

Tigard Code Section 18.765.070.H Table 18.765.2 parking requirements applied to the A +O Apartments proposal

On-Site Parking Spaces Required

| Parking Spaces Required per MFR Unit | Number of Units Proposed | Auto Parking Spaces Required |
|--|--------------------------|------------------------------|
| 1 space/studio (<500 sf) | 64 | 64 |
| 1.25 spaces/1-bedroom unit | 98 | 122.5 |
| 1.5 spaces/2-bedroom unit | 53 | 79.5 |
| Subtotal | 215 | 266 |
| 15 percent additional onsite parking required for visitors | - | 40 |
| Total MFR Units/ Parking Spaces Required | 215 units | 306 spaces |

On-Site Parking Spaces Provided

| Type of Parking Space | Onsite Parking Spaces Provided |
|--|-----------------------------------|
| Surface parking – standard-sized | 121 |
| Surface parking – compact | 115 |
| ADA surface parking | 5 |
| Parking garage – standard-sized | 17 |
| Parking garage – compact | 18 |
| Parking garage – ADA space | 2 |
| Total On-site Parking Spaces Provided | 278 On-site Parking Spaces |
| Total compact spaces | 133 spaces, 48% of total |

In addition, an estimated 16 parking spaces will be provided along the site's SW Oak Street road frontage.

An Exception to the minimum on-site parking standard is requested to allow 278 spaces to serve the development whereas the typical on-site parking standard would require 306 on-site parking spaces. This would constitute a 9.1% reduction in parking. With the 16 on-street spaces added to the on-site parking, a 4% exception to the maximum parking standard would be what is requested.

Washington County Community Development Code parking requirements applied to A +O Apartments proposal

On-Site Parking Spaces Required per Table 413-7 Wash. Co. Development Code

| Parking Spaces Required per MFR Unit | Number of Units Proposed | Auto Parking Spaces Required |
|---|---------------------------------|-------------------------------------|
| 1 space/studio (<500 sf) | 64 | 64 |
| 1 spaces/1-bedroom unit | 98 | 98 |
| 1.5 spaces/2-bedroom unit | 53 | 79.5 |
| Visitor parking – no requirement | - | - |
| Total MFR Units/ Parking Spaces Required | 215 units | 242 spaces |

Tualatin Community Development Code parking requirements applied to A +O Apartments proposal

On-Site Parking Spaces Required per Tualatin Code Section 73.370(2)(a)

| Parking Spaces Required per MFR Unit | Number of Units Proposed | Auto Parking Spaces Required |
|---|---------------------------------|-------------------------------------|
| 1 space/studio | 64 | 64 |
| 1.25 spaces/1-bedroom unit | 98 | 122.5 |
| 1.5 spaces/2-bedroom unit | 53 | 79.5 |
| Visitor parking – no requirement | - | - |
| Total MFR Units/ Parking Spaces Required | 215 units | 266 spaces |

Lake Oswego parking requirements applied to the A +O Apartments proposal

On-Site Parking Spaces Required Per Lake Oswego Code Section 50.06.002

| Parking Spaces Required per MFR Unit | Number of Units Proposed | Auto Parking Spaces Required |
|--|---------------------------------|-------------------------------------|
| 1 space/studio (<500 sf) | 64 | 64 |
| 1.25 spaces/1-bedroom unit | 98 | 122.5 |
| 1.5 spaces/2-bedroom unit | 53 | 79.5 |
| Visitor parking – 25 of the required parking must be non-reserved so as to provide for common or visitor use | - | - |
| Total MFR Units/ Parking Spaces Required | 215 units | 266 spaces |

Beaverton Community Development Code parking requirements applied to

A +O Apartments proposal

On-Site Parking Spaces Required per Beaverton Code for Multi-Use Zones Section 60.30.010

| Parking Spaces Required per MFR Unit | Number of Units Proposed | Auto Parking Spaces Required |
|---|---------------------------------|-------------------------------------|
| 1 space/studio | 64 | 64 |
| 1 spaces/1-bedroom unit | 98 | 98 |
| 1spaces/2-bedroom unit | 53 | 53 |
| Visitor parking – no requirement | - | - |
| Total MFR Units/ Parking Spaces Required | 215 units | 215 spaces |

