

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

March 23, 2016

Vice Chair Rubenkönig called the meeting of the Edmonds Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Carreen Rubenkönig, Vice Chair
Matthew Cheung
Alicia Crank
Nathan Monroe
Valerie Stewart
Samuel Kleven (Student Representative)

STAFF PRESENT

Mike Clugston, Senior Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Philip Lovell, Chair (excused)
Todd Cloutier (excused)
Daniel Robles (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER CRANK MOVED THAT THE MINUTES OF MARCH 9, 2016 BE APPROVED AS AMENDED. BOARD MEMBER STEWART SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

Natalie Shippen, Edmonds, said her comments are intended to summarize the important points she would like the Board to consider when reviewing and recommending amendments to the Sign Code.

- It should be emphasized that Edmonds' Sign Code exists primarily to protect the quality of the community.
- Permanent commercial signs have a valid purpose to identify the name and location of a town business.
- Directional signs also have a valid purpose to direct people to town businesses.
- Temporary commercial signs have no valid purpose except: 1) As signage while the permanent signs are being reviewed by the Architectural Design Board (ADB) and then mounted; 2) for a 60-consecutive day, only-time only open event; and 3) for real estate directional signs, which are already permitted.
- Temporary public event information signs are valid for churches, athletic teams, and other groups; but they should be limited.
- All sign owners should be required to give notification to the Planning Department, and all temporary signs should have a removal date posted on them. This was a problem when she appealed a sign because there was no record of when it was put up and no timeline for when it had to be removed.

- Permanent signs already require a permit, and these permits should be reviewed by the ADB, who understands the technicality of aesthetics.
- Temporary signs should require owner notification to the Planning Department.

Ms. Shippen's written comments were entered into the record as an exhibit.

Don Hall, Edmonds, said he owns a business in the downtown called Garden Gear and Gallery, so the subject of signs has an impact on him. He questioned why the current discussion only pertains to signs in the downtown. He suggested that the temporary sign ordinance should apply equally to all areas of the City so all businesses are on equal footing. He also questioned how requiring permits for temporary signs would improve the City's ability to enforce the Sign Code. He asked how much the permits would cost, how long they would be good for, and if a new permit would be required each year. He said he would prefer that store owners be required to remove their signs during non-business hours, but placing a 60-day time limit on temporary signs would be difficult to enforce.

Mr. Hall said he supports many of the ideas proposed in the Development Services Director's memorandum, as they will improve the aesthetics of the downtown. However, enforcement will be vitally important, particularly in keeping signs in front of stores rather than further out on the sidewalk. He noted that many of the signs on the street corners are placed by real estate agents or by groups to advertise special events. These signs are typically A-frame types, similar to those used by the business owners. He questioned if real estate and group event signs would also require a permit and have a time limit placed upon them. Again he emphasized the need for the Sign Code to be equal. He noted that store owners have done a better job of keeping the signs off the street corners and closer to their storefronts, and the sign blight is no longer as bad as it used to be. However, he acknowledged there are still problems in some areas.

Roger Hertrich, Edmonds, recalled that he was a member of the City Council 25 years ago, and he has lived in the same location of Edmonds for 50 years. He provided a drawing of the view he has across the street from his home towards the Olympic View Deli site at 196th Street and Puget Drive. He emphasized the proliferation of signs at the shopping area, noting that some are the responsibility of the business and others were placed there by citizens. It is difficult to live across the street from a commercial establishment, but the City attempts to mitigate the impacts by requiring businesses to tone down their lights and activity during the evening hours. The drawing he provided is intended to illustrate how temporary signs are also a growing problem in areas other than downtown.

Mr. Hertrich said he would like to see better enforcement of the Sign Code. At this time, it is primarily up to private citizens to report problems to the Code Enforcement Officer. He expressed his belief that the problem gets worse when the City allows less regulation and more proliferation. Eventually, it becomes difficult to get control of the situation. If the regulations are tight, fair and enforced equally throughout the City, there is less likelihood that signs will become a significant problem in the future.

