



Type III – Modification of Design Review 3 – DR2022-0008 & LO2022-0002 and LU12023-00442

For Starbucks – Peterkort Towne Square

**Parcel 1S103A001600
10870 SW Barnes Rd (site address)
11110-11140 SW Barnes Road (building address)**

For Peterkort Town Square LLC

Submitted to:

City of Beaverton
Community Development Department
Planning Division
12725 SW Millikan Way
PO Box 4755
Beaverton, OR 97076

UPDATED: February 9, 2024

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II. Project Team

Property Owner:	Peterkort Towne Square, LLC 9755 SW Barnes Rd, Suite 690 Portland, OR 97225 Contact: Lois Ditmars 503.292.1981 (phone) ldditmars@peterkort.com
Architect:	Baysinger Partners Architecture 1006 SE Grand Ave #300 Portland, OR 97214 Contact: Matthew Lillard, AIA 503.546.1607 (direct) mattl@baysingerpartners.com
Civil Consultant:	Froelich Engineers 17700 SW Upper Boones Ferry Rd, Suite 115 Portland, OR 97224 Contact: Evan Eykelbosch 503.924.6321 (phone) eeeykelbosch@froelich-engineers.com
Landscape Architect:	Ground Workshop 5744 E Burnside St, Suite 103 Portland, OR 97215 Contact: Alden Carr 971.544.7418 (phone) alden@groundworkshop.net
Planner:	Baysinger Partners Architecture 1006 SE Grand Ave #300 Portland, OR 97214 Contact: Jennifer L. Rinkus 503.546.1623 (direct) jenniferr@baysingerpartners.com
Structural Engineer:	Froelich Engineers 17700 SW Upper Boones Ferry Rd, Suite 115 Portland, OR 97224 Contact: Tim Terich, PE, SE 503.924.6315 (phone) tterich@froelich-engineers.com
Traffic Engineer:	Transportation Consulting Group PO Box 282 Banks, OR 97106 Contact: Donald Odermott, PE, TE 503.969.6255 (phone) trancongroup@gmail.com

III. Site Data

Site Location: County Assessor Address: 10870 SW Barnes Rd
Project Building Address: 10902-10910 SW Barnes Rd
Tax Assessors #: R2045357
Tax Map and Lot #: 1S103A001600

Site Size: 16.44 acres

Zoning Designation: CC – Corridor Commercial



Figure 1: Site Vicinity Map

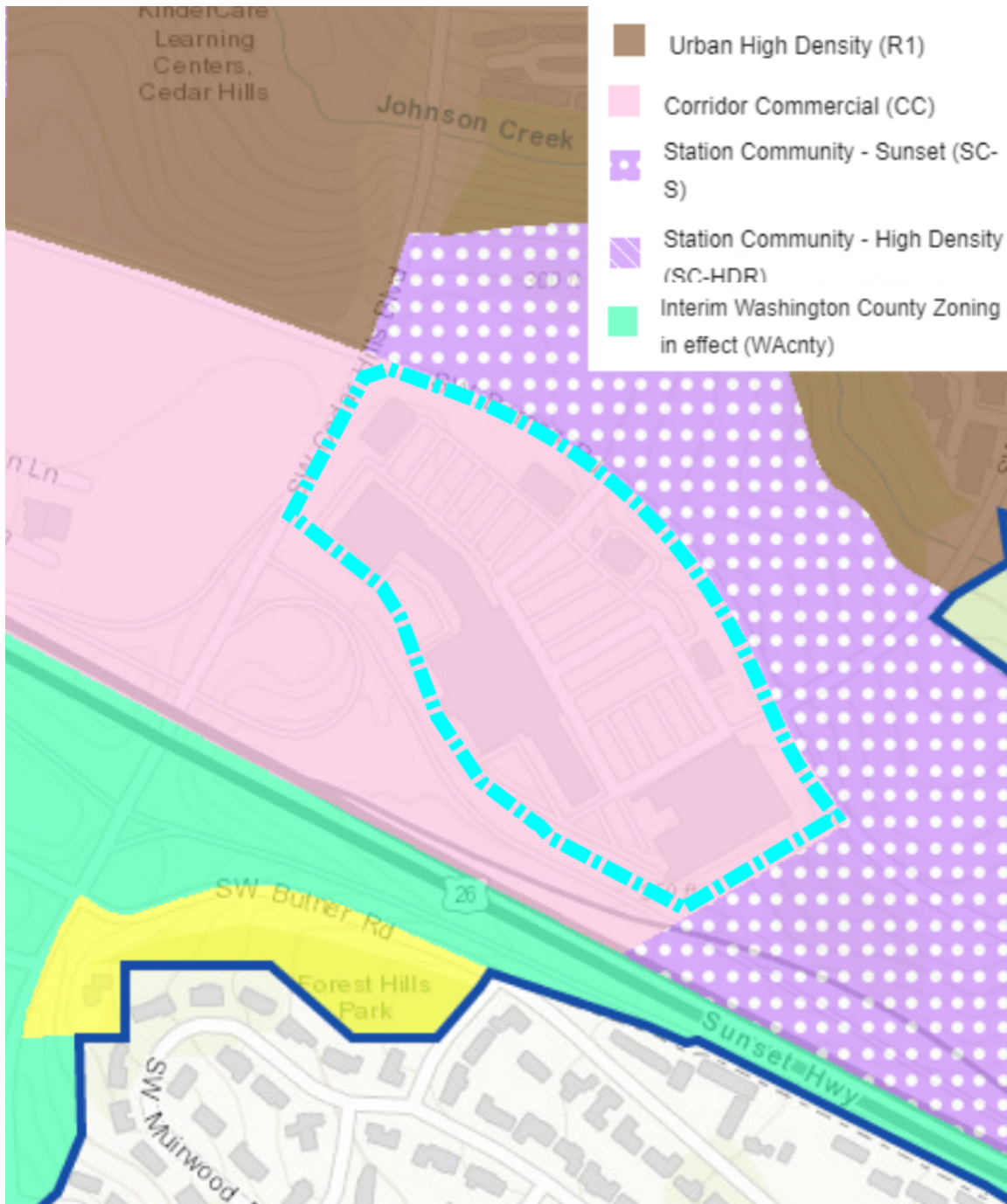


Figure 2: Site Zoning



Figure 3: Work Area

IV. Site/Project History

- The following meetings with City staff regarding this project have occurred:
 - Land Use Approvals (DR2022-0008 & LO2022-0002) – November 9, 2022
 - Land Use Approval LU12023-00442 – September 7, 2023
 - Preapplication Meeting (PA2023-0012) – March 1, 2023

V. Proposed Project Summary

This application seeks to modify the previous land use approvals, DR2022-0008, LO2022-0002 and LU12023-00442 (DR12023-00440) to allow phasing of construction. The original approvals included an expansion of the existing pad building and a new 2,950 sf pad building (Pad J) along with site work and new trash enclosure. The recent Design Review Compliance Letter made minor site changes required by PGE. These changes resulted in minor changes to Pad J (which did not result in a square footage change).

The requested phasing associated with this application would decouple Pad J's construction from all other approved work. This would allow all but the 2,950 sf pad building to proceed immediately with construction and receive final occupancy with construction of Pad J coming at a later, yet to be determined, date in the future when a tenant is secured. This application also includes:

- Leaving an existing door on Building I that was requested for removal previously under LU12023-00442.
- A new awning will be installed over the above existing door to remain.
- Installing a decorative wood screen and awning over the electrical equipment on the northside of the building.
- Moving the transformer across the drive aisle and modifying a landscape planter (clouded in the included Phase 1 Site Plan) due to existing underground utilities that were discovered after approval of LU12023-00442.
- Changing some of the species of trees and plant materials to account for difficulty purchasing some species right now.

This application does not seek any additional changes to the approved elevations, building square footages, parking or trash enclosure previously approved.

VI. Incompleteness Letter Response

On December 21, 2023 an incompleteness letter was issued for this project. This submittal is in response to those incompleteness items. Per the letter the following was required:

A. WRITTEN STATEMENT:

1. The application materials state that the proposal will increase site landscaping from approximately 12% of the site to approximately 18%. Please revise the landscape plan and application checklist (pg. 9) to include the total site area used to make this calculation.

RESPONSE: Both the landscape plan and checklist have been updated with the work area on which the landscape totals were based.

B. PLANS AND GRAPHIC REQUIREMENTS:

1. Please provide an existing conditions site plan that reflects the most recent Peterkort Starbucks land use approval. In addition, please update the proposed site plan to clearly illustrate all proposed site changes included with this application. Staff notes that narrative page 10 states that the proposed changes are clouded in the included Phase 1 site plan. Staff is unable to find any clouded areas on the site plan indicating proposed changes. Please use clouds to identify all proposed site changes.

RESPONSE: The prior approved site plans and elevations have been added to the architectural drawing set and labeled with the prior case file numbers. The proposed plans have been clouded.

2. Please provide existing conditions elevation drawings that reflect the most recent Peterkort Starbucks land use approval. In addition, please provide proposed elevation drawings that clearly illustrate all proposed changes to the building elevations as included with this application. Please use clouds to identify the changes.

RESPONSE: The prior approved elevations have been added to the architectural drawing set and labeled with the prior case file numbers. The proposed plans have been clouded.

