



## **CITY OF KIRKLAND**

**Planning and Community Development Department**  
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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Marilynne Beard, Assistant City Manager  
Eric Shields, Planning Director

**Date:** March 24, 2011

**Subject:** Interim Zoning Ordinance for the North Kirkland Community Center Sign and Public Message Policy, File ZON11-00013

### **RECOMMENDATIONS**

1. City Council holds a public hearing and considers an Interim Zoning Ordinance to allow operation of the electronic readerboard at the North Kirkland Community Center in emergency situations as determined by the City Manager or his designee. The Interim Ordinance would be in effect for 6 months and may be continued if necessary. If the Interim Ordinance is approved, staff would follow up by preparing a code amendment to allow the sign on an ongoing basis.
2. City Council provides direction to staff on the public message policy for all city readerboards.

### **BACKGROUND INFORMATION REGARDING THE ELECTRONIC READERBOARDS**

#### High School Electronic Readerboards

Between May and July, 2008 the City received correspondence from Juanita and Lake Washington High Schools' principals, PTSA's and student bodies requesting electronic readerboard signs to enhance communication with the community. The City Council reviewed the letters at a regular meeting in July 2008 and the matter was referred to the Planning Department for a code amendment which was ultimately approved. The correspondence is part of the record in the code amendment file (ZON09-00002).

### Fire Station Electronic Readerboards CIP Project

Around the same time the City's Office of Emergency Management (OEM), aware that communication before, during and after a disaster needed to be improved, identified three projects and submitted them for CIP consideration.

1. Permanent electronic reader boards - CIP project # PS 0070 - were approved for the 2009 CIP. This project had been originally submitted for consideration in 2001.
2. HAM Radio system upgrade – 2010 (almost completed).
3. Local emergency/public communication AM radio (originally approved for 2012, project cut due to budget).

Justification in the CIP document for the "Permanent Information Displays" from 2009 states:

"The ability of the city to communicate to the public before, during and after a disaster is critical; having multiple avenues to communicate is an integral part. Having permanent LED display boards at the Fire stations will give the city a different method of communication to the public. All of the listed possible locations are on major traffic routes. It also allows the City to communicate emergency/disaster information or directions to those that are passing through the community. An important added benefit to this equipment is that it will allow the city another method of communication with the community about non-emergency events or public education messages on an ongoing basis without added cost or added staff to increase public awareness. The signs would be viewed by tens of thousands of people each day." *Taken from the Public Safety section of the 2009-2014 CIP Summary Book*

The first step in completing the electronic readerboard project was to amend the Zoning Code.

### Code Amendment

The code amendment project started in January, 2009. The high school and fire station electronic readerboard projects were considered at the same time. The code amendments were reviewed using Process IVA: first the Houghton Community Council reviewed (1/26/09) and the City Council approved the roster of amendments (2/17/09); then the Planning Director and Houghton Community Council held a joint hearing (3/16/09); and finally the City Council approved Ordinance 4193 (4/21/09) and the Houghton Community Council gave Final Approval (4/27/09) amending the code to allow the signs at the high schools and fire stations as well as many other code amendments.

Award of Bid

In June 2010, the award of bids for the sign purchase and installation was approved by the City Council. The memo included a brief discussion of uses:

“The primary goal of these signs is to provide the City with a means of emergency communication to citizens at high traffic flow areas. These signs will be connected to the generators in the facilities and will have remote internet access to change the messages. In non-disaster times these signs will be used for public education and community event messaging so the community gets used to seeing messaging at these locations.”

Code Amendment in the Annexation Area

More recently, the Planning Commission recommended approval and the City Council approved similar language for the fire stations in the Annexation Area. Ordinance 4286 was approved by the Council on January 4, 2011.

Use Zone Charts not Sign Chapter

The approved amendments are part of the Use Zone Charts for the applicable zone in the Zoning Code rather than in the sign code (KZC Chapter 100). It is not necessary to “open up” the sign code to address this situation thus avoiding a much larger project that is not on the work program.

