



Community Development Department
Current Planning Division
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www.BeavertonOregon.gov

MEMORANDUM City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: March 31, 2017

Subject: **DR2016-0139 SDM2017-0002 Carl's Jr. / Human Bean at TV Hwy and Murray Blvd.**

Please find attached the Notice of Decision for **DR2016-0139 SDM2017-0002 – Carl's Jr / Human Bean at TV Hwy. and Murray Blvd.** Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for DR2016-0139 SDM2017-0002 (Carl's Jr / Human Bean), is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for DR2016-0139 SDM2017-0002 – Carl's Jr / Human Bean at TV Hwy. and Murray Blvd, is 4:30 p.m., Wednesday, April 12, 2017.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Ken Rencher, Associate Planner, at (503) 526-2427.

Accessibility information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact **Ken Rencher** by calling 711 **503-526-2427** or email krencher@beavertonoregon.gov



NOTICE OF DECISION

DECISION DATE: March 31, 2017

TO: All Interested Parties

FROM: Ken Rencher, Associate Planner

PROPOSAL: **DR2016-0139 SDM2017-0002 – Carl's Jr / Human Bean at TV Hwy. and Murray Blvd.**

LOCATION: 14495 SW Tualatin Valley Hwy.
Tax Assessor's Map and Lot Number: 1S116BB02900

SUMMARY: The applicant is seeking Design Review Two and Sidewalk Design Modification approval to redevelop a 1.04 acre site with two drive-through restaurants of approximately 2,953 and 1,419 square feet, respectively.

PROPERTY OWNER: Sisters of St. Mary's of Oregon
Attn: Mary Augustyn
4440 SW 148th Ave.
Beaverton, OR 97078

APPLICANT: Pacific Development Ventures
Attn: Josh Veentjer
101 SW Madison St. #8913
Portland, OR 97204

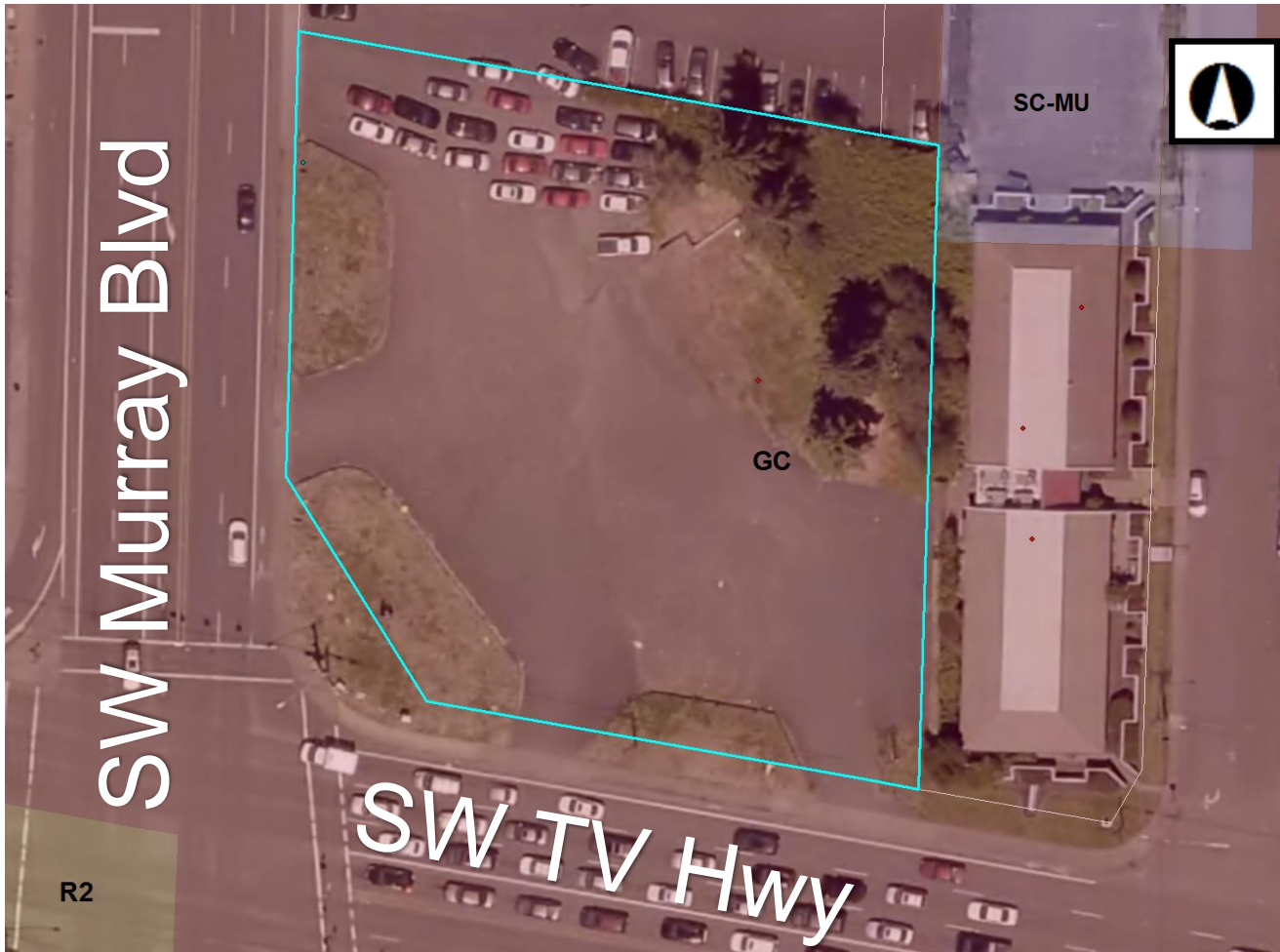
APPLICANT'S REPRESENTATIVE: Mackenzie
Attn: Lee Leighton
1515 SE Water Ave. #100
Portland, OR 97214