PRELIMINARY STAFF COMMENTS (NOT COMPLETENESS ITEMS):

While not strictly completeness items, the following are matters that will need to be addressed prior to the Facilities Review Committee meeting. Please note that this list may not be exhaustive of all potential issues that may arise during development but are items that came to the attention of staff during completeness review:

1. Planning:
 - Please revise the photometric plan to demonstrate a minimum of 1.0 foot-candles in all areas designated for pedestrian and/or traffic circulation. Sheet E1.01 identifies multiple areas around the Pad J site that fall below the 1.0 foot-candle threshold.

RESPONSE: The photometric plan has been updated to show 1.0 foot-candles throughout all pedestrian and traffic areas.

- Some of the landscape trees proposed are not included on the City of Beaverton Approved Tree List. Please revise the landscape plan to include only trees included on the City of Beaverton Approved Tree List.

RESPONSE: The landscape plan has been updated to show all trees that are from the approved City of Beaverton Tree List.

RESUBMITTAL

Please provide a full electronic resubmittal via the City's website to the planning division. All submittals should follow the City's naming policy. As a general guideline, please separate materials into PDFs which contain the same material that would be provided in a submittal binder tab for ease of review.

RESPONSE: A full electronic set of documents has been updated to the City's website.

VII. Project Narrative

Chapter 20.10 Commercial Land Use Districts

20.10.15 Site Development Standards

Development Standards Superscript Numbers Refer to Footnote	CC
A. Minimum Parcel Area - Non-Residential	None
C. Lot Dimensions	
1. Minimum Width	None
2. Minimum Depth	None
D. Minimum Yard Setbacks	
1. Front ²	None
2. Side ³	
a. Interior	None
b. Corner	None
3. Rear ⁴	None
E. Minimum Open Air Display Setbacks ⁵	
1. Front	None
F. Building Height	
1. Maximum ⁶	60

2. Under the conditions outlined in Section 60.05.15.6. of this Code, buildings in commercial zones located on parcels that exceed 60,000 square feet shall be exempt from Section 20.10.15.D.1., minimum front setbacks. Front yard setbacks for parcels in excess of 60,000 gross square feet shall be governed by the Design Review Design Standard specified in Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and the corresponding Design Review Design Guideline.
3. Under the thresholds outlined in Section 40.30., application may be made for zero side yard setbacks.
4. Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.
5. Where permitted, open air sales / display / storage of merchandise shall be setback at least 20 feet from the front property line. The area shall be designated and subject to Decision Maker approval.
6. Maximum building height of any building within 100 feet of a residentially zoned property is 35 feet.

RESPONSE: The modification of conditions for construction phasing of the previously approved pad buildings will not affect the setbacks or building heights previously approved. This condition will remain met.

20.10.20 Land Uses

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as

identified in the following table for the Commercial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.10.25

Category and Specific Use Superscript Refers to Use Restrictions	CC
P: Permitted	C: Conditional
	N: Prohibited
Commercial	
5. Eating and Drinking Establishment	P
10. Retail Trade ³	P
18. Drive-up Window Facilities	P

RESPONSE: The modification of conditions for construction phasing of the previously approved pad buildings will not affect the uses previously approved. This condition will remain met.

20.10.40 Other CC Zoning Requirements

Uses shall be subject to the following (excludes food cart pods, parks and playgrounds):

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities, transit centers and as allowed in items 2 and 3 below.
2. Accessory open air sales / display / storage shall be Permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment.

RESPONSE: The modification of conditions for construction phasing of the previously approved pad buildings will not affect the previously approved uses. No outdoor sales or displays are included in this application. This condition does not apply.

Chapter 40 Applications

40.03 Facilities Review Committee

Consistent with Section 10.95.3. (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, Public Transportation Facility Reviews, Street Vacations, and applicable Land Divisions. Applicable land division applications are Replats, Partitions, Subdivisions, Fee Ownership Partitions, and Fee Ownership Subdivisions. In making a recommendation on an application to the decision-making authority, the Facilities Review Committee shall base its recommendation on a determination of whether the application satisfies all the following technical criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B., and all the following criteria have been met, as applicable:

1. All Conditional Use, Design Review Two, Design Review Three, and applicable Land Division

applications:

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

RESPONSE: This modification of conditions for construction phasing will not impact critical facilities or services. All site improvements previously proposed will be constructed in Phase 1 and the modifications do not include changes to approved building area or uses. All critical facilities and services will remain adequate to service the site and proposed project. This criterion is therefore met.

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

RESPONSE: This modification of conditions for construction phasing will not impact critical facilities or services. All site improvements previously proposed will be constructed in Phase 1 and the modifications do not include changes to approved building area or uses. The proposed project will improve onsite pedestrian and bicycle access, in Phase 1, and all other essential facilities and services will remain adequate to service the site and proposed project. This criterion is therefore met.

- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).

RESPONSE: The project will remain compliant with all requirements of Chapter 20. Refer to the included Chapter 20 narrative for detailed information. This criterion will remain met.

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.

RESPONSE: The project will remain consistent with all applicable provisions of Chapter 60 as demonstrated by the included Chapter 60 narrative. This criterion will remain met.

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

RESPONSE: The proposed project is within an existing fully developed center that is owned by a local development company who had numerous developments. They are long standing and respected development company who take pride in their sites. The site has been pristinely maintained and will continue to be maintained as such. This modification of conditions for construction phasing will not impact maintenance of the property. This criterion will continue to be met.

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

RESPONSE: This modification of conditions for construction phasing will not impact the vehicular and pedestrian circulation patterns. All sitework previously approved will be constructed with Phase 1. Phase 2 will be construction of Pad J only. Vehicular and pedestrian circulation will remain safe and efficient through all phases and this criterion will remain met.

This criterion is met as there are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

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

RESPONSE: This modification of conditions for construction phasing will not modify the previously approved vehicular and pedestrian circulation patterns. This criterion will continue to be met.

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

RESPONSE: All structures and facilities have been designed in accordance with all applicable City codes and standards. This modification of conditions for construction phasing will not modify the previously approved structures or public facilities. This criterion will continue to be met.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

RESPONSE: Structures and public facilities serving the development were designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident. This modification of conditions for construction phasing does not change the approved structures or facilities. This criterion will continue to be met.

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

storage facilities, and the public storm drainage system.

RESPONSE: The previously approved project will renovate a small area of an existing fully developed shopping center. Minimal changes to existing grades and contours are required. A state registered civil engineer designed the grading to minimize impacts and mitigate any adverse effects. This modification of conditions for construction phasing will not impact approved grading. This criterion will remain met.

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

RESPONSE: The approved project included numerous ADA compliant improvements. This modification of conditions for construction phasing will not impact those improvements. All site improvements will be installed with Phase 1 of the project. This criterion will continue to be met.

- L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.

RESPONSE: The submitted materials include a signed application, fee, written narrative, Preapplication Meeting Notes, architectural, civil and landscape plans, a service provider letter from CWS, and Tualatin Valley Fire and a Traffic Memo. A neighborhood meeting was not required for this modification.

This criterion is met as all applicable submittal materials, as specified in Section 50.25.1 of the Development Code, have been included.

Chapter 50 – Procedures

50.95 Modification of a Decision

1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.

RESPONSE: This application is for modification of the prior approvals to allow for phasing of construction between the two pad buildings previously approved. The application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. This application does not seek to modify the approved building elevations or square footages in any other way.

- An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.

RESPONSE: A preapplication meeting (PA2023-0012) was held on March 1, 2023. This application is only for phasing of construction for the two (2) approved pad buildings. The footprint of Pad Building J in Phase 1 will be concrete pad until Pad J is constructed in Phase 2. The application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way.

While the preapplication notes comment on the trash enclosure, it was previously approved and nothing about this modification will change the prior uses or building areas which it was approved for so changes to the approved trash enclosure are not required and not included in this application. This criterion is met.

- An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.

RESPONSE: It is understood that an application for modification does not extend the deadline for filing an appeal and that modification is subject to the 120 day requirement.

- Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.

RESPONSE: An approval on DR2022-0008 and LO2022-0002 was issued on November 16, 2022. An approval on LU12023-00442 (DR12023-00440) was issued on September 7, 2023. This criterion is met.

- Expedited Land Divisions and Preliminary Middle Housing Land Divisions are not eligible for modification of a decision.

RESPONSE: This criterion does not apply as the original applications being modified were not expedited land division or preliminary middle house land divisions and this modification does not seek to include either of those.

- An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.

RESPONSE: It was indicated in the preapplication meeting and in the preapplication notes that this modification will be a Type 3 procedure in accordance with the original review type as per subsection 7 below.

- The process type for an application to modify a decision shall be based upon the thresholds for the

appropriate application listed in CHAPTER 40. In all cases, regardless of the thresholds listed in CHAPTER 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.

RESPONSE: The previous approvals were a Type 3 and Type 1 reviews, thus this request to phase those conditions of approval, without change to the approved design or conditions themselves, is also a Type 3 review that will be determined by the Planning Commission. This modification does not seek to modify any specific condition or remove any condition. This criterion does not apply.

- B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.

RESPONSE: The previous approvals were a Type 3 and Type 1 reviews, thus this request to phase those conditions of approval, without change to the approved design or conditions themselves, is also a Type 3 review that will be determined by the Planning Commission. This modification does not seek to modify any specific condition or remove any condition. This criterion does not apply.

