



# City of Tualatin

www.tualatinoregon.gov

## APPLICATION FOR ARCHITECTURAL REVIEW

Direct Communication to:		
Name: Kevin Brady	Title: Senior Planner	
Company Name: Cardno		
Current address: 5414 SW Westgate Drive, Suite 100		
City: Portland	State: OR	ZIP Code: 97221
Phone: 503-419-2500	Fax: None	Email: kevinbradyman@yahoo.com
Applicant		
Name: David Gildersleeve	Company Name: Nyberg CenterCal II, LLC	
Address: 1600 East Franklin Avenue		
City: El Segundo	State: CA	ZIP Code: 90245
Phone: 206-454-9575	Fax: None	Email: Dgildersleeve@centercal.com
Applicant's Signature:		Date:
Property Owner		
Name:	Nyberg Centercal II, LLC	
Address: 1600 East Franklin Avenue		
City: El Segundo	State: CA	ZIP Code: 90245
Phone: 310-563-6900	Fax: 310-563-6905	Email: dgildersleeve@centercal.com (owner rep.)
Property Owner's Signature: <i>[Signature]</i>		Date: 12.17.15
(Note: Letter of authorization is required if not signed by owner)		
Architect		
Name: Tony Brizendine, C2K Architecture Inc		
Address: 1645 NW Hoyt		
City: Portland	State: OR	ZIP Code: 97209
Phone: 503-444-2200	Fax: None	Email: tbrizendine@c2karch.com
Landscape Architect		
Name: Becky Strickler		
Address: 5414 SW Westgate Drive,		
City: Portland	State: OR	ZIP Code: 97221
Phone: 503-419-2500	Fax: None	Email: bstrickler@cardno.com
Engineer		
Name:	Dan Morrison	
Address: 5415 SW Westgate Drive,		
City: Portland	State: OR	ZIP Code: 97221
Phone: 503-419-2500	Fax: None	Email: dmorrison@cardno.com
Project		
Project Title: Pad J, Nyberg Center		
Address: 7415 SW Nyberg St,		
City: Tualatin	State: OR	ZIP Code:
Brief Project Description: New, <u>80,000</u> square-foot retail building at existing Nyberg Center. Tenants to be determined.		
Proposed Use: Retail in Central Commercial		

**CITY OF TUALATIN FACT SHEET**

**General**

Proposed use: <i>Retail</i>	
Site area ( <i>overall</i> )	22.7 acres
Development area:	2.35 acres
	102,557 Sq. ft.
Building footprint:	8,000 sq. ft.
Paved area:	<i>existing</i> sq. ft.
Development area coverage:	100 %

**Parking**

Spaces required (see TDC 73.400) (example: warehouse @ 0.3/1000 GFA) _____ @ _____ /1000 GFA = _____ _____ @ _____ /1000 GFA = _____ _____ @ _____ /1000 GFA = _____ Total parking required: _____ spaces Handicapped accessible = _____ Van pool = _____ Compact = (max. 35% allowed) = _____ Loading berths = _____	Spaces provided: Total parking provided: Standard = _____ Handicapped accessible = _____ Van pool = _____ Compact = _____ Loading berths = _____ <i>All existing, no new proposed</i> (All Parking Part of Nyberg Rivers Development)
--	---

**Bicycles**

Covered spaces required:	Covered spaces provided: 12
--------------------------	-----------------------------

**Landscaping**

Landscaping required: 15 % of dvpt. area Square feet	Landscaping provided: 17 % of dvpt. area 2,995 Square feet
Landscaped parking island area required: _____ %	Landscaped parking island area provided: N/A %

(Nyberg Rivers Development Meets 15% Landscape Required)

**Trash and recycling facility**

Minimum standard method:	square feet
Other method: N/A	square feet

**For commercial/industrial projects only**

Total building area: 8,000	sq. ft.	2 <sup>nd</sup> floor: N/A	sq. ft.
Main floor: 8,000	sq. ft.	3 <sup>rd</sup> floor: N/A	sq. ft.
Mezzanine: N/A	sq. ft.	4 <sup>th</sup> floor: N/A	sq. ft.

**For residential projects only**

Number of buildings: N/A	Total sq. ft. of buildings: N/A	sq. ft.
Building stories: N/A		



***First American Title Company of Oregon***  
*National Commercial Services*  
**200 SW Market Street Suite 250**  
**Portland, OR 97201**  
*(503)795-7600 - Fax (866)678-0591*

Title Officer: **Steve Manome**  
(503)219-8742  
smanome@firstam.com  
(866)678-0591

**LOT BOOK SERVICE**

First American Title  
2892 Crescent Ave  
Eugene , OR 97408

Order No.: NCS-780414-OR1

Attn: Tonya Silke  
Phone No.: (541)484-2900 - Fax No.: (877)783-9167  
Email: mlind@firstam.com

Re: Nyberg Rivers Center

Fee: \$500.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of February 24, 2016 at 8:00 a.m.

We find that the last deed of record runs to

D.R.M. 7445 Nyberg Road, LLC, an Oregon limited liability company

We also find the following apparent encumbrances prior to the effective date hereof:

1. Abutter's rights of ingress and egress to or from I-5 have been relinquished in the document recorded February 19, 1969 as [Book 733, page 719](#) of Official Records.
2. Easement, including terms and provisions contained therein:  
Recording Information: May 2, 1973 in [Book 922, page 474](#)  
In Favor of: Adjacent property owners  
For: Ingress and egress

3. Easement, including terms and provisions contained therein:  
Recording Information: December 19, 1974 in [Book 1005, page 41](#)  
In Favor of: The City of Tualatin  
For: Water service line and sanitary sewer
4. The terms and provisions contained in the document entitled "Irrevocable License Agreement" recorded November 27, 1985 as Recording No. [85047397](#) of Official Records.
5. **A Line of Credit** Deed of Trust to secure an original indebtedness of \$1,261,000.00 recorded October 31, 2007 as Recording No. [2007-115003](#) of Official Records.  
Dated: October 30, 2007  
Trustor: Dean R. MacBale and Rana MacBale  
Trustee: UPF Services, LLC, a Washington corporation  
Beneficiary: Riverview Community Bank

A document recorded February 25, 2008 as Recording No. [2008-016248](#), of Official Records provides that the Deed of Trust/Mortgage or the obligation secured thereby has been modified.

A document recorded April 8, 2008 as Recording No. [2008-031520](#) of Official Records provides that Brad L. Williams was substituted as trustee under the deed of trust.

The terms and provisions contained in the document entitled "Amended and Restated Deed of Trust" recorded February 28, 2014 as Recording No. [2014-011963](#) of Official Records.

A document entitled "Assignment of Rents" recorded February 28, 2014 as Recording No. [2014-011964](#) of Official Records, as additional security for the payment of the indebtedness secured by the deed of trust.

6. The terms and provisions contained in the document entitled "Easement Agreement" recorded March 10, 2014 as Recording No. [2014-013490](#) of Official Records.
7. Terms and provisions of an unrecorded lease dated July 2, 2014, by and between D.R.M. 7445 Nyberg Road, LLC, an Oregon limited liability company as lessor and Nyberg Centercal II, LLC, a Delaware limited liability company as lessee, as disclosed by a Memorandum of Lease recorded July 1, 2014 as Recording No. [2014-039868](#) of Official Records.  
  
A document recorded July 1, 2014 as Recording No. [2014-039883](#) of Official Records provides that the above document was subordinated to the document recorded October 31, 2007 as Recording No. [2007-115003](#) of Official Records.
8. Terms and provisions of an unrecorded lease dated July 22, 2013, by and between D.R.M. 7445 Nyberg Road, LLC, an Oregon limited liability company as lessor and Cabela's Wholesale, Inc., a Nebraska corporation as lessee, as disclosed by a Memorandum of Lease recorded July 28, 2014 as Recording No. [2014-046103](#) of Official Records.

