

## STAFF REPORT

HEARING DATE: Thursday, October 29, 2009

TO: Board of Design Review

FROM: John Osterberg, Senior Planner

PROPOSAL: **Car Max Auto Sales**

LOCATION: 9405 SW Cascade Avenue, the site of the existing  
Malibu Grand Prix.  
Map 1S1-27 DA, Tax Lot 300.

SUMMARY: Design Review III application to receive approval of a retail auto sales use. The applicant proposes a new auto sales facility consisting of approximately 20,545 square feet of occupied building area and a three level structure comprising 139,200 square feet of parking and auto inventory, and related open lot sales area, landscaping, site grading and lighting improvements. If the proposed Car Max car wash (not open to the public), is approved by the Planning Commission, the car wash will be subject to Design Review III approval by the Board of Design Review.

APPLICANT: Jake Hertz, TRED,  
representing Car Max Superstores  
1240 Bergen Pkwy, Suite A-250  
Evergreen, CO 80439

RECOMMENDATIONS: **APPROVAL** of **DR2009-0076 (Car Max Auto Sales)**, subject to conditions identified at the end of this report.

## BACKGROUND FACTS

### Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120 Day Written Decision Date</u>	<u>240-Day*</u>
DR2009-0076	July 22, 2009	Sept. 9, 2009	January 7, 2010	May 6, 2010

\* 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.

### Existing Conditions Table

<b>Zoning</b>	General Commercial (GC)	
<b>Comp Plan Designation</b>	Regional Center	
<b>Current Development</b>	Malibu Grand Prix, an auto recreation & amusement facility	
<b>Site Size</b>	5.4 acres	
<b>NAC</b>	Greenway	
<b>Surrounding Uses</b>	<u>Zoning:</u> North: GC  South: GC  East: Hwy 217 shown on the City zoning map to be without a zoning designation  West: Campus Industrial (CI)	<u>Uses:</u> North: retail shopping center and restaurant  South: retail use  East: Hwy 217, with Washington Square Mall to the east of the highway.  West: railroad tracks, with industrial, warehouse and office buildings to the west

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<b><u>Attachment A:</u> Facilities Review Committee Technical Review findings (DR2009-0076).</b>	FR1 - FR13
<b><u>Attachment B:</u> DR2009-0076 CarMax Auto Sales staff report.</b>	DR1 - DR20
<b><u>Attachment C:</u> Recommended Conditions of Approval applicable to DR2009-0076.</b>	COA1 – COA10

### EXHIBITS

**Exhibit 1. Vicinity Map** (page SR-4 of this report)

**Exhibit 2. Materials Submitted by Staff**

Exhibit 2.1 Letter from John Dalby, TVF&R, dated September 17, 2009

Exhibit 2.2. Oregon Dept. of Transportation letter dated September 22, 2009  
(includes attached ODOT memorandum of October 17, 2008 )

**Exhibit 3. Materials Submitted by Applicant; dated October 19, 2009**

Volume 1 – Narrative

Project Summary: Proposed Development, Site Layout, Hours of Operation, Employment  
Car wash noise levels letter dated July 14, 2009, by BridgeNet  
Letter by J. Randy Kyte, Harsch Investment Properties, dated September 15, 2008  
Dev Code: Chapter 20, General Commercial zone requirements  
Dev Code: Chapter 60, including Design Review Guidelines  
Dev Code: Chapter 40, Response to Design Review 3 and Facilities Review criteria,  
Design Review Two / Three application form  
Materials and Finishes Form, and Materials Board (not attached)

Volume 2 – Exhibits

Neighborhood Review Meeting  
Pre-Application Conference Meeting Notes  
CWS Sensitive Area Pre-Screen Assessment, dated May 1, 2008.  
CWS Service Provider letter dated September 30, 2008.  
DSL letter dated September 23, 2008  
Correspondence from Outside Agencies: none attached  
Traffic Analysis by Kittelson & Assoc., including memorandum dated June 5, 2009, and  
attached traffic analysis dated May 2, 2008.  
Preliminary Stormwater Report, dated August 6, 2008, by KPFF Portland  
Plan drawings, Elevation drawings, Landscape Plan, Lighting Plan

**Exhibit 4. Materials Submitted by the Public, as Testimony**

Exhibit 4.1 Letter by J. Randy Kyte, Harsch Investment Properties, dated 9/15/08.

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS**

**CAR MAX AUTO SALES (DR2009-0076)**

**Section 40.03.1 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03.1 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority.

For the Conditional Use the Planning Commission is the decision-maker for the request to approve Major Auto Services; namely the proposed car wash. For the Design Review application the Board of Design Review is the decision-maker for the majority of the Car Max proposal. As they appear in the PC and BDR decisions, the Facilities Review Conditions may be re-numbered and placed in different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below. The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable as identified below:

Overview of Car Max Design Review proposal: The applicant proposes a new retail auto sales facility that includes an employee operated car wash of approximately 935 square feet. The sales center area is proposed to be 10,150 square feet, a service center is proposed to be 6,150 square feet, and a vehicle presentation area of 2,840 square feet. The proposal includes auto sales, display and storage area in an open lot area on the north half of the site area. Overall, the Car Max retail, office, minor auto service, and car wash building area will comprise approximately 20,545 square feet. The parking structure is proposed at approximately 139,200 square feet. A multi-storied building on the south half the site contains all of the activities listed above, and contains a portion of the auto display and storage and contains all of the customer / employee parking.

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

Critical facilities and services, as defined by Chapter 90 of the Development Code, include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

### Public Utilities

The applicant states that existing critical facilities already serve the development and that the proposed improvements do not require any major improvements. A new extension of the site's water line and a sewer line lateral line is proposed. Storm water discharge will be connected to the public system along the northern property line where the existing facility is located within a public easement.

### Transportation

A traffic impact analysis was required of this development. Section 60.55.20 of the Development Code requires a traffic impact analysis for projects that will generate more than 200 vehicle trips per weekday.

The previous CarMax Design Review application (DR2008-0089), which requested design review approval of the new CarMax auto sales site including car wash, required the submittal of a traffic analysis (TIA) of the entire use. A traffic analysis was submitted by Kittelson & Associates, dated May 2008, and was supplemented by a letter dated October 14, 2008. Due to the date of submittal of the current applications (CU 2009-0009 and DR 2009-0076) the traffic count data did not meet the requirement that they be current within 12 months. To address the requirement, Kittelson & Associates submitted a letter dated June 5, 2009 stating that new counts were obtained in May and June of 2009 and that most of the intersection volumes were lower or held the same. Staff finds that the previous Car Max application under DR 2008-0089 is virtually identical to the pending DR2009-0076 proposal, and the use of the traffic analysis is adequate to consider potential traffic impacts CU 2009-0009. Therefore, the May 2008 TIA remains valid. Staff conclude the proposed Car Max development meets the requirements of Development Code Sec 60.55.20.

The May 2008 TIA forecast that a total of 590 new daily vehicle trips would be generated by the proposed 20,545 sq ft CarMax auto sales center, based on the New Car Sales rate (closest available ITE rate) and deducting the trips from the existing Malibu Raceway. Approximately 40 vehicle trips would be added in the weekday PM peak hour on SW Cascade Avenue. Four intersections were studied: SW Hall/SW Cascade (ORE 217 SB off ramp), SW Scholls Ferry/SW Cascade, the SW Scholls Ferry Road/ORE 217 Southbound on/off-ramps, and the site's southern main

driveway onto SW Cascade. The site is within the vicinity of three state highway facilities (Scholls Ferry Rd/Cascade Ave intersection, Hall Blvd/Cascade Ave/Ramp intersection and OR 217) and two public at-grade railroad-highway crossings (Scholls Ferry Rd and Hall Blvd). ODOT has an interest in ensuring that the proposed land use is compatible with the safe and efficient operation of these facilities.