- C. The circumstances have changed to the extent that the condition is no longer needed or warranted.

RESPONSE: The previous approvals were a Type 3 and Type 1 reviews, thus this request to phase those conditions of approval, without change to the approved design or conditions themselves, is also a Type 3 review that will be determined by the Planning Commission. This modification does not seek to modify any specific condition or remove any condition. This criterion does not apply.

- D. A new or modified condition would better accomplish the purpose of the original condition.

RESPONSE: The previous approvals were a Type 3 and Type 1 reviews, thus this request to phase those conditions of approval, without change to the approved design or conditions themselves, is also a Type 3 review that will be determined by the Planning Commission. This modification does not seek to modify an specific condition or remove any condition. This criterion does not apply.

Chapter 60 Special Requirements

60.05 Design Review Design Principles, Standards and Guidelines

60.05.35. Building Design and Orientation Guidelines.

Unless otherwise noted, all guidelines apply in all zoning districts.

1. Building articulation and variety.

- A. Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standard [60.05.15.1.A](#))

RESPONSE: This criterion does not apply as the project does not include a residential building.

- B. Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standards 60.05.15.1.A and B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline and will continue to comply with this guideline with the proposed construction phasing modification. Additionally, the new awning (south) and awning with wood screen (north faced) of Pad Building I will further increase visual interest to pedestrians. This guideline will remain met.

- C. To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The new wood screen on the north façade adds a new vertical element to the north façade. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and the new wood screen is a vertical building element thus the buildings will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- D. Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.1.B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- E. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls,

alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D)

RESPONSE: The application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. A new awning will be installed over the existing door to remain on the south façade which increases that elevations articulation. A new wood screen and awning at the electrical equipment on the north façade will increase the articulation of that façade. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and their articulation will be increased with the above noted changes thus the buildings will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- F. Building elevations visible from and within 100 feet of an adjacent street where the principle use of the building is manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities in an Industrial zoning district, should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street should be avoided. (Standards 60.05.15.1.B and C)

RESPONSE: This guideline does not apply as the principle use of the building is commercial.

2. Roof forms.

- A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be emphasized. (Standards 60.05.15.2.A and B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- B. Flat roofs should include a roofline that provides visual interest such as cornice treatments. (Standard 60.05.15.2.C)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- C. Additions to existing structures which involve the addition of new roof area should respect the roof form and material of the existing structure. (Standard 60.05.15.2.D)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

3. Primary building entrances.

- A. The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.3)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. A new awning will be installed at the door to remain. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will increase the weather protection at entries thus the buildings will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- B. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

4. Exterior building materials.

- A. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standards 60.05.15.4.A and B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the

proposed construction phasing modification. This guideline will remain met.

- B. Where masonry is used, decorative patterns (other than running bond pattern) should be provided, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. This guideline does not apply to development in Industrial zones, where masonry is used for exterior finishes. (Standards 60.05.15.4.B and C)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

5. Screening of equipment. All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. A new wood screen element and awning will be installed on the north façade to screen the existing electrical equipment. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will increase screening of equipment thus will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

6. Building location and orientation in Commercial and Multiple Use zones.
- A. Buildings should be oriented toward and located within close proximity to public streets and public street intersections. The overall impression should be that architecture is the predominant design element over parking areas and landscaping. Property size, shape and topographical conditions should also be considered, together with existing and proposed uses of the building and site, when determining the appropriate location and orientation of buildings. (Standards 60.05.15.6.A and B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. During Phase 1, until Pad Building J is constructed, the footprint of the Pad J will be constructed as additional outdoor use area. The area will not be parking. While Phase 1 does not provide additional building at the corner, it greatly improves the site over current conditions by removing the existing parking along the frontage and usable pedestrian space. Phase 2 constructs Pad J and continues to improve the site in accordance with

this guideline and the approval land use applications. This guideline will remain met with the proposed construction phasing.

- B. On Class 1 Major Pedestrian Routes, the design of buildings located at the intersection of two streets should consider the use of a corner entrance to the building. (Standards 60.05.15.6.B and D)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- C. On Class 1 Major Pedestrian Routes, building entrances should be oriented to streets, or have reasonably direct pedestrian connections to streets and pedestrian and transit facilities. (Standards 60.05.15.6.C and D)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approval under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- D. Primary building entrances should be oriented toward and located in close proximity to public streets and public street intersections. Property size, shape and topographical conditions should also be considered. (Standard [60.05.15.6.E](#))

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

7. Building scale along Major Pedestrian Routes.

- A. Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged except where detached single family dwellings are permitted. (Standards 60.05.15.7.A and B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- B. Building heights at or near the street should help form a sense of enclosure, but should not create an undifferentiated high wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet without the upper portions of the building being set back from the vertical building line of the lower building stories. (Standard 60.05.15.7.A)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

8. Ground floor elevations on commercial and multiple use buildings.
- A. Excluding residential only development, ground floor building elevations should be pedestrian oriented and treated with windows, display areas or glass doorway openings to the extent possible and where appropriate to the design and use of the building. This guideline particularly applies to ground floor building elevations situated along Major Pedestrian Routes. (Standard 60.05.15.8.A)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

- B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations. (Standard 60.05.15.8.B)

RESPONSE: This application seeks to retain an existing door that was requested for removal in DR2022-0008 and move a transformer approved under LU12023-00442. The application does not seek to change the building elevations or square footages in any other way. The buildings were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. This guideline will remain met.

60.05.40. Circulation and Parking Design Guidelines.

Unless otherwise noted, all guidelines apply in all zoning districts.

1. Connections to public street system. The on-site pedestrian, bicycle, and motor vehicle circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets in accordance with connections identified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan. (Standard 60.05.20.1)

RESPONSE: This modification does not seek to modify any of the approved public street system. The site plan was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification as all site improvements will be constructed in

Phase 1. This guideline will remain met.

2. Loading area, solid waste facilities, and similar improvements.
 - A. On-Site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)
 - B. Except in Industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2)

RESPONSE: This modification does not seek to modify any of the approved loading areas or solid waste facilities. These facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All loading areas and solid waste facilities will be constructed under Phase 1. This guideline will remain met.

3. Pedestrian circulation.
 - A. Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)

RESPONSE: This modification does not seek to modify any of the approved pedestrian connections. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

- B. Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)

RESPONSE: This modification does not seek to modify any of the approved pedestrian connections. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

- C. Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)

RESPONSE: This modification does not seek to modify any of the approved pedestrian connections. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

- D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standards 60.05.20.3.C through E)

RESPONSE: This modification does not seek to modify any of the approved pedestrian

connections. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

- E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standards 60.05.20.3.A through H)

RESPONSE: This modification does not seek to modify any of the approved pedestrian facilities. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

- F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)

RESPONSE: This modification does not seek to modify any of the approved pedestrian connections. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

4. Street frontages and parking areas. Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)

RESPONSE: This modification does not seek to modify any of the approved street frontages. Moving the transformer will require a minor change to one landscape planter, increasing landscaping, and reducing the parking count by two stalls. The site plan was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All landscaping will be constructed under Phase 1. This guideline will remain met.

5. Parking area landscaping. Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standards 60.05.20.5.A through D)

RESPONSE: This modification includes a minor change to one landscape planter (increasing landscape area) and reducing parking by two stalls to move the previously approved transformer. The site plan was found to be compliant with this guideline under the prior approvals and these minor changes will continue to comply with this guideline with the proposed construction phasing modification. All landscaping will be constructed under Phase 1. This guideline will remain met.

6. Off-Street parking frontages in Multiple Use zones.

- A. Surface parking should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)

RESPONSE: This modification includes a minor change to one landscape planter (increasing landscape area) and reducing parking by two stalls to move the previously approved transformer. All parking areas were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All parking areas will be constructed under Phase 1. Phase Pad J will not result in any new parking not already approved. This guideline will remain met.

- B. Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensification. (Standard 60.05.20.6)

RESPONSE: This modification includes a minor change to one landscape planter (increasing landscape area) and reducing parking by two stalls to move the previously approved transformer. All parking areas were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All parking areas will be constructed under Phase 1. Phase Pad J will not result in any new parking not already approved. This guideline will remain met.

7. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones.
 - A. Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)

RESPONSE: This modification does not seek to modify any of the approved pedestrian connections. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

- B. Pedestrian connections should be provided along primary building elevations having building and tenant entrances. (Standard 60.05.20.7.B)

RESPONSE: This modification does not seek to modify any of the approved pedestrian connections. All pedestrian facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All previously approved pedestrian facilities will be constructed under Phase 1. This guideline will remain met.

8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Commercial and Multiple Use zones.
 - A. On-Site vehicle circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8)

RESPONSE: This modification does not seek to modify any of the approved vehicle circulation paths. All parking facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All parking facilities will be constructed under Phase 1. This guideline will remain met.

- B. Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)

RESPONSE: This modification does not seek to modify any of the approved vehicle circulation paths. All parking facilities were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All parking facilities will be constructed under Phase 1. This guideline will remain met.

9. Parking structures in Multiple Use zones. Active ground floor uses should be incorporated in parking structures, particularly on street level elevations facing Major Pedestrian Routes. (Standard 60.05.20.9)

RESPONSE: This guideline does not apply as the project does not include any parking structures.

60.05.45. Landscape, Open Space and Natural Areas Design Guidelines.

Unless otherwise noted, all guidelines apply in all zoning districts.