Transmittal

Emerio Design
8285 SW Nimbus Ave, Suite 180
Beaverton, Oregon 97008

Cell: 503-780-4061
Email: ryano@emeriodesign.com

TO: Gary Pagenstecher, City of Tigard Associate Planner

FROM: Ryan O'Brien, Planning Consultant

DATE: 12-15-14

SUBJECT: A+O Apartments

I represent Gene Davis, the owner of developable property on the south and north side of Oak Street adjacent to the A+O Apartment property. We are not opposed to this apartment development. However, we believe this development should include the improvement of Lincoln Street to Oak Street or at least the right-of-way should be dedicated so Lincoln Street can be improved in the future. Orland, the owner of the A+O property, are also the owners the property where this right-of-way would be located (Tax Lots 3300 and 3302). A Map of this property is attached. Temporary construction easement will also be needed. The surrounding property owners mentioned this at the neighborhood meeting. We agree with the comments in the Tigard staff report regarding the Lincoln street extension and improvement.

The Lincoln Street extension is needed for good traffic circulation in the area. Orland LTD purchased the land where the right-of-way would be located if Lincoln Street was required for development of the A+O apartments. I do not see any reason why this right-of-way should not be dedicated with the development of the A+O apartments. This right-of-way dedication and street improvements will benefit everyone in the area including employees in the Lincoln Center offices. This will also reduce on traffic on 90th Avenue which is a local street adjacent to Metzger Elementary School and existing single family detached houses. The need is clearly stated in the Tigard Staff Report. The following are additional reasons for the Lincoln street extension.

1. The land where the Lincoln Street right-of-way is located has no value except for the livability of the rental house on the property. Dedication of this right-of-way and improvement of Lincoln Street will be required when this property is developed in the future (Tax lots 3300 and 3302). Dedicating the right-of-way would be a benefit to Orland because other developers in the area would probably build the road at no cost to Orland.

2. Dedication of the Lincoln Street right-of-way would be a "Good Neighbor" gesture because it will help everyone in the general area and especially the property owners along 90th Avenue where street improvements are minimal. Development of 215 units will change the character of the neighborhood and the function of 90th Avenue.

3. Section 18.350.050.A.3 requires the "PUD Concept Plans to identify how the future development will integrate into the existing neighborhood." The traffic study indicated 90th Avenue has capacity 215 additional units. However, the function of 90th Avenue will be degraded. About 600 additional multiple family units could be developed in the area which will require the extension of Lincoln Street.

3. Section 18.350.070.C.8.a allows development if "Public safety is not compromised." Even though the traffic report does not require 90th Avenue improvements to Locust Street or the extension of Lincoln Street, safety issues may occur from the lack of adequate circulation. This is especially true for students that attend Metzger Elementary School and the residents along 90th Avenue that are required to back out from their driveways.

4. The Tigard Staff Report on Page 25 indicates the need to improve accessibility in the Lincoln Center Commercial District in accordance with the Washington Square Regional Center (WSRC). The Purpose of the WSRC Plan District in Section 18.630.010.A.4 requires "Improved multi-modal transportation links to create a desirable, livable community in the face of dramatic population and employment growth".

5. Section 18.630.C requires "All new developments will be required to dedicate and improve public streets and participate in funding future transportation projects within WSRC." Based on this requirement, dedication of the Lincoln Street right-of-way should be the minimum to demonstrate Orland is cooperating with the city to adequately plan for future development in the WSRC Planning District. The only reason why Orlando would not dedicate the right-of-way is to stop other property owners from developing their property. If the right-of-way is not dedicated, the only option available to the city is condemnation which will require the expenditure of public funds. This is not a reasonable alternative. There is a need for other properties to develop along the north and south sides of Oak Street so full street improvements will occur along Oak Street.

