

## STAFF REPORT

**Report Date:** November 10, 2021

**Application/Project Name:** Modera Raleigh

**Application Numbers:** ADJ2021-0005 / DR2021-0058

**Proposal:** Design Review Three approval to construct a new five-story multifamily development consisting of 270 apartment units and associated circulation and common spaces; and Minor Adjustment approval to construct three additional dwelling units beyond what is permitted by the underlying zone.

**Proposal Location:** Northeast corner of SW Western Avenue and SW 5<sup>th</sup> Street, also identified as Tax Lot 00100 on Washington County Tax Assessor's Map 1S115AD.

**Applicant:** Mill Creek Residential Trust

**Recommendation:** APPROVAL of Modera Raleigh ADJ2021-0005 / DR2021-0058, subject to conditions identified at the end of this report

**Hearing Information:** 6:30 p.m. November 17, 2021, at City Hall, 12725 SW Millikan Way

**Note: Public Hearings are held remotely** and can be viewed at the following link:  
<https://www.beavertonoregon.gov/291/Agendas-Minutes>

**Contact Information:**

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Applicant Representative: Kurt Schultz  
SERA Architects  
338 SW 5th Ave  
Portland, OR 97209

Property Owner: Sam Rodriguez  
Mill Creek Residential Trust  
720 SW Washington Street, Suite 720  
Portland, OR 97205



## Existing Conditions

**Zoning:** Community Service (CS)

Site conditions: Site is currently developed with a commercial shopping center and associated improvements. Frontage improvements are currently being constructed along SW Western Avenue and the intersection of SW Western Avenue and SW 5<sup>th</sup> Street with the Western Ave Capital Improvement Project.

**Site Size:** 6.13 acres

**Location:** Northeast corner of SW Western Avenue and SW 5<sup>th</sup> Street.

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

**Table 1: Surrounding Uses**

Direction	Zoning	Uses
North	CS	Commercial Shopping Center
South	OI	Office Industrial/Vacant
East:	R1	Attached Residential
West:	CS	Commercial Shopping Center

## Application Information

**Table 2: Application Summaries**

Application	Application type	Proposal summary	Approval criteria location
ADJ2021-0005	Minor Adjustment	Three dwelling units more than permitted by the underlying zone.	Development Code Section 40.10.15.1.C
DR2021-0058	Design Review	Construction of a 270-unit multifamily building and associated landscape, parking, and circulation.	Development Code Section 40.20.15.3.C

**Table 3: Key Application Dates**

<b>Application</b>	<b>Submittal Date</b>	<b>Deemed Complete</b>	<b>120-Day</b>	<b>365-Day*</b>
DR2021-0058	May 28, 2021	Sep. 15, 2021	Jan. 13, 2021	Sep. 15, 2022
ADJ2021-0005	Sep. 29, 2021	Sep. 29, 2021	Jan. 27, 2021	Sep. 29, 2022

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

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## Exhibits

Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Zoning Map (page 5 of this report)

Exhibit 1.2 Aerial Map (page 6 of this report)

Exhibit 2. Public Comment

Exhibit 2.1 Letter from Seth Alford, 8915 SW Rosewood Way, voicing concern that bike lanes on SW 5<sup>th</sup> Street will be obstructed during construction.

Exhibit 2.2 Letter from Richard Kappler, no mailing address provided, requesting relocation of Tri-Met lines, specific tree and plant species installed with landscaping, that bike infrastucture on 5<sup>th</sup> Street be improved at the intersection and not be blocked during construction.

Exhibit 3. Materials submitted by the Applicant

Exhibit 3.1 Application Forms

Exhibit 3.2 Narrative

Exhibit 3.3 Drawings

Exhibit 3.4 Stormwater Report and Phasing Plan

Exhibit 3.5 Geotechnical Report

Exhibit 3.6 Cut-Fill Memo

Exhibit 3.7 Service Provider Letters

Exhibit 3.8 Pre-App Summary Notes

Exhibit 3.9 Neighborhood Meeting Documentation

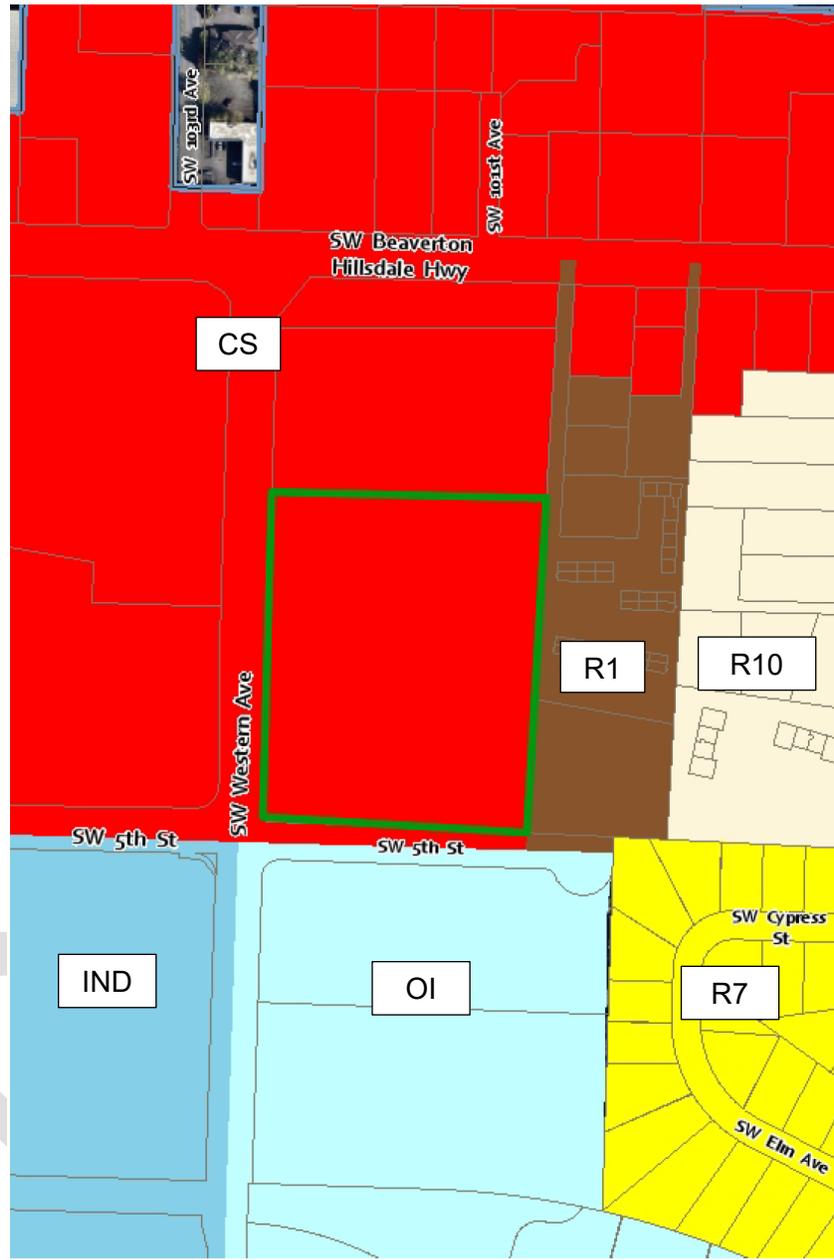
Exhibit 3.10 Transporation Documentation

