

## Minnie Dhaliwal

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**From:** Minnie Dhaliwal  
**Sent:** Thursday, March 24, 2016 5:13 PM  
**To:** 'Bolotin, Leah'  
**Subject:** RE: WSDOT Comments re City of Tukwila, Expedited Review #22160 - SIGNAGE CODE AMENDMENT

Ms. Bolotin,

Thank you for taking the time to go over your comments. As we discussed on the phone the City's existing Sign Code addresses signs for WSDOT and no changes are proposed to those sections. Additionally, the U.S. Supreme Court's recent ruling in Reed v. Town of Gilbert held that content-based sign regulations such as different regulations for varying types of non-commercial speech signs are unconstitutional. Tukwila's proposed regulations to the Sign Code are to comply with Reed v. Town of Gilbert. Here are the specific sections of Tukwila Municipal Code that address signs subject to WSDOT jurisdiction:

### 19.12.020 Sign Permits Required

B. The installation of some signage within the City may require a permit from the Washington State Department of Transportation. It is an applicant's responsibility to obtain all required permits from the appropriate government agency.

### 19.12.040 Prohibited Signs and Devices

A sign, sign style or device is prohibited by this code and subject to removal if it is not specifically permitted by this code. This includes, but is not limited to, the following examples:

1. Signs adjacent to State roads that do not comply with Washington State Department of Transportation regulations.

Please let me know if you have any further comments or questions.

Minnie

Minnie Dhaliwal  
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-----Original Message-----

From: Bolotin, Leah [mailto:bolotiL@wsdot.wa.gov]  
Sent: Tuesday, March 22, 2016 8:20 AM  
To: Minnie Dhaliwal  
Cc: Thorniley, Vicky; Klockenteger, Katherine; Miller, Kyle; Prestrud, Charles; Stevens-Wajda, Yorik; COM GMU Review Team  
Subject: WSDOT Comments re City of Tukwila, Expedited Review #22160 - SIGNAGE CODE AMENDMENT

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Ms. Dhaliwal,

WSDOT Highway Advertising Control reviewed Tukwila's signage code update. Here is their response:

All of the state routes you listed below, with the exception of SR 181, have limited access. The WSDOT Outdoor Advertising Control Program, through the Scenic Vistas Act, is charged with monitoring and controlling advertising along the state highway system. On non-limited access state routes like SR 181, city streets that are part of the highway system fall under the jurisdiction of the city. Limited access routes, inside the city limits or not, are under the scope of the Scenic Vistas Act. Therefore, after reading the Tukwila Municipal Code Title 19 addendum that you sent to me, we have the following concerns.

Per WAC 468-66-050(2) for sale or for lease signs visible to a state route can only be placed on the property that is actually for sale or lease. Tukwila Municipal Code Title 19 Section 19.12.030 # 11 may be referring to developer signs as well as private citizen signs, so it may need to be modified if the developer signs are appearing on property besides that which is for sale or lease. We don't allow off premise "open house" or "garage sale" signs along limited access state routes.

Both RCW 47.36.030 and WAC 468-95-148 reference event signs, banners and decorations which are controlled along state routes; Tukwila Municipal Code Title 19 Section 19.12.030 # 13 may need to be modified to reflect this.

Section 5, Ordinance No. 2303 Chapter 19.24090, temporary political campaign signs, is repealed. WAC 468-66-050(3)(d) has regulations pertinent to temporary political campaign signs along a state route. And RCW 47.42.080 (6) states that other than official signs, any sign in the right of way is considered a public nuisance and the department is authorized to remove any such sign without notice. It may be that the city needs to have some reference to temporary political signs unless this ordinance was repetitive and regulations for campaign signs resides elsewhere in the Tukwila Municipal Code Title 19.

WSDOT requests that Tukwila make these changes prior to adoption of the amendments. If you have any questions, please contact our Vicky Thorniley, Traffic Operations Engineer, at ThorniV@wsdot.wa.gov<mailto:ThorniV@wsdot.wa.gov> or 360-705-7282.

