

Sign Code Committee
Meeting #5
Date: September 18, 2008
6:00 PM-9:00 PM

Council Chambers, 6200 Southcenter Blvd
Tukwila, WA 98188

- A. Continued Discussion on Dynamic Signs (40 mins)
- B. Freestanding Signs (40 mins)
- C. Building Mounted Wall Signs (40 mins)
- D. Non-Conforming Provisions (40 mins)
- E. Tentative Remaining Schedule (no discussion needed)

October 16th Billboards
Special Considerations (Large Commercial/Industrial
Properties, Hospitals, etc)

Agenda Item “A”
Dynamic Signs in Non-Residential Zones
Sign Code Meeting #5
September 11, 2008 Meeting

Issue

Should dynamic signs be permitted within non-residential zones of the City and if so under what limitations?

Background

At the last Sign Code Advisory Committee, staff presented issues associated with the use of dynamic signs within non-residential (commercial and industrial) zones. The issues associated with dynamic sign include safety and aesthetics. A copy of the last issue paper related to dynamic signs from the July 31st meeting is attached. Also, included is a memo from the City Attorney that includes additional information related to dynamic signs.

Staff recommended that all dynamic signs be prohibited outside of residential zones. This includes a prohibition on signs that display time, date, and temperature. By definition, signs that do not change more frequently than once every 24-hours regardless of their ability to change message would not be considered dynamic signs and thus would be permitted. All businesses could utilize these types of signs within the city. There was some discussion by the Committee on the possibility of allowing more flexibility to allow dynamic signs within non-residential zones, most specifically the Tukwila Urban Center (TUC).

There are other methods of regulating dynamic signs. One common method is to regulate the frequency of message changes and the duration in which one message is displayed. For example, the City of Seattle has a “ten second rule” for all changing message signs. Dynamic signs within Seattle must hold the message content for ten seconds before changing messages. Many other cities have variations of this rule where the specific time increment varies.

The Committee asked staff to examine the sign regulations for the cities of Issaquah and Bellevue. The Committee noted that they thought those two communities had high quality signs. Dynamic signs are strictly prohibited in both cities.

Analysis

A copy of staff's first discussion paper that was provided at the 4th meeting is attached. Please see the analysis provided in that document for a more complete discussion on the issues associated with dynamic signs.

As we continue to discuss the issues associated with dynamic signs it would be helpful to remember the proposed purpose section of the new sign code. Our draft purpose section notes, "The overall purpose of this Code is to enhance the City's aesthetic character, to protect the public health, safety and general welfare...". We also noted that we wanted a sign code that could respond to the needs of Tukwila businesses.

Options

A. Dynamic signs should only be allowed in residential zones.

Staff's recommendation, which was provided at the last meeting, is unchanged. Dynamic signs should not be allowed outside of residential zones.

B. Dynamic signs should be allowed within the Urban Center.

At the previous meeting when we discussed the issue of dynamic signs there appeared to be general consensus that dynamic signs should not be permitted in most zones within the City. However, there was some discussion of whether dynamic signs would be appropriate within the Urban Center, most specifically around the mall. This option would present serious issues in aesthetics and safety. The TUC would have signs that are typical of Fife or Aurora Ave in Seattle. At the first and second meeting of the Sign Code Advisory Committee we created the "purpose" section of the new sign code. Our draft purpose section notes, "The overall purpose of this Code is to enhance the City's aesthetic character, to protect the public health, safety and general welfare...". Would this option be consistent with the draft purpose section?