9. **A Line of Credit** Deed of Trust to secure an original indebtedness of \$28,000,000.00 recorded July 28, 2014 as Recording No. [2014-046153](#) of Official Records.  
Dated: June 27, 2014  
Trustor: Nyberg Centercal II, LLC, a Delaware limited liability company  
Trustee: Chicago Title Company of Oregon  
Beneficiary: Union Bank, N.A., as Administrative Agent  
  
(Affects a leasehold interest and covers additional property)
10. The terms and provisions contained in the document entitled "Subordination, Nondisturbance and Attornment Agreement" recorded July 28, 2014 as Recording No. [2014-046154](#) of Official Records.  
Tenant: Fitness International, LLC, a California limited liability company
11. The terms and provisions contained in the document entitled "Subordination, Nondisturbance and Attornment Agreement" recorded July 28, 2014 as Recording No. [2014-046155](#) of Official Records.  
Tenant: Michaels Stores, Inc., a Delaware corporation
12. Unrecorded leases or periodic tenancies, if any.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens:

1. City liens, if any, for the city of Tualatin.  
  
Note: An inquiry has NOT been made concerning the actual status of such liens. A fee of \$25.00 will be charged per tax account each time an inquiry request is made.
2. These premises are within the boundaries of the Clean Water Services District and are subject to the levies and assessments thereof.

NOTE: Taxes for the year 2015-2016, paid in full.

Tax Amount:	\$21,242.21
Code No.:	023.76
Map & Tax Lot No.	2S124A-02508
Property ID/Key No.	R532953

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

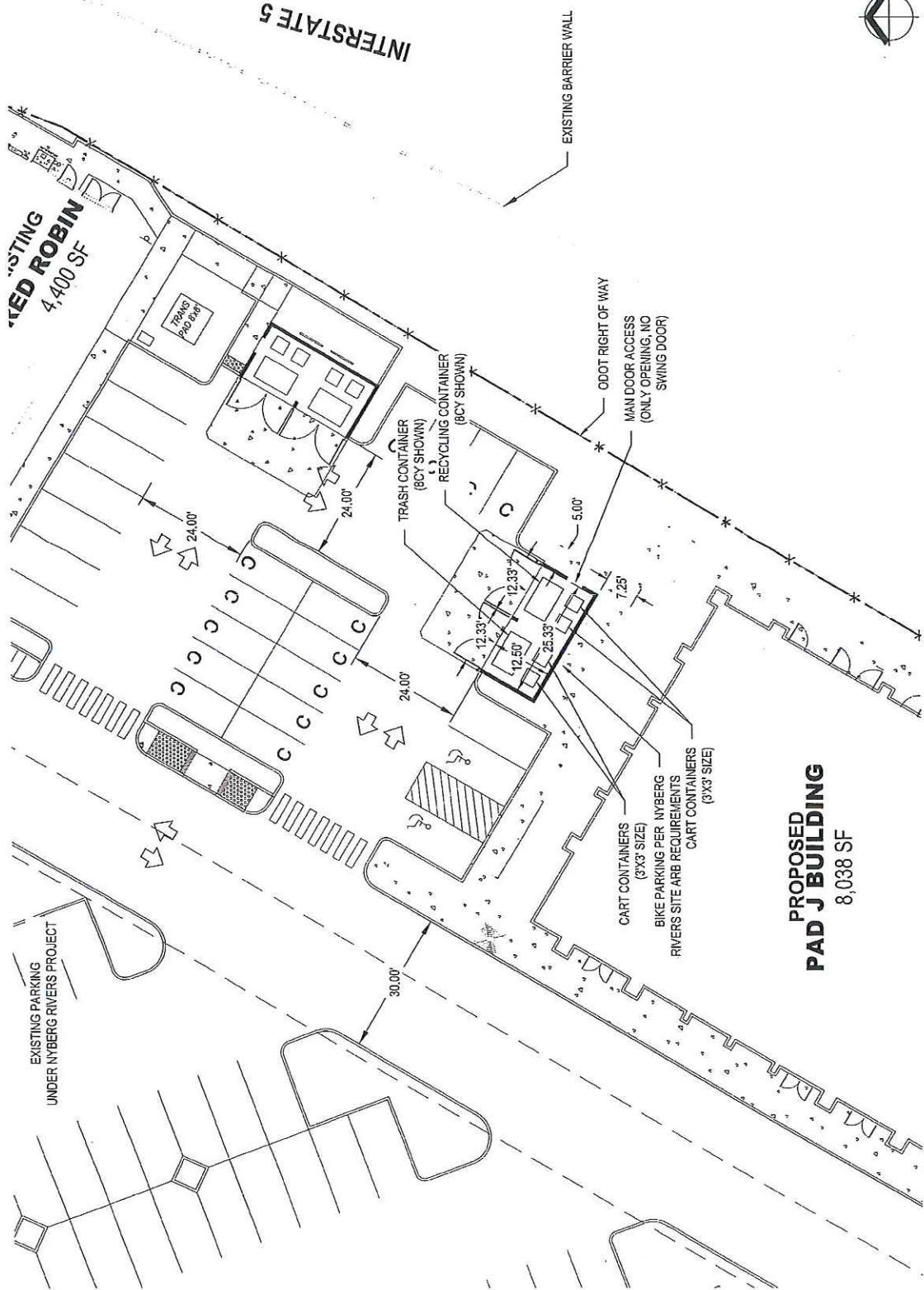
## Exhibit "A "

Real property in the County of Washington , State of Oregon, described as follows:

That tract of land described in Deed Document No. [2004-135929](#), Washington County Deed Records, located in the Northeast quarter of Section 24, Township 2 South, Range 1 West o the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at the Southwest corner of said Deed Document No. [2004-135929](#); thence, along the Westerly line of said Deed Document, North 00°13'45" West 361.43 feet to the Northwest corner thereof; thence, along the Northerly line of said Deed Document, North 89°46'15" East 374.82 feet to a point on the Westerly right of way line of the Southbound lane of Interstate Highway No. 5, said point being 154.33 feet Westerly of the centerline thereof, when measured perpendicular thereto; thence, along said Westerly right of way line, South 21°33'44" West 113.08 feet; thence South 31°00'49" West 299.93 feet to the Northerly right of way line of SW Nyberg Road (County Road No. 2545) (variable width); thence, along said Northerly right of way line, South 89°46'15" West 177.28 feet to the point of beginning.

78 *Lowry*  
11/9/16



SCALE: 1"=20'  
DATE: 1/1/2016

**NYBERG RIVERS PAD J TRASH ENCLOSURE**  
SCALE: 1"=20'

**PROPOSED  
PAD J BUILDING  
8,038 SF**

# **PAD J**

## **Nyberg Rivers Tualatin, Oregon**

**An Application For:**  
Architectural Review

Submitted January 21, 2015

Applicant:  
**CenterCal**  
Nyberg CenterCal II, LLC  
1600 East Franklin Avenue  
El Segundo, CA 90245  
Contact: David Gildersleeve

Prepared by:  
**Cardno**  
5415 SW Westgate Drive, Suite 100  
Portland, Oregon 97221  
Phone: (503) 419-2500  
Contact: Kevin Brady



*PAGE INTENTIONALLY LEFT BLANK*

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>5</b>
<b>Project summary .....</b>	<b>6</b>
PROPOSAL.....	6
<b>TDC CHAPTER 31: GENERAL PROVISIONS .....</b>	<b>8</b>
Section 31.020 Classification of Planning District .....	8
Section 31.063 Neighborhood/ Developer Meetings. ....	8
Section 31.064 Land Use Applications. ....	8
<b>TDC CHAPTER 53: CENTRAL COMMERCIAL PLANNING DISTRICT .....</b>	<b>10</b>
Section 53.020 Permitted Uses.....	10
Section 53.060 Lot Size. ....	10
Section 53.070 Central Urban Renewal Area - Lot Sizes. ....	10
Section 53.080 Setback Requirements.....	11
Section 53.090 Structure Height. ....	12
Section 53.100 Access.....	12
<b>TDC CHAPTER 73: COMMUNITY DESIGN STANDARDS.....</b>	<b>12</b>
<b>ARCHITECTURAL REVIEW APPROVAL .....</b>	<b>12</b>
73.050 CRITERIA AND STANDARDS.....	13
<b>COMMERCIAL DESIGN STANDARDS.....</b>	<b>14</b>
Section 73.150 Objectives.....	14
Section 73.160 Standards.....	18
Section 73.210 Objectives.....	21
Section 73.220 Standards.....	23
Section 73.225 Mixed Solid Waste and Source Separated Recyclables Storage Areas for New or Expanded Multi-Unit Residential, Including Townhouses, Commercial, Industrial, Public and Semi-Public Development. ....	24
Section 73.226 Objectives.....	24
Section 73.227 Standards.....	25
<b>LANDSCAPING.....</b>	<b>28</b>
Section 73.240 Landscaping General Provisions. ....	28
Section 73.250 Tree Preservation.....	29
Section 73.260 Tree and Plant Specifications. ....	29
Section 73.280 Irrigation System Required.....	30
Section 73.310 Landscape Standards - Commercial, Industrial, Public and Semi-Public Uses. ....	30
<b>OFF-STREET PARKING LOT LANDSCAPING .....</b>	<b>31</b>
Section 73.320 Off-Street Parking Lot Landscaping Standards. ....	31
Section 73.370 Off-Street Parking and Loading. ....	31
Section 73.380 Off-Street Parking Lots.....	34
Section 73.400 Access.....	35
<b>CONCLUSION.....</b>	<b>36</b>

