



CITY OF KIRKLAND
Planning and Community Development Department
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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Marilynne Beard, Interim City Manager
From: Jon Regala, Senior Planner
Eric Shields, AICP, Planning Director
Date: June 24, 2010
Subject: HOLY SPIRIT LUTHERAN CHURCH
ELECTRONIC READERBOARD SIGN REQUEST

RECOMMENDATION

Staff recommends that the City Council review Holy Spirit Lutheran Church's letter as well as the background section below and provide staff direction on how to proceed with the Church's request for an electronic readerboard sign. The Council may choose from the following options:

- Bundle the request with the Phase II Kirkland Zoning Code (KZC) amendments to be reviewed later this year. In this case we would recommend not just focusing on churches, but considering a broader range of uses that may be allowed an electronic readerboard sign; or
- Defer the request until the City takes a more comprehensive look at KZC Chapter 100 – Signs; or
- Do not consider changes to electronic readerboard sign regulations at this time.

BACKGROUND

A. Existing Regulations

The KZC currently does not generally allow for electronic readerboard signs. Electronic readerboard signs are considered a prohibited device under KZC Section 100.85(1)(b) which prohibits "strings of flights, flashing lights, colored lights, advertising search lights, and flares". Changing message centers however are allowed since they are exempt as a prohibited device under KZC Section 100.85(2)(e). Changing message centers are defined in KZC Section 5.115 as being "an electronically controlled public service time and temperature sign where copy changes are shown on the same lamp bank". In other words the code allows for electronic readerboard signs which display *only* time and temperature information.

Since the KZC does not allow for electronic readerboard signs, Holy Spirit Lutheran Church submitted a letter to the City dated June 2, 2010 requesting a zoning code change that

would allow electronic readerboards for their and other church uses under certain circumstances (see Attachment 1). The Church is proposing that electronic readerboard signs be allowed for churches if they are not located in single-family neighborhoods and have frontage on a primary arterial. Currently, churches are allowed the following:

- Wall-mounted, marquee and pedestal signs
- One sign per right-of-way providing direct vehicular access
- 20 square feet per sign face

On April 21, 2009, the City Council adopted Ordinance 4193 which approved electronic readerboard signs at Lake Washington and Juanita high schools and at fire stations in the RM (Residential Multi-Family) and P (Park) zones, subject to the following standards:

- a. It is a pedestal sign (maximum height of 5') 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 school 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.;*
- 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.

B. Issues in Applying Regulations to Churches

The regulations above were drafted to address issues of traffic safety, potential distractions, sign size, neighborhood compatibility, and impacts to nearby residents. They would appear to provide a reasonable template that could be used if the Council wished to allow churches to install electronic readerboard signs. However, one question that would need to be addressed is whether the restriction limiting sign content to only public service announcements would continue to apply to churches and, if so, what church related messages would qualify as public service announcements? Since signs are a form of communications, the City's authority to regulate sign content may be limited by the free speech provisions of the state and federal constitutions.

In addition, if churches are allowed to display electronic readerboard signs, it would be appropriate to consider whether other uses should also be allowed to display them (e.g. elementary schools, junior high schools, government/community facilities, commercial, and retail uses). The reasons for potentially allowing an electronic readerboard sign for a broader range of uses would be fundamentally the same as what the church has reasoned

in their letter. The policy question would then be “Is this sign type appropriate given the potential number of these signs that could be installed throughout the City and the resulting aesthetic?”

C. Approval through a Master Sign Plan

A Master Sign Plan is the mechanism in which deviations from the sign code may be approved. Therefore, an electronic readerboard sign which displays more than time or temperature information may be allowed if approved through the Master Sign Plan review process. The difficulty in approving an electronic readerboard sign through a Master Sign Plan is showing that the proposed sign is in character and orientation with planned and existing uses in the area of the subject property. In reviewing a Master Sign Plan, the criteria in Interpretation 94-1 will also be used (see Attachment 2).

Throughout the years, staff has had multiple requests from commercial property owners and/or tenants requesting this type of sign to be used for their own ‘advertising’ as well as providing the additional benefit of displaying public service announcements. Typically, these requestors are given the option to apply for a Master Sign Plan. Based on the criteria in the Zoning Code, some requests have been denied while some have been approved.

D. Options

The City Council may decide that a code amendment is not appropriate at this time and that approval of electronic readerboard signs should continue to be allowed only through a Master Sign Plan approval. In this case, the next step for the Church would be to apply for a pre-submittal meeting with staff to determine the likelihood of approval.

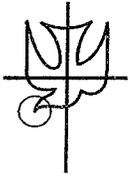
Another option is to combine this request with the Phase II Miscellaneous KZC Amendments project to be reviewed later this summer. If this option is selected, it would be helpful for the Council to provide some guidance as to whether the scope of the review should be expanded and to help identify issues to be addressed.

