

**PROPOSED SIGN CODE REVISIONS
REGARDING
BILLBOARDS**

PUBLIC TESTIMONY

Volume 1 of 2

Received at Planning Commission Public Hearing on March 16, 2011
and through the Comment Period ending March 25, 2011

Compiled on March 28, 2011

(Also posted at www.cityoftacoma.org/planning > "Billboard Regulations")



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FREQUENTLY ASKED QUESTIONS

POTENTIAL REVISIONS TO THE SIGN CODE FOR BILLBOARDS

GENERAL

What are we doing?

The Tacoma Planning Commission is reviewing potential revisions to the City's sign code and how it addresses billboards. The primary change being considered would be to allow for the installation of digital billboards in the city in exchange for the removal of a substantial number of the existing standard billboards.

Why are we doing this?

The goal of the changes being considered is to reduce the overall quantity of billboards in the city. The last major changes to the sign code were made in 1997, when the City adopted new rules for billboards which included a requirement that all nonconforming billboards had to be removed by 2007.

When the City started enforcement of this requirement in 2007, the owner of most of the billboards in the city challenged the City in court claiming that the code was unconstitutional. After more than two years of negotiation, the City Council determined that a legal settlement that brings the lawsuit to an end and substantially reduces the number of billboards across the city may be in the City's best interest. The terms of that agreement provided a framework for the proposed revisions to the sign regulations the Commission is now reviewing.

Why would we allow digital billboards at all?

We do not have to allow digital billboards in the city. However, there are currently 253 standard billboards in the city and, based on the draft code under review by the Commission, allowing the installation of digital billboards would result in a substantial reduction in the overall number of billboards in the city.

Why can't the City just remove all billboards?

When the City capped the number of billboards in 1988 most of the billboards that existed at the time became nonconforming (also commonly known as "grandfathered"). These nonconforming billboards, like any other nonconforming sign in the city, have rights to stay where they are, the way they are. If the City were to force the removal of any nonconforming sign, it's likely we would have to pay the owner for value of the sign.

How many billboards will be removed, and where?

Within the first five years, 78 standard billboard faces will be removed in exchange for allowing 10 new digital billboards. The first 54 billboard faces to be removed have been determined and are located throughout the city. There's a map of the first 54 billboard faces to be removed on the Planning Division website.

Who decides which billboards will be removed?

The first 54 billboards slated for removal were agreed upon by the City Council and the owner of the billboards, Clear Channel Outdoor. The next 25 will be the choice of Clear Channel. The remainder would be prioritized with ones closest to residential areas, churches, schools, shorelines, and parks being removed first.

DIGITAL BILLBOARDS

How is a digital billboard different?

Standard billboards are made from paper or vinyl adhered to a background board or structure. They are changed by hand and usually only change every few weeks (or sometimes the same billboard will stay for months). Digital billboards are like large electronic picture frames. The image changes several times a minute.

Are these like movies or big televisions?

The proposed regulations include restrictions to ensure that nothing on the signs will move. The signs would only be allowed to display static images and then only change them every 8 seconds.

Are these like the billboards I can see from I-5?

No. The digital billboards that are proposed to be allowed in Tacoma are smaller and less bright than the signs visible from I-5 near the Emerald Queen Casino. Those signs are not regulated by the City.

Are they safe for drivers?

There are a lot of studies about billboards in general, as well as about digital billboards, which are inconclusive about the effect these signs have on safety and driver distraction. Limits on brightness, size, location relative to intersections and traffic lights, and image timing are all proposed to help ensure they don't create a safety hazard.

Do digital billboards operate all night long?

The proposed regulations include a restriction that all billboards be turned off from 10:00 p.m. to 5:00 a.m.

Where can a new billboard go?