Mr. Hertrich reminded the Board that the City Council has been addressing the Critical Areas Ordinance (CAO) in recent months. At their last discussion, he suggested that the CAO should specifically address the impacts associated with runoff from crumb rubber athletic fields into the City's creeks and waterways. Including crumb rubber fields in the CAO would assist in regulating the use to a greater depth in all areas of the City.

Vice Chair Rubenkönig entered Mr. Hertrich's diagram to illustrate signage at the Olympic View Deli site into the record as an exhibit.

DEVELOPMENT SERVICES DIRECTOR REPORT TO PLANNING BOARD

Vice Chair Rubenkönig referred to the Development Services Director's written report to the Planning Board. She briefly reviewed the items contained in the report and invited Board Members to comment. Relative to the Public Workshop for the Highway 99 Area Plan, Board Member Crank indicated she would try to attend to represent the Planning Board. Vice Chair Rubenkönig said she would try to attend the event, as well. Regarding the Citizens Economic Development Commission (CEDC), Board Member Monroe indicated that he was assigned to serve as the Board's liaison to the Commission.

DISCUSSION ON SIGN CONCEPTS: FOCUS ON TEMPORARY SIGNS

APPROVED

Mr. Clugston reviewed that temporary signs in the downtown were previously discussed by the Board on February 24th, when staff provided an introduction to the topic. The purpose of tonight's discussion is to obtain feedback from the Board on how staff should proceed to craft draft regulations for their review on April 13th, followed by a public hearing on April 27th. He advised that members of the public have provided comments, and the consultant has prepared some draft language for the Board's consideration.

Mr. Clugston advised that, currently, signs are regulated based on time, place and manner; and cities cannot treat signs differently based on content. This law was confirmed in a 2015 Supreme Court decision, Reed versus the Town of Gilbert. Although tonight's discussion will focus on signs in the downtown area, the entire sign code will need to be updated in the near future to make sure it is compliant with the law and the new court ruling.

Mr. Clugston said the proliferation of A-frame signs in the downtown is a problem. The current code limits temporary signs to a maximum of 60 days of display per year. However, no permit is required, which makes it difficult to track how long a sign has been up or whether or not it complies with the 60-day time period. In addition, the location requirements are not well defined and the code does not place a limit on how many businesses can have temporary signs along a building frontage. The intent of the update is to maintain the message and character of the signs, but provide enough standards and criteria for people to clearly understand what is and is not allowed.

Mr. Clugston explained that, generally, temporary signs are intended to make pedestrians aware of what is going on inside a business. He referred to Attachment 2 of the Staff Report, which is a poster from the public open house on the code update. The poster dealt with freestanding temporary signs and identified ideas for improving the code. Staff is seeking input from the Planning Board on which provisions to include in the draft code language that will be the subject of further discussion on April 13th and a public hearing on April 27th. He provided examples of the types of temporary signs that are spread sporadically throughout the downtown and briefly explained how the proposed concepts could be applied. He reviewed the following questions in an attempt to seek specific feedback from the Board:

- **Should freestanding temporary signs continue to be allowed in the downtown?** The City could decide they want to keep the sidewalk as clear as possible and to minimize distractions. Recognizing that window signs and blade signs under canopies are already allowed and incentivized, the City may determine that freestanding temporary signs are no longer needed. On the other hand, the City could determine there is a place for such signage, but wants to make sure the regulations are more effective.
- **Should the 60-day provisions be replaced with more enforceable provisions?** For example, the City could require that temporary signs can only be displayed during business hours or require that signs must have a permit? Requiring a permit would allow the City's Code Enforcement Officer to better track temporary signs.
- **Should signs be more specifically located?** For example, should they be limited to within 2 feet of the building, and/or within 10 feet of the building entry? Another option would be to require at least four feet of clearance for pedestrian traffic. The goal could be to create some distance criteria for where signs could be located relative to the building, and particularly to the entry, in order to avoid clutter and blockage of the pedestrian access. When a building is located right next to the sidewalk, it is easy to identify where the sign should be placed near the building. However, it is more difficult to make this determination in other situations. It is important to consider the context of each site. He provided several pictures to illustrate signs that are placed close to the building, as well as those that are placed further out into the right-of-way.
- **Should there be limits on how many freestanding signs can be located in front of a building?** For example, should freestanding signs be limited to no more than one (or two) signs per building entry, or no more than one sign per ground level storefront business? If the intent is to limit signage in the right-of-way, it would be appropriate to limit the number of signs a business could have and perhaps even tie the signs to the ground floor storefronts. He provided an example of a business that had two A-frame signs, one next to the entrance and another across the sidewalk next to the street.

