



City of Tukwila

Department of Community Development

Jim Haggerton, Mayor

Jack Pace, Director

CHAIR, GEORGE MALINA, VICE-CHAIR, BILL ARTHUR; COMMISSIONERS, CHUCK PARRISH, ALLAN EKBERG, MARGARET BRATCHER, LYNN PETERSON AND BROOKE ALFORD

Planning Commission
Sign Code Worksession Agenda
September 10, 2009 - 6:00 PM
Tukwila City Hall Council Chambers

- I. CALL TO ORDER
- II. ATTENDANCE
- III. SIGN CODE UPDATE
 - A. Proposed Update Process
 - B. Overview of Process to Date
 - C. Legal Issue Refresher
 - D. Begin Review of Topic Areas
 - 1. Purpose Section
 - 2. Freeway Interchange Signs
 - 3. Permanent Signage in Residential Zones
 - 4. Incidental (Political, Real Estate, Garage Sale, etc) signs in Residential zones.
 - E. Preview of Next Meeting
- IV. DIRECTOR'S REPORT

TO: Planning Commission
FROM: Brandon J. Miles, Senior Planner
DATE: August 25, 2009
RE: Sign Code Update

Background

In 2007, the City Council identified a need to update the City's sign code. The current sign code was adopted in 1982¹ and only piecemeal changes have been made since adoption. The Mayor and City Council realized that a complete rewrite of the code was needed in order to reflect changes to the City since 1982.

Tukwila is a different place than it was in 1982. Many parts of the City, including the Tukwila International Blvd area and the Duwamish Industrial Corridor had yet to be annexed into the City. Additionally, the Urban Center has transformed from an area of mixed retail and warehouse uses like it was in 1982, to the area largely dominated by retail activities that it is today.

To assist in the update process, the Mayor's Office recommended and the City Council approved the creation of a "Sign Code Advisory Committee (hereafter "Committee"). The Committee was comprised of Council Members, a Planning Commission member, business owners, and residents. The Committee met a total of six times and they produced a document entitled, "Sign Code Advisory Committee Policy Recommendations."

Planning Commission Work Sessions

The next step in the rewrite of the Sign Code is review of the recommendations of the Sign Code Advisory Committee by the Planning Commission at a series of four work sessions followed by a public hearing. Staff has developed tentative agendas for the meetings. We would appreciate the PC's direction on whether there are other issues to address at work sessions.

Meeting 1: September 10, 2009

1. Overview of Process to Date
2. Legal Issues
3. Purpose Section
4. Freeway Interchange Signs
5. Permanent Signage in Residential Zones
6. Incidental (Political, Real Estate, Garage Sale, etc) signs in residential zones.

Meeting 2

1. Permanent Signage in commercial and industrial zones
2. Temporary Signs in commercial and industrial zones
3. Dynamic Signs

¹ In 1982 the City actually just readopted the existing code with some minor changes. The base of the city's sign code was actually written in the mid 1970s.

Meeting 3

1. Billboards
2. Master Sign Program
3. Non-Conforming Regulations

Meeting 4

1. Administrative Sections
2. Present Draft Sign Code
3. Public Hearing

Meeting 5

1. Present Final Code Incorporating Language from Meeting #4

Proposed PC Review Process

Prior to beginning the discussion on the substantive issues on September 10, staff would appreciate PC decisions on the procedures that will be followed during the work sessions. Decisions on meeting procedures would include the following:

- Public Comment: Public comment will (or will not) be taken at the work sessions. If so, under what parameters.
- Reaching closure on specific issues: Staff would propose that as issue discussions are concluded, the PC provide direction to staff.
- How draft language will be presented to the PC.

Overview of Process to Date

1. Sign Code Advisory Committee

Signs impact almost all residents, businesses, and property owners. From the very beginning of the update process, the Mayor's Office, City Council and City staff realized that the update process needed a large public involvement component. To assist in the update process, the Mayor's Office recommended and the City Council approved the creation of a "Sign Code Advisory Committee (hereafter "Committee"). The Committee was comprised of Council Members, a Planning Commission member, business owners, and residents.

