



## STAFF REPORT

HEARING DATE: July 13, 2016

STAFF: Jason T, Assistant Planner

PROPOSAL: **CU2016-0022, DR2016-0053, TP2016-0007 - Black Rock Coffee and Drive-Thru**

LOCATION: 7570 SW Garden Home Road  
The property is also described as Tax Lot 300 on the Washington County Tax Assessor's Map 1S124CD.

SUMMARY: The applicant, is seeking a Design Review Two proposal to develop an approximately 18,400 square foot vacant lot in the NS (Neighborhood Service) zoning district into a 1,335 square foot sit down coffee shop with a drive-thru and associated parking and landscaping, a New Conditional Use application to allow operating hours of 5:00 a.m. to 9:00 p.m. daily and a Tree Plan Two application to remove nine (9) community trees.

PROPERTY OWNER: Garden Home Gas Station, LLC  
Attn: Bob McCall  
4900 SW Humphrey Boulevard  
Portland, OR 97221

APPLICANT: PLS Engineering  
Attn: David Spencer  
2008 C Street  
Vancouver, WA 98663

APPLICANT'S REPRESENTATIVE: BDONE, LLC  
Attn: Gary Dent  
8153 SW Liz Place  
Beaverton, OR 97007

DECISION CRITERIA: Beaverton Development Code: Design Review 2: Section 40.20.15.2.C, New Conditional Use: Section 40.15.15.3.C, Tree Plan Two: Section 40.90.15.2.C and Facilities Review: Section 40.30

RECOMMENDATION: **Approval of CU2016-0022, DR2016-0053, TP2016-0007 - Black Rock Coffee and Drive-Thru**, subject to conditions identified at the end of this report.

VICINITY/ZONING MAP



## BACKGROUND

### Key Application Dates

Application	Submittal Date	Submittal Complete	120-Day* Deadline	240-Day** Deadline
CU2016-0022, DR2016-0053, TP2016-0007	April 14, 2016	May 18, 2016	September 15, 2016	January 13, 2017

\* Pursuant to Section 50.25.8 of the Beaverton Development Code, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise.

\*\*Pursuant to Section 50.25.9 of the Beaverton Development Code, the total of all extensions may not to exceed 240 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	Neighborhood Service (NS)	
<b>Current Development</b>	Vacant Land	
<b>Site Size</b>	Approximately 18,400 Square Feet	
<b>NAC</b>	Denney Whitford / Raleigh West	
<b>Surrounding Uses</b>	<b>Zoning:</b>  North: Unincorporated Washington County  South: R1  West: R1  East: NS	<b>Uses:</b>  North: Single Family Residential  South: Multi-Family Residential  West: Multi-Family Residential  East: Gas Station

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<b>Exhibit 3. Public Comment</b>  <b>3.1</b> Letter dated June 13, 2016 from Barbara Stroud residing at 7410 SW 76 <sup>th</sup> Avenue, Portland, Oregon 97223, concerned about the proposed addition of the driveway at the northwest corner of the site.  <b>3.2</b> Email dated June 23, 2016, from Matthew Miner, residing at 7430 SW 76 <sup>th</sup> Avenue, Portland, OR 97223, concerned about the removal of nine community trees on the proposed lot.	

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
CU2016-0022, DR2016-0053, TP2016-0007  
Black Rock Coffee and Drive-Thru**

**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.

- 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.***

**FACTS AND FINDINGS:**

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 the proposed building, vehicle and pedestrian circulation, and parking lot has been designed to minimize the vehicle impact to SW Garden Home Road by keeping all queueing traffic on-site and not spilling over to the SW Garden Home Road right-of-way. The applicant states that surrounding street system will adequately accommodate the traffic to and from the proposed development. Washington County Transportation staff have reviewed the proposal and have provided conditions of approval at the end of this report as Exhibit 2.

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R was provided a set of plans and has not provided formal written comments. TVF&R will need to approve the plans prior to site development or building permit issuance.

In review of Criterion A, Staff finds all critical facilities and services related to the proposal to be in place for this project, based on the scope identified.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.**

- B. Essential facilities and services 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.***

**FACTS AND FINDINGS:**

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.

Schools

Beaverton School District was provided a set of plans and has not provided formal written comments on this proposed development.

Transit improvements

The nearest transit stop is located at SW Garden Home Road and SW Oleson Road approximately 150 feet from the proposed development site. The transit stop is served by TriMet's No. 45 – Garden Home bus line. No existing service deficiencies are identified in this area and the proposal does not warrant the need for additional stops.

Police protection

The site will be served by the Beaverton Police Department for public safety. The Police Department was provided a set of plans and has not provided formal written comments on this proposed development.

On-site pedestrian and bicycle facilities

The proposal does not include any new street connections. The proposal includes ADA pedestrian connections between the buildings and the public right-of-way. The applicant states that an ADA compliant pedestrian and bicycle connection will be provided along SW Garden Home Road in conjunction with the frontage improvements as shown on the applicant's site plan, sheet one.

**Therefore, staff finds 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 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).***

**FACTS AND FINDINGS:**

The lot is zoned Neighborhood Service (NS). This zone has a minimum land area of 7000 square feet and minimum lot dimensions of 70 feet wide by 100 feet in length. The proposed structure meets the applicable maximum and minimum setback requirements along all property lines.