A billboard can go into a "receiving area" – a location or zone where billboards are allowed. There are four zones where billboards are allowed: "C-2" General Commercial, "M-1" and "M-2" Industrial, and "PMI" Port Maritime Industrial. Also, there are 18 "special receiving areas" defined in the proposed code, which are located throughout the city. You can see maps of the "receiving areas" and "special receiving areas" on the Planning Division website.

Will a new billboard be put into my neighborhood or near my house?

Maybe. It depends on if you live near or within one of the "special receiving areas". Otherwise, the proposed regulations include a restriction that digital billboards will have to be at least 250 feet from any residential zone.

How large can a digital billboard be?

The first 10 digital billboards can be up to 672 square feet, or about 14 feet by 48 feet (for comparison, this is similar to the size of the existing static billboard located at 6th & Sprague near the "It's Greek to Me" restaurant). Under the proposed regulations, any other digital billboard (beyond the first 10) will be limited to 300 square feet.

How tall can a billboard be?

The proposed regulations would limit digital billboards to 30 feet high, except in the "PMI" Port Maritime Industrial zone where the height limit would be 45 feet.

How bright will digital billboards be?

The proposed regulations include specific limitations on how bright digital billboards could be. No digital billboard may increase the amount of light in an area more than a very small amount. Also, digital billboards will be required to be adjusted throughout the day – that is, they'll be brighter in the daytime and dimmer in the nighttime hours.

Where can I find the draft regulations for the billboards?

Additional information, including a project overview, background materials, maps, the settlement agreement, and the project schedule, is available from the Community and Economic Development Department at the address below, and on the City's Planning Division website:

www.cityoftacoma.org/planning then click on "Billboard Regulations"

If you have additional questions, please feel free to contact:

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How can I comment?

You can comment in writing through the mail, or by electronic mail. You can also attend the Planning Commission public hearing on March 16 at 5:00 p.m. in the City Council Chambers (747 Market Street – first floor). A question and answer session with staff will be held on March 9 at 6:00 p.m., also in the City Council Chambers.

Summary of Oral Testimony

Planning Commission Public Hearing Minutes

Wednesday, March 16, 2011, 5:00 p.m.

1. Kevin Freitas:

Mr. Freitas spoke in opposition to proposed changes to sign code and the related settlement agreement with Clear Channel. He asked the Commissioners to require Clear Channel to follow our current sign code requirements and not to make an exception because they are a large corporation. He asked the Commissioners to stand up for Tacoma and enforce current laws. Once the digital billboards go up they will never go away. He also suggested using sunrise and sunset for when the digital images could be displayed.

2. Britton Sukys:

Mr. Sukys is a property owner opposing a new digital billboard near 6th and Division intersection. He opposes placing a digital billboard at this particular spot because of its proximity to his home (within 200 feet), near school zone, and a major intersection that already has hazardous driving conditions occurring. He stated that digital billboard light would be a distraction to drivers and a safety issue. He appealed to the Commissioners on a personal level when he explained if the digital billboard was placed where Clear Channel is proposing the light would shine directly into his living room and bedroom and would be intolerable. He said that putting in a digital billboard will only make matters worse in his neighborhood and he was more than willing to have the current billboard remain in its current spot.

3. Jori Adkins:

Ms. Adkins lives in the Dome District and she spoke from a viewpoint of a property owner with an existing billboard. She said that Commissioners should find another way to deal with the lawsuit. She asked that Commissioners take the "high road" and say "no" to billboards and "no" to digital billboards. She said that the City Attorney should work with property owners who have a lease with the billboard company to help get them out of these leases before they expire.

4. Susan Cruise:

Ms. Cruise opposes digital billboards. She will submit a detailed written report to address the inconsistencies that she has found among staff report, Settlement Agreement and actual code revisions. She sees this as a legal nightmare that will have future litigation as the outcome. If Clear Channel is allowed to have non-conforming billboards what is to stop other companies from asking, "I too want to have non-conforming billboards within your City," and that the City cannot just arbitrarily decide that only one company will be allowed to do this. Ms. Cruise stated that some of her objections are that digital billboards are not "pedestrian friendly", they are not consistent with the standard quality of life that the citizens of Tacoma deserve. She cited the Federal Highway Administration study underway concerning driver safety issues.