<b>Section</b>	<b>Zone</b>	<b>Listing</b>	<b>Facility where sign may be located</b>	<b>Ord. No.</b>	<b>Date</b>
17.10.030	RSX	School or Day-Care Center	Juanita and Lake Washington High Schools	4193	4/21/09
17.10.080	RSX	Government Facility, Community Facility	Station 26	4193	4/21/09
18.10.080	RSA	Government Facility, Community Facility	Station 24, Station 27	4286	1/4/11
20.10.110	RM/RMA	Government Facility, Community Facility	Station 22, Station 34	4193	4/21/09
40.10.170	BNA	Government Facility, Community Facility	Station 25	4286	1/4/11
49.15.030	P	Government Facility, Community Facility	Forbes Creek Station 21	4193	4/21/09

An example of the code language follows (*taken from KZC 49.15.030*):

- One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - b. The electronic readerboard is no more than 50 percent of the sign area;
  - c. Moving graphics and text or video are not part of the sign;
  - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of way;
  - e. The electronic readerboard displays messages regarding public service announcements or City events only;
  - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
  - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
  - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

#### NKCC Sign

In 2010 the City Office of Emergency Management submitted permits for the fire station signs to be built according to the new code. The signs came in under budget and an application was also submitted for a similar sign at the NKCC. The Planning Department approved the NKCC sign permit in error not catching that the code only applied to fire stations and not all government/community facilities. The error was not realized until the sign was installed. The sign is legal; only the operation of the electronic readerboard is an issue. Leaving the sign in place without operating the readerboard or with the readerboard portion removed are both allowed by the current code.

In the City's emergency plan the NKCC serves an important function as a Disaster Support Facility equipped with a permanent generator. It is located on an arterial – NE 124<sup>th</sup> Street – and is very accessible.

#### Prior City Council discussion

On March 1, 2011 the City Council considered two options with regard to the NKCC sign:

- Remove and relocate the digital portion to a new sign at a fire station in the annexation area. The cost of setting up a new sign with the NKCC

digital portion would be between \$32,000 - \$35,000. It would cost between \$3,000 and \$6,000 to cap the NKCC sign once the digital portion is removed. The monument portion of the sign could not be re-used at another site as it is affixed to the site and would be damaged if it were removed.

- Proceed with a code amendment either later this year, or via an Interim Ordinance sooner. Ultimately, the Council directed staff to come back with an Interim Ordinance.

### Interim Ordinance

Approving an Interim Ordinance would mean:

- The NKCC is a legitimate location for the electronic readerboard;
- The electronic readerboard could be turned on in emergency situations as determined by the City Manager or his designee; and
- The Planning Department should proceed with a code amendment to allow the NKCC sign permanently with messaging consistent with the public message policy.

### **PUBLIC MESSAGE POLICY**

A policy regarding use and management of the electronic readerboards was in progress based on the earlier discussion of potential uses of the sign. In zones where readerboards are allowed, the zoning code currently reads, "The electronic readerboard displays messages regarding public service announcements or City events only." During the City Council's discussion on March 1<sup>st</sup>, there were a variety of views expressed about the appropriate use of the readerboards. Since the readerboards belong to the City, the policy for their use can be established administratively as long as it comports with the language in the zoning code. The Council may want an administrative policy that is more defined and/or narrow than the zoning code which is appropriately broad. The following table describes a continuum, of potential uses for the sign. It should be noted that the term "emergency" could indicate a range of conditions.

Use	Examples
Level 3 Emergency -- Emergency Operations Center (EOC) is fully activated and it is likely that a state of emergency will be formally declared.	Serious natural disaster such as an earthquake causing widespread damage.
Level 2 Emergency – EOC is partially activated and there is an expected event or an event that has already occurred that requires close coordination of multiple City functions.	Severe weather event such as high wind or floods that cause damage and hazardous conditions.