C. Change the code to allow dynamic signs to change at a rate of once per hour or another time duration.

The City currently bans all signs from changing message more frequently than once every 24-hours, with the exception of signs that display time, date, or temperature. As noted, some cities allow changing message signs provided the message does not change more frequently than a prescribed time, such as once every 10-seconds. These rules, such as Seattle's may help to reduce the safety impact associated with dynamic signs. Yet, as we have discussed, the issues related to dynamic signs are both related to safety and aesthetics. Seattle's "10 second rule" does not address the aesthetic impacts associated with dynamic signs. The rate of change could be a standard that allows both the safety and aesthetic impacts to be mitigated. For example, a changing message sign could be allowed to change once every hour. This would prevent frequent blinking and scrolling

and would also give the appearance of stationary sign. Yet, this would provide more flexibility to property owners and businesses. For example gas prices could be changed more than once a day. A multi-business development could list several of its businesses throughout the day. Messages on the sign could be tailored to fit a certain demographic on the streets during specific times of the day (i.e. morning commute, lunch crowd, etc).

D. Permit Dynamic Signs in the TUC to change at a rate that is similar to what will be permitted within residential zones.

At the last Committee meeting, the Committee recommended that dynamic signs be permitted within residential zones, provided the signs do not change more frequently than once every 10 seconds. This “10 second” rule could be applied citywide. While this may mitigate some safety concerns, a “10 second rule” will not mitigate any aesthetic concerns associated with the signs. The size of the sign that is dynamic could also be regulated.

E. Regulate the brightness of dynamic signs.

In combination with options C and D the brightness of dynamic signs could be regulated to control their aesthetic impacts. Luminance is the measure of the light emanating from an object with respect to its size and is the term to quantify dynamic sign brightness¹. The unit of measurement for luminance is “nits”, which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter). Many cities have enacted limitation on the maximum number of nits during both day and nighttime hours. A common range in the daytime is 5,000 to 7,000 nits, while a common nighttime limitation is 500 nits.

The City used to provide a limitation on the number of nits allowed for changing message signs. Yet enforcement of any nit limitation is difficult. The report *Dynamic Signage: Research Related to Driver Distraction and Ordinance Recommendations*, notes:

“Enforcement of these types of regulations is challenging as luminance of electronic signs is very difficult to measure in the field. Typically, sign luminance is measured and calibrated in a controlled factory setting using a spectral photometer to measure the light output”.

The City does not limit the brightness of other types of illuminated signage.

Recommendation

As noted, staff recommends that dynamic signs be prohibited within all non-residential zones. Remember that the Committee does not need to come to a consensus on this issue. Multiple approaches proposed by the Committee would be provided to the City Council for consideration.

¹ Source: *Dynamic Signage: Research Related to Driver Distraction and Ordinance Recommendations*.

Attachments:

- A. Issue Paper from Planning Staff presented to the Committee on July 31, 2008.
- B. Issue Paper from the City Attorney presented to the Committee on July 31, 2008.

Agenda Item “B”
Freestanding Signs
Sign Code Meeting #5
September 11, 2008 Meeting

Issue

How many freestanding signs should be permitted per premise within the City?

Background

Many businesses choose to utilize freestanding signs as part of their sign package. The City’s existing sign code defines a freestanding sign as a “sign installed on a permanent foundation, not attached to a building or other structure (TMC 19.08.070)”. As we have talked about at previous meeting there are two common types of freestanding signs within the City, pole signs and monument signs. Pole signs are sign cabinets raised in the air and supported by one or several pole structures. Monument signs typically have solid bases and are shorter and smaller.

Freestanding signs typically provide three main functions for a premise (development) and businesses that are located on a premise:

Way Finding: Freestanding signs can be utilized to assist motorists and pedestrians navigate city streets. The signs, when placed correctly, can inform motorist where to turn to access a property.

Advertising: Freestanding signs are often used to advertise goods and services available at a premise.

Economic Value to a Property: Landlords often charge additional rent for tenants that are listed on freestanding signs. The more freestanding signs they can have the greater rent they can generate from a site.