Through the years, staff has identified a number of changes to KZC Chapter 100 – *Signs* in order to make the regulations more clear and simple. A third option could be to add the Church’s request to the list of potential changes to be studied in the future. This would result in a more comprehensive review of the sign chapter and allow the City to look at how electronic readerboard signs can be applied to a wider range of uses in the context of other sign code changes.

ATTACHMENTS

1. Holy Spirit Lutheran Church Letter dated June 2, 2010
2. Interpretation 94-1

cc: Reverend Michael Anderson
Holy Spirit Lutheran Church
10021 NE 124th Street
Kirkland, WA 98034



HOLY SPIRIT LUTHERAN CHURCH

June 2, 2010

Kirkland City Council
123 5th Avenue
Kirkland WA 98033

RECEIVED

JUN 09 2010

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Dear Mayor and Council members,

In June 2008, the Lake Washington School District requested a modification of the city Zoning and Signage ordinance to allow Juanita High School to acquire an electronic reader board. That request was granted. At this time Holy Spirit Lutheran Church would like to make a similar request.

At present, churches are allowed to have reader boards that are manually maintained. In this electronic age, it seem reasonable to allow electronic reader boards for institutions such as schools, fire stations, and, churches that conform to reasonable limits on size, impact and location.

As for fire stations and schools, an electronic reader board would allow churches to enhance communication and partner with the city during emergencies to convey information about such things as location of shelters, advice, or other pertinent information that might be essential to disseminate during a storm, earthquake or other emergency. This would be a public benefit for the whole community. One condition of installing such a sign might be to make it contingent on the church agreeing in a Memorandum of Understanding to host such information during emergencies.

Allowing such signs for churches located in the midst of other than single family neighborhoods and on major arterials makes particular sense as the impact would be minimal.

With this letter we are indicating our support for allowing us to begin the process of being able to acquire and install an electronic reader board. We would be happy to meet and speak further with you about this topic at the appropriate time and place.

Sincerely,

Rev. Michael Anderson *Rev. Katy M. Sasche* *Mary Alyce Burleigh*

Michael Anderson
Pastor

Katy McCallum-Sasche
Associate Pastor

Mary-Alyce Burleigh
Council President

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CITY OF KIRKLAND

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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Interpretation File 94-1
From: Eric Shields
Date: January 10, 1994
Subject: CHANGING MESSAGE CENTER AND SIMILAR SIGNS, KZC 5.115
AND 100.85

ISSUE

Under what conditions are changing message center and similar signs allowed in the City?

INTERPRETATION

Changing message center signs which display public service time and temperature messages may be installed upon receipt of an approved sign permit. Similar signs which display messages of a public service or commercial nature may be installed only if specifically approved through a Comprehensive Design Plan.

In addition to the standard criteria for a Comprehensive Design Plan, the Planning Department will scrutinize proposed sign size and location, message interval, and any other aspect of the sign which could influence traffic safety.

ANALYSIS

In January, 1993 the Zoning Code definition of a *Changing Message Center* was amended to delete reference to messages of a public service or commercial nature. KZC 5.115 now reads: "An electronically controlled public service time and temperature sign where copy changes are shown on the same lamp bank." This type of sign may be installed upon receipt of an approved sign permit.

A sign that has electronically controlled copy changes of a public service or commercial nature shown on the same lamp bank is no longer allowed. This type of sign is considered a prohibited device according to KZC 100.85(1)(b). This section, which refers to "Strings of lights, flashing lights, colored lights, advertising search lights, and flares," would describe such a sign. Note that changing message center signs as defined in KZC 5.115 are specifically excepted from the requirements of the prohibited devices section by KZC 100.85(2)(e).

According to KZC 100.80(1), an applicant may apply for a Comprehensive Design Plan to "... allow deviations from the requirements of this Chapter consistent with the criteria listed in Paragraph 4..." Therefore, one could apply for a Comprehensive Design Plan to allow a prohibited device, such

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as one that has electronically controlled copy changes of a public service or commercial nature shown on the same lamp bank.

Experience has shown that these signs can be visually overpowering, distracting and a traffic safety problem. Therefore, when reviewing a Comprehensive Design Plan application for such a sign, the Planning Department will scrutinize sign location and size, message interval, and any other aspect of the sign which would distract drivers pursuant to the decisional criteria in KZC 145.45(2), i.e. consistency with the public health, safety and welfare. The Comprehensive Design Plan criteria listed in KZC 100.80(4) will also be evaluated.

This interpretation repeals Interpretation 91-4.