APPLICABLE Development Code Sections 40.03.1 (Facilities Review), 40.20.15.2 (Design Review Two), 40.58.15 (Sidewalk Design Modification)

RECOMMENDATIONS: **APPROVAL DR2016-0139 SDM2017-0002 – Carl's Jr / Human Bean at TV Hwy. and Murray Blvd. subject to conditions identified at the end of this report.**

EXHIBIT 1

Zoning/Vicinity/Aerial Map



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Decision Date</u>	<u>120-Day*</u>
DR2016-0139 SDM2017-0002	December 14, 2016 March 1, 2017	January 12, 2017 March 1, 2017	March 31, 2017	May 12, 2017

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	GC (General Commercial)	
Current Development	Vacant (former Gas Station)	
Site Size	Approximately 1.04 Acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: GC (General Commercial) South—across SW TV Hwy.: GC East: GC and SC-MU (Station Community—Multiple Use) West—across Murray Blvd.: GC	<u>Uses:</u> North: Vehicle Rental and Bank ATM South: Vehicle Sales East: Medical Office and Office West: Retail and Gas Station

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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Attachment A: Facilities Review Committee Technical Review and Recommendation Report	FR1 – 10
Attachment B DR2016-0139 – Design Review Two	DR1 – 13
Attachment C: SDM2017-0002 – Sidewalk Design Modification	SDM1 – 3
Attachment D: Conditions of Approval	COA1 – 10

Exhibit 1. Zoning/Vicinity Map

Exhibit 2. Agency Comments

Exhibit 2.1 Conditions of Approval from Jeremy Foster with TVF&R dated March 21, 2016

Exhibit 2.2 Conditions of Approval from Elise Scolnick with ODOT dated May 4, 2016.

Exhibit 2.3 Conditions of Approval from Naomi Vogel with Washington County dated

Public Comment

- No public comments received

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
CARL'S JR AND HUMAN BEAN DRIVE THROUGH RESTAURANTS (DR2016-0139)**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Director's Decision, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the application as identified below:

- **All eleven (11) criteria are applicable to the submitted Design Review application, DR2016-0139.**

The proposal is to construct two new drive through restaurants on the currently vacant property. One will be approximately 3000 square feet and the other will be approximately 1400 square feet. Each building will have interior seating.

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

Critical facilities and services, as defined by Chapter 90 of the Development Code, include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

The applicant states that all critical facilities and services have adequate capacity to serve the proposed facility.

Public water

Water service is provided by the City of Beaverton, through the line in the SW Tualatin Valley Hwy right-of-way. The existing water supply system will be adequate to serve the new development.

Public sanitary sewer

The City of Beaverton provides public sanitary sewer service through the existing sewer system in the public right-of-way of SW Murray Blvd. The existing system will adequately serve the proposal.

Storm water drainage, treatment, and detention

Facilities for storm water drainage are available within the right-of-way of SW Tualatin Valley Hwy. As Conditions of Approval, the applicant is required to upgrade the existing on-site stormwater facilities and/or pay a fee-in-lieu to mitigate the impacts of the development.

Transportation

The proposed development site is at the corner of SW Tualatin Valley Hwy., a 7-lane Major Arterial Street under the maintenance and operational jurisdiction of the Oregon Department of Transportation (ODOT) and SW Murray Blvd., a 5- and 6-lane Arterial Street under the jurisdiction of Washington County.

A Traffic Impact Analysis (TIA), dated December 2016 has been submitted by Kittelson & Associates, Inc. This application proposes to construct two fast food restaurants: a Carl's Jr restaurant and a Human Bean coffee shop. Both buildings will have indoor seating. These uses are replacing a gas station that was removed from the site in 2007. The analysis forecast that with proposed buildout of the full site, the two uses would generate a combined 2621 trips to or from the site on an average weekday. Of these, approximately 49% would be vehicles already on the road system (pass-by trips). Of the new trips to the site, approximately 141 can be considered net new trips during the weekday AM peak hour. The TIA reviewed the SW Tualatin Valley Hwy. and SW Murray Blvd. intersection, as well as the proposed driveways onto each street.

According to the TIA, the intersection already fails to meet the City's applicable volume-to-capacity (V/C) standard of 0.98 during the morning and evening peak hours. In the morning, the intersection as a whole operates at a V/C of 1.04 and the northbound through movement operates with a V/C ratio of 1.39. During the evening peak hour the intersection as a whole currently operates with a V/C ratio of 0.95. However, some movements exceed the lane group operating standard: the northbound and southbound through movements operate with evening peak hour V/C ratios of 1.03 and 1.11, respectively.

In addition, this intersection consistently ranks near the top of the lists for highest crash rates. The applicant's TIA explains that a high number of crashes, especially rear-end collisions are typical of congested intersections that are operating above capacity.

As a potential mitigation measure, the applicant team explored adding a westbound right turn lane on SW Tualatin Valley Hwy. However, the TIA states that with or without the added lane, the Level-of-Service for the intersection would continue to be F, and the volume-to-capacity ratio would continue to be 1.07 in the morning peak hour, with average delays of 99.3 seconds per vehicle.

A second way to potentially improve the performance of the intersection would be to add a second left turn lane to all approaches. However, the proximity of the rail line just south of the intersection severely constrains the available mitigation measures for this congested intersection by requiring that all new land for the added lanes come from the properties to the north of SW Tualatin Valley Hwy.

A third way to potentially improve flow through the intersection would be to add additional through lanes to SW Murray Blvd. Doing so might reduce vehicular delay but would widen an already wide intersection and exacerbate the challenges pedestrians face who try to cross at this intersection.

Given the existing constraints and traffic volumes at this location, staff find that there is no practical way for the applicant of the proposed development to improve the intersection such that it would meet the performance targets. In-process improvements to the intersection of SW Murray Blvd. and SW Farmington Rd. to the south might reduce the traffic volumes at the SW Murray Blvd. and SW Tualatin Valley Hwy. intersection. Therefore, the applicant has submitted documentation from ODOT staff that the proposal qualifies under an ODOT policy provision that allows new development to add trips to an already failing intersection if safety and access improvements are provided along the project frontage.