Exhibit 3.11 Stormwater Phasing and Utility Cross Sections

Exhibit 3.12 Western Ave CIP Dedication and Letter of Support from Seller

Exhibit 3.13 Western Ave CIP Frontage Improvements

DRAFT



ADJ2021-0005 / DR2021-0058

Modera Raleigh

Zoning Map



ADJ2021-0005 / DR2021-0058

Modera Raleigh

Aerial Map

# Attachment A: FACILITIES REVIEW COMMITTEE

## TECHNICAL REVIEW AND RECOMMENDATIONS

**Application:** Modera Raleigh

**Proposal:** The applicant, SERA Architects, requests approval of a Design Review Three application for a new 270-unit multifamily residential development.

**Recommendation:** APPROVE ADJ2021-0005 / DR2021-0058

**Outstanding Technical Issues:** Memorandum of Understanding regarding downstream conveyance is still being developed and reviewed by city staff. It is possible that a condition of approval will be added to the draft Facilities Review report, but has not been finalized at the time of this publication. The language will be shared with the applicant when it is available.

### Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings.

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

- All twelve (12) criteria are applicable to the Design Review Three (DR2020-0058) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted Minor Adjustment (ADJ2021-0005) application.

### Section 40.03.1.A

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

#### FINDING:

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

**Potable Water:** The property is served by City of Beaverton public water service and the applicant has stated that the water services are adequate to service the proposed development. The development will connect to a 16-inch water line that will be installed as part of the Western Avenue CIP project, which has begun construction as of the publication of this report. A looped waterline will be created by constructing public 12-inch waterline along the northern portion of the site, connection the 16-inch waterline in SW Western Avenue and an existing 6-inch public waterline that runs along the eastern border of the site.

City staff reviewed the proposal and stated in their Service Provider Letter that there will be adequate capacity to service the proposed development. Therefore, the Committee finds that adequate potable public water service can be provided to the site to serve the proposed development.

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

**Sanitary Sewer:** The property is served by City of Beaverton sanitary sewer service and the applicant has stated that the sanitary sewer services are adequate to service the proposed development. A 20-inch sanitary sewer line will be constructed in the right of way of SW 5<sup>th</sup> Street as a part of the Western Ave CIP project, which is currently under construction. The proposed development will extend a sewer lateral to connect to the new public sanitary line in SW 5<sup>th</sup> Street.

**Stormwater Drainage, Treatment, and Retention:** The property is served by City of Beaverton storm sewer service. The applicant has stated that the existing 48-inch public storm line on site is under capacity and is located under the proposed building footprint. The applicant proposes to locate a new 60-inch storm line at the southern portion of the site paralleling SW 5<sup>th</sup> Street to connect existing facilities to the east and a new storm line that will be installed in the SW Western right of way with the Western Avenue Capital Improvement Project. The applicant will be required to provide plans demonstrating connecting to the downstream stormwater system will construction permitting. On-site storm water management will be provided through a combination of LIDA swales mechanical treatment and underground detention chambers.

The applicant has provided a Preliminary Stormwater Report for the quantity and quality of stormwater resulting from the proposed development. The Committee finds that by meeting the conditions of approval, adequate stormwater drainage, treatment, and retention service can be provided to the site to serve the proposed development.

**Transportation:** Vehicular access is provided to the site on SW Western Avenue and SW 5<sup>th</sup> Street. Vehicular access is provided to the site on SW Western Avenue and SW 5<sup>th</sup> Street. SW Western Avenue has a functional classification of an Arterial in the Transportation System Plan and SW 5<sup>th</sup> Avenue east of SW Western Avenue has a functional classification of a Local Street (see Figure 6.4, Functional Classification, in

Comprehensive Plan Chapter 6 Transportation Element). Due to the volume of traffic and number of driveways located on SW Western Avenue, the Traffic Engineer recommends a condition of approval requiring that the driveway on Western Avenue be restricted to right turn in and right turn out movements, eliminating potentially dangerous left turn movements (BDC 60.55.10, and EDM 210.12). The driveway on SW 5th street will be a full access driveway, connecting to a fully signalized intersection at SW Western Avenue.

Per BDC Section 60.55.20.2.A, a Traffic Impact Analysis is required when a proposed development will generate 300 vehicles or more per day in average weekday trips. The site was originally developed as a 77,000 square foot retail development. Based on ITE code 820 (*Trip Generation Manual, 10<sup>th</sup> Edition*), that projects 5,036 daily trips and 3,324 daily trips when pass-by trips are netted out. The proposed 270-unit development is projected to have 1,468 total daily trips. This results in projected reduction of 1,856 net new trips. Staff concurs with this analysis, and no modifications are recommended to the surrounding transportation network based on this proposal, excepting the restricted driveway access on SW Western Avenue, as described above.

Internal pedestrian circulation is provided by three pathways providing access from the parking lot to the building. A pedestrian pathway fully surrounds the building, providing direct access to all entrances. Site access from the right of way is provided by one path on SW Western Avenue and one path on SW 5<sup>th</sup> Avenue, and direct access to the building is provided on SW Western Avenue.

The Committee finds that adequate transportation facilities are provided to the site to serve the proposed development.

**Fire Protection:** Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). The current site configuration includes a driveway providing direct vehicular access between the subject site and residential development directly to the east of the site. No records of any access easements have been located; however, permit records indicate that this driveway has existed in it's current design, with no physical access restrictions, for several decades. Due to poor vehicular access to developments directly to the east of the site, TVF&R is requiring that an existing driveway between the subject site and the development to eh east be maintained to provide emergency services access to the residential development to the east. The applicant has proposed a swing gate controlled by a Knoxbox lock for emergency services access. TVF&R has approved this design, as shown on sheet FS-1.

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

## **Section 40.03.1.B**

**Approval Criterion:** *Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its*

*occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both, will be provided to serve the proposed development within five (5) years of occupancy.*

## **FINDING:**

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

**Schools:** The proposed development is within the Beaverton School District (BSD) boundaries. The Beaverton School District reviewed the proposal and stated in their service provider letter that with the new school capacity scheduled to come on line in the years ahead that there will be sufficient capacity to accommodate new students from the project. The district continuously monitors enrollment and capacity at all schools and may from time to time, take additional actions to manage enrollment and capacity issues as needed.