6. Page 28 of the staff report indicates an analysis of existing street improvements along 90th Avenue were not included in the traffic study. 90th Avenue will be a primary route to Locust Street. The code does not specifically address this issue. However, a local street is not intended to have traffic which exceeds 1500 vehicle trips per day (vpd) when fully improved (See Figure 18.810.4 in the Tigard Development Code). An unimproved road will have less capacity. Figure 18.810.5 and 18.810.6 show local streets with ranges from 200 500 vpd.

7. The Purpose of Street connectivity in Section 18.630.040.A, indicates that “The standards provide a way for creating continuity and connectivity within the WSRC. The primary objective is to create a balanced, connected transportation system that distributes trips in the WSRC on a variety of streets.” This purpose statement is directly related to the extension of Lincoln Street. Gene Davis was told in the past by city staff that no development can occur along Oak Street without the extension of Lincoln Street to Oak Street.

SW LOCUST ST

REARERS ROAD

SW LINCOLN ST

Metzger
Elementary
School

SW 90TH AVE

TL 3300

ORLAND
PROPERTY

TL
3302

SW ELENA LN

SW OAK ST

A+O APARTMENTS

↑
NORTH

SW 95TH AVE

Y 217-GREENBURG RAMP
G-HWY 217 RAMP

DY LN

EXHIBIT E

Jill Warren
9280 SW 80th Ave.
Portland, OR 97223
December 15, 2014

To: City of Tigard
Mayor John Cook
Marty Wine, City Manager
City Council
Planning Commission
13125 SW Hall Blvd.
Tigard, OR 97223

CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Mayor Cook, City Manager re: 215 unit apartment complex on Oak St.
City Council and Planning Commission,

The Washington Square Regional Center plan was conceived 15 years ago yet never reached fruition. There were unanswered questions about infrastructure costs, impacts of development in a sensitive lands area, property damage from flooding and questionable market success.

To piggy back high-density development and call it the regional center is erroneous. Is it fair to commit taxpayer dollars on a project that is high risk? There will have to be substantial taxpayer investment, i.e. urban renewal bonds for construction costs, infrastructure and potential legal issues.

Flooding/Mold/Insurance

Putting high-density development in a 100-year floodplain that has a history of flooding every 50 years will put people and property at risk. When people are harmed they need to be made whole. The jurisdictions that approved the zoning change will be culpable for litigation (City of Tigard, City of Beaverton, Metro and Washington County). Compound that with flooding impacts downstream and structural water damage (mold), it will be a costly disaster. Water will soak into the drywall and mold will ensue so the buildings will have to be gutted and completely rebuilt.

Flood insurance is prohibitively expensive. If there is a mortgage on the property flood insurance is mandatory. If the property is free and clear there is no mandate for flood insurance. If urban renewal bonds are used for construction costs and there won't be a mortgage on the property will flood insurance be available?

Removing Wetlands

The proposal includes removing 0.42 acres of delineated wetlands on the site from the Comprehensive Plan's Wetlands and Stream Corridor map's Goal 5 Safe

Harbor/Significant Wetlands designation along with removal of the same area from the Significant Habitat areas map.

It is not proper to remove wetlands from what is currently on the books. If they have to do this to move forward it illustrates this is not the right site for this project.

Bull Mountain

When Bull Mountain was being developed the real estate community knew it was overbuilt. No developer in the private sector would heavily develop that site because they have to mitigate risk. Sure enough 15 years later City of Tigard had to purchase a house from erosion damage because it was "cheaper than being sued". Does the City of Tigard have the resources to purchase a 215 unit apartment complex and do repairs? Is it right for City of Tigard to use taxpayer dollars for investment and repairs and then commit to another high-risk project?