The City’s existing sign code allows all properties the option to install at least one freestanding sign per premise. A premise means one or more contiguous lots of record, owned or managed by the same individual (TMC 19.08.172). The City provides no limitations on the style of sign (monument or pole) but does control height, area, and setbacks as follows:

- No taller than the building that is located on the premise that is utilizing the sign.
- Must be setback from all property lines an equal distance to its height.
- Area of the sign is limited to the amount of linear frontage located along the subject premise. Premises that have less than 200 linear feet of street frontage

feet are allowed a freestanding sign with an area of no more than 100 square feet for all faces and no one face can be greater than 50 square feet; premises with street frontage between 200 and 400 feet are allowed a freestanding sign with a sign area not to exceed 150 square feet for all faces and no face can be greater than 75 square feet; and premises with more than 400 feet of linear frontage are allowed a freestanding sign with an area no greater than 200 square feet for all faces, with no face being allowed to exceed 100 square feet.

Criteria for additional freestanding signs

As noted most premises within the City are permitted only one freestanding sign. The code does provide provisions for certain properties to have a second freestanding sign if the following criteria are met:

1. The premise has at least 400 feet of frontage along a city street;
2. The premise contains at least two detached buildings; and
3. There are two unrelated businesses operating at the site.

Some premises that are occupied by single tenant buildings, such as fast food restaurants, and banks choose to install a second building mounted sign in lieu of installing a freestanding sign. This is typically because the setback provisions of the existing sign code make installing a freestanding sign impractical since the signs visibility would be limited.

Analysis

At the previous Sign Code Advisory Committee meeting, the Committee expressed a desire to move away from pole signs and move to only allowing monument signs under the new sign code. As staff pointed out at the last meeting, tall pole signs can conflict with perimeter landscaping and street trees; while monument signs allow mature trees and signs to coexist. Additionally, monument signs typically are more aesthetically pleasing than pole style signs. Monument signs are also have a size which allow them to blend into the built environment.

An issue that needs to be examined is how many freestanding signs should be permitted per premise. While some businesses choose to install a second wall sign in lieu of a freestanding sign, most premises do contain a freestanding sign¹. A visual survey of Southcenter Parkway, Interurban Ave S, and West Valley Highway shows that many of the premises have installed freestanding signs. This type of development pattern is typical for the auto-oriented development that is found within the City.

Other than the provisions shown above the City's current sign code does not allow for an increased number of freestanding signs permitted for larger premises. Attachment A shows the Parkway Supercenter site located along Southcenter Parkway. The site

¹ The issue of the number of building mounted signs allowed for a building is discussed as separate agenda item at tonight's meeting.

contains almost 20 stores including Red Robin, Best Buy, Starbucks, Macy's Furniture, and Old Navy. The site has approximately 1600 feet of linear frontage and six access points along Southcenter Parkway. The City's sign code limits the number of freestanding signs permitted at the site to only two. The site currently has two large monument style signs that list a large number of the tenants in small panels. In order to meet the City's setback requirement the signs have been placed off of the city right of way. The small panels and the distance from the right of way hinder the signs ability to help customers access the site.

Another issue with the current sign code is that properties that are accessed off of two city streets are only permitted to have one freestanding sign. A good example is the Acura Dealership at the corner of Andover Park West and Baker Blvd. The site contains more than 400 feet of frontage and has three access points, one from Baker Blvd and two from Andover Park West. The site also contains a Smart Car Dealership. Yet since there is only one building on the premise, the premise is only allowed one freestanding sign.

At the last committee meeting, staff noted that there was a need to provide additional signage for premises located within the Duwamish Industrial Center (MIC). This area provides a classic example of limitations of the existing code. Boeing, the largest landowner in the MIC area, is only allowed one freestanding sign for each of it large properties. While these properties have more than 400 feet of linear frontage and contain several buildings, they are only allowed one sign since only one business is operating at the site.

