



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

Project Name: On-premise wall sign amendments
Applicant Name: City of Seattle - Department of Planning and Development
Address of Proposal: Commercial, industrial and downtown zones across the city

SUMMARY OF PROPOSED ACTION

The City Council is proposing to amend the Land Use Code and Building Code to limit current abuses of the City’s Sign Code. The amendments would include the following:

- Provide area limits for on-premises wall in several zones;
- Require the identification and location of businesses and other entities sponsoring on-premises wall signs;
- A one-year amortization period to bring legal non-conforming wall signs into compliance with the legislation if such signs exist at the time the legislation is adopted, to bring such signs into compliance with the legislation;
- Penalties for violations of certain Building Code and Land Use Code sign provisions that violate the proposed legislation; and
- Clarify provisions, including the definition of various signs including wall signs, on-premises signs, roof signs and combination signs.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.

Background

The City Council is proposing to amend the Land Use and Building Codes to adopt standards for wall signs in commercial, industrial and downtown zones and to close a “loophole” in the City’s Sign Code by amending definitions of certain signs in the Land Use and Building Codes. The proposed legislation also increases the maximum penalties for violations of certain sign provisions in the Land Use and Building Codes. The Department of Planning and Development (DPD) has prepared this Director’s Report at the request of Council.

The City generally bans all signs, including off-premises signs (also known as advertising signs), because they contribute to driver distraction and visual blight. However, the City makes some exceptions to advance other purposes, such as allowing on-premise business signs to promote local business vitality. Currently, there are no size/area limits for on-premises signage in downtown, commercial and industrial zones. Over the last few years, the City has seen an increase in the number of very large on-premises wall signs located in these areas, some of which far exceed the size of billboards. The City banned new billboards many years ago based on their distraction to motorists and pedestrians and creation of visual blight. Among the primary goals of the Sign Code are to 1) allow signs that promote certain public goals, including promoting local business vitality, and 2) encourage the placement of signs that enhance the visual environment of the City without impairing public health or safety.

The intent of this legislation is to improve the consistency of the Sign Code by clarifying the distinction between on-premises and off-premises signage and adopting new standards for wall signs that reduce driver distraction and visual blight while promoting business vitality. The legislation will restore the connection between a business establishment and any on-premises wall sign associated with it by requiring the name and location of the business to appear on the face of the sign. This will further local business vitality by making it clear where a particular business is located and where the products or services featured on such a sign can be purchased. Wall signs under the proposed legislation will continue to enhance the visual environment of the City while also providing a means to convey information about such businesses.

The proposed legislation will also reduce traffic impacts from wall signs by adopting a reasonable area standard that prohibits the placement of very large on-premises wall signs in industrial, downtown and commercial areas of the City. Additionally, the legislation will require a predominant feature of such signs to be the name and location of the associated business establishment, or, alternatively, a non-commercial message. The wall sign standards will help reduce visual blight because they establish a maximum wall sign size that is significantly smaller than a number of the on-premises wall signs that have requested permits in recent years. This ordinance is therefore consistent with the Sign Code because it promotes the legitimate public purposes of identifying and promoting businesses while also protecting public health and safety by reducing driver distraction and visual blight.

The Proposal

The Department of Planning and Development (DPD) is proposing to amend the Land Use Code (Title 23) and Building Code (Title 22). The proposed amendments are intended to allow all wall signs containing commercial and non-commercial messages to be displayed within reasonable area limits; to restore the link between goods and services offered and the business establishment offering those goods and services as well as the location of that business. In addition, the proposal clarifies and corrects provisions related to signs; and provides for more meaningful penalties when violations occur to provisions related to prohibited signs and off-premise signs. The ordinance includes a requirement that the Department of Planning and Development (DPD) report back to the Council on the effectiveness of the legislation after it is in effect for approximately one year.

The following table includes a brief description of the amendments by Seattle Municipal Code Section in the order presented in the legislation:

Code Section	Description of proposed change
23.55.030 Signs in NC3, C1, C2 and SM zones	<p>Provides an area limit of 100 square feet for on-premises wall signs in the Neighborhood Commercial 3, Commercial 1 and 2, and Seattle Mixed zones.</p> <p>Provides that the name and location of the business establishment offering the products or services displayed must be included on all commercial wall signs.</p> <p>Adds a requirement that at least 50% of the area of on-premises commercial wall signs be devoted to identifying the name and location of the associated business.</p>
23.55.034 Signs in downtown zones	<p>Adds the same standards as proposed for 23.55.030 while maintaining existing exceptions for signs identifying hotels and public buildings.</p>
23.55.036 Signs in IB, IC, IG1 and IG2 zones.	<p>Adds the same standards as proposed for 23.55.030 while maintaining existing exceptions, including those for signs on spectator sports facilities.</p>
23.55.042 Off-premises and business signs adjacent to certain public highways	<p>Amends sign area limits to be consistent with the 100 square foot area limit proposed throughout this legislation.</p>
23.84A.036 “S” (definitions for terms beginning w/ “s”)	<p>Clarifies the definition of wall sign to include additional types of signs, including those projected onto a wall or suspended from a roof.</p>

