

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proposed Amendment to the Development Code – Sign Code
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director Kim Lehmberg, Planner II

PROBLEM/ISSUE STATEMENT: Under Shoreline Development Code Section 20.50.550(C), off-site signs are prohibited. As staff has worked through design of the Aurora Corridor Project (hereafter "Project"), it has been noted that the Project will result in the removal of several existing off-site signs. The signs are allowed at present as a nonconforming use since they were in place prior to the effective date of SMC 20.50.550(C). However, once removed, the signs cannot regain their nonconforming status, and will be prohibited under the current Code. This proposed amendment to the Development Code allows an exception to the prohibition against off-site signage for businesses that have access from, but not frontage on, a commercial street. To use the exception, the business would have to enter into a joint access agreement and develop a joint sign package with the property that has commercial street frontage, through which access is gained.

The Planning Commission held a public hearing October 21, 2004, and recommended approval of the amendment. Council discussed the issue at a workshop on January 3, 2005. As a result of the Council discussion, changes to the originally proposed amendment, plus an alternate amendment, are presented here.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

1. The Council could choose not to adopt the amendment to the Development Code.
2. The Council could adopt the amendment as recommended by staff by adopting Ordinance No. 369 (Attachment A).
3. The Council could propose an alternative to the proposed amendment.

FINANCIAL IMPACTS:

4. There are no direct financial impacts to the City of the proposed amendment.

RECOMMENDATION

The Planning Commission and staff recommend adoption of an amendment to allow exception to the off-site signage prohibition. Staff recommends that Council Ordinance No. 369, (Attachment A).

Approved By: City Manager 

City Attorney 

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Background/Discussion: The proposed Code amendment before the Council allows an exception to the prohibition of off-site signs for properties that do not front on a commercial street, but rather share access with properties that have commercial street frontage. The exception would be subject to approval of a joint sign package with the property that fronts on the street, and would also be subject to all of the size and design requirements in the Code. This exception would encourage joint access and help to consolidate signage. Attachment A contains the proposed Code amendment language.

At the Council workshop on January 3, 2005, several comments were made regarding the proposed amendment. Local business owners commented that the sign code as written was very restrictive to local businesses, especially small businesses, and that the amendment should be less subjective and more lenient. Council also discussed these issues, including the requirement for joint access (see minutes from Council workshop, contained in this packet).

Council came up with an alternative to the amendment that would make it less subjective, substituting "shall" for "may" in the first sentence. Staff also worked with the language to make it less subjective, deleting references to approval by the Director. This makes it clear that if the joint sign package meets the code requirements it will be approved, and not subject to the Director's discretion. See Exhibit A of Attachment A for the revised amendment language.

As stated above, Council also discussed removing the requirement for sharing the joint access. Attachment B contains this alternate amendment, including the changes discussed in the above paragraph.

Deleting the requirement for joint access would allow any neighboring businesses to apply for a joint sign package, whether they share access or not. This could encourage consolidation of signage. It would also make the ordinance easier to administer, avoiding the complications associated with a joint access agreement.

On the other hand, requiring the shared access would provide an incentive for business owners to work together on access and signage packages, with the possibility of providing mutual benefit for businesses facing these issues. It would help to encourage fewer driveways and curb cuts, leading to a more aesthetically pleasing and safer roadway, thus supporting Comprehensive Plan Policy T-4, under the Transportation Element: *"Minimize curb cuts (driveways) on arterial streets by combining driveways through the development review process and in implementing capital projects."*

Decision Criteria

Staff finds that the proposed amendment to the Development Code meets all of the Decision Criteria found in SMC 20.30.350. Findings, background information and decision criteria may be found in the staff report for the January 3, 2005 workshop, Attachment C.

RECOMMENDATION

The Planning Commission and staff recommend adoption of an amendment to allow exception to the off-site signage prohibition. Staff recommends that Council adopt Ordinance No. 369, (Attachment A).

ATTACHMENTS

Attachment A Ordinance #369

Attachment B Alternate amendment, deleting requirement for joint access agreement

Attachment C Council Staff Report from January 3, 2005 Council Workshop, sans attachments

ORDINANCE NO. 369

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE DEVELOPMENT CODE CHAPTER 20.50.550 TO ALLOW AN EXCEPTION TO OFF-SITE SIGN PROHIBITION

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000; and

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, the Director proposed this amendment as a way to mitigate some of the impacts of the Aurora Corridor Project on businesses along the corridor; and

WHEREAS, the Planning Commission developed a recommendation on the proposed amendment; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code, including:

- A public comment period on the proposed amendments was held from October 8, 2004 to October 21, 2004; and
- The Planning Commission held a public hearing and formulated its recommendation to Council on the proposed amendments on October 21, 2004; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on October 21, 2004 in reference to the proposed amendment to the Development Code; and

WHEREAS, the proposed amendment was submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendment adopted by this ordinance is consistent with and implements the Shoreline Comprehensive Plan and complies with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendment adopted by this ordinance meets the criteria in Title 20 for adoption of amendments to the Development Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Section 20.50.550(C) is amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON February 14, 2005.