As noted in the Background section of this paper, freestanding signs serve three main purposes. Of the three purposes, the main concern for the City is way finding for motorists and pedestrians. Freestanding signs if placed correctly can assist in this function. The current sign regulations do not contribute to this function. The setback regulations require that the signs be placed off of the front property line, which impact motorists in viewing the sign. The signs are also taller which impacts the ability of pedestrians along City sidewalks in viewing the signs.

Options

There are several options related to regulating the number of freestanding signs per premise. The options are outline below:

- A. No change from the current sign code.

The Urban Center is a good reflection of the impact of the City's existing sign code. Most signs within the Urban Center comply with the City's regulations. However, this option would not address the issues presented in the background section of this report.

- B. Allow every premise one freestanding sign and provide provisions for additional freestanding signs.

Generally, most premises are allowed one monument sign. Provisions would be made to allow additional monument signs based on the amount of frontage along a public street. The City currently uses 400 feet as part of the test to determine if a site is allowed a second freestanding sign, that same number could be used. As noted, Parkway Supercenter occupies approximately 1600 feet of linear frontage and has six access points. If a sign was allowed for every 400 feet of linear frontage, that site would be allowed four monument signs. In order to assist in way finding for motorists the signs should be placed near access points to the property.

The City's current development standards (setbacks, area, and height) are not appropriate for monument signs. Staff will have to revise those development standards. Generally, monument signs are smaller in area than pole signs. Monument signs are also lower to the ground and are closer to the streets in order to provide good visibility for drivers. Using Parkway Supercenter as an example, under this option they would get a monument sign that is smaller than one of the pole signs on the site. However, they would be allowed to have a total of four signs which could be spaced out along the property to identify particular tenants that can be accessed by a particular curb cut.

While this option would allow a few properties to have more signs than is currently allowed; that impact is mitigated by the fact that premises that currently have large pole signs would eventually have to replace them with smaller, shorter, and more aesthetically pleasing signage

C. Each premise could be limited to one monument sign per street.

Most premises that occupy multiple streets have at least 400 feet of linear frontage and thus under option "A" would be able to install a second freestanding sign. This option would allow all properties that are bordered by additional streets to have an additional sign regardless of the amount of linear frontage

D. Freestanding signs could be prohibited within the entire City or certain areas of the City.

Again, this option does not seem logical given the current development patterns in the City. However, the future development pattern of parts of the TUC and TIB may naturally prevent freestanding signs. Both the TUC and TIB plans envision buildings being located directly along City streets. If this development pattern were to occur it would preclude the installation of freestanding signs.

E. Freestanding signs could be prohibited in areas of the City where the City is attempting to create a more pedestrian friendly environment.

The City's new Urban Center plan envisions a Transit Oriented Development (TOD) area where pedestrians can easily move from the Sounder Station to the Mall. Freestanding signs would not be appropriate in this area once the TOD is fully redeveloped. Yet, as noted in option "D", new development will be required to locate along the streets. Thus,

the building placement would preclude installation of freestanding signs. However, we are currently in a transition period and many of the existing buildings within the TOD area require freestanding signs.

Recommendation

Staff recommends that option “B” be adopted into the new sign code. Planning staff will determine the specific development standards for monument signs under the new sign code.

Attachments:

- A. Aerial Photo of Parkway Supercenter
- B. Additional Pages for Visual Dictionary

Approximate Length at Curb
is 1519 feet



City of
Tukwila



SCALE:
1" = 200 FEET

Freestanding Signs

(Envisioned under new code)



Left: Large Monument Style Sign with multiple tenants



Left: Monument Sign



Left: Monument Sign



Left: Monument Sign with changeable copy

09/10/2008

Visual Dictionary, Meeting #5,
Agenda Item B

Freestanding Signs

(Envisioned under new code)



Left: Small Monument Style Sign



Left: Small Monument Style Sign at Office Building



Left: Freestanding Sign utilizing multiple support structures



Left: Monument Sign sign

09/10/2008

Visual Dictionary, Meeting #5,
Agenda Item B

Freestanding Signs

(Not Envisioned under new code)



Left: Pole Sign



Left: Large monument sign



Left: Pole Sign



Left: Pole Sign

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Visual Dictionary, Meeting #5,
Agenda Item B

Building Mounted Signs



Left:
Building
with
common
entrance



Left:
Signs at
building
with
common
entrance



Left:
Mixed
Use
Building



Left: Mix
Use
Building

09/10/2008

Visual Dictionary, Meeting #5,
Agenda Item C

Building Mounted Signs



Left: Sign above window display.