**EXHIBITS**

Exhibit A	AR Application
Exhibit B	Narrative
Exhibit C	Tax Map/Title Report
Exhibit D	Pre-Application/Neighborhood Meeting Materials
Exhibit E	Geotechnical Report
Exhibit F	CWS SPL
Exhibit G	Franchise Hauler Plan/Letter
Exhibit H	AR Plan Set (Reduced)

# INTRODUCTION

## GENERAL INFORMATION

**Applicant:** **CenterCal**  
Nyberg CenterCal II, LLC  
1600 East Franklin Avenue  
El Segundo, CA 90245  
(206) 454-9575  
Contact: David Gildersleeve

**Property Owner:** Tuala Northwest LLC  
5638 Dogwood Drive  
Lake Oswego, Oregon 97035

**Applicant's Representative** Cardno  
5415 SW Westgate Drive; Suite 100  
Portland, Oregon 97221  
(503) 419-2500  
Contact: Kevin Brady, Senior Planner  
[kevin.brady@cardno.com](mailto:kevin.brady@cardno.com)

**Tax Lot Information:** 2S124A002508

**Location:** 7425 SW Nyberg Street  
Tualatin, Oregon 97062

**Current Zoning:** Central Commercial (CC)

## **PROJECT SUMMARY**

### **PROPOSAL**

The Applicant requests architectural review approval of an approximately 80,038 square foot (SF) retail building within the recently constructed Nyberg Rivers retail center. The proposed retail building pad is located within tax lot 2S124A002508 and will utilize the existing infrastructure and tie into the existing site parking, landscaping, drive aisles and pedestrian connections. The physical address for the restaurant is 7425 SW Nyberg Street. As shown on the Site Plan, Sheet C2.0 in Exhibit H, the existing site square footage is 102,557.25 SF, while the development area associated with this application is .40 acres, or 17,563.20 SF. Proposed total site landscaping is 2,996 square feet, or 17 percent of development area.

The building will be oriented with the front elevation facing northwest toward the large parking area and larger commercial retail buildings. As shown on the building elevations provided under Exhibit H, the north elevation shows the primary entrances along the entire north elevation. As shown on the Site Plan provided in Exhibit H, Sheet C2.0, sidewalks are shown along portions of all sides of the building and those sidewalks tie into the existing pathways and striped crosswalks located throughout Nyberg Rivers. There are no new parking stalls proposed for this development, as well required parking has already been constructed for this proposed building and the entire site. There are 2 ADA stalls located east of the main entrances of the building.

Proposed utility connections are shown in the Public Utility Facility Plan on Sheet C5.0 within Exhibit H. The plans include 2-inch domestic water at the southeast side of the building, along with a 6-inch fire water and FDC connection in the same location. Sanitary will also connect to the building along the southeast side, where there is a 6-inch line to serve the building. Aside from the overall Nyberg Rivers storm water system, there is one additional catch basin that will connect to the system. That catch basin is located in the trash enclosure portion of the proposed development area.

**FIGURE 1: AERIAL WITH TAX LOTS**



# TDC CHAPTER 31: GENERAL PROVISIONS

## Section 31.020 Classification of Planning District.

In order to carry out the objectives of the Tualatin Community Plan, land within the City is divided into planning districts. The established planning districts shall be designated on the Plan Map, and the planning district designations shall be as follows:

Planning District	Abbreviated Designation
Central Commercial	CC

**Response:** As shown on the zoning map provided in Figure 2 above, the proposed restaurant is within the CC Planning District. Therefore, this narrative will address all applicable code regulations pertaining to the CC Planning District.

## Section 31.063 Neighborhood/ Developer Meetings.

- (1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

**Response:** A neighborhood meeting for this proposal was held on November 24, 2015 from 5:30 to 6:30 p.m. at the Juanita Pohl Center at 8513 SW Tualatin Road in Tualatin. Notice to adjacent property owners and the Community Involvement Organizations (CIOs) was sent out on November 9, 2015 and a notice sign was posted on-site to meet the 14 calendar day notice requirements. All neighborhood meeting materials and affidavits of mailing and postings are provided in Exhibit D.

## Section 31.064 Land Use Applications.

This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

- (1) Mail: An applicant shall mail notice of a Neighborhood/Developer Meeting and the City shall mail notice of application submittal as follows:

**Response:** As this project involves an Architectural Review application, the requirements for mailing and sign posting for development applications apply. Notices to adjacent property owners and the CIOs were sent out on November 9, 2015 and a notice sign was posted on-site that same day to meet the 14 calendar day notice requirements. All neighborhood meeting material and affidavits of mailing and postings are provided in Exhibit D.

**(2) Sign Posting: The applicant shall as follows both provide and post on the subject property a sign that conforms to the standard design established by the City for signs notifying the public of land use actions:**

- (a) Minimum Design Requirements: The sign shall be waterproof, and the face size shall be eighteen (18) by twenty-four (24) inches (18 x 24) with text being at least two (2) inches tall.**
- (b) On-site Placement: Prior to land use application submittal, the applicant shall place a sign along the public street frontage of the subject property or, if there is no public street frontage, along the public right-of-way (ROW) of the street nearest the subject property. A subject property having more than one public street frontage shall have at least one posted sign per frontage with each frontage having one sign.**

**For a subject property that has a single frontage that is along a dead-end street, the applicant shall post an additional sign along the public ROW of the nearest through street. The applicant shall not place the sign within public ROW pursuant to TDC 38.100(1); however, for a subject property that has no public street frontage or that has a single frontage that is along a dead-end street, the applicant may place the sign within public ROW of the nearest street.**

- (c) Proof of Posting: The applicant shall submit as part of the land use application submittal an affidavit of posting to the Community Development Director or when applicable the City Engineer.**
- (d) Removal: If the sign disappears prior to the final decision date of the subject land use application, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the City makes a final decision on the subject land use application.**

**Response:** As this project involves an Architectural Review application, the requirements for mailing and sign posting for development applications apply. Notices to adjacent property owners and the CIOs were sent out on November 9, 2015 and a notice sign was posted on-site that same day to meet the 14 calendar day notice requirements. All neighborhood meeting material and affidavits of mailing and postings are provided in Exhibit D, including photos of the posted signs.



## TDC CHAPTER 53: CENTRAL COMMERCIAL PLANNING DISTRICT

### Section 53.020 Permitted Uses.

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

#### (41) Retail

**Response:** According to TDC 53.020(41), Permitted Uses within the Central Commercial Planning District, retail uses are permitted outright. Therefore, the proposed retail uses are a permitted use.

### Section 53.060 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

- (1) The minimum lot size shall be 10,000 square feet.
- (2) The minimum average lot width shall be 75 feet.
- (3) The minimum lot width at the street shall be 40 feet.
- (4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).
- (5) The minimum lot width at the street shall be 40 feet on a cul-de-sac street. [Ord. 866-92, §16, 4/27/92; Ord. 965-96, §54, 12/9/96]

**Response:** As shown on the Site Plan (Sheet C2.0 in Exhibit H), the proposed building will be located on an existing legal lot identified as Tax Lot 2S124A002508.

