



City of Tualatin

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November 20, 2019

NOTICE OF ARCHITECTURAL REVIEW BOARD DECISION

**** APPROVAL WITH CONDITIONS****

Case #:	AR 18-0007
Project:	Commons on the Tualatin
Location:	6645 SW Nyberg Lane
Applicant:	Nyberg Road Property LLC

I. FINDINGS

- A. An application for Architectural Review (AR) was made by Nyberg Road Property LLC.
- B. The Architectural Review Board (ARB) conducted a duly-noticed public hearing on November 20, 2019 in conformance with the laws of the State of Oregon and Tualatin Development Code.
- C. At the November 20, 2019 public hearing, the ARB found that record, including: findings and analysis, dated November 20, 2019, and associated exhibits; evidence in the record; submitted evidence and testimony at the hearing, support the approval of AR18-0007 with Conditions of Approval A1 through A11.

II. ACTION

The ARB approved AR 18-0007. The ARB adopted the analysis and findings, dated November 20, 2019.

The Architectural Review Board Decision approves AR 18-0007 subject to the following conditions:

GENERAL:

- A1. This Architectural Review approval expires after two years from the date of issuance unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under the terms of TDC 73.056 or most current revision of the TDC.
- A2. The applicant must comply with the Public Facilities Decision (AR-18-0007) from the City of Tualatin Engineering Division, pursuant to TDC 31.073, or most current revision of the TDC.

Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.

PRIOR TO BUILDING PERMIT ISSUANCE:

- A3. The applicant must submit a Final Site Plan Set (in .pdf format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
- a. Tree protection fencing and tree protection measures on grading plan as described in Exhibit A4- Attachment 2 and Attachment 6, pursuant to TDC 73.250(2).
 - b. A minimum of 118,800 square feet of shared outdoor area and 39,600 square feet of children’s play area, pursuant to TDC 73.130(3). Illustrate dimensions and amenities proposed for both shared outdoor areas and children’s play areas as described in TDC 31.060 below:
 - i. Shared outdoor area may include, but is not limited to open lawn areas, gazebos, covered spaces, swimming pool areas, walking trails, and sport recreation fields.
 - ii. Children’s play area may include, but is not limited to sand boxes, play structures, hard surface courts, and wading pools.
 - c. An identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73.130(4)(d).
 - d. A secondary fire apparatus road, pursuant to Exhibit B and OFC D106. Fire apparatus roads that serve buildings over 30 feet in height must be a minimum, unobstructed width of 26 feet, pursuant to Exhibit B and OFC D105.1, D105.2.
 - e. Postal delivery areas that are located consistent with TDC 73.130(5)(a).
 - f. Raised pedestrian walkways through vehicular areas, pursuant to TDC 73.130(5)(b). Curb ramps must be provided wherever a walkway crosses a curb, pursuant to TDC 73.130(7)(b).
 - g. A method of screening for any on and above-grade mechanical or electrical equipment, pursuant to TDC 73.130(5)(c).
 - h. A minimum eight-foot wide accessway adjacent to Building A that connects the development’s walkway system to the sidewalk adjoining SW Nyberg Lane, pursuant to TDC 73.150(6).
 - i. A minimum of 8,700 square feet of enclosed storage area or 24 square feet for each studio and one-bedroom units, 36 square feet each for two-bedroom units, and 48 square feet each for three-bedroom units, pursuant to 73.190(2)(a). Storage areas must be a minimum of 6 feet in height.
 - j. A minimum of 1,320 square feet of trash storage area, pursuant to TDC 73.227(6). Trash storage areas must be located so that pedestrian or vehicle movement is not obstructed.
 - k. A minimum of 6,800 square feet or 25 square feet per surface parking stall must be improved with landscape island area, pursuant to TDC 73.350. All islands must be greater than five feet in width. A minimum of one shade tree must be provided for every four parking stalls.
 - l. A minimum of 264 covered bicycling parking spaces in the form of lockable enclosures or bike storage rooms, pursuant to TDC 73.370(1)(n) and 73.370(2). Each bicycle space must be six feet long by two feet wide, pursuant to TDC 73.370(1)(o). A five-foot wide bicycle maneuvering area must be provided beside or between each row of bicycle parking with at least a three-foot wide access area, pursuant to TDC 73.370(1)(p) and (q). Maneuvering and access areas must be constructed of concrete, asphalt, or a suitable pervious surface.