The applicant proposes to retain the existing 60 feet of ROW from centerline of SW Tualatin Valley Hwy. and proposes to dedicate additional ROW along SW Murray Blvd., for a total of 51 feet from centerline. Along each street, the applicant proposes to construct 9-foot-wide sidewalks behind planter strips that are at least 5 feet wide. Where possible, the applicant will install street trees within the planter strips. The applicant has received City approval of a Sidewalk Design Modification application to facilitate this modified sidewalk and planter strip configuration.

Fire Protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R staff have provided conditions of approval to ensure that the proposed development will have adequate fire protection services.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- 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.***

Essential facilities and services, as defined by Chapter 90 of the Development Code,

include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities.

The applicant states that all essential facilities are available or will be made available.

Schools

The Beaverton School District has not provided comments addressing the anticipated impacts of the subject project on the District, though the proposal is not expected to impact the District.

Transit improvements

Existing transit improvements are already in place along SW Murray Blvd. and SW Tualatin Valley Hwy. TriMet bus route # 62 serves the site with stops located along SW Murray Blvd. and bus route # 57 serves the site with stops located along SW Tualatin Valley Hwy.

Police protection

The site will be continue to be served by the City of Beaverton Police Department for public safety.

On-site pedestrian and bicycle facilities

The applicant proposes to construct 9-foot-wide sidewalks, separated from the street by 6-foot-wide planter strips, along each frontage. The submitted plans show street trees to be placed in grated tree wells along SW Tualatin Valley Hwy. As noted above, street trees will also be required as a condition of approval along SW Murray Blvd. and SW Tualatin Valley Hwy, subject to ODOT approval. With the approval of SDM2017-0002, the applicant has received approval for the modified sidewalk and planter strip configuration.

The applicant also proposes interior pedestrian walkways between the buildings and connecting the buildings to the surrounding sidewalk system. These interior walkways will be 5-6 feet wide. To improve pedestrian visibility and safety, the applicant has proposed to raise the walkway south of Building 2. All of the walkways will be built of concrete to distinguish them from the asphalt surface of the parking lot and vehicular drive aisles. Long-term and short-term bicycle parking is provided for each building.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- C. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered**

concurrently with the subject proposal.

The property is zoned General Commercial (GC) and does not abut a residential zone. Eating and drinking establishments, including drive-through restaurants, are allowed as permitted uses in this zone. Uses operating between 10:00 pm and 7:00 am and drive-through facilities are also permitted. The site exceeds the minimum lot area requirements and the proposed buildings exceed the minimum setback requirements. The proposed buildings meet the maximum height requirements. See also the Chapter 20 Code Conformance Analysis Table on page DR-10, below.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

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

Design Review Requirements (Section 60.05)

Staff has provided findings for the Design Review Standards within the staff report for the Design Review application, below.

Drive-Up Window Facilities (Section 60.07)

The proposal includes two drive-through restaurants. Each one has a separate on-site drive aisle with sufficient vehicle stacking capacity and adequate escape lanes. Each restaurant provides two spaces for the exclusive use of drive-through customers.

Off-Street Parking Requirements (Section 60.30)

The two restaurants will require a minimum of 44 parking spaces (14 for the Human Bean and 30 for the Carl's Jr). The applicant has not proposed to have the two restaurants share any spaces. The proposal provides 33 standard spaces, 4 Accessible/Van-Accessible spaces, and 8 compact parking spaces, for a total of 45 spaces. The spaces closest to the front doors of the restaurants—which face the shared parking lot segment—have been designed to be 9 feet wide, as required for spaces for high-turnover uses, like fast food restaurants. The site meets the minimum and maximum parking requirements for automobile parking.

Each building is required to have 2 long-term and 2 short-term bicycle parking spaces. The proposal includes 4 bicycle parking spaces under a canopy for the Carl's Jr building—which can count as either short-term or long-term parking—and 2 short-term spaces and 2 covered long-term spaces for the Human Bean building. The site meets the minimum requirement for bicycle parking.

Sign Regulations (Section 60.40)

Signage is not reviewed at this time. All new signs will require sign permit approvals.

Solar Access Regulations (Section 60.45)

The new structures have no impact on the solar access of adjacent properties.

Transportation Facilities (Section 60.55)

The standards of the Transportation Facilities Section are addressed in the responses to other Facilities Review Criteria, as shown in this report.

Trees and Vegetation Requirements (Section 60.60)

The applicant states that all existing Landscape Trees will be removed to accommodate the proposal. The mitigation requirements will be addressed within the findings for the Design Review application.

Utility Undergrounding Requirements (Section 60.65)

The proposal will comply with the standards in the Utility Undergrounding Section.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- 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: drainage ditches, 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 periodic maintenance by the City or other public agency;**

According to the applicant, regular maintenance will be provided to meet the needs of the proposal.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

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

The applicant's revised plans show stop signs and stop bars at the intersection of the drive-through lanes and the parking lot drive aisles, and where the on-site system connects to the adjacent parking lot to the north. The applicant has also proposed to stripe an area of the common drive aisle next to the bank ATM to decrease the potential for conflicting vehicle movements.

As noted above, the pedestrian circulation pathways have been distinguished from the vehicular pathways through differentiation of materials and grading.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

G. *The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.*

The proposed development will have access at SW Murray Blvd. and SW Tualatin Valley Hwy. Along each street, one existing driveway will close with the proposed development, and the access points will be further away from the intersection. In each case, however, the site's access points will not meet the applicable spacing standards for driveways on an Arterial Street near an intersection. As a condition of approval, the applicant will need to obtain the required access permissions from Washington County and ODOT, prior to approval of the City's Site Development permit. At the Facilities Review meeting, staff from both Washington County and ODOT indicated that the proposed driveways could be approved as located on the applicant's submitted plans.