Retail, Eating and Drinking establishments and Drive-Up Window Facilities use types are permitted in this zone. The site complies with the minimum land area and minimum lot dimension standards. All proposed structures meet the minimum setback requirements for the NS zone.

The existing proposal is consistent with all provisions of Chapter 20. No application for Adjustment or Variance is necessary.

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

- D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as 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 proposed development.***

**FACTS AND FINDINGS:**

**Design Review Requirements (Section 60.05)**

Staff will provide findings for the applicable Design Review Standards within the Director's Decision for the Design Review application.

**Off-Street Parking Requirements (Section 60.30)**

Within the NS zone, special standards for the required amount of off-street parking spaces apply. The applicant is required to provide at least ten (10) spaces per 1,000 square feet of floor area. According to the applicant, the proposed development will have eleven (11) standard parking spaces and two (2) compact spaces. The applicant's proposal meets the required number of off street parking spaces.

### Transportation Facilities (Section 60.55)

The applicant has submitted a Traffic Impact Analysis (TIA) dated April 11, 2016, as required. The TIA shows that the surrounding transportation system can accommodate the expected additional trips to be generated by this proposed development and still remain within acceptable performance parameters. The proposed site plan provides sufficient walkways into the site to meet the applicable City standards. SW Garden Home Road is controlled and maintained by Washington County. The County is not requiring a dedication as there is sufficient right-of-way along SW Garden Home Road to meet the applicable County standards for street width and design.

### Minimum Street Widths (Section 60.55.30)

The proposed coffee shop is located at the intersection of SW Garden Home Road which is classified as an Arterial Street. Section 60.05 of the Beaverton Development Code (BDC), requires a 10-foot wide sidewalk along street frontages in Commercial zones. The proposal shows typical frontage improvements per EDM Standard Drawing No. 100, which includes a 10-foot wide curb tight sidewalk, bike lane and curb. Street trees are shown on sheet 3 of the applicant's plans. Sufficient right-of-way exists to accommodate a consistent 45-foot half-street width as measured from the street centerline.

### Access Standards (Section 60.55.35)

The proposal includes one new driveway approach. The existing driveway on the adjacent lot to the east will become a right-in, right-out shared driveway with the proposed development. No additional driveway approaches or street connections are required per the BDC or EDM. No obstructions are found within the 15 foot corner clearance triangle (per EDM 210.10.1 Visibility at Intersections).

### Sign Regulations (Section 60.40)

Any proposed signage will need to be reviewed under a separate sign permit application.

### Transportation Facilities (Section 60.55)

The application is conditioned to construct new sidewalks that meet the City's current width requirements for the frontage of the site along SW Garden Home Road. As a condition of approval, the applicant shall construct a new 10-foot-wide sidewalk for the SW Garden Home Road frontage of the site, consistent with the Arterial Street Standard.

Trees and Vegetation Requirements (Section 60.60)

There are no protected trees on the site. There are more than four (4) Community or Landscape Trees proposed for removal from the site. The applicant has submitted a Tree Plan 2 application in conjunction with the proposal. The applicant has shown street trees on the site plan, along SW Garden Home Road, in order to meet the applicable requirements.

Utility Undergrounding (Section 60.65)

All of the utilities that will serve the site will be placed underground to comply with the standards.

**Therefore, staff finds 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;***

**FACTS AND FINDINGS:**

The applicant has stated that all new and existing facilities on the site will be maintained by the applicant.

**Therefore, staff finds that the criterion for approval is met.**

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

**FACTS AND FINDINGS:**

The applicant states that the eastern driveway is an existing 35' access point that will become a shared, right-in, right-out driveway with the existing Plaid Pantry convenience store and Shell fueling station on the adjacent lot to the east.

The driveway to the west is a new 24-foot wide access point, allowing for two, 12-foot lanes for traffic ingress and egress. Flow of on-site traffic is one-way on each side of the proposed coffee shop. An existing sidewalk is located along the site frontage at SW Garden Home Road. A pedestrian sidewalk will connect the main entrance of the proposed coffee shop to the existing frontage sidewalk.

Additionally a proposed private sidewalk will connect the eastern shared driveway to SW Garden Home Road, to allow improved pedestrian movements to and from the proposed convenience store.

The parking lot design meets the minimum dimensional requirements of 60.30.15, which ensures that vehicles can enter, circulate, and exit the site in a safe and efficient manner. Per BDC 60.07.10.5, an emergency bypass lane is provided in the drive-through area and around both sides of the proposed building.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.**

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

**FACTS AND FINDINGS:**

Staff sites findings in criterion F above in response to this criterion.