Left: Wall sign using individual channel letters



Left: Rooftop Style Sign



Left: Awning Graphic Sign

09/10/2008

Visual Dictionary, Meeting #5,
Agenda Item C

Building Mounted Signs



Left: Sign for apartment building at mixed use building.



Left: Projecting Sign



Left: Blade Sign



Left: Wall signs installed behind a building

09/10/2008

Visual Dictionary, Meeting #5,
Agenda Item C

Agenda Item “C”
Building Mounted Signs
Sign Code Meeting #5
September 11, 2008 Meeting

Issue

How many building mounted wall signs should be permitted per building?

Background

In a separate issue paper we discussed how many freestanding signs should be permitted per premise. A related topic is how many building mounted signs should be permitted per premise. The current sign code refers to building mounted signs as wall signs. However, the term “wall sign” is very limiting. Wall signs are typically flush mounted signs; however there are other types of signs that can be used on buildings. Other examples of building mounted wall signs include projecting signs and signs installed on awnings.

As with freestanding signs, building mounted wall signs provide three functions for a property and a business:

Way Finding: Building mounted wall signs assist pedestrians and motorists in finding a particular business. Many times they work in conjunction with a freestanding sign. The freestanding sign inform motorist where to access along the roadway, while the building mounted wall sign further directs motorist on where to park and where the entrance for the store is located.

In some developments the building mounted wall sign replaces the freestanding sign along the roadway. This type of development is common in downtowns where buildings are located along the street.

Advertising: Building mounted wall signs are often used to advertise goods and services available at a premise.

Economic Value to a Property: In most types of development each tenant can have at least one building mounted wall sign for its tenant space. Thus, unlike freestanding signs access to the sign is not limited which would provide an economic value to the property owner. But in some office buildings not all tenants are allowed signage and those that do have signage pay the landlord for the right.

Building mounted wall signs can typically be found at four common types of development types within the city:

Single Occupant Buildings: With this type of development one building occupies a site and only one business is operating within the building. Common examples include fast food restaurants, banks, and gas stations.

Multi-Tenant Buildings where each tenant has its own entrance: This type of development pattern is perhaps the most common within the Urban Center. At this type of development each tenant has its own entrance into its tenant space and parking is typically located in the front of the building.

Multi-Tenant Building with a common entrance: The most common example of this type of development is the office building. The building might contain several businesses, but entering each business requires going through a common lobby area.

Mixed Use Buildings: Mixed use buildings typically have retail on the first floor and office or residential dwellings on the upper floors. Each of the retail operations on the first floor typically has its own entrances from the street, while the upper floors have one or several common entrances.

The above development types account for almost 90 percent of the developments within the City's non-residential zones. Yet, there are certain buildings such as the mall which cannot easily be classified into one of the three categories. These special developments will be considered at another sign code committee meeting.

Analysis

Under the existing sign code, single occupant buildings and multi-tenant building where each business has its own entrance are treated the same. Each business is permitted one wall sign. The size of each wall sign (on a separate wall) is based on the wall area occupied by the business. A second wall sign is permitted if the business is not listed on a freestanding sign. The existing sign code places no restrictions on where the sign can be located for a business. The signs can be located on any wall occupied by the business.