**Transit Improvements:** Bus transit service is provided at the intersection of SW Beaverton Hillsdale Highway and SW Western (Bus Line 54 – Beaverton Hillsdale Highway) and the intersection of SW 5<sup>th</sup> Street and SW Western (Bus Line 53 – Arctic/Allen).

**Police Protection:** The City of Beaverton Police Department will continue to serve the development site. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Therefore, the Committee finds that adequate police protection service can be provided to the site to serve the proposed development.

**Pedestrian and Bicycle Facilities:** The SW Western Ave Frontage is currently being improved through the Western Avenue Capital Improvement project. This city managed project will construct a sidewalk and bicycle lane along the entire site frontage for SW Western Avenue. SW 5<sup>th</sup> Street along the site frontage is classified as a local street. The proposed development will construct a 10 foot wide curb tight sidewalk with tree wells, consistent with BDC 60.05.25.7.A, which supersedes the Engineering Design Manual standard sidewalk for an Arterial Street. No bicycle lanes are required on a local street, and no bicycle lane is proposed with this development along SW 5<sup>th</sup> Street.

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

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

## Section 40.03.1.C

**Approval Criterion:** *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) 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).*

### FINDING:

The site is zoned Community Service (CS). The Committee refers to the Chapter 20 use and site development requirements table at the end of this report, which evaluates the project as it relates to applicable code requirements of Chapter 20 (Land Uses). As demonstrated in the table, the development proposal is consistent with all applicable provisions of Chapter 20 (Land Uses).

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

## Section 40.03.1.D

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

### FINDING:

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60 (Special Requirements). Staff will provide findings for the Design Review Three request within the applicable section of the staff report.

**Section 60.30 Off-Street Parking:** Per Beaverton Development Code (BDC) Section 60.30.10.5, for site located in a residential zone, the minimum parking ratio requirement for motor vehicles is between 1.25 and 1.75 parking space per attached dwelling unit, depending on the number of bedrooms per unit. The proposal includes 192 one-bedroom units and 78 two-bedroom units. Based on the unit and bedroom count, 357 total spaces are required. The proposal provides 357 spaces. Three additional spaces are provided on site, but are located within the FEMA mapped floodway, and cannot be counted as long-term parking spaces.

Per BDC Section 60.30.10.5.B, the minimum parking ratio requirement for short-term bicycle parking is two spaces or one space per 20 dwelling units, whichever is greater. The minimum parking ratio requirement for long-term bicycle parking is one (1) space per

dwelling unit. For a multi-dwelling residential development comprised of 270 dwelling units, the minimum parking requirement is 14 short-term bicycle parking spaces and 270 long-term bicycle parking spaces. The applicant's plans show that the 16 short-term bicycle parking spaces will be provided in racks north of the primary entrance. Long-term bicycle parking spaces will be provided by a combination of a secure ground floor bike room and in-unit storage. Per BDC Section 60.30.10.2.B.2, long-term bicycle parking spaces must be covered or sheltered to protect the bicycles from prolonged direct exposure to the elements. Providing long-term bicycle parking spaces within an indoor bike room or within individual dwelling units meets this requirement.

Per BDC Section 60.30.10.2.B.3, short-term bicycle parking spaces must be designed to the standards of the Engineering Design Manual. plans will need to provide more information about the dimensions of each parking space and the location of each rack to fully demonstrate compliance with Engineering Design Manual Section 340 as required by BDC Section 60.30.10.2.B. The committee recommends a condition of approval requiring plans demonstrate compliance with the dimensional requirements of each short-term bicycle parking, as well as the dimensions of the short-term bicycle parking rack.

**Section 60.55 Transportation Facilities:** As stated in the findings for approval criterion 40.03.1.A, above, per BDC Section 60.55.20.2.A, a Traffic Impact Analysis is required when a proposed development will generate 300 vehicles or more per day in average weekday trips. A Traffic Impact Analysis was provided with the original South Cooper Mountain Heights PUD. A traffic generation memo has been provided analyzing the difference in projected trips from the original approval and the projected trips based on the proposed development on the subject site. The memo concludes that 1,468 fewer trips will be generated by the proposal than the existing retail development currently on-site. Because no additional trips are project based on the proposed development, no specific transportation improvements are recommended, except the limited driveway access on SW Western as described in Criterion A.

As discussed in response to BDC Section 40.03.1.A & B, the site frontage along SW Western is being improved as part of the Western Avenue Capital Improvement project, and half street improvements will be constructed by the applicant along SW 5<sup>th</sup> Street.

**Section 60.60 Trees and Vegetation Requirements:** No Significant Trees or Groves are located on site, nor are any Community Trees. Eight landscape trees along the eastern and northern boundary of the site will be removed. Mitigation of these landscape trees will be evaluated in the Design Review Section of this report, found in Attachment B.

**Section 60.65 Utility Undergrounding:** There are no existing above ground utilities along the site frontage, and all new utilities will be required to be undergrounded. To meet the requirements of this section, the Committee recommends a condition of approval requiring that the applicant provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development.

**Section 60.67 Significant Natural Resources:** No significant natural resource areas are identified in the City of Beaverton's Comprehensive Plan.

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

## **Section 40.03.1.E**

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

### **FINDING:**

The applicant states that the applicant, Mill Creek Residential, will retain ownership of the site and provide regular maintenance. The Committee finds that the proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

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

## **Section 40.03.1.F**

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

### **FINDING:**

The proposal includes on-site improvements include clear vehicle and pedestrian paths. Safe and efficient internal walkways are designed with scored concrete to differentiate pedestrian connections where pedestrian pathways intersect vehicle drive aisles to limit conflicts.

Pedestrian connections are separated from adjacent vehicle parking and traffic with raised curbs and clearly marked crosswalks. For these reasons, the Committee finds that there are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the proposed development.

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

## Section 40.03.1.G

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

### FINDING:

Pedestrian access from the development to the public sidewalk system is provided along both frontages through five-foot wide pedestrian pathways.

Public vehicular access is provided via SW Western Avenue and SW 5<sup>th</sup> Street. Staff cites the response to Criterion A as relevant to this criterion.

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

## Section 40.03.1.H

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

### FINDING:

Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). The layout of the proposed development provides proper spacing, building access, and turning radii. TVF&R staff has reviewed the proposed development's site plan and endorsed the proposal, including the required access to the east as described in Criterion A. TVF&R will verify that their requirements are met prior to Site Development Permit issuance. The Committee finds that the site can be designed in accordance with City codes and standards and provide adequate fire protection.

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

## Section 40.03.1.I

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

### FINDING:

The applicant states that all streets and public facilities are designed in accordance with adopted City codes and standards except where design modifications or exceptions have

been requested. Development permits will be submitted for life and safety review prior to site development.

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

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

## Section 40.03.1.J

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

### FINDING:

The applicant states that site has been graded in such a way to not impact neighboring properties as well as the right-of-way. Additionally, existing surface flows from neighboring properties have been accommodated. Small portions of the existing shared parking lot to the north will remain in place and allowed to sheet flow across the landscape buffer and onto the proposed parking facility. This small amount of runoff has been accommodated in the proposed storm facilities on the site. See Grading & Stormwater Plans for additional reference.

The Committee has reviewed the proposed preliminary grading plan and finds no adverse effect on neighboring properties, the public right-of-way, or the public storm system. The Committee recommends conditions of approval regarding the grading and contouring of the development site, which will be reviewed and approved prior to Site Development Permit issuance.

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

## Section 40.03.1.K

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

### FINDING:

The applicant states that the proposal complies with all requirements of Beaverton's Engineering Design Manual, and all on-site pedestrian routes will meet Americans with

Disabilities Act (ADA) standards and facilitates efficient pedestrian travel. ADA-accessible sidewalk ramps at the intersections of SW Western Avenue and SW 5<sup>th</sup> Street will be constructed with the Western Avenue Capital Improvement Project.

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA. The Committee finds that review of the proposed plans at Site Development and Building Permit stages is sufficient to guarantee compliance with accessibility standards.

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

### **Section 40.03.1.L**

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

#### **FINDING:**

The applicant submitted the Design Review Three on May 18, 2021, and the Minor Adjustment application on September 29, 2021. Staff received the applicant's request to deem the submittal complete on September 15, 2021.

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

# Code Conformance Analysis

## Chapter 20 Use and Site Development Requirements

### Community Service (CS) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.10.20</b>			
Attached Residential Dwellings	Permitted	The applicant proposes to construct 270 attached dwelling units in one building	<b>YES</b>
<b>Development Code Section 20.10.15</b>			
Parcel Area	Minimum: 1,000 square feet Maximum: None	6.09 acres	<b>YES</b>
Residential Density	Minimum: 214 units Maximum: 267 units	270 units	<b>See ADJ Findings</b>
Minimum Lot Dimensions	Width: 70 Depth: 100	462 feet 575 feet	<b>YES</b>
Yard Setbacks	Front Minimum: Regulated by Design Regulations  Side Minimum: Regulated by Design Regulations  Rear Minimum: 20 feet	See findings for BDC 60.06.35.6  See findings for BDC 60.06.35.6  220 feet	<b>YES</b>  <b>See DR Findings for Front and Side Setbacks</b>
Maximum Building Height	60 feet	60 feet at the tallest parapet	<b>YES</b>

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The applicant has submitted a Design Review Three application.	<b>See DR Findings</b>
<b>Development Code Section 60.07</b>			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	<b>N/A</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	No structures or critical facilities are located within the floodway fringe.	<b>YES</b>
<b>Development Code Section 60.11</b>			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	No food cart pods are proposed.	<b>N/A</b>
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	<b>N/A</b>
<b>Development Code Section 60.15</b>			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property.	The proposed grading along the east lot line meets these provisions.	<b>YES</b>

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.20</b>			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	<b>N/A</b>
<b>Development Code Section 60.25</b>			
Off-Street Loading Requirements	Minimum: None	No loading space is proposed.	<b>N/A</b>
<b>Development Code Section 60.30</b>			
Off-Street Motor Vehicle Parking	Minimum: 357 Maximum: 502	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.30</b>			
Required Bicycle Parking	Short-term: 14 spaces Long-term: 270 spaces	Short-term: 16 spaces Long-term: 270 spaces	<b>YES w/ COA</b>
<b>Development Code Section 60.33</b>			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	<b>N/A</b>
<b>Development Code Section 60.35</b>			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	<b>N/A</b>
<b>Development Code Section 60.40</b>			
Sign Regulations	Requirements for signs.	All signs will be reviewed under a separate sign permit, and are not reviewed with this proposal.	<b>N/A</b>

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.45</b>			
Solar Access Protection	Solar access requirements for subdivisions and single family homes.	No subdivisions or single family homes are proposed.	<b>N/A</b>
<b>Development Code Section 60.50</b>			
Accessory Uses and Structures	Requirements for accessory uses and structure.	No accessory structures are proposed.	<b>N/A</b>
<b>Development Code Section 60.55</b>			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.60</b>			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.65</b>			
Utility Undergrounding	Requirements for placing overhead utilities underground.	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.67</b>			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No Significant Natural Resources are located on site.	<b>N/A</b>
<b>Development Code Section 60.70</b>			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	<b>N/A</b>

# Attachment B: MINOR ADJUSTMENT ADJ2021-0005

## ANALYSIS AND FINDINGS FOR MINOR ADJUSTMENT APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **ADJ2021-0005**, subject to the applicable conditions identified in Attachment D.

### Section 40.10.05 Purpose:

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in the Development Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

### Planning Commission Standards for Approval:

Section 40.10.15.1.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Minor Adjustment applications. The Commission will determine whether the application as presented, meets the Minor Adjustment approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for Minor Adjustment.

To approve a Minor Adjustment application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

#### Section 40.10.15.1.C.1

The proposal satisfies the threshold requirements for a Minor Adjustment application.

#### FINDING:

The applicant proposes development to develop 270 dwelling units, three (3) units greater than allowed by the underlying zone, which is 267. The Community Service zone requires 1,000 square feet per dwelling unit. As the site size at the time of application submittal is 267,080 square feet, the maximum number of dwelling units allowed for the size of the site is 267. Building 270 units on the 267,080 square foot site equals 989 square feet per dwelling unit. This is a deviation of less than 10% of the density requirement in the Community Service zone.

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

## Section 40.10.15.1.C.2

The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.

### FINDING:

The City of Beaverton received all submittal requirements and the appropriate fee for a Minor Adjustment application.

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

## Section 40.10.15.1.C.3

Special conditions or circumstances exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.

### FINDING:

The applicant explains that the original size of the site was 272,747 square feet, which would have supported 272 units, two greater than the proposed 270. However, approximately 5,000 square feet of the site was dedicated to the city as right of way for the Western Avenue Capital Improvement Project (CIP), a city-initiated project. This dedication occurred approximately one month prior to the submittal of the Design Review application. In a typical land use application where land is dedicated for road improvements with development, the site is evaluated on its size prior to dedication when considering maximum density, and the right of way is dedicated after land use approval. In this unusual circumstance, the city-initiated project acquired the dedication before land use approval. If the Western Avenue CIP had not acquired the right of way prior to the submittal of the land use application, the site would have been able to accommodate 272 units.

The applicant further explains that they are not the current owners of the property but have a contract agreement with the current owner to acquire the property. The agreement to dedicate the right of way was conducted by the current owner, not the applicant, and the current owner was unaware of the impacts the dedication would have on the buildability of the site or how it would effect the proposed development.

Staff concurs that the city-initiated action presents a special circumstance where the proposal otherwise could have been constructed in full compliance with the code if the Western Avenue CIP had not acquired the right of way prior to the land use submittal.

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

### **Section 40.10.15.1.C.4**

The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.

#### **FINDING:**

The applicant states that the dedication of right of way prior to land use submittal was a city-initiated action, and therefore do not result from the actions of the applicant, and notes that the proposal fully complies with regulations prior to the city-initiated acquisition.

**Conclusion:** Therefore, staff finds the criterion is met.

### **Section 40.10.15.1.C.5**

Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.

#### **FINDING:**

The proposed Adjustment to allow three (3) additional dwelling units does not impact the footprint of the building, nor does it impact the circulation on-site or connections to the public circulation system.

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

### **Section 40.10.15.1.C.6**

City designated significant trees and/or historic resources, if present, will be preserved.

#### **FINDING:**

No Significant Tress, Significant Groves, or Historic Resources are present.

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

### **Section 40.10.15.1.C.7**

Granting an adjustment to the grading standards will allow additional significant and/or community trees to be preserved.

#### **FINDING:**

No adjustment to a grading standard are requested with this proposal.

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

### **Section 40.10.15.1.C.8**

If more than one adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.

**FINDING:**

Only one adjustment is being requested.

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

### **Section 40.10.15.1.C.9**

Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.

**FINDING:**

The applicant is requesting to construct three units greater than what is permitted based on the current size of the site, after Western Ave right of way dedication. Prior to the right of way dedication the site could have accommodated 272 units, though the applicant is only requesting to construct 270. This Adjustment reflects a 1.1% adjustment to the maximum permitted density.

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

### **Section 40.10.15.1.C.10**

The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.

**FINDING:**

The applicant states that the inclusion of three additional dwelling units supports the city's goals of providing additional density near the city center and developing an urban fabric through building design.

Staff concurs, noting that the proposal has been designed to engage with the street through façade design and building orientation to contribute to a more walkable environment. Staff also notes that the size and scale of the building would be unchanged if the proposal was 267 or 270 units, making the results of the Adjustment request indistinguishable from outside observation.

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

### **Section 40.10.15.1.C.11**

The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) or Section 70.03 (Downtown Zoning and Streets) if the site is located within the Downtown Design District, unless applicable provisions are modified by means of one or more Adjustment, Variance, Planned Unit Development applications that already have been approved or are considered concurrently with the subject proposal.

#### **FINDING:**

The proposal is consistent will all applicable provisions of Chapter 20 except for the number of units proposed. Staff cites findings in Attachment A as relevant to this criterion.

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

### **Section 40.10.15.1.C.12**

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

#### **FINDING:**

The proposal is consistent will all applicable provisions of Chapter 60. Staff cites findings in Attachment A as relevant to this criterion.

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

### **Section 40.10.15.1.C.13**

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: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

#### **FINDING:**

The applicant states that the three additional units will not change the overall building area and would not impact any of the private common facilities and areas described by the criterion. Periodic maintenance and replacement will not be obstructed or impacted by the allowance of three additional dwelling units as proposed.

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

### **Section 40.10.15.1.C.14**

The proposal does not include any lot area averaging as specified in Section 20.05.15.D.

**FINDING:**

The proposal does not include a request for lot averaging.

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

### **Section 40.10.15.1.C.15**

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

**FINDING:**

The applicant has submitted this Minor Adjustment application with associated Design Review Three application. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review.

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

DRAFT

# Attachment C: DESIGN REVIEW THREE DR2021-0058

## ANALYSIS AND FINDINGS FOR DESIGN REVIEW THREE APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **DR2021-0058**, subject to the applicable conditions identified in Attachment D.

### Section 40.03.1 Facilities Review Approval Criteria:

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

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

##### FINDING:

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

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

### Section 40.20.05 Purpose:

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

### Planning Commission Standards for Approval:

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

To approve a Design Review Three application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

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

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

#### **FINDING:**

The applicant proposes to construct one new residential building. The proposal could be processed as a Design Review Two if the project met all applicable Design Standards. However, the applicant elects to be reviewed under a combination of Design Standards and Design Guidelines. Threshold 8 of Design Review 3 reads “A project meeting the Design Review Two thresholds which does not meet an applicable Design Standard.” Therefore, the application meets Threshold 8 for Design Review Three.

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

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

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

#### **FINDING:**

The City of Beaverton received the appropriate fee for a Design Review Three application.

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

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

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

#### **FINDING:**

The applicant meets Design Review Three threshold 8. This criterion does not apply

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

### **Section 40.20.15.3.C.4**

For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can

demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines if any of the following conditions exist:

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

**FINDING:**

The proposal is new development, not an addition or modification of an existing development.

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

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

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

**FINDING:**

The applicant does not propose a Design Review Build-out Concept Plan (DRBCP).

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

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

For proposals meeting Design Review Three application Threshold numbers 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).

**FINDING:**

The applicant has elected to respond to a combination of Design Standards and Design Guidelines. Staff cites the Design Standards table as well as the Design Guidelines Analysis at the end of this Design Review section, which evaluates the project as it relates to the applicable Design Review Standards and Guidelines found in Section 60.05.05 through 60.05.50 of the Development Code.

**Conclusion:** Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

### **Section 40.20.15.3.C.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).

**FINDING:**

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

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

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

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

**FINDING:**

The applicant has submitted this Design Review Three application with associated Minor Adjustment application. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review.