3. Minimum landscaping for Conditional Uses in Residential zones and for developments in Commercial, Industrial, and Multiple Use zones.
- A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings.
(Standards 60.05.25.5.A, B, and D)

RESPONSE: This modification includes a minor change to one landscape planter (increasing landscape area) and reducing parking by two stalls to move the previously approved transformer. All landscaping was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All landscaping will be constructed under Phase 1. This guideline will remain met.

- B. Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.5.C)

RESPONSE: The original approval includes a new outdoor plaza area between the two (2) project buildings. The plaza includes concrete pavers and landscaping. The requested modification for construction phasing would result in all of the patio and landscaping being installed in Phase 1. Also in Phase 1, the footprint area of future Pad Building J would be concrete pavers and landscaping to provide additional patio area until Pad J is constructed. In Phase 2 only the area of the building footprint would be removed for construction of the building itself. Refer to the included landscape plan. This guideline is therefore met.

- C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standards 60.05.25.5.A and B)

RESPONSE: This modification does not seek to modify any of the approved landscaping materials. All landscaping was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. The small amount of landscaping associated with the Pad J footprint in Phase 1 will use native vegetation where appropriate. All landscaping will be constructed under Phase 1. This guideline will remain met.

- D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standards 60.05.25.5.A and B)

RESPONSE: This modification does not seek to remove any additional trees. This application will add a small amount of landscaping in Phase 1 to the Building J footprint that will be removed in Phase 2 to match the approved landscape plans. It will also add landscape to a planter island south of Starbucks where the transformer will be moved to. All landscaping was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All landscaping will be constructed under Phase 1. This guideline will remain met.

- E. A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.5)

RESPONSE: This modification does not seek to cut any additional trees. This application will add a small amount of landscaping in Phase 1 to the Building J footprint that will be removed in Phase 2 to match the approved landscape plans. It will also add landscape to a planter island south of Starbucks where the transformer will be moved to. All landscaping was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All landscaping will be constructed under Phase 1. This guideline will remain met.

6. Retaining walls. Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.8)

RESPONSE: This modification does not seek to modify any retaining walls or add new retaining walls. All retaining walls were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All retaining walls will be constructed under Phase 1. This guideline will remain met.

7. Fences and walls.
A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.9)

- B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.9.E)

RESPONSE: This modification does not seek to modify any fences or walls or add new fencing or walls. All retaining walls were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All retaining walls will be constructed under Phase 1. This guideline will remain met.

8. Changes to existing on-site surface contours at residential property lines. The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as drainage impacts, damage to tree root zones, and blocking sunlight. (Standard 60.05.25.10)

RESPONSE: This guideline does not apply as the project does not include any grade changes at a property line abutting a residential zone.

9. Integrate water quality, quantity, or both facilities. Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.11)

RESPONSE: The project is for minor work within a large fully developed shopping center. There is an existing storm water quality and quantity facility onsite; however, due to recent changes to Clean Water Services (CWS) codes the system will be improved as part of the project. This application does not seek to modify the previously approved stormwater system. As part of this application the stormwater system will be installed under Phase 1. This guideline is met as a stormwater facility has been designed by registered civil engineers to address all applicable CWS and City of Beaverton codes.

10. Natural areas. Natural features that are indigenous to a development site, such as streams, wetlands, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan. (Standard 60.05.25.12)

RESPONSE: The only natural feature within the work area is the two (2) large evergreen trees on the north façade of the building. These trees were retained with the original approvals and subsequently requested (and approved) for removal as part of LU12023-00442 due to PGE requirements. This guideline will continue to be met.

11. Landscape buffering and screening.

- A. A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer should not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.13)

RESPONSE: The project work area does not abut any residential zones or residential uses. This criterion guideline does not apply.

- B. When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)

RESPONSE: The project does not include a conditional use. This guideline does not apply.

- C. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.13)

RESPONSE: Landscape buffering is not required per subsections B and C above. This guideline does not apply.

- D. When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction. (Standard 60.05.25.13.E).

RESPONSE: Landscape buffering is not required per subsections B and C above. This guideline does not apply.

60.05.50. Lighting Design Guidelines.

Unless otherwise noted, all guidelines apply in all zoning districts.

1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standards 60.05.30.1 and 2)
2. Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)
3. Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standards 60.05.30.1 and 2)
4. On-Site lighting should comply with the City's Technical Lighting Standards. (Standards 60.05.30.1 and 2). Where the proposal does not comply with Technical Lighting standards, the applicant should describe the unique circumstance attributed to the use or site where compliance with the standard is either infeasible or unnecessary. [ORD 4531; April 2010]

RESPONSE: This modification does not seek to modify any of the approved site plan only allow for phasing of construction for the two buildings approved. Phase 1 would be construction of all site work and the building expansion for Pad I. Phase 2 would be construction of only Pad Building J. Because Pad Building J will not be constructed until Phase 2 the building lights on Pad J will not be constructed in Phase 1. The footprint of Building J in Phase 1 will be additional patio area lit with two (2) pedestrian scale pole lights. The included photometric plan for Phase 1 shows that lighting in the area of future Pad J and all adjacent walkways and

ramps remain compliant with required lighting levels.

Table 60.05-1. Technical Lighting Standards

- A. Types of Lighting. The Technical Lighting Standards shall apply to bollard luminaire, pole-mounted luminaire, and non-pole-mounted luminaire.
- B. Areas to Be Applied. The roadways, access drives, parking lots, vehicle maneuvering areas, pathways and sidewalks of all new developments and building entrances shall be lighted in conformance to the technical lighting standards. These standards are not intended to apply to public street lighting.
- C. Conformity of Lighting Plans to this Section. All lighting plans submitted to the City shall comply with the standards of this table.

RESPONSE: The proposed combination of pole lighting, pedestrian walkway lighting and on-building lighting will adequately light the new pedestrian plaza, pedestrian pathways, building entries, parking, drive-through, bike parking and trash facility areas in both phases. These criteria will remain met as demonstrated in the included photometric plan.

- D. Standards. The following standards are required of all exterior lighting:
 - 1. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of an angle greater than ninety (90) degrees, the minimum required interior illumination, the maximum permitted illumination at the property line, and the maximum permitted height of Luminaires shall be as shown on Table 60.05-1.
 - 2. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the minimum permitted interior illumination, the maximum permitted illumination within five (5) feet of any property line, and the maximum permitted height of Luminaires is also shown on Table 60.05-1.

RESPONSE: The proposed project includes lighting that meets the technical lighting standards. Table 60.05-1 allows for a maximum pole light height of 30 feet for parking areas. The proposed photometric plans uses both 12' and 30' poles. Refer to the included photometric plan and lighting cut sheets for detailed lighting information. These criteria are therefore met as all lighting meets the standards of Table 60.05-1

- E. General Provisions. Notwithstanding any other provision of this Section to the contrary:
 - 1. Design Standards for Residential, Commercial, Industrial and Multiple use Districts:
 - a. No flickering or flashing lights shall be permitted.
 - b. No bare bulb lights shall be permitted for single-family attached development and multi-family attached development.
 - c. No strobe lights shall be permitted.
 - d. Light sources or Luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.
 - 2. Special Design Standard for Residential Districts. No exterior neon lights shall be permitted.
 - 3. Special Design Standard for Commercial and Multiple use Districts. Exterior neon lights shall only be permitted when incorporated into the architectural design of a building.

RESPONSE: The project does not include any lighting or flashing lighting, bare bulbs, or

strobes. There are no lights in required screening or buffering areas. These criteria are therefore met.

Table 60.05-1 Technical Lighting Standards						
Zoning District Type	Minimum Req'd Illumination (internal) in Foot-candles		Max. Permitted Illuminations (internal) in Foot-candles		Max. Permitted Illumination at property line in Foot-Candles	Max Permitted Height of Luminaires
	>90	<90	>90	<90		
Commercial	1.5	1.0	None	None	0.5	Pole-mounted Luminaires (inclusive of above grade base and light fixture): <ul style="list-style-type: none"> • 15 feet for on-site pedestrian ways. • 30 feet for on-site vehicular circulation areas. • 15 feet for the top deck of non-covered parking structures. Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: <ul style="list-style-type: none"> • 15 feet above building finished grade for on-site pedestrian circulation areas. • 30 feet above building finished grade for on-site vehicular circulations areas.

60.07 Drive-Up Window Facilities
60.07.10. Standards.

The decision-making authority shall review proposed drive-up window facilities to determine that the following standards are addressed in the design:

1. Drive-through uses shall be located so that access and egress to the drive-through features are from an on-site drive aisle or other on-site circulation facility, not a public street.

RESPONSE: This modification does not seek to modify any of the approved site plan. The drive through was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through will be constructed under Phase 1. This guideline will remain met.

2. Restaurants providing drive-up window service shall have sufficient parking and seating to accommodate anticipated customer volume.

RESPONSE: This modification does not seek to modify any of the approved site plan. The drive through and parking were found to be compliant with this guideline under the prior

approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through, and parking will be constructed under Phase 1. Additionally, since the prior approval the State has passed an ordinance that removes the minimum required parking for sites near transit, which applies to this site. This guideline will remain met.

3. Restaurants providing drive-up window service shall provide at least two (2) designated parking spaces immediately beyond the service window, or provide other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked.

RESPONSE: This modification does not seek to modify any of the approved site plan. The drive through was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through will be constructed under Phase 1. This guideline will remain met.