With regards to multi-tenant buildings with a common entrance, each business is still allowed a quota of two signs. Yet, the building's owner is given a sign allowance based on the size of the wall. The owner can then divide the sign allowance to as many businesses within the building as they choose. This method allows signs to be located on buildings in an "ad hoc" manner. Signs are installed when a new tenant comes to a building. There is no limit on the total number of signs, thus the sign wall can become cluttered with various signs.

The City's existing sign code was not created for sign issues that are associated with mixed use buildings.

Options

- A. Allow Each business would be permitted to have one building mounted wall sign for each public entrance.

During design review, the City consistently encourages developers to locate public entrances along streets. Many developers choose to “turn their back” on streets. Locating public entrances toward streets helps activate the area around the entrances. When we talk about “activate” we are talking about a vibrant environment, in which people are coming and going from a development; and where the building and business is prominent, not the parking lot. If a business was allowed one sign for every entrance it would encourage developers to face public streets and in some cases it would encourage them to add additional entrances. A slight twist on this option would be to allow an additional building mounted sign when the wall displays certain architectural characteristics such as transparency.

This option would decrease the number of building mounted wall signs allowed for businesses compared to the current sign code. But the business could still be listed on a freestanding sign. Buildings that have common entrances would be allowed two building mounted wall signs. This option could easily be applied to mixed use buildings since mixed use buildings are a hybrid of other development types. Each tenant on the first floor of a mixed use building would be allowed one building mounted wall sign per entrance.

- B. Allow each business two building mounted wall signs.

The signs could be placed on any exterior wall occupied by the business listed on the sign. This would allow each business to theoretically have three signs, since the business would also be allowed to be listed on a freestanding sign. Buildings with common entrances would be allowed two building mounted wall signs. As with option one this option could apply to mixed use buildings.

This option is similar to the existing sign code.

- C. Allow unlimited number of building mounted signs subject to a maximum area that is based on the area of the wall.

The building owner would divide the sign area between the tenants. The cumulative area of all signs on a wall must be less than the allowable sign area. This would allow a large number of building mounted wall signs per wall. Also, it could squeeze allowable sign area for small businesses since large national chains could demand more of the allowable sign area.

This option also presents issues in administration by City staff in that staff would have to have a detailed record of all the signs on a particular wall. This option would also require

that the property owner obtain all sign permits since sign area is assigned for the entire building wall and not for the individual tenant spaces.

- D. Allow each business a building mounted wall sign for each wall space that they occupy.

This option would not be tied to the freestanding sign allowance for the site and therefore the number of signs per business could drastically be increased and thus the total number of signs within the City would also be increased. Some cities do allow one sign per wall. A variation of this would be to allow building mounted wall signs for wall that meet a certain setback, such as the front or side setbacks or walls that face a public street.

Recommendation

Staff recommends that option “A” be used for the new sign code.

Note: There have been no issues related to the existing formula for wall signs and staff as no recommendation for change; therefore size of building mounted wall signs will not be discussed as part of the Committee’s work-plan. Detailed standards for items such as size and placement will need to be developed by staff for projecting signs, blade signs, and other common building mounted wall signs for inclusion in the draft code.

Attachments:

- A. Additional Pages for Visual Dictionary

Agenda Item “D”
Non-Conforming Sign Provisions
Sign Code Meeting #5
September 18, 2008 Meeting

Issue

What tools should the new sign code use to encourage and in some cases require the removal of signs that do not conform to the new code?

Background:

A non-conforming sign is a sign that was lawful when it was installed but due to changes to the code, no longer complies with sign regulations. Non-conforming signs are typically either too large, too tall, or encroach on minimum setback requirements. A site can also have too many signs and thus the site itself is non-conforming with regards to allowable signage.

The City has a large number of signs that do not comply with the City’s existing sign code. The City’s current sign code was adopted in 1982 when much of the area that currently makes up the City had yet to be annexed into Tukwila. Areas along Tukwila International Blvd (TIB) and East Marginal Way South contain the largest number of non-conforming signs. These areas were annexed into the City between 1989 and 1991. Prior to annexation signs were installed under King County and in the case of TIB Washington State Department of Transportation (WSDOT) standards. King County and WSDOT had very relaxed sign standards which explains why these areas of the City have such a large number of non-conforming signs.