The applicant states that the proposed on-site vehicular and pedestrian circulation systems are safe and efficient because pathways are separated from vehicular traffic; designed with different materials where crossing drive aisles; located adjacent to buildings and adjacent to parking areas. On-site walkways have been designed to meet ADA requirements and connect to the public street system.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.**

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

**FACTS AND FINDINGS:**

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. The comments provided by TVF&R indicated that all of their requirements will be met, based on the proposed plans and by meeting the conditions of approval. TVF&R will need to sign off on the plans prior to site development or building permit issuance. The applicant has stated that the proposed structure will meet all requirements.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.**

- 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.***

**FACTS AND FINDINGS:**

The conditions of approval stated at the end of this document, provide requirements of the applicant to obtain a Site Development and Building Permit through the City and will ensure that structures and public facilities will be designed and built in accordance to the applicable codes and standards.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.**

- 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.***

**FACTS AND FINDINGS:**

The applicant states that catch basins will be designed to capture the site's stormwater runoff and convey it to the nearby public storm drainage system. Stormwater treatment and detention will be provided per City of Beaverton and Clean Water Services standards.

The finished floor of the proposed building will be raised to meet the FEMA flood plain requirements per condition of approval from Site Development.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.**

- 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.***

**FACTS AND FINDINGS:**

As a condition of approval, the applicant is required to meet all applicable accessibility standards of the Oregon Structural Specialty Code and other standards as required by the ADA.

Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- L. *The proposal contains all required submittal materials as specified in Section 50.25.1 of the Development Code.*

**FACTS AND FINDINGS:**

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

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

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Neighborhood Service (NS) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.10.20 (Neighborhood Service)</b>			
Use - Permitted	Eating & Drinking Establishment	Expansion of an existing eating and drinking establishment that does not have Conditional Use approval as it was annexed from Washington County	Yes-with COA
<b>Development Code Section 20.10.15 (Neighborhood Service)</b>			
Minimum Lot Area	7,000 sq. ft.	No changes to the lot area are proposed.	N/A
Minimum Lot Dimensions Width Depth	70-feet 100-feet	No changes to the lot dimensions are proposed.	N/A
Minimum Yard Setbacks Front Side Rear	20-feet 10-feet 20-feet	28-feet 31-feet 57-feet	Yes
Maximum Building Height	35-feet	24-feet	Yes

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	New retail and restaurant development and associated site and parking changes.	Refer to DR findings
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The project has been designed to floodplain regulations.	Yes
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits requested.	N/A
<b>Development Code Section 60.25</b>			
Off-Street Loading Requirements	Zero - for restaurants under 7000 Sq. Ft.	None	N/A
<b>Development Code Section 60.30</b>			
Off-street motor vehicle parking	Eating & Drinking Establishment: 13 parking spaces	Eleven (11) standard and two (2) compact parking spaces are proposed	Yes
Required Bicycle Parking			
Short Term	2	2	Yes
Long Term	2	2	
<b>Development Code Section 60.55</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Proposed facilities are in conformance.	Yes
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No protected trees are proposed for removal with this application.	N/A
<b>Development Code Section 60.65</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	All utilities are required to be placed underground in accordance with this provision.	Yes- with COA



**ANALYSIS AND FINDINGS FOR  
NEW CONDITIONAL USE APPROVAL  
BLACK ROCK COFFEE AND DRIVE-THRU  
CU2016-0022**

**Section 40.15.15.3.C. Approval Criteria:**

In order to approve a New Conditional Use 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 Conditional Use application.***

**FACTS AND FINDINGS:**

Development Code, Section 40.15.15.3.A, Threshold #1 states:

*“The proposed use is conditionally permitted in the underlying zoning district and a prior conditional use approval for the proposed use is not already in effect.”*

The applicant proposes to extend the hours of operation for a coffee shop and drive-thru at 7570 SW Garden Home Road. The applicant requests to operate from 5:00 a.m. to 9:00 p.m. seven (7) days a week.

Uses operating between 10:00 p.m. and 7:00 a.m. in the Neighborhood Service (NS) zoning district require a conditional use permit. The coffee shop will be located as described herein, the applicant has submitted a Design Review Two for the construction of a new coffee shop and drive-thru. Refer to Design Review Fact and Findings herein.

**Therefore, staff finds that this criterion is met.**

- 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 for a Conditional Use application.

**Therefore, staff finds that this criterion is met.**

**3. The proposal will comply with the applicable policies of the Comprehensive Plan.**

Staff cites the following comprehensive plan policy and associated findings as applicable to this criterion:

**Goal 8.4.1 Create and protect a healthy acoustical environment within the City.**

*“Policy 8.4.1.a Noise impacts shall be considered during development review processes.”*

**FACTS AND FINDINGS:**

The proposal is to extend the hours of operation for the subject coffee shop is approximately 25-feet from a residential property line and with the nearest residential structure another 75-feet further. The applicant states that the orientation of the only drive-thru window, will face SW Garden Home Road and not towards the neighboring apartment complex to the west. Additionally, the coffee shop is separated from the nearest residential property line by a two lane drive aisle, parking and landscaping.

The applicant has submitted a noise study from SSA Acoustics Dated July 6, 2016, which indicates that the average hourly sound level from the vehicles at the nearest receiving property line , is expected to be 43 dBA, which is below the maximum 55 dBA allowed per the Beaverton Development Code Section 60.07.10.8.

Additionally, the applicant states that the drive-thru equipment will not utilize an electronic ordering system, which will greatly minimize noise from reaching the nearest residential property line.

Staff finds that the location of the coffee shop and drive-thru adjacent to and oriented towards SW Garden Home Road is sufficient to ensure that noise impacts to the surrounding neighborhood are minimal during the proposed drive-thru and store hours of operation from 5:00 a.m. to 9:00 p.m.