The proposal will generate approximately 2621 trips to the site, including pass-by trips. Of these, the TIA assumes that 45% will come to and from SW Murray Blvd. Currently the shared driveway onto SW Murray Blvd. has approximately 171 total trips in the AM peak hour and 92 in the PM peak hour. With the proposed development, the AM peak trips will increase more than 5-fold to 206 and the PM peak trips will approximately triple to 138.

The applicant's revised plans show that the shared driveway onto SW Murray Blvd. will be signed and marked for right-in, left-in, and right-out movements. The width of this driveway will be 30 feet at the narrowest part, with additional width available for the area striped out for parking for the ATM users. The revised configuration will improve the safety and efficiency of the western driveway.

The southern driveway onto SW Tualatin Valley Hwy. will be restricted to right-in and right-out movements by the existing median traffic separator in the roadway. This driveway will be 28 feet wide at the back of the sidewalk.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

H. *Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;*

The applicant states that the structures and services servicing the site have been designed to provide adequate fire protection and protection from crime, accident and hazardous conditions. The applicant has also submitted plans that show that a fire-fighting apparatus can safely access and maneuver through the site. Tualatin Valley Fire & Rescue has provided comments, which are attached to this report, that state that they endorse the proposal, provided that the applicant submit plans showing adequate fire hydrant coverage and capacity.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

I. *Grading and contouring of the 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.*

According to the applicant, the grading and contouring of the site has been designed to mitigate adverse effects on neighboring properties, public rights-of-way, surface drainage, water storage facilities, and the public storm drainage system.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

J. *That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.*

Ramps and sidewalks are provided that meet the requirements of the applicable regulations. The applicant's plans show that the pedestrian walkway to the southwest corner of the sight from the Proposed Building # 1 will have 3 steps, due to the grades of the site and the surrounding public sidewalks, but the plans also show that there are additional alternate pathways that will meet ADA accessibility requirements.

FINDING: Therefore, staff find that, by satisfying the conditions of approval, the proposal will meet the criterion for approval.

K. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

The applicant has supplied all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code.

FINDING: Therefore, staff find that the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
General Commercial (GC) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Uses	Permitted Uses	Eating Establishments with Drive-Up Window Facilities and Extended Hours of Operation	Yes
Development Code Section 20.05.15			
Minimum Lot Area	7,000 square feet	45,353 square feet	Yes
Yard Setbacks Minimums: Front Side Rear	20 feet 10 feet (Interior) 20 feet (Corner) 20 feet	Proposed structures meet minimum setbacks.	Yes
Maximum Building Height	60 feet	Proposed structures are approximately 25 and 22 feet high, respectively.	Yes

**ANALYSIS & FINDINGS FOR DESIGN REVIEW APPROVAL
DR2016-0139 (Carl's Jr and Human Bean)**

Section 40.20.15.2.C Approval Criteria

In order to approve a Design Review Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Design Review Two application.*

Facts and Findings:

The applicant has applied for approval of Design Review Two and Sidewalk Design Modification applications to redevelop the vacant 1.04 acre site of a former gas station with a proposed 2953 square foot Carl's Jr. fast food restaurant with a drive-through and a proposed 1419 square foot Human Bean coffee restaurant with a drive-through. The proposal meets Threshold Number 1 of the Design Review Type 2 application, Section 40.20.15.8:

Threshold No. 1

"New construction of up to and including 50,000 gross square feet of non-residential floor area where the development does not abut any Residential District."

Therefore, staff find that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

Facts and Findings:

The applicant paid the required fee associated with a Design Review Two application.

Therefore, staff find that the proposal meets the criterion for approval.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

Facts and Findings:

The applicant has submitted materials required by Section 50.25.1 of the Development Code.

Therefore, staff find that the proposal meets the criterion for approval.

- 4. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).**

Facts and Findings:

Staff cite the findings in the Design Review Standards Findings and Analysis Chart that begins on page DR-3 of this report, which evaluates the project as it relates the applicable Design Review Standards. The chart provides a summary response to design review standards determined to be applicable to this proposed project. The applicant's plans and materials show compliance with these standards.

Therefore, staff find that the proposal meets the criterion for approval.

- 5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Standards if any of the following conditions exist:**
- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or**
 - b. The location of existing structural improvements prevent the full implementation of the applicable standard; or**
 - c. The location of the existing structure to be modified is more than 300 feet from a public street.**

Facts and Findings:

The proposed development is for new restaurant buildings, not additions or modifications.

Therefore, staff find that the criterion for approval does not apply.

- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.**

Facts and Findings:

The applicant has applied for Design Review approval. In the course of the review, the applicant, in consultation with staff, elected to pursue a design that would require approval of a Sidewalk Design Modification. The applicant subsequently submitted the required materials for that second application. No other applications are required of the applicant for this stage of City approvals.

Therefore, staff finds that the proposal meets the criterion for approval.

**Design Review Standards Analysis and Findings Chart
DR2016-0002 (Carl's Jr. and Human Bean)**

Section 60.05.15 Building Design & Orientation Standards

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.15.1 Building Articulation and Variety			
60.05.15.1B	Buildings visible from and within 200 feet of an adjacent public street shall have 50% of the elevation devoted to permanent architectural features designed to provide articulation and variety....	The applicant states that for the Carl's Jr. building, the two street-facing elevations will have 50.1% and 66%, respectively, of the wall area covered with windows, building materials changes, and other articulation. For the Human Bean building, the street-facing elevation (the Carl's Jr. building will shield the Human Bean building from direct view from TV Hwy.) will have 50% of the elevation as windows.	Yes
60.05.15.1C	The maximum spacing between permanent architectural features shall be no more than: Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones.	The maximum spacing between architectural features, provided by either a change in material, occurrence of glazing or wall offset, on all elevations is approximately 25 feet for the Carl's Jr. building and 20 feet for the Human Bean building.	Yes
60.05.15.2 Roof Forms as Unifying Elements			
60.05.15.2A	All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.	The Human Bean building will have a roof that has a 1/12 slop, which, for the purposes of the Design Standard, is a flat roof. The Carl's Jr. building will have a flat roof.	N/A
60.05.15.2B	Sloped roofs...shall have eaves that project...	The proposed roofs are considered to be flat roofs.	N/A