As part of the sign code update process the Committee has identified a desire to only allow monument rather than pole signs within the City. Additionally, the Committee has also expressed a desire to have freeway interchange signs removed from the City. Should the new sign code prohibit pole signs and freeway interchange signs would become non-conforming. Additionally any changes to the wall sign regulations could create non-conformities for that type of sign.

The City’s current non-conforming sign regulations can be found in Tukwila Municipal Code (TMC) 19.30. The City allows for regular maintenance of non-conforming signs, including painting and minor electrical work. However, any change to a sign panel or sign copy of a non-conforming sign requires total conformance to the City’s sign code. The City has used this tool extensively along TIB in its on-going effort to have non-conforming signs removed and thus improve the urban environment.

Other cities allow for sign panels and copy to be changed, provided there is no change in the size of the sign. Signs are required to come into conformance when the structure of a sign is modified. Yet cities that allow panel changes and copy changes to non-conforming signs typically have a deadline in which all signs within the City have to come into conformance. For example the City of Bellevue requires that all signs comply with their sign code nine years from the date of adoption of its current sign code. The idea is that property owners can utilize the signs as they want, but eventually the sign is required to come into conformance. A compliance date is also called a sign amortization program, the idea is that property and business owners can have sufficient time to amortize the cost of the sign on their federal taxes.

The City used to have a sign amortization program along TIB. As noted, annexation areas such as TIB contain a large number of non-conforming signs. Property owners were given until @ to fully comply with the City's sign regulations. Copy changes and refaces of existing signs were permitted during the amortization period. Many cities along old Pacific Hwy adopted a similar program. Federal Way was very successful in getting their non-conforming signs along old Pacific Hwy removed, however due to a court action against Federal Way in 2004, the City was forced to abandoned its sign amortization program. TIB used to be part of the Federal Highway System and while TIB was within the City, it was under the control of WSDOT. The Scenic Vistas Act is a federal law championed by Lady Bird Johnson that attempts to regulate the visual scenery along federal highways. The Act limits the types of signs that are allowed to be displayed along federal highways, however the Act strictly limits the ability of local government to utilize an amortization program in removing non-conforming signs along federal highways. While not prohibiting local governments from using amortization programs, the Act requires that local governments compensate sign owners if the signs are part of an amortization program. Needless to say the City did not have the funds to pay for the removal of the signs. It should be noted that WSDOT transferred control of most of TIB to the City and thus the Scenic Vistas Act no longer applies to most of TIB. The Scenic Vistas Act does have implications for signs along West Valley Highway and signs that are visible along Interstate 5 and 405.

Note: The Scenic Vistas Act does not require compensation if the applicant voluntarily makes a change to a sign and that change requires that the sign be brought into conformance with City standards.

Analysis

The purpose of non-conforming regulations is to not impact existing property owners due to a change in development regulations. However, the City determines what if any non-conforming provisions will be included when there is a change in development regulations. While legally a city does not have to provide non-conforming rights, they can reduce the impact of the change on existing businesses and thus should be considered with the new sign code.

It would seem appropriate to have a discussion on the pros and cons of the City's existing non-conforming regulations:

Pros

As noted, the City is very strict regarding what can be done to a non-conforming sign. Most work, outside of regular maintenance, requires that the sign be brought into conformance with City standards. The City's existing non-conforming regulations have been very successful in getting non-conforming signs removed within annexation areas. In these areas many signs are 20-30 years old. On average the City gets three to four non-conforming signs removed per year within annexation areas of the City.

