



## STAFF REPORT

HEARING DATE: December 16, 2015

TO: Planning Commission

STAFF: Steve Regner, Assistant Planner

PROPOSAL: **CU2015-0008 - Extended Hours of Operation for Hillside Pub**

LOCATION: 16305 SW Barrows Road, Suite C-200  
SW Scholls Ferry Road & SW Barrows Road  
Tax Lots 7700 on Washington County Tax Assessor's Map 2S1-05BC

SUMMARY: The applicant, JTCM Enterprise, Inc., is seeking approval for extended hours of operation associated with the existing Hillside Pub. Uses operating between 10:00 p.m. and 7:00 a.m. are a Conditional Use in the Neighborhood Service zone. The applicant proposes to operate until 12:00 a.m. Sunday through Wednesday, and until 1:00 a.m. Thursday through Saturday.

PROPERTY OWNER: Guans USA Inc.  
16315 SW Barrows Road, Suite 209A  
Beaverton, OR 97007

APPLICANT: JTCM Enterprises, Inc. dba Hillside Pub  
16305 SW Barrows Road, Suite C-200  
Beaverton, OR 97007

DECISION CRITERIA: Development Code Sections 40.03 *Facilities Review*, 40.15.15.3.C *Conditional Use* and Comprehensive Plan Policy 8.4.1.a.

RECOMMENDATION: **Approval of CU2015-0008 - Extended Hours of Operation for Hillside Pub**, subject to conditions identified at the end of this report.

## BACKGROUND FACTS

This proposal for extended hours applies to the Hillside Pub, an existing restaurant and bar operating in The Village on Scholls Ferry retail center. The Village at Scholls Ferry Road was developed in the City of Beaverton, subject to Planning Commission consideration in 2005 under case file DR2005-0080 (Design Review). Thereafter, in September of 2009, Metro Perk, a coffee shop in The Village on Scholls Ferry received approval for extended hours of operation in a separate tenant space. Attached for reference as Exhibit 1.4, is Order No. 2165 of the Planning Commission, approving operation of the coffee shop starting at 6:00 a.m., and allowing employees to begin working at 5:00 a.m. Conditional Use approvals run with the land, thereby allowing subsequent businesses that occupy the same tenant space to operate under the same conditions. The conditions of past approval for Metro Perk do not apply for Hillside Pub, as the business operates in a different tenant space.

Due to the existing residential use adjacent to the retail center, the initial Design Review approval required considerable landscape screening along the eastern property line of the retail development. The required screening consisted of a row of deciduous trees no shorter than eight feet tall at the time of planting with 3-4 foot tall shrubs between each tree, and one row of evergreen trees, no shorter than six feet tall at the time of planting. Staff has confirmed the landscaping remains today, consistent to the location as approved. The Conditional Use approved for Metro Perk required additional fencing to be constructed along the property line. The fence received design review approval under case file DR2009-0094.

The Hillside Pub began operation on August 14, 2015. While Hillside Pub has obtained a license through the Oregon Liquor Control Commission to operate between 7:00 a.m. and 2:30 a.m., they have not acquired a conditional use permit through the city to operate after 10:00 p.m. On September 11, 2015, a complaint was filed with Beaverton's Code Services Division (casefile 2015-1503). According to Code Services, the complaint pertained to noises observed after 10 p.m. by a resident of the area. Code Services confirmed no past Conditional Use approval for extended hours of operation before contacting business owner. The applicant states they were made aware of the complaint September 11, 2015, and starting September 14, 2015, operating hours were modified to comply with the 10 p.m. closing requirement.

### Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
CU2015-0008	October 14, 2015	October 28, 2015	February 25, 2015	June 24, 2015

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, 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>	No development is proposed with this application. Commercial center development approved under application DR2005-0080/ADJ2005-0009/LD2005-0031 – Village on Scholls Ferry Retail on this site.	
<b>Site Size</b>	Approximately 2.92 Acres	
<b>NAC</b>	Neighbors Southwest	
<b>Comprehensive Plan</b>	<p><b>Land Use:</b> Corridor</p> <p><b>Street Functional Classification Plan:</b> SW Scholls Ferry Road is classified as an Arterial. SW Barrows Road is classified as a Collector.</p> <p><b>Pedestrian &amp; Bicycle Master Plan and Action Plans:</b> Existing sidewalks and bicycle lanes are shown SW Scholls Ferry Road and SW Barrows Road.</p>	
<b>Surrounding Uses</b>	<p><b>Zoning:</b></p> <p><u>North:</u> Residential Urban Standard (R5)</p> <p><u>South:</u> Neighborhood Service (NS), City of Tigard</p> <p><u>East:</u> Residential Urban Standard (R2)</p> <p><u>West:</u> Residential Urban Standard (R5), Neighborhood Service (NS)</p>	<p><b>Uses:</b></p> <p><u>North:</u> Residential</p> <p><u>South:</u> Residential</p> <p><u>East:</u> Residential</p> <p><u>West:</u> Undeveloped</p>

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<b><u>Attachment C:</u></b> Conditions of Approval	COA1-COA2

**EXHIBITS**

**Exhibit 1.**

<b>1.1</b>	Vicinity Map	SR6
<b>1.2</b>	Zoning Map	SR7
<b>1.3</b>	Aerial Photo	SR8
<b>1.4</b>	Planning Commission Order No. 2165, approving extended hours of operation for Metro Perk in the Village on Scholls.	Separate

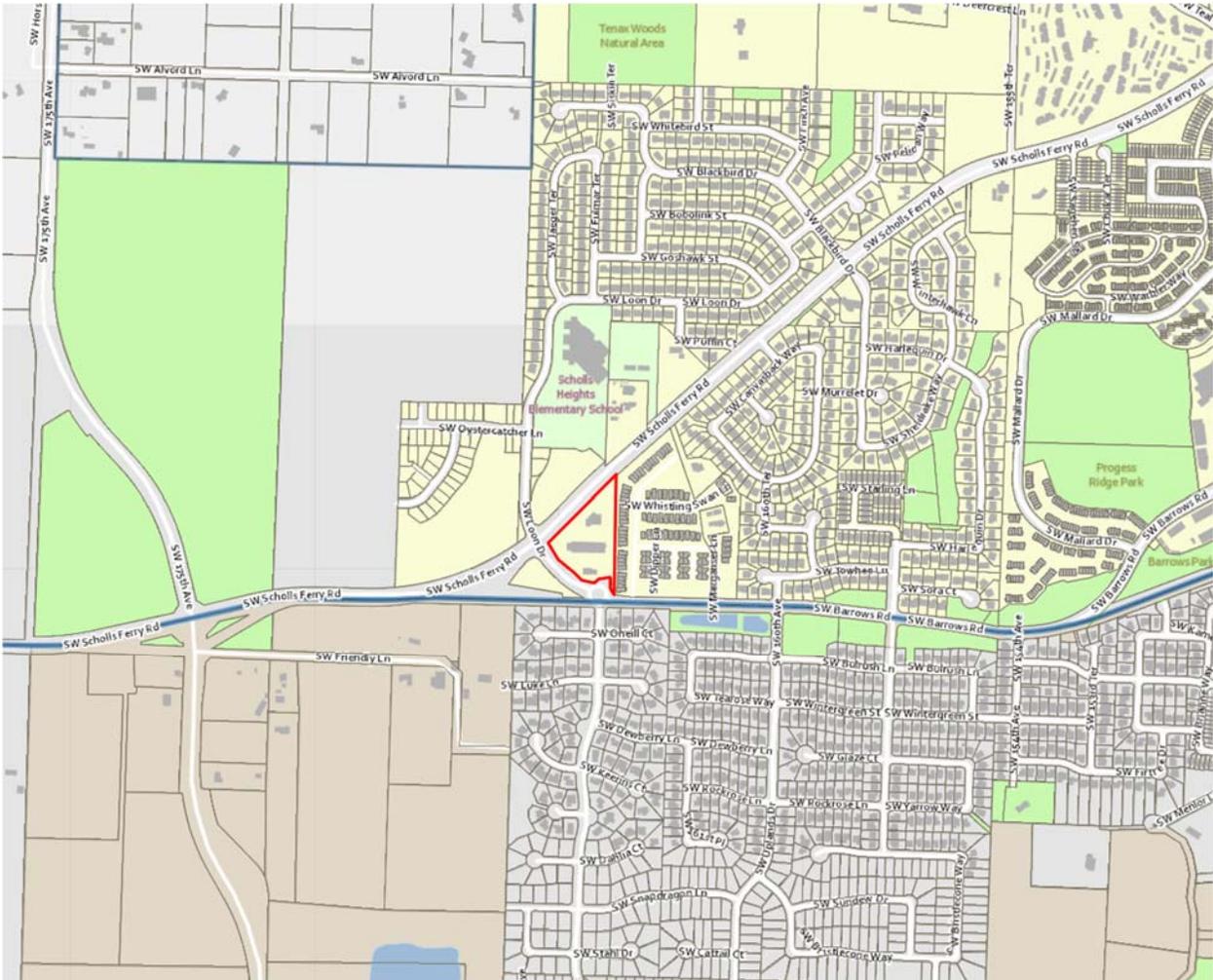
**Exhibit 2. Materials Submitted by Applicant**