Level 1 Emergency – Minimal functions of the EOC are activated in order to coordinate communication to the public and alert responders to potential hazardous conditions.	High wind warning, severe cold where cold weather shelters are opened.
Driver alerts	Road closure due to flooding, water main break, construction or events, or community event such as parade or marathon, Amber Alerts
Public Education and Public Service Announcements	Emergency preparedness reminders in advance of anticipated weather event or general reminder such as changing batteries in smoke alarms, licensing pets and water conservation during water shortages.
Notice of Community Events and Meetings	Neighborhood Association Meetings, Public Workshops, Neighborhood Council meetings, City sponsored events such as 4 <sup>th</sup> of July Parade, Kirkland Uncorked and Wednesday Market.
Information on City Programs	Recreation program enrollment announcement, recreation class advertisement, league sign-ups.

Direction from the City Council will be used to develop an administrative policy to define allowed uses on City signs located at fire stations and at the NKCC. The proposed interim zoning ordinance would allow the City Manager or his designee to determine whether the thresholds defined in the policy are met (i.e. and an “emergency” condition exists and the NKCC sign can be activated).

The staff recommendation is to allow all categories of uses in the administrative policy except the last one “Information on City Programs.” This will allow the City to provide important public information beyond emergencies that will result in better customer service. But it will also educate Kirkland residents to look to the signs regularly so that when an emergency does occur, the public is used to getting information from the readerboards.

ORDINANCE 4297

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND PROVIDING INTERIM OFFICIAL CONTROLS REGARDING THE USE OF EXISTING ELECTRONIC READERBOARD SIGNS AT GOVERNMENT FACILITIES IN THE "P" ZONE OF THE CITY OF KIRKLAND.

WHEREAS, the City of Kirkland ("City") allows electronic readerboard signs at certain government facilities in the City, such as fire stations and public high schools; and

WHEREAS, the City Council will consider whether to allow electronic readerboard signs at community facilities (as defined in Kirkland Zoning Code Section 5.10.153) within the "P" Zone of the City; and

WHEREAS, there is an existing electronic readerboard sign at the North Kirkland Community Center ("NKCC"), which is a community facility located in the "P" Zone of the City; and

WHEREAS, the City Council would like to authorize use of the existing electronic readerboard sign for emergency purposes on an interim basis while it considers permanent zoning regulations regarding electronic readerboard signs; and

WHEREAS, the City Council held a public hearing on April 5, 2011; and

WHEREAS, the City has the authority to adopt an interim zoning ordinance pursuant to RCW 35A.63.220 and RCW 36.70A.390;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Existing electronic readerboard signs located at community facilities (as defined in Kirkland Zoning Code 5.10.153) within the "P" Zone of the City of Kirkland may be utilized for the purpose of displaying emergency messages only. The City Manager or his designee shall make the determination of when the sign should be utilized for emergency purposes and shall approve the text of the message to be displayed. Use of the electronic readerboard sign shall comply with all of the provisions of Kirkland Zoning Code Section 49.15.030, special regulation 2, except for special regulation 2(e), which is superseded by this Section.

Section 2. Findings of Fact.

- A. The recitals set forth above are hereby adopted as findings of fact.
- B. A permit was issued by the City for the electronic readerboard sign at the NKCC with the mistaken belief that

electronic readerboard signs are allowed at community facilities in "P" Zones.

- C. It is appropriate to allow limited use of the existing electronic readerboard sign at the NKCC for emergency purposes on an interim basis while the City Council considers permanent zoning regulations with respect to electronic readerboard signs at community facilities.

Section 3. The interim regulations adopted by this Ordinance shall continue in effect for a period of up to one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City Council. The Council may adopt extensions of this Ordinance after any required public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to any other persons or circumstances shall not be affected.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2011.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney