

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
The Beaverton Building @ the Round
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF A DESIGN) ORDER NO. 2395
REVIEW THREE APPLICATION TO CONSTRUCT A NEW MIXED) DR2014-0146 ORDER APPROVING
USE BUILDING WITH 78 APARTMENT UNITS, 9 LIVE WORK) 1ST & ANGEL MIXED USE
UNITS AND 2,332 SQUARE FEET OF COMMERCIAL SPACE (1ST)
& ANGEL MIXED USE). REMBOLD PROPERTIES, APPLICANT.)

The matter came before the Planning Commission on April 15, 2015, on a request for approval of a Design Review Three application to construct a new mixed use building with 78 apartment units, 9 live work units and 2,332 square feet of commercial space. The applicant qualifies for a Type 2 application; however, proposes to deviate from the Design Standards, therefore meeting threshold 8 for a Design Review Three application. The site is bounded by SW 1st Street, SW Angel Street, SW Main Avenue, and SW Farmington Road and is specifically identified as Tax Lot's 1300, 1400, 1500, 1600, 1700, and 1800 on Washington County Assessor's Map 1S1-16AD.

Pursuant to Ordinance 2050 (Development Code), Sections 50.15.2 and 50.45 the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

During public testimony a concern regarding the availability of on-street parking and the loss of the existing City owned off-street parking lot were raised. The Commission

discussed the off-street and on-street parking, cited the two parking studies which were conducted for the proposed development, which showed greater than 30 percent on-street parking would still be available after construction of the development. The Commission found that sufficient on-street parking exists and will exist after the construction of the proposed development, including the displacement of the existing off-street parking spaces.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Supplemental Memorandum dated April 15, 2015 and the Staff Report dated April 8, 2015, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED THAT DR2015-0146 is APPROVED** based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Supplemental Memorandum dated April 15, 2015, the Staff Report dated April 8, 2015 and this Land Use Order, and subject to the conditions of approval as follows:

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

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning

Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, and any emergency access, parking lot drive aisle paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
6. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
7. 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. If determined to be needed by the City Building Official, this analysis shall be supplemented by an actual flow test and evaluation by a professional engineer meeting the standards set by the City Engineer. 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./)
8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
9. Submit plans to the City for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements, if total disturbance area for the project exceeds one acre. If so the applicant shall use the 2006 plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
10. Provide a detailed drainage analysis of the subject site and provide a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event (safe overflow route of storm runoff). The site plans shall clearly show the 100 flood limits on each plan that contains elevation information. (Site Development Div./JJD)
11. Provide final construction ready plans and a full design report demonstrating

proposed provision of treatment and on-site detention as generally depicted on the submitted preliminary utility plan and drainage report (November 14, 2014). The report shall verify compliance can be met in regard to both CWS Resolution and Order 2007-020 for redevelopment water quality treatment (Table 4-1) and for detention (quantity), per Section 330, of City Ordinance 4417. Compliance will be substantially met through subsurface detention storage and installation of a Contech Inc., Stormfilter system with treatment provided at a minimum equivalent of 3.0 standard-size cartridges per tributary impervious acre. The analysis will need to be supported with exhibits and calculations. Additional stormwater treatment beyond that proposed in the design review application for existing impervious areas affected by the development (example: Farmington, Angel Ave.) appears to be required. Plans shall also show an oil and sediment trap for any auxiliary inlet structures (ex: sumped, lynch-type catch basin, trench drain with trap, or other City of Beaverton approved equivalent) located in front of any Stormfilter unit. For any impervious area determined to not be practical to flow or be piped to a Stormfilter unit, a fee in lieu of stormwater quality provision will be assessed. (Site Development Div./JJD)

12. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD)
13. Submit to the City a certified impervious surface determination of the entire site 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. In addition, changes in specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)
14. Pay storm water system development charge (overall system conveyance) for any net, new impervious surface area created. (Site Development Div./JJD)
15. Have obtained the City Building Official's courtesy review approval of the proposed building plans private site plumbing plan including fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building. (Site Development Div./JJD)
16. Provide plans for LED street lights along the site's public street frontages (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director). (Site Development Div./JJD)
17. Provide plans for the placement of underground utility lines along street

frontages, within the site, and for services to the proposed new development. No utility service lines to the structures shall remain overhead on 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./JJD)

