



Community Development Department
Current Planning Division
12725 SW Millikan Way
Beaverton, OR 97006
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

To: Interested Parties
From: City of Beaverton Planning Division
Date: December 1, 2016
Subject: **DI2016-0001 – BDA Blade Sign**

Please find attached the Notice of Decision for **DI2016-0001 – BDA Blade Sign**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for DI2016-0001 (BDA Blade Sign), is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

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

The appeal closing date for DR2016-0001– BDA Blade Sign, is 4:30 p.m., Tuesday, December 13, 2016.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Sandra Freund, AICP, Planning Manager, at (503) 526-3718.



**NOTICE OF DECISION
DIRECTOR'S INTERPRETATION**

DECISION DATE: December 1, 2016

TO: All Interested Parties

FROM: Sandra Freund, AICP, Planning Manager

PROPOSAL: **DR2016-0001 – BDA Blade Sign**

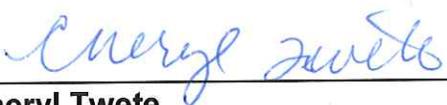
LOCATION: The address of the site is 12625 SW Broadway Street, also described as Tax Lot 04300 of Washington County's Tax Assessors tax map 1S116AA.

SUMMARY: The applicant, Beaverton Downtown Association (BDA) requests Planning Director's Interpretation of the City Development Code as it pertains to projecting (blade) sign(s) and applicability of Section 60.40.35.2, which regulates projecting signs for commercial buildings within the Multiple Use zoning district which have the front building line within five (5) feet of the public right-of-way, specifically the placement of one (1) projecting sign on the front building face in lieu of a freestanding sign.

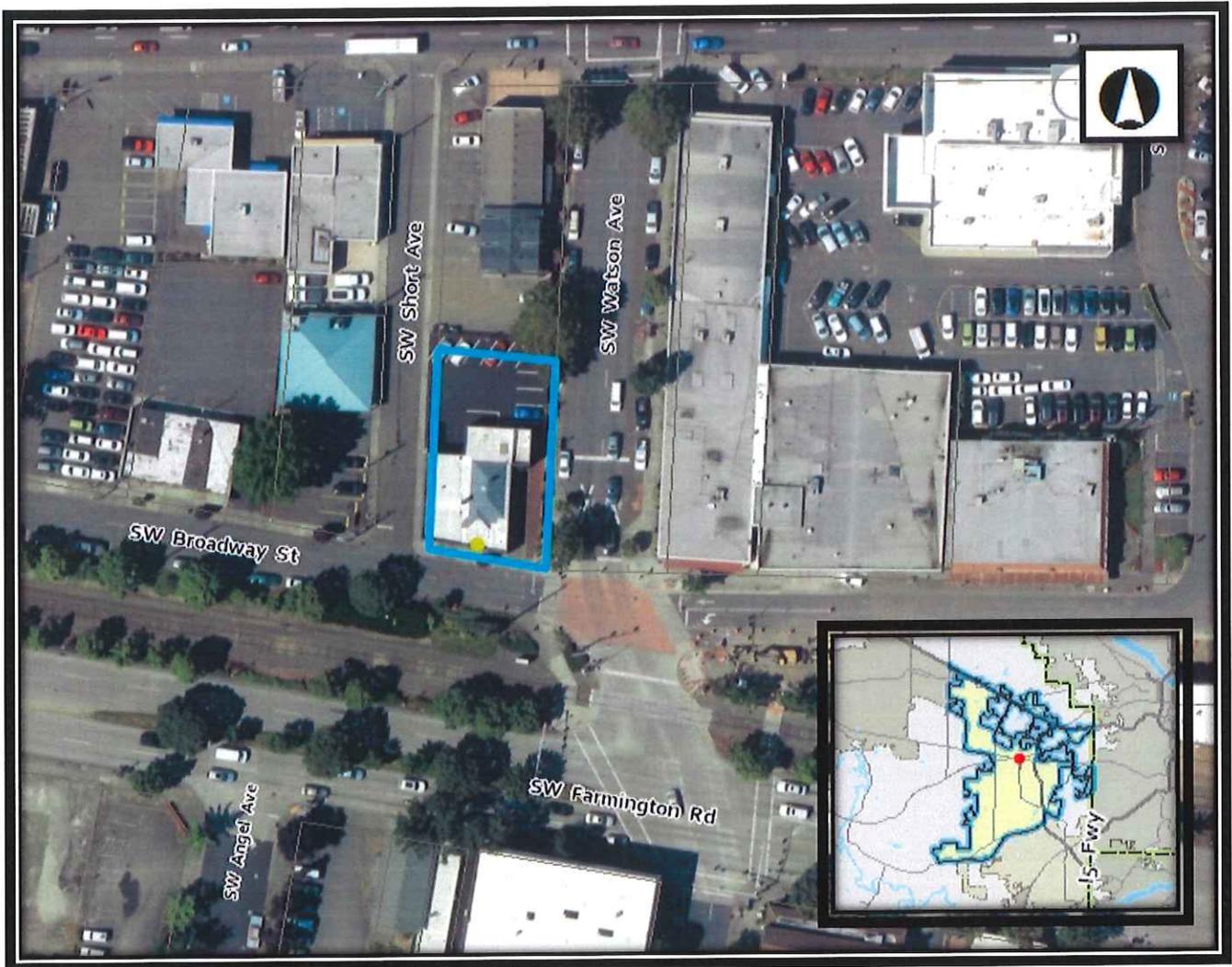
PROPERTY OWNER: Michael & Linda LeClaire
7980 SW Lantana
Beaverton, OR 97008

