

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2882
OF A DOWNTOWN DESIGN REVIEW THREE FOR) DDR2022-0002 ORDER APPROVING
BREAKSIDE BAR CONTAINER, OPEN CONCEPT) BREAKSIDE BAR CONTAINER, DOWNTOWN
ARCHITECTURE, APPLICANT.) DESIGN REVIEW THREE.

The matter came before the Planning Commission on March 23, 2022, on a request for Design Review Three approval for the construction of an approximately 325 square foot storage container to be used for beverage service. The site is located at 12675 SW 1st Street, Tax Lot 900 on Washington County Tax Assessor's Map 1S116AD.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission expressed concern that the counter height of the customer service area was not compliant with the Americans with Disabilities Act. Staff responded that compliance with the Americans with Disabilities Act would be confirmed during the building permit review process. The Commission agreed the this was a satisfactory approach, and no design changes or conditions of approval were needed to address this topic.

The Commission expressed concern that the west façade facing SW Angel lacked glazing, and possibly did not comply with Design Guideline

Section 70.20.10.4.G5. Staff noted that the interior area of this section of the structure to be utilized as a refrigerated area, and windows would reduce the insulating ability of the structure. Furthermore, staff noted that this was a storage area that did not need access to natural light, as opposed to other habitable building spaces. The Commission was divided on whether the Design Guideline was met.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated March 16, 2022, revision dated March 18, 2022, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.23.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DDR2022-0002** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated March 16, 2022, revision dated March 18, 2022, subject to the condition of approval as follows:

A. General Conditions:

1. Vehicle access to the subject site from SW Farmington Road is strictly prohibited. This includes (but is not limited to) deliveries or services provided to the structure. (BDC 40.32.15.2.C.7) (Transportation / KM)

B. Prior to building permit issuance, the applicant shall:

2. Obtain the issuance of site development permit from the Site Development Division associated with land use case file DR2021-0097 Breakside Food Carts & Restaurant. (Site Development Div./KJ)

3. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./KJ)
4. Provide updated photometric plans showing compliance with Technical Lighting standards in all areas around the structure, including the area between the proposed structure and the existing building. (Planning Div./SR)

C. Prior to final permit inspection or occupancy permit issuance, the applicant shall:

5. Have substantially completed the site development improvements from the site development permit associated with land use case file DR2021-0097 Breakside Food Carts & Restaurant as determined by the City Engineer. (Site Development Div. / KJ)
6. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div. / KJ)
7. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / KJ)
8. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div. / KJ)
9. Have recorded the final plat in County records and submit a copy to the City for LD2021-0020 Breakside Food Carts & Restaurant. (Site Development Div. / KJ)
10. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision-making authority in conditions of approval. (On file at City Hall). (Planning/SR)
11. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision-making authority in conditions of approval. (On file at City Hall). (Planning/SR)

Motion **CARRIED**, by the following vote:

AYES: McCann, Saldanha, Glenewinkel, Lawler, Teater Winter
NAYS: Nye.
ABSTAIN: None.
ABSENT: None.

Dated this 30th day of March, 2022.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2882 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on April 11, 2022.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

STEVE REGNER
Senior Planner

JENNIFER NYE
Chair

ANNA SLATINSKY
Planning Division Manager