**Exhibit 3. Public Comment Received**

- 3.1** Letter submitted by Steven L Holeman of 12755 SW Night Heron Lane, Unit 104, received November 19, 2015, expressing support of the proposal.
- 3.2** Letter submitted by Gordon & Sandra Collett of 12755 SW Night Heron Lane Unit 102, received November 30, 2015, voicing concern that the proposal would create significant noise after 10 p.m.
- 3.3** Letter submitted by Nicole Munk, received December 2, 2015, expressing support for the extended hours of operation.
- 3.4** Letter submitted by Katherine Brockway of 12890 SW Carr Street, received December 2, 2015, writing to support the Hillside Pub.
- 3.5** Letter submitted by Christopher Cocoltchosof 9201 NW Fullner Court, received December 2, 2015, writing to support the Hillside Pub.
- 3.6** Letter submitted by Kris Murray, received December 2, 2015, writing to support the Hillside Pub.
- 3.7** Letter submitted by Bridget Adams, received December 2, 2015, expressing support for the extended hours of operation.

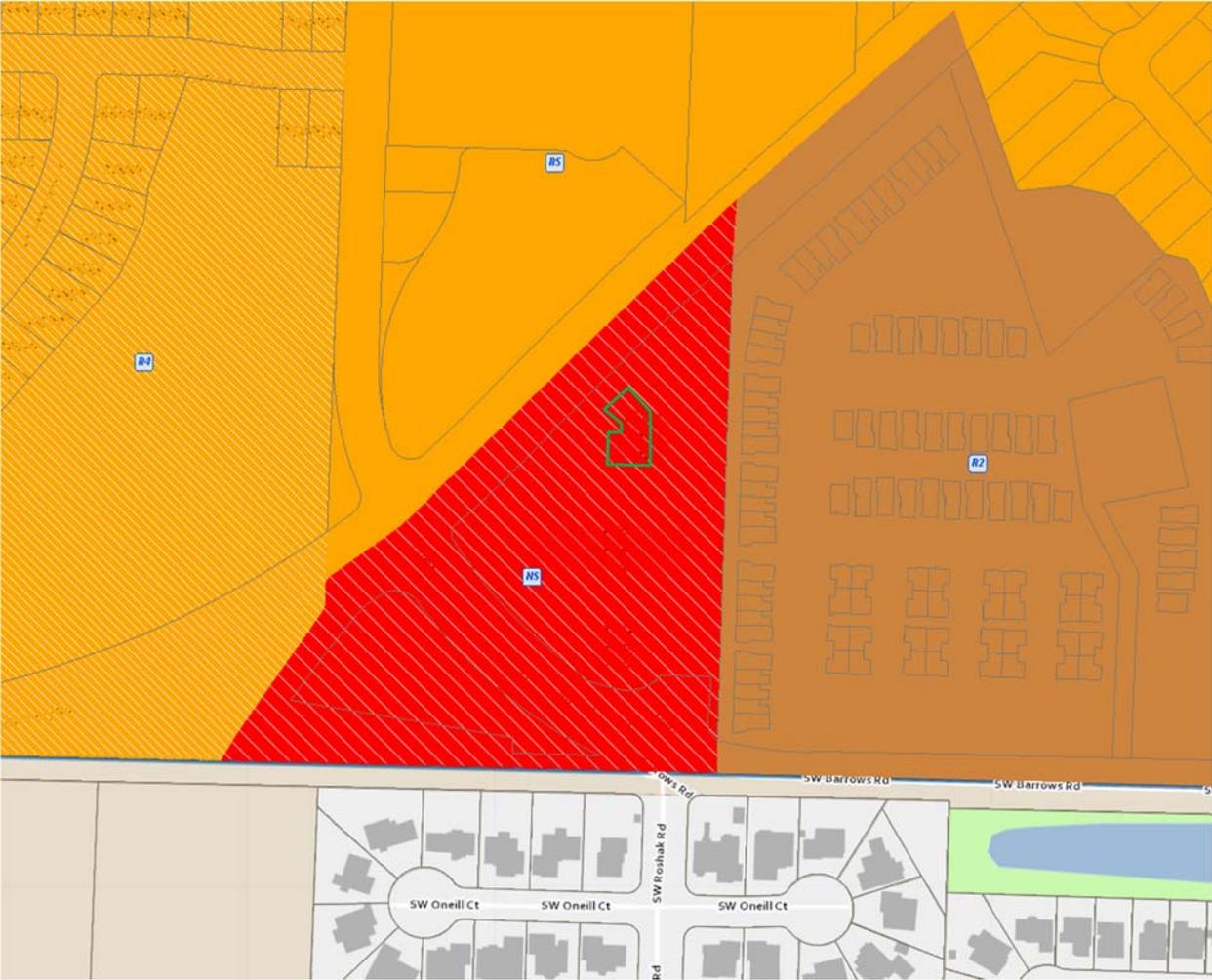
- 3.8 Letter submitted by Greg Harrison, received December 2, 2015, writing to support the Hillside Pub
- 3.9 Letter submitted by Susan Dingilian, received December 2, 2015, writing to support the Hillside Pub.
- 3.10 Letter submitted by Laura Wiekling, received December 2, 2015, writing to support the Hillside Pub.
- 3.11 Letter submitted by Michelle Woods, Property Manager Guans (USA), 16315 SW Barrows Road, received December 2, 2015, expressing support for the installation of parking signs to minimize vehicle impacts to the neighbors to the east, as well as their general support for the Hillside Pub and the extended hours request.
- 3.12 Letter submitted by Bill Berg, Business Development Manager, City of Beaverton, expressing support for the hours of operation request. , expressing support for the extended hours of operation.
- 3.13 Letter submitted by Orchard Glen Condominium Owner's Association Board of Director's, address 17700 SW Upper Boones Ferry Road, Suite 120, expressing concern about the possible negative impacts on the livability of the residential neighborhood. Requests to limit hours of operation to 11:00 p.m. on Friday and Saturday only.
- 3.14 Letter submitted by Franklin Lee of 12615 SW Night Heron Lane Unit 100, received December 2, 2015, expressing concern about the noise and vehicle light impacts after 10:00 p.m. Requests that hours of operation not be extended past 10:00 p.m.
- 3.15 Letter submitted by Generva Enfield Dominick of 12755 SW Night Heron Lane #101, received December 4, 2015, expressing concern about the noise and other impacts that can stem from late night operation, requests that hours of operation not be extended past 10:00 p.m.
- 3.16 Letter submitted by Carol R Palo of 12675 SW Night Heron Lane, #102, received December 4, 2015, expressing concern about the noise and vehicle light impacts after 10:00 p.m.
- 3.17 Letter submitted by Susan Dingilian of 14755 SW Osprey Drive #1033, received December 7, 2015, writing to support the Hillside Pub.
- 3.18 Letter submitted by Jared Roberts, received December 7, 2015, expressing safety concerns related to late night operation, requests that hours of operation not be extended past 10:00 p.m.
- 3.19 Letter submitted by Laura, (last name not provided), received December 7, 2015, expressing concerns about late night noise impacts.