60.05.15.2C	All flat roofs with a slope of less than 4/12 pitch shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches.	Both buildings are proposed to have parapets and cornice treatments.	Yes
60.05.15.2D	When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.	The site is currently vacant. The two buildings have roughly similar roof forms.	Yes

60.05.15.3 Primary Building Entrances

60.05.15.3	Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least 6 feet wide and 4 feet deep.	The applicant states that the Carl's Jr. building will have a canopy that is 10 feet wide and 5 feet deep and that the Human Bean building will have a canopy that is 9 feet wide and 4 feet deep.	Yes
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60.05.15.4 Exterior Building Materials

60.05.15.4. B	For ...all uses in Commercial ...zones..., a maximum of 30% of each elevation ...may be plain, smooth, unfinished concrete, concrete block, plywood, [or] sheet pressboard. The remaining elevation area ...shall be architecturally treated.	Both buildings will be almost entirely architecturally treated, with only very minor amounts (<7%) of precast concrete visible as exterior materials.	Yes
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60.05.15.8A	<p>Except those used exclusively for residential use, ground floor elevations visible from and within 200 feet of a public street...and elevations that include a primary building entrance or multiple tenant entrances, shall have the following minimum percent of the ground floor elevation area permanently treated with windows, display areas or glass doorway openings.</p> <p>Buildings on parcels in excess of 25,000 gross square feet within a Commercial zoning district: Thirty-five (35) percent.</p> <p>Less glazing may be provided in a Commercial zoning district when increased building articulation and architectural variety is provided pursuant to Section 60.05.15.1.B.2</p>	<p>The applicant states that the Carl's Jr. building meets the standard by providing increased building articulation, as required. The Human Bean building meets the glazing standard with 50% of the west façade being windows.</p>	<p>Yes</p>

Section 60.05.20 Circulation and Parking Lot Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?	
60.05.20.1 Connections to public street system			
60.05.20.1A	Pedestrian, bicycle, and motor vehicle connections shall be provided between the on-site circulation systems and adjacent existing and planned streets...	The applicant has shown on the submitted plans that the on-site pedestrian, bicycle and motor vehicle circulation system provides efficient access to SW Murray Blvd. and SW Tualatin Valley Hwy.	Yes
60.05.20.2 Loading Areas, solid waste facilities and similar improvements			
60.05.20.2A /B/C	All on-site service areas, outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer ...shall be fully sight-obscuring...	The applicant's plans show that the trash enclosure will be fully screened with walls and an iron gate.	Yes

60.05.20.3 Pedestrian Circulation			
60.05.20.3.A	Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities ... to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired.	The applicant's revised plans show two pedestrian connections to SW Murray Blvd. and one to SW Tualatin Valley Hwy.	Yes
60.05.20.3.B	A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.	The proposed connections will connect the buildings' main entrances to the adjacent sidewalks and to the adjacent bus stop along SW Murray Blvd.	Yes
60.05.20.3.C	A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage...	The site has approximately 220 feet of street frontage along each street. The proposed pedestrian connections meet the standard.	Yes
60.05.20.3.D	Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting...	The applicant's plans show that curbing and landscaping will be used to separate pedestrian traffic from parallel vehicular traffic.	Yes
60.05.20.3.E	Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.	Where pedestrian pathways cross vehicular drive aisles, the applicant's revised plans show that concrete will be used to distinguish the walkways from the asphalt parking and drive aisle areas. One of the walkways will be raised to increase visibility of pedestrians.	Yes

60.05.20.3.F	Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance and shall be paved with scored concrete or modular paving materials...	The applicant has shown on the plans, that all walkways will be at least 5 feet wide and will be constructed of concrete. The walkways in front of the buildings (facing the interior parking) will be at least 10 feet wide.	Yes
60.05.20.4 Street Frontages and Parking Areas			
60.05.20.4	Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards: --A minimum 6-foot-wide planting strip between the right of way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees shall be 2 ½ inch caliper at a maximum of 30 feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch-high screen and 50% opacity within two years. The maximum height shall be maintained at no more than 36 inches. Areas not covered by trees or hedge shall be landscaped with live ground cover. --A solid wall or fence 30-36 inches in height parallel to and not nearer than 4 feet to the right-of-way. The area between the wall or fence and the [ROW] line shall be landscaped with live ground cover.	As a Condition of Approval, the parking adjacent to and facing SW Murray Blvd. shall be planted to meet the standards of Section 60.05.20.4. Staff note that the <i>ligustrum vulgare</i> proposed in the applicant's landscape plans has been listed as an invasive species in Oregon by the U.S. Department of Agriculture ¹ . In addition, as a way of limiting the glare from headlights from vehicles in the Carl's Jr. drive-through, as seen from westbound traffic on SW Tualatin Valley Hwy., staff are requiring, as a Condition of Approval, that the landscape plans for the Site Development Permit show that the proposed shrubs and ground cover will adequately screen the drive-through lane.	Yes, with COAs