DCD advertised the openings of the Sign Committee in the Hazelnut newsletters and the Highline Times. Additionally, staff contacted several residents and business managers/owners to encourage them to submit their names to serve on the Committee. Staff also briefed the Hwy 99 Action Committee on the update process and encouraged anyone interested in serving on the Sign Committee to submit an application. DCD received about a half dozen applications from people who wished to serve on the Committee as either a resident or business representative.

The final Sign Committee make-up included the following individuals:

Pam Linder, Councilmember (served as Chair)
Verna Griffin, Councilmember (served as Vice-Chair)
Allan Ekberg, Planning Commission Member
Andy Ciarrocchi, Westfield Southcenter
Mike Hansen, Sabey Corporation
Ricardo Frazer, Resident

Betty Gully, Resident
Thomas McLeod, Resident

The Committee met a total of six times to provide input on various issues related to regulating signage within the City. Various topics were discussed at each meeting; these topics included permanent signage, temporary signage, billboards, and freeway interchange signs. The meetings were open to the public and staff invited interested parties to come to the meeting to address any concerns, recommendations, and to provide suggestions.

In January of 2009, city staff presented a document entitled, "Sign Code Advisory Committee Policy Recommendations" to a joint meeting of the City Council and Planning Commission. The document provided recommendations on major topic areas related to signage within the City. Unlike City Council and Planning Commission meetings, the Sign Code Committee did not vote. Consensus was strived for, but in some topic areas the Committee provided several and in some cases divergent recommendations.

2. Public Participation

In addition to the Committee's work, staff also attempted to open a dialogue with interested parties who would be impacted by the sign code. The following actions were completed by staff:

1. Briefing to the Hwy 99 Action Committee (now known as the Tukwila International Blvd Action Committee) prior to the formation of the Sign Code Committee. Staff used this briefing to address sign issues on Tukwila International Blvd (TIB) and to solicit interested parties who might want to serve on the Sign Committee.
2. The Hazelnut was utilized on several occasions to notify businesses and residents about the update and to solicit members to serve on the Committee. Additionally, notification on the creation of the Sign Committee was published in the Highline Times.
3. Briefing to the Hwy 99 Action Committee on the recommendations of the Sign Code Committee including specific impacts to TIB.
4. Briefing to the Government Affairs Committee of the Southwest King County Chamber of Commerce on the recommendations of the Sign Code Committee.
5. Staff met with the Westfield Southcenter on two occasions (February 12, 2009 and March 30, 2009).
6. The City sent a letter to Westfield Southcenter requesting specific input on any proposed changes they would like to see regarding the new sign code.
7. A letter was sent to parties of record requesting specific input on the recommendations of the Committee (See Attachment A).
8. City staff is in discussions with Clear Channel Outdoors on the future of billboards within the City.
9. Throughout the entire update process the City has utilized a webpage to keep interested parties informed of the update process. The webpage included an HTML link that allowed people to be added to a contact list. Prior to meetings of the Committee, emails were sent out to interested parties informing them of the topics of the upcoming meetings. The Committee's documents were placed on the website.

Discussion Item #1, Purpose Section

One of the first items that the Sign Committee worked on was drafting a new “purpose” section for the new sign code. The “purpose” section of the sign code indicates the City’s intent when it adopts specific legislation and can assist in clarifying ambiguities or unforeseen circumstances.

The City’s existing purpose section notes the following goals:

1. To establish standards and guidelines for the design, erection, and installation of signs and other visual communication devices so that the streets of Tukwila may appear orderly and safety may be increased by minimizing clutter and distraction.
2. To establish administrative procedures for the implementation of this code.
3. To assure that the regulations of this code are not intended to permit any violation of the provisions of any other applicable Federal, State, or local regulation.