The Oregon Department of Transportation (ODOT) has provided comments in a letter dated September 22, 2009. The intersection of SW Cascade Ave. and Hall Blvd. to the north is under the control of ODOT. In addition, SW Scholls Ferry Road, to the south, is classified by ODOT as a District Highway.

The Kittelson analysis found that all of the intersections within the area of influence impacted by the new development traffic presently operate at an acceptable level of service based on City of Beaverton standards (average intersection control delay no greater than 65 seconds and a v/c ratio of each lane group no greater than 0.98). It concluded that with the addition of this development's new traffic the level of service of the four intersections would still be within the City's acceptable range of v/c ratio and delay standards, with two exceptions. The SW Hall/SW Cascade (ORE 217 SB off ramp) intersection, the lane group v/c exceeded City standards, the intersection v/c ratio increased from 0.98 to 1.00 in the weekday pm hour. The delay still is at an acceptable 56.4 seconds. This intersection is under the control of ODOT and it meets ODOT mobility standards. Staff concluded that the applicant's Transportation Impact Fee (TIF) will be a roughly proportionate mitigation for the increased impact of the development traffic. The Beaverton TSP has identified an improvement of widening the southbound right-turn lane on the 217 off-ramp at an estimated cost of \$250,000.00. This future improvement will lower the v/c ratio to 0.88, well within the city's capacity standards.

The second exception is the Scholls Ferry/Cascade Avenue intersection. This intersection is also under the control of ODOT and it meets ODOT mobility standards. The average v/c capacity ratio of this intersection is below 0.98, however, it does not meet the city's lane group v/c standard. The TIA recommends shifting one to three seconds of green-time from the major movements to the minor streets to mitigate the impact. ODOT is not in agreement with this recommendation, and since staff believes that this minor of a change probably would not be noticeable, we concluded that the applicant's Transportation Impact Fee (TIF) will be a roughly proportionate mitigation for the increased impact of the development traffic.

SW Cascade Blvd is classified as a Collector Street on Beaverton's Comprehensive Plan. Development Code Sec 60.55.20 requires that the Traffic Impact Analysis include an analysis of the potential long-range impacts to the local transportation system identified in the City's Comprehensive Plan Transportation Element and the regional transportation system identified in Metro's Regional Transportation Plan. The forecast year is the forecast year of the Comprehensive Plan Transportation Element, 2020. The Traffic Impact Analysis found that the CarMax proposal was consistent with the assumed uses in the TSP and is consistent with the Comprehensive Plan Transportation Analysis Zone (TAZ) designation for employment; therefore no further analysis was required. Staff agrees with the conclusions of the TIA and finds that the development meets the requirements of Development Code Sec 60.55.20, as conditioned.

For the Design Review application for the entire facility (which includes the car wash), staff conclude that the traffic impacts can be adequately mitigated by the conditions of approval.

**FINDING:** Staff find that by satisfying conditions of approval, the proposal meets the criterion.

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

Essential facilities and services, as defined by Chapter 90 of the Development Code, include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities. The applicant states that the site currently contains all related facilities and services for the development and that the proposal will not increase demand for essential facilities and services.

Schools

The Beaverton School District has not provided comments concerning this proposal. No comments are expected as the proposal is not a residential development.

Transit improvements

The site is served by three Tri-Met bus lines. The intersection of SW Scholls Ferry Road and Cascade Blvd. is located less than one-half mile to the south. Near that intersection Tri-Met operates buses on Scholls Ferry Road. Line 62 'Murray Blvd', Line 45 'Garden Home', and Line 92 'South Beaverton Express', connect with the Washington Square Transit Center, on the east side of Hwy 217.

Police protection

The site is served by the City of Beaverton Police Department for public safety.

Pedestrian and Bicycle facilities at the street frontage

As conditioned, essential pedestrian and street facilities will be available. The applicant is conditioned to construct the west side of SW Cascade Avenue to Beaverton 2 Lane Collector Street Standards, including curb and gutter, five foot wide bike lane and eight foot wide sidewalk, for the frontage of the site. Staff have identified the potential need for a sidewalk easement along a portion of the Cascade Avenue frontage to accommodate an eight foot wide sidewalk. No further street improvements are required. Based on the findings of the Kittelson TIA staff has found that the applicant's Transportation Impact Fee (TIF) will be a roughly proportionate mitigation for the increased impact of the development traffic, therefore, essential facilities and services are will be made available prior to building occupancy.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal meets the criterion for approval.

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

The site is zoned General Commercial (GC). Vehicle Sales and Minor Automotive Services are permitted uses within this zone. Major Automotive Services which

include mechanical car washing are conditional uses within the GC zone. Minor auto service is permitted outright. The site does not abut any residential zoning.

The site meets the minimum lot size and lot dimension standards for the GC zone. With regard to building setback requirements, because the property size is larger than 60,000 square feet, the building is exempt from the minimum front yard setback requirement. If the application was a Type 2 Design Review the building front yard setback standard would be subject to a Design Standard *maximum* of 20 feet. Because the proposal is subject to the Type 3 Design Guidelines there is no numerical requirement. Therefore, the front yard setback Building Orientation Guideline, under Section 60.05.35.6.A, will be reviewed in addition to the other Design Guidelines. With regard to other building setbacks, side yards are required to be 10 feet, and the rear yard may potentially have a zero (0) setback.

Maximum building height in the GC zone is 35 feet. The building will be approximately 35 feet in height. In accordance with Section 60.50.10, the height limits of the zone do not apply to normal appurtenances which includes the proposed stair well and elevator mechanical structures, which are required to be covered.

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

- D. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and 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 proposed development.***

Design Review Requirements (Section 60.05)

Staff provide findings for the Type 3 Design Review - Design Guidelines within the staff report for the Design Review application.

Habitat-Friendly and Low Impact Development Practices (Section 60.12)

Although the site does not contain any designated Habitat Benefit Areas, it is eligible to participate in the Low Impact Development programs. These are voluntary and the applicant has not requested to use any of the potentially allowed credits.

Off-Street Loading Requirements (Section 60.25)

The proposed uses, comprising the car wash, retail, office and minor auto service areas equal about 20,545 sq. ft. Therefore 1 Type B loading berth is the minimum requirements. According to the applicant, the site provides required loading in the service/work area.

Off-Street Parking Requirements (Section 60.30)

The Code requires parking for customer, employee and patrons of land uses. The total building area of proposed uses, comprising the car wash, retail, office and minor auto service areas equal about 20,545 sq. ft. All parking requirements are proposed to be met on within the Car Max tax lot. The vehicle parking requirement for Service Businesses (Sec. 60.30.10.5) is the requirement for all auto service uses (major and minor) including the car wash. The proposal provides 21 parking spaces for auto service, meeting the minimum requirement. The applicant has provided a breakdown of the parking requirement per use, for the 20, 545 sq. ft building area.

The minimum parking required for the use is as follows:

<u>Use</u>	<u>Ratio</u>	<u>Subtotal</u>
Retail	3.3/1000	09
Office	2.7/1000	28
Auto service	3.0/1000	21
<u>Whse/Storage</u>	<u>0.3/1,000</u>	<u>01</u>
Total:		59 parking spaces required

The applicant proposes 215 parking spaces. Employee/customer parking is proposed within a parking structure. Section 60.30.10.7 provides that parking spaces within structures are not subject to Code standards regulating the maximum amount of parking permitted. Therefore, no Variance is required to exceed the maximum parking limits in this instance. Code standards, under Sec. 60.30.15 for parking space size, aisle width and the use of compact spaces, are met within the parking structure.