¹ https://www.na.fs.fed.us/fhp/invasive_plants/weeds/european-privet.pdf

60.05.20.5.A	Landscaped planter islands shall be required...one for every ten (10) contiguous parking spaces.	The applicant's plans show that there are no banks of more than 10 parking spaces without landscape islands, as required.	Yes
60.05.20.5.B	The island[s] shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to protect landscaping. The landscaped island shall be planted with a tree...	The applicant states that there are six landscape islands proposed for the parking areas. Five of them meet the dimensional standards and the remaining one is constrained by the pedestrian walkway. Two of them are proposed to contain light fixtures. All but one will have trees.	Yes
60.05.20.5.C	Linear raised sidewalks and walkways within the parking area connecting the parking spaces and on-site buildings may be counted toward the total required number of landscaped islands...	The island for the parking along SW Murray Blvd. is less than 6 feet wide, due to the adjacent raised sidewalk. The proposal meets the requirements for the walkway to be counted toward the landscape island requirements.	Yes
60.05.20.5.D	Trees planted within required landscape planter islands...shall be of a type and species identified by the City of Beaverton Street Tree List....	The applicant states that all proposed street trees and landscape island trees are listed on the City of Beaverton Street Tree List.	Yes
60.05.20.7A	A sidewalk is required on all streets. Except where approved through Sidewalk Design Modification ... the sidewalk shall be a minimum of 10 feet wide, and provide an unobstructed path at least 5 feet wide.	The applicant has applied for approval of a Sidewalk Design Modification application to construct sidewalks along each street that are 9 feet wide, with a 6-foot planter strip containing street trees, as allowed by the jurisdiction controlling the right-of-way.	Yes

60.05.20.7B	<p>A sidewalk or walkway internal to the site is required along building elevations that include a primary building entrance, multiple tenant entrances, or display windows. The sidewalk shall be a minimum of 10 feet wide, and provide an unobstructed path at least 5 feet wide at building entrances, and along elevations containing display windows. Sidewalks shall be paved with scored concrete or modular paving materials. If adjacent to parking areas, the sidewalk shall be separated from the parking by a raised curb.</p>	<p>The applicant's revised site plans show that the walkways along the main entrances of the two buildings will be at least 10 feet in width.</p>	<p>Yes</p>
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60.05.20.8 Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts.

60.05.20.8.A	<p>Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets consistent with the standard as described under Section 60.05.20.8.B., unless one or more of the following is met:</p> <ul style="list-style-type: none"> -The parking lot drive aisle is less than 100 feet long; or ... -The parking lot drive aisle provides direct access to angled or perpendicular parking stalls. 	<p>The proposed parking lot drive aisles provide direct access to perpendicular parking stalls, therefore meeting qualifying for the exemption to the Design Standard.</p>	<p>N/A</p>
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60.05.25 Landscape, Open Space, and Natural Areas Design Standards.			
60.05.25.5.A	15% of the total gross lot area in Commercial zoning districts shall be landscaped.	According to the applicant, 22% of the gross lot area will be landscaped.	Yes
60.05.25.5.B	Landscaped areas are to have at least 1 tree and 2 evergreen shrubs for every 800 square feet of required landscaped area, and all other portions of the landscaped area are to have live ground cover. Up to 25% of the required landscaped area may be bare gravel, rock, bark or other similar materials.	The site requires 6803 square feet of landscaping. The initial landscape plans show that 28 trees will be planted, along with 135 shrubs of 17 different types. Live ground cover will account for the remainder of the required landscaping.	Yes
60.05.25.5.D	Where buildings lack ground floor windows, additional landscape screening is required.	The applicant's plans show that the proposed building provide windows on the ground floor.	Yes
60.05.25.11	Integrate above-ground water quality/quantity facilities into the landscaping.	According to the applicant, all water quality and quantity facilities will be underground.	Yes
60.05.25.13	All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2. B1 (Low-Screen) Buffers require 1 tree for every 30 feet and shrubs and live ground cover in between.	Because the site has GC zoning and so do most of the abutting properties and the properties across the streets, Table 60.05-2 does not require landscape buffering. However, for the northeast portion of the site that abuts property with SC-MU zoning, a 5-foot B1 (Low-Screen) Buffer applies. The applicant's initial landscape plans show that the northeast corner of the site will be planted with 5 trees and multiple shrubs.	Yes

Design Review Standards Analysis and Findings Chart
Section 60.05.30 Lighting Design Standards

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.30.1	Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.	The applicant states that all lighting designs and fixtures for this project comply with the City's Technical Lighting Standards. Lighting of vehicular areas is to be accomplished with pole mounted lights. Pedestrian areas will be illuminated with on-building fixtures as well as light from parking area pole lights. All entries are illuminated to sufficient levels. Refer to the included Photometrics Plan and lighting cut sheets for detailed lighting fixture and lighting level information.	Yes with COA
60.05.30.2.A	Pole-mounted luminaires shall not exceed 30 feet in height	The proposed light poles are 25 feet high.	Yes
60.05.30.2.B	Wall-mounted lights shall not be more than 15 feet above finished grade.	The proposed wall-mounted lights are 8 feet above the ground.	Yes
60.05.30.2.C	Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.	There are no lighted bollards proposed with this application.	N/A

Evaluation of Design Standards identified above

Hereto, staff finds that the applicant has provided sufficient evidence to show how the plan proposal meets applicable Design Standards (identified in the table summary above).

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL of DR2017-0139 (Carl's Jr. and Human Bean at TV Hwy. and Murray Blvd.)** subject to the conditions below.

**ANALYSIS AND FINDINGS FOR
Sidewalk Design Modification
SDM2017-0002**

Section 40.58.05 Sidewalk Design Modification; Purpose

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This Section is implemented by the approval criteria listed herein.

Section 40.58.15.C. Approval Criteria

In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

1. ***The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.***

Facts and Findings:

Section 40.58.15.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

1. *The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.*

The applicant proposes to modify both the minimum sidewalk width and the minimum planter strip width. The Engineering Design Manual standards for an Arterial within the City of Beaverton call for 6-foot-wide sidewalks behind a planter strip that is at least 7.5 feet wide, measured from the face of the curb. In addition, the Design Review Standards call for 10-foot-wide sidewalks. The applicant proposes 9-foot-wide sidewalks behind planter strips that are 6 feet wide, measured from the front of the curb.

Therefore, staff finds the proposal meets the criterion for approval.

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The City of Beaverton received the appropriate fee for a Sidewalk Design Modification application.

Therefore, staff finds the proposal meets the criterion for approval.