For comparison Planning staff provided the “purpose” sections of several other City’s sign codes for the Committee to consider. Additionally, the “purpose” section from the International Zoning Code was also provided:

City of SeaTac:

The purpose and scope of this code is to protect the health, safety, property and welfare of the citizens of the City of SeaTac (hereafter “City”), by establishing standards for the design, placement, size, and maintenance of all signs and sign structures in the City. Furthermore, it is the purpose of the regulations, standards and criteria of this code to permit and encourage the design of signs which are responsive to the needs of the public in location a business establishment by identification, address and product and/or services information.

City of Auburn:

The overall purpose of this chapter is to enhance and maintain the aesthetic character, to promote the public health, safety and general welfare, and to increase the effectiveness of visual communication in the city. This chapter is also intended to avoid visual clutter that may adversely impact traffic and pedestrian safety, or be adverse to property values, business opportunities and the city’s appearance and to prevent and abate public nuisances. The purpose of this chapter is implemented by controlling the construction, location, use and maintenance of all signs and sign structures. It is also the intent of this chapter to afford noncommercial speech the same or greater protection afforded commercial speech and to not regulate noncommercial speech to a stricter standard than commercial speech.

City of Seattle:

- A. *To encourage the design of signs that attract and invite rather than demand the public’s attention, and to curb the proliferation of signs;*
- B. *To encourage the use of signs that enhance the visual environment of the city;*
- C. *To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings;*
- D. *To protect the public interest and safety;*

- E. To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction; and
- F. To provide opportunities for communication information of community interest.

International Zoning Code:

The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

Sign Committee's Recommendation

After discussions, the Sign Committee drafted the following "purpose" section for the new sign code:

The overall purpose of this Code is to enhance the City's aesthetic character, to protect the public health, safety and general welfare and to increase the effectiveness of the visual communication in the City by providing opportunities for Tukwila businesses, residents and property owners to display signage and advertising. To this end, the following more specifically articulate this purpose:

- a) Signs that attract and invite rather than demand the public's attention along the City's streetscapes.
- b) City streets that appear orderly and safe because clutter is minimized.
- c) Signs that enhance the visual environment of the City because they are in harmony with building architecture and landscape design.
- d) Business identification that is not hindered by regulatory standards.
- e) Typical communication and civic discussion is fostered in the City's residential neighborhoods.
- f) Signs that utilize high quality construction materials, fine architectural detailing, harmonious proportionality, and that serve a pedestrian environment.

Staff's Analysis

The Sign Committee's proposed "purpose" section addresses the many complexities associated with sign regulations. The section provides a good template to be used as the Planning Commission moves through the sign code update process. Additionally, the "purpose" section provides overall guidance in the advent of any legal challenges or situations of confusion in administering the new sign code.

Staff recommends that the Planning Commission accept the "purpose" section drafted by the Committee.

Discussion Item #2, Freeway Interchange Signs

There are about a half dozen "freeway interchange" signs within the City. The existing sign code only permits "freeway interchange businesses" to utilize "freeway interchange" signs. A "freeway interchange business" is defined as:

"...a business located within 1,000 feet from the freeway entry/exit point or industrial zone, but not separated by a physical barrier from the entry/exit intersection. The freeway interchange sign is primarily oriented to the passing motorist on the adjacent freeway, and shall identify businesses

such as regional shopping malls, eating, lodging or service station facilities that serve the traveling public..." (TMC 19.08.080).

Existing freeway interchange signs are clustered primarily along Interurban Ave and the Tukwila Urban Center.

Examples of Freeway Interchange Signs along Interurban



Sign Code Committee's Review

The Committee concluded that the new sign code should prohibit new freeway interchange signs and that the City should undertake efforts to encourage the removal of existing freeway interchange signs². The Committee noted the following:

1. Tall pole signs, such as freeway interchange signs, are a legacy of the past. One Committee member noted that these are the types of signs you see along country highways and not within urban environments. The tall signs add visual clutter to the City.
2. Freeway interchange signs are not needed to assist the traveling public in identifying services at upcoming exits since the Washington State Department of Transportation maintains, "Motorist Information Signs" along all freeways. These are the blue or brown signs that identify gas stations, restaurants, lodging, and recreational opportunities.
3. The current restrictions on who is permitted to have freeway interchange signs is problematic given that the restriction is based on content. As we have discussed at the joint meeting of the City Council and Planning Commission, the City is striving to adopt a "content" neutral sign code.