# Vicinity Map



Subject Parcel Outlined in Red

Zoning Map



Hillside Pub Outlined in Green

**Aerial Map**



**Hillside Pub Outlined in Red**

**FACILITIES REVIEW COMMITTEE DRAFT  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Extended Hours of Operation for Hillside Pub  
CU2015-0008**

**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 scope of this application is limited to extended hours of operation. The Committee's approval criteria are provided below for reference.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application as identified 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.*
- 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.*
- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).*
- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.*
- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way,*

*structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.*

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.*
- G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.*
- H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.*
- 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.*
- 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.*
- 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.*
- L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.*

**RECOMMENDATION AND CONDITIONS OF APPROVAL  
BY THE FACILITIES REVIEW COMMITTEE:**

**CU2015-0008 Conditional Use Application:**

The Facilities Review Committee finds that the proposal is limited in scope to extended hours of operation specific to one tenant in an existing building approved under the development application DR2005-0080 Village at Scholls Ferry Retail and as such complies with all the technical criteria.

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

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Sections 20.10.20</b>			
Permitted Uses	Eating or Drinking Establishments	The existing use is a restaurant and bar, which are permitted uses in the NS zoning district.	<b>Yes</b>
Conditional Uses	Uses operating between the hours of 10 p.m. and 7 a.m.	Applicant proposes to operate until 12:00 a.m. Sunday-Wednesday, and 1:00 a.m. Thursday-Saturday.	<b>Yes, if approved</b>
<b>Development Code Section 20.10.15</b>			
Minimum Lot Area	7,000 square feet	Not applicable, no new lots proposed	<b>N/A</b>
Minimum Lot Dimensions	Width: 70 ft Depth: 100 ft	Not applicable, no new lots proposed	<b>N/A</b>
Yard Setbacks Minimums: Front Side Interior Side Corner Rear	20-feet 10-feet 20-feet 20-feet	Not applicable, no physical improvements proposed	<b>N/A</b>
Maximum Building Height	35 feet (without an adjustment or variance)	Not applicable, no physical improvements proposed	<b>N/A</b>

**ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL  
Extended Hours of Operation for Hillside Pub  
CU2015-0008**

**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 restaurant and bar in the commercial development Village on Scholls Ferry. The applicant requests to operate from 11:00 a.m. to midnight Sunday through Wednesday, and 11:00 a.m. to 1:00 a.m. Thursday through Saturday.

Uses operating between 10:00 p.m. and 7:00 a.m. in the Neighborhood Service zoning district require a conditional use permit. The retail center currently exists on site. As described in this report, the applicant proposes minor physical improvements specific to the outdoor area behind Hillside pub. These improvements can reviewed through a subsequent Design Review Compliance Letter.

**Therefore, staff finds that by meeting the conditions of approval, the 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 fees for a Conditional Use application on October 14, 2015.

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

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

Facts and Findings:

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.**

Facts and Findings:

Policy 8.4.1.a reads as follows:

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

*Action 1: Adopt and implement appropriate design standards for development permits for all commercial, industrial, high density, mixed use and transportation projects, and others as appropriate. Development applications should be required to demonstrate compliance with applicable noise level standards. Means of meeting the design standards might include, but are not limited to:*

- Use of year-round landscape elements that absorb parking lot and street noise.*
- Use of underground parking.*
- Use of extra-thick windows.*
- Facades constructed of materials that help to absorb sounds.*
- Pervious surface landscape and parking lot materials that absorb sounds.*
- Use of building materials that aid in the reduction of sound traveling through common floors and walls.*
- Dampers on heating and cooling equipment.*

The proposal is to extend the hours of operation for a restaurant and bar in a commercial development that is immediately adjacent to a residential development. As previously stated, Code Services received a complaint about noise from a resident of the area. Due to the proximity of the residential development, staff must consider the potential impacts of noise if the city is to allow extended hours of operation.

In order to mitigate noise impacts from business operations, the applicant states that they will enclose the patio area with a six foot tall solid wooden fence. Additionally, the applicant states that they will install a canvas screen from the top of the fence to the roof structure to mitigate noise. Furthermore, the applicant

proposes to restrict consumption of alcohol on the patio at 10:00 p.m., and close the patio at 11:00 p.m. After 11:00 p.m., patrons who smoke would be directed to an area west of the pub building which is further away from the residential neighborhood. Finally, the applicant is proposing to install noise dampening ceiling tiles inside the pub to further reduce noise disturbances.

In order to mitigate impacts to the residential development caused by vehicle noise and headlights after dark, the applicant proposes to work with the property owner, Guan's USA, to make the following changes to the easternmost parking spaces:

- Post 'No Parking After 10 p.m.' on the eight (8) northernmost parking spaces to reduce noise and light impacts.
- Encourage back-in parking only for the next set of eight (8) parking spaces immediately to the south to limit headlight glare shining into adjacent residential units.

Property owner representatives have submitted a letter, Exhibit 3.11, confirming their support for the proposal and parking sign installation.

The Staff response to Policy 8.4.1.a and the applicant's statement is as follows:

The nearest residential units are located approximately 110 feet to the east, as measured from the nearest residential property boundary to the nearest building wall associated with the applicant's tenant space. The patio for the Hillside Pub is also approximately 110 feet from the nearest residential property boundary. Staff finds that while these areas are close enough to possibly cause some noise disturbance to the neighboring residential units, the proposed mitigation efforts of enclosing the patio and limiting patio access after 10 p.m. will lessen the impacts of noise. Furthermore, the installation of noise dampening ceiling tiles and locating the after-hours smoking section on the west side of the building will contribute to noise mitigation. In response to the applicant's proposal to post signs that say "No Parking After 10 p.m." staff finds that this may encourage some patrons to park away from the residential area to the east. However, unless the applicant or property owner intends to enforce the parking restrictions, some patrons will likely continue to park in these spaces. As for encouraging back-in parking, staff acknowledges the applicant's efforts to reduce automobile headlight impacts to residential neighbors to the east; however, staff remains uncertain as to how this will be accomplished in practice.

**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 site is approximately 2.92 acres in size and is currently developed with three commercial buildings and associated parking areas and landscaping on site. Natural features on site are limited to landscape plants and trees, including two rows trees and shrubs along the eastern property line for screening purposes.

Staff concludes that natural and man-made features on the site are adequate to accommodate the proposal which is limited to extended hours of operation. There are no proposed changes to any natural features from what has been previously approved. The applicant's proposal to enclose the patio area is the only modification of man-made features, and will be permitted through a subsequent Design Review Compliance Letter, identified as a proposed condition of approval hereto.

**Therefore, staff finds that by meeting the conditions of approval, 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:

In response to Criterion No. 5, the applicant states that the Hillside Pub provides another restaurant option in the Village on Scholls Ferry center, and that the request for extended hours of operation is needed to provide adequate service to nearby residents and customers, especially for patrons viewing sporting events that conclude after 10:00 p.m. Staff finds that the proposal does not modify the location, size or functional characteristics of the building's use as an eating and drinking establishment. Minor design modifications will be reviewed through a Design Review Compliance Letter.

Staff has received nineteen pieces of written testimony as of the date of this staff report. The testimony received is a mix of support for the request and opposition to the request. Supporters of the request cite that the neighborhood does not have a restaurant and bar like the Hillside Pub, and it has been a welcome gathering place in the neighborhood. Opponents of the request generally reside adjacent or close to Village on Scholls Ferry retail center, and express concern that late night noise and vehicle light impacts that could occur with the approval of this request.

Staff recognizes that the proposed extended hours of operation presents both positive and negative impacts to the livability of the neighborhood and local property owners. The restaurant and bar offers a neighborhood service that is

within walking distance of many homes and serves as a gathering place for the residents. In contrast, the potential of noisy patrons and vehicle operation could develop into a nuisance during the late hours that are proposed. Some parking spaces near the Hillside Pub are oriented eastward, possibly resulting in headlights shining towards the windows of the dwellings directly east of the commercial center. Landscaping was installed to create a large visual buffer, and has had ten years to grow to a mature height. Staff observe the landscaping to be healthy and appears to provide the intended buffer in at least most of the eastern boundary, though no studies have been conducted to evaluate vehicle light impacts on adjacent residential properties.