APPLICANT: Beaverton Downtown Association (BDA)
Attn: Paul Cohen
12625 SW Broadway St STE 300
Beaverton, OR 97005

APPLICABLE CRITERIA: Director's Interpretation Section
40.25.15.1.C

AUTHORIZATION: 
Cheryl Twete
Community Development Director

Zoning/Vicinity/Aerial Map



BACKGROUND

Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day*</u>	<u>240-Day*</u>
DI2016-0001	November 2, 2016	November 2, 2016	March 2, 2017	June 30, 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

Zoning	RC-OT (Regional Center – Old Town)	
Current Development	Office	
Site Size	Approximately .17 Acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u>	<u>Uses:</u>
	North: RC-OT (Regional Center – Old Town)	North: Retail
	South: RC-OT (Regional Center – Old Town)	South: Rail
	East: RC-OT (Regional Center – Old Town)	East: Retail
	West: RC-OT (Regional Center – Old Town)	West: Retail

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Attachment A: DI2016-0001 – Director’s Interpretation	DI 1 – 5
Attachment B: Conditions of Approval	COA 1
Exhibit 1. Zoning/Vicinity Map	
Public Comment Pursuant to Section 50.40.3.I of the Development Code, the comment closing date for written comments from the public, other than the applicant, was November 30, 2016. No public comments were received.	

ANALYSIS AND FINDINGS
BDA Blade Sign
DI2016-0001

1. ***The proposal satisfies the threshold requirements for a Director's Interpretation application.***

Finding:

Threshold No. 1 of Director's Interpretation reads:

A request that the Director interpret the Development Code in writing.

The applicant requests that the Director interpret the applicability of Section 60.40.35.2, which regulates projecting signs for commercial buildings within the Multiple Use zoning district. The code currently allows one (1) projecting sign on the front building face within five (5) feet of the public right-of-way in lieu of a freestanding sign, however, the code does not provide guidance in defining the building frontage where the building is bounded by multiple streets, in this case three (3) streets.

No other Code section has been identified.

Staff finds the Director's Interpretation (DI) application to be consistent with Threshold one.

Therefore, the Director 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.***

Finding

The application fee of \$739.00 has been submitted.

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

3. ***That the interpretation is consistent with the City's Comprehensive Plan and other provisions within this Code.***

Finding

The following findings address how this interpretation is consistent with the City's Comprehensive Plan and other applicable provisions of the Development Code.

Consistency with the Comprehensive Plan

Chapter Two (Public Involvement)

Finding

Goal 2.4.2, Public Involvement in City Decision Making, of the Comprehensive Plan specifies the need for involving citizens in the planning process. Development Code Section 50.40.2-5, sets forth precise requirements for providing notice to citizens of Beaverton in conformance with the intent of this goal. Notice to inform citizens of the proposed DI has been published in the Beaverton Valley Times pursuant to Development Code Section 50.40.4, and therefore in conformance with Comprehensive Plan Goal 2.4.2. Written notice of the proposed DI was provided to all property owners within 300 feet of the subject site. The City also provided written notice to the local NAC Chair.

Chapters Three through Nine

Finding

There are no policies within Chapters Three through Nine of the Comprehensive Plan that apply to this DI, where the scope is limited to regulations that pertain to commercial signs. The Director finds that the requested interpretation does not directly impact Chapter Three, *Land Use*, Chapter Four, *Housing*; Chapter Five, *Public Facilities and Services*; Chapter Six, *Transportation*; Chapter Seven, *Natural, Cultural, Historic, Scenic, Energy, and Groundwater Resources*; Chapter Eight, *Environmental Quality and Safety*; and Chapter Nine, *Economy*.

