*

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

The applicant has not provided a response to Design Guideline 60.05.35.1.B, which is applicable to Design Standard 60.05.15.1.B to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

Therefore, staff finds that the Guideline is not met.

C. To balance horizontal features on long building elevations, vertical building elements, such as building entries, should be emphasized. (Standards 60.05.15.1.A and B)

The applicant has not provided a response to Design Guideline 60.05.35.1.C, which is applicable to Design Standard 60.05.15.1.B to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

Therefore, staff finds that the Guideline is not met.

D. Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standards 60.05.15.1.B)

The applicant states that the north building front (west) wall that faces the street has 169.77 square feet of undifferentiated blank wall but that a different width and direction of hardie plank siding is proposed to break up the façade. The north building front elevation provides pedestrian level windows and material treatments that differentiate the floors of the building, providing visual relief to pedestrians.

The applicant states that the west side elevation of the southern building has an areas of 246.45 square feet of undifferentiated blank wall, the narrative states that a different pattern of hardie plank is used to provide visual relief, however the applicant's elevations

do not reflect this materials change, it is unclear to staff what is proposed in this area as the narrative and plans do not match. As such, staff has insufficient information to determine what is proposed by the applicant and cannot make affirmative findings that the Guideline is met.

Therefore, staff finds that the Guideline is not met.

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

The applicant has not provided a response to Design Guideline 60.05.35.1.E, which is applicable to Design Standard 60.05.15.1.E to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

Therefore, staff finds that the Guideline is not met.

60.05.40. Circulation and Parking Design Guidelines. *Unless otherwise noted, all guidelines apply in all zoning districts.*

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

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

The applicant states that a 10 foot commercial sidewalk is inappropriate for the proposed apartments. The proposal includes pedestrian walkways that provide adequate connections to the primary building entrances, public streets, and shared open space areas.

Therefore, staff finds that the Guideline is met.

60.05.45. Landscape, Open Space and Natural Areas Design Guidelines. *Unless otherwise noted, all guidelines apply in all zoning districts.*

1. Common open spaces for residential uses in Residential zones.

A. Common open spaces should be provided that are sized and designed for anticipated users, and are located within walking distance for residents and visitors, and should be integrated into the overall landscape plan. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.A, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

B. Common open spaces should be available for both passive and active use by people of all ages, and should be designed and located in order to maximize security, safety, and convenience. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.B, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

C. Common open spaces should be free from all structural encroachments unless a structure is incorporated into the design of the common open space such as a play structure. (Standard 60.05.25.1-3)

The applicant doesn't specify that 60.05.45.1.C is being responded to, however their response is regarding the desired placement of play structures which leads staff to believe the response is intended to address this criterion. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

D. Common open spaces should be located so that windows from living areas, excluding bedrooms and bathrooms, of a minimum of four (4) residences face on to the common open space. (Standard 60.05.25.1-3)

The applicant has not provided a response to Design Guideline 60.05.45.1.B, which is applicable to Design Standard 60.05.25.3 to which the applicant responded that the Design Guideline would be addressed. However, staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

2. Minimum landscaping in Residential zones.

A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape. (Standard 60.05.25.4)

The applicant has not provided a response to Design Guideline 60.05.45.2.A, which is applicable to Design Standard 60.05.25.4.F to which the applicant responded that the Design Guideline would be addressed. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.4)

The applicant has not provided a response to Design Guideline 60.05.45.2.B, which is applicable to Design Standard 60.05.25.4.F to which the applicant responded that the Design Guideline would be addressed. Staff notes that Section 60.05.45.1 refers only to residential uses in Residential zones, the applicant proposes a residential use in a Commercial zone and therefore the Design Guideline is not applicable.

Therefore, staff finds that the Guideline is not applicable.

7. Fences and walls.

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

The applicant has not provided a response to Design Guideline 60.05.45.7.A, which is applicable to Design Standard 60.05.25.9.E to which the applicant responded that the Design Guideline would be addressed. As the applicant has not provided any evidence to support the compliance with the Design Guideline staff does not have sufficient evidence to make affirmative findings.

Therefore, staff finds that the Guideline is not met.