3. **One or more of the following criteria are satisfied:**
- a. **That there exist local topographic conditions, which would result in any of the following:**
 - i. **A sidewalk that is located above or below the top surface of a finished curb.**
 - ii. **A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.**
 - b. **That there exist local physical conditions such as:**
 - i. **An existing structure prevents the construction of a standard sidewalk.**
 - ii. **An existing utility device prevents the construction of a standard sidewalk.**
 - iii. **Rock outcroppings prevent the construction of a standard sidewalk without blasting.**
 - c. **That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.**
 - d. **That additional right-of-way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.**

The applicant will dedicate right-of-way to Washington County and ODOT Arterial Street standards. However, with the width of the streets at this location, there is only 16 feet available for the curb, planter strip, sidewalk, and required 1-foot maintenance and monumentation gap on each street. Neither Washington County nor ODOT is able to require additional right-of-way width as an exaction from the applicant to comply with the wider sidewalk required by the Beaverton Design Review Standards. The location of the rail line immediately south of SW Tualatin Valley Hwy. also constrains the ability of the right-of-way to expand to the south in a way that could provide the additional ROW width needed. In addition, the need to provide landscaping to screen the headlight glare of the drive-through customers' vehicles limits the ability to provide additional width for the planter strip and sidewalk.

Therefore, staff finds the proposal meets the criterion for approval.

4. **The proposal complies with provisions of Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements) and 60.55.30 (Minimum Street Widths).**

Facts and Findings:

As noted in the Facilities Review Criteria and Design Review findings above, the applicant has demonstrated that the proposal complies with the connection requirements and that each street has been developed to at least the minimum width required.

Therefore, staff finds the proposal meets the criterion for approval.

5. **Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.**

Facts and Findings:

The applicant has submitted to the City the applications and documents as required. Site Development and Building Permits will be submitted in the proper sequence.

Therefore, staff finds the proposal meets the criterion for approval.

6. ***The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.***

Facts and Findings:

As documented in the Facilities Review findings, the applicant has demonstrated that the proposed configuration of 6-foot planter strip, measured from the face of the curb, and 9-foot sidewalk, and 1-foot maintenance and monumentation gap meets the minimum Washington County and ODOT standards and will provide safe and efficient pedestrian circulation for the site. The proposed configuration provides pedestrian separation and protection from the vehicular traffic, while still providing sidewalks that will accommodate a high volume of pedestrians.

Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **SDM2017-0002, (Carl's Jr. and Human Bean at TV Hwy and Murray Blvd)** subject to the applicable conditions identified in Attachment D.

CONDITIONS OF APPROVAL
DR2016-0139 SDM2017-0002 (Carl's Jr. and Human Bean at TV Hwy and Murray Blvd)

Prior to issuance of the site development permit, the applicant shall:

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
4. Have the ownership (which could be the long-term land lease holder) of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
6. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the Murray Boulevard right-of-way. (Site Development Div./JJD)

7. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, storm drainage connection, and/or construction access to the Tualatin Valley Highway right-of-way. (Site Development Div./JJD)
8. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation Rail Division (Dave Lanning at 503.986.4267) for work within 500 feet of the rail crossing area. (Site Development Div./JJD)
9. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants, ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality (DEQ). (Site Development Div./JJD)
10. Submit a letter of "no further action" (NFA) or other documentation specifically allowing the proposed construction activities and site plan approval from the Oregon DEQ. (Site Development Div./JJD)
11. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
12. Submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. If determined to be needed by the City Utilities Engineer, this analysis shall be supplemented by an actual flow test and evaluation by a professional engineer meeting the standards set by the City Engineer. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)
13. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
14. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the 2006 plan format requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./JJD)

15. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. (Site Development Div./JJD)
16. Provide construction plans that show how the lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
17. Provide plans showing a Contech Inc., Stormfilter system (for treatment of the site's surface water runoff) with a minimum equivalent of 3.0 cartridges per tributary impervious acre. Plans shall also show a trash capture water quality pre-treatment unit (ex: sumped, lynch-type catch basin, sedimentation structure, or other City of Beaverton approved equivalent as determined by City Engineer) located in front any Stormfilter system. For any impervious area determined to not be practical to flow or be piped to a Stormfilter unit, a fee in lieu of stormwater quality provision will be assessed. (Site Development Div./JJD)
18. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, with maintenance plan and all standard exhibits, including site legal description, ready for recording with Washington County Records. (Site Development Div./JJD)
19. Submit final construction plans for the storm and sanitary sewer service connections, revised to include construction of City standard manholes at the point of connection to the existing public storm and sewer pipes. (Site Development Div./JJD)
20. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area. (Site Development Div./JJD)

21. Pay a storm water system development charge (overall system conveyance and storm quantity, winter detention) for any net new impervious area proposed. Additionally, the project shall pay a storm water quality (summer treatment) in-lieu of fee for any existing impervious area determined by the City Engineer as not to practical to provide treatment as the project is defined as "redevelopment" under Clean Water Services standards. (Site Development Div./JJD)
22. Provide plans for the replacement of any overhead utility service lines as new underground utility lines within the site to the existing and new structures and for any new electrical or wired-communication services. No overhead services shall remain within the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected site frontage utility lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
23. Provide plans showing a County or State (as applicable) standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)
24. Provide evidence that new driveway intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. New driveway intersections shall meet sight distance criteria in the City of Beaverton's Engineering Design Manual for the design speed of the roadway. (Planning Div./KR)
25. Submit plans that show bicycle parking to accommodate a minimum of 2 short term and 2 long term spaces (covered and lighted) at each building, encouraged to be within 50 feet of the primary building entrances, but no further than 100 from the primary entrances. (Planning Div./KR)
26. Submit landscape plans that show that the proposed shrubs will adequately screen the headlight glare from the Carl's Jr. drive-through traffic for westbound drivers on SW Tualatin valley Hwy. (Planning Div./KR)
27. Submit landscape plans that show that the proposed shrubs will adequately screen the headlight glare from the vehicles parked facing SW Murray Blvd. (Planning Div./KR)
28. Obtain an ODOT approach permit for access to TV Highway and a permit to do any work in the TV Highway right of way. (Planning Div./KR)