4. Financial and other commercial establishments providing drive-up window facilities which do not provide for walk-in customer service (i.e., not allowing transactions within the structure) shall provide for safe, convenient and readily accessible exterior walk-up window service, such as an automatic teller machine, at any time during regular business hours. Additionally, at a minimum, two parking spaces shall be provided allowing convenient access to the walk-up service window.

RESPONSE: This criterion does not apply as the coffee tenant will have walk-in service as well as the drive-through.

5. The design of the stacking area shall allow customers' vehicles to leave the stacking line for emergency reasons.

RESPONSE: This modification does not seek to modify any of the approved site plan. The drive through was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through will be constructed under Phase 1. This guideline will remain met.

6. On-Site parking for walk-in customers shall be designed to be readily accessible to all public entrances to the building and to provide safe, convenient access.

RESPONSE: This modification does not seek to modify any of the approved site plan. The site plan was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements will be constructed under Phase 1. This guideline will remain met.

7. Establishments having drive-up window facilities shall have sufficient stacking area to ensure that public rights-of-way and shared access driveways are not obstructed.

RESPONSE: This modification does not seek to modify any of the approved site plan. The drive

through was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through will be constructed under Phase 1. This guideline will remain met.

8. Communication’s sound system shall not exceed a measurement of 55 decibels at the adjoining property line.

RESPONSE: This modification does not seek to modify any of the approved site plan. The drive through was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through will be constructed under Phase 1. This guideline will remain met.

60.07.15 Abatement.

Drive-up window facilities shall be a public nuisance to be abated pursuant to 5.05.115A of the Municipal Code, or its successors, if the traffic at the facility causes obstruction or interference with the right-of-way or flow of pedestrian or vehicular traffic as described in Section 5.05.115A of the Municipal Code. Abatement methods may include summary abatement, closure or redesign of the drive-up window facility. The Beaverton Police shall have the authority to issue citations to drivers of motor vehicles obstructing the public right-of-way or interfering with traffic flow.

RESPONSE: It is understood that if the traffic from the drive-through were to interfere or obstruct the right-of-way or flow of pedestrian or vehicular traffic the City make take steps to remedy the issue.

60.25 Off-Street Loading Requirements

60.25.10. Loading Berth Design.

Required off-street loading space shall be provided in berths which conform to the following minimum specifications:

1. Type A berths shall be at least 60 feet long by 12 feet wide by 15 feet high, inside dimensions with a 60-foot maneuvering apron.
2. Type B berths shall be at least 30 feet long by 12 feet wide by 14 feet 6 inches high, inside dimensions with 30 feet maneuvering apron.

60.25.15. Number of Required Loading Spaces.

The following numbers and types of berths shall be provided for the specified uses. The uses specified below shall include all structures designed, intended or arranged for such use. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as a use which is most similar.

Table 60.25.15 Number of Required Loading Spaces.				
	USE	AGGREGATE FLOOR AREA (SQ. FT.)	BERTHS REQUIRED	TYPE
4.	Department stores, <u>retail</u> establishments,	7,000 - 24,000	1	B
		24,001 - 50,000	2	B

Table 60.25.15 Number of Required Loading Spaces.			
USE	AGGREGATE FLOOR AREA (SQ. FT.)	BERTHS REQUIRED	TYPE
funeral homes, <u>restaurants</u> , and commercial establishments not otherwise specified.	50,001 - 100,000 each additional 50,000 or fraction thereof	3 1 additional	B B

RESPONSE: A loading determination was approved as part of the original land use approvals. This requested construction phasing modification will not affect the approved site plan or loading. All loading areas will be constructed during Phase 1 of the project. The project will remain compliant with the approved loading determination.

60.25.20 Loading Facilities Location

1. The off-street loading facilities required for the uses mentioned in this Code shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.

RESPONSE: This modification does not seek to modify any of the approved site plan. The loading was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through will be constructed under Phase 1. This guideline will remain met.

2. No space for loading or unloading vehicles shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to any alley, or if no alley adjoins the lot, with access to a street. Any required front, side or rear yard may be used for loading unless otherwise prohibited by this Code.

RESPONSE: This modification does not seek to modify any of the approved site plan. The loading was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the drive through will be constructed under Phase 1. This guideline will remain met.

60.25.25 Loading Determination

Off-Street loading requirements may be modified pursuant to Section 40.50. (Loading Determination)

RESPONSE: The original approvals included a loading determination. This request for construction modification does not include a new loading determination or seek to modify the approval loading determination. This criterion does not apply.

60.30 Off-Street Parking

60.30.10. Number of Required Parking Spaces.

Except as otherwise provided under Section 60.30.10.11., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:

1. Parking Calculation. Parking ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.
2. Parking Categories.
 - A. Vehicle Categories. Contained in the table at Section 60.30.10.5. are vehicle parking ratios for minimum required parking spaces and maximum permitted number of vehicle parking spaces to be provided for each land use, except for those uses which are located in the Regional Center which are governed by Section 60.30.10.6. These requirements reflect the parking requirements of Title 4 of Metro's Regional Transportation Functional Plan.
 1. Minimum number of required parking spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.
 2. Parking Zone A. Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter mile walking distance of bus transit stops that have 20-minute peak hour transit service or one-half mile walking distance of light rail station platforms that have 20-minute peak hour transit service.
 3. Parking Zone B. Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located within one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both, or that have a greater than 20 minute peak hour transit service. Parking Zone B areas also include those parcels that are located at a distance greater than one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both.
 4. Dual parking zones. If a parcel is partially located within Parking Zone A, then the use(s) located on the entire parcel shall observe the Parking Zone A parking ratios. Specifically exempted from this requirement are parcels located within the Regional Center—East zoning district. In the cases in the Regional Center—East zoning district where parcels are bisected by the boundary of Parking Zones A and B, the applicable maximum parking ratios may be averaged, and that average may be applied over the whole parcel.
 5. Regional Center Parking Districts 1 and 2. Located within the boundary of the Regional Center are two (2) parking districts. Within these two districts, the parking requirements of Section 60.30.10.5.A. do not apply. The required number of parking spaces for Regional Center Parking Zones 1 and 2 shall be governed by Section 60.30.10.6.

RESPONSE: The proposed project site is located in Parking Zone A.

- B. Bicycle Categories. The required minimum number of short-term and long-term bicycle parking spaces for each land use is listed in Section 60.30.10.5.
 1. Short-Term parking. Short-term bicycle parking spaces accommodate persons that can be expected to depart within two hours. Short-term bicycle parking is encouraged to be located on site within 50 feet of a primary entrance, or if there are site, setback, building design, or other constraints, bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority.

RESPONSE: This modification does not seek to modify any of the approved site plan. The bicycle parking was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the bicycle parking will be constructed under Phase 1. This guideline will remain met.

2. Long-Term parking. Long-term bicycle parking spaces accommodate persons that can be expected to leave their bicycle parked longer than two hours. Cover or shelter for long-term bicycle parking shall be provided. School buildings are exempted from the requirement to cover long-term bicycle parking.

RESPONSE: This modification does not seek to modify any of the approved site plan. The bicycle parking was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the bicycle parking will be constructed under Phase 1. This guideline will remain met.

3. Bicycle parking shall be designed, covered, located, and lighted to the standards of the Engineering Design Manual and Standard Drawings.

RESPONSE: This modification does not seek to modify any of the approved site plan. The bicycle parking was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the bicycle parking will be constructed under Phase 1. This guideline will remain met.

4. Bicycle parking in the Old Town Parking Zones 1 and 2 shall be governed by the bicycle parking requirements listed in Section 60.30.10.5.

RESPONSE: This criterion does not apply as the site is not in Old Town Parking Zone 1 or 2.

3. Ratios. In calculating the required number of vehicle and bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. In calculating the required number of vehicle and bicycle parking spaces, fractions less than 0.5 shall be rounded down to the nearest whole number.
4. Uses Not Listed. For uses not specifically mentioned in this section, the requirements for off-street parking facilities for vehicles and bicycles shall be determined with a Parking Requirement Determination (Section 40.55.1.).
5. Parking Tables. The following tables list the required minimum and maximum vehicle (Table 60.30.10.5.A) and bicycle parking requirements (Table 60.30.10.5.B) for listed land use types. The vehicle parking table excludes uses located in Regional Center zoning districts (See Table 60.30.10.6).

Table 60.30.10.5.A - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES (Excludes uses in Regional Center zoning districts - See Table 60.30.10.6)		
Land Use Category	Required Parking Spaces	Maximum Permitted Parking Spaces
	All Other Zones	Zone A
Commercial Uses		

Retail, including shopping centers	3.3	5.1
Eating, Drinking Establishments		
Other eating, drinking establishments in all other zones.	10	19.1

Table 60.30.10.5.B - PARKING RATIO REQUIREMENTS FOR BICYCLES		
Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Commercial Uses		
Retail, including shopping centers	2 spaces or 1 space per 12,000 sf of floor area	2 spaces or 1 space per 12,000 sf of floor area
Eating, Drinking Establishments	2 spaces or 1 space per 4,000 sq. ft. of floor area	2 spaces or 1 space per 4,000 sq. ft. of floor area

RESPONSE: This modification does not seek to modify any of the approved site plan. The parking was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the parking will be constructed under Phase 1. This guideline will remain met.