5. Sharon Winters:

Ms. Winters said that public process was not followed and not enough notification was allowed prior to decision on settlement agreement. She expressed several objections to putting up digital billboards: (1) visual blight; (2) safety issues; (3) environmentally unsound; and (4) size, mass, and scale. One point Ms. Winters stressed was that– billboards are expensive to construct, therefore, they will be expensive to take down and if at some point in the future they were no longer viable the result could be that they would be left up to become “eyesores” and blight in the neighborhoods.

6. Douglas Schafer:

Mr. Schafer is a board member of the Central Neighborhood Council as well as a practicing attorney. He raised strong objections to the adoption of this amendment. He feels that some information has not been disseminated to the public and all the pertinent facts concerning the lawsuit settlement has not been clearly explained to the public. He has set up a website on information regarding the material that pertains to the original lawsuit with Clear Channel. He noted that it was in the Commission’s prerogative to recommend to the City Council to not allow the code amendment to pass.

7. Kendall Reid:

Mr. Reid objects to having electronic billboards being erected in Tacoma. He offered a commendation to the City for the original decision for decreasing the number of billboards placed in the City in the current regulations. Mr. Reid stated that if digital billboards were allowed to be erected, they would be in opposition to the City’s goal on making Tacoma a pleasant place to live and contrary to planning for mixed-use centers. The placement of electronic billboards in mixed-use districts as proposed in the receiving areas is counter-productive to the goals of the Comprehensive Plan.

8. Marshall Hampton:

Mr. Hampton is opposed to passage of billboard amendment as it is the “wrong way to go”. The City should challenge the lawsuit and not simply give in to the pressure from Clear Channel but to move ahead with the lawsuit and to reject the proposed code changes.

9. Chris Tubig:

Mr. Tubig supports the Central Neighborhood Council’s opposition to passage of the digital billboard amendment. He believed that the Commissioners based on their personal experience in their professions in real estate, planning and land development would not find it acceptable to put a large LED panel on a building because it would affect the architecture and property value. He asked the Commission to not allow digital billboards.

10. Stacey Weiss:

Ms. Weiss stated four reasons to reject the proposed code revisions: (1) aesthetic reasons; (2) safety reasons (i.e. extreme distraction for drivers); (3) environmental concerns and energy usage; and (4) light pollution, which affects the health of people and wildlife.

11. Jill Jensen:

Mrs. Jensen read a letter to the Commissioners. She said that she was shocked to find out that the City Council and City staff had “kowtowed” to Clear Channel’s lawsuit rather than uphold the City’s code. She feels that the citizens of Tacoma were not given a fair chance to have a public hearing before there was a drawing up the agreement. She feels that the City landscape will be permanently marred by these oversized structures. She voiced her concerns that the public meetings were not adequately planned to get input from citizens that work full time. She suggested new meetings be held in the evening and weekends. Ms. Jensen will be filing a request with the City for more information and is requesting an extension to the public comment period to file her objections with the Commission.

12. Rob Jensen:

Mr. Jensen objects to the allowance of electronic billboards for aesthetic reasons. He spoke at length regarding the many areas that make Tacoma a beautiful place to live. He said that the billboards were “monstrosities” and “cheapen the perception that this is the City of Destiny”. By allowing the passage of this amendment, the City is allowing “big business to hold sway”. He would like the Commission and City Council to take a more definitive look at this proposal because of the environmental and safety issues.