The applicant’s proposal illustrates those areas requiring parking, areas where parking is provided, and those areas proposed for auto storage/display. Such auto inventory storage and display are not parking spaces nor may they be used to meet the requirement for customer and employee parking. In addition, the proposal shows

that the inventory and sales vehicles are planned to be parked in striped spaces on site. Staff note that such striping is not required.

In order to ensure that required customer and employee parking is not occupied by the sales, display or storage of vehicles, staff recommend a condition of approval requiring that parking be designated on site, and that required parking be signed or striped as such.

### Bicycle Parking:

The Development Code requires 5 secured and lighted long term bike spaces and 5 short term bike spaces. The applicant is conditioned to provide bicycle parking based on 20,545 sq ft CarMax auto sales center and the bicycle parking requirements of the Development Code Sec 60.30.10.5. The applicant proposes to install short-term and long term bicycle parking within the parking building.

### Sign Regulations (Section 60.40)

Although the applicant has prepared preliminary signage information, sign review is not a part of this proposal. Any new signs or changes to existing signs will require sign permit approvals to be submitted separately, following Design Review approval.

### Solar Access Regulations (Section 60.45)

The solar access regulations are not applicable to non-residential buildings.

### Transportation Facilities (Section 60.55)

The existing street right of way is adequate for access at the frontage of this site. The application is conditioned to improve the west side of SW Cascade Avenue to Beaverton 2 Lane Collector Street Standards, including curb and gutter, five foot wide bike lane and eight foot wide sidewalk, for the frontage of the site. The applicant is providing adequate parking for the site. Therefore, it is consistent with Chapter 60.55.

### Trees and Vegetation Requirements (Section 60.60)

According to the applicant, six (6) existing Landscape Trees are proposed to be removed, with additional landscaping to be installed along the perimeter of the site. Removal and protection of landscape trees is subject to the Design Review process. Therefore, only the Landscape Tree mitigation standards of Section 60.60.25.9 apply. However, the applicant's mitigation table lists (five) 5 trees for removal equaling a

total of 64 caliper inches. With a 1” for 1” mitigation Code standard, the applicant’s landscape plan proposes 64 caliper inches of mitigation, provide by the planting of 43 trees at a standard of 1.5 caliper inches.

Utility Undergrounding Requirements (Section 60.65)

The proposal will comply with the standards in the Utility Undergrounding Section if the corresponding condition of approval is met.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal meets the criterion for approval.

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

According to the applicant, there are adequate means available for continued maintenance of all private common facilities and areas not served by the City. The proposal includes private maintenance of the car wash, auto service areas, refuse storage and landscaping.

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

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

The applicant proposes a circulation system in a manner that results in safe and efficient vehicular and pedestrian patterns within the site. The car wash area is for use by employees only and not open to the general public. Therefore, the matter of unrestricted queuing and undefined maneuvering areas that often characterize car washes is not present in the proposed layout. There are no parking areas that share a common aisleway for the car wash and auto service areas so that pedestrian and

vehicle travel conflicts is minimized to those vehicles driven by employees through the one-way car wash entrance and exit. Staff conclude the site, as it relates to the car wash, will have safe and efficient vehicular and pedestrian circulation patterns, in conformance with Development Code Sec 60.55.25.

Internal vehicle circulation for deliveries and for the public minimizes dead-ends and the need to make excessive backing movements to turn around. The proposal shows that, although it is not required, vehicle display and inventory areas are parked within delineated spaces, leaving aisleways free for circulation. Although pedestrians (customers and salespeople) will walk through the sales lot, the demarcation between vehicles and aisleways will add a level of efficiency and safety that is not always found in auto sales areas. The site will have safe and efficient vehicular and pedestrian circulation patterns, in conformance with Development Code Sec 60.55.25.

FINDING: Therefore, the proposal meets the criterion for approval.

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

The proposed development will provide for separate auto and pedestrian access points from Cascade Ave. Direct customer vehicle access to the parking structure is separated from other vehicle access in a circulation system that is delineated to a greater degree than what is typically seen in auto sales areas. The car wash is for use by employees only and not open to the general public. Vehicles intended for the car wash will already be located on site. Although the applicant plans that all vehicle loading or offloading will occur internal to the site, in order to ensure that on-street vehicle loading does not occur, staff recommend a condition of approval stating such a prohibition on a sign to be placed at the site.

The north pedestrian entry, which includes a vestibule for weather protection, is not intended to be used for pedestrian access from the sidewalk, but is instead used as the entry between the showroom and the open-air vehicle sales lot. A south elevation showroom entry is proposed under the cover of the parking building whereby it transitions from an internal, under-cover walkway to its connection with the public

sidewalk on Cascade Blvd. The development is conditioned to construct sidewalk improvements for the frontage of the site on SW Cascade Avenue. The south entry walkway design represents a revision of the design proposed in the previous application in 2008. The site plan reflects the revision, but the grading, utility and landscape plans do not reflect the change, and will need to do so at the time of submittal of the site development permit.

The development will, as conditioned, connect to the surrounding vehicular circulation system in conformance with Development Code Sec 60.55.25, and to the pedestrian circulation system, in conformance with Development Code Sec 60.55.25.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal meets the criterion for approval.

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

Fire Protection

Tualatin Valley Fire & Rescue District (TVF&R) provides fire protection services for property in this area. The District has provided comments dated September 17, 2009, on the Design Review proposal, which includes the car wash, stating their endorsement of the project based upon selected standard conditions of TVF&R approval.

Staff find the structures and facilities serving the site will be designed in accordance with applicable standards. Conformance to TVF&R requirements and site development code standards of the City is assured due to the requirement for TVF&R and the City Engineer and Building Official to sign off on site development and building permits, prior to their issuance.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal meets the criterion for approval.

***I. Structures and public facilities and services 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;***

Development of the site and construction of buildings will occur in accordance with the adopted site development code and building code's administered by the City of Beaverton. Conformance to TVF&R requirements and site development code standards of the City is assured due to the requirement for TVF&R and the City Engineer and Building Official to sign off on site development and building permits, prior to their issuance. Staff find the structures and facilities serving the site will be designed in accordance with applicable standards.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal meets the criterion for approval.

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

This is a site that has been previously graded. The site has approximately 3% slope from a high point at the NE corner of the site, to a low point at the SW corner of the site. The grading plan will be a minimal change the site's elevation along the front of the site and along the north half of the site. A more substantial change to the elevation will be to the southwest corner of the site, where grading will raise the site to provide, a flatter site with less gradient. The southern half of the site is proposed for building area, with the placement of a stone retaining wall about 12 feet from the majority of the western property line, abutting the railroad tracks.

More grading will be apparent along the western portion of the south property line whereby the service building's finished floor elevation will be 208 feet, nine (9) feet above the grade of the abutting property. The new grading of the site will overall be minimal but the southwestern portion of the site will have a greater grade change in relation to its neighbors. Steep slopes will be prevented by the use of retaining walls, and will be further minimized by landscaping to minimize erosion. The utility plan and grading plan provide appropriate drainage improvements to minimize direct drainage impacts to abutting properties.

The Committee have identified a necessary condition of approval relating to the design of the parking structure and car wash. Condition 25 addresses the matter of on-site surface drainage, requiring a design that will be adequate to reduce the potential for contaminated water to enter the public stormwater system. The proposal, as conditioned, will provide appropriate drainage to meet City standards, and necessary improvements that will minimize impact to abutting properties and public utility systems.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal meets the criterion for approval.