This lot encompasses a portion of Nyberg Rivers and is 102,557.25 SF or approximately 2.35 acres. All of the dimensions for lot size meet the minimum lot size requirements listed above to achieve the lot size requirements, and were approved under AR-13-07 for the Nyberg Rivers Shopping Center.

### Section 53.070 Central Urban Renewal Area - Lot Sizes.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, and excepting any lot in the Core Area Parking District where TDC 53.070(1)-(5) apply, the minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3:

- (1) Except for mixed use developments, and common-wall dwellings on separate lots:
  - (a) The minimum lot area shall be 5,000 square feet.
  - (b) The minimum average lot width shall be 40 feet.
  - (c) The minimum lot width at the street shall be 40 feet.
  - (d) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements in TDC 73.400(8) - (12).
  - (e) The minimum lot width at the street shall be 35 feet on a cul-de-sac street.
- (3) The minimum lot width at the street shall be 40 feet.
- (4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).
- (5) The minimum lot width at the street shall be 40 feet on a cul-de-sac street.

**Response:** As shown on the Site Plan (Sheet C2.0 in Exhibit H), the proposed building will be located on an existing legal lot identified as Tax Lot 2S124A002508. This lot encompasses a large portion of Nyberg Rivers and is approximately 2.35 acres. All of these dimensions meet the minimum lot size requirements listed above to achieve the Central Urban Renewal Area lot size requirements, and were approved under AR-13-07 for the Nyberg Rivers Shopping Center.

**Section 53.080 Setback Requirements.**

- (1) Front yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review Process.
- (2) Side yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review process.
- (3) Rear yard. Zero to 15 feet, as determined through the Architectural Review process.
- (5) Off-street parking and vehicular circulation areas shall be set back a minimum of five (5) feet from any public right-of-way or property line, except as approved through the Architectural Review process.
- (6) No fence shall be constructed within 5 feet of a public right-of-way, except that in residential and mixed use residential developments within the Central Design District the minimum fence setback shall be determined through Architectural Review, with no minimum requirement.

**Response:** As shown on the Site Plan in Exhibit H, the location of the building pad meets all setback requirements listed above. All off street parking and vehicular circulation areas are set back greater than 5 feet from the property lines.

### Section 53.090 Structure Height.

- (1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, and except as provided in TDC 54.070(2), the maximum height of any structure is 45 feet.

**Response:** As shown on the building elevation included in Exhibit H, the proposed building height (including parapet) is approximately 14 feet.

### Section 53.100 Access.

Except as provided below, no lot shall be created without provision for access to the public right-of-way in accordance with TDC 73.400 and TDC Chapter 75. Such access may be provided by lot frontage on a public street, or via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.

**Response:** As shown on the Site Plan in Exhibit H and Figure 1 above, the site abuts the Nyberg Road right-of-way (ROW) along the south and the public access easement located to the northwest of the building's main entrance. Access into the site is provided from the primary drive aisle with access from SW Nyberg Street, located to the south of the subject site.

## TDC CHAPTER 73: COMMUNITY DESIGN STANDARDS

### ARCHITECTURAL REVIEW APPROVAL

- (1) Except for an addition or alteration to an existing single-family dwelling when it results in less than a 35% expansion of the structure's existing footprint or less than a 35% alteration of an existing wall plane or only affects the wall plane of the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, as permitted by these standards, no new building, condominium, townhouse, single family dwelling, addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), manufactured dwelling park, small-lot subdivision, landscape improvement (excluding greenways, parks and other Parks and Recreation Department road side improvements), parking lot improvement or expansion, above ground public utility facility (sewer or water pump stations, pressure reading stations and water reservoir), electrical substation, above ground natural gas pumping station, installation of decorative lighting (e.g. neon), exterior painting, awnings, murals, wireless communication facility, attached wireless communication facility or exterior major remodeling

shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable standards or criteria.

**Response:** This request is for a new retail building within the Nyberg Rivers commercial center. Therefore, the community design standards and architectural review approval criteria apply to the project. This narrative and the supporting plans and studies are submitted as evidence for Architectural Review approval.

### 73.050 CRITERIA AND STANDARDS

(1) **In exercising or performing his or her powers, duties, or functions, the Community Development Director shall determine whether there is compliance with the following:**

(a) **The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved;**

**Response:** The proposed site development is in conformance with the standards defined within the Community Design Standards in Chapter 73, as well as all other development code regulations. This narrative is provided as supporting evidence to show that the proposed development meets the location, height, and appearance standards of the development code.

(b) **The proposed design of the development is compatible with the design of other developments in the general vicinity; and**

**Response:** The proposed retail design and architectural features of the building are consistent with the context of the site within the overall Nyberg Rivers commercial center and the varying aesthetic provided within the center. The primary stone veneer base and columns complement materials used through the remainder of the center. The extensive use of glazing also is consistent with other small retail buildings on the site. Also, it should be noted that all on-site landscaping was considered and selected to ensure consistency with the overall development.

(c) **The location, design, size, color and materials of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.**

**Response:** The proposed retail materials and architectural features of the building are consistent with the context of the site within the overall Nyberg Rivers commercial center. The primary cultured stone veneer materials complement the design character of other buildings on-site, such as the New Seasons, Cabela's, Home Goods, LA Fitness, and other outlying buildings. These existing buildings also

apply similar architectural features, such as parapets, window awnings, stone finishes, columns, expanded sidewalk areas and plaza spaces.

- (2) **In making his or her determination of compliance with the above requirements, the Community Development Director shall be guided by the objectives and standards set forth in this chapter. If the architectural review plan includes utility facilities or public utility facilities, then the City Engineer shall determine whether those aspects of the proposed plan comply with applicable standards.**

**Response:** The request complies with the City's development standards. Responses and findings are provided under each applicable standard in the following sections of this land use narrative. This project is subject to input received from the Community Development Director and the City Engineer.

## **COMMERCIAL DESIGN STANDARDS**

### **Section 73.150 Objectives.**

**All commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Site elements shall be placed and designed, to the maximum extent practicable, to:**

- (1) **Provide convenient walkways and crosswalks which separate pedestrians from vehicles and link primary building entries to parking areas, other on-site buildings and the public right-of-way.**

**Response:** A pedestrian connection is proposed to connect the proposed building pad to the surrounding existing and planned developments. A raised 6-foot curbed pathway is proposed fronting the future main building entrances. The on-site walkways connect to the other commercial center walkways, with striped pedestrian crossings provided across vehicle circulation areas.

- (2) **Avoid barriers to disabled individuals.**

**Response:** Walkways are provided to connect the project's ADA parking stalls to the primary entrance to the retail building, and also provide a route to the sidewalk network that serves the Nyberg Rivers center.

- (3) **Locate and design drive-through facilities in a manner which does not conflict with pedestrian routes or other vehicular circulation and minimizes adverse impacts on adjacent properties.**

**Response:** No drive-through facility is proposed as part of this request.

- (4) Break up parking areas with landscaping (trees, shrubs and walkways) and buildings to lessen the overall impact of large paved areas.**

**Response:** There are no proposed impacts or changes to the existing parking areas. As shown on the Site Plan and Landscape Plan provided in Exhibit H, all existing parking areas are broken up with landscaping and walkways to lessen the overall impact of large paved areas. Parking lot landscape islands are installed at the end of each parking area and the parking stalls do not exceed more than 7 consecutive stalls before a landscape island is provided.

- (5) Utilize landscaping in parking areas to direct and control vehicular movement patterns, screen headlights from adjacent properties and streets, and lessen the visual dominance of pavement coverage.**

**Response:** As shown on the Site Plan and Landscape Plan provided in Exhibit H, all parking areas are broken up with landscaping and walkways to direct and control vehicular movement patterns, screen headlights from adjacent properties and the restaurant, and to lessen the visual dominance of large paved areas.

- (6) Provide vehicular connections to adjoining sites.**

**Response:** Because this retail pad is part of the larger Nyberg Rivers commercial center, vehicular access is designed to connect with adjoining buildings within the overall center. The building is oriented into the central portion of the site, where there is a large parking area with drive aisles to link adjoining buildings and access to the public street system.