As noted, the Committee concluded that the City should examine ways to encourage the removal of existing freeway interchange signs. The issue of what to do with existing freeway interchange signs will be addressed as part of the non-conforming section.

² The Committee was interested in exploring ways to possibly allow the existing mall sign to remain. Non-conforming provisions will be discussed at a future meeting.

Staff's Analysis

Prohibiting freeway interchange signs would be a departure from the existing sign code. However, as the Committee noted such signs are not common place within urban environments and are really a legacy of the past.

Staff requests that the Planning Commission affirm the Sign Code Advisory Committee's recommendation.

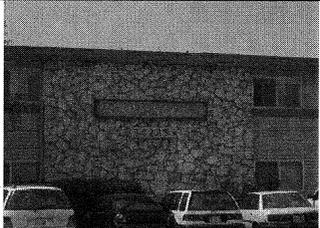
Discussion Item #3, Permanent Signage in Residential Zones

It seems like an oxy-moron to think that signs exist or are needed within residential zones. Most discussions related to sign regulations are limited to commercial and industrial zones. However, signs are very prominent and play an important role within residential zones. The City has three residential zoning categories, Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR). The dominant use within the LDR zone is single family homes, however single family homes can also be found in the MDR and HDR zones. Multi-Family complexes are a permitted use within the MDR and HDR zone. Multi-Family structures include duplex and triplexes as well as larger apartment buildings.

There are uses within residential zones that have signage needs that resemble the signage needs of commercial businesses. The City's schools, religious institutions, and parks use freestanding and wall signs. The freestanding sign at Foster High School utilizes an electronic message board to convey messages to the student body and public. There are also businesses such as home occupations, day-cares and bed and breakfasts which are allowed within residential zones.

The City also contains numerous apartment complexes that utilize signage to advertise the name of the building and to advertise available units.

Below is a brief overview of the types of signs typically found within the City's residential zones.

Wall Mounted Apartment Sign	The sign to the right is a building mounted wall sign located within the City.	
Freestanding Apartment Sign	Freestanding signs are commonly used to denote the name of an apartment complex.	

<p>Freestanding City Signs</p>	<p>The signs are typically used to denote the names of parks, fire houses and other city facilities</p>	
<p>Freestanding School Sign</p>	<p>There are two school signs shown: A freestanding sign utilizing a pole and a freestanding sign on the adjacent wall.</p>	

Existing Regulations

The City’s current sign code creates two types of users within residential zones, multi-family dwelling units and institutional uses such as schools, churches, and parks.

- Multi-family dwelling units (apartments) are permitted only one sign up to 32 square feet in size. The sign could either be a wall sign or a freestanding sign. Freestanding signs have a maximum height of five feet.
- Institutional uses are permitted to have one wall sign and one freestanding sign. An additional sign, either a wall sign or freestanding sign, is permitted for each additional street frontage. For example if a school has one street frontage it would be permitted a total of two signs, one freestanding and one wall sign. However, if the school is bordered by two public streets it would be permitted a third sign. No sign (either freestanding or wall sign) can be greater than 50 square feet in size at institutional uses. A freestanding sign at an institutional use cannot exceed 16 feet in height.

Sign Code Committee’s Review

The Sign Committee discussed the concept of treating all non-single family uses the same regarding what types of allowable signage would be permitted. Schools, churches, and apartment buildings would be permitted the same number of permanent signage. The total number of signs would be limited and specific design standards would be created in order to reflect the fact that these uses are located within residential zones.