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

According to the applicant, buildings have been designed to be accessible with all of the handicapped access to be provided to meet code. The applicant has revised the current proposal, in comparison to the 2008 submittal, to provide a separated area between vehicles on display and handicapped accessible spaces. Therefore, the design now provides for the uninterrupted handicapped accessibility required by the criterion. Final sign off by the City Building Division, prior to building permit issuance, is required with regard to the final size and location of accessible spaces.

FINDING: Therefore, staff find that by satisfying the condition of approval, the proposal meets the criterion for approval.

***L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003].***

The applicant has supplied all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code, as modified by the application forms.

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

DR2009-0076  
ANALYSIS AND FINDINGS FOR  
DESIGN REVIEW APPROVAL

**Section 40.20.05 Design Review Applications; Purpose**

*The purpose of Design Review is to encourage originality, flexibility, and innovation in development, site planning, buildings, structures, and landscaping. 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 insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. This Section is carried out by the approval criteria listed herein.*

**Section 40.20.15.3.C Design Review Three Approval Criteria**

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

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

The applicant proposes a new retail auto sales facility consisting of approximately 20,545 square feet of occupied building area and a three level structure comprising 139,200 square feet of parking and auto inventory.

The applicable threshold for Design Review Three is Threshold #1 whereby new construction of more than 50,000 square feet is proposed. This proposal is therefore subject to Design Review Three and to the review of Design Guidelines.

**FINDING:**

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

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

The applicant paid the required fees of \$3,905.00 associated with a Design Review Three application.

**FINDING:**

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

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).*

Design Review Three - Threshold #1 applies to this proposal. The applicant has addressed Design Guidelines. Staff find that by satisfying the recommended conditions of approval, the proposal meets the applicable Design Guidelines.

Staff note: To address potential confusion, it is noted that when the applicant lists guidelines in their written materials, the guidelines contain a Development Code reference to related design standards shown in parenthesis. However, it is the design guidelines that are applicable requirements for this review.

**FINDING:**

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

4. *For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:*
- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or*
  - b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or*
  - c. The location of the existing structure to be modified is more than 300 feet from a public street.*

The proposal is for an all-new development, except for the retention of some of the site's trees and hedges as shown in the Landscape Plan. Staff find the proposal is not an addition to, or a modification of, existing development.

**FINDING:**

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

5. *For DRBCP [Design Review Build-Out Concept Plan] 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.*

This is not a DRBCP proposal and the proposal does not involve phasing.

**FINDING:**

**Therefore, staff find that the criterion is not applicable.**

6. *For proposals meeting Design Review Three application threshold numbers 7 or 8, the proposal is consistent with the applicable provisions of 60.05.15 through 60.05.30 (Design Standards), except for the Design Standard(s) where the proposal is applying to instead meet the applicable Design Guideline(s).*

Design Review Three - Threshold #1 applies to this proposal.

**FINDING:**

**Therefore, staff find that the criterion is not applicable.**

7. *For proposals meeting Design Review Three application threshold numbers 7 or 8, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) where the proposal does not meet the related provisions of Sections 60.05.15 through 60.05.30 (Design Standards)*

Design Review Three - Threshold #1 applies to this proposal.

**FINDING:**

**Therefore, staff find that the criterion is not applicable.**

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

The applicant has submitted the required application materials for review of a Design Review Three application. This review process is a required step to receive City approval for the development's proposal. The Design Review application is reviewed by the Board of Design Review. The applicant has also submitted a Conditional Use application to request approval of a car wash. The Conditional Use will be reviewed by the Planning Commission.

Approval of the Conditional Use is required to consider the impacts of the proposed car wash. The overall design of all buildings, site improvements and impacts of the auto sales facility proposal are subject to Design Review. Both applications must be

## ATTACHMENT B

approved for the development to proceed as proposed. Based on the applicant's proposal at this time, staff recommend a condition that, prior to issuance of the Site Development Permit, the applicant obtain Design Review approval.

### **FINDING:**

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

**SUMMARY OF FINDINGS:** For the reasons identified above, staff find that the Design Review Three approval is supported by the applicable approval criteria findings, noted above, for Section 40.20.15.3.C of the Development Code.

The Facilities Review Committee recommends conditions necessary to meet the technical requirements identified in Section 40.03.1 of the Development Code. Based on the facts and findings presented and based on meeting the conditions of approval, the proposal, DR2009-0076 Car Max Auto Sales, meets the criteria.

### **Recommendation**

Based on the facts and findings presented, **staff recommend approval of ( DR2009-0076 Car Max Auto Sales )** subject to the applicable conditions identified in Attachment C.

**Design Review Three: DR2009-0076 (Car Max Auto Sales)**

**Zone: General Commercial (GC); not a multiple use zone.**  
**Major Pedestrian Routes (MPR); not located at the site.**

**Section 60.05 Design Review Guidelines Analysis**

The section below is limited to the building and site design as part of the proposed new Car Max Auto Sales facility. The proposal includes new buildings, auto sales and display lots, auto storage areas, customer/employee parking, grading and retaining walls, landscaping, the removal and mitigation of landscape trees, and lighting improvements.

**Section 60.05.35 Building Design & Orientation**

<b>DESIGN GUIDELINE</b>		<b>PROJECT PROPOSAL</b>	<b>GUIDE-LINE MET</b>
<b>Building Design: Articulation and Variety</b>			
60.05.35.1.A	Residential buildings should be of a limited length ...	<b>A commercial building is proposed.</b>	N/A
60.05.35.1.B	Building elevations should be varied and articulated to provide visual interest to pedestrians...	<b>Building elevation includes recesses, multiple wall planes and roof levels. Entry towers and blue roof features provide visual interest and verticality.</b>	Yes
60.05.35.1.C	To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized.		
60.05.35.1.D	Special attention should be given to designing a primary building entrance that is both attractive and functional.  Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.	<b>The north entry provides vestibule area marked by masonry columns with peaked roof feature above, but the north entry is not the primary pedestrian access from the sidewalk.</b>  <b>The applicant does not intend substantial pedestrian use from the street, as the user intends for a substantial majority of customers arriving by car.</b>  <b>The south building entry is near the east elevation faux entry tower (stylized blue roof feature). The south entry is the primary pedestrian street</b>	<b>Yes, if condition is adopted</b>

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DESIGN GUIDELINE		PROJECT PROPOSAL	GUIDE-LINE MET
		<p>access, but does not provide an identifiable covered entry. Staff recommend a condition of approval requiring that an awning, canopy or similar, be provided over the entrance of the south entry walkway, of at least 4 feet in depth.</p>	
60.05.35.1.E	<p>Excluding manufacturing, .... activities in industrial districts, buildings should promote a comfortable pedestrian scale and orientation ...</p>	<p><b>Pedestrian oriented elevations are horizontal, broken by vertical elements. Glass curtain windows on east and north elevations provide a storefront style façade for the vehicle showroom and sales area, in addition to the faux east entry and north entry.</b></p> <p><b>Approximately half of the building frontage to the street is occupied by the parking/vehicle inventory structure, with views into areas devoted to parked cars, in an area without pedestrian scale. Portions of the parking are partially screened by masonry knee walls while other areas are open.</b></p> <p><b>The amount of non pedestrian-orientation along the parking structure frontage is less than one quarter of the overall site frontage, and one half the frontage of the building. The parking structure has only minor impact on pedestrian orientation, except that the primary south public entry is without pedestrian scale and orientation.</b></p> <p><b>Staff recommend a condition of approval requiring that an awning, canopy or similar, be</b></p>	<p><b>Yes, if condition is adopted</b></p>