**Therefore, staff finds that by meeting the conditions of approval, the criterion is met.**

4. ***The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.***

**FACTS AND FINDINGS:**

The applicant states that the size, dimensions, configuration and topography of the site and manmade features on the site can reasonably accommodate the proposal.

The approximately 18,400 square foot lot and its triangular shape appear to be ideal for a coffee shop and drive thru due to the limited area needed for such a use. Additionally, the proposed driveway in conjunction with the existing driveway ensure safe and efficient vehicle and pedestrian circulation, while minimizing the impact on the surrounding street system and neighboring properties.

Staff finds that natural and man-made features on the site are adequate to accommodate the proposal which is limited to extended hours of operation.

**Therefore, staff finds that the criterion is met.**

5. ***The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.***

**FACTS AND FINDINGS:**

The applicant states that the proposal for earlier operating hours is reasonably compatible with, and should have a minimal impact on livability in the surrounding area of the subject site. There are existing apartments located to the southwest of this project, however they are buffered by a parking lot, which reduces the noise impact. The site has been reconfigured to place the drive-thru window on the north side of the proposed building facing SW Garden Home Road, which will reduce the noise impacts of early morning vehicles from the neighboring properties.

Additionally, the applicant states that they will not use an electronic speaker ordering system for this location. All customers will order when they arrive at the drive-thru window.

The applicant submitted a noise study dated July 5, 2016. The study indicates that the proposal falls below the required maximum decibel level at a residential property line as designated by the Oregon Department of Environmental Quality.

Staff concurs with the applicant that the proposed extended hours of operation and the noise impacts to the nearby residential development will be minimal.

**Therefore, staff finds that this criterion is met.**

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 submitted this New Conditional Use application, Design Review Two and Tree Plan Two applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

**Therefore, staff finds that this criterion is met.**

**RECOMMENDATION**

**Based on the facts and findings presented, staff recommends APPROVAL of CU2016-0022 (Black Rock Coffee and Drive-Thru) subject to the conditions of approval identified in Attachment E.**

**ANALYSIS AND FINDINGS FOR  
DESIGN REVIEW TWO APPROVAL  
Black Rock Coffee and Drive-Thru  
DR2016-0053**

**Section 40.20.05. Design Review Applications; Purpose**

*The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.*

**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's request to construct a 1,335 square coffee shop with drive-thru and associated landscape and site changes satisfies the requirements of threshold No. 2 for a Design Review Two application:

*"New construction of up to and including 30,000 gross square feet of non-residential floor area where the development abuts or is located within any Residential District."*

**Therefore, staff finds 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 fees for a Design Review Two.

**Therefore, staff finds 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:**

In the review of the materials during the application review, the Facilities Review Committee found that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

**Therefore, staff finds 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 cites the findings contained within the Design Review Standard analysis chart that precedes this section of the staff report and that identifies the applicable Design Standards for this proposal.

**Therefore, staff finds that by satisfying the conditions of approval, 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 guideline; or***
  - c. The location of the existing structure to be modified is more than 300 feet from a public street.***

***If the above conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:***

- d. If in a Multiple-Use District, building location entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)***
- e. If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8)***

**Facts and Findings:**

The proposal is for new construction and not an addition or modification.

**Therefore, staff finds that this approval criterion is not applicable.**

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 submitted all documents related to this request for a Design Review Two application.

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

**Design Review Standards Analysis  
Black Rock Coffee and Drive-Thru  
DR2016-0053**

**Section 60.05.15 Building Design and Orientation**

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Building Articulation and Variety</b>		
<p><b>60.05.15.1.B.1</b> Thirty (30) percent in Residential zones, and all uses in Commercial and Multiple Use zones.</p>	<p>The proposed Black Rock Coffee Drive-Thru is in a Commercial zone and is visible from and within 200 feet of SW Garden Home Road. The drive-thru side of the building is situated facing the public street, and due to its function and relatively small building size, it has a minimum of 35% glazing and an awning over the drive-thru window for articulation and customer protection from the weather.</p>	<b>YES</b>
<p><b>60.05.15.1.C</b> Max 40' between architectural features</p>	<p>Proposed architectural features are not more than 40-feet apart. The proposed building is approximately 45-feet in length.</p>	<b>YES</b>
<b>Roof Forms</b>		
<p><b>60.05.15.2.A</b> Min. roof pitch = 4:12</p>	<p>Proposed roof is flat with a parapet wall projecting vertically above the roof line at least 12-inches.</p>	<b>N/A</b>
<p><b>60.05.15.2.C</b> All roofs with a slope of less than 4/12 pitch shall be articulated with a parapet wall that must project vertically above the roof line at least 12-inches...</p>	<p>Proposed roof is flat with a parapet wall projecting vertically above all roof lines at least 12-inches.</p>	<b>YES</b>
<b>Primary Building Entrances</b>		
<p><b>60.05.15.3</b> Weather protection for primary entrance</p>	<p>The primary building entrance provides weather protection along primary entrance on the west elevation as shown on the elevations.</p>	<b>YES</b>
<b>Exterior Building Materials</b>		
<p><b>60.05.15.4.B</b> Maximum 30% of primary elevation to be made of unfinished concrete block</p>	<p>All proposed facades will be architecturally treated by means of scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment.</p>	<b>YES</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.15.4.C</b> Non-residential foundations	No exposed concrete will project more than three feet above grade.	YES
<b>Roof-Mounted Equipment</b>		
<b>60.05.15.5.A - C</b> Equipment screening	All roof-mounted equipment will be screened from adjacent public streets and properties with the use of parapets.	YES
<b>Building Location and Orientation along Streets Commercial Districts</b>		
<b>60.05.15.6.A-F</b>	The subject site is not within a multiple use district, nor larger than 60,000 sq. ft., nor abutting a major pedestrian route.	N/A
<b>Building Scale along Major Pedestrian Routes</b>		
<b>60.05.15.7.A-C</b>	The subject site does not abut a Major Pedestrian Route	N/A
<b>Ground Floor Elevation on Commercial and Multiple Use Buildings</b>		
<b>60.05.15.8.A</b> 35% of ground floor elevation to be glazing	The subject site is not located on a Major Pedestrian Route	N/A
<b>60.05.15.8.B</b> 35% of ground floor elevation to provide weather protection	The subject site is not located on a Major Pedestrian Route	N/A

### Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	The applicant states that the proposal complies with the standards of the City of Beaverton's Comprehensive Plan Transportation Element as shown on the site plan.	YES
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Screen waste facilities from public view	The proposed trash enclosure will be located on the east side of the subject lot and will be screened from view from the public right-of-way by means CMU block walls, steel door, and landscaping.	YES
<b>60.05.20.2.C</b>	The proposed trash enclosure will be	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Screen outdoor storage from public view	constructed of CMU block walls and steel door. Additionally nearby existing and proposed landscaping will help to further screen the trash enclosure.	
<b>60.05.20.2.D</b> Chain-link is prohibited as a screening mechanism.	The proposal does not utilize chain-link	N/A
<b>60.05.20.2.E</b> Screening of loading zones may be waived if loading does not conflict with hours of operation.	The proposed building is less than 5,000 square feet and is exempt from the loading requirements.	N/A
<b>Pedestrian Circulation</b>		
<b>60.05.20.3.A</b> Link to adjacent facilities	The applicant states that pedestrian facilities are proposed as shown on the site plan. The sidewalk along SW Garden Home Road will be 10-feet in width and will connect to the proposed coffee shop with an on-site concrete crosswalk. The proposed pedestrian connection is designed to be ADA accessible.	YES
<b>60.05.20.3.B</b> Direct walkway connection	Pedestrian facilities will provide a reasonably direct walkway connection to both the main points of entry as shown on the site plan.	YES
<b>60.05.20.3.C</b> Walkways every 300'	The subject lot has approximately 190-feet of frontage along SW Garden Home Road.	N/A
<b>60.05.20.3.D</b> Physical separation	The applicant states that the pedestrian connection is not adjacent to vehicle parking nor is it parallel to vehicle traffic as shown on the site plan.	N/A
<b>60.05.20.3.E</b> Distinct paving	The applicant states that there are two pedestrian connections that cross vehicular access aisles. These locations are marked as crosswalks, with gray concrete, which is a different paving material than the primary onsite paving materials (asphalt) as shown on the site plan.	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.20.3.F</b> 5-foot minimum width	Proposed walkways are a minimum of 5-feet wide. The applicant states that scored concrete will be used and ADA standards will be met and reviewed for ADA compliance at the time of building permit.	YES
<b>Street Frontages and Parking Areas</b>		
<b>60.05.20.4. A.2</b> Required perimeter landscaping and screening for parking lots abutting public streets	There are no proposed parking areas abutting a public right-of-way.	N/A
<b>Parking Area Landscaping</b>		
<b>60.05.20.5.A.2</b> Parking area landscaping	The proposed Black Rock Coffee site does not have more than ten (10) contiguous parking stalls without parking islands.	N/A
<b>60.05.20.5.B</b> Planter island standards	The applicant states that all proposed parking islands meet the required planter standards as shown on the site and landscape plan.	YES
<b>60.05.20.5.D</b> Tree Species	Existing landscape trees along SW Garden Home Road comply with the provisions of this section and will be retained.	YES
<b>Off-Street parking frontages in Multiple-Use Districts</b>		
<b>60.05.20.6</b> Off-street parking frontages	The proposed development is not in a Multiple-Use District.	N/A
<b>Sidewalks along streets and primary building elevations in Multiple-Use and Commercial Districts</b>		
<b>60.05.20.7.A</b> Required sidewalk widths	A proposed 10-foot wide sidewalk with an unobstructed path of at least 5-feet is provided along SW Garden Home Road as shown on the site plan.	YES
<b>60.05.20.7.B</b> Sidewalk along building entrances	The sidewalk along the primary entrance is 10-feet wide with a 5-foot clear path.	YES
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
<b>60.05.20.8.A and B</b> Drive aisles to be designed as public streets, if applicable	There are no parking lot drive aisles connecting on-site buildings as there is only one building proposed.	N/A

## Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping Requirements</b>		
<b>60.05.25.1-4</b> Residential Open Space	The proposal is not a residential development.	N/A
<b>60.05.25.5.A.1</b> Minimum Landscape Area (15%)	The proposal includes approximately 35% of on-site landscaping.	YES
<b>60.05.25.5.B.1-3</b> Minimum Landscape Area Plantings	A total of fifteen (15) new trees and ninety-five (95) shrubs are proposed for the area associated with this project. The proposal contains more than the required minimum number of trees and shrubs, as shown on the Planting Plan.	YES
<b>60.05.25.5C.1</b> Plaza Requirements	No pedestrian plaza is proposed.	N/A
<b>60.05.25.5.D</b> Foundation Landscaping	The proposed building has been designed with glazing on the elevation facing, and within 200-feet of the right-of-way.	N/A
<b>60.05.25.8</b> Retaining Walls	The applicant proposes a retaining wall of varying height along the southeast and southwest portions of the site. The retaining wall is expected to be approximately 1-foot to 4-feet in height, and therefore is less than 6-feet tall but is longer than 50-feet in length. The applicant states that the retaining wall shall be architecturally treated with contrasting scoring, texture, or pattern.	YES
<b>60.05.25.9</b> Fences and Walls	The applicant proposes a screening wall at the trash enclosure constructed of CMU block wall and a steel door.	YES

## Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
<b>60.05.30.1.A</b> Technical Lighting Standards	The applicant states that all proposed lighting complies with the Technical Lighting Standards and all fixtures will be installed tilted at a 30 degree angle, pointed inward, to avoid glare onto adjacent public streets and properties.	<b>YES with COA</b>
<b>60.05.30.1.B</b> Vehicular Circulation Areas	The applicant's proposed lighting includes two (2) pole-mounted lights, with one fixture per pole and a mounting height of 14-feet. Wall pack lighting will also be provided. Fixtures will be placed on the site to provide adequate and safe lighting levels for all on-site customer and employee activity areas.	<b>YES</b>
<b>60.05.30.1.C</b> Pedestrian Lighting	No pedestrian plazas are proposed.	<b>N/A</b>
<b>60.05.30.1.D</b> Building Entrance Lighting	Building entrances will be lighted.	<b>YES</b>
<b>60.05.30.1.E</b> Canopy lighting recessed	The proposal does not include a canopy.	<b>N/A</b>
<b>Pedestrian-scale on-site lighting</b>		
<b>60.05.30.1.A</b> Pole Mounted Luminaires	The applicant's proposed lighting includes two (2) pole-mounted lights, with a mounted height of 14-feet.	<b>YES</b>
<b>60.05.30.2.B</b> Non-Pole Mounted Luminaires	Non-pole mounted luminaires shall comply with the Technical Lighting Standards.	<b>YES</b>
<b>Drive-Up Window Facilities</b>		
<b>60.07.10.1</b> Drive-through access	Drive-thru access and egress are from a private access driveway as shown on the site plan.	<b>YES</b>
<b>60.07.10.2</b> Sufficient parking and seating	The applicant states that the proposed coffee shop has been designed to accommodate anticipated customer volume and parking.	<b>YES</b>
<b>60.07.10.3</b> Restaurants providing drive-up window service shall provide at least two (2) designated parking spaces...	The applicant states that the first two (2) parking spaces available after exiting the drive-thru will be identified as customer waiting spaces. These stalls will allow customers requiring excessive waiting time to receive their coffee while parked.	<b>YES</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<p><b>60.07.10.5</b> The design of the stacking area shall allow customers' vehicles to leave the stacking line for emergency reasons.</p>	<p>The applicant has provided for a 14.5 foot wide emergency drive-thru escape lane as shown on the site plan.</p>	<p><b>YES</b></p>
<p><b>60.07.10.6</b> 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.</p>	<p>On-site parking for walk-in customers has been provided, with pedestrian sidewalks, walkways, and crosswalks providing safe and convenient access, as shown on the site plan.</p>	<p><b>YES</b></p>
<p><b>60.07.10.7</b> Establishments having drive-up window facilities shall have sufficient stacking area to insure that public rights-of-way and shared access driveways are not obstructed.</p>	<p>The applicant has shown on the site plan, that the proposed drive-thru provides for stacking areas that do not obstruct the main driveway entrance or the shared access. The proposed layout provides enough drive-thru stacking for 11 vehicles, without blocking the ingress from SW Garden Home Road. A drive-thru and by-pass lane are provided around the entire building, providing two (2) lanes circulating in a one-way counterclockwise loop. See vehicle queuing plan in section I of the applicant's materials.</p>	<p><b>YES</b></p>
<p><b>60.07.10.8</b> Communication's sound system shall not exceed a measurement of 55 decibels at the adjoining property line.</p>	<p>The applicant states that there is no proposed electronic ordering system.</p>	<p><b>Yes with COA</b></p>
<b>60.30 Off Street Parking</b>		
<p><b>60.30.10</b> Number of Required Parking Spaces.</p>	<p>The applicant states that the proposed coffee shop has been designed to accommodate anticipated customer volume and parking by providing thirteen parking stalls, which meets the minimum required of ten (10) per 1000 square feet of finished floor area or thirteen spaces for this proposal.</p>	<p><b>YES</b></p>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<p><b>60.30.10.2.B</b>                      The required minimum number of short-term and long-term bicycle parking</p>	<p>Short Term: 2                      Long Term: 2</p>	<p>YES</p>

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of DR2016-0053 - Black Rock Coffee and Drive-Thru subject to the conditions of approval identified in Attachment E.