Conclusion

Before approving this proposal there needs to be more investigation from state agencies and risk management. The regional center was stalled for many reasons and we need to revisit questions that were raised 15 years ago. This proposal will change and modify the wetland/floodplain dramatically. There are many alterations in the plan that are extreme in order to pencil out, proving this is not the appropriate site for this project.

Respectfully submitted,

A handwritten signature in cursive script that reads "Julie Warren".



Members of the Tigard Planning Commission,

My name is Steve Bintliff, a resident of Tigard and member of the citizen group, Tigard First.

I'm speaking in opposition to the A&O Apartments application to build an apartment complex along Oak Street near 90th Ave.

We have noted that the developer for the project is listed on the application as the "Othman Group", but many of the documents are on OTAK, Inc. letterhead. We know that the CEO of OTAK, Mr. Othman, was on the Tigard Task Force that designed the Washington Square Regional Center Plan. So it's no surprise that he would want to capitalize and profit from his involvement and knowledge of the area by pursuing a project here.

We know that this project is funded by 'wealthy foreign investors' as part of the US Government's EB-5 Investor Green Card Program. Congress established the program to attract foreign cash by rewarding foreign investors with green cards. Foreign citizens who invest \$1 million in a new businesses organized through government-approved regional centers can qualify for U.S. visas. The Washington Square Regional Center is one of these government-approved centers. (Link: <http://www.bizjournals.com/portland/print-edition/2011/12/09/eb-5-to-trigger-millions-for-projects.html?page=3>)

According to the Portland Business Journal, The Othman Group was launched to help Middle East-based clients expand to the U.S.. and help Pacific Northwest clients do business in the Middle East. The firm provides strategic positioning, business development, investment advice and community development services. It's clients are in Portland, Iraq and the United Arab Emirates." (link: <http://www.bizjournals.com/portland/blog/real-estate-daily/2013/02/otak-founder-othman-launches-real.html>)

We can be sure that the investors in this project will have no interest in our community whatsoever. This project is just a clever way for them to get a green card. However, they DO expect a high return on their investment, and to assure that, they're asking Tigard taxpayers to improve their ROI and cover their risk should something go wrong with the property.

We have two main areas of objection:

Wetlands:

By changing the master plan to allow them to take almost half an acre of the wetlands on the site, we, the taxpayers of Tigard become responsible for whatever happens. What could go wrong on land built in a floodplain, to a development built on land we KNOW will flood?

TDC18.775.130 requires that the economic benefits of the project must justify the loss of the wetlands. The Staff report supports the project consuming puts a portion of the wetlands, yet the report does nothing to explain what these benefits are to the community. So we ask: What benefit do the taxpayers realize in exchange for this? By the applicant's own admission, they never seriously considered other alternatives that would leave the wetlands intact. They claim it would result in higher rents, but they never actually put pencil to paper. Honoring the current wetland boundaries might result in higher costs or a lower rate of return for the foreign investors involved, but that's not a problem for our City Staff or for this body to solve, and not a reason to waive or modify the rules for the development.

Parking:

By admission of the applicant and City Staff, the proposed development doesn't include enough parking. If a waiver is granted by this Commission, we believe the residents and their visitors will have to go looking for on-street parking, adding to traffic and congestion in the area. The applicant's weak promise to 'make information available about rideshare services' is NOT an effective mitigation of this possibility, nor is City Staff's assertion that there might be future transit and walkability improvements available to residents. Again, the City Staff report doesn't adequately justify why a parking exemption should be granted. This body should require the parking spaces as specified by the code.

Tigard First strongly urges you to reject the current application, until the project can be resized or restructured preserve the current wetland boundaries, and to have the required number of parking spaces on – site.

Dec, 15, 2014

EXHIBIT G

Tigard Planning Commission
City Hall
Tigard, OR

I share others' concerns, seeing this development as a total misfit for the site as well as the surrounding area, with Metzger Grade School just a few hundred feet away on 90th. Oak Street is a narrow, 2-lane country road without street lights or sidewalks.

Having four grandchildren in college has made me acutely aware of what the future holds for them. We can take steps now to make the climate forecast a better one.