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DESIGN GUIDELINE		PROJECT PROPOSAL	GUIDE-LINE MET
		provided over the entrance of the south entry walkway, of at least 4 feet in depth.	
60.05.35.1.F	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 should be avoided.	The building elevations change from a glass storefront showroom to open views into the parking structure. Elevations change along the street frontage as the parking garage projects close to the street. Large blank wall areas are away from the street and are not undifferentiated due to the use of scoring and reveal lines between concrete panels, and due to changes in material and columns. The design includes architectural features adequate to meet the guideline.	Yes
60.05.35.1.G	(Intended for Industrial buildings). Not applicable.		
<b>Roof Forms as Unifying Elements</b>			
60.05.35.2.A	Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted.	The roofs of the buildings are flat. The design does incorporate stylized blue, peaked roof features and two architecturally treated roof towers with cornices that cover elevators and stairways. A blue metal peaked roof, over the primary north entrance provide an architectural focal point.	Yes
60.05.35.2.B	Flat roofs should include distinctive cornice treatments.		
60.05.35.2.C	Additions to existing structures which involve the addition of new roof area should respect the roof form and material of the existing structure.		
<b>Primary Building Entrances</b>			
60.05.35.3.A	Excluding.... (industrial buildings and uses), the design of building should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings and canopies, to protect pedestrians from rain and sun.	Covered entries are proposed, at the north by a vestibule and at the south by recessing the entry within the parking structure. A change in materials and the vertical columns provide a focus and emphasis to the minor north entry. The north entry	Yes, if condition is adopted

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DESIGN GUIDELINE		PROJECT PROPOSAL	GUIDE-LINE MET
60.05.35.3.B	<p>Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.</p>	<p><b>uses a covered vestibule for weather protection of customers walking between the building and the open air sales lot.</b></p> <p><b>The south building entry (near the faux east entry feature) is recessed within the cover of the parking garage and not properly emphasized. The design does not provide an attractive public entry designed to clearly identify the entrance at the street.</b></p> <p><b>Staff recommend a condition of approval requiring that an awning, canopy or similar, be provided over the entrance of the south entry walkway, of at least 4 feet in depth.</b></p>	
<b>Exterior Building Materials</b>			
60.05.35.4.A	<p>Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta and tile are encouraged. Windows are encouraged where they allows views to interior activity areas or displays.</p>	<p><b>The design uses a variety of materials and finishes, including smooth and split-face masonry block, synthetic stucco, a large amount of glass curtain wall, with trim elements such as the yellow metal horizontal accent band along the storefront, and the blue roof features.</b></p>	<b>Yes</b>
60.05.35.4.B	<p>Excluding Industrial zones, ...where masonry is used for exterior finishes, decorative patterns (<i>other than running bond pattern</i>) should be considered especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric</p>	<p><b>Masonry is proposed in both split-faced and smooth. Synthetic-stucco vertical pilasters break up horizontal mass. The trim elements described above add color, texture and pattern to the façade.</b></p>	

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DESIGN GUIDELINE		PROJECT PROPOSAL	GUIDE-LINE MET
	pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete.		
<b>Screening of Equipment</b>			
60.05.35.5.	All roof, surface, and wall-mounted mechanical, electrical, communications and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means.	<b>Proposed rooftop HVAC units will be screened by use of parapet walls and the elevator towers above the roofline.</b>	<b>Yes</b>
<b>Building Location and Orientation in Multiple Use and Commercial Districts</b>			
60.05.35.6.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.	<b>The design places sales and parking buildings close to the street (Cascade Ave.) The northern one-third of the site frontage is devoted to a landscaped vehicle sales lot, driveway and landscaping. This sales lot is screened by fencing and landscaping, intended for partial screening of vehicles.</b>  <b>In the parking and inventory building knee walls at the ground level provide partial screening. Parking levels 2 and 3 will have little screening, with the use of cable rail fencing along the façade.</b>  <b>The proposal places a substantial majority of vehicles within the parking structure, minimizing visual impacts in comparison with a land extensive auto lot.</b>  <b>The amount of open lot vehicle area is minor due to the parking</b>	<b>Yes</b>

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DESIGN GUIDELINE		PROJECT PROPOSAL	GUIDE-LINE MET
		structure that minimizes land devoted to vehicle storage. Overall, partial screening of vehicles is provided on site, and within the structure. The primary visual impact will be views of architecture and building mass as opposed to viewing areas devoted to parking and landscaping.	
60.05.35.6.B	The design of buildings located at the intersection of two streets...	Not Applicable	
60.05.35.6.C	On Class 1 Major Pedestrian Routes ...	Not Applicable	
<b>Building Scale Along Major Pedestrian Routes</b>			
60.05.35.7.A	Architecture helps define the character and quality of a street....	The site is not on a Major Pedestrian Route	N/A
60.05.35.7.B	Building heights at the right-of-way edge...		
<b>Ground Floor Elevations on Commercial and Multiple Use Buildings</b>			
60.05.35.8.A	Excluding residential only development, ground floor building elevations should be pedestrian oriented and provide views into retail, office or lobby space, pedestrian entrances or retail display windows.	The ground floors will provide views into the glass curtained retail auto showroom, as viewed from the north and east. Views into the first floor of the parking building will be provided in addition to the retail auto display area within the building.	Yes, if condition is adopted
60.05.35.8.B	Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk, should provide weather protection for pedestrians on building elevations.	The vehicle storage building is not enclosed so that views of vehicles on display will be present.  The design covered entrances by the use of a vestibule at the north showroom entry. The south entry is recessed within the ground floor of the parking building.	

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DESIGN GUIDELINE		PROJECT PROPOSAL	GUIDE-LINE MET
		<p>The south entry, which is the primary public entry with access from the sidewalk, is not located at east entry feature. Considering that the building is setback from the property line by approx. 20 to 40 feet, the design does not provide an adequate covered entrance at the street.</p> <p>Staff recommend a condition of approval requiring that an awning, canopy or similar, be provided over the entrance of the south entry walkway, of at least 4 feet in depth.</p>	

### Section 60.05.40 Circulation and Parking Lot Design Guidelines.

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
<b>Connections to public street system</b>			
60.05.40.1.	The on-site circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets.	Staff cite findings for Facilities Review Criteria F and G. There are no abutting streets other than Cascade Ave.	Yes
<b>Loading Areas, solid waste facilities and similar improvements</b>			
60.05.40.2.A.	On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street.	A majority of on-site service and storage is in the western portion of the site, away from the street and most viewing angles, with the exception of refuse and tire enclosures proposed near the south property line. To ensure that refuse, recyclables, and tires are entirely screened from public view, a condition of approval will make full screening a requirement.	Yes, if condition is adopted

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DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
60.05.40.2.B	Except in Industrial Districts, loading areas should be designed and located so that these facilities are screened from an abutting public street...	(see above finding).	Yes, if condition is adopted
<b>Pedestrian Circulation</b>			
60.05.40.3.A	Pedestrian connections should be made between on-site buildings, parking areas, and open spaces.	<p><b>Staff cite the findings of Facilities Review Criteria F and G. The site design provides for safe and efficient pedestrian movements both within the site and the site connection to sidewalk system. A walkway is proposed to the public entry at the south side of the sales building from the street.</b></p> <p><b>The proposed auto sales use does not include nor needs to provide internal pedestrian connections to the north or south of the site. The public sidewalk will provide necessary connections. Proposed walkways on the site will use a hard surface such as asphalt or concrete.</b></p> <p><b>The Facilities Review Committee is requiring a public sidewalk extension, of 8 feet in width, along the frontage of the site, in order to match with existing sidewalk width.</b></p>	Yes, if condition is adopted
60.05.40.3.B	Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographic conditions or structures.		
60.05.40.3.C	Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations.		
60.05.40.3.D	Pedestrian connections to streets through parking areas to be evenly spaced and separated from vehicles		
60.05.40.3.E	Except for ...(uses of buildings in industrial districts)..., pedestrian connections designed for high levels of pedestrian activity should be provided along all streets.		
60.05.40.3.F	Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces.		