The applicant has submitted a Decibel Level Site Survey, taking readings from various points on the subject site to determine average ambient noise level. The applicant's consultant who conducted the survey concluded that range of ambient decibel (dB) levels ranged from levels comparable to a quiet urban neighborhood or moderate rainfall on the low side, to levels comparable to city traffic or a lawn mower on the high side. The consultant further concluded that most high noise readings were attributable to traffic on SW Scholls Ferry Road, and not any of the uses in the commercial center.

Staff also finds that conditioning the business to limit truck deliveries and loading activities between the hours of 7:00 a.m. and 10:00 p.m. should minimize adverse noise impacts for residents east of the subject site. Similar to the conditions adopted for Metro Perk in 2009, staff proposes conditions that set the limit for extended hours of operation (proposed Condition No. 2). Staff further proposes a condition that will limit use of the outdoor patio area as described in proposed Condition No. 4. By applying these conditions, staff finds that the proposal will be compatible with and have minimal impact on livability and provide for the appropriate use and development of properties in the surrounding area.

**Therefore, staff finds that by meeting the conditions of approval, the 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 the required application materials for review of a Conditional Use application. This review process is a required step to receive City approval for the development's proposal.

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

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2015-0008 (Extended Hours of Operation for Hillside Pub)** subject to the conditions of approval identified in Attachment C.

**RECOMMENDATION AND CONDITIONS OF APPROVAL  
BY THE FACILITIES REVIEW COMMITTEE:**

**CU2015-0008 Conditional Use Application:**

**Based on the facts and findings contained herein, staff recommends that the Planning Commission APPROVE the proposal with the following conditions:**

1. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (SR/Planning)

**The Applicant or property owner shall continually comply with the following conditions:**

2. Hours of operation for the restaurant and bar, located at 16305 SW Barrows Road shall be 7:00 a.m. to 12:00 a.m. Sunday through Wednesday, and 7:00 a.m. to 1:00 a.m. Thursday through Saturday. (SR/Planning)
3. The patio shall be enclosed with a six foot solid wood fence and canvas screening, as shown in Exhibit 2. The applicant shall submit a Design Review Compliance Letter Application for design approval. Lighting associated with the patio shall be completely recessed with no exposed source of illumination as viewed from the property line. (SR/Planning)
4. Use of the patio will be permitted through 10:00 p.m. until the fencing and canvas has been installed consistent with the approved plans. Following the enclosure of the patio, outdoor patio activity shall be permitted through 11:00 p.m., seven (7) days a week. (SR/Planning)
5. The use of outside music or other methods of amplification is prohibited on site after 10:00 p.m. (SR/Planning)
6. Truck deliveries and loading activities are limited to the hours of 7:00 a.m. to 10:00 p.m. seven (7) days a week. (SR/Planning)

EXHIBIT 1.4

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

**After recording return to:**  
City of Beaverton, City Recorder:  
4755 SW Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR	) ORDER NO. 2165
APPROVAL ON A CONDITIONAL USE FOR	) CU2009-0007 ORDER APPROVING
EXTENDED HOURS OF OPERATION	) VILLAGE OF SCHOLLS FERRY EXTENDED
(VILLAGE ON SCHOLLS FERRY) JOHN C.	) HOURS OF OPERATION CONDITIONAL USE
RADOVICH DEVELOPMENT, APPLICANT.	)

The matter came before the Planning Commission on July 22, and continued to September 16, 2009, on a request for a Conditional Use approval for extended hours of operation. The development site is generally located at southeastern corner of SW Barrows and SW Scholls Ferry Road, north of SW Roshak Road and is more specifically identified as Tax Lot's 6900 and 7000 on Washington County Tax Assessor's Map 2S1-05BC respectively.

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

*July 22<sup>nd</sup> Hearing.* At the conclusion of the public hearing, the applicant requested a continuance in order to submit supplemental information that would address both the public and the Planning Commission's concerns with the application.

*Applicant Testimony.* At the public hearing of September 16, 2009, representatives of the applicant, Mike Robinson and Seth King spoke in regard to the supplemental information that was delivered to the Planning Commission on September 9, 2009. Mr. Robinson amended the applicant's request by removing the proposed operating hours until midnight on Friday and Saturday nights and the 5:00 a.m. start time for hours of operation to the public. Mr. Robinson stated that the proposed hours of operation would be 6:00 a.m. to 10:00 p.m., Monday through Sunday. Further, Mr. Robinson requested that the staff of the use be allowed to arrive and begin their shift at 5:00 a.m. before 6:00 a.m. public opening. Lastly, a representative for John C. Radovich, (the property owner) stated that the convenience store portion of the request had been withdrawn and was no longer part of the application.

Mr. Robinson then spoke to the civic responsibility of the business owner and stated that the amended proposal was reasonably compatible with the surrounding neighborhood with the inclusion of a headlight mitigating fence. He asserted that this use would grow with the community where in the future any impacts would be negligible.

A DVD was presented that illustrated the traffic at early morning hours until approximately 7:00 a.m., Monday, August 24, 2009. In general, the DVD demonstrated that during the 5:00 a.m. hour, the amount of vehicles traveling along SW Barrows were significantly less than the vehicles traveling during the 6:00 a.m. hour. During the applicant's presentation, the Commissioners discussed with the applicant where and

when the sound readings had been conducted and considered the potential impacts to the adjacent residents should the proposal be approved. Also discussed were potential conditions of approval to mitigate the potential neighbor discourse with the owner of the coffee store.

*Public Testimony: Support, Opposition, and Undecided.* Those in support contended that the use would properly serve the site and the surrounding neighborhood. Those who testified as undecided and in opposition focused on the late night and early morning hours being proposed and potential noise nuisance impacts. Because public testimony took place after the applicant's presentation, those testifying indicated that approval of the original request with hours of operation starting at 5:00 a.m. during the weekdays and until midnight on the weekends, with the convenience store as part of the application, were the primary concerns. Because the applicant's modification of the request to delete proposed after 10:00 p.m. hours the original request for a 5:00 a.m. start time (except for employee only activity), a majority of those opposed stated they could now support the request. To address the testimony of those who were still concerned with the noise levels, the Planning Commission then considered a sound dampening fence to reduce potential noise off site.

*Dampening or Sound Reducing Fence.* Public testimonies in opposition were concerned regarding both noises from people who sometimes congregate in the parking lot and concern over the appearance of a sound dampening fence design. The Planning Commission considered the option of a

sound dampening fence as a condition of approval to mitigate potential noise nuisance that could result due to early hours of operation. It was determined that a sound dampening fence if needed, would have to be over 6-feet in height. This would require engineering for the fence and the potential for such a fence would be unlikely to reduce noise to the neighboring properties because of the acute elevation grade change between the adjacent properties. After consideration of the applicant's testimony, the Planning Commission concluded that the noise impacts of the use would be minor. The Commission ultimately required the fence recommended by staff in the conditions of approval, which will result in an attractive "good neighbor" style fence.

*Amended Conditions of Approval.* The following amended conditions of approval were discussed and approved by the Commission:

Condition No. 2: Hours of operation for the coffee shop on-site, located at 16325 SW Barrows, Suite 100, and shall be no larger than 2,850 square feet, shall be permitted operating hours of 6:00 a.m. to 10:00 p.m. seven (7) days a week. (Planning/AS and Planning Commission)

Condition No. 11: Six (6) months after opening the eating/drinking establishment for business, the owner of the business shall submit to City staff evidence of compliance with conditions of approval, including record of any complaints that have been received regarding off-site impacts associated with the extended hours of operation and response to these complaints, if any. In addition, should any complaint result in an irresolvable conflict, all parties involved including the owner of the

eating/drinking establishment shall work together and meet under the Neighborhood Mediation through the City of Beaverton's Dispute Resolution program. Contact information: disputemail@ci.beaverton.or.us Telephone: (503) 526-2523 TTY/TDD.

Condition No. 12: The applicant shall construct a six-foot high cedar fence (good neighbor style fence) as proposed and shown under Exhibit B at approximately 43-feet in length along the eastern property line. (Planning/AS and Planning Commission).