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

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

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Building Articulation and Variety</b>		
<b>60.05.15.1.A</b> Max length of attached residential buildings in residential zone	Proposal is located in a Commercial zone.	<b>N/A</b>
<b>60.05.15.1.B</b> Min 30% articulation	West Elevation: 65% North Elevation: 65% East Elevation: 67% South Elevation: 61%	<b>YES</b>
<b>60.05.15.1.C</b> Max 40' between architectural features	The maximum space between architectural features is 9' on any elevation, utilizing windows, balconies, and plane shifts.	<b>YES</b>
<b>60.05.15.1.D</b> Max 150 sq. ft. undifferentiated blank walls facing streets	The applicant as elected to be evaluated under the corresponding Design Guideline	<b>SEE DESIGN GUIDELINE FINDINGS 60.05.35.1</b>
<b>Roof Forms</b>		
<b>60.05.15.2.A</b> Min roof pitch = 4:12	All roof elements are flat.	<b>N/A</b>
<b>60.05.15.2.B</b> Min roof eave = 12"	All roof elements are flat.	<b>N/A</b>
<b>60.05.15.2.C</b> Flat roofs need parapets	All portions of the building with a flat roof utilize a parapet 12 inches in height.	<b>YES</b>
<b>60.05.15.2.D</b> New structures in existing development be similar	The proposal is new development, not part of an existing development	<b>N/A</b>
<b>60.05.15.2.E</b> 4:12 roof standard is N/A to smaller feature roofs	No feature roofs are proposed.	<b>N/A</b>
<b>Primary Building Entrances</b>		
<b>60.05.15.3</b> Weather protection for primary entrance	The primary entrance located on the north elevation is protected by an overhead canopy measuring ten feet wide and seven feet deep. The two secondary building entrances located on the east and west elevations are protected by an overhead canopy that is also ten feet wide and seven feet deep.	<b>YES</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Exterior Building Materials</b>		
<b>60.05.15.4.A</b> Residential double wall construction	All walls of the building are double wall construction.	<b>YES</b>
<b>60.05.15.4.B</b> Maximum 30% of primary elevation to be made of unfinished concrete block	No exposed concrete walls are proposed.	<b>YES</b>
<b>60.05.15.4.C</b> Foundations	No exposed concrete walls are proposed.	<b>YES</b>
<b>Roof-Mounted Equipment</b>		
<b>60.05.15.5.A through C</b> Equipment screening	Roof-mounted equipment will be screened by parapet walls and set back from street facing elevations to not be visible from the right of way.	<b>YES</b>
<b>Building Location and Orientation along Streets in MU and Com. Districts</b>		
<b>60.05.15.6.A-F</b> Street frontage in Commercial and Multiple Use zones	The applicant as elected to be evaluated under the corresponding Design Guideline	<b>SEE DESIGN GUIDELINE FINDINGS 60.05.35.6</b>
<b>Building Scale along Major Pedestrian Routes</b>		
<b>60.05.15.7.A through C</b> 22' Height Minimum 60' Height Maximum	The site is not located on an MPR.	<b>N/A</b>
<b>Ground Floor Elevation on Commercial and Multiple Use Buildings</b>		
<b>60.05.15.8.A-B</b> Glazing and Weather Protection	A residential building is proposed.	<b>N/A</b>
<b>Compact Detached Housing Design</b>		
<b>60.05.15.9.A-K</b>	Compact Detached Housing is not proposed.	<b>N/A</b>

## Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	On-site circulation connects directly to the existing right of way facilities to the west and south for motor vehicle, bicycle and pedestrian facilities.	<b>YES</b>
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Screen from public view	No outdoor service, storage, waste storage, or similar facility is proposed. Solid waste and recycling will be within the building. Utility vaults and transformers are located in parking lot islands in the interior of the site, and will be screened by a combination of landscaping and wood fence.	<b>YES</b>
<b>60.05.20.2.B</b> Loading areas shall be screened	No loading areas or loading docks are proposed.	<b>N/A</b>
<b>60.05.20.2.C</b> Screening with walls, hedge, wood	No outdoor service, storage, waste storage, or similar facility is proposed. Solid waste and recycling will be within the building. Utility vaults and transformers are located in parking lot islands in the interior of the site, and will be screened by a combination of landscaping and wood fence.	<b>YES</b>
<b>60.05.20.2.D</b> Chain-link screening prohibited	No chain link is proposed for screening.	<b>YES</b>
<b>60.05.20.2.E</b> Screening of loading waived in some zones.	Waiving of loading zone screening is not requested.	<b>N/A</b>
<b>Pedestrian Circulation</b>		
<b>60.05.20.3.A</b> Link to adjacent facilities	Pedestrian connections are provided to SW Western Avenue and SW 5th Street. On-site connections are provided to connect the buildings and parking areas to the public right of way.	<b>YES</b>
<b>60.05.20.3.B</b> Direct walkway connection	On-site connections are provided to connect the building to the public right of way.	<b>YES</b>
<b>60.05.20.3.C</b> Walkways every 300'	The site has approximately 1,000 lineal feet of site frontage and has three walkways into the site. No vehicle parking is located	<b>YES</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	between the building and the street along either frontage. Two pedestrian walkways are provided along SW Western Avenue, and one pedestrian walkway is located along SW 5 <sup>th</sup> Avenue.	
<b>60.05.20.3.D</b> Physical separation	Pedestrian connections through parking lots are physically separated through curbs and landscaping.	<b>YES</b>
<b>60.05.20.3.E</b> Distinct paving	Pedestrian connections through parking lots will be composed of concrete to be made distinct from asphalt, the primary paving material of the parking lot.	<b>YES</b>
<b>60.05.20.3.F</b> 5' minimum width	Pedestrian walkways are a minimum of five feet and will be paved with scored concrete. Walkways meet ADA standards.	<b>YES</b>
<b>Street Frontages and Parking Areas</b>		
<b>60.05.20.4.A</b> Perimeter Landscaping	Parking lots abut portions of SW Western Ave and SW 5th Street. Landscape buffers are approximately 13 feet wide and 22 feet wide, respectively, and are landscaped with trees, groundcover and shrubs.	<b>YES</b>
<b>Parking and Landscaping</b>		
<b>60.05.20.5.A.1</b> 1 Landscape island per 10 spaces	All parking areas have no greater than 10 contiguous parking spaces without a landscape island.	<b>YES</b>
<b>60.05.20.5.B</b> 70 sq. ft.	All landscape islands are a minimum of 70 square feet and contain a tree and other vegetation.	<b>YES</b>
<b>60.05.20.5.C</b> Raised Sidewalks	Raised sidewalks are not proposed to be counted towards the number of landscape islands. Design proposal includes sufficient number of islands.	<b>N/A</b>
<b>60.05.20.5.D</b> Trees from Street Tree List	All proposed trees are on the City of Beaverton Street Tree List.	<b>YES</b>
<b>Off-Street Parking Frontages in Multiple-Use Districts</b>		
<b>60.05.20.6.A</b> 50% Max on MPR 1 65% Max on MPR 2	The site is not located in Multiple-Use District	<b>N/A</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts</b>		
<b>60.05.20.7.A -B</b> Required sidewalk/internal pathway widths	Sidewalks are provided along all streets. Internal pathways along the north elevation, which contains the primary entrance, is 10 feet wide.	<b>YES</b>
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
<b>60.05.20.8.A</b> Drive aisles to be designed as public streets, if applicable	Drive aisles provide access to perpendicular parking spaces.	<b>N/A</b>
<b>Ground Floor uses in parking structures</b>		
<b>60.05.20.9</b> Parking Structures	No parking structures are proposed.	<b>N/A</b>

