

Ordinance No. 120924

Council Bill No. 114314

The City of Seattle
Council Bill/Ordinance

An ordinance relating to land use and zoning, amending the list of sign kiosks authorized in subsection 23.55.015E of the Seattle Municipal Code.

9-16-02 Pas

CF No. _____

Date Introduced:	SEP - 9 2002	
Date 1st Referred:	To: (committee)	FULL COUNCIL
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
9-16-02	9-0	
Date Presented to Mayor:	Date Approved:	
9-17-02	9/23/02	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. <input checked="" type="checkbox"/>
9/24/02	3pp	
Date Voted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

9-16-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

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City Clerk
Review

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ORDINANCE 120924

1
2 AN ORDINANCE relating to land use and zoning, amending the list of sign kiosks authorized
3 in subsection 23.55.015E of the Seattle Municipal Code

4 WHEREAS, the purposes of the Sign Code are to allow signs that invite rather than demand the
5 public's attention, to encourage the use of signs that enhance the visual environment of
6 the city, and to protect the public interest and safety; and

7 WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises
8 signs; and

9 WHEREAS, allowing additional messages, including noncommercial messages and off-
10 premises messages of interest to the community, on sign kiosks will promote the public
11 interest by allowing new opportunities for communication within the community where
12 a sign kiosk is located; and

13 WHEREAS, Ordinance 120388 adopted findings supporting amendments to the Sign Code to
14 allow sign kiosks to provide opportunities for communicating information of community
15 interest, subject to development standards, and also found to be lawful twenty-three sign
16 kiosks erected or planned for before the effective date of Ordinance 120388; and

17 WHEREAS, two additional proposed sign kiosks were planned for by the City before the
18 adoption of Ordinance 120388, and these kiosks will also be consistent with the policies
19 for allowing sign kiosks; and

20 WHEREAS, these two proposed sign kiosk structures have been analyzed and found not to pose
21 undue risks with respect to traffic hazards, as documented in the report from Seattle
22 Transportation in CF 305387; and

23 WHEREAS, these two proposed sign kiosks have been analyzed and approved with respect to
24 the design principles governing new kiosks by the Seattle Design Commission, as
25 documented in memos from the Seattle Design Commission in CF 305387; and

26 WHEREAS, these proposed sign kiosks are likely to be effective in promoting community
27 communication because the communities requesting them have demonstrated support for
28 them in their neighborhood plans; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 23.55.015 E of the Seattle Municipal Code is amended by adding
two sign kiosks to the list of sign kiosks authorized in Ordinance 120388 Attachment 2: at

1 Mapes Creek Plaza, 52nd Avenue South, between S. Henderson Street and Rainier Ave. South,
2 and at the northeast corner of Martin Luther King Jr. Way South and South Othello Street, and
3 as follows:

4 **23.55.015 Sign Kiosks and Community Bulletin Boards**

5 * * *

6
7 E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected or
8 planned for before the effective date of ~~the ordinance codified in this section~~ Ordinance 120388 that
9 are listed in ~~Attachment 2 of the ordinance codified in this section~~ Attachment 1 of the ordinance
10 amending this section, which is filed with the City Clerk in C. F. 305387, are consistent with the
11 policies for allowing sign kiosks and reasonably further the objectives of promoting traffic safety,
12 aesthetics, and community communication. As a result, they are lawful signs. All postings on these
13 sign kiosks shall comply with the requirements of this section. Any alteration of these sign kiosks or
14 their location shall comply with the requirements of this section.
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18 Section 2. The several provisions of this ordinance are declared to be separate and severable,
19 and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
20 ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect
21 the validity of the remainder of this ordinance or the validity of its application to other persons or
22 circumstances.
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24 The Council intends to maintain the Sign Code in order to continue to promote the purposes
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1 for which it was adopted, and if the amendments in this ordinance render the Sign Code invalid in
2 any respect, then the Council intends the Sign Code to remain in effect as if this ordinance had not
3 been adopted.

4
5 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
8

9
10 Passed by the City Council the 16th day of September 2002, and signed by me in
11 open session in authentication of its passage this 16th day of September 2002.
12

13 Peter Stembuck
14 President _____ of the City Council

15 Approved by me this 23 day of September 2002.

16 Gregory J. Nickels
17 Gregory J. Nickels, Mayor

18 Filed by me this 24th day of Sept., 2002.

19 Jessie E. Papp
20 City Clerk

21
22 (Seal)

23 ATTACHMENT 1: Locations of existing kiosks previously committed to by the City of Seattle
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**Attachment 1: Locations of Existing Kiosks and Kiosks
Previously Committed to by the City of Seattle**

- 1) 5th & Pine
- 2) 5th & Pike
- 3) 5th & Union
- 4) 5th & University
- 5) 5th & Seneca
- 6) Beacon Avenue S. & S. Ferdinand Street (center median)
- 7) Beacon Avenue S. & S. Graham Street (center median)
- 8) Beacon Avenue S. & S. Cloverdale Street (center median)
- 9) 4900 Rainier Avenue S. & S. Ferdinand Street
- 10) 4851 Rainier Avenue S. & S. Edmonds Street
- 11) 3401 Fremont Avenue N. & N. 34th Street
- 12) 3414 Fremont Avenue N. & N. 35th Street
- 13) 3419 Fremont Avenue N. & N. 36th Street
- 14) 2313 4th Avenue
- 15) 1601 Harvard Avenue and 700 E. Pine Street
- 16) Eastlake Dreamboat (west side of Eastlake, north of Lynn Street)
- 17) 5440 Sand Point Way N.E.
- 18) 317 E. Pine Street
- 19) 1100 E. Pike Street
- 20) Franklin Avenue at Roanoke
- 21) Franklin Avenue at Louisa
- 22) E. Harrison Street & 400 Broadway E.
- 23) 102 Lakeside Avenue S./100 E. Yesler Way
- 24) 52nd Avenue S., between S. Henderson Street and Rainier Avenue S.
- 25) Northeast corner of Martin Luther King Jr. Way S. and Othello Street



DIRECTOR'S REPORT AND RECOMMENDATION

INTRODUCTION

The Department of Design, Construction and Land Use (DCLU) is proposing to amend the Land Use Code's sign regulations to allow some kiosks that were planned for but not constructed at the time the original kiosk amendment was adopted.

The main features of the Director's recommended proposal include:

- clarifying that the list of kiosks referenced in SMC 23.55.015 (which pre-date the adoption of the ordinance) includes both existing kiosks and kiosks already planned for by the City but not yet constructed
- attaching a list of kiosks and including those two kiosks for which permits can be applied if this legislative proposal is approved

BACKGROUND

In 2001, the Council adopted Ordinance 120388 allowing community information kiosks. The ordinance amended the Sign Code to allow new off-premise signs (such as rock concert posters) on the kiosks, as an exception to the City's general ban on new off-premise signs.

The conditions of the exception included maximum size dimensions for new kiosks. Recognizing that there were certain existing or planned-for kiosks that did not meet those dimensions, Ordinance 120388 included a list of those kiosks and effectively allowed these existing kiosks as legal.

At the time that Ordinance 120388 was adopted, the Department of Neighborhoods had made commitments to several neighborhood groups (MLK@Holly and Rainier Beach) for kiosks. These kiosks, as designed and approved by DON, do not meet the dimensional requirements. This ordinance will add these two kiosks to the list of existing and planned for kiosks. Approval of this ordinance will allow DON and the neighborhood groups to apply for permits to construct these kiosks.

No comments by the public, affected City departments or governmental agencies have been received to date. Any comments received between now and the City Council public hearing will be forwarded to the Council.

ANALYSIS

The intent of the City's sign code regulations is set forth in SMC 23.55.001:

- 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 enhances 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 communicating information of community interest.*

23.55.001 (F) is directly applicable to community information kiosks and this amendment is consistent with (F.)

23.55.001 (A), (B) and (C) emphasize promotion of signs that enhance the City's visual environment. Specific design criteria for kiosks were developed by the City's Design Commission. The two kiosks that can be applied for if this legislative proposal is approved have been reviewed and approved by the City's Design Commission with respect to those criteria, and that review is attached as part of the environmental documentation.

The goal of protecting public interest and safety, 23.55.001 (D), is accomplished with specific criteria for placement of kiosks in the public right-of-way that were developed by the Seattle Transportation Department. The two kiosks that can be applied for if this legislative proposal is approved have been reviewed and approved by the Seattle Transportation Department with respect to those criteria.

In addition, kiosks that are not exempt from SEPA are reviewed for environmental impacts. One of the two kiosks that can be applied for if this legislative proposal is approved is exempt from SEPA (state regulations exempt public signs from SEPA review and the City's definition of public signs includes the requirement that they be within the public right-of-way). The other is not exempt from SEPA, as it is not within a right-of-way, and the environmental review of that kiosk is attached as part of the environmental documentation. (The environmental review of this legislative proposal also included project-level review of the kiosk not exempt from SEPA.) Environmental documentation is attached and incorporated herein by reference.

23.55.001 (E) is applicable to on-premise signs and does not apply to signs on community information kiosks.

RECOMMENDATION

The Department of Design, Construction and Land Use recommends approval of the proposed changes to the sign code regulations for community information kiosks.