*Conclusion.* The Planning Commission made findings and agreed with the findings of staff report (as amended), and concluded the applicant's modification of their own request, to request only one additional hour of operation with one hour before that for employee only set-up, the removal of the late night hours and the removal of the convenience store as part of the extended hours proposal, made the request reasonable, compatible with the surrounding neighborhood. The Commission found that visual impacts would be screened by proposed fencing, although the 6-foot-tall fence would not necessarily provide every nearby residential unit with visual screening or substantial noise reduction. The amount of screening provided would be adequate to meet the requirement for reasonable compatibility, and as such, the fencing was determined to be roughly proportional to the request for one additional morning hour of operation.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated July 15, 2009, and Staff's Memorandum dated September 9, 2009, as amended and the findings contained therein, as applicable to the approval criteria contained in Sections 40.15.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **CU2009-0007** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report, dated July 15, 2009 and Staff's memorandum dated September 9, 2009, as amended, subject to the amended conditions of approval as follows:

1. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site of structure unless otherwise specified in conditions attached to the permit. (Planning/AS)

**The applicant or property owner shall continually comply with the following conditions:**

2. Hours of operation for the coffee shop on-site, located at 16325 SW Barrows, Suite 100, and shall be no larger than 2,850 square feet, shall be permitted operating hours of 6:00 a.m. – 10 p.m., seven (7) days a week. (Planning/AS).
3. Employees of the eating/drinking establishment (located at 16325 SW Barrows, Suite 100) are allowed on site at 5:00 a.m. daily, to conduct work wholly within the enclosed building where no noise will occur outside of the building.
4. With the exception of maneuvering vehicles on site, the eating/drinking establishment (located at 16325 SW Barrows, Suite 100) drive up window facilities hours of operation shall be 6:00 a.m.-10:00 p.m., seven (7) days a week. (Planning/AS)

5. The use of outside or exterior paging systems, outside music or other methods of amplification is prohibited for businesses on site after 10:00 p.m., seven (7) days a week. (Planning/AS)
6. Ground maintenance activities using powered equipment are prohibited to occur between the hours of 10:00 p.m. and 7:00 a.m., Monday through Friday, and 10:00 p.m. and 8:00 a.m., on Saturdays and Sundays. (Planning/AS)
7. Ensure that all wall lighting and pole illumination are completely recessed with no exposed source of illumination as viewed from the property line. (Planning/AS)
8. Ensure that the measurement of decibels for the communication sound system for the drive-through facility will not exceed 55 decibels at the adjoining property lines. (Planning/AS)
9. Patio activity hours for the eating/drinking establishment are permitted between 7:00 a.m.-10:00 p.m. seven (7) days a week. (Planning/AS)
10. Loading and delivery operations for all uses on site are permitted between the hours of 7:00 a.m. and 10:00 p.m. seven (7) days a week. (Planning/AS)
11. Six (6) months after opening the eating/drinking establishment for business, the owner of the business shall submit to City staff evidence of compliance with conditions of approval, including record of any complaints that have been received regarding off-site impacts associated with the extended hours of operation and response to these complaints, if any. In addition, should any complaint result in an irresolvable conflict, all parties involved including the owner of the eating/drinking establishment shall work together and meet under the Neighborhood Mediation through the City of Beaverton's Dispute Resolution program. Contact information: disputemail@ci.beaverton.or.us. Telephone: (503) 526-2523 TTY/TDD (Planning/AS and Planning Commission)
12. The applicant shall construct a six-foot high cedar fence (good neighbor style fence) as proposed and shown under Exhibit B at approximately 43-foot in length along the eastern property line. (Planning/AS)

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

**AYES:** Maks, Platten, Bobadilla, Johansen and Winter.  
**NAYS:** None.  
**ABSTAIN:** None.  
**ABSENT:** Stephens and Vreed.

Dated this 25<sup>th</sup> day of September, 2009.

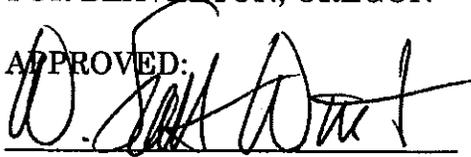
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2165 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Monday, October 5, 2009.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
ANJANETTE SIMON  
Associate Planner

  
\_\_\_\_\_  
STEVEN A. SPARKS, AICP  
Interim Community Development Director

APPROVED:   
\_\_\_\_\_  
SCOTT WINTER  
Chairman

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NOV 19 2015

By mail  
AACity of Beaverton  
Community & Economic Dev

Planning Division, Community Development

12725 SW Millikan Way

Beaverton, OR 97005

Re: Hillside Pub Extended Hours

Case File Number: CU2015-0008

November 14, 2015

Dear Planning Commission,

I am writing in support of the extended hours of the Hillside Pub. I live in the attached land at the Orchard Glen condominiums/townhomes and ask you to support the new neighbor pub. I feel it is important that anyone saying they have the support of the neighbors at Orchard Glen has not inquired from the neighbors in a way of a neighborhood polling process.

When my wife and I moved to the condos over six years ago the mall was located behind our back yard. Over the years we have had a coffee shop that receives bakery goods at 3:30 AM with the music blaring in the delivery truck, we have ~~hour~~ 24 hour a day operation of the US Census Bureau, and we have food trucks idling for better than an hour waiting to deliver food to Biscuits restaurant when they open. Over the years this has not been a problem for the Orchard Glen Homeowners and now that a local neighborhood pub wants to be able to stay open a couple of extra hours that is helping to improve the neighborhood needs be allowed.

Please approve the extended hours of the new neighborhood Hillside Pub.

Thank you,

Steven L Holeman



12755 SW Night Heron Ln Unit 104

Beaverton, OR 97007

November 12, 2015

Planning Division, Community Development  
12725 SW Millikan Way  
Beaverton, OR 97005

**RECEIVED**

NOV 30 2015

City of Beaverton  
Planning Services

Project Name: Hillside Pub Extended Hours  
Case File No. CU2015-0008

Dear Planning Division:

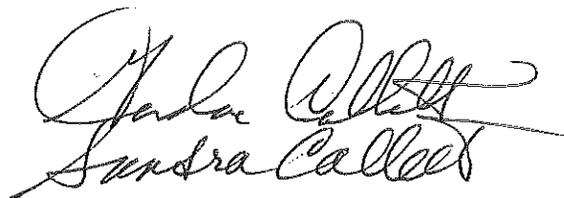
I live at 12755 SW Night Heron Lane, #102 in a group of town houses and homes called Orchard Glen Condominiums. The back of my townhouse faces the commercial center The Village on Scholls Ferry, located at 16305 SW Barrows Road.

The present usage for this center has a closing hour set at 10:00 PM for all days of the week. This has been in effect since the center opened. Case File No. CU2015-0008 requests the closing hour to be 12:00 AM Sunday through Wednesday and 1:00 AM Thursday through Saturday. ***I and my wife are very much against this.***

We both have jobs that require us to be up very early in the morning. Therefore we normally go to bed around 9:00 PM to 10:00 PM. At that time the center is closed and it is relatively quiet. If Hillside Pub is granted extended hours we have no doubt at all that this will result in a lot of noise during the hours we are trying to sleep.

The closing hour of 10:00 PM must have been disclosed to Hillside Pub when they leased their present location in the center. They moved in, assuming that they could override the set closing hour and operate as they chose. This should not be allowed. A whole complex of homes is right next to the center and is usually quiet at 10:00 PM, the present closing hour. To extend the closing hours only means that various agencies will receive a considerable amount of complaints on a continuous basis for too much noise, cars revving their engines at all hours, and possibly inebriated drivers roaring around the neighborhood.

Thank you,



Gordon & Sandra Collett

**Steven Regner**

---

**From:** Nicole Munk <nmunk@pcmloan.com>  
**Sent:** Wednesday, December 02, 2015 1:47 PM  
**To:** Steven Regner  
**Subject:** In Favor of Hillside Pub

My husband and I very much in favor of Hillside Pub and them getting their hours extended to be successful and stay in business in my neighborhood!