B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.9.E)

The applicant states that they wish to provide a 48 inch tall fence west (in front) of the four foot retaining wall in the front yard for fall protection. It is unclear how a fence of the

same height will provide fall protection for a four foot wall. Staff concurs that fall protection is important. The applicant stated in response to the Design Standards that chain link fence with slats was proposed. As chain link with slats on top of a wall would provide for a large undifferentiated wall and not provide views into the site, staff recommends a condition of approval that the fence within the front yard setback must be a decorative metal fence that provides views into the site. Staff also recommends a condition of approval that the fall protection fence be placed along the top of the wall to provide adequate fall protection, areas for which fall protection are not needed shall not have fence on top of the wall or in excess of three feet in the front yard.

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

**LD2019-0003
ANALYSIS AND FINDINGS FOR
REPLAT ONE**

Section 40.45.05 Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.2.C Approval Criteria

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

1. *The application satisfies the threshold requirements for a Replat One.*

The lot consolidation meets Threshold 1 for the Replat One.

The subject site currently consists of two full lots and a small portion of a third lot, subject to Property Line Adjustment approval:

- 1S114BA01600, Lot Part 32 of Woodland Acres No. 2
- 1S114BA01602, Lot Part 32 of Woodland Acres No. 2
- 1S116AD03100 Lot Parts 32-33 of Woodland Acres No.2 is the abutting lot to the east, under separate ownership, subject to the Property Line Adjustment (PLA2020-0001)

The applicant is proposing to consolidate lot 1600, 1602 and small portion of 3100 within an existing plat, Woodland Acres No. 2, to accommodate the development.

40.45.15.3.A. Thresholds:

1. *The reconfiguration of lots, parcels, or tracts within a single existing plat that decreases or consolidates the number of lots, parcels, or tracts in the plat.*

Therefore, staff find that the proposal meets the criterion for approval.

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

The applicant has paid the required application fee for a Replat One application.

Therefore, staff find that the proposal meets the criterion for approval.

3. *The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the partition process to*

comply with current Code standards and requirements.

The applicant states that the proposed replat does not conflict with any existing City approval, staff concurs. The subject site contains two houses which will be demolished to allow for construction of the proposed apartment buildings.

Therefore, staff find that the proposal meets the criterion for approval.

- 4. *Oversized parcels (oversized lots) resulting from the Replat shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

Chapter 90 defines an oversize lot as at least twice the minimum lot size permitted in the zoning district. For attached residential development within the NS zoning district, the minimum parent parcel of land area per dwelling unit is 1,000 square feet. The combined parcel size exceeds 1,000 square feet and provides approximately 1,571 square feet per unit.

Therefore, staff find that the proposal meets the criterion for approval.

- 5. *Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:***

a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,

b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

- 6. *Applications that apply the lot area averaging standards of Section 20.05.15.D. do not require further Adjustment or Variance approvals for the Land Division.***

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

- 7. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

Phasing is not requested as part of this application.

Therefore, staff find that the criterion for approval does not apply.

- 8. The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.***

The proposed replat does not eliminate pedestrian access, utility service, or vehicle access to the subject properties. The applicant's plans show the existing structures on the site are to be demolished and the site redeveloped with new pedestrian, utility services and vehicle access.

Therefore, staff find that the proposal meets the criterion for approval.

- 9. The proposal does not create a parcel or lot which will have more than one (1) zoning designation.***

The three affected lots are existing lots are all zoned NS (Neighborhood Service) the proposed consolidated lot has a single zoning designation, NS.

Therefore, staff find that the proposal meets the criterion for approval.

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

The applicant has submitted all documents related to this request for Replat One (LD2019-0003) approval. The applicant has also submitted Conditional Use, Design Review Three, Property Line Adjustment, and Tree Plan Two applications. No additional application or documents are needed at this time related to this request for a Replat One for Lot Consolidation. The Replat One application is dependent upon approval of the Property Line Adjustment application.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2019-0003 Hawaii Kai Multi-Family**, subject to the applicable conditions identified in Attachment G.

**ANALYSIS AND FINDINGS FOR
PROPERTY LINE ADJUSTMENT
PLA2020-0001**

Section 40.45.15.1.C Approval Criteria.

In order to approve a Property Line Adjustment application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

1. *The application satisfies the threshold requirements for a Property Line Adjustment.*

Facts and Findings:

Section 40.45.15.1.A *Threshold: An application for Property Line Adjustment shall be required when any of the following thresholds apply:*

“The changing of a common boundary of two (2) lots of record where the number of lots or parcels does not change; except a proposal meeting the threshold for a Replat under Section 40.45.15.2, shall be processed as a Replat and not as a Property Line Adjustment.”