- (7) Emphasize entry drives into commercial complexes and industrial park developments with special design features, such as landscaped medians, water features and sculptures.**

**Response:** While a primary entry drive is not associated with this scope of work, the Nyberg Rivers central entry drive from SW Nyberg Street features a landscaped median with signage and a primary pedestrian walkway. This central entry then connects to the interior drive aisles that link to the east and to the proposed retail site.

- (8) Locate, within parking lots, pedestrian amenities and/or landscaping in areas which are not used for vehicle maneuvering and parking.**

**Response:** Aside from parking stalls and vehicle maneuvering areas, the parking lot is comprised of pedestrian walkways and landscaping.

- (9) Encourage outdoor seating areas which provide shade during summer and sun during winter, trash receptacles and other features for pedestrian use. Plantings with a variety of textures and color are encouraged.**

**Response:** There are no outdoor seating areas proposed with this development. Therefore, this standard is not applicable.

**(10) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.**

**Response:** The proposed building design and material types will create visual and aesthetic interest for visitors to the retail building. Landscape plantings will screen portions of the site and also break up the building massing to create visual interest for both the building and overall site. This project will also tie into the existing pedestrian network to create other viewpoints into the site.

**(11) Conserve, protect and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas.**

**Response:** The proposed retail building has no effect on fish and wildlife habitat areas. On-site stormwater treatment will limit surface water runoff which will improve fish habitat areas.

**(12) Provide safe pathways for pedestrians to move from parking areas to building entrances.**

**Response:** The primary restaurant entrance provides safe pedestrian pathways from the main parking areas to the entrance. There is also a secondary entrance located on the southwest side of the building with pedestrian access to the ADA compliant parking stalls.

**(13) Design the location of buildings and the orientation of building entrances for commercial, public and semi-public uses such as churches, schools and hospitals to provide adequate pedestrian circulation between buildings and to provide preferential access for pedestrians to existing or planned transit stops and transit stations.**

**Response:** As this site is part of the larger Nyberg Rivers commercial center, the proposed retail pad provides pedestrian connectivity to the overall pedestrian network which connects pedestrians to buildings, adjacent roadways, and the proposed regional Tualatin greenway trail.

**(14) Provide accessways between commercial, public and semi-public development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and/or a bike lane is provided or designated; and abutting residential, commercial and semi-public property.**

**Response:** As this site is part of the larger Nyberg Rivers commercial center, the proposed retail pad provides pedestrian connectivity to the overall pedestrian network which connects pedestrians to buildings, adjacent roadways, and the proposed regional Tualatin greenway trail.

- (15) **Provide accessways between industrial development and abutting greenways where a bikeway or pedestrian path is provided or designated.**

**Response:** The proposed retail use is a commercial use; this criterion is not applicable to the project.

- (16) **Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway, and provide continuity from property to property for pedestrians and bicyclists to use the accessway.**

**Response:** As this site is part of the larger Nyberg Rivers commercial center, the accessways proposed with the retail building provides pedestrian connectivity to the overall pedestrian network. The pedestrian paths connect pedestrians to adjacent buildings, roadways to the south and west, and the proposed Tualatin greenway trail.

- (17) **Provide preferential parking for carpool and vanpools to encourage employees to participate in carpools and vanpools.**

**Response:** As this project does not impact existing parking areas, the current configuration of carpool and vanpool stalls will remain as-is.

- (18) **Screen elements such as mechanical and electrical equipment, above ground sewer or water pump stations, pressure reading stations and water reservoirs from view.**

**Response:** The proposed mechanical equipment will be located on the retail building rooftop and will be screened by a parapet on all elevations. As indicated in the elevations in Exhibit H, none of the mechanical equipment is visible from any portion in the proposed development.

- (19) **Parking structure exteriors and underground parking should be designed to be harmonious with surrounding buildings and architecturally compatible with the treatment of buildings they serve.**

**Response:** There is no parking structure or underground parking proposed with this request. Therefore, this provision is not applicable to this request.

- (20) **When a fish and wildlife habitat area abuts or is on the subject property the applicant and decision authority for a development application should consider locating buildings farther away from the fish and wildlife habitat area.**

**Response:** No portion of the redevelopment site abuts or is located on a fish or wildlife habitat area. Therefore, this provision does not apply.



## Section 73.160 Standards.

The following standards are minimum requirements for commercial, industrial, public and semi-public development, and it is expected that development proposals shall meet or exceed these minimum requirements.

### (1) Pedestrian and Bicycle Circulation.

#### (a) For commercial, public and semi-public uses:

- (i) a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;
- (ii) walkways shall be provided between the main building entrances and other on-site buildings and accessways. The walkways shall be a minimum of 6 feet wide and shall be constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;
- (iii) walkways through parking areas, drive aisles, and loading areas shall be visibly raised and of a different appearance than the adjacent paved vehicular areas;
- (iv) accessways shall be provided as a connection from the development's internal bikeways and walkways to all of the following locations that apply: abutting arterial or collector streets upon which transit stops or bike lanes are provided or designated; abutting undeveloped residential or commercial areas; adjacent undeveloped sites where an agreement to provide an accessway connection exists; and to abutting publicly-owned land intended for general public use, including schools;
- (v) fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.

**Response:** As this site is part of the larger Nyberg Rivers commercial center, the proposed retail building ties into the overall pedestrian and bicycle circulation network. The on-site walkways connect to the existing circulation network to provide access between the main building entrance and the abutting Nyberg Road ROW. All proposed walkways are a minimum of 6-feet wide and constructed of concrete. Walkways through parking areas are striped to differentiate these areas from the adjacent paved vehicular areas.

- (vi) bikeways shall be provided which link building entrances and bike facilities on the site with the adjoining public right-of-way and accessways.

**Response:** As this site is part of the larger Nyberg Rivers commercial center, the proposed retail building ties into the overall pedestrian and bicycle circulation network. The on-site bikeways connect to the existing circulation network to provide access between the main building entrance and the abutting Nyberg Road ROW. All proposed bikeways are a minimum of 6-feet wide and constructed of concrete.

- (vii) **Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

**Response:** The proposed retail building connects to the overall Nyberg Rivers commercial center pedestrian and bicycle network. The network connects to the proposed Tualatin River greenway trail located to the north of Nyberg Rivers.

- (c) **Curb ramps shall be provided wherever a walkway or accessway crosses a curb.**

**Response:** As shown on the Site Plan provided in Exhibit H, curb ramps are provided wherever a walkway or accessway crosses a curb.

- (d) **Accessways shall be a minimum of 8 feet wide and constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private access-ways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

**Response:** All proposed walkways and pedestrian paths located on-site are 6-feet in width to meet the minimum sidewalk standard. Accessways are not provided for this project. There are accessways provided within Nyberg Rivers that do meet the minimum width and surface treatment requirements. The proposed 6-foot walkways and paths will connect to the existing pedestrian network featuring both sidewalks and accessways.

- (e) **Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to an undeveloped parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's re-view and approval.**

**Response:** Accessways are not provided for this site.

- (g) **Accessways shall be constructed, owned and maintained by the property owner.**

**Response:** Accessways are not provided for this site.

**(3) Safety and Security.**

- (a) Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.**

**Response:** As shown on the building elevations provided in Exhibit H, all windows are located to provide natural lighting which enables employees and patrons to watch over pedestrian and parking areas.

- (b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way.**

**Response:** As shown on the building elevations provided in Exhibit H, all windows and lighting are located to enable surveillance of interior activity from the adjacent drive aisles and parking areas.

- (c) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas.**

**Response:** As shown on the Site Plan provided in Exhibit H, all on-site lighting allows for surveillance of on-site activities from adjacent drive aisles and parking areas without shining lights into the adjacent SW Nyberg Street ROW.

- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services.**

**Response:** Signage will be provided to clearly mark the primary building access for both patrons and emergency services.

- (e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.**

**Response:** As shown on the Landscape Plan provided in Exhibit H, existing shrubs in parking areas do not exceed 30-inches in height and tree canopies do not extend below 8-feet measured from grade.

**(4) Service, Delivery and Screening.**

- (a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.**

**Response:** As shown on the updated Landscape Plan provided under Exhibit H, Sheets L1.0 and L1.1, the location for the proposed at-grade mechanical equipment, specifically the transformer pad, is screened using a combination of shrubs and trees. Tall Oregon Grape Holly are proposed abutting the transformer pad the southwest corner of the building. Jaquemontii Birch Tree and Pacific Nine Bark evergreen shrub provides additional screening.