Code Section	Description of proposed change
	<p>Clarifies the definition of roof sign to include signs that are attached to and principally supported by the roof.</p> <p>Clarifies the definition of combination sign to remove a reference to freestanding signs.</p> <p>Clarifies that the definition of on-premises signs do not include signs that bring rental income to the property where the sign is located.</p>
<p>23.66.160 Signs (in the Pioneer Square Special Review District)</p>	<p>Adds the same standards as proposed for 23.55.030.</p> <p>Adopts a provision that allows the Special Review District Board and the Director of Department of Neighborhoods to determine whether the appropriate size of certain wall signs in the District may be less than 100 square feet in area, consistent with factors contained in 23.66.160.c.4.</p>
<p>23.66.338 Signs (in the International Special Review District)</p>	<p>Adds the same standards as proposed for 23.55.030.</p>
<p>23.90.018 Civil Enforcement Proceedings and Penalties</p>	<p>Establishes a civil penalty of up to \$1,000 per day for each violation of the provisions of subsections 23.55.030.E.3.a.iii, 23.55.030.E.3.b, 23.55.034.D.2.a, 23.55.036.D.3.b, 23.55.042.C.1, 23.84A.036 by using an on-premises sign for off-premises advertising, 23.66.160.C.2, or 23.66.338.D.4 of the Land Use Code from the date the violation begins until compliance is achieved.</p> <p>Establishes a subfund whereby penalties acquired through enforcement of size limitations for wall will be directed to Department of Planning and Development’s Operations Division to be used for additional enforcement.</p>
<p>103.5 and 103.5.1 Seattle Building Code (2009)</p>	<p>Increases the civil penalty for failing to comply with section 3107.4.1 of the Building Code to \$1,000 per day from the date the violation begins until compliance is achieved, which is consistent with the civil penalty proposed for violations of Land Use Code Sections 23.55.030.E.3.a.iii, 23.55.030.E.3.b, 23.55.034.D.2.a, 23.55.036.D.3.b, 23.55.042.C.1, 23.84A.036 by using an on-premises sign for off-premises advertising, 23.66.160.C.2, or 23.66.338.D.4.</p>
<p>3107.3 Seattle Building Code (2009)</p>	<p>Clarifies the definition of wall sign to include new types of signs, including those projected onto a wall or suspended from</p>

Code Section	Description of proposed change
	<p>the roof.</p> <p>Clarifies the definition of roof sign to include signs that are attached to and principally supported by the roof.</p> <p>Clarifies that the definition of on-premises sign does not include signs that bring rental income to the property.</p>
23.55.017 Amortization of on-premises wall signs	<p>Adds a new Code section whereby all existing, legally permitted, on-premises wall that do not comply with the new standards included in the legislation will be deemed non-conforming and allowed to remain for no more than one year after the effective date of the legislation. This phase-in period does not apply to applicants seeking a new on-premises wall sign permit after the effective date of this legislation. After the year expires, all non-conforming on-premises wall signs must be made to conform to the provisions in the proposed legislation or be removed.</p>

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments at a future City Council Public Hearing.

ANALYSIS - SEPA

This proposal is an adoption of legislation, which is defined as a non-project action. This action is not categorically exempt (SMC 25.05.800). A threshold determination is required for any proposal that meets the definition of “action” and is not categorically exempt.

The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the applicant dated June 8, 2011. The information in the checklists, the Director’s Report and Recommendation, other information provided by the applicant, and the experience of the lead agency with review of similar regulations and proposals, form the basis for this analysis and decision.

ELEMENTS OF THE ENVIRONMENT

Adoption of the recommended Code amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term adverse environmental impacts that might conceivably result from future actions relevant to the proposal, as well as commenting on the nature of potential positive impacts on the environment.

Natural Environment

No potentially significant adverse impacts to the natural environment are identified for this proposal. To the extent that nonconforming signs are removed over time and their materials disposed in greater quantities, amount of solid waste disposed in landfills could increase. However, such increases would be negligible compared to the typical waste streams generated by the City on a regular basis. Similarly, activities to remove old signs and place new signs would consume energy and generate air emissions related to materials and vehicles used, but such emissions would be minor in the context of the affected environment throughout the city.

Built Environment

Land Use, Height/Bulk/Scale, Aesthetics, Public View Protection, Historic Preservation

The net functional effect of the proposal would be to influence in some incremental fashion the future sizing and layout of information on signs. While this could result in differences in the visual character of signs compared to signage possible under today's rules, there is no prescription that would affect sign character in a manner that would generate significant adverse environmental impacts upon the built environment. The directions of the proposed regulatory changes would be: to influence some future wall signs to be smaller; for signs that would be non-conforming to be removed; for signs to reference more explicitly to the related business and its location; to cover additional types of signs (such as light-projected signs and those suspended from roofs); to extend consistent rules throughout most or all of the City's non-residential zones; and make other related adjustments to sign codes.

From an environmental impact standpoint, the impacts resulting from these changes would be positive in nature upon the visual aspects of the built environment. Additionally, these amendments are consistent with the City's policy of reducing driver distraction and visual blight in the city based on signage, even as they further the City's interest of allowing a business to communicate with the public. To the extent that existing signs in violation of these proposed rules exist, their progressive removal and/or replacement with other signs would tend to reduce the visual effects of signs upon the environment. While signs provide meaningful and useful information, they also can add to visual clutter. So, a net reduction in such signage over time has positive visual and aesthetic impact potential and a lack of significant adverse impact potential.

No other significant land use, height/bulk/scale, or similar adverse impact potential is identified due to the analytic interpretations about the code changes above. To the extent that the Comprehensive Plan and the Land Use Code have policies and intents that include promotion of attractive and uncluttered visual appearance of the city as well as providing for reasonable signage, the proposal would be consistent with the Comprehensive Plan and would not promote incompatibilities related to land use or height/bulk/scale.

The proposal includes provisions intended to affect sign controls in the historic/culturally significant Pioneer Square and Chinatown/International District neighborhoods. The functional effects upon the regulatory controls and the systems of Board review of proposals would be to continue to inform the size, shape and related decision-making on future signage in these districts. Signs would continue to be designable to meet the needs of the applicants for such signs in these neighborhoods, in a manner that provides flexibility and continued opportunity for creative expression to applicants and continued Board influence on the design and approvals for such signs. No significant adverse impacts are identified with respect to historic preservation.