The applicant proposes to adjust the common boundary between lot 1S114BA01600 and lot 1S116AD03100 by a total area of approximately 119 square feet.

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

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

The applicant submitted the applicable fee for a Property Line Adjustment application.

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

3. *The Property Line Adjustment does not conflict with any existing City land use approval, public easement, or previous condition of approval applied to the subject property.*

The proposed property line adjustment does not conflict with any previous conditions of approval. The proposal to adjust lines has been reviewed by Site Development staff and finds that the adjustment, as shown on the submitted plans, does not conflict with any existing public easement, or previous condition of approvals applied to the subject properties.

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

4. *An additional lot or parcel is not created.*

The applicant proposes to adjust the common boundary between lot 1S114BA01600 and lot 1S116AD03100. A request to consolidate lots is reviewed concurrently, under a separate application for a Replat One, LD2019-0003. The applicant's proposal will not create an additional lot of record.

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

5. *The Property Line Adjustment is consistent with all applicable provisions of Chapter 20 (Land Uses), unless the applicable provisions are modified by means of one or more applications which shall be already approved or considered concurrently with the Property Line Adjustment.*

The subject lots are currently zoned Neighborhood Service (NS). The proposed property line adjustment does not reduce lot dimensions below standards of the zone. Similarly, each lot will retain the minimum lot area and setbacks of the zone.

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

6. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).*

Staff cites the Facilities Review report which analysis compliance with Chapter 60. Portions of Chapter 60 related to the request for a Property Line Adjustment are in compliance.

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

7. *All critical facilities and services have, or can be improved to have, adequate capacity to serve the reconfigured lots.*

Staff cites the Facilities Review Report, criterion A, which evaluates the critical facilities and services related to the proposed development. Staff finds that critical facilities and services are adequate to serve the reconfigured lots.

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

8. *The proposal will not eliminate pedestrian or vehicle access to the affected properties.*

The property line adjustment will not eliminate pedestrian or vehicular movement access to the affected properties.

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

9. *The proposal does not create a parcel which will have more than one (1) zoning designation.*

The properties will retain the NS zoning designation and will not have more than one (1) zoning designation.

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

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

The application was submitted on January 13, 2020. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

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

The applicant has provided the required documentation for this property line adjustment application. No additional documentation is needed at this time. The applicant as a condition of approval shall provide the City with a draft of the documents related to the Property Line Adjustment prior to recording for review and approval.

Therefore, the Committee finds that by meeting the conditions of approval the criterion for approval will be met.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **PLA2020-0001 Hawaii Kai Multi-Family**, subject to the applicable conditions identified in Attachment G.

**TP2019-0001
ANALYSIS AND FINDINGS
FOR TREE PLAN TWO APPROVAL**

Section 40.90.05 Tree Plan Applications: Purpose

Healthy trees and urban forests 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 Significant Natural Resource Areas (SNRAs)), and Community Trees, thus helping to preserve and enhance the sustainability of the City's urban forest.

Section 40.45.15.5.C Approval Criteria:

In order to approve a Tree Plan Two application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

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

No Protected Trees are present on the subject site. The applicant's plans indicate the removal of 8 Community Trees from the subject site.

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

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

The applicant paid the required fee for a Tree Plan Two application.

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

- 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.***

Removal of the Community Trees is necessary to accommodate the proposed development.

Therefore, staff find that the criterion for approval does not apply.

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

The applicant states that the trees are in the direct location of improvements and cannot be saved. The applicant's plans show the site is proposed to be fully developed and the Community Trees must be removed to accommodate physical development.

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

- 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.***

The applicant states the purpose of the removal is to accommodate physical development where no reasonable alternative exists, as described in response to Criterion 4 above. Staff concurs.

Therefore, staff finds that the criterion for approval does not apply.

- 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.***

As described in response to Criterion 4 and Criterion 5 above, the removal of the Community Trees is necessary to accommodate development. Three Community Trees are shown to be located within the area designated for the standard sidewalk along SW 96th Avenue, therefore, tree removal is also necessary to accommodate required right-of-way improvements.

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

- 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.***

The purpose of the removal is to accommodate physical development where no reasonable alternative exists as described above. No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply

- 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.***

No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply.

- 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.***

No significant trees, groves or SNRAs are found on the site.

Therefore, staff finds that the criterion for approval does not apply.

- 10. *The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.***

Staff cites the Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies, or can be made to comply through conditions of approval, with all applicable provisions of Chapter 60.60 and 60.67.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

- 11. *Grading and contouring of the 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.***

This approval criterion is identical to Facilities Review approval criterion J found within Attachment A above. Staff incorporate the finding as stated therein.

Therefore, staff find the proposal does not meet the criterion for approval.

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

The submitted Tree Plan proposal contained all applicable submittal requirements necessary to review the application.

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

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

The Tree Plan Two application is being processed concurrently with the Conditional use, Design Review Three, Replat One, and Property Line Adjustment applications. In the review of the materials during the application review, staff found that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal. Staff recommends a condition of approval that the above-mentioned Design Review Three application, be approved in order for this Tree Plan Two to be approved.

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

Recommendation

Based on the facts and findings presented, staff recommend **DENIAL** of **TP2019-0001 (Hawaii Kai Multi-Family)**.

Code Conformance Analysis
Chapter 60.60 Trees and Vegetation & Chapter 60.67 Significant Natural Resources

| CODE SECTION | CODE REQUIREMENT | PROJECT PROPOSAL | MEET STANDARD |
|--|--|--|-------------------|
| 60.60.15 Pruning, Removal, and Preservation Standards | | | |
| 60.60.15.1A-B | Pruning Standards for Protected Trees | The subject site does not contain any Protected Trees. | N/A |
| 60.60.15.2.A | Removal of Protected Trees must be in accordance with this section. | The subject site does not contain any Protected Trees. | N/A |
| 60.60.15.2.B | Mitigation is required as set forth in 60.60.25 | The subject site does not contain any Protected Trees. No mitigation is required for Community Trees. | N/A |
| 60.60.15.2.C.1-8 | Standards for SNRA & Significant Groves | A SNRA (Significant Natural Resource Area) is not present on the site, not is a Significant Grove. | N/A |
| 60.60.20 Tree Protection Standards During Development | | | |
| 60.60.20.1 | Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval. | To protect trees on abutting sites that may have roots on the subject site, staff recommend the applicant demonstrate compliance with Section 60.60.20, prior to Site Development permit issuance. | Yes w/ COA |

RECOMMENDED CONDITIONS OF APPROVAL
Hawaii Kai Multi-Family
(CU2019-0001 / DR2019-0012 / LD2019-0003 / PLA2020-0001/ TP2019-0001)

Conditional Use (CU2019-0001)

As staff recommends Denial of the Conditional Use application CU2019-0001 no conditions of approval are provided as a Denial cannot be conditioned.

Design Review (DR2019-0012)

As staff recommends Denial of the Design Review Three application DR2019-0012 no conditions of approval are provided as a Denial cannot be conditioned.

Replat One (LD2019-0003)

A. General Conditions, the Applicant shall:

1. Ensure the associated land use application PLA2020-0001 has been approved.
(Planning / ES)

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

2. Submit electronic copies of the proposed final plat to the City for review and approval, prior to recording. (Planning / ES)
3. Submit copies of the proposed final plat to Washington County for preliminary review and comments, to be shared with the City of Beaverton, prior to recording. (Planning / ES)
4. Show the dedication of a six (6) foot easement along the property's frontage to SW 96th Avenue to Washington County for purposes of public access to the sidewalk. (Transportation/KM)
5. Have commenced construction of the site development improvements to provide minimum critical public services to the proposed lot (access graded, cored and rocked; wet utilities installed) 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./TDM)
6. Show granting of any required off-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./TDM)

7. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits for each parcel, ready for recording concurrently with the final plat at Washington County. (Site Development Div./TDM)

Property Line Adjustment (PLA2020-0001)

A. General Conditions, the applicant shall:

1. Ensure the associated land use applications CU2019-0001, DR2019-0012, LD2019-0003, and TP2019-0001 have been approved. (Planning / ES)

B. Prior to Site Development permit issuance, the applicant shall:

2. Submit a draft maintenance agreement specifying the maintenance responsibility of the proposed retaining wall (where it crosses property lines), signed by all affected parties, to be recorded with the final plat. (Planning/ES)

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

3. Submit electronic copies of the proposed final plat, or alternate documents if a plat is not proposed, to the City for review and approval, prior to recording. (Planning / ES)
4. Submit copies of the proposed final plat to Washington County for preliminary review and comments, to be shared with the City of Beaverton, prior to recording. (Planning / ES)

Tree Plan Two (TP2019-0001)

As staff recommends Denial of the Tree Plan Two application TP2019-0001 no conditions of approval are provided as a Denial cannot be conditioned.