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DESIGN GUIDELINE	PROJECT PROPOSAL	MEETS GUIDELINE	
<b>Street Frontages and Parking Areas</b>			
60.05.40.4.	Landscape or other screening should be provided when surface parking areas are located along public streets.	<p><b>A surface auto sales display lot is proposed on the northern one-third of the site, in close proximity to the street. Landscape screening and fencing is provided for adequate screening.</b></p>	<b>Yes</b>
<b>Parking Area Landscaping</b>			
60.05.40.5.	Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas.	<p><b>The design uses existing and new landscaping to screen the visual impact of the surface auto display lot. Within the first 80 feet from the r.o.w., the width of the display area is no more than 150 feet wide. As viewed from the street, the la</b></p> <p><b>The application was revised, since the time of a previous application a year ago, to remove the knee wall screening along the façade of the structure, and has been replaced with cable rail. Landscaping will minimize the visual impact of the vehicles.</b></p> <p><b>With regard to the parking and auto storage building, the structure itself provides partial screening of the vehicles. The street tree canopy ('Armstrong' red-maple) will provide minor screening of views from the street. Staff find that the amount, spacing and canopy size of street trees is too minor to minimize the visual impact of three levels of vehicle storage.</b></p> <p><b>Staff recommend a condition of approval requiring added screening to meet the guideline; either provide architectural screening of vehicles in the</b></p>	<b>Yes, if condition is adopted</b>

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DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
		structure or plant trees with adequate height and canopy (at 15 years) for screening, along the vehicle storage building facade.	
<b>Street frontages in Multiple Use districts</b>			
60.05.40.6. A & B.	A) Surface parking should occur to the side or rear of buildings and should not occur at the corner of two MPR's. B) Surface parking areas should not be the predominant design element along MPR's ...	<b>The proposal is located the GC zone, and not within a Multiple Use District.</b>	<b>N/A</b>
<b>Sidewalks along streets and primary building elevations in Multiple-Use and Commercial Districts</b>			
60.05.40.7.A.	Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets.	<b>The Facilities Review Committee is requiring a public sidewalk extension, of 8 feet in width, along the frontage of the site, in order to match with existing sidewalk width.</b>	<b>Yes, if condition is adopted</b>
60.05.40.7.B	Pedestrian connections should be provided along primary building elevations having building and tenant entrances...	<b>No building entrances are proposed directly from the sidewalk to the east (Cascade Ave.) elevation. Pedestrian connection to the primary public entry is located close to the east elevation on the south side of the building. A paved walkway will connect to a new public sidewalk.</b>	
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use and Commercial districts</b>			
60.05.40.8.A	On-site circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks and landscaping compared to parking lots.	<b>The proposal shows the primary public vehicle and pedestrian entrance to the south, directed by signage. Pedestrian connection to the primary public entry is located on the south side of the sales building. A paved walkway will connect to a new sidewalk.</b>	<b>Yes</b>

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DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
60.05.40.8.B.	<p>Long, continuous parking aisles should be avoided if possible and landscaped as necessary to minimize the visual impact.</p> <p><i>* This is not same visual impact as that found within Guideline 60.05.40.5, above.</i></p>	<p><b>The design places a majority of vehicles within the parking/auto inventory building. Views of long continuous rows of vehicles will be minimized by placement within the building.* Also see finding for 60.05.40.4.A.</b></p>	Yes
<b>Parking Structures in Multiple-Use Districts</b>			
60.05.40.9	<p>Active ground floor uses should be incorporated in parking structures, particularly on elevations facing MPR's.</p>	<p><b>The proposal is located in a Commercial zoning district.</b></p>	N/A

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
<b>Common Open Space for Residential Uses in Residential Districts</b>			
60.05.45.1.A	Common open spaces should be provided...	<p><b>The proposal is located in the GC zone.</b></p>	N/A
60.05.45.1.B	Common open spaces should be available...		
60.05.45.1.C	Common open spaces should be free from all ...		
60.05.45.1.D	Common open space should be located so that...		
<b>Minimum Landscaping In Residential Districts</b>			
60.05.45.2.A	Landscape treatments utilizing plants...	<p><b>The proposal is within the GC zone.</b></p>	N/A
60.05.45.2.B	Landscaping should soften the edges of.....		
<b>Minimum Landscaping Requirements for Conditional Uses in Residential districts and for developments in Multiple-Use, Commercial, and Industrial districts</b>			
60.05.45.3.A	<p>Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings.</p>	<p><b>The landscape plan shows landscaping screening along the edges of the site, and along the east elevation building edge. The need to 'soften' buildings and parking areas is not adequately provided by the landscaping. See Guideline 60.05.40.5.</b></p>	<p><b>Yes, if condition is adopted</b></p>

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DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
	<i>( Staff note: The entire Car Max site is within a Commercial zoning district.)</i>	The proposed amount and spacing of street trees and landscaping is too small to minimize the visual impact of three levels of vehicle storage, screened by cable rail. Staff recommend a condition requiring added screening to meet the guideline; either provide architectural screening or plant trees with adequate height at 15 years for screening, along parking building facade.	
60.05.45.3.B.	Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete.	<b>The proposal does not include public plazas or common areas. Plazas and common areas are not required.</b>	N/A
60.05.45.3.C.	Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions.	<b>The landscape plan includes the use of native plants, such as snowberry, spirea, shore pine, western red cedar, rhododendron, oregon grape, vine maple, red flowering currant, and nootka rose. The non-native plants that are proposed are suitable for the local climate, with irrigation.</b>	Yes
60.05.45.3.D.	Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development.	<b>The proposal removes 6 trees that cannot be retained due to their location. The existing photinia hedge, shore pine and red-sunset maple trees are proposed for retention.</b>	Yes
60.05.45.3.E.	A diversity of tree and shrub species should be provided in required landscaped areas.	<b>The landscape plan shows multiple types of evergreen and deciduous trees and shrubs. The number and type of trees and shrubs proposed provide a diverse urban landscape of plants.</b>	Yes

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DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
<b>Public Open Spaces</b>			
60.05.45.4.	Open space available for public use but in private ownership should be accessible to the public, designed for safety and include active, passive, or both, spaces and improvements, but should not include environmentally sensitive areas.	<b>The proposal does not include public open space. Except for the car wash and auto service, access and use of the site by the public will be as customers to a retail business. Only specific areas of the site will be accessed by the customer. Public open space is not required.</b>	N/A
<b>Retaining Walls</b>			
60.05.45.5.	Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the landscape plan, or screened by landscape material.	<b>Retaining walls greater than 6 feet in height are not proposed, but two boulder-rock walls, greater than 50 feet in length, are proposed. The wall along the western edge of the site is shown to be treated as a landscape wall with substantial plantings on either side. A shorter wall (60 feet long) close to a portion of the south property line is shown to have a single row of nandina ('heavenly bamboo') planted at the base for partial screening of the wall. The rock wall material is itself an aesthetic alternative to concrete or c.m.u. block walls.</b>	Yes
<b>Fences and Walls</b>			
60.05.45.6.A.	Fences and walls should be constructed of attractive, durable materials.	<b>The proposal includes ornamental black metal fencing of the site located along the north and east sides of the surface sales lot on the northern one-third of the site.</b>  <b>Chain-link fencing will be at a portion of south property where it will secure access underneath the vehicle ramp, and at the edge of paved areas along the western landscape buffer which abuts the railroad tracks.</b>  <b>Staff find the fencing proposals will meet the guideline, with the</b>	Yes, if condition is adopted