### **Section 73.210 Objectives.**

**All commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Buildings shall be designed, to the maximum extent practicable, to:**

- (1) Minimize disruption of natural site features such as topography, trees and water features.**

**Response:** As this site is part of the Nyberg Rivers commercial center, previous site work, grading, and utility stubs were provided for a building pad. This proposal will not cause additional impacts to natural site features such as the topography, trees and water features.

- (2) Provide a composition of building elements which is cohesive and responds to use needs, site context, land form, a sense of place and identity, safety, accessibility and climatic factors.**

**Utilize functional building elements such as arcades, awnings, entries, windows, doors, lighting, reveals, accent features and roof forms, whenever possible, to accomplish these objectives.**

**Response:** As shown on the Site Plan and building elevations provided in Exhibit H, the proposed building materials and glazing, when combined with the proposed landscape materials, create an attractive and vibrant site that ties into the overall varied aesthetic promoted by Centercal and Nyberg Rivers. The building entrances and connections from the parking areas provide safe and accessible pathways into the site, while also connecting to the adjacent pathways and sidewalks within the overall Nyberg Rivers commercial center. As shown on the elevations in Exhibit H, the primary entrances feature a canopy entry, landscaping and expanded sidewalk areas to give the building depth and to draw attention to the entrances.

- (3) Where possible, locate loading and service areas so that impacts upon surrounding areas are minimized. In industrial development loading docks should be oriented inward to face other buildings or other loading docks. In commercial areas loading docks should face outward towards the public right-of-way or perimeter of the site or both.**

**Response:** There are no designated loading and unloading areas proposed. Deliveries to the future building will be coordinated during off-peak, non-business hours and loading will occur along the northwestern side of the proposed building pad. The delivery trucks will be primarily WB-55, with deliveries made 1-2 times each week. Retail delivery will be in the early afternoon, each with an approximate duration of 3 hours. The loading area is further screened from the Nyberg Road public right-of-way through existing and additional landscaping, as indicated in the Landscape Plan in Exhibit H.

- (4) **Enhance energy efficiency in commercial and industrial development through the use of landscape and architectural elements such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.**

**Response:** Site landscaping around the building pad will screen areas around the future building from the sun. In addition, window and door canopies are also proposed. Other energy efficient methods will be proposed with the building under a separate permit application. All of these measures will work to enhance energy efficiency.

- (5) **Locate and design entries and loading/service areas in consideration of climatic conditions such as prevailing winds, sun and driving rains.**

**Response:** The primary building entrances are located at various sides of the building, with entrances under canopy to protect from wind, sun and driving rain.

- (6) **Give consideration to organization, design and placement of windows as viewed on each elevation having windows. Surveillance over parking areas from the inside, as well as visual surveillance from the outside in, should be considered in window placement.**

**Response:** As shown on the building elevations in Exhibit H, the south elevation shows some windows. However, the south elevation is designated for access and delivery and mostly is a reflection of those functions. The west, north and east elevations will face into the interior of the Nyberg Rivers center, with windows provided along most of the facade for patrons to look out to the shopping center and for passers-by to view the retail areas. When combined with site lighting, the site provides a safe, secure, and efficient layout.

- (7) **Select building materials which contribute to the project's identity, form and function, as well as to the surrounding environment.**

**Response:** The proposed building materials, with the exception of the significant amount of glazing, are primarily earth tone colors and of texture that would blend in well with the landscape and the surrounding buildings found in Nyberg Rivers. The primary materials are a stone veneer to give the impression of a stone or rock treatment, with both a warm stone and tan color. Secondary materials include aluminum frames for the glazing (windows) that create a clean and orderly style. All of these elements work to create a defined style to separate this retail building from other retail buildings.

- (8) Select colors in consideration of lighting conditions and the context under which the structure is viewed, the ability of the material to absorb, reflect or transmit light and the color's functional role (e.g., to identify and attract business, aesthetic reasons, image-building).**

**Response:** The building materials were selected for an earth tone color palette, as well as features that would blend in well with the landscape and the natural vernacular surrounding buildings found in Nyberg Rivers. The color schemes are not too bright or dark and will limit sun reflection to the window glazing and aluminum framing.

- (9) Where possible, locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.**

**Response:** As shown on the building elevations in Exhibit H, there are multiple windows provided on the front and sides of the building, including areas where the building abuts parking areas and pedestrian paths. These windows are located to provide visual lines of sight from both the outside into the building, as well as visual lines for patrons looking out over the parking areas, pedestrian paths and plaza area. When combined with site lighting, the site provides a safe, secure, and efficient layout.

- (10) Where practicable locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way or other public areas. [Ord. 904-93, §51, 9/13/93; Ord. 1097-02, 2/11/02]**

**Response:** As shown on the building elevations in Exhibit H, there are several windows provided on the front and sides of the building, where the building abuts parking areas and pedestrian paths. These windows are located to provide visual surveillance from both the outside in and from patrons looking out over the parking areas and pedestrian paths. When combined with site lighting, the site provides a safe, secure, and efficient layout.

### **Section 73.220 Standards.**

**The following standards are minimum requirements for commercial, industrial, public and semi-public development and it is expected that development proposals shall meet or exceed these minimum requirements.**

#### **(1) Safety and Security.**

- (a) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas without shining into public rights-of-way or fish and wildlife habitat areas.**
- (b) Provide an identification system which clearly identifies and locates buildings and their entries.**

- (c) Shrubs in parking areas shall not exceed 30 inches in height, and tree canopies must not extend below 8 feet measured from grade, except for parking structures and underground parking where this provision shall not apply. [Ord. 904-93, §52, 9/13/93; Ord. 20-94, §18, 4/11/94; Ord. 1224-06 §24, 11/13/06]

**Response:** The existing on-site lighting at Nyberg Rivers and the proposed lighting for this retail building will combine to provide adequate candling for safe and visible access by both vehicles and pedestrians. The lighting will be focused internally to the site, limiting off-site impacts to the frontages along Nyberg Road. The proposed signage and lighting will provide an identification system for the primary entrances, while shrubs will be installed to not exceed 30-inches in height and trees will not extend below 8-feet measured from grade.

**Section 73.225 Mixed Solid Waste and Source Separated Recyclables Storage Areas for New or Expanded Multi-Unit Residential, Including Townhouses, Commercial, Industrial, Public and Semi-Public Development.**

**Section 73.226 Objectives.**

All new or expanded multi-family, including townhouses, commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments such as apartments. Mixed solid waste and source separated recyclable storage areas shall be designed to the maximum extent practicable, to:

- (1) Screen elements such as garbage and recycling containers from view.
- (2) Ensure storage areas are centrally located and easy to use.
- (3) Meet dimensional and access requirements for haulers.
- (4) Designed to mitigate the visual impacts of storage areas.
- (5) Provide adequate storage for mixed solid waste and source separated recyclables.
- (6) Improve the efficiency of collection of mixed solid waste and source separated recyclables. [Ord. 898-93, §7, 6/14/93. Ord. 1025-99, §40, 7/26/99; Ord. 1097-02, 2/11/02]

**Response:** As shown on the Site Plan (Exhibit H, Sheet C2.0) and Trash Enclosure Details (Exhibit H, Sheets D-1 and D-2), the proposed trash enclosure area will be designed to accommodate mixed solid waste and source separated recyclable storage areas. The trash enclosure was submitted to Republic Services and a letter of authorization is provided in Exhibit G to verify that the enclosure meets the dimensional and access requirements for the hauler.

## **Section 73.227 Standards.**

The following standards are minimum requirements for mixed solid waste and source separated recyclables storage areas. To provide for flexibility in designing functional storage areas, this section provides four different methods to meet the objectives of providing adequate storage for mixed solid waste and source separated recyclables and improving the efficiency of collection.

An applicant shall choose and implement one of the following four methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; 3) comprehensive recycling plan; or 4) franchised hauler review, as more fully described in subsections (2), (3), (4) and (5) of this section.