Bicycle parking areas must be identified with signage as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition), and must be located at the main building entrance and at the location of the bicycle parking facilities, pursuant to TDC 73.370(1)(u).

- m. A minimum of 375 parking stalls or 1 stall per studio, 1.25 stall per one bedroom, 1.5 stall per two bedrooms, or 1.75 stall per three bedrooms, pursuant to TDC 73.370(2). All parking areas must meet the dimensional standards of 73-1. Parking for sub-compact vehicles must not exceed 35% of the minimum required parking stalls (131 of 375) pursuant to 73.380(2). Parking spaces provided in excess of the required minimum may be compact. Surface parking stalls must not exceed eight continuous spaces without a landscape separation, pursuant to TDC 73.380(3).
 - n. A minimum of nine accessible parking spaces must be provided, pursuant to TDC 73.380(10).
- A4. The applicant must submit Final Color Architectural Elevations (in .pdf format) to the Planning Division that in in substantial conformance to the submitted elevations.

DURING CONSTRUCTION ACTIVITY:

- A5. The applicant must install the tree protection fencing consistent with Condition A3.a. and Section 73.250(2). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice.
- A6. Arborist supervision is required for any construction activity within the critical root zone of trees 1315, 1320, 1321, 1519, 1529, 1530, 1534, 1554, 1594, 2020, 2026, pursuant to TDC 73.250(2).

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A7. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. The applicant must contact the Planning Division for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.

THE FOLLOWING CODE REQUIREMENTS APPLY TO THE SITE IN AN ON-GOING MANNER:

- A8. The applicant must submit sign permit applications separately from this Architectural Review (AR) for any proposed signage.
- A9. All exterior improvements approved through the AR process must be continually maintained, including necessary painting and repair, watering, weeding, pruning, and replacement, so as to remain substantially similar to original approval through the AR process, unless subsequently altered with Community Development Director's approval. TDC 73.100. All plant growth in landscaped areas must be pruned, trimmed or otherwise so that plant growth does not interfere with designated pedestrian or vehicular access and will not constitute a traffic hazard because of reduced visibility, pursuant to TDC 73.160(3)(e), 73.260(5), and 73.340(1).
- A10. All mechanical equipment, including rooftop equipment must be screened in accordance with TDC 73.130(5)(c). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations that illustrate screening by a parapet or other method.

A11. The proposed development must comply with all applicable policies and regulations set forth by the TDC, or most current revision thereto.

III. APPEAL

The applicant or any person with standing may file a request for review of the final decision of the Tualatin Architectural Review Board to the City Council. **The Tualatin Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by 5:00 p.m. on December 4, 2019.** The written record and appeal forms are available at the Planning Division offices at the above address. The appeal forms must include reasons, current appeal fee, and meet the requirements of Section 31.078 of the Tualatin Development Code.

Petitions for appeal may be mailed or submitted in person to: **Tualatin Planning Division, 18880 SW Martinazzi Avenue, Tualatin, Oregon, 97062.** **The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** Any party or group wishing to make an appeal should submit their own petition. The City Council will conduct a hearing on any appeal. The appellant(s) and any person who received notice of the original hearing will be notified by mail of the Council meeting date.

ADOPTED THIS 20th DAY OF NOVEMBER, 2019.

ARCHITECTURAL REVIEW BOARD
CITY OF TUALATIN

BY:



PATRICK GAYNOR, Acting Chair
Architectural Review Board