

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

Project Name: On-premises wall sign amendments

Applicant Name: City of Seattle - Department of Planning and Development

Address of Proposal: Commercial, Seattle Mixed, industrial and downtown zones across the city

**SUMMARY OF PROPOSED ACTION**

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

- Provide a 287-square foot area limit for on-premises wall signs in several zones including the commercial, Seattle Mixed, industrial and downtown zones;
- Clarify definitions of wall signs and on-premises signs; and
- Increase penalties for violations of certain Land Use Code sign provisions addressed by the proposed legislation.

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.

**The Proposal**

The Department of Planning and Development (DPD) is proposing to amend the Land Use Code (Title 23). The proposed amendments are intended to allow wall signs to be displayed with a maximum size limit of 287 square feet. In addition, the proposal clarifies sign definitions regarding “on-premises” activities; and provides for increased maximum penalties when violations occur related to use of an on-premises sign in a way that is inconsistent with the wall sign area limit or the definition of “on-premises sign.” The wall sign area limit would only apply prospectively and would not affect wall signs that were already permitted by DPD.

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

<b>Code Section</b>	<b>Description of proposed change</b>
<b>23.55.030 Signs in NC3, C1, C2 and SM zones</b>	Provides an area limit of 287 square feet for on-premises wall signs in the Neighborhood Commercial 3, Commercial 1 and 2, and Seattle Mixed zones.
<b>23.55.034 Signs in downtown zones</b>	Applies the same standards as proposed for 23.55.030 to wall signs in downtown zones while maintaining existing exceptions.
<b>23.55.036 Signs in IB, IC, IG1 and IG2 zones.</b>	Applies the same standards as proposed for 23.55.030 to wall signs located in industrial zones while maintaining existing exceptions.
<b>23.84A.036 “S” (definitions for terms beginning w/ “s”)</b>	<p>Clarifies the definition of wall sign to include additional types of signs, including those projected onto a wall or suspended from a roof (when approximately parallel to the wall plane).</p> <p>Adds the following to the definition of on-premises sign:</p> <p>For purposes of this definition, “business transacted, principal services rendered, goods sold or produced on the premises” does not include: (a) the sale or donation of a gift card, gift certificate, coupon, or other document that can be exchanged in part or whole for an item or good that is not directly sold, produced, or service rendered where the gift card, gift certificate, coupon, or other document is sold or donated; or (b) access by phone, computer, or any other device to allow a person to obtain an item or good that is not directly sold, produced, or service rendered where the access by phone, computer, or other device is offered.</p>
<b>23.90.018 Civil Enforcement Proceedings and Penalties</b>	<p>Establishes a civil penalty of up to \$1,500 per day for each violation of the provisions of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a, 23.55.036.D.3.b or, 23.84A.036 for using an on-premises sign inconsistently with the definition of on-premises sign, from the date the violation begins until compliance is achieved.</p> <p>Establishes a subfund whereby such collected penalties will be directed to the Department of Planning and Development’s Operations Division to be used for additional enforcement.</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 for 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 April 3, 2013. The information in the checklist, 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 upon the environment.

### **Natural Environment**

#### **Solid waste generated, Energy consumed, Air pollutant emissions**

No probable significant adverse impacts to the natural environment are identified for this proposal. Activities to remove old signs and place new signs would consume energy and generate air pollutant emissions related to materials and vehicles used, but such emissions would be minor in the context of the affected environment of the city. Similarly, such activities could generate additional solid waste disposal volumes, in amounts not likely to represent a significant adverse solid waste impact.

### **Built Environment**

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

The functional effect of the proposal primarily would be to influence the future sizing of wall signs in a number of zones to be a smaller maximum size than is allowable today. The proposal also would have the functional regulatory effects of clarifying how a wall sign is defined by the City including those signs that are projected by light onto a wall or signs suspended from the roof that hang down onto a wall; defining and extending consistent area limits throughout several of the City’s non-residential zones; and defining a limitation on what can be considered an on-premises good, product or service under the City’s Land Use Code.

The environmental impacts to the built environment from the proposed changes would not be significantly adverse in nature; rather, they would tend to generate positive impacts upon the visual aspects of the built environment including aesthetics. Compared

to today's conditions where wall signs can be erected without any size limit, the proposed limitation of 287 square feet would tend to result in smaller wall signs that are less likely to be visually intrusive or otherwise adversely aesthetically affecting their surroundings.

To the extent that signs exist that are larger than the area limit being proposed, an assumed trend of ultimate removal of non-conforming signs over time and/or replacement with other conforming 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 that has negative potential consequences. So, a probable net reduction in the presence of such signage over time (compared to a future under existing regulations) would have positive visual, aesthetic impact potential and a lack of significant adverse impact potential. Because businesses would continue to be able to provide on-premises signage within regulatory limits that would be able to communicate their presence, no secondary adverse effects upon business health or viability are identified by this SEPA determination.

No other significant land use, height/bulk/scale, historic preservation, public view protection, or other similar adverse impacts are identified due to the proposed code changes. 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.

To the extent that proposed code restricts the use of coupons, telephone hotlines, computerized communications, or similar devices as justifying an "on-premises" status for a good, product or service, the probable effect upon the environment may be a reduction in installation of wall signs that are actually meant to accomplish "off-premises" advertising purposes. This could assist in controlling the visual/aesthetic impacts of signage upon the visual environment in the affected zones. Similar effects would be expected due to the proposed civil penalties addressing wall signs that would be inconsistent with the Code.

## **Transportation**

The proposed legislation would not increase demands on transportation, it would not be likely to significantly adversely impact street access or operations, public transit, parking spaces, or demand for new roads or improvements to existing roads, and few vehicle trips are likely to be generated.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The

intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Gordon Clowers, Senior Planning and Development Specialist  
Department of Planning and Development