Ronald B. Hansen
Mayor

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: February 17, 2005
Effective Date: February 22, 2005

EXHIBIT A

20.50.550 Prohibited signs.

C. Off-site identification and signs advertising products not sold on premises.

Exception 20.50.550(C)(1): Off-site signage shall be allowed in commercial zones as part of a joint sign package between the owners of two or more adjoining properties sharing common access. In determining the total allowable size for all of the signs in the joint sign package, the total area of signs shall not exceed that would be allowed for all of the participating properties as if they were one property. The proposed signs must meet all applicable development standards of this code.

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PROBLEM/ISSUE STATEMENT: Under Shoreline Development Code Section 20.50.550(C), off-site signs are prohibited. As staff has worked through design of the Aurora Corridor Project (hereafter "Project"), it has been noted that the Project will result in the removal of several existing off-site signs. The signs are allowed at present as a nonconforming use since they were in place prior to the effective date of SMC 20.50.550(C). However, once removed, the signs cannot regain their nonconforming status, and will be prohibited under the current Code. This proposed amendment to the Development Code allows an exception to the prohibition against off-site signage for businesses that have access from, but not frontage on, a commercial street. To use the exception, the business would have to enter into a joint access agreement and develop a joint sign package with the property that has commercial street frontage, through which access is gained.

Planning Commission held a public hearing October 21, 2004, and recommended approval of the amendment as originally proposed by staff. However, since the Commission noted that the proposal could be somewhat confusing to administer, staff has come up with alternative clarifying language, as presented in Ordinance 369.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

1. The Council could choose not to adopt the amendment to the Development Code.
2. The Council could adopt the amendment as recommended by staff by adopting Ordinance No. 369 (Attachment A).
3. The Council could propose an alternative to the proposed amendment.

FINANCIAL IMPACTS:

4. There are no direct financial impacts to the City of the proposed amendment.

RECOMMENDATION

The Planning Commission and staff recommend adoption of an amendment to allow exception to the off-site signage prohibition. Staff recommends that Council consider adoption of Ordinance No. 369, (Attachment A), but defer the decision to adopt the Ordinance until the Council meeting of January 24th.

Approved By: City Manager _____ City Attorney _____

SUMMARY

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record public hearing on the proposed amendment and making a recommendation to the City Council.

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal. Here, two businesses located on Aurora requested the Director initiate an amendment to 20.30.550(C). The Director has initiated this amendment for consideration at this time due to its potential to lessen the impact of the Aurora Corridor Project on affected businesses.

The proposed Code amendment before the Council allows an exception to the prohibition of off-site signs for properties that do not front on a commercial street, but rather share access with properties that have commercial street frontage. The exception would be subject to approval of a joint sign package with the property that fronts on the street, and would also be subject to all of the size and design requirements in the Code. Attachment I contains the proposed Code amendment language.

PUBLIC COMMENT

The City advertised the availability of the proposed amendment for review and comment on October 7th, 2004. The written comment period began on October 7th and ended on October 21st, 2004. The Planning Commission held a Public Hearing on October 21st, 2004 (Meeting Minutes are Attachment B). One letter from Jim Abbott of Gateway Plaza was distributed at the Public Hearing (Attachment C). Jim Abbott also commented on the proposed amendment, questioning how it would relate to his project.

Environmental Review: The City has issued a Determination of Non-Significance (DNS) for this non-project action. The environmental checklist is available for review.

ANALYSIS

Background/Discussion: As staff and consultants have worked with property and business owners to design the Aurora and Interurban Trail projects, several sign related issues have arisen. One of the key issues applies to properties that do not front (abut) Aurora but that have access from Aurora via another parcel. These businesses are impacted because they cannot post signs on this busy arterial street.

Two locations in particular have requested staff to develop this proposed amendment to the Development Code. The first example, as demonstrated by Exhibit D-1, shows the nonconforming signs of Denny's, Sherwin Williams, Pizza Hut, and the vacant Dairy Queen (all located on Joshua Green Corporation's property (hereafter "JGC") at 155th and Aurora). These businesses currently have nonconforming signs on Seattle City Light right-of-way (which is the green/grassy strip between Aurora and the JGC properties) that were installed prior to incorporation. Should the trail project or Aurora require removal of these signs, these parcels

would not be allowed to install replacement signs on the SCL property because the Code does not allow for replacement of non-conforming signs (See Attachment E, Sign Code, Section 20.50.590).

