



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3007120
Applicant Name: Steve Zamberlin for O’Dea High School
Address of Proposal: 802 Terry Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to remove and replace an existing 4 foot by 8 foot electric sign with a new 4 foot by 8 foot double faced changing image sign on existing monopole (O’Dea High School).

The following approvals are required:

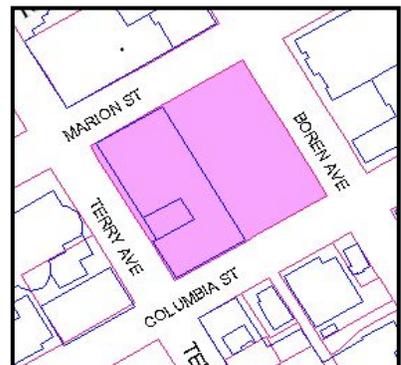
Variance to allow a message board sign in a Highrise (HR) zone.
(SMC 23.55.022 – B)

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 61,440 square foot property is located between Columbia and Marion Streets and between Terry and Boren Avenues. The parcel is zoned Multifamily, Highrise (HR). The west half of the site is occupied by O’Dea High School and the east half is parking for the high school. The existing sign is located at the east edge of the parking lot on Boren Avenue, approximately mid-block between Columbia and Marion Streets.



Area Development

Development in the vicinity consists primarily of medical and other office uses and retail development closer to Madison Avenue. Across Terry Avenue to the west is St. James Cathedral. Immediately south across Columbia Street is the Frye Art Museum.

Proposal Description

The applicant proposes to replace a portion of an existing 32 square foot, double-faced electric sign with a changing image message board sign on an existing monopole for a total height of 15 feet above the ground. SMC23.55.022.D.7 states that..."For institutions other than public elementary or public secondary schools, one (1) electric or nonilluminated double-faced identifying wall or ground sign on each street frontage not to exceed twenty four (24) square feet of area per sign face".. is permitted in multifamily zones. The existing 32-sq. ft. sign was originally permitted by variance (Permit #00582) in 1973 when it was located atop a garage in the parking lot of the school. In 1975, it was remounted on a support pole by Permit #02068 and has not changed since. The proposal is to replace only the illuminated portion of the sign.

Changing image message board signs are not permitted in residential zones and as a result a variance is required. The subject of this analysis applies the message board aspect of the application.

The message board aspect of the sign will have programmable lighting capability (intensity), programmable text display methods and also can be programmed to limit the hours of function.

Public Comments

During the public comment period which ended on May 16, 2007 no comments were received by DPD.

Sign Code Analysis

The City of Seattle regulates signs pursuant to a Sign Code SMC 23.55 that has been upheld as constitutional by the federal courts. The structure of the Sign Code is to ban all signs based on the City's interest in reducing driver distraction and in promoting aesthetics appropriate to each zone. As a result, different sizes and types of signs are allowed in different zones. In particular, Federal Highway administration studies show that signs with moving messages are more distracting to drivers than stationary signs and moving images are the most distracting of all. For this reason, in addition to aesthetic reasons, the City regulates these types of sign by zone.

Standards for signs are graduated in strictness from more strict in residential zones to less strict in commercial zones to least strict in industrial zones, similar to the restrictions on the types of uses that are allowed in these zones.

Private schools are permitted outright in Multifamily zones. As a permitted non-residential use a private school may have “one electric or non-illuminated double faced identifying wall or ground sign for any permitted nonresidential use in the zone, including institutions (private schools are institutions) on each street frontage not to exceed 24 square feet of area per sign face.” The code prohibits “flashing, changing image or message board signs” in residential zones. An electric sign is defined as “any sign containing electrical wiring but not including signs illuminated by an exterior light source.” A message board sign is defined as “an electric sign which has a reader board for the display of information, such as time temperature, of public service or commercial messages, which can be changed through the turning on and off of different combination of light bulbs within the display area.” Message board signs are prohibited in all residential zones.

ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

- 1. Because of the unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of the Lands Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

The location of the existing sign on the subject property is on Boren Avenue in an area of predominately office uses even though it is zoned multifamily Highrise. Though the existing sign is on a 11 foot pole, the pole is located in the parking lot of the high school which is two (2) feet below the side walk on Boren Avenue. The parking lot is surrounded by an ivy-covered 6-foot fence. Therefore, only 7 feet of the sign is visible above the fence: three feet of the pole and four feet of the sign (and this only from northbound traffic). Because of the slight change in grade along Boren Avenue, only the sign itself is visible to southbound traffic. Though not in the immediate surroundings, many public and private schools enjoy the use of changing image message board signs to advertise to the community the school’s upcoming events.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

Message-conveying signs in front of both public and private high schools have become an important element in the communication of school’s activities. They convey important information to both the school community and to the larger community in the area. They provide a method for the school administration to call attention to specific events or persons, teams, etc. within the school community. They can also be used to convey messages of broader community interest. To function well they need to be well above grade level and be large enough to convey their messages to passing motorists. There are often multiple events associated with schools that occur on the same day and during the same week. A changing message sign would allow multiple events to be posted on the same sign. Therefore, the proposed sign is the minimum necessary to afford relief and does not constitute a grant of special privilege.

- 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The proposed sign has existed in this location for many years. It has been a lighted sign for this time and there have been no detrimental effects to the public welfare. The proposal to change the face of the sign from a lighted face to a changing image, message board sign will likely cause no detrimental effects. The location of the proposed sign on the subject property is in an area of parking garages and medical office uses. The proposal will be conditioned so that the sign may be illuminated from 6am until 11pm only. Messages placed on the sign shall be limited to those that are intrinsically related to the mission of the school.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;*

The applicant intends the use of the message board for public awareness of the many functions that take place during the school year. The existing sign has three lines where 10 inch letters are removed and replaced by hand to convey messages which can take one to two hours. The message is left in place for approximately one week. With a message board sign it is possible to display many messages and changing messages is a matter of re-programming in minutes. Not approving this application would cause undue hardship for the school considering that the technology is available that would make it more efficient for them to communicate with the community.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The intent of the sign code is to “promote the enhancement of business and residential properties and neighborhoods by fostering the construction of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings.” In this case, the vicinity in which the sign is proposed and visible is zoned Highrise and but is clearly not residential in nature. Allowing an electronic commercial message board in this area would not be in opposition to the intent of the Sign Code and would not be incompatible with the area in which the sign is proposed. The requested variance is consistent with the spirit and purpose of the Land Use Code for the zone and area in which the proposal is located.

DECISION – VARIANCE:

Variance to allow a changing image, message board signs in a Highrise (HR) zone. (SMC 23.55.022 – B). **APPROVED**

CONDITIONS – VARIANCE:

For the Life of the Project

1. Only messages intrinsically related to the mission of O’Dea High School may be displayed on the message board sign.
2. Illumination of the message board sign shall be limited to 6am to 11pm only.

Signature: (signature on file)

Date: July 5, 2007

Marti Stave, Land Use Planner
Department of Planning and Development