**Nicole Munk**

**Office:** 503.968.7000 | **Direct:** 503.207.2190 | **E-Fax:** 503.210.1501  
14945 SW Sequoia Pkwy, Suite 150A | Portland, OR 97224  
[www.pcmloan.com](http://www.pcmloan.com)

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City of Beaverton  
Planning Services

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**Steven Regner**

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**From:** Katherine Brockway <kathy.brockway@oracle.com>  
**Sent:** Wednesday, December 02, 2015 1:55 PM  
**To:** Steven Regner  
**Subject:** Support for Hillside Pub

Attention Mr. Regner,

I am writing to support the Hillside Pub at 16305 SW Barrows Rd, Beaverton, OR 97007. I have been there several times and enjoy the intimate feel of the place. It's a great place to relax with friends, catch a game on the big screen or have a good meal as the food is great.

I like that you can bring family in earlier and then it is for 21 and over later.

Its a great location as there are not many restaurants out that direction.

Thank you,  
Katherine Brockway  
Beaverton Resident

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DEC 02 2015

City of Beaverton  
Planning Services

**Steven Regner**

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**From:** Christopher Cocoltchos <cocoltchos@mail.wou.edu>  
**Sent:** Wednesday, December 02, 2015 2:09 PM  
**To:** Steven Regner  
**Subject:** Hillside Pub

To Whom It May Concern:

Since it opened a few months ago, I have visited the Hillside Pub many times. Each time I have gone there, I have been very impressed by the friendly prompt service and good food that it has provided me. It's also a great place for viewing sporting events.

Regards,

Christopher Cocoltchos  
Adjunct Professor of History  
Western Oregon University

**RECEIVED**

DEC 02 2015

City of Beaverton  
Planning Services

**Steven Regner**

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**From:** Murray, Kris <kris.murray@intel.com>  
**Sent:** Wednesday, December 02, 2015 2:14 PM  
**To:** Steven Regner  
**Subject:** Hillside Pub

Dear Mr. Regner,

I am writing to you in support of the Hillside Pub in Beaverton. A friend and I recently visited Hillside for lunch. We found the Pub clean, the drinks cold and the staff and owner (Chris) attentive and friendly. We were so impressed, we went back a week later for happy hour.

The Hillside Pub is a wonderful, **locally owned** alternative for lunch, happy hour or dinner with friends and we hope they stay in our community for a very long time.

Best regards,

Kris Murray

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DEC 02 2015

City of Beaverton  
Planning Services

**Steven Regner**

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**From:** Bridget Adams <bridgetadams2000@yahoo.com>  
**Sent:** Wednesday, December 02, 2015 2:30 PM  
**To:** Steven Regner  
**Subject:** Hillside Pub Hours

I would like to express my support for Hillside Pub's operating hours to extend to midnight. I think it is nice to have neighborhood pubs that people can walk to and socialize instead of getting in their cars to drive.

Best Regards,  
Bridget Adams  
Beaverton, Oregon

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~~DEC 02 2015~~

~~City of Beaverton  
Planning Services~~

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DEC 02 2015

City of Beaverton  
Planning Services

**Steven Regner**

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**From:** Greg <gbharrison@gmail.com>  
**Sent:** Wednesday, December 02, 2015 2:52 PM  
**To:** Steven Regner  
**Subject:** Hillside Pub

Mr. Regner,

Thank you for allowing me an opportunity to show my support for Hillside Pub's desire to extend operating hours. The owners of Hillside Pub have contributed to the local economy for most of three decades and look forward to many more. I can tell you from personal experience that the continued success of the Hillside Pub will hinge largely on a decision in their favor. They are active, responsible, and ethical members of the Beaverton business community and should be allowed to operate the same hours as similar establishments. While I do understand the adjacent neighborhood's concerns their argument is, at best, specious in nature. I understand that the owners are willing to compromise with the complainant and would hope that the opportunity for successful resolution is not missed. Thank you again for this opportunity and your time.

Best Regards,

Greg Harrison

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DEC 02 2015

**City of Beaverton  
Planning Services**

Sent from my iPhone

**Steven Regner**

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**From:** Susan Dingilian <sdingilian@icloud.com>  
**Sent:** Wednesday, December 02, 2015 3:32 PM  
**To:** Steven Regner  
**Subject:** Hillside Pub

**RECEIVED**

DEC 02 2015

City of Beaverton  
Planning Services

To Whom It May Concern:

I have eaten lunch and dinner at the Hillside Pub a number of times in the last few months. I found the food to be excellent and the service friendly and attentive.

Kind regards,

Susan Dingilian

Sent from my iPhone

**Steven Regner**

---

**From:** Laura Wieking <laura@thewordbridge.com>  
**Sent:** Wednesday, December 02, 2015 3:24 PM  
**To:** Steven Regner  
**Subject:** Hillside Pub

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DEC 02 2015

City of Beaverton  
Planning Services

Dear Mr. Regner,

I'm writing to share my support of the Hillside Pub as a wonderful and welcome addition to the area. My family and I enjoy knowing there is a family owned business nearby that offers great food and drink in a safe and friendly environment.

It has quickly become a favorite spot to meet with friends after work or to watch a game.

Thank you for your support of this neighborhood gathering spot.

Laura Wieking

Replying by phone - please excuse brevity and typos



December 2, 2015

To Whom It May Concern,

My name is Michelle Woods and I am the Property Manager for Guans (USA), Inc. at the Village on Scholls Ferry. This letter is in regards to the hours of business for Hillside Pub.

I have been working with the owners of Hillside Pub since they began the buildout of their business. I have found them to be easy to work with and very community minded. Their establishment is well kept, well thought out and well run. We appreciate their eagerness to comply with our rules and regulations.

We at the Village on Scholls Ferry would support the installation of additional parking signs to minimize any disturbances caused by automobile and patrons. We are extremely supportive of the Hillside Pub and want them to be very successful in their business.

In closing, we would appreciate if you would consider changing the hours for Hillside Pub because we feel that they have shown that they run their business responsibly and respectfully in regards to the Village on Scholls Ferry and the neighborhood surrounding it.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Woods". The signature is written in a cursive, flowing style.

Michelle Woods  
Property Manager  
Guans (USA), Inc.

**Steven Regner**

---

**From:** Bill Berg  
**Sent:** Wednesday, December 02, 2015 8:06 PM  
**To:** Steven Regner  
**Subject:** Support of Extended Hours for Hillside Pub

**RECEIVED**

DEC 02 2015

City of Beaverton  
Planning Services

Hi Steve,

I would like to submit the following written testimony in support of the Conditional Use Permit for extended hours of operation for Hillside Pub. Please add to the record provided to the Planning Commission.

-----  
Commissioners,

I visited the Hillside Pub on December 1<sup>st</sup> and met with the owner, Chris Hanson, and his wife. I was impressed with the level of concern they expressed in trying to do everything they could to be good neighbors to the surrounding community. They described to me the various steps they were taking to mitigate any potential noise impacts, all of which seem very reasonable. I'm sure they will describe these measures at the hearing, so I won't go into those details here.

In addition to concerns about the viability of their business, they also shared their concerns about retaining a high-quality staff. Many of the current workers are long-term employees of the Hansons, and they are worried about the impact on their overall take-home pay (in particular, tips) if the pub can't stay open for customers watching sporting events that many times finish after 10 PM. They could lose some good people as a result, and the level of service would suffer.

I believe the extended hours being requested match the reasonable expectations of the customers of a gathering spot like the Hillside Pub and, especially with the plans to minimize the noise impacts as described, are also reasonable given the surrounding neighborhood.

From a bigger picture standpoint, in my role as Business Development Manager for the city I've met with many of our larger businesses and asked them about their biggest challenges. A consistent issue is workforce...how to attract, recruit and retain good people. One particular competitive weakness they mention repeatedly is Beaverton's lack of a sufficient number of local, non-chain restaurants and pubs...neighborhood places where folks can socialize, watch a game, have a drink and a bite to eat. We are working hard to get the message out to those looking to start these types of businesses that it's not all about Portland, and that Beaverton is interested in their business! I believe that accommodating reasonable requests like this conditional use, while it may not seem like a big deal in this single instance, in the larger context will be seen as very positive by this target segment of the business community.

Thanks for your consideration and I urge you to approve the conditional use permit for extended hours for Hillside Pub.