Thank you,

Leah Bolotin

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Leah Bolotin, AICP  
Senior Planner  
WSDOT Sno-King Planning Office  
206-440-5057  
Comprehensive Plan Updates<<http://www.wsdot.wa.gov/planning/community/GMA.htm>>

From: COM GMU Review Team [mailto:reviewteam@commerce.wa.gov]  
Sent: Thursday, March 10, 2016 10:35 AM

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### 19.24.060 Additional Temporary Special Event Signage

Each business operating within the City shall be permitted one additional special event permit every 24 months. That permit allows:

1. The type and size of temporary signs permitted under Section 19.24.050.
2. Any of the sign types otherwise prohibited under Section 19.12.040.6, "Prohibited Signs and Devices."
3. These signs may remain in place for up to 30 days.

(Ord. 2303 §7, 2010)

### 19.24.070 Portable Signs

A. In order to facilitate the orderly movement of automobile traffic and pedestrians, portable signs may be used for limited duration with special permission from the City. ~~The use of portable signs is limited to special events such as the holiday shopping season at the Westfield Southcenter Mall, events by the City's Parks and Recreation Department and/or events at Fort Dent Park.~~

B. The City may approve the use of portable signs ~~for special events~~ if all of the following conditions are met:

1. The portable signs are being used strictly to assist motorists and/or pedestrians in navigating City streets and/or commercial properties. The portable signs are not intended to be used for advertising or as a means to circumvent the intent of this code.

2. The placement of the portable signs will not impact public safety.

3. The use of the portable signs is part of a larger motorist and/or pedestrian management plan.

4. The anticipated traffic for the event represents a 50 percent increase above the ordinary traffic for the site that will be hosting the event.

5. The special permit shall be valid for up to 30 days. Portable signs shall be removed within 24 hours following the conclusion of the event.

6. The signs can be safely displayed and placed.

C. ~~Real estate directional signs do not qualify for a special portable sign permit.~~

(Ord. 2303 §7, 2010)

### 19.38.040 New Billboards

4. The following requirements shall apply to new billboards within designated receiving areas:

a. No more than two faces are permitted for each billboard structure.

b. Area of an individual face shall not exceed 500 square feet. ~~The area of a face can be increased to up to 672 square feet if the billboard operator agrees to make the billboard available for public service announcements and emergency alerts. Public service announcements shall include, but not be limited to, advertising for civic events such as Tukwila Days and the Backyard Wildlife Fair. To qualify for the billboard area increase a billboard provider must provide a total of 28 days of message time for civic events. Emergency alerts shall include those messages necessitating the immediate release of information pertaining to the protection and preservation of public safety. Emergency alerts include, but are not limited, Amber Alerts and emergency evacuation orders. The Director of Community Development, working with the Director of Public Works, Director of Parks and Recreation, Police Chief, and Fire Chief, shall develop administrative rules that shall be used for public service and emergency alerts. The rules shall specify requires message duration and length of display for both public service announcements and emergency alerts.~~

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19.32.060 Allowable Modifications Under a Master Sign Program

A. Modifications to the following standards may be allowed under an administratively approved Master Sign Program:

1. Increase in monument sign total area of up to 25 percent. No increase in height permitted.
2. Increase in the area of a flush-mounted building sign, allowed per Section 19.20.050.A shall be allowed as follows:
  - a. For premises up to 85 acres in size, the flush mounted building sign can be increased to six percent of the exposed building face, up to a maximum of 250 square feet.
  - b. For premises 85 acres and over in size, the flush-mounted building sign can be increased up to six percent of the exposed building face, up to a maximum of 500 square feet, provided that no flush-mounted building sign with an area greater than 250 square feet is located within 250 feet of a public street.
3. Aggregation of the building-mounted or freestanding sign area allowed per Table 1 or Table 2 into fewer, larger signs of the same type.
4. Up to four additional directional signs. The directional signs must utilize materials, colors and details consistent with the design of the other site signage.
5. In no more than one location on a Premises, the allowable sign area for an exposed building face could be split between two flush-mounted building signs located on the same exposed building face so long as there is a minimum vertical separation of twenty (20) feet between the two flush-mounted building signs.

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