As our world grows warmer, heavier rainfall is predicted for the Pacific Northwest, changing our 100-year floodplains into 21st century 25 to 50 year events.

The City's plans (albeit future) to increase multi-family and commercial development to north and east of this site will create vastly increased storm runoff. Mike Houck, former conservation chair of the Portland Audubon Society, now with the Intertwine Alliance, remembers walking in 3-foot deep water just a short distance from Hwy. 217. At very little cost the area could, once again, hold three feet of stormwater.

Washington Square depends upon a network of pipes to drain underlying water. Some 3 decades ago water rose up the heat ducts at one store. My husband worked for Del Val, the company that responded to the emergency.

A 50-year resident of the area, I was involved in a mitigation of some 27 acres within this area, the goal being to replace significant wetlands lost in building a hotel next to Greenburg Rd. where most water once accumulated. Instead, the upland 3-acre pond, dug by the Oregon Dept. of Fish and Wildlife, its surrounds to be filled with grasses, shrubs, trees to replace food and shelter of the lost habitat, has failed the mitigation. Tons of fill, over the limit set by the US Army Corp of Engineers, has buried the former wetland.

Located on the Pacific Flyway the site once offered migrating birds a resting place and food. This land awaits our best restoration efforts,

It is a tragedy as we enter a new century where water is going to be a major issue, for this land, bounded by 217, Greenburg and Oak, to retain zoning for any development. Every square inch, to my mind, should be treasured for the stormwater protection it offers - free of charge - to Washington Square, upland redevelopment and downtown Tigard Merchants.

Please oppose this development.

Sincerely
Nancy
Nancy Leaper Tracy
7310 SW Pine St
Portland, OR 97223

December 15, 2014

To: Planning Commission & City Council
City of Tigard
13125 SW Hall Blvd.
Tigard, Oregon 97223

Subject: Testimony re: Ash Creek and Oak Apartments (A+O Apartments)
Case ID Numbers: CPO2014-00002
PDR2014-00003
SDR2014-00004
SLR2014-00002

Dear Commissioners, Councilors, and Mayor -

The Neighborhood Meeting about this proposed development drew 55-60 concerned citizens last February.

The September CPO-4M meeting had 39 attendees with many concerns about these applications.

At its last meeting in November, the membership of CPO-4M voted unanimously to oppose portions of these application/s.

This is a Type III=PC LAND USE REVIEW.

We are hoping that you hear all of the public input prior to your deliberations and a decision. The County Commissioners allow 2 minutes for individuals and five minutes for organizations like CPOs. Can CPO4M be allotted five minutes?

Why are the four applications in the above cases not considered separately?
Please do not streamline these cases, but separate the four applications, and allow 2 min. per application

We see that the City planner has outlined a lot of conditions that need to be met before implementation if approved. What is the applicant's response?

Because we believe that after tonight's hearing there will be some outstanding questions that need to be answered, we request a continuance and that the record remain open to allow for more input and answers to the questions raised in these cases prior to your final deliberations.

We disagree with the staff recommendations and find errors in the applicant's assertions.

On page 1 of the staff report misspells the applicant's name. This creates difficulties for people trying to research more info about the applicant. Whereas staff asks for the exact name of the permittee, staff misspells the applicant's in its posted report to the council and PC.

===== **Wetlands** =====

CPO-4M opposes the requested amendment to remove/decrease any acreage or partial acreage (0.42 acres) of existing wetlands south of southwest Oak Street from the Comprehensive Plans map.

Uses that conflict with the city code should be prohibited. Recent climate change has brought some extreme conditions elsewhere that don't suggest any modification of this 100-year flood plain is warranted here at this time.

Almost every winter over at least four decades, CPO members have seen from viewpoints {on SW Oak Street, SW Spruce Street, Oregon Highway #217, and SW Greenburg Road) those lands covered with water supporting fish and wildlife habitat. These are federal and state "wetlands" that have increased and the City of Tigard has deemed them to be 'significant wetlands'.