**Analysis & Findings  
Tree Plan Two Approval  
Black Rock Coffee and Drive-Thru  
TP2016-0007**

**Section 40.90.05 Purpose:**

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs), and Community Trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

**40.90.15.2.C Approval Criteria:**

In order to approve a Tree Plan 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 Tree Plan Two application.***

**Facts and Findings:**

Staff finds the proposal meets Tree Plan Two Threshold #1:

1. *“Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in 40.90.10.1.”*

The applicant proposes to remove nine (9) community trees from the project site in conjunction with an associated Design Review Two application. According to Chapter 90, *Definitions*, Community Trees are considered healthy trees with diameters larger than 10-inches at breast height which are not fruit or nut bearing trees.

**Therefore, staff finds 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 City of Beaverton received the appropriate fee for a Tree Plan Two application.

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

- 3. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.*

**Facts and Findings:**

The applicant states it is necessary to remove trees for the construction of the proposed coffee shop, drive-thru, and associated parking and sidewalks. No trees are proposed for removal in order to meet American National Standards Institute (ANSI) standards.

**Therefore, staff finds that this approval criterion is not applicable.**

- 4. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.*

**Facts and Findings:**

The applicant states that they have explored many options for development of the site and found that the proposed configuration is the most efficient for circulation and parking. Due to site design constraints and providing adequate traffic circulation and parking to accommodate the proposed development, as well as the impacts due to the necessary site grading, several of the existing trees will need to be removed and no reasonable alternative exists based upon the proposed site plan.

Staff concurs that the proposed removal of nine (9) community trees, is necessary in order to accommodate the proposed development.

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

- 5. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.*

**Facts and Findings:**

The applicant states that no trees are proposed for removal in order to eliminate a nuisance.

Therefore, staff finds that this approval criterion is not applicable.

- 6. If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.*

**Facts and Findings:**

The removal of trees shown on the plan is for the construction of the proposed coffee shop, drive-thru, and associated parking and pedestrian walkways and sidewalks. No trees are proposed for removal in order to accomplish public purposes.

Therefore, staff finds that this approval criterion is not applicable.

- 7. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.*
- 8. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.*
- 9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of wind throw.*

**Facts and Findings:**

In response to criteria 7, 8, 9 above, staff finds that the site does not contain an SNRA area containing wetland, creek, and riparian habitat. The removal of trees shown on the plan is for the construction of the buildings and associated parking. No trees are proposed for removal in order to enhance health or to eliminate conflicts with structures or vehicles.

Therefore, staff finds that approval criteria 7, 8 and 9 are not applicable.

**10. *The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.***

**Facts and Findings:**

As stated in findings for Tree Plan Criteria 1-9, the applicant requests removal nine (9) Community Trees on the subject site so that physical development may be accommodated.

Chapter 90, *Definitions*, defines Community Trees are those trees not identified as Significant, Historic, Landscape, or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruit or nuts grown for human consumption.

Section 60.60 contains regulations for trees and vegetation, including standards for protection, pruning, removal, replacement, and mitigation. All of the trees on the subject site are either exempt/dead or classified as Community Trees, which are defined as, "A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Please refer to the table on page TP-5.

Community Trees that are to be retained, are required to be protected during development in accordance with Section 60.60 of the Development Code. The applicant states that they will protect the community trees to be retained, as identified on the sheet labeled Tree Plan in the applicant's plans, by utilizing fencing, limiting disturbance to the root zones, and not undertaking specific development activities within the protected root areas.

The site does not contain an SNRA area containing wetland, creek, and riparian habitat. The removal of trees shown on the plan is for the construction of the building and associated parking.

**Therefore, staff finds that this approval criterion is not applicable.**

**11. *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.***

**Facts and Findings:**

Staff cites the findings for the Facilities Review *Criterion J* as it relates to this criterion.

**Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion.**

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

**Facts and Findings:**

In the review of the materials during the application review, the Committee found all applicable application submittal requirements, identified in Section 50.25.1 were contained within this proposal. During the time of the review period, the information given appeared to be sufficient.

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

- 13. *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 submitted this Tree Plan Two application and the associated Design Review Two and New Conditional Use applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

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

**RECOMMENDATION**

**Based on the facts and findings presented, staff recommends APPROVAL of TP2016-0007 – Black Rock Coffee and Drive-Thru subject to the applicable conditions identified in Attachment E.**