7. Exceeding Parking Ratios. More parking spaces for motor vehicle and bicycle parking may be required as a condition of a Conditional Use. Variation from the specified minimum or maximum number of required motor vehicle and bicycle parking spaces may be approved by the City subject to Section 40.10.15.2. (Major Adjustment) of this Code. However, if surplus parking is located in a parking structure, the parking ratios may be exceeded without requiring an approval of a Major Adjustment for parking.

Any surplus parking may be designed to any of the City standards for off-street parking lot design. The Facilities Review Committee may recommend approval of parallel parking spaces or other non-standard designs for surplus parking in any zone.

RESPONSE: The approved project did not include parking in excess of what was allowed. This required phased construction modification does not include any changes to the parking. This criterion will therefore remain met.

9. Parking Space Calculation.
- A. Multiple Uses. In the case of multiple uses, the total requirements for off-street vehicle and bicycle parking facilities shall be the sum of the requirements for the various uses computed separately.
 - B. Spaces which only meet the requirements of one establishment may serve more than one establishment on the same parking lot, provided that sufficient evidence is presented which shows that the times of peak parking demand for the various establishments do not coincide, and that adequate parking will be available at all times when the various establishments are in operation.

RESPONSE: The project site is a shopping center with a mix of uses that fit under the shopping center classification. The shopping center category was used for all parking calculations and the parking onsite will be shared between uses. This modification for phased construction does not propose any changes to how the parking was calculated. This criterion will remain met.

10. Location of Vehicle Parking.

- A. All required off-street parking spaces shall be provided on the same property as the use requiring the spaces, with the following exceptions:
 - 1. By approving a Parking Determination application for Shared Parking, the decision making authority may permit the required off-street parking spaces in Residential, Commercial, and Industrial zoning districts to be located on any property within 500 feet of the property where the use requiring the parking is located: and, in Multiple Use zoning districts, on any lot within any distance.
 - 2. By approving a Temporary Displaced Parking application, the decision making authority may permit parking displaced by development to be located off site temporarily, in accordance with the provisions of Section 40.80.15.5.
- B. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by an access that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
- C. In R10, R7, R5 and R4 zones parking and loading spaces may be located in side and rear yards and may be located in the front yard of each dwelling unit only if located in the driveway area leading to its garage. [ORD 4584; June 2012]
- D. Parking in the front yard is allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard and closest to the driveway subject to the following conditions:
 - 1. The owner of the lot upon which the space is sought shall enter into a written agreement allowing the space with the owner of the property on that side closest to the proposed additional space. This agreement shall be binding on the successors in interest to the property of both parties and shall be recorded with the Washington County Department of Records and Elections.
 - 2. Notwithstanding the agreement of the property owners, the additional space shall not be allowed if it creates a traffic sight obstruction.
 - 3. The additional space shall be hard surfaced.

RESPONSE: All parking is provided onsite. This modification for phased construction does not propose any changes to how the parking was calculated. This criterion will remain met.

12. Compact Cars. Compact car parking spaces may be allowed as follows:

- B. For uses other than residential uses, twenty percent (20%) of the required vehicle parking spaces for long term or designated employee parking lots may be compact spaces. The Facilities Review Committee may recommend allowing more than twenty percent (20%) of the required parking spaces to be used for compact car parking when the applicant shows that more compact car spaces are appropriate.
- C. The Facilities Review Committee may recommend allowing the required parking spaces for short term parking to include spaces for compact cars if the applicant shows that there will be adequate parking for non-compact cars and a method of enforcing the compact car parking is available.

D. Compact car parking spaces shall be generally grouped together and designated as such.

RESPONSE: The prior approvals did not include any compact stalls with the work area. This modification for construction phasing does not propose any changes to the prior approval and does not include any new approvals. These criteria do not apply.

60.30.15. Off-Street Parking Lot Design.

All off-street parking lots shall be designed in accordance with [City](#) Standards for stalls and aisles as set forth in the following drawings and tables:

A	B	C	D	E	F	G	H	I
45 degrees	8.5	18.7	12.0	12.0	49.4	2.0	5.0	43.4
60 degrees	8.5	19.8	14.5	9.8	54.1	2.5	5.0	49.9
75 degrees	8.5	19.6	23.0	8.8	62.2	2.5	5.0	60.0
90 degrees	8.5	18.5	24.0	8.5	61.0	3.0	5.0	61.0
90 degrees*	7.5	15.0	24.0	7.5	58.0	2.0	5.0	58.0
* "Compact" Car (Section 60.30.10.12.)								

- A = Parking Angle
- B = Stall Width
- C = Stall Depth (no bumper overhang)
- D = Aisle Width
- E = Stall Width (parallel to aisle)
- F = Module Width (no bumper overhang)
- G = Bumper Overhang
- H = Backing Area
- I = Module Intermesh

NOTE:

- 1) For one (1) row of stalls use "C" plus "D" as minimum bay width.
- 2) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right-of-way.
- 3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.
- 4) The stall width for self-parking of long duration is 8.5 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities (shoppers and packages) is 9.5-10 feet.
- 5) The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one way traffic) is 20 feet.
- 6) Where appropriate, bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth. Dimensions of required recreational vehicle spaces are 10 feet by 25 feet.
- 7) Parking lots in conjunction with government and public buildings, as defined by Chapter 11 of the International Building Code, are to include parking for the handicapped as required in that chapter. These special spaces may be included within the total spaces required.

RESPONSE: This modification does not seek to modify any of the approved site plan. The

parking was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the parking will be constructed under Phase 1. This guideline will remain met.

60.55 Transportation Facilities

60.55.10. General Provisions.

1. All public and private transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.
2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development. [ORD 4103; May 2000]
3. For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.
4. The decision-making authority may impose development conditions of approval per Section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements).
5. Dedication of right-of-way shall be determined by the decision-making authority.
6. Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.
7. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.

At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity (V/C) ratio for each lane group shall be no greater than 0.98. Signal progression shall also be considered. If the intersection is under County or ODOT jurisdiction, the V/C ratio for each lane group shall not exceed the V/C ratio imposed by that jurisdiction. [ORD 4706; May 2017]

At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.

If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.

RESPONSE: The project is within a fully developed shopping center adjacent to fully developed

rights-of-way. To the applicant's knowledge no right-of-way improvements are triggered or required as part of this project. The project does not include any right-of-way modifications.

60.55.15. Traffic Management Plan.

Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local Street or Neighborhood Route and having abutting property zoned R2, R4, R5, R7, or R10.

1. For each development application that requires a Traffic Management Plan, the Plan shall identify:
 - A. The hours when the added trips from the development will be 20 or more vehicles per hour.
 - B. The existing volume of trips on the residential street during each of those same hours.
 - C. The volume of trips that the development will add on the residential street during each of those same hours.
 - D. Recommended traffic management strategies designed to City standards to mitigate the impacts of the increased trips attributed to the development. Potential traffic management strategies include, but are not limited to, any combination of speed humps, curb extensions, intersection treatments, and traffic control devices.
2. The Traffic Management Plan shall discuss whether the recommended improvements both on-site and off-site are justified, reasonably related to, and roughly proportional to the impacts of the proposed development and shall include information sufficient for the City to assess whether the proposed mitigation strategies are reasonably related and roughly proportional to the level of impact. [ORD 4103; May 2000]

RESPONSE: This criterion does not apply as the project is not on a residential street.

60.55.20. Traffic Impact Analysis.

For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. The Traffic Impact Analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

1. Engineer Certification. The Traffic Impact Analysis shall be prepared and certified by a traffic engineer or civil engineer licensed in the State of Oregon.

RESPONSE: This modification does not seek to modify the approved site plan or building square footages that would affect trips. The trip generation memo submitted with the original approvals were found compliant with this guideline and will continue to comply with this guideline with the proposed construction phasing modification as the total square footage approved does not change only the timing of when it is constructed. This guideline will remain met.

2. Analysis Threshold.
 - A. A Traffic Impact Analysis is required when the proposed land use change or development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer. [ORD 4706; May 2017]
 - B. A Traffic Impact Analysis or some elements of a Traffic Impact Analysis may be required when the volume threshold under subsection A. of this section is not met but the City Engineer finds that

the traffic impacts attributable to the development have the potential to significantly impact the safe and efficient operation of the existing public transportation system.

RESPONSE: This modification does not seek to modify the approved site plan or building square footages that would affect trips. The trip generation memo submitted with the original approvals were found compliant with this guideline and will continue to comply with this guideline with the proposed construction phasing modification as the total square footage approved does not change only the timing of when it is constructed. This guideline will remain met.

60.55.25. Street and Bicycle and Pedestrian Connection Requirements.

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.

RESPONSE: This modification does not seek to modify any of the approved street, bicycle or pedestrian connections. The circulation for vehicles, bicycles and pedestrians were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including circulation will be constructed under Phase 1. This guideline will remain met.

2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.

RESPONSE: The project is within a small area of a fully developed shopping center on abutting fully developed roads. The abutting roads are complaint with current requirements. This criterion will remain met.

3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.

RESPONSE: This criterion does not apply as the site is already developed.

4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.

RESPONSE: The site is fully developed and all frontages abutting the parcel are fully developed. This criterion is already met.

5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.

RESPONSE: This does not apply as the streets and bicycle and pedestrian connections adjacent to and with the parcel are of adequate width.