- **Should specific types of signs be permitted or incentivized?** While the Board may not be comfortable with A-frame signs, other similar sign types, such as stanchion or easel signs, might be appropriate. Perhaps the code should limit the maximum width and/or overall square footage of a sign. He provided examples of easel and stanchion signs, as well as suggested sign sizes the Board could consider. It is important to consider the right-of-way space, and large signs should probably not be allowed.

Mr. Clugston provided pictures taken on Main Street to illustrate how temporary signs, blade signs, and wall signs have been used throughout the downtown. He particularly noted that most businesses on Main Street between 4th and 5th Avenues use blade signs, which are mounted under their canopies and are used to alert pedestrians of a business' location. He asked the Board to provide feedback about whether or not A-frame or other temporary signs are necessary in the downtown, given that blade signs and wall signs above the canopies are both allowed. Again, he reminded the Board that the focus of the current discussion is on downtown signage, recognizing that the entire sign code will need to be reviewed and updated at some point in the near future.

Board Member Crank asked why the proposed revisions would only apply to signs in downtown Edmonds. She asked if the intent is to try the new regulations for a period of time and then consider their application elsewhere in the City at some point in the future. Mr. Clugston said it is not the City's intent to use the changes as a trial or test. Temporary signage in the downtown has been identified as an issue, and the goal of the current effort is to fix the problems. However, it is possible that some of the elements will be deemed useful for application in other locations in the City when the entire sign code is updated.

Board Member Crank said she supports directional signs in the downtown. Businesses that are not located on the main streets often get overlooked and do not get a high level of foot traffic. Directional signs might help mitigate a City decision to prohibit and/or limit A-frame signs in the downtown.

To address some of her other questions, Board Member Crank referred to an existing business in the downtown, Arista Wine Cellars. This business uses an A-frame sign as a true temporary sign in the sense that the information on the sign is changed on a regular basis. They do a tasting event every Saturday using different products, and their A-frame sign is used to advertise the event to pedestrian traffic. She questioned how the proposed zoning provisions would be enforced. Does Edmonds have code enforcement? Mr. Clugston answered that the City has a Code Enforcement Officer. However, it is difficult for the Code Enforcement Officer to enforce the limitation currently in the code because no permit is required to inform how long the sign has existed and when it needs to be removed.

Board Member Crank asked if the City has the resources to enforce the sign code if it is updated as proposed, and Mr. Clugston answered affirmatively. Board Member Crank asked how the 60-day limit would apply to Arista, which only displays the A-frame sign on Saturdays. Mr. Clugston said each sign would be allowed for a maximum of 60 days each calendar year, but the days would not have to run consecutive.

Board Member Crank voiced her opinion that stanchion and blade signs are more permanent in the sense that they provide just enough advertising to identify the name of the business, and typically, the content cannot be easily changed to highlight special events. She pointed out that Gallery North is an example of a business that has taken advantage of all types of available advertising (A-frame, blade and wall signs) to catch the attention of both pedestrians and vehicular traffic. While this may seem excessive to some people, it is currently allowed.

While she is not suggesting that the City take on the project, Board Member Crank said another potential mitigation to compensate for stricter rules related to temporary signs would be to create a digital map of the downtown that highlights the businesses, as well as their special activities. She noted that the City of Grape Vine, Texas, has a digital map of their downtown area, which is managed by the Chamber. A digital map could be a potential mitigation or business enhancement tool. It would be advantageous if the City could offer options outside of things that take up the limited space on the sidewalk.