Con

Under the current sign code if a sign owner never chooses to reface or alter their sign they are not required to come into conformance with City standards and there is no language regarding abandoned signs. Only when someone proposes to change the sign can the City require that the sign be brought into conformance. A great example is the Levitz freestanding sign along Southcenter Pkwy. Levitz has gone out of business and the sign is abandoned, yet the only way the City could order the removal of the sign is through a code enforcement abatement process which is a drawn out legal process.

Using the City's existing non-conforming regulations as part of the new sign code update present some problems. The Urban Center largely conforms to the City's existing sign regulations. The Committee is proposing to make pole signs non-conforming. Under the current non-conforming regulations if a sign is refaced, including adding a new tenant panel, the pole sign would have to be removed. Unlike the annexation areas where the non-conforming signs are 20-30 years old, many of the signs in the Urban Center are 2-5 years old and asking people to remove these signs may be difficult. But the new sign code will allow some properties to have more signage than allowed under the current sign code. The additional signage could be used as an incentive to encourage the removal of older signs.

Another issue with the City's current non-conforming regulations is that there is no requirement for conformance to the sign regulations when there is a major redevelopment of a property. Granted most times when there is a redevelopment the applicant updates the signs on the property. Landscaping on a property is required to come into total conformance when ever a project triggers design review, similarly this trigger could also be used for signs.

Options

1. Establish a "Sign Amortization Program"

All signs within the City would be required to comply within [insert number here] years of adoption of this sign code. Typically the time period given is ten years. This option would ensure that all signs within the City, eventually comply with the new sign code. A problem with this approach is that signs that are subject to the Scenic Vistas Act could only be removed if compensation is provided by the City. Needless to say the City does not have the resources to fund such a program. The other issues with an amortization program is that it is a huge administrative undertaking by City staff. The City had a program only on TIB which consumed a significant amount of staff time. Of course it does have significant benefits. A variation of this option would be to have an amortization program within certain zones of the City, most specially TIB where a large number of non-conforming signs are still located.

2. Require conformance for any change in the copy, panel, face or structure of a non-conforming signs.

This is the City's current approach in dealing with non-conforming signs; however staff did indicate that this option might have practical limitations for signs within the TUC that currently comply with the City's sign regulations. A hybrid of this option would be to use this option in certain zones where there is a high concentration of non-conforming signs, such as TIB.

3. The City should require conformance for any change in the copy, panel, or face of a non-conforming sign if the sign is at least ten years old.

This is a hybrid of option one and two. The difference between one and two is that option one requires total conformance for everyone, regardless if a business or property owner intends to make a change to their sign. Option two on the other hand only requires conformance when a property owner or business wants to do work to their sign. Yet, option two would impact current property owners and businesses that recently installed signs that comply with the existing sign code.

This option would allow newer signs to remain for up to ten years, yet signs that are ten years or older would be required to comply with the City's sign code when a change is proposed to the copy, face, panel, etc. Most of the signs on TIB are older than ten years thus the City would continue its goal of removing non-conforming signs along TIB. However, this option would ease the impact of the new sign code on businesses within the TUC who have recently installed signs.

4. Require any project that is subject to certain permits to come into conformance with the City's sign regulations.

Signs will be required to come into conformance when a project triggers design review. This is the same requirement that the City uses for when landscaping needs to come into conformance on a site. Most of the time when a site is redeveloped existing signs have or will be removed, so this option would only affect to a limited number of projects.

5. Offer incentives for the removal of non-conforming signs.

If the new sign code allows additional signage that is currently not allowed under the existing sign code, a property owner could not take advantage of the new sign code until existing non-conforming signs were removed.

Some cities offer a non-conforming grant program to assist property owners and businesses remove non-conforming signs. The City could explore such a program, especially on TIB where the City has most of its non-conforming signs and where there is large concentration of small businesses.

Recommendation

Staff recommends that options three, four and five be used to address the removal of non-conforming signs within the City. The Committee's recommendation will be presented to a joint Planning Commission/City Council meeting where the policy direction for the sign code update will be decided.