Best regards,  
Bill

**Bill Berg**  
Business Development Manager | Community Development Department  
City of Beaverton | PO Box 4755 | Beaverton OR 97076-4755  
p: 503.350.4037 | c: 503.726.8406 | f: 503.526.2550 | [www.BeavertonOregon.gov](http://www.BeavertonOregon.gov)



## Orchard Glen Condominiums

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December 1, 2015

City of Beaverton  
Community Development  
Planning Division  
12725 SW Millikan Way  
Beaverton, OR 97005

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DEC 02 2015

City of Beaverton  
Planning Services

RE: Case File No. CU2015-0008 Hillside Pub Extended Hours

Planning Division:

The Board of Directors of the Orchard Glen Condominium Owner's Association writes to recommend against extending the hours of the Hillside Pub under case file CU2015-0008. Extension of the hours as requested takes the hours of operation too far outside of what is permitted under the Neighborhood Service Zoning (NS). Neighborhood Service zoning is to provide convenience services to area residents – stores, shops, nail salons, and family restaurants that close by 10:00pm fit this convenience concept.

It is the belief of many of our residents that granting this extension will negatively impact the livability of our neighborhood. In addition to the increased late night noise of vehicles and bar patrons of those residents whose homes are immediately adjacent to the retail property, all units could possibly be affected by the types of events that commonly occur near bars such as The Hillside Pub including an increase in physical altercations, crime, and DUIs.

The proximity of The Hillside Pub to our neighborhood creates noise from people smoking outside, has resulted in noise complaints to the city for late night yelling, and will continue to negatively impact the livability of dozens of our residents should the hours be extended past 10:00pm.

The Board of Directors of Orchard Glen Condominiums urges you to consider allowing hours of operation no later than 10:00 pm on night preceding a school day and no later than 11:00pm for Friday and Saturday night. In addition, we request that there be no business activity outside the current permanent physical structure after 10:00pm.

Respectfully,

Orchard Glen Condominium Owner's Association Board of Directors

RECEIVED

DEC 02 2015

City of Beaverton  
Planning Services

Franklin Lee  
12615 SW Night Heron Ln Unit 100  
Beaverton, OR 97007  
11/19/2015

City of Beaverton  
Community Development  
Planning Division  
12725 SW Millikan Way  
Beaverton, OR 97005

RE: Case File No. CU2015-0008 Hillside Pub Extended Hours

Dear City of Beaverton:

I am writing regarding the above request for extended hour for The Hillside Pub (pub). For reference, please note the pub is directly behind my house. An upstairs bedroom window looks out directly into the area under an outdoor cover that is currently used as the smoking area for the pub, approximately 50 yards away.

I believe that the current request for extended hours is not compatible, with a Neighborhood Service (NS) area because it will have more than a 'minimal impact on livability and appropriate use...of properties in the surrounding area...' as stated in 40.15.15.3.C.5. Specifically, extending the hours will adversely impact the neighboring residential area with noise and light pollution from cars entering and exiting the area, as well as excited patrons smoking as evidenced by the noise complaint(s) that spurred Hillside Pub to request these extended hours.

The following paragraphs constitute my research supporting a denial of the requested hours of operation. I understand the decision is yours to make. Should you find that some extension of the hours is reasonable, please consider my recommendations below.

Extended Hours:

**My Recommendation: No extension of hours.** If you decide to extend the hours, I ask for operation no later than 12:00 a.m. for Friday and Saturday nights only with no activity outside the existing building after 10:00 p.m. There would be no change to hours of operation (10:00 p.m.) for Sunday through Thursday nights.

The following is a list of eating and drinking establishments with NS Zoning in Beaverton:

(NS) At SW Greenway and SW Hall Blvd

Al Estilo Michoacan	Closes at 9:00 pm every night
Taco Time	Closes at 10:00 pm every night
El Perico y Taqueria	Bar Closes at 2:00 am Friday and Saturday

(NS) SW Allen and SW Hall

Beaverton Char Burger	Closes by 8:30pm every night
-----------------------	------------------------------

(NS) SW Scholls Ferry and SW Allen

Mandarain Palace	Closes at 9:00 pm every night
Uptown Market	Closes at 11:00 pm every night (not adjacent to residential area)

(NS) SW Hart Rd

Hart Road Pizza and Sports Bar	Closes at 2:00 am Thursday through Saturday.
--------------------------------	--

\*\*I confirmed with the City of Beaverton that there is no conditional use permit on file. It is open until 2:00am. However, the management allows no outside activity, including closing the covered smoking area between the bar and the adjacent housing development after 10:00pm.

The following is a list of nearby establishments with Community Service zoning or that operate in Tigard:

SW Allen and SW Murray

Ikenohana	Closes by 9:30pm every night
McMenamins	Closes by 12:00am every night (not adjacent to residential area)

SW Barrows Rd

Vinotopia	Closed at 11:30pm every night
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Nearby Tigard establishments:

Big Als'	open until 1:00 am Fri and Sat., 11:00pm other nights
Big Al's has a park and parking area that provides significant buffer between residential areas. No outside seating or smoking area.)	
Ruby Tuesday	Open until 11:00pm (not adjacent to residential area)
Scotty's	Closes at 2:00am every night (not adjacent to residential area)

Noise:

A 2009 conditional use permit for the coffee shop in Village at Schools cited noise studies of traffic along SW Barrows Road in supporting approval concluding that a drive-through coffee operation would 'likely have minimal additional noise impact.' I agree with this decision. However, the same logic should not be used to support extended hours for a pub. The difference with the pub is that the noise is loud voices of patrons enjoying themselves in the smoking area behind my house.

The variable pitches and tones, combined with the loud exuberant conversation is more of a nuisance than the noise from the passing of vehicles on Scholls Ferry road. My first noise complaint to code enforcement was from noise occurring until 2:00 am in violation of the NS zoning. Now that the pub is closing at 10:00pm, the noise ceases by 10:30pm.

As a side note, Casa Lola is closer to my house, has outdoor seating, serves alcohol, and has been open since April. There were no noise issues until The Hillside Pub opened and stayed open until 1:30am.

Recommendation: Require that all 'Activity is conducted wholly within an enclosed structure' as required under Beaverton Code section 20.10.30.1. There should be no outside business (patrons eating or drinking outside in their smoke area) after 10:00pm. Again, the 2009 conditional use permit shut down the drive through at the coffee stand at 10:00pm to minimize noise and light pollution.

From experience, I know that your decision will be what you believe is in the best interest of the City of Beaverton and it's residents. I believe my recommendations are similar to what was granted in 2009 for the coffee shop and what is reasonable to protect the livability of our community.

Respectfully,



Franklin Lee  
Homeowner12615 SW Night Heron Ln  
Unit 100  
Beaverton, Oregon 97007  
Phone: 541-261-7726

DEC 04 2015

November 14, 2015

Regarding Case File No: CU2015-0008

City of Beaverton  
Community & Economic Dev

Respected members of the City Council,

I am writing this letter to express my opposition to the extension of operating hours for Hillside Pub, located in The Village on Scholls Ferry at 16305 SW Barrows Road, Suite C-200. The business is currently located in an area zoned for Neighborhood Services which allows for hours of operation between 7am and 10pm. The owners of Hillside Pub have applied for a conditional use permit to extend the operating hours of their establishment to midnight or 1am, depending on the day of the week. It is my strong opinion that extending the hours of this particular establishment will lead to a decline in the livability, safety, and property values for the nearby residents in this South Beaverton neighborhood. I urge you to decline this application for a conditional use permit and to enforce the currently allowed hours of operation.

My passion for preserving the existing parameters for hours of operation for the Hillside Pub stems from the fact that I currently own a home that is adjacent to the Village on Scholls Ferry and am directly impacted by those businesses. My home backs up to one of the parking areas for this commercial center, and while those businesses are open for operation, there is a steady flow of traffic behind my house that includes both private and commercial vehicles. Currently that traffic and the noise disturbance associated with it is limited by the hours of operation of the businesses there to the hours of 6am-10pm. If the hours of operation for Hillside Pub were extended to midnight or 1am, the noise from that establishment would extend into late night hours while the early morning traffic for the coffee shop located in the same center begins at 6am and that would create a truly untenable situation for sleep.