29. Record a non-access reservation with Washington County for the entire SW Murray Blvd frontage, except for any County Engineer approved driveway access, to prevent direct vehicle access to that roadway. (Planning Div./KR)
30. Submit plans that show the provision of street trees along SW Murray Blvd. to meet City standards. (Planning Div./KR)
31. Submit plans that show that a 6-foot planter strip with street trees--as allowed by the agency with jurisdictional control of the right-of-way, spaced a maximum of 30 feet on center—and a 9-foot sidewalk, and a 1-foot maintenance and monumentation gap along the frontage of each street. (Planning Div./KR)
32. Submit plans that show a safe and efficient circulation pattern for vehicles and pedestrians at the exit of the northern building's drive-through and the entrance from the shared driveway onto SW Murray Blvd. (Planning Div./KR)
33. Submit plans that show a raised crosswalk where the pedestrian walkway intersects the vehicular drive paths in the northwest corner of the site. (Planning Div./KR)
34. Submit plans that show that fire access roads shall be within 150 feet of all portions of the exterior wall of the first story of each building as measured by an approved route around the exterior of the buildings. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road is greater than 150 feet, per OFC 503.1.1. Fire Department access will be required through the site, accessing from SW Tualatin Valley Hwy. and continuing to SW Murray Blvd. and vice versa. (TVF&R/JF)
35. Submit plans that show that fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to hydrants, per OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (TVF&R/JF)
36. Submit plans that show that, where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25-foot intervals. Lettering shall have a stroke of not less than 1 inch wide by 6 inches high. Lettering shall be white on red background (or as approved), per OFC 503.3. Fire lanes will be required to be delineated with painted curbing. Fire lanes need to be noted and delineated on the plans. (TVF&R/JF)

37. Submit plans that show that fire apparatus access roads shall be constructed on an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested, per OFC 503.2.3. (TVF&R/JF)
38. Submit plans that show that the inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet, respectively, as measured from the same center point, for all turns along the required fire apparatus access roadway on the site. (TVF&R/JF)
39. Submit plans that show that the minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure, per OFC Appendix B Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi. Appendix B, Section B106, Limiting Fire Flow is also enforced, save and except for the following: in areas where the water system is already developed, the maximum needed fire flow shall be either 3000 GPM or the available flow in the system at 20 psi, whichever is greater; in new developed areas, the maximum needed fire flow shall be 3000 GPM at 20 psi; Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1. (TVF&R/JF)
40. Submit documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project, per OFC Appendix B. Provide fire flow testing documentation measured at 20 psi. This can be completed at Site Development permit review. (TVF&R/JF)

Prior to building permit issuance, the applicant shall:

41. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)

42. 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./JJD)
43. Ensure that Design Review approval has not expired. In accordance with Section 50.90.1 of the Development Code, Design Review approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Planning Div./KR)

Prior to occupancy permit issuance, the applicant shall:

44. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
45. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
46. Have placed underground all 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./JJD)
47. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
48. Have obtained an Industrial Sewage Permit from the Clean Water Services District (CWS, formerly USA) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)
49. Have installed a "Right Turn Only" sign at the SW Murray Blvd. driveway.
50. Ensure all site improvements, including grading and landscaping is completed in accordance with plans marked "Exhibit A". (On file at City Hall). (Planning Div./KR)
51. 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 Div./KR)

52. Ensure construction of all buildings and other structures are completed in accordance with the elevations and plans marked "Exhibit C". (On file at City Hall). (Planning Div./KR)
53. Ensure that the planting of all approved deciduous trees has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 2 inches and a minimum height of 8 feet at the time of planting, unless specifically approved otherwise. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Planning Div./KR)
54. Ensure coniferous trees, having been balled and burlapped or grown within suitable containers for one year, are planted. Each tree shall be a minimum of 6 feet in height, except that dwarf and compact varieties may be approved at any size. All trees shall be fully branched and adequately staked at the time of planting. (Planning Div./KR)
55. Ensure ground cover plantings are installed at a maximum of 30 inches on center and 30 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container, or a 2-1/4 inch container if planted 18 inches on-center. (Planning Div./KR)
56. Ensure deciduous or evergreen shrubs are installed at a minimum, using one-gallon containers or 8 inch burlap balls with a minimum spread of 12 inches to 15 inches. (Planning Div./KR)
57. Ensure landscaped areas approved to be planted in lawn have seed installed between September 1 and November 1 or between March 1 and May 1. Sod may be placed at any time of year. This condition is not applicable to special seed mixes approved for use in natural resource areas, steep slopes, or in areas for the primary purpose of erosion control. (Planning Div./KR)
58. Ensure off-street parking, loading and driveway areas are screened from streets and surrounding properties within landscape areas, containing at a minimum, evergreen and/or deciduous plant material with a minimum height of 30 inches. Where landscaped berms, walls, raised planters or similar features of at least 30 inches in height have been approved to screen streets and surrounding properties, the plant materials are not required. (Planning Div./KR)

59. Ensure landscaping within off-street parking lots is installed by the standard of one landscaped planter island or area, per approximately every 12 parking spaces provided. The size of such islands or areas shall be a minimum of 8 feet in width by the depth of an abutting parking stall. The area of landscaped screening on the perimeter of parking lots shall not be used toward meeting the area requirement of parking lot islands. (Planning Div./KR)
60. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning Div./KR)
61. Ensure all rooftop mechanical equipment, vents, and similar features are screened from public view, as viewed from streets and sidewalks, or placed within the building or otherwise made an integral part of the structure. Materials and colors of rooftop screening shall consist of at least one material and color used on building elevations. (Planning Div./KR)
62. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the east and north property lines as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Planning Div./KR)

Prior to release of performance security, the applicant shall:

63. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
64. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

65. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)