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 19, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

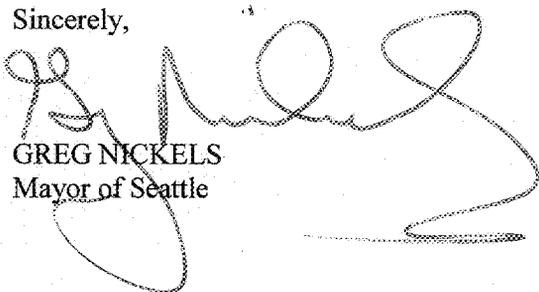
In 2001, the Council adopted Ordinance 120388 allowing community information kiosks. The ordinance amended the Sign Code to allow new off-premise signs on the kiosks (such as rock concert posters), as an exception to the City's general ban on new off-premise signs. The conditions of the exception included maximum size dimensions for new kiosks. Since there were certain existing or planned-for kiosks that did not meet those dimensions, Ordinance 120388 included a list of those kiosks, recognizing those existing kiosks as legal.

At the time that Ordinance 120388 was adopted, the Department of Neighborhoods had made commitments to two additional neighborhood groups (MLK@Holly and Rainier Beach) for kiosks. These kiosks, as designed and approved by DON, also do not meet the dimensional requirements. This proposed ordinance will add the two kiosks to the list of legal kiosks. Although they are not existing yet, the list will be amended to include kiosks "previously committed to by the City of Seattle."

The attached ordinance will allow DON and the neighborhood groups to apply for permits to construct these kiosks. Although I believe this proposed ordinance is necessary and desirable, the technicality of this change highlights the need to consider simplifying our regulatory codes, including the Sign Code, to provide clear guidance to the public while maintaining an effective legal structure.

Thank you for your consideration of this legislation. Should you have questions please contact Kristian Kofoed of DCLU at 233-7191.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc. Honorable Members of the Seattle City Council

600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

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From: Geri Beardsley
To: Margaret Carter
Date: 9/6/02 9:30AM
Subject: referrals calendar

114314

please add to the referrals calendar:

AN ORDINANCE relating to land use and zoning, amending the list of sign kiosks authorized in subsection 23.55.015E of the Seattle Municipal Code.

for introduction on 9/9, referral to full council, full council vote on 9/16

thank you, thank you, thank you!

CC: Jill Berkey

STATE OF WASHINGTON – KING COUNTY

--SS.

150341
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120924/ORD IN FULL

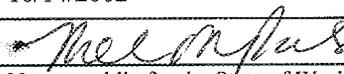
was published on

10/14/2002



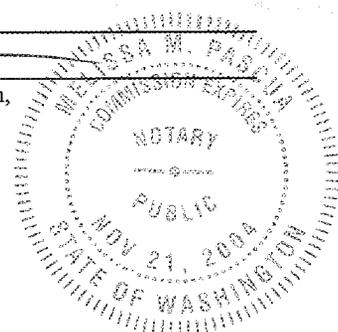
Subscribed and sworn to before me on

10/14/2002



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120924

AN ORDINANCE relating to land use and zoning, amending the list of sign kiosks authorized in subsection 23.55.015E of the Seattle Municipal Code

WHEREAS, the purposes of the Sign Code are to allow signs that invite rather than demand the public's attention, to encourage the use of signs that enhance the visual environment of the city, and to protect the public interest and safety; and

WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises signs; and

WHEREAS, allowing additional messages, including noncommercial messages and off-premises messages of interest to the community, on sign kiosks will promote the public interest by allowing new opportunities for communication within the community where a sign kiosk is located; and

WHEREAS, Ordinance 120388 adopted findings supporting amendments to the Sign Code to allow sign kiosks to provide opportunities for communicating information for community interest, subject to development standards, and also found to be lawful twenty-three sign kiosks erected or planned for before the effective date of Ordinance 120388; and

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WHEREAS, these two proposed sign kiosks structures have been analyzed and found not to pose undue risks with respect to traffic hazards, as documented in the report from Seattle Transportation in CF 305387; and

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23.55.015 Sign Kiosks and Community Bulletin Boards

E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected or planned for before the effective date of ~~the ordinance codified in this section~~ Ordinance 120388 that are listed in Attachment 2 of the ordinance codified in this section Attachment 1 of the ordinance amending this section, which is filed with the City Clerk in C.F. 305387, are consistent with the policies for allowing sign kiosks and reasonably further the objectives of promoting traffic safety, aesthetics, and community communication. As a result, they are lawful signs. All postings on these sign kiosks shall comply with the requirements of this section. Any alterations of these sign kiosks or their locations