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

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.3.A</b> Common Open Space	The proposal includes 58,140 square feet of common open space, which equals 21% of the site.	<b>YES</b>
<b>60.05.25.3.A</b> Active Open Space	Active open spaces makes up 25% of the common open space through courtyards, swimming pools, and dog park.	<b>YES</b>
<b>Additional Minimum Landscaping</b>		
<b>60.05.25.4.A</b> Front Yard Landscaping	All front yard areas and unpaved areas are landscaped.	<b>YES</b>
<b>60.05.25.4.B</b> Bare Gravel Maximum (25%)	Bare gravel and bark are limited to less than 25% of the landscape area.	<b>YES</b>
<b>60.05.25.4.C</b> Vehicle Circulation	Vehicular circulation and parking areas are not considered part of these calculations.	<b>YES</b>
<b>60.05.25.4.D</b> Landscaping along foundations	Landscaping is provided in front of all street facing elevations along the foundation	<b>YES</b>
<b>60.05.25.4.E</b> Minimum Planting Requirements	Landscaped areas exceed planting requirements	<b>YES</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.25.4.F</b> Pedestrian Plaza	A combined 4,200 square feet of plazas are proposed, but not counted towards required landscaping.	N/A
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	Two retaining walls longer than 50 feet are proposed. The applicant's narrative describes the walls to have architectural treated board-formed pattern.	YES
<b>Fences and Walls</b>		
<b>60.05.25.9.A</b> Materials	No fencing is proposed in required yards. Fencing around play areas are composed of vertical metal pickets.	YES
<b>60.05.25.9.B</b> Chain link	No chain link is proposed	YES
<b>60.05.25.9.C</b> Masonry	A single twelve-inch masonry wall is proposed, which exceeds the required 6-inch width for any masonry walls.	YES
<b>60.05.25.9.D</b> Manufacturing uses	Residential use is proposed	N/A
<b>60.05.25.9.E</b> Height	Fences limited to 36 inches tall along streets	YES
<b>Minimize Significant Changes To Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10</b> Minimize grade changes	Grading adjacent to abutting properties complies with requirements of 60.15.10, as no grading is proposed within 25 feet of the shared property line or significant trees.	YES
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Location of facilities	No non-vaulted stormwater facilities are located between the building and the street.	N/A
<b>Natural Areas</b>		
<b>60.05.25.12</b> No encroachment into buffer areas.	No natural areas exist on site	YES
<b>Landscape Buffering Requirements</b>		
<b>60.05.25.13</b> Landscape buffering between contrasting zoning districts	Landscape buffers five feet wide meeting the B1 standard are provided along the SW Western Avenue and SW 5 <sup>th</sup> Street frontages, except portions of the site where a public utility easement precludes the planting of trees. This omission of trees is permitted per 60.05.25.13. Landscape buffers ten feet wide meeting the B3 standard are provided along the eastern property line.	YES

### Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
<b>60.05.30.1.A</b> Lighting complies with the City's Technical Lighting Standards	The applicant provides a lighting plan with photometric details demonstrating on-site lighting meets the minimum lighting requirements.	<b>YES</b>
<b>60.05.30.1.B</b> Lighting provided for vehicle and pedestrian circulation	The applicant provides a lighting plan with photometric details demonstrating on-site lighting meets the minimum lighting requirements.	<b>YES</b>
<b>60.05.30.1.C</b> Lighting of Ped Plazas	The applicant's lighting plan shows that the courtyard is lit consistent with the Technical Lighting Standards	<b>YES</b>
<b>60.05.30.1.D</b> Lighting of building entrances	The applicant's lighting plan shows lighting at building entrances.	<b>YES</b>
<b>60.05.30.1.E</b> Canopy lighting recessed	Canopy lighting is proposed to be recessed.	<b>YES</b>
<b>Pedestrian-scale on-site lighting</b>		
<b>60.05.30.2.A</b> Pedestrian Lighting	The applicant states that the parking lot will be lit by poles 14 feet tall.	<b>YES</b>
<b>60.05.30.2.B</b> Non-Pole Mounted Lighting	All wall mounted lights comply with City's Technical Lighting Standards	<b>YES</b>
<b>60.05.30.2.C</b> Lighted Bollards	No bollards are proposed.	<b>N/A</b>

# Design Review Guidelines Analysis

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

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

## 1. Building Articulation and Variety

- 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 states that the proposal does not meet the corresponding standard 60.05.15.1.D, requiring no greater than 150 of undifferentiated blank walls. These areas of greater than 150 square feet of undifferentiated blank walls are located near the intersection of SW 5<sup>th</sup> and Western and near the primary entrance. The applicant states that these areas are 60 feet tall and wider than 2.5 feet tall, and are designed to articulate the anchoring points of the building and to emphasize the entrances.

Staff concurs that the design minimizes blank walls and that these areas are in limited locations. Staff also notes that buildings of this height generally struggle with limiting unarticulated walls to 150 square feet, and that strategically limiting these area to corner and entries contributes to articulation and variety

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

## 2. Building Location and Orientation in Commercial and Multiple Use zones.

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

The proposed building is located adjacent to SW Western Avenue for approximately 65% of the frontage. The building is approximately 14 feet from the Western Avenue right of way. The proposed building is set back approximately 50 feet from the SW 5<sup>th</sup> Street right

of way. This setback is driven by a 35 foot public storm line easement adjacent to SW 5<sup>th</sup> Street to accommodate a new 60 inch public stormwater line. No structures are allowed in the easement. The building is set back approximately 12 feet behind the public storm easement.

Staff concurs that the building is located within close proximity of the public right of way while avoiding conflicts with the public storm easement.

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

- B. On Class 1 Major Pedestrian Routes, the design of buildings located at the intersection of two streets should consider the use of a corner entrance to the building. (Standards 60.05.15.6.B and D)**

The site is not located on a Class 1 Major Pedestrian Route.

**Therefore, staff find the Guideline is not applicable.**

- C. On Class 1 Major Pedestrian Routes, building entrances should be oriented to streets, or have reasonably direct pedestrian connections to streets and pedestrian and transit facilities. (Standards 60.05.15.6.C and D)**

The site is not located on a Class 1 Major Pedestrian Route.

**Therefore, staff find the Guideline is not applicable.**

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

The building is designed with one primary entrance on the north elevation, visible from SW Western and SW Beaverton Hillsdale Highway, and located approximately 60 feet from the public sidewalk. An additional building entrance is located on west elevation, facing SW Western, approximately ten feet from the public sidewalk. Additionally, staff notes that an entrance to the interior courtyard is located on the southern elevation, facing SW 5<sup>th</sup> street, approximately 60 feet from the public street, behind the 35 foot wide public storm easement.

Staff finds that the primary building entrance is visible and within close proximity to the street, and other entrances are located both street facing elevations.