Board Member Cheung pointed out that most businesses bring their temporary signs in at night, so restricting the hours they can be on display would not be much of a change. He asked if there are any situations where a city owns the temporary signs and businesses can insert their own information onto the signs. If the signs were provided by the City, the City would have greater ability to track how long they are on display. Mr. Clugston said he does not know of any program of this type. The

downtown association has tried to get larger, directional signs going. However, the purpose of this discussion is to focus on the signage that individual businesses can have.

Board Member Stewart thanked staff for their presentation. She also thanked Ms. Shippen for her suggestions, which were summarized well. She asked if staff has looked at sign codes from other cities with similar downtown characteristics such as Fair Haven in Bellingham and Winslow on Bainbridge Island. Mr. Clugston answered no, but the examples provided by the consultant may have been culled from other jurisdictions.

Vice Chair Rubenkönig recalled that a number of years ago, the ADB reviewed signs, but this responsibility was more recently transferred to the Planning Department as a staff decision. Mr. Clugston said signs that meet the Sign Code requirements are exempt from design review. He reminded the Board that the intent of the Sign Code is to look at time, place and manner rather than focusing on sign design. The design standards for signs in the downtown are fairly minimal and more related to location, size, etc. It is left to individual business owners to work within the constraints of the code and design a sign that works for them. Vice Chair Rubenkönig summarized that there would be no point in seeking feedback from the ADB regarding the Sign Code since they are no longer the relevant board to review signs.

Vice Chair Rubenkönig suggested that perhaps staff could provide additional information about a possible situational approach. For example, if a certain type of marketing strategy is needed, what type of sign would be appropriate. It might become more clear if they identify the size and criteria for the main signs, and then follow that discussion with criteria for temporary signs. Mr. Clugston cautioned that using a situational approach could end up considering the content of a sign, which is not something the City can regulate. However, the Board could identify a list of the sign types that are allowed and the standards that would apply. By a situational approach, Vice Chair Rubenkönig said she was thinking more about which types of signs are appropriate for each particular type of advertising. Staff shared the examples of easel, A-frame and stanchion signs, which may have different circumstances that suit their use best. Board Member Crank agreed that businesses have varied advertising needs, and one type of temporary sign might be more appropriate for their particular need. Mr. Clugston asked if Board Member Crank is suggesting that signs that allow for message changes should be handled differently than signs where the information is static. Board Member Crank answered that there may be situations where it is more suitable for a business to have a sign with static information, whereas another business might benefit more from a sign that can be easily changed.

Mr. Clugston explained that, currently, businesses in the downtown are permitted to have three signs: a wall sign on the front of the building or canopy, a window sign, and either a blade sign located under the canopy or another allowed sign type. The Board could also recommend that a temporary sign be allowed as the third sign type, and it could have a changeable message. This would be a departure from the what the current code allows, but it is important to remember that the number of signs and the area allowed for signs is limited to a finite number.

Mr. Clugston said that the intent of the examples provided by the consultant was to get away from having temporary signage located anywhere but right in front of the storefront. He recognized that businesses on side streets do not have as much pedestrian traffic, but they could pay more rent to move into a site that has more traffic. For temporary signage, the goal is to keep it right in front of the buildings.

Board Member Stewart observed that the City does not have wide sidewalks, particularly in the downtown, and it was helpful to see the pictures that were provided by Mr. Clugston to get a perspective of the sidewalk width and how the temporary signs are impacting the space. If the City allows additional signs, they should be close to the building and out of the way of the walking pathway. However, she recognized that temporary signs have a function, and it is important to present some other options at the public hearing. She said she wants to hear from the business owners in the downtown about the how the changes would impact them and if adjustments could be made.

Board Member Monroe asked if the City or business owner is responsible if someone were trip in front of a business. Mr. Clugston agreed to research the question and report back with an answer.