When I purchased my home in 2005, it was with the understanding that there would be commercial space directly behind it, but it was also with the understanding that the City of Beaverton had protected me as the homeowner by limiting the hours of operation of those businesses to 7am-10pm. A conditional use permit has already been extended for the space that the coffee shop occupies and an additional permit for the Hillside Pub would be a complete breach of the original agreement between home owners and the City of Beaverton.

I am also concerned about the specific type of activity and traffic that this particular establishment will generate, if they are allowed to operate well into the late night. The name Hillside Pub conjures up a

mental image of a quaint neighborhood establishment where locals gather in quiet booths to share a pint of their favorite liquid refreshment while enjoying a meal and talking about the local happenings. I can assure you that this establishment is nothing like those tranquil mental images. When you first arrive at this establishment, your senses are overwhelmed by the glow of neon lottery signs, the glare of three large television screens mounted above an expansive bar counter and the reflection of light off of five shelves of liquor just steps inside the front door. At last month's neighborhood meeting, the owners expressed their intent to focus on the restaurant aspect of this business and to cater to families in the area, yet there are currently only four entrée items on their menu. An establishment whose primary function is to provide for the consumption of alcohol while gambling, well past the time when most of the local residents in the area have turned out their lights and gone to bed, is bound to generate: an increase in noise, drivers who are under the influence of intoxicants driving behind my home, and unruly behavior that our neighborhood is not accustomed to, nor welcomes.

The owners of Hillside Pub have expressed their intent to be good neighbors and a part of the community that they have invested in with their business but, I cannot trust that they truly have my best intentions at heart. For example, they claim that they were not aware of the zoning restrictions that would limit the hours of operation of their business and, as a result, have generated documented complaints of operating their business past 10pm. They have even gone so far as to solicit public sympathy in town meetings and on their Facebook page, stating that they weren't aware of the zoning restrictions and that their business and their employees are suffering financial hardship as a result of the restrictions that have been placed on them. This situation is quite perplexing to me.

It is very easy to navigate the City of Beaverton's website and review the current zoning map. There are tools to help you interpret the definitions of each zone and there are clear guidelines that state what is permitted and when it is permitted. I find it hard to believe that a couple of sincere business men would not avail themselves of these resources and familiarize themselves with the area where they planned to invest tens of thousands of dollars. It seems to me that they overlooked a crucial step in making sure that their business would be a good fit for the area and would in fact, serve the neighborhood.

In the Notice of a Public Hearing document that was mailed to my home, it appears that the owners of Hillside Pub have applied for a conditional use permit that would allow them to extend their hours of operation only. I don't see any mention of a request to modify the general use restrictions of the space that they currently occupy. They

have created what they refer to as a "patio area" which is really a covered area of driveway that used to serve as a drive through lane for a bank that previously occupied that space. At last month's neighborhood meeting they discussed their plans to install canvas draping to provide a noise barrier between their establishment and the homes that are just a few paces behind them, as a gesture of goodwill to the neighbors. Currently, the Neighborhood Services zoning requirements state, "20.10.30. OTHER NS ZONING REQUIREMENTS Uses shall be subject to the following (excludes food cart pods, parks and playgrounds): 1. **Activity is conducted wholly within an enclosed structure**, except for outside play areas for child care and educational facilities and as allowed in item 2, below. 2. Accessory open air". Currently their "patio" area has no enclosure of any kind and based on the definition of enclosure, "surrounded or closed off on all sides", I believe that this establishment is operating beyond what the current zoning allows for.

In closing, I again plead with you to keep your promise to the neighbors of the Village on Scholls Ferry and to uphold the current, Neighborhood Service, zoning restrictions and limit the hours of operation of the Hillside Pub to 7am-10pm. By definition, "Neighborhood Service (NS) The NS District is intended to provide minimal areas of service and convenience uses to **meet the frequent needs of nearby residents.**" As a nearby resident, I can assure you that we do not have a frequent need for alcoholic refreshment or gambling, after 10pm. Thank you for considering the needs of your tax paying home owners when making a decision regarding this conditional use permit.

Respectfully,



Genevra Enfield Dominick  
12755 SW Night Heron Lane #101  
Beaverton, Oregon 97007

EXHIBIT 3.16

RECEIVED

Nov. 25, 2015

DEC 04 2015

City of Beaverton, Planning Commission

City of Beaverton  
Community & Economic Dev

12725 SW Millikan Way, Fourth Floor

Beaverton OR 97005

RE: case file #: CU2015-0008

Project name: Hillside Pub Extended Hours

I live at 12675 SW Night Heron Lane, Beaverton OR 97007. My upstairs bedroom window is next to the parking lot of the Scholls Ferry Village second level where Hillside Pub is located.

While I am supportive of small businesses, here are my concerns about extending hours for Hillside Pub:

- Headlights, motorcycles, people coming and leaving create an atmosphere where sleep is most difficult, even with the windows closed and blinds shut. To have this extended until midnight or 1am is troublesome in terms of getting enough sleep to get up and get to work in the morning. Trees have been planted to minimize sound and lights, and while that is helpful, it does not resolve the problem.
- This sets precedence for any business currently in the complex or there in the future.
- Noisy neighborhood could impact resell value.
- Although the owners of Hillside Pub said they would work creatively to minimize the issues mentioned above (at a neighborhood meeting last month), the property management representative that attended did not seem interested in doing anything that would be helpful. Realistically, Hillside Pub can't really control customers' courtesy toward the neighborhood.
- Longer hours can mean more deliveries- already a problem in the complex (EARLY AM deliveries and cleaning of the parking lot)

I don't know what a good solution is. I just want to be able to get enough sleep at night and have some feeling of privacy in my bedroom.

Thank you for your consideration,



Carol R Palo

12675 SW NIGHT HERON LN #102  
BEAVERTON OR 97007

EXHIBIT 3.17

RECEIVED

DEC 07 2015

Jamie Carrabine  
14755 SW Osprey Dr, #1033  
Beaverton, OR 97007  
December 3, 2015

City of Beaverton  
Community & Economic Dev

Steven Regner  
c/o City of Beaverton  
PO Box 4755  
Beaverton, OR 97006

Dear Mr. Regnar:

I am writing to you in support of Hillside Pub and their request for an extension of hours. I have been a patron at Hillside since they opened, and for 12 years prior to that when they were located in Murrayhill and known as Malones. Hillside Pub is very dear to my heart. It was one of the last places my late father and I would go to have dinner and catch up. I have met my closest friends there, friends that I now celebrate birthdays and holidays, births and deaths with. These people, including the staff, are my family, and without this establishment I would not have their loving support.

I understand that none of these anecdotes specifically apply to how long an establishment is able to stay open. However, I hope that you can see how much I love spending my time there, and would spend more of it if possible.

Thank you for taking the time to read this letter.

Sincerely,



Jamie Carrabine

**EXHIBIT** 318

Dear Mr. Regner

I am writing this letter to strongly urge that the Hillside Pub hours do not be extended into the early hours of the morning. As a member of our community I want to ensure that everybody's safety is taken into account. This location is directly behind my home, and in addition to that it is within a block of an elementary school.

Our community kindly asks that the city does not allow the hours of this location to be extended.

Thank you,

Jared Roberts (503-563-3308)

Sterling Park HOA

**RECEIVED**

DEC 07 2015

City of Beaverton  
Community & Economic Dev

November 30, 2015

Planning Division  
Community Development  
12725 SW Millikan Way  
Beaverton, OR 97005

RECEIVED

DEC 07 2015

City of Beaverton  
Community & Economic Dev

To Whom It May Concern:

I am writing in response to a conditional use permit that was requested by Hillside Pub at 16305 SW Barrows Road, Suite C-200 in the Village on Scholls Ferry Road to extend their business hours. The case number is CU2015-0008 – Hillside Pub Extended Hours.

I live in the Orchard Glen neighborhood and am opposed to this request & would ask that you kindly consider this when making your decision. We live in a quiet, family-friendly, suburban neighborhood that is not suited for a bar with extended hours. The potential of late night traffic and noise is high and is not fair to the neighbors that live directly behind the Scholls Ferry Road Village Center. In addition, the owners should have done their homework prior to renting the space realizing the zoning regulations.

Thank you for your consideration.

Sincerely,

  
Laura