- (1) The mixed solid waste and source separated recyclables storage standards shall apply to all new or expanded multi-family residential developments containing five or more units and to new or expanded commercial, industrial, public and semi-public development.
- (2) **Minimum Standards Method.** This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.
  - (a) The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below are reviewed through the Architectural Review process.
    - (i) The storage area requirement is based on the area encompassed by predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional or other) as well as the area encompassed by other distinct uses.
    - (iii) The specific requirements are based on an assumed storage area height of 4 feet for mixed solid waste and source separated recyclables. Vertical storage higher than 4 feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans shall include drawings to illustrate the layout of the storage area and dimensions for containers.
    - (v) Commercial, industrial, public and semi-public developments shall provide a minimum storage area of 10 square feet plus: Office - 4 square feet/1000 square feet gross leasable area (GLA); Retail - 10 square feet/1000 square feet GLA; Wholesale/ Warehouse/ Manufacturing - 6 square feet/1000 square feet GLA; Educational and institutional - 4 square feet/1000 square feet GLA; and other - 4 square feet/1000 square feet GLA.



**Response:** Based on the retail commercial requirements for storage areas, the minimum requirement is 112 square feet of storage area. As shown on the Site Plan (Exhibit H, Sheet C2.0) and Trash Enclosure Details (Exhibit H, Sheets D-1 and D-2), the proposed trash enclosure area will be designed to accommodate mixed solid waste and source separated recyclable storage areas. The proposed area is approximately 300 square feet. The trash enclosure plans was submitted to Republic Services and a letter of authorization is provided in Exhibit G to verify that the enclosure meets the dimensional and access requirements for the hauler.

**(6) Location, Design and Access Standards for Storage Areas. The following location, design and access standards are applicable for storage areas:**

**(a) Location Standards**

- (i) To encourage its use, the storage area for source separated recyclables may be co-located with the storage area for mixed solid waste.**
- (ii) Indoor and outdoor storage areas shall comply with Building and Fire Code requirements.**
- (iii) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.**
- (iv) Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.**
- (v) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.**
- (vi) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process. Storage areas shall be appropriately screened according to TDC 73.227(6)(b)(iii).**
- (vii) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on site or on public streets adjacent to the site.**

**Response:** The trash enclosure is located to the northeast of the building pad in an area separated from the adjacent parking stalls, and outside any required setback or yard. The storage area is appropriately screened according to TDC 73.227(6)(b)(iii) and two sets of access doors are provided on the side of the enclosure. In addition, the enclosure area will be covered with a metal roof that will also serve to cover hanging bike racks at the rear of the enclosure. The base of the enclosure is designed with a stone fascia to improve overall aesthetic quality of the structure.

**(b) Design Standards**

- (i) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection at the time of Architectural Review approval.**
- (ii) Storage containers shall meet Fire Code standards and be made and covered with water proof materials or situated in a covered area.**
- (iii) Exterior storage areas shall be enclosed by a sight obscuring fence or wall at least 6 feet in height. In multi-family, commercial, public and semi-public developments evergreen plants shall be placed around the enclosure walls, excluding the gate or entrance openings. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position. A separate pedestrian access shall also be provided in multi-family, commercial, public and semi-public developments.**
- (iv) Exterior storage areas shall have either a concrete or asphalt floor surface.**
- (v) Storage areas and containers shall be clearly labeled to indicate the type of material accepted.**

**Response:** As shown on the Site Plan and building elevations in Exhibit H, the proposed trash enclosure area is dimensioned at approximately 25-feet wide by 12-feet deep, with walls 10-feet tall and double doors 8-feet tall. The enclosure is constructed with 8" split-face CMU walls and the doors are provided with locking mechanisms in the form of drop rods. The base of the enclosure is designed with a stone fascia to improve overall aesthetic quality of the structure. The structure is also covered with a roof with wood trim. Access to the enclosure is provided by a separate access door and an adjacent pedestrian walkway. The trash enclosure plan was submitted to Republic Services and a letter of authorization is provided in Exhibit G to verify that the enclosure meets the dimensional and access requirements for the hauler, including signature on the proposed plan for the trash enclosure.

**(c) Access Standards**

- (i) Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.**
- (ii) Storage areas shall be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet vertical clearance is required if the storage area is covered.**

- (iii) **Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow vehicles to safely exit the site in a forward motion. [Ord. 898-93, §8, 6/4/93]**

**Response:** Access to the enclosure is provided by an existing parking lot, as well as an adjacent pedestrian walkway connecting the enclosure with the restaurant. The front of the trash enclosure is 12'6" high, while the rear is 10 feet high. The front is accessed with two sets of doors, each set at approximately 12 feet wide. The interior of the enclosure is lighted. The trash enclosure plan was submitted to Republic Services and a letter of authorization is provided in Exhibit G to verify that the enclosure meets the dimensional and access requirements for the hauler, including signature on the proposed plan for the trash enclosure.

## **LANDSCAPING**

### **Section 73.240 Landscaping General Provisions.**

- (1) **The following standards are minimum requirements.**
- (3) **The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.**

**Response:** As shown on the Landscape Planting Plan (Sheet L1.0, Exhibit H), the overall landscape percentage provided for the proposed developed area is 17 percent of the total development area, 17,563 SF. However, under AR-13-07, the Nyberg Rivers Master Plan was approved to include the minimum landscape area for the subject site. Under the Nyberg Rivers Master Plan and AR-13-07, and similar to the minimum parking standards, the minimum landscape areas for the subject site have already been reviewed and approved.

- (9) **Yards adjacent to public streets, except as described in the Hedges Creek Wetlands Mitigation Agreement, TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.**

**Response:** The yard adjacent to the Interstate 5 and Nyberg Road right-of-way (ROW) is planted to be lawn and live groundcover and trees and shrubs to create a park-like character. This area will also be planted with additional landscaping to

provide additional screening between the trash enclosure area and areas to the southeast of the site.

- (11) **Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. Disturbed soils are encouraged to be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

**Response:** All proposed landscape areas are designed and will be constructed and installed so that all ground will be covered by living grass and/or plant material within three years of installation. No bark chips, rock or stone are proposed as groundcover. This includes all landscaping proposed for meeting the requirements of Condition S.

#### **Section 73.250 Tree Preservation.**

- (1) **Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.**

**Response:** There are twenty trees within the ODOT right-of-way that are identified and marked for preservation on the tree preservation plan.

#### **Section 73.260 Tree and Plant Specifications.**

- (1) **The following specifications are minimum standards for trees and plants:**
- (a) **Deciduous Trees:** Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1 1/2") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimens.
  - (b) **Coniferous Trees.** Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimens.
  - (c) **Evergreen and Deciduous Shrubs.** Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.
  - (d) **Groundcovers.** Groundcovers shall be fully rooted and shall be well branched or leafed. English ivy (*Hedera helix*) is considered a high maintenance material which is detrimental to other landscape materials and buildings and is therefore prohibited.

- (e) **Lawns.** Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

**Response:** The Landscape Plan provided in Exhibit H, Sheet L1.0 includes a legend that specifies the species size and caliper of all the proposed new plant material.

- (3) **The following guidelines are suggested to ensure the longevity and continued vigor of plant materials:**
  - (a) **Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.**
  - (b) **Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.**

**Response:** The proposed Landscape Plan has been prepared, reviewed and signed by a registered landscape architect. The design and plant species have been chosen to reflect the site characteristics.

#### **Section 73.280 Irrigation System Required.**

**Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system.**

**Response:** All landscape areas shown on the Landscape Plan in Exhibit H, Sheet L1.0 will be irrigated with an automatic drip irrigation system.

#### **Section 73.310 Landscape Standards - Commercial, Industrial, Public and Semi-Public Uses.**

- (1) **A minimum 5-foot-wide landscaped area must be located along all building perimeters which are viewable by the general public from parking lots or the public right-of-way, excluding loading areas, bicycle parking areas and pedestrian egress/ingress locations. Pedestrian amenities such as landscaped plazas and arcades may be substituted for this requirement. This requirement shall not apply where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.**

**Response:** As shown on the Site Plan and Landscape Plan, there are proposed landscaped areas located along the south, north, west, and east portions of the building which are viewable from Nyberg Road or the interior parking lot(s) at Nyberg Rivers.