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DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
		<b>condition that all chain link fencing be black vinyl coated, and supporting posts or rails be painted black to match.</b>	
60.05.45.6.B.	Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street <u>unless</u> high traffic volumes or other conflicts warrant greater security & protection.	<b>The guideline intends that complete screening by walls or fences along the streetscape is undesirable. The proposed ornamental black metal fencing will allow views into the site from Cascade Ave. while providing a measure of security.</b>	<b>Yes</b>
<b>Changes to existing on-site surface contours at residential property lines</b>			
<b>Integrate water quality, quantity, or both facilities</b>			
60.05.45.8.	Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site.	<b>There is not a proposal for above-ground stormwater detention or treatment facilities.</b>	<b>N/A</b>
<b>Landscape Buffering and Screening</b>			
60.05.45.9.A	A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and non-residential land uses and residential land uses. Buffer standards shall not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening.	<b>The site is zoned GC with abutting properties also zoned GC, except for the lot to the west which is zoned Campus Industrial (CI). There are no abutting residential uses.</b>  <b>The Design Standard for landscape buffering (Sec. 60.05.2) requires a 10 foot wide B-3 landscape buffer for the western property line. Although the application is reviewed according to Guidelines, and not the landscape buffer Standard, the landscape plan shows a minimum of 30 feet of landscape buffer along the west property line. Landscape screening is proposed along all four sides of the property.</b>	<b>Yes</b>
60.05.45.9.B	When potential conflicts exist between adjacent zoning districts, such as industrial uses adjacent to residential uses, landscape screening should be dense, and buffer width maximized.		

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DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
60.05.45.9.C	Landscape buffering should consist of a variety of trees, shrubs and ground covers.	The landscape plan shows a variety of deciduous and evergreen trees, shrubs and groundcover plantings.	Yes
<b>Natural Areas</b>			
60.05.45.10	Natural features that are indigenous to a development site, such as streams, wetlands, rock outcroppings, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan.	The site contains a small, isolated wetland, of 8.0 cubic yards in size, along a portion of the west property line and the railroad track r.o.w. The CWS SPL (9/30/08) and Pre-Screen (5.01/08), state that the area does not contain a jurisdictional wetland, which will permit the removal, fill and landscaping, as proposed.	Yes

### Section 60.05.50 Lighting Design Guidelines

DESIGN GUIDELINE		PROJECT PROPOSAL	MEETS GUIDELINE
<b>Adequate on-site lighting and minimizing impacts on adjoining properties</b>			
60.05.50.1.	Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires.	A minimum of 1.5 foot candle (fc) is required for adequate illumination of internal site areas. Open lot auto sales and display areas are illuminated in a range between 25 and 40 foot-candle. The parking / storage structure is lighted at levels between 5 and 25 fc.	Yes
60.05.50.2	Pedestrian scale lighting should be an integral part of the design concept except for industrial projects...	Specific pedestrian scaled light fixtures, such as bollards, are not proposed. The public sidewalk will be illuminated by required street lights as part of street frontage improvements. There are no pedestrian pathways or plazas proposed on site. Site and building lighting will provide illumination of building entrances.	Yes
60.05.50.3	Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating	The Lighting Plan shows illumination levels not exceeding 0.5 foot candle at the property line, except for levels up to 1.0 fc along the west property line where railroad tracks abut the site.	Yes

**ATTACHMENT B**

<p>60.05.50.4</p>	<p>lens shields, shades or other measures to screen the view of light sources from residences and streets.</p> <p>On-site lighting should comply with the Technical Lighting Standards. (Section 60.05-1)</p>	<p><b>This additional illumination will have negligible impact due to the nature of abutting land use. Relatively low illumination (458 watt) wall sconces are shown at the car wash and service area in the site’s southwest corner.</b></p> <p><b>The lighting plan shows the lighting on the top deck of the parking/ auto storage structure to make use of a internal fixture angles and external shields to minimize the light source as viewed from Cascade Blvd.</b></p> <p><b>In accord with City’s Technical Lighting Standards of Section 60.05-1.</b></p> <ul style="list-style-type: none"> <li>• <b>Both freestanding and wall fixtures are designed to cut-off light at an angle greater than 90 degrees, so that direct light is cast downward.</b></li> <li>• <b>The top deck of the parking building will have lights at 14 feet high, less than the Code 15 foot limit. These fixtures include directional mounting with illumination away from the exterior and overall lower illumination level (458 watt fixtures) in comparison to surface parking/ display using 1080 watt fixtures. The car wash and auto service buildings also make use of the</b></li> <li>• <b>The parking/storage structure is lighted at levels between 5 and 25 fc.</b></li> </ul>	<p><b>Yes</b></p>
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**CONDITIONS OF DESIGN REVIEW APPROVAL**

Recommended to the Board of Design Review  
( DR2009-0076 Car Max Auto Sales )

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

1. Ensure that Design Review approval has not expired. In accordance with Section 50.90.1 of the Development Code, Design Review approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (JO / Planning)
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./JJD)
3. 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)
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 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)

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5. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, and fire access 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)
6. 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)
7. Any area within the development proposal that remains under separate ownership or potential separate ownership without a land division or lot line adjustment approval by the City, shall have each lot independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer 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./JJD)
8. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation (ODOT) for work affecting ODOT facilities, work in Cascade Avenue, and from the ODOT Rail Division (Dave Lanning at 503.986.4267) for work within 500 feet of the rail area. (Site Development Div./JJD)
9. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
10. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the plans as a part of the site development process. (Site Development Div./JJD)

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11. 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 necessary by the City Utilities Engineer, the 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./JJD) For more information, see [www.tvfr.com/Dept/fm/brochures/document files/fireflow worksheet revised 01 06.xls](http://www.tvfr.com/Dept/fm/brochures/document_files/fireflow_worksheet_revised_01_06.xls) )
12. Have obtained approvals needed from the Clean Water Services District for storm system connections and wetland vegetative corridors impacts as a part of the City's plan review process. (Site Development Div./JJD)
13. Submit a copy of issued permits or other approvals needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./JJD)
14. Submit a completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the 2006 plan format per requirements for sites between 1.00 and 4.99 acres adopted by DEQ and Clean Water Services. ( For more information and to access the new format, see <http://www.cleanwaterservices.org/PermitCenter/1200C/default.aspx> (Site Development Div./JJD)
15. Provide a detailed drainage analysis of the subject site and prepare 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. (Site Development Div./JJD)
16. Provide plans showing a Contech Inc., Stormfilter system (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges (18-inch size) per tributary impervious acre. Plans shall also show a trash capture water

## ATTACHMENT C

quality pre-treatment unit (ex: CDS manhole, Snout installation or City of Beaverton approved equivalent as determined by City Engineer) located in front any Stormfilter vaults or ahead of piped detention systems. Plans shall also show a high flow bypass system to bypass surface water runoff high flows (flows greater than the 5-year design storm) around any Stormwater vaults. (Site Development Div./JJD)

17. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. 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./JJD)
18. Provide evidence that new driveway intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance. New driveway intersections shall meet sight distance criteria in the City's Engineering Design Manual for the design speed of the roadway. (DRG / Transportation)
19. Provide 5 secured and lighted long term bike parking spaces and 5 short term bike parking spaces based on the 20,545 sq ft CarMax auto sales center and the bicycle parking requirements of the Development Code Sec 60.30.10.5. (DRG / Transportation)
20. Provide plans that show street frontage improvements to SW Cascade Avenue that meet Beaverton 2 Lane Collector Street Standards, including curb and gutter, bike lane, planter strip and eight (8) foot wide sidewalk on the west side, (17 feet of pavement, one 12 ft lane plus one 5 ft bike lane from centerline) for the frontage of the site. To accommodate the improvements required by this condition, the applicant may need to provide a sidewalk easement on the property in areas where existing right-of-way is insufficient. (DRG / Transportation)

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21. Obtain an ODOT Miscellaneous Permit for all work in the highway right of way and an ODOT approach permit for access to Cascade Avenue. (DRG / Transportation)
22. Provide a plan drawing that illustrates the location of required customer and employee parking spaces, as approved. Required parking spaces shall be designated on site by signing or pavement markings. The site development plan set shall provide a detail drawing of the type of signing or pavement marking proposed to identify the required spaces. (JO / Planning)
23. Provide a plan drawing that will show the location of a required sign to be posted at a prominent place, visible from the street, which will state that the delivery and loading of vehicles on Cascade Avenue is prohibited. The sign shall be at least 4 square feet in size. All vehicle delivery and loading shall occur within the property. Specific exceptions may be authorized by the City Transportation Engineer. (JO / Planning)

### **Prior to building permit issuance, the applicant shall:**

24. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
25. Submit plans showing that the rainwater from the roof (top level) of the parking garage shall be piped to the approved storm water disposal system (stormwater filters). Drainage from the floors below the top level shall be directed to the sanitary sewer system via an API or CPS-type oil/water separator as approved by the City Building Official. The areas immediately adjacent where precipitation may fall, track, or be blown into the covered parking, car wash, or vehicle service areas, shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater runoff accumulating beneath the cover. The cover overhang is to be measured relative to a berm, trench drain, or pavement grade break. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the discharge line prior to the connection with the sanitary sewer. Appropriate signs and employee training shall be provided. In addition, appropriate spill response supplies, such as absorbent material, shall be stored continuously on site. (Site Development Div./JJD)

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26. 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)
  
27. Submit to the City a certified impervious surface determination of the proposed project 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, 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)
  
28. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD)

### **Prior to occupancy permit issuance, the applicant shall:**

29. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
  
30. 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)
  
31. Have placed underground all 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)
  
32. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)

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33. Have obtained an Industrial Sewage Permit from the Clean Water Services District (CWS, formerly USA) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)
34. Ensure all site improvements, including grading and landscaping, are completed in accordance with plans marked "Exhibit A". (On file at City Hall). (JO / Planning)
35. 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). (JO / Planning)
36. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C". (On file at City Hall). (JO / Planning)
37. Ensure all landscaping and fencing approved by the decision making authority for commercial, industrial, and non-residential mixed use development is installed unless a performance security, equal to 125 percent of the cost of the landscaping not so installed, is filed with the City assuring such installation within six months of occupancy. All performance securities submitted shall itemize the cost of materials and labor. (JO / Planning)
38. Ensure that the planting of all approved deciduous trees on-site, except for street trees in the public right-of-way meeting City requirements, has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/2 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. (JO / Planning)
39. Ensure that the planting of approved street trees or the pruning thereof, within the public right-of-way or public easements, has occurred in accordance with the City Tree Planting & Maintenance Policy (Resolution 3391). The provisions for acceptance of a landscape performance security may also apply to the planting of street trees approved through the Design Review process. (JO / Planning)

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40. Ensure coniferous trees, having been balled and burlapped or grown within suitable containers for one year, are planted. Each tree shall be a minimum of 6 feet in height, except that dwarf and compact varieties may be approved at any size. All trees shall be fully branched and adequately staked at the time of planting. (JO / Planning)
  
41. Ensure ground cover plantings are installed at a maximum of 30 inches on center and 30 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container, or a 2-1/4 inch container if planted 18 inches on-center. (JO / Planning)
  
42. Ensure deciduous or evergreen shrubs are installed at a minimum, using one-gallon containers or 8 inch burlap balls with a minimum spread of 12 inches to 15 inches. (JO / Planning)
  
43. Ensure landscaped areas approved to be planted in grass lawn have sod installed between December 1 and March 1, and between June 1 and September 1 of the year. Grass seed is approved at other times of the year and sod may be placed at any time of year. This condition is not applicable to special seed mixes approved for use in natural resource areas, steep slopes, or in areas for the purpose of erosion control. (JO / Planning)
  
44. Ensure off-street parking, loading and driveway areas are screened from streets and surrounding properties within landscape areas, containing at a minimum, evergreen and/or deciduous plant material with a minimum height of 30 inches. Where landscaped berms, walls, raised planters or similar features of at least 30 inches in height have been approved to screen streets and surrounding properties, the plant materials are not required. (JO / Planning)
  
45. Ensure landscaping within off-street parking lots is installed by the standard of one landscaped planter island or area, per approximately every 12 parking spaces provided. The size of such islands or areas shall be a minimum of 8 feet in width by the depth of an abutting parking stall. The area of landscaped screening on the perimeter of parking lots shall not be used toward meeting the area requirement of parking lot islands. (JO / Planning)

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46. Ensure all landscape areas are served by an underground landscape irrigation system. For approved 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. (JO / Planning)
47. Ensure all rooftop mechanical equipment, vents, and similar features are screened from public view, as viewed from streets and sidewalks, or placed within the building or otherwise made an integral part of the structure. Materials and colors of rooftop screening shall consist of at least one material and color used on building elevations. (JO / Planning)
48. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (JO / Planning)
49. Provide an awning or canopy that provides weather protection, of at least 5 feet in length, mounted on the wall of the sales building. The awning or canopy shall be placed over the location of the south entry walkway, and be at least 4 feet in depth. (JO / Planning)
50. Provide opaque screening from public view of all areas on site used for storage and collection of refuse, recyclables, tires, and similar material. (JO / Planning)
51. Provide opaque architectural screening, along the Cascade Blvd. elevation, of vehicles in the auto parking/storage structure on all three levels of the building, or plant trees at a minimum of 30 feet on-center with sufficient height and canopy (achieved in 15 years) to adequately screen vehicles within the auto parking/storage building along the Cascade Blvd. frontage, or provide a combination of additional architectural screening and tree planting to achieve satisfactory screening. (JO / Planning)
52. Ensure that all chain-link fencing used on site, where visible from any abutting property lien, is black vinyl coated, and that all supporting posts and rails are painted or coated black to match in appearance. (JO / Planning)
53. Ensure that the site is kept clean at all times and all refuse shall be stored within the building or within the exterior opaque enclosures and be gated.

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The design and materials of the refuse enclosures shall be compatible with the subject development and shall be a minimum of 6 feet in height. (JO / Planning)

54. Ensure that over the lifetime of the use, that no A-frame signs or other incidental signs, price signs, "open" or "closed" signs, flags or banners, or special product advertising shall be erected on a permanent or temporary basis. No window signs in excess of 20% of the window area are permitted at any time. (JO / Planning)

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

55. 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)
56. Submit any required on-site easements, 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)
57. Provide an additional performance security for 100 percent of the cost of twice-a-year (6-month interval) cleaning, maintenance, and filter recharge/replacement by CONTECH Inc., for the StormFilter cartridges for a two-year period, as determined by the City Utilities Engineer. Alternatively, provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with CONTECH for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacturer's recommendations for a two year period from the date of performance acceptance. (Site Development Div./JJD).