18. Provide plans showing a City standard commercial driveway apron (may be modified to have six foot wings) at the intersection of any private driveway and a public street. (Site Development Div./JJD)
19. Provide plans showing street improvements along all street frontages and dedication along SW Farmington Ave. (Transportation/KR)
20. Provide plans showing the on-street parking along SW Main Ave. adjacent to the site access will be restricted, such that the sight distance at the site access drive will not be compromised. (Transportation/KR)
21. Provide plans showing that the bike parking racks are oriented with the hoop part of the "lollipop" parallel with the 6' dimension of the bike parking space. [The manufacturer's cut sheet is incorrect.] (Transportation/KR)
22. Provide a cut sheet for the wall-mounted bicycle parking system. (Transportation/KR)
23. Provide photometric plans that show that all of the bicycle, pedestrian, and vehicle circulation areas are lighted to at least the 0.5 foot-candle minimum standard. (Transportation/KR)
24. Provide plans that show that the sidewalk along SW Farmington has been designed to minimize the number of panels that will need to be removed or replaced when the bike lane is added to SW Farmington Ave. (Transportation/KR)
25. Provide a plan showing compliance with the AM&M for the fire apparatus access road exception for automatic sprinkler protection. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) An AM&M is proposed to eliminate the need for aerial access, but has some revisions are necessary prior to formal approval. Revise AM&M for review and approval.
26. Provide a plan showing compliance additional access road standards or an approved AM&M. Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. Buildings or facilities having a gross building area of more than 62,000 square feet shall have at least two approved separate means of fire apparatus access. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler

systems. (OFC D104) This building is required to have aerial access. An AM&M is proposed to eliminate the need for aerial access, but has some revisions are necessary prior to formal approval. Revise AM&M for review and approval. (TVF&R/JF)

27. Provide a plan showing compliance with aerial fire apparatus road standards or an approved AM&M. Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2) This building is required to have aerial access. An AM&M is proposed to eliminate the need for aerial access, but has some revisions are necessary prior to formal approval. Revise AM&M for review and approval. (TVF&R/JF)
28. Provide a plan showing compliance with aerial apparatus operations or an approved AM&M. At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4) This building is required to have aerial access. An AM&M is proposed to eliminate the need for aerial access, but has some revisions necessary prior to formal approval. Revise AM&M for review and approval. (TVF&R/JF)
29. Show compliance with required fire flow for commercial buildings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure (OFC Appendix B Table B105.2). The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi. Provide fire flow documentation of the required fire flow for this building. (TVF&R/JF)
30. Provide a plan showing adequate fire hydrant number and distribution. The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in (OFC Table C105.1) The required number of fire hydrants will be based on the required fire flow of the proposed building. (TVF&R/JF)
31. Provide a plan showing adequate fire department connections. A fire hydrant shall be located within 100 feet of a fire department connection (FDC) or as approved. Fire hydrants and FDC's shall be located on the same side of the

fire apparatus access roadway or drive aisle. (OFC 912 & NFPA 13) Identify the location of the proposed FDC for review. (TVF&R/JF)

32. Ensure that all associated applications, including Conditional Use, Replat One and Sidewalk Design Modification have been approved and are consistent with the submitted plans. (Planning Division/JF)

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

33. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
34. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
35. Make provisions for adequate water supply during construction. Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1) (TVF&R/JF)

C. Prior to final inspection of any building permit, the applicant shall:

36. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
37. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD)
38. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
39. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
40. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
41. 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). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning Div./JF)

42. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning Div./JF)
43. Ensure all landscaping approved by the decision making authority is installed. (Planning Div./JF)
44. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning Div./JF)
45. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Planning Div./JF)
46. All mechanical units, roof or ground mounted, must be screened from view of public streets and adjacent properties. (Planning Div./JF)
47. A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1) Access to the internal parking garage/ area will be required by a Knox switch or key. (TVF&R/JF)

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

48. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD) Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD)
49. Submit any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are

of sufficient width to meet City standards. (Site Development Div./JJD)

50. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations by a CONTECH qualified maintenance provider as determined by the City Engineer. (Site Development Div./JJD)

Motion **CARRIED**, by the following vote:

AYES: Wilson, Nye, Kroger, Overhage, Winter and Doukas.
NAYS: None.
ABSTAIN: None.
ABSENT: Kiene.

Dated this 23rd day of April, 2015.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2395 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community Development Department's office by no later than 4:00 p.m. on May 4, 2015.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



JANA FOX
Associate Planner

APPROVED:



FOR MIMI DOUKAS
Chair



STEVEN A. SPARKS, AICP
Planning Division Manager