Consistency with the Development Code

Consistency with Chapter 10 (General Provisions)

Finding

Development Code Section 10.20.2, states that the Director shall have initial authority for review of the provisions and requirements of the Development Code and that the City Council shall have final authority. Section 10.75.3 states that any person aggrieved by the application of a rule or regulation concerning interpretation of the Code shall follow the provisions of Section 40.25 (Director's Interpretation). The current proposal by the applicant properly follows these sections of Chapter 10.20.2 and 10.75.3, by requesting a Code interpretation in writing in accordance with Section 40.25.

Section 10.50, Authorization for Similar Uses, states,

"The Director may authorize that a use, not specifically named in the allowed uses, be permitted if the use is of the same general type and is similar to the allowed uses; provided, however, that the Director may not permit a use already allowed in any other zoning district of this Code."

Finding

Staff finds that the land uses identified under Chapter 20 of the Development Code, and defined in Chapter 90, are not the subject of this DI application. The applicant's proposal does not challenge the use of land as allowed by the zone. Accordingly, staff finds the provisions under Section 10.50 are not applicable to this request.

Consistency with Chapter 60 (Special Uses), (applicable portions shown below).

As previously stated, the applicant requests interpretation of 60.40.35.2 of the City Development Code as it pertains to projecting signs. Section 60.40.35.2 of the Development Code requires the following circumstances for projecting signs to be approved:

"...shall be permitted one (1) projecting sign on the front building face in lieu of a freestanding sign."

Finding:

Chapter 90 of the City Development defines Front Lot Line in various ways, two of which are listed below:

"...for a corner lot, a lot line abutting either street, as determined by the Director at the time of initial construction"

"For purposes of the solar access regulations, a lot line abutting a street"

The front lot line for signage purposes is not specifically defined within the Beaverton Development Code (BDC). As shown above, the definition of a front lot line can vary depending on whether or not it is a corner lot; however the code does not contemplate a site which is bounded by multiple streets, in this instance three (3) public rights-of-way, and all three with building frontage. Setbacks are not relevant to solar access, which helps explain why a lot is able to have multiple front lot lines under those circumstances. Projecting signs are not subject to the typical setback requirements listed in Chapter 20 of the BDC and can even extend over the right-of-way in some circumstances.

The subject lot has three lot lines that abut public streets. The Director finds that since Chapter 20 setbacks are not relevant to the proposed projecting sign, the front lot line and thus the front building face for signage purposes, can be interpreted as any lot line abutting a street, specifically any one of the three (3) streets fronting the building.

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

- 4. When interpreting that a use not identified in the Development Code is a permitted, a conditional, or prohibited use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code.***

Finding:

For the reasons explained under Criterion No. 3 above, uses identified under Chapter 20 of the Development Code are not the subject of this DI application. Chapter 20 of the Development Code identifies permitted, conditional or prohibited uses. The same provisions do not apply to Section 60.40 Sign Regulations.

Therefore, the Director finds that the criterion is not applicable.

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

Finding:

The DI application was deemed complete by staff on November 2, 2016 pursuant to Section 50.25.7 of the Development Code.

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

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

Finding:

The necessary documents related to the Director's Interpretation have been submitted. The applicant has concurrently filed a Sign Permit application, however, processing and approval of the sign permit for the proposed projecting sign is contingent upon this DI application. The applicant has been informed accordingly.

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

CONCLUSION

Based on the facts and findings contained herein, including the applicant's written statement, incorporated hereto as findings in support, the Director concludes that the provision under Section 60.40.35.2 does not limit the subject building to only one front building face for signage purposes, since it is adjacent to three separate rights-of-way. Therefore because the applicant proposes to install a projecting sign on the east building face adjacent to SW Watson Avenue, the director determines that, subject to the Conditions of Approval herein, the east face can be considered a front building face and therefore will satisfy the requirement under Section 60.40.35.2 which states:

"...shall be permitted one (1) projecting sign on the front building face in lieu of a freestanding sign."

**CONDITIONS OF APPROVAL
DI2016-0001 (BDA Blade Sign)**

1. Approval of DI2016-0001 interprets Section 60.40.35.2 in regard to the determination of "front building face" for the subject property, for the purposes of placing a projecting blade sign on the front building face. (Planning/SF)
2. Approval of a sign permit application for a projecting sign on one of the three (3) building faces of the subject building, is contingent upon the approval of DI2016-0001. (Planning/SF)
3. If required, the applicant shall obtain any applicable building permits in relation to the placement of a projecting blade sign upon the subject building. Please contact the Building Division at (503) 526-2548 for further information. (Planning/SF)