The second example involves Goldie's and 24 Hour Fitness. Goldie's will be losing their left turn access with the Aurora project. However, Goldie's is one parcel south of the proposed signalized intersection at 152nd and Aurora. If southbound Goldie's customers turned left at the 152nd signal, they could access Goldie's via 24 Hour Fitness' driveway, immediately east and abutting the Goldie's parcel. There is mutual gain to be made by creating an easement for access to Goldie's from 24 Hour Fitness, and with this proposed Code change, 24 Hour Fitness would be allowed to add a directional sign on Goldie's property (a photo of this location is shown in Attachment D-2).

There are other examples of nonconforming off-site signs including the QFC sign at 183rd (see Attachment D-1 for photo). Another property that has expressed interest in having a sign on Aurora is Top Foods. The proposed amendment requires the property without frontage to attain legal access via an easement across the abutting property. As we move forward with design and right-of-way acquisition on the next stage of Aurora and with the North Central Interurban Trail, we expect to continue to address these requests/situations.

As demonstrated in the Planning Commission meeting minutes (Attachment B), there was some confusion as to whether the amendment as originally proposed would result in enormous signs if enough properties were involved. Although the Commission ultimately recommended the amendment as originally proposed, staff has come up with alternative wording that helps to clarify what the amendment intends to allow. See Attachment F for the originally proposed amendment language.

Staff has recommended slightly different amendment language, found in Attachment A, Ordinance 369, that allows the participating properties to use the sign regulations as though they were one property. Treating the properties involved as if they were one property allows for consolidation of signage, and in some circumstances larger signs, without allowing a glut of enormous signs. For properties with more than one business and 250 linear feet of frontage, mall-type signs are allowed, up to a maximum of 100 square feet of sign face and 20 feet in height. (See Code Section 20.50.570, contained in Attachment E.) This provision is intended to clarify that the exception would not allow a doubling up of all allowable signage. For properties that do not have the required 250 feet of frontage for mall signs, the maximum sign allowance would be that allowed under Code Section 20.50.540.B. A joint sign would be a maximum of 50 square feet.

For examples of how the amendment would work, see Attachment D. In Example 1 (Attachment D-3), Business A, with 140 feet of frontage on Aurora, shares access with Business B, which has no Aurora Avenue frontage. With a joint access and sign agreement, one 50 square foot monument sign could be installed on Business A property, with signage for Business B. In addition, Business B could install a 50 square foot sign along the 152nd Street frontage, with signage for Business A. If the lot on the corner also shared access, it could have a 100 square foot mall sign on the 152nd Street frontage for all of the businesses.

In the other example, (Attachment D-4), Property Owner A has 550 feet of frontage along Aurora. Businesses B, C, D and E have no frontage along Aurora. With a joint access and sign agreement, Property Owner A could install two 100 square-foot mall signs along Aurora, containing signage for all of the businesses. The two signs would have to be located at least 150 feet apart.

Note that Exception 20.50.540(B)(1) of the Sign Code (Attachment E) allows waiver of the sign dimensional standards if the Director finds that the signage is an integral part of the architecture and site design. This allows for flexibility in the dimensional restrictions while encouraging good design.

Decision Criteria. Under SMC **20.30.350**, the City Council may approve or approve with modifications a proposal for the text of the Development Code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline. (

Conformance with Shoreline Comprehensive Plan

- Comprehensive Plan Policy CD18: *Consolidate signs on a single structure where a commercial development includes multiple businesses.*
- Policy CD16: *Discourage multiple or large signs that clutter, distract, and dominate the streetscape of commercial areas.*
- Policy CD5: *Ensure that development relates, connects, and continues design quality and site functions from site to site in ... commercial areas.*
- Policy ED37: *Encourage and promote business districts by creating physical plans to improve the appearance and function of their streets...signage...etc.*
- Policy ED26: *Ensure that sufficient land use and zoning provisions support businesses*

This amendment to the Development Code is consistent with the Economic and Community Development policies in the Comprehensive Plan. The amendment is aimed at supporting planned, consolidated signage and managing large signs. Additionally, all signs to which the proposed amendment would apply must comply with Code requirements for placement, size, and monumentation. Further, the proposed amendment is not likely to adversely affect the public, nor does it appear to be contrary to the best interest of the citizenry.

RECOMMENDATION

The Planning Commission and staff recommend adoption of an amendment to allow exception to off-site signage prohibition. Staff recommends that Council consider adoption of Ordinance No. 369, (Attachment A), but defer the decision to adopt the Ordinance until the Council meeting of January 24th.

ATTACHMENTS

- Attachment A Ordinance #369
- Attachment B Minutes from October 21, 2004 Planning Commission Meeting
- Attachment C Public Comment Letter Received at Public Hearing
- Attachment D Photos & Examples
 - D-1 Westminster & QFC photo
 - D-2 Goldie's & 24-hour Fitness photo
 - D-3 Example 1 (Goldie's & 24-hour Fitness)
 - D-4 Example 2 (Westminster)
- Attachment E SMC 20.50, Subchapter 8, Sign Code
- Attachment F Originally proposed amendment language