It appears that the combination of the proposed decrease in wetlands acreage and the proposed wall would increase the elevation of the surface water of the 100-year flood plain

CPO-4M was involved in the lack of fulfillment of the proposed Washington Square Regional Center and the Presidential Parkway proposals in the late 1990s. CPO members thought the wetlands were protected.

===== **TRAFFIC & PARKING** =====

Does Tigard have traffic problems already? Yes. Has there been a city traffic study along SW Oak Street recently? This morning at 6am I did a little parking study. On the north side of SW Oak Street there are signs that say "No Parking This Side of the Street." I saw two vehicles parked illegally on the north side of Oak Street and in the bike lane.

In addition, parking along SW 90th was full this morning at 6:10am.

At the Neighborhood meeting, the applicant said: "Parking will be provided to meet minimum requirements of City of Tigard."

But now they want a variance on parking. CPO-4M opposes the request for a variance for off-street parking and loading requirements code [Code 18.765] because they are unable to provide enough parking spaces for all the 1-bedroom and 2-bedroom units. Fifty-one vehicles without parking spaces will create a serious parking overflow.

The applicant's claims about Tri-Met are not accurate either.

It is more than one-quarter of a mile to any of the Tri-Met bus line stops (routes #43, #76, #78) on Locust, Hall or Greenburg roads.

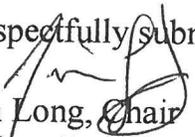
[Goal 7 Hazards] There are economic and insurance liabilities from building in the floodplain. The City of Tigard and its citizens have already experienced costly negative economic issues due to overbuilding (poor planning decisions) on Bull Mountain.

[Code: 18.795] **Visual clearance** – The proposed four 4-story buildings along SW Oak Street would block scenic viewpoints.

Also, for the record, when asked at the Neighborhood Meeting if any of this 'complex' will be affordable housing, the developer's answer was, "No, it won't be affordable." The applicant's minutes of the Neighborhood meeting clearly differ from our minutes.

So in summary, we oppose the variance in city codes for parking and wetlands and request continuance beyond the holiday season to allow for full deliberation of the issues.

Respectfully submitted,


Jim Long, Chair
Citizen Participation Organization-4M
10730 SW 72nd Avenue
Tigard, OR 97223

Letter to Gary- My story:

My husband and I have been living at 10455 SW 87th since 1996. Our front door faces the old Lyon (Don and Hazel) farm house across 87th that sits on Hall. In 50 years their house never flooded. Ash creek runs through it until it runs under the bridge across Oak and on to the flood plain adjacent to the wetland that this apartment proposal hopes to molest. Every winter since we moved in, the floodplain to the right of us would fill with water-until 2004.

When the sewer line was installed in 2004, that stretch, we noticed truckloads of dirt being brought in to the flood plain (with tremendous amount of dust to compromise our attempt to paint our house) At the same time pumps were being brought in as well. As I understand it, the owner of that property was exercising his own agenda for pumping water. As well he pasteurized horses as the rest of my neighbors were told they could not have chickens.

Since that time the water has found another place to go. It now collects across from us in the yard of Hazel Lyon. Ill and elderly she worried about her property but had no energy to research it. She has since passed away and a new owner has acquired the land.

Below are photos of her flooding which is happening half the time now during winter. In the center of the 4th photo, is a berm added by the sewer project, but you can see it did very little good. As well our back yard has become a soupier each winter. The more this stretch of land gets messed with, the wetter we become.

So my question is, what exactly do I have as a land owner, beside the fact that I am a Audubon member and bird steward who is profoundly disappointed with the zoning that allowed for this proposal, and besides the fact that I have already witnessed multiple traffic accidents on that blind corner of 87th, and Oak, and besides the fact that my neighborhood already rejected the regional center plan, that would see any benefit to this investment that is applying a real hazard to us and other neighbors. I vehemently urge reconsideration of this plan.