The Committee provided the following recommendations:

1. Institutional uses and apartment complexes (more than five units) would be permitted to have one wall sign and one freestanding sign. One additional sign is permitted for each public street that provides access to the use.
2. The area of the freestanding sign is limited to 30 square feet for a one face sign and 60 square feet for a two sided sign.
3. Most of the Committee supported the idea of limiting freestanding signs to five feet tall. The signs would have to utilize multiple poles or the base would have to occupy at least 75 percent of the sign panel length. One Committee member noted that taller signs should be permitted if the signs are placed further from the street.

4. Freestanding signs could be illuminated with indirect lighting. However, the Committee was split on what type of indirect lighting. Some Committee members only wanted ground mounted lighting while others were supportive of lights being installed on the sign itself.
5. Lighting for wall signs will be limited to indirect, concealed, and backlit devices. The lighting shall have no spillover effect on adjacent properties.
6. Walls signs can be up to 50 square feet in size; however the maximum size permitted for each wall will vary based on the amount of wall area. This is how wall signs are regulated in commercial/industrial zones.

Example of Indirect Lighting for a freestanding sign



Staff's Analysis

Non-residential uses in residential zones have a need for signage. The City's current sign regulations permit a sign style that is typical of signs permitted in commercial and industrial zones of the City. The proposed recommendations of the Sign Code Committee will allow signage for non-residential uses while preserving the character of residential neighborhoods.

Staff requests that the Planning Commission accept the recommendations of the Sign Committee where there was clear consensus. The Sign Committee was unable to provide clear consensus on the following items:

1. Height of freestanding signs in residential zones; and
2. Method of lighting for freestanding signs.

Staff requests that the Planning Commission provide clear direction on addressing these two items.

Discussion Item #4, Incidental Signage in Residential Zones

Incidental signage includes, home occupations, political signs, real estate signs, and garage sale signs. They are typically small, made with non-permanent materials, and are found at single family homes.

The City's existing sign regulations permit real estate, political, and home occupation signs to be displayed at all single family residences in the City. Small incidental signage seems like it could

easily be allowed in any sign code. However, the ability to regulate incidental signage is a great example of the difficulties associated with creating a content neutral sign code.

The following is a brief overview of the City’s existing regulations regarding incidental signage:

- Real estate signs which offer the immediate premises for sale, lease or rent when the sign is less than six square feet in size. This section also permits “A” board to be displayed when the agent or seller is on-site (TMC 19.12.050 (4)).
- Political signs, posters, or bills provided they are less than 32 square feet in area for a single sided sign or 64 square feet total for a double sided sign. The signs may be displayed ten days past either a primary or general election. Signs that are more political in nature and not tied to a particular election may be displayed for an indefinite period of time. Political signs must be placed on private property (TMC 19.12.050 (13)).
- Home occupations are permitted one flush mounted 1.5 square foot plaque.

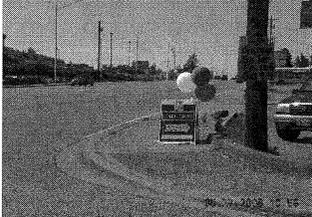
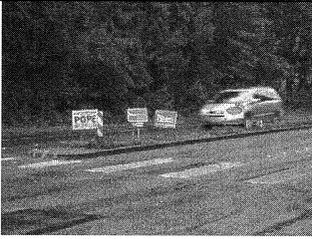
The City is striving to create a content neutral sign code and as such, these regulations need to be revised.

Setting aside the legal issue that the existing regulations may pose; the current sign regulations have unintended consequences in that certain common signage is not mentioned as being allowed within residential zones. For example, the City’s current regulations do not mention garage sale signs. Additionally, if a little league baseball player who participates in Tukwila Little League wanted to display a sign denoting upcoming league registration such signage would not be allowed. The fact that these two types of signs are not called out in the sign code is a result of the City not being able anticipate every type of signage that someone may want to install within residential zones. A sign code that regulates incidental signage solely on content also has practical problems.