6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.

RESPONSE: This modification does not seek to modify any of the approved bicycle or pedestrian connections. The bicycle and pedestrian connections were found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the parking will be constructed under Phase 1. This guideline will remain met.

7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.

RESPONSE: This modification does not seek to modify any of the approved bicycle and pedestrian connections. The bicycle parking was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the bicycle parking will be constructed under Phase 1. This guideline will remain met.

8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.

RESPONSE: The proposed project is within a fully developed shopping center abutting fully developed and compliant rights-of-way. The project does not include any changes to the rights-of-way.

9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in Section 60.55.25.14.

An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

- A. Accessways shall be provided as follows:

1. In any block that is longer than 600 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, an accessway shall be required through and near the middle of the block.
 2. If any of the conditions described in Section 60.55.25.14. result in block lengths longer than 1200 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, then two or more accessways may be required through the block. [ORD 4397; August 2006]
 3. Where a street connection is not feasible due to conditions described in Section 60.55.25.14., one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a shopping center, or a neighborhood park. [ORD 4397; August 2006]
 4. The City may require an accessway to connect from one cul-de-sac to an adjacent cul-de-sac or street.
 5. In a proposed development or where redevelopment potential exists and a street connection is not proposed, one or more accessways may be required to connect a cul-de-sac to public streets, to other accessways, or to the project boundary to allow for future connections.
 6. Within the South Cooper Mountain Community Plan area, the City may require an accessway to connect from multi-use paths or trails to streets, multi-use paths, or trails.
- B. Accessway Design Standards.
1. Accessways shall be as short as possible and wherever practical, straight enough to allow one end of the path to be visible from the other.
 2. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and bicycle destinations.

RESPONSE: The project is for minor changes within a fully developed shopping center. The project does not include any new accessways and the existing grade differences between the site and the right-of-way preclude new accesses. This criterion does not apply.

10. Pedestrian Circulation.
- A. Walkways are required between parts of a development where the public is invited or allowed to walk.
 - B. A walkway into the development shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the development.

RESPONSE: This modification does not seek to modify any of the approved pedestrian walkways. The pedestrian circulation was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the pedestrian circulation will be constructed under Phase 1. This guideline will remain met.

- C. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. Walkways shall connect the development to walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.
- D. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.
- E. Walkways shall be paved and shall maintain at least five (5) feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards.
- F. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.

RESPONSE: This modification does not seek to modify any of the approved walkways. The pedestrian circulation was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All site improvements including the pedestrian circulation will be constructed under Phase 1. This guideline will remain met.

- G. On-site walkways shall be lighted to 0.5 foot-candle level at initial luminance. Lighting shall have cut-off fixtures so that illumination does not exceed 0.5 foot-candle more than five (5) feet beyond the property line.

RESPONSE: All walkways are lit to a minimum 0.5 foot-candles as demonstrated in the included photometrics plan. This criterion is therefore met.

11. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:

- A. For development within 200 feet of a Major Transit Stop:
 - 1. Either locate buildings within 20 feet of the property line closest to the transit stop, a transit route or an intersecting street, or provide a pedestrian plaza at the transit stop or a street intersection;
 - 2. Provide a transit passenger landing pad accessible to persons with disabilities if required by TriMet and the City;
 - 3. Provide a reasonably direct pedestrian connection between the transit stop and building entrances on the site;
 - 4. Where substantial evidence of projected transit ridership or other transit impacts is presented to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification, the City may require the developer to grant a public easement or dedicate a portion of the parcel for transit passenger bench(es), shelter, or both, and, if appropriate, the construction of a transit passenger bench, shelter, or both; and,
 - 5. Provide lighting at the transit stop to City standards.
- B. Except as otherwise provided in subsection A. of this section, for development within 300 feet of a Major Transit Stop, provide walkways connecting building entrances and streets adjoining the site,

and pedestrian connections to adjoining properties, except where such a connection is impracticable pursuant to subsection 14. of this section.

RESPONSE: The project is within an existing fully developed shopping center along fully developed rights-of-way. There are existing transit stops along those rights-of-way. The proposed project does not include any new transit stops or improvements to the existing transit stops. This criterion does not apply.

12. Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.

“Assessment” for the purposes of this section means to assess the site-specific development compatibility issues. Site-specific compatibility issues include but are not limited to lighting, construction methods, design elements, rare plants, and human/pet impacts on the resource. “Review” for the purposes of this section includes but is not limited to obtaining appropriate permits from appropriate resource agencies. Mitigation measures, including appropriate use restrictions, required by local, state, and federal agencies shall be completed as part of the construction project. If the project will irreparably destroy the resource, then the resource will take precedence over the proposed bicycle and pedestrian connection.

RESPONSE: This criterion does not apply as the project site is not in a wetland, stream, Significant Natural Resource Overlay Zone or Significant Riparian Corridor.

13. New construction of bicycle and pedestrian connections along residential rear lot lines is discouraged unless no comparable substitute alignment is possible in the effort to connect common trip origins and destinations or existing segment links.

RESPONSE: This criterion does not apply as the project does not abut any residential rear lot lines.

14. Street and Bicycle and Pedestrian Connection Hindrances. Street, bicycle, and/or pedestrian connections are not required where one or more of the following conditions exist:

- A. Physical or topographic conditions make a general street, bicycle, or pedestrian connection impracticable. Such conditions include but are not limited to the alignments of existing connecting streets, freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
- B. Existing buildings or other development on adjacent lands physically preclude a connection now, and in the future, considering the potential for redevelopment; or,
- C. Where streets, bicycle, or pedestrian connections would violate provisions of leases, easements, covenants, or restrictions written and recorded as of May 1, 1995, which preclude a required street, bicycle, or pedestrian connection.

RESPONSE: The approved project includes a new ADA compliant walkway (between the project buildings, bank and mid-site signalized access), a new stair, relocated mid-block stair and new ADA ramp at the SW Valeria View Drive intersection. Configuration

and design of these features was directly influenced by the existing extreme grade difference between the right-of-way and existing development onsite. This request for a construction phasing modification does not affect the approved walkways. All site amenities will be installed in Phase 1. This criterion will continue to be met.

60.55.30. Minimum Street Widths.

Minimum street widths are depicted in the Engineering Design Manual.

1. Any project-specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the Section 145 Design Modifications of the Engineering Design Manual.
2. Any project-specific modifications of the standards of the Engineering Design Manual relating to the location and dimensions of required street landscaping and pedestrian features including, but not limited to, sidewalks, planter strips, street trees, street tree wells, street tree easements, or street furniture are subject to the procedures contained in CHAPTER 40 (Applications). The required application will depend on the scope of the proposed project and the type of application filed with the City.
3. Street trees shall be planted at a maximum linear spacing of 30 feet along street frontages or in accordance with an approved street tree plan approved by the City Arborist. Proposed tree wells shall be designed to meet standards in the City Engineering Design Manual.

RESPONSE: All abutting streets meet the current standards for their classifications and are fully developed with amenities. The proposed project does not include any changes to the rights-of-way. This criterion will continue to be met.

60.55.35. Access Standards.

1. The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved
2. No more than 25 dwelling units may have access onto a closed-end street system unless the decision-making authority finds that identified physical constraints preclude compliance with the standard and the proposed development is still found to be in compliance with the Facilities Review criteria of Section 40.03.
3. Intersection Standards.
 - A. Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual except in Regional and Town Centers.
 1. The sight clearance area requirements for Town Centers and Regional Centers shall be determined on a case-by-case basis by the decision-making authority. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists, and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual and Standard Drawings, and other applicable criteria.
 2. The requirements specified in 60.55.35.3.A. may be lessened or waived by the decision-making authority if the project will not result in an unsafe traffic situation. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists and motorists), design speeds, the intersection sight distance standards

- of the Engineering Design Manual, and other applicable criteria.
- B. Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.
 1. When a highway interchange within the City is constructed or reconstructed, a park and ride lot shall be considered.
 - C. Driveways.
 1. Corner Clearance for Driveways. Corner clearance at signalized intersections and stop-controlled intersections, and spacing between driveways shall meet the standards of the Engineering Design Manual and Standard Drawings.
 2. Shared Driveway Access. Whenever practical, access to Arterials and Collectors shall serve more than one site through the use of driveways common to more than one development or to an on-site private circulation design that furthers this requirement.

Consideration of shared access shall take into account at a minimum property ownership, surrounding land uses, and physical characteristics of the area.

Where two or more lots share a common driveway, reciprocal access easements between adjacent lots may be required.
 3. No new driveways for detached dwellings shall be permitted to have direct access onto an Arterial or Collector street except in unusual circumstances where emergency access or an alternative access does not exist. Where detached dwelling access to a local residential street or Neighborhood Route is not practicable, the decision-making authority may approve access from a detached dwelling to an Arterial or Collector.

RESPONSE: The project is within a fully developed shopping center that has developed access points. The proposed project does not include any new accesses, removal of any access or modifications to existing accesses. This criterion will remain met.

60.55.40. Transit Facilities.

Transit routes and transit facilities shall be designed to support transit use through provision of transit improvements. These improvements shall include passenger landing pads, accessways to the transit stop location, or some combination thereof, as required by TriMet and the City, and may also include shelters or a pad for a shelter. In addition, when required by TriMet and the City, major industrial, institution, retail, and office developments shall provide either a transit stop on site or a pedestrian connection to a transit stop adjacent to the site.