## Trees and Vegetation & Significant Natural Resources Standards Code Conformance Analysis

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
<b>60.60.15 Pruning, Removal, and Preservation Standards</b>			
60.60.15.1A-B	Pruning Standards	The applicant does not proposal pruning.	N/A
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	There are no Protected Trees located on this lot.	N/A
60.60.15.2.B-C	Standards for SNRA & Significant Groves	Mitigation for Community Trees is not required. No SNRA's or Significant Groves are identified on site.	N/A
<b>60.60.20 Tree Protection Standards During Development</b>			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	The applicant states that all trees on site are proposed for removal. Therefore protection of remaining trees is not applicable.	N/A
<b>60.60.25 Mitigation Requirements</b>			
60.60.25	Mitigation Standards: Mitigation is not required for Community Trees.	Mitigation is not required. Applicant has provided street trees and a storm water tract that will be landscaped in accordance with Clean Water Services standards during the Site Development review.	N/A
<b>60.67 Significant Natural Resources</b>			
60.67.05.1	Development activities in locations of possible significant natural resources and/or wetlands are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	N/A
60.67.15.2	For sites identified in the Local Wetland Inventory notice of the proposed development shall be provided to DSL.	No significant natural resources exist on site.	N/A
60.67.10	Development activities in locations of Significant Riparian Corridors are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	N/A

**CONDITIONS OF APPROVAL  
CU2016-0022, DR2016-0053, TP2016-0007  
BLACK ROCK COFFEE & DRIVE-THRU**

**CU2016-0022 – New Conditional Use**

1. CU2016-0022 is subject to approval of DR2016-0053 (Planning/JST)
2. Applicant shall not orient any electronic ordering system towards the residential zoned property adjacent to the southwestern property line of the subject lot. Addition of an electronic ordering system is subject to further approvals. (Planning/JST)

**DR2016-0053 – Design Review Two**

**Prior to any work on site and issuance of the site development permit, the applicant shall:**

3. Submit elevations that show how the proposed retaining walls will be architecturally treated with contrasting scoring or texture or pattern consistent with BDC Section 60.05.25.8.
4. 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)
5. 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)
6. 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)
7. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, and emergency vehicle access 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)

## ATTACHMENT E

8. 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)
9. Applicant shall obtain a facilities permit approval from Washington County. 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 Garden Home Road right of way. (Planning/JST) (Site Development Div./JJD)
10. 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)
11. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
12. 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)
13. Provide final construction plans and a final drainage report, as generally outlined in the submitted preliminary drainage report (March 11, 2016, by David G. Spencer, P.E.) demonstrating compliance with City storm detention requirements (per Section 330, of City Ordinance 4417) and with CWS Resolution and Order 2007-020 in regard to water quality treatment. (Site Development Div./JJD)
14. When or as required, have obtained the City Building Official's courtesy review approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)
15. Submit a revised grading plan showing that each proposed building has a minimum finished floor elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities. This land-use approval shall provide for minor grade changes less than four vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
16. 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)
17. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed that is not part of a fully-improved public street. (Site Development Div./JJD) (Site Development Div./JJD)

## ATTACHMENT E

18. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording in County Records. (Site Development Div./JJD)
19. Provide plans for LED street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) for all impacted public streets and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected 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)

### **Prior to building permit issuance, the applicant shall:**

20. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
21. 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)

### **Prior to occupancy permit issuance, the applicant shall:**

22. All new sidewalks along the SW Garden Home Road frontage and street trees in wells shall be complete prior to temporary occupancy issuance. (Planning/JST)
23. Install street trees, in conformance with Beaverton Engineering Design Manual and Standard Drawings and the City's Street Tree Program. (Planning/JST)
24. At the conclusion of the construction the applicant shall submit a report showing which Community Trees were kept, if any and which were removed. (Planning Division/JST)
25. The applicant shall provide a final draft of the access and crossover easement between the subject property and the property adjacent to the east. Such easement shall be recorded with the Washington County Recorder's Office. (Planning/JST)
26. Install both deciduous and evergreen trees as shown on the proposed landscape plan. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of 2 inches, and a minimum height of 8 feet at the time of planting. Deciduous trees may be supplied bare root provided the roots are protected against damage. Evergreen trees shall have straight trunks, be fully branched and a minimum height of 6 feet at the time of planting. Ensure coniferous trees have been balled and burlapped or grown within suitable containers and are adequately staked at the time of planting. (Planning Division/JST)

## ATTACHMENT E

27. 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 Division/JST)
28. Ensure all site improvements, including grading and landscaping are completed in accordance with landscape plans, except as modified by the decision making authority. (Planning Division/JST)
29. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, except as modified by the decision making authority. (Planning Division/JST)
30. Ensure construction of all buildings, retaining walls, fences and other structures are completed in accordance with the elevations and plans, except as modified by the decision making authority in conditions of approval. No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning Division/JST)
31. 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 Division/JST)
32. 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 Division/JST)
33. 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 Division/JST)
34. 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 property line 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 Division/JST)
35. Ensure all exterior lighting fixtures for the interior of the property are installed and operational. Illumination of internal light fixtures shall meet the minimum 1.0 foot-candle standard within the site boundaries and the maximum .5 foot-candle standard at the property lines. (Planning Division/JST)
36. Ensure that all walkways and pathway connections into the parking lot are constructed with scored concrete or modular paving patterns, including ramps as necessary. ADA standards shall apply. (Planning Division/JST)
37. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)

## ATTACHMENT E

38. 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)
39. 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./JJD)
40. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)

### **Prior to release of performance security, the applicant shall:**

41. 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)
42. 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)
43. Provide evidence of a post-construction cleaning, system maintenance, and Storm Filter 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)