Another problem associated with incidental signage is regarding political speech. Many sign codes allow political signs to be displayed a predetermined time prior to and after a primary or general election. However, there are some signs that are political in nature, but that are not tied to an election. For example, signs saying, “US out of Iraq” or “Keep the Change” would be political signs. The City’s sign code currently allows such signs, but staff is required to analyze whether the content of the sign is political to determine if it is allowed.

Common Examples of Incidental Signage

<p>On-Premise Real-Estate Sign</p>	<p>This on-premise real estate sign is displayed by attaching the sign to stakes and placing the sign in the ground. This would be an example of incidental signage.</p>	
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Off-Premise-Real Estate Sign	Off-premise signs are typically used at busy traffic intersections to inform individuals of the specific location of a home for sale. These signs are often illegally placed in the City’s right of way. This type of sign would be an example of incidental signage.	
“A” Board	The board to the right is being used to advertise an open house. This would be an example of incidental signage.	
Political Sign	Political signs usually are prevalent prior to and shortly after elections. However, not all political speech is tied to an election. For example a sign saying “US Out of Iraq” could also be considered a Political Sign. Political signs are an example of incidental signage.	

Sign Code Committee’s Review

The Sign Code Committee recommended that the City continue to permit common incidental signage within the City’s residential zones. However, due to time constraints the Committee was not able to formulate a specific recommendation for the new sign code.

Staff has drafted possible code language to reflect the desire of the Committee to allow such signs within residential zones. The proposed language strives to be content neutral and instead regulates only the time, place, and manner of incidental signage in residential zones.

1. Each residential property would be permitted one, 1.5 square foot³ building mounted plaque.

This provision would permit home occupations to have a small sign. However, the provision would not be limited to just home occupations.

2. Each property would be permitted one six square foot sign.

This provision would permit garage sale signs, real estate signs, political signs not tied to a specific election, and a sign for home occupations. However, content on the sign is not restricted. The sign could be displayed an indefinite period of time.

³ There was some discussion by the Committee of increasing this to 2 square feet; however most of the Committee members supported keeping the size limit to what the current sign code permits.

3. Incidental signs could be displayed with no restrictions from sunset on a Friday (or the day preceding a holiday) until sundown on Sunday (or the following holiday). No individual sign can exceed six square feet in size.

This provision is specifically directed at garage sale and open house signs, but again content of the sign is not restricted.

4. There are no restrictions on the number of incidental signage on a property within 45 days of an election supervised by the King County Elections Office and ten days following the election. If a run-off election is required, the signs may remain until ten days following the conclusion of the run-off election. No individual sign shall be greater than six square feet.

Individuals who install political signs typically install more than one sign in order to support candidates for several offices (President, Senator, Governor, Mayor, City Council, etc). This provision would allow for multiple signs to be displayed. Content of the sign is not restricted.

5. No sign shall be placed within the City's Right of Way.

The City currently bans all non-traffic control signs within its right of way and the Committee concluded that this provision should not change. Placing signs within the City's right of way poses significant safety concerns. The City could be legally liable for accidents or injuries associated with signs within our right of way.

Staff's Analysis

Incidental signage, such as political, real estate and garage sales signs are difficult to regulate without regulating content. It would be much easier to simply continue to list what signs are allowed to be displayed within residential zone. However, such regulations pose both legal and practical limitations. It's important to note that most residents within residential zones have little desire to install signs on their properties. The proposed regulations, while different than the current regulations, will likely not have a huge impact on incidental signs within residential zones.

Staff recommends that the proposed language above be incorporated into the new sign code.

ATTACHMENT

- A. Letter to Parties of Record
- B. Common examples of incidental signage with dimensions



City of Tukwila

Department of Community Development

Jim Haggerton, Mayor

Jack Pace, Director

Attachment A

April 9, 2009

CITY REQUESTS INPUT ON RECOMMENDATIONS OF THE SIGN CODE ADVISORY COMMITTEE

Dear Interested Party:

Throughout 2008 and 2009, the City of Tukwila has been working on a comprehensive update of its sign code. The purpose of the update is to create a sign code that is reflective of a growing and diverse community, which can provide a variety of sign options for business and residents, while maintaining a quality visual environment.