Board Member Monroe said he supports less clutter and better pedestrian access routes so that pedestrians and people in wheelchairs are not blocked by signage in the walkway.

Board Member Crank asked if staff has engaged the downtown business owners in the process, and Mr. Clugston answered that the Development Service Director and the Economic Development Director have had discussions with a number of business owners in the downtown.

Vice Chair Rubenkönig said it is difficult to consider changes to the downtown sign code when they do not know what the downtown would look like if the current sign code were enforced. Having this information would help them understand the signage needs of the commercial areas. Mr. Clugston agreed that there are examples of both good and bad signage, and staff is seeking direction from the Board on what is the best balance of signage versus non-clutter. Vice Chair Rubenkönig suggested that staff provide the Board with good examples of each of the sign types that are allowed. This would help her have a better understanding of temporary signage.

Board Member Monroe suggested that because many of the temporary signs are up year round, perhaps it would be better to call them “movable signs.” Mr. Clugston said it would be useful to separate temporary signs that have changing messages from those that do not. Board Member Monroe agreed that there must be a balance that provides business owners with the signage they need, but keeps the signage out of the pedestrian walkways.

Board Member Crank agreed that permits should be required at some level, particularly if the City has a Code Enforcement Officer to enforce the rules. Vice Chair Rubenkönig recalled the Development Services Director’s previous presentation, in which she explained why some of the rules were not enforceable. Without a permit requirement, it is difficult for the City to know when a sign was put up and when it must come down. This was a strong reason to change the approach and require a permit for temporary signs.

Board Member Monroe summarized that a permit requirement for temporary signs is one idea put forward for the Board’s consideration. He asked if the limitations on time could be eliminated if a permit is required. Mr. Clugston said it goes back to how you define temporary. Most temporary signs are put out when the business opens and removed when it closes. Board Member Crank added that some have temporary messaging and others have more permanent messaging. Board Member Monroe said he hates to create code requirements that add more costs for the City’s businesses. If the 60-day limitation is eliminated, there would be no need for a permit. Mr. Clugston said permits would still be helpful so the City can track the signs.

Board Member Monroe suggested that perhaps one temporary sign could be allowed per business. The signs could be displayed during business hours. It would be easy for the Code Enforcement Officer to see if there was more than one temporary sign or if a sign was left out after business hours, and no permit would really be necessary. Mr. Clugston agreed that could be a workable approach if the Sign Code is written clearly enough to provide good guidance. The City already has clear standards for wall signs, monument signs, freestanding signs, blade signs, etc. to make sure height, size and location requirements are met. Board Member Monroe’s concept would require that specific standards be created for temporary signs, as well. However, it is important to note that all of these other sign types require a permit so they can be tracked to ensure that they are code compliant.

Vice Chair Rubenkönig suggested that staff provide an overview of the process and goals associated with permitting to give the Board and citizens a better understanding of the process. She expressed her belief that temporary signs would be relatively difficult to track even if permits are required. Mr. Clugston reminded the Board that the City’s code enforcement is done primarily on a complaint basis, and the Code Enforcement Officer does not typically drive around looking for problems.

Mr. Clugston summarized that the Board is interested in code language that differentiates between temporary signs and moveable signs. They would like him to provide examples of codes from other jurisdictions, as well as examples of good and bad signs. He agreed to also provide some draft language on the concepts that were recommended by the consultant.

REVIEW OF EXTENDED AGENDA

Vice Chair Rubenkönig announced that, although the extended agenda appears light right now, the Development Services Director will be scheduling various elements of the Development Code rewrite once the timing is clearer.

PLANNING BOARD CHAIR COMMENTS

Vice Chair Rubenkönig reported that she and Chair Lovell have prepared a written report from the Planning Commission to the City Council, which they will present at a meeting in April.

PLANNING BOARD MEMBER COMMENTS

None of the Board Members provided additional comments.

ADJOURNMENT

The Board meeting was adjourned at 8:15 p.m.

APPROVED