1. Transit Shelters. All transit shelters and sidewalk furniture shall meet the following standards.
 - A. The proposal is located entirely within the existing public right-of-way, public access easement, or property owned by a public agency.
 - B. The proposal maintains an unobstructed path of travel of no less than six feet (6') unless a greater unobstructed path is required by this code for a specific sidewalk.
 - C. The proposal is not located within eight feet (8') of a point of ingress or egress of an existing structure.
 - D. The proposal is not located within a vision clearance area for a street, driveway, or other facility where vehicles regularly travel.
 - E. The proposal is not located within twelve feet (12') of a window display area.
 - F. The proposal does not consist of solid panels other than what is required to post transit schedules.

RESPONSE: The project is within an existing fully developed shopping center along fully developed rights-of-way. There are existing transit stops along those rights-of-

way. The proposed project does not include any new transit stops or improvements to the existing transit stops. This criterion does not apply.

60.60 Trees and Vegetation

60.60.10. Types of Trees and Vegetation Regulated.

Actions regarding trees and vegetation addressed by this section shall be performed in accordance with the regulations established herein and in Section 40.90. of this Code. The City finds that the following types of trees and vegetation are worthy of special protection:

1. Significant Individual Trees.
2. Historic Tree.
3. Trees within Significant Natural Resource Areas.
4. Trees within Significant Groves.
5. Landscape Trees.
6. Community Trees.
7. Mitigation Trees.

60.60.15. Pruning, Removal, and Preservation Standards.

1. Pruning Standards.
 - A. It shall be unlawful for any person to remove or prune to remove a tree’s canopy or disturb the root zone of any Protected Tree, except in accordance with the provisions of this Code.
 - B. All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City’s adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.

RESPONSE: This modification does not include any pruning. The project was found to be compliant with this guideline under the prior approvals and will continue to comply with this guideline with the proposed construction phasing modification. All improvements except Pad Building J will be constructed under Phase 1.

2. Removal and Preservation Standards.
 - A. All removal of Protected Trees shall be done in accordance with the standards set forth in this section.

RESPONSE: The project does not have any protected trees. This criterion does not apply.

- C. Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.

RESPONSE: The previously approved project removed trees and mitigation was provided as required by section 60.60.25. This request for construction phasing modification will not alter the requested number of trees removed for the mitigation. The project will remain compliant with the prior approval and this criterion.

- C. For SNRAs and Significant Groves, the following additional standards shall apply:
 1. The minimum DBH of non-exempt surveyed trees that must be preserved on a site is as follows:
 - b) Residential, Commercial, or Industrial zoning district: Twenty five percent (25%) of the DBH of non-exempt surveyed trees found on a project site

2. DBH to be retained shall be preserved in cohesive areas, termed Preservation Areas, when development is proposed in SNRAs or Significant Groves.
3. Native understory vegetation and trees shall be preserved in Preservation Areas.
4. Preservation Areas, conditioned for protection through the Development Review process, shall be preserved in clusters that are natural in appearance rather than in linear strips. Preservation Areas should connect with adjoining portions of the Significant Grove or SNRA on other sites.
5. Preservation Areas, conditioned for protection through the Design Review process, shall be set aside in conservation easements and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.
6. Preservation Areas, conditioned for protection through the Land Division process, shall be set aside in tracts and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.
7. Within the development review process, where a person is presented with a particular decision whether to retain a native or non-native tree, the native species shall be retained provided all other considerations between the two categories of trees remain equal.

Non-native tree species may also be retained for aesthetic, unique condition, size, and wildlife habitat purposes.

8. Hazardous and dead trees within Significant Groves and SNRAs should be fallen only for safety and left at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.

RESPONSE: The project is not within an SNRA and does not have any Significant Groves; these criteria do not apply.

60.60.25. Mitigation Requirements.

9. The following standards apply to the replacement of a Landscape Tree:
 - A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.
 - B. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the City may allow replacement with a different species.
 - C. Replacement of a Landscape Tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. Replacement of tree on a one-to-one basis shall be as follows:
 1. Calculate the sum of the total linear DBH measurement of the tree to be removed.
 2. The total linear DBH measurement of the tree to be removed shall be replaced with tree at least 1.5 caliper inches in diameter. The total caliper inches of the replacement tree shall be at least equal to the sum total of the linear DBH measurement of the removed tree.

RESPONSE: The previously approved project removed trees and mitigation was provided as required by section 60.60.25. This request for construction phasing modification

will not alter the requested number of trees removed for the mitigation. The project will remain compliant with the prior approval and these criteria.

60.65 Utility Undergrounding

60.65.15. Regulation.

All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.

1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connection boxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and that portion of a project where undergrounding will require boring under a Collector or Arterial roadway, and City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects.

RESPONSE: The proposed project is within a fully developed shopping center adjacent to a fully developed right-of-way. The project does not propose any modifications to the right-of-way. All existing utilities along the right-of-way will remain as-is.

2. The developer shall make all necessary arrangements with the serving private utility to cause the utility service(s) to be placed underground;

RESPONSE: The developer will make all necessary arrangements with the serving private utility companies for placement of services underground. This criterion will therefore be met.

3. The City reserves the right to approve surface mounted facilities;

RESPONSE: It is understood the City must approve surface mounted facilities.

4. All underground public and private utilities shall be constructed or installed prior to the final surfacing of the streets; and

RESPONSE: All underground utilities will be installed prior to the final surfacing of the vehicular areas. This criterion will therefore be met.

5. Stubs for service connections and other anticipated private extensions at street intersections shall be long enough to avoid disturbing street surfaces and right-of-way improvements such as sidewalks and landscaping areas when service connections are made.

RESPONSE: At this time, the project does not include any stubs for services at the street intersection.

6. Unless otherwise specifically required in an existing franchise between the City and the particular private utility, or PUC rule, the applicant or developer responsible for initiating the requirement for placing overhead utilities underground is responsible for the cost of converting all existing customer equipment and private utilities on private or public property, or both to meet utility undergrounding requirements.

RESPONSE: At this time the applicant does not believe that any existing overhead utilities need to be undergrounded as part of this project.

7. If the private utility service provider requires an applicant, as a component of the applicant's placing private utilities underground, to install facilities to accommodate extra capacity beyond those necessitated by the proposed development, the private utility service provider shall be financially responsible for providing the means to provide such extra capacity.

RESPONSE: It is understood that should a private utility service provider require that extra capacity be installed it will be at the land owners expense.

60.65.20. Information on Plans.

The applicant for a development subject to design review, subdivision, partition, or site development permit approval shall show, on the proposed plan or in the explanatory information, the following:

1. Easements for all public and private utility facilities;
2. The location of all existing above ground and underground public and private utilities within 100 feet of the site;
3. The proposed relocation of existing above ground utilities to underground; and
4. That above ground public or private utility facilities do not obstruct vision clearance areas pursuant to Section 60.55.35.3 of this Code.

RESPONSE: All of the above information can be found on the included civil and survey drawings. This criterion is therefore met.

60.65.25. Optional Fee In Lieu of the Undergrounding Requirement.

If any of the following criteria are met as determined by the City, after receiving a recommendation from the Facilities Review Committee, at the applicant's option, applicant shall either immediately place the private utilities underground or pay a fee to the City toward future undergrounding in lieu of immediately placing private utilities underground.

Criteria. An applicant may request an optional fee in-lieu of the undergrounding requirement by submitting a written request to the Director that addresses how one or more of the following criteria are met. The written request shall include the information required in Sections 60.65.20.2. and 3., shall identify the segment of the required utility undergrounding that meet the criteria below, and shall explain in narrative and graphic form how one or more of the criteria are met. [ORD 4224; August 2002]

1. Placement of private utilities underground would conflict with the current City of Beaverton Engineering Design Manual and Standard Drawings or the Clean Water Service's Design and Construction Manual, as applicable;
2. An improvement project(s), which would include placement of said private utilities underground, other than as a part of the proposed development, are funded in the City's or another public agency's current fiscal year budget, are under design, or are under construction, and the City has determined that utility

- undergrounding can be accomplished more efficiently as part of such other improvement project(s).
3. Excluding service connection(s) of private utility(s) to structure(s), the length of any one of the three private utilities within or contiguous to the subject property to be placed underground is less than the corresponding threshold distance outlined in Table 60.65.25.3. If any of the existing or proposed utilities meets the corresponding threshold, as specified in this criterion, then, at the option of the applicant, the applicant shall either pay a fee in-lieu for undergrounding all of said utilities that are not already underground or place all of said utilities underground. If any of the utilities exist and are deemed exempt from the undergrounding requirement, as specified in Section 60.65.15.1., only that exempt utility shall not be required to pay an in-lieu fee. All other existing utilities that share the location of the exempt utility shall either pay an in-lieu fee or be placed underground.

	Threshold	Electric	Telephone	Cable Television
A.	500 feet	Tap lines with at least 2 poles	Class 1 (0 to 300 conductors)	Service drops
B.	600 feet	Sub-feeder with at least 3 poles	Class 2 (301 to 600 conductors)	Feeder
C.	800 feet	Feeder with at least 5 poles	Class 3 (601+ conductors or fiber optic)	Trunk or fiber optic

RESPONSE: The project will underground all new utilities and does not, at this time, anticipate fees in-lieu.