- (2) **Areas exclusively for pedestrian use that are developed with pavers, bricks, etc., and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies, etc., may be included as part of the site landscape area requirement.**

**Response:** Although some pedestrian amenities are provided on-site, none of these areas are included in the site landscape area requirement.

- (3) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas shall be landscaped.**

**Response:** All areas within the limit of work that are not occupied by buildings, parking spaces, drive aisles, pedestrian area or undisturbed natural areas are planned to be landscaped with new plantings. The landscape plan includes both deciduous and coniferous trees, shrubs and groundcover to occupy all remaining areas not summarized above.

## **OFF-STREET PARKING LOT LANDSCAPING**

### **Section 73.320 Off-Street Parking Lot Landscaping Standards.**

- (1) General Provisions.** In addition to the goals stated in TDC 73.110 and 73.140, the goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff and enhance the visual environment. The design of the off-street parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.
- (2) Application.** Off-street parking lot landscaping standards shall apply to any surface vehicle parking or circulation area.

**Response:** As shown on the Existing Conditions Plan, Site Plan and Landscape Plan in Exhibit H, no new parking is proposed for this project. All parking and associated landscape areas are already constructed and are intended to provide landscaped parking areas for the site, as approved through AR-13-07.

### **Section 73.370 Off-Street Parking and Loading.**

- (1) General Provisions.**
- (a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between guidelines or objectives in TDC Chapter 73, the proposal shall provide a balance.**

- (b) At the time of enlargement of an existing multi-family residential, commercial, institutional or industrial structure or use, TDC 73.370 shall apply to the existing and enlarged structure or use.
- (c) Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.
- (d) Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.
- (e) Calculations to determine the number of required parking spaces and loading berths shall be rounded to the nearest whole number.
- (f) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.
- (g) Parking and loading requirements for structures not specifically listed herein shall be determined by the Community Development Director, based upon requirements of comparable uses listed.
- (h) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking.
- (i) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located shall be in the same ownership as the structure.
- (j) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.
- (k) Institution of on-street parking, where none is previously provided, shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.
- (n) Bicycle parking facilities shall include long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms (indoor or outdoor) in which the bicycle is stored and short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels. The Community Development Director, their designee, or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Section 73.370.

**Response:** The proposed retail development meets the threshold requirements defined under 73.370(1)(a), triggering the off-street parking, loading, and bicycle parking requirements. However, all of these standards were reviewed and approved under AR-13-07. The parking requirements are calculated based on the square footage of a Shopping Center use and calculations are rounded to the nearest whole number. All required parking for vehicles is already existing and is located off-street within the Nyberg Rivers site. Additional bicycle parking is provided within this development and is located on the back side of trash enclosure area as covered parking.

**(2) Off-Street Parking Provisions.**

**(a) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except for minimum parking requirements for the uses in TDC 73.370(2)(a) (Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv) within the Core Area Parking District (CAPD). Minimum standards for off-street motor vehicle parking for the uses in 73.370(2) (a) Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv in the CAPD are in TDC 73.370(2)(b).**

**The maximum requirements are divided into Zone A and Zone B, as shown on the Tualatin Parking Zone Map, Figure 73-3. The following are exempt from calculation of maximum parking requirements: parking structures; fleet parking; parking for vehicles for sale, lease or rent; car/vanpool parking; dedicated valet parking; and user-paid parking.**

USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
iii) Shopping center (over 100,000 sq. ft. of gross floor area)	4.1 spaces per 1,000 sq. ft. of gross floor area	Zone A: 5.1 spaces per 1,000 sq. ft. gross floor area  Zone B: 6.2 spaces per 1,000 sq. ft. gross floor area	0.50 space per 1,000 sq. ft. of gross floor area	50

**Response:** The overall Nyberg Rivers commercial center parking requirements were determined based on a shopping center use under AR-13-07. All required parking for the proposed use has already been reviewed, approved and constructed. In addition, 4 new covered bicycle racks are provided at the rear of the trash enclosure.



### **Section 73.380 Off-Street Parking Lots.**

**A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:**

- (1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section, except for parking structures and underground parking where stall length and width requirements for a standard size stall shall be reduced by .5 feet and vehicular access at the entrance if gated shall be a minimum of 18 feet in width.**

**Response:** All existing standard parking stalls associated with this development are dimensioned at 9' wide by 19' long to meet the dimensional standards set forth in Figure 73-1.

- (2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by TDC 73.370(2). Stalls in excess of the number required by TDC 73.370(2) can be sub-compact stalls.**

**Response:** All existing compact parking stalls associated with this development are dimensioned at 7.7' wide by 16' long to meet the compact parking dimensional standards.

- (3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation, except for parking structures and underground parking. For parking lots within the Central Design District that are designed to frame views of the central water feature or identified architectural focal elements as provided in TDC 73.350(3), this requirement shall not apply and the location of parking lot landscape islands shall be determined through the Architectural Review process.**

**Response:** As shown on the Site Plan in Exhibit H, no section of parking stalls exceed eight continuous stalls in a row without a landscape separation. The stalls located to the southwest of the building pad show seven continuous stalls before a landscape curb is provided.

- (4) Parking lot drive aisles shall be constructed of asphalt or concrete, including pervious concrete. Parking stalls shall be constructed of asphalt or concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Drive aisles and parking stalls shall be maintained adequately for all-weather use and drained to avoid water flow across sidewalks. Pervious surfaces such as pervious concrete, pavers and grasscrete, but not gravel or woody material, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or in a Clean Water Services Vegetated Corridor. Parking lot landscaping shall be provided pursuant to the requirements of TDC 73.350 and TDC 73.360. Walkways in parking lots shall be provided pursuant to TDC 73.160.**

**Response:** All parking lot drive aisles are constructed of asphalt.

- (6) **Artificial lighting, which may be provided, shall be deflected to not shine or create glare in a residential planning district, an adjacent dwelling, street right-of-way in such a manner as to impair the use of such way or a Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor.**

**Response:** All existing and proposed lighting will deflect to the interior of the site to limit shine or glare into adjacent properties and street ROWs.

- (8) **Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.**

**Response:** All parking areas associated with this development will be served by an existing drive aisle located on the west side of the building and parking areas. This drive aisle was constructed as a part of the Nyberg Rivers commercial center.

- (9) **Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.**

**Response:** All parking adjacent to landscaped areas and pedestrian walkways feature curbs to prevent cars from encroaching into the landscaping and pedestrian pathways.

- (10) **Disability parking spaces and accessibility shall be provided in accordance with applicable federal and state requirements.**

**Response:** ADA compliant parking spaces are provided at the north side of the building. There are two (2) ~~Revise~~ based on final plan ADA compliant parking spaces shown on the Site Plan provided in Exhibit B.

- (11) **On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic.**

**Response:** The on-site drive aisle located west of the building and parking area does not have associated parking spaces and is 30-feet wide to meet the minimum requirement.

#### **Section 73.400 Access.**

- (1) **The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. Access management and spacing standards are provided in this section of the TDC and TDC Chapter 75. No building or other permit shall be**

issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.

**Response:** Ingress and egress from private property to the public streets were addressed and designed as a part of the Nyberg Rivers commercial center. This proposed development connects to the existing internal drive aisles that then connect to the ingress/egress at SW Nyberg Street, a public street.

**(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.**

In the Central Design District, when driveway access is on local streets, not collectors or arterials and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, ingress and egress shall not be less than 24 feet. In all other cases, ingress and egress for commercial uses shall not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

**Response:** Ingress and egress from private property to the public streets were addressed and designed as a part of the Nyberg Rivers commercial center and approved under AR-13-07. This proposed development connects to the existing internal drive aisles that then connect to the ingress/egress at SW Nyberg Road, a public street. The internal drive aisles are 30-feet to meet the ingress/egress width requirement. For truck loading, the delivery trucks will be primarily WB-55, with 1-2 retail deliveries made each week. Retail delivery will be in the early afternoon with an approximate duration of 3 hours.

**CONCLUSION**

The request for an Architectural Review approval for the proposed retail building meets all applicable code provisions as addressed in this project narrative and in the attached application submittal materials. Therefore, the applicant respectfully requests approval of the proposed retail building and associated site development.