From the start of the update process the City realized the importance of public participation. During the summer and fall of 2008, a Sign Code Advisory Committee reviewed some of the many issues associated with the update. The Sign Code Advisory Committee consisted of City Council Members, a Planning Commission Member, residents, and businesses representatives. The City would like to invite you to provide comments on the policy recommendations provided in the Sign Code Advisory Committee's Final Report. The final report of the Sign Code Advisory Committee can be found at http://www.ci.tukwila.wa.us/dcd/signcode/Agenda_2009.01.29.pdf.

The Planning Commission is scheduled to start deliberating on the new sign code in July. Please provide your feedback to the City by May 15, 2009. City staff is available to meet with you to discuss the final report and to discuss any suggestions you may have regarding the new sign code.

If you have any questions or would like to schedule a time to meet, please call (206) 431-3684 or send an email to bmiles@ci.tukwila.wa.us.

Sincerely,

A handwritten signature in black ink, appearing to read "B Miles", is written over the word "Sincerely,".

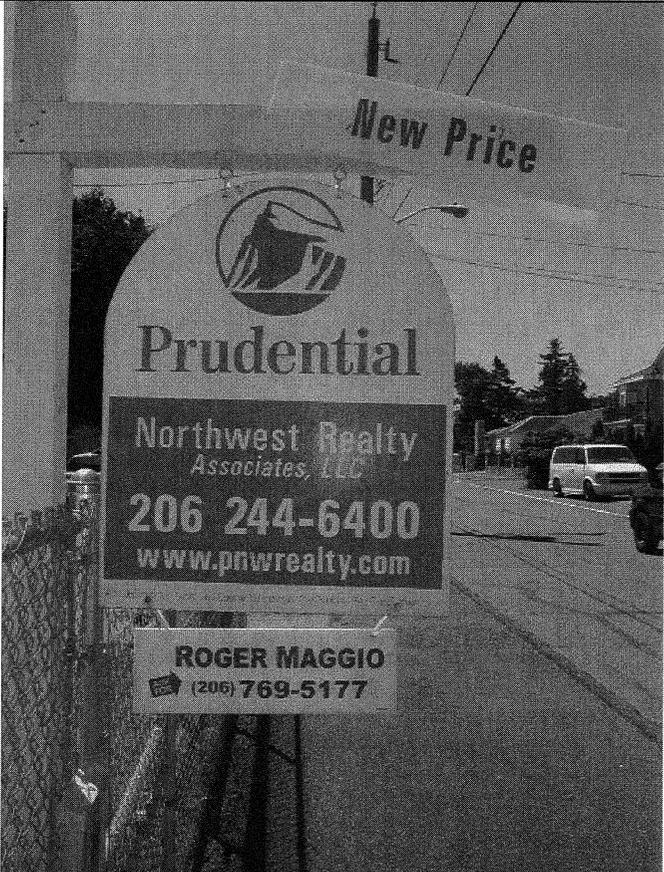
Brandon J. Miles
Senior Planner

cc. File

Attachment B: Size of real estate signs

	REAL ESTATE SIGNS	Top section	Middle section	Lower section	Total SQ ft
1		4"X 24"	30"X 24"	---	5.66
2		8"X24"	30"X24"	6"X24"(2)	8.33

	REAL ESTATE SIGNS	Top section	Middle section	Lower section	Total SQ ft
3		---	18"X24"	6"X24"	4

	REAL ESTATE SIGNS	Top section	Middle section	Lower section	Total SQ ft
4		6"x24"	24"x29.5"	6"X18"	6.67
5		6"x24" [PRICE] 3"x24" [ACRE]	18"x30"	---	5.25

	REAL ESTATE SIGNS	Top section	Middle section	Lower section	Total SQ ft
6		---	24"X24"	6"X24"	5

* Average total square footage for these real estate signs – based on this data – is 5.8 square feet.