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

# Attachment D: RECOMMENDED CONDITIONS OF APPROVAL

## **ADJ2021-0005**

1. The applicant shall ensure that the Design Review Three (DR2021-0058 application has been approved and is consistent with the submitted plans. (Planning/SR)

## **DR2021-0058**

1. The applicant shall ensure that the Minor Adjustment (ADJ2021-0005) has been approved and is consistent with the submitted plans. (Planning/SR)

### **A. Prior to site development permit issuance, the applicant shall:**

2. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / KJ)
3. Retain a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / KJ)
4. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div. / KJ)
5. Have the applicant for the subject property guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / KJ)
6. Submit any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / KJ)

7. Submit plans for the reconnection of the 60" culvert crossing of Western Avenue to the downstream 48" pipe, as approved by the City Engineer. (Site Development Div. / KJ)
8. Submit a geotechnical and structural report with the site development permit application for review and approval. The report shall include an assessment of the soil, ground/surface water issues, and any proposed retaining walls. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer. (Site Development Div. / KJ)
9. Submit a design for the retaining walls surrounding, adjacent, and within the site designed by a civil engineer or structural engineer. Proposed walls within public easements shall not be over 30 inches or have tie-backs within the easement. (Site Development Div. / KJ)
10. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and/or the United States Army Corps of Engineers, if applicable. (Site Development Div. / KJ)
11. If determined to be needed by the City Building Official, submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. This analysis shall be supplemented by an actual flow test and evaluation by a professional engineer meeting the standards set by the City Engineer as specified in the Engineering Design Manual Chapter 6, 610.2. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div. / KJ)
12. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. These submittals will go to City for processing to Clean Water Services. (Site Development Div. / KJ)
13. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (Site Development Div. / KJ)
14. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / KJ)
15. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are inundated during a 100-year

storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities (Site Development Div. / KJ)

16. Provide a drainage analysis that delineates any mapped FEMA floodplain and floodway.(Site Development Div. / KJ)
17. The site plans shall clearly show the 100-year floodplain elevation limits on each plan that contains elevation information. The flood conveyance and storage of the project area at each 1-foot contour must be preserved or enhanced with cut/fill balance and a zero-rise certification by a registered professional engineer. (Site Development Div. / KJ)
18. Provide an engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City for the proposed floodplain modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Design & Construction standards as they refer to the 100-year floodplain, prior to this notice being sent. The public notice and a 10-day appeal period shall occur after final approval of the site development permit plans by the City. (Site Development Div./KJ)
19. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Engineer, shall be eligible for system development charge credits to be assigned to the development. (Site Development Div. / KJ)
20. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./KJ)
21. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation shall be at least one foot higher and FFE shall be at least three feet higher than the 100 year/emergency overflow of the storm water management facility. (Site Development Div./KJ)
22. Provide plans showing a proprietary stormwater treatment system for treatment of the site's piped surface water runoff. Plans shall also show a trash capture water quality pre-treatment unit located directly upstream from any proprietary stormwater treatment vaults or manholes. Plans shall also show a high flow bypass system to bypass surface water runoff high flows. (Site Development Div./KJ)
23. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / KJ)
24. If applicable, provide plans showing the installation of a 60" diameter water quality manhole

- system with minimum five foot deep sump and Snout system. (Site Development Div./KJ)
25. Submit plans for the reconnection of the 60" culvert crossing to the downstream 48" pipe, as approved by the City Engineer. (Site Development Div./KJ)
  26. Provide plans showing the installation of 60" diameter flow splitter manhole with a high flow bypass system designed to allow for high flows to pass through the mainline as approved by the City Engineer. (Site Development Div./KJ)
  27. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records (Site Development Div./KJ)
  28. Submit a site plan showing a public stormwater facility to provide water quality treatment 5th Street frontage runoff. (Site Development Div. / KJ)
  29. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div./KJ)
  30. Provide plans for the placement of underground utility lines within the site, and for services to the proposed new building. No overhead services shall remain on the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./KJ)
  31. Submit plans that show access for a maintenance vehicle within 9-feet from the front, or within 19-feet from the side of a vehicle to all stormwater management control structures unless otherwise specifically approved by the City Engineer. (Site Development Div./KJ)
  32. If required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement is proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div./KJ)
  33. Submit ODOT ADA curb ramp design checklist and standard detail DET1720 and DET1721 showing level of design detail for every public sidewalk ramp proposed with this

development. Maximum designed ramp slope shall be 7.5%, maximum designed cross slope, flat landing or turning space shall be 1.5%. Two directional ADA ramps shall be provided at all corners of all intersections, regardless of curb type. See ODOT standard drawings RD754, RD155, RD756, RD757, RD758 and RD759 for ramp details. (Site Development Div./KJ)

34. Submit plans demonstrating that motor vehicle long-term parking occurs only at or above elevation 207.6 feet NAVD-88 (1 foot of the 100-year BFE). Plans shall demonstrate that short term parking occurs at or above elevation 207.5 feet NAVD-88 which is one foot below the 10-year flood event 208.5 feet NAVD-88. (Site Development Div./KJ)
35. Submit plans to the City Engineer confirming that the property's access to SW Western Avenue is restricted to right-in, right-out turning movements only. Plans for signage, striping, and/or driveway dividers to restrict access at this driveway must be approved by the City Engineer. (BDC 40.03.1.G, 60.55.10, 60.55.40, and EDM 210.12) (KM / Transportation)
36. Submit plans demonstrating compliance with the City's minimum standards for short-term bicycle parking (BDC 60.30.2.B and EDM Section 340). (Planning / SR)

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

37. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./KJ)
38. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./KJ)
39. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all at-risk elements of the new construction (in particular gate controllers, mechanisms, and electrical system) are either elevated or floodproofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Engineer and City Building Official to at least elevation 209.6 feet NAVD-88 (one foot above the base flood elevation) for the proposed building. (Site Development Div./JY)

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

40. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./KJ)
41. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./KJ)

42. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./KJ)
43. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./KJ)
44. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor is at least one foot above base flood elevation (BFE) 208.6 feet, NAVD-88 and higher or flood-proofed to one foot above the BFE. (Site Development Div./JY)
45. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision-making authority in conditions of approval. (On file at City Hall). (Planning/SR)
46. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision-making authority in conditions of approval. (On file at City Hall). (Planning/SR)

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

47. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./KJ)
48. Submit any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./KJ)
49. Provide a post-construction cleaning, system maintenance, and any proprietary stormwater treatment system recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary storm water treatment systems by a qualified maintenance provider as determined by the City Engineer. Additional service report will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div./KJ)
50. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within the storm water management facility, as determined by the City Engineer. If the plants are not well established (as determined by the City) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation

plan shall be completely implemented and deemed satisfactory by the City prior to release of the security. (Site Development Div./KJ)

51. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will run concurrently with the performance security of the plant establishment and is released 2 years after project acceptance following the correction of any identified defects. (Site Development Div./KJ)

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