13. Tricia DeOme:

Ms. DeOme, Chair of Central Neighborhood Council, opposes the passage of the proposed code revisions and cited data that showed safety issues with electronic billboards. She stated the billboards are inconsistent with the values of a clean, safe and attractive city. She asked that staff review the studies that are being conducted by Federal Highway Agency. She stated the proposed amendments are not consistent with the Comprehensive Plan and the plans that the Mayor has outlined for the City. She asked that the City place a moratorium on new billboards until more information is available. Ms. DeOme feels that the City would win the lawsuit with Clear Channel if they would continue it before the courts. There is nothing in the law to make Clear Channel comply after removing first ten and remove the remainder of the nonconforming billboards.

14. Patricia Menzies:

Ms. Menzies sees billboards as hazards both physically and aesthetically. She does not personally care for advertisements and believes society is bombarded with advertisements to buy more and more. A digital billboard at 6th and Sprague would be a traffic problem for Jason Lee students. She has heard that light bleed affects the nitrogen in the atmosphere which aids in cleaning up pollution. If the digital billboards are put up, it could have adverse effects on the environment.

15. Sandra Johanson:

Ms. Johanson objects to digital billboards from the basis of her daily driving experience. She has found that digital billboards are a major distraction. It is impossible to not be distracted by the messages that flash on the signs. Ms. Johanson also noted that it would seem to be at cross purposes to allow digital billboards to be erected when the City has recently spent much effort, money and time in the beautification of neighborhoods to have large signs detract from this purpose.

16. Jason Atherton:

Mr. Atherton said that if the proposal passes there will be three digital billboards placed in his neighborhood and he does not want to see that happen. He stated there are laws that putting up signs on telephone poles is illegal and it would seem that putting up digital billboards fall under a like category for blighting a neighborhood. He believes that the City should not make a settlement agreement with Clear Channel to avoid being sued.

17. Brian Jacobs:

Mr. Jacobs objects to the passage of this amendment and agreed with all the salient points the presenters who came before him made. He believes that the safety needs of the community are not being addressed. He asked the Commission to reject passage of the amendment.

18. Audrey Jensen:

Ms. Jensen has lived in Tacoma for six years. She feels that the beauty and uniqueness of Tacoma will be ruined if the digital billboards are allowed to be put up. She emphasized that she agreed with the speaker who spoke before her on the danger of the digital billboards being traffic distractions and she stated people already have enough distractions when driving and it will only get worse if this amendment should pass.

19. Denny Faker:

Mr. Faker lives in the North End and is a businessman in North Slope community and is opposed to the sign code. He has spoken to his neighbors, fellow community members and did informal surveys of his customers at his business and he stated that not one single person that he has spoken to approved of the placement of digital billboards in Tacoma. He urged the Commissioners to not turn the City into a "Reno" as would be the case if digital signs were allowed to be placed in the City. He strongly encouraged the Commissioners to have the City Council seek another solution to the issue with Clear Channel.

20. Kirsten Lawson:

Ms. Lawson opposes the passing of the amendment and stated the signs are ugly, distracting, garish and are meant to grab your attention and in doing so they pose a safety issue. She stated that Tacoma should keep the 1997 Ordinance in place and be willing to fight Clear Channel in court rather than allow the settlement agreement to take effect.

21. William Dickson:

Mr. Dickson is a contractor who does quite a few demolition jobs for the City. He indicated that there are currently six signs on his property at South 56th and South Tyler Street that he would like to be left on this site rather than be taken down. The City is negotiating only with Clear Channel and not keeping property and business owners apprised of what is happening in regard to sign code changes for their property. He feels that keeping the current signs in place is good for business. His request is for the City to realize that attention should be given to what is good for property owners and not just what is good for Clear Channel.

22. Eric Heller:

Mr. Heller opposes putting up digital billboards and agrees with all the speakers that came before him. He loves Tacoma the way it is. He said digital billboards are just “too much advertising in your face”; not safe; and they are too large and are not in keeping with the values that Tacoma stands for. Mr. Heller also said that Tacomans are noted for fighting for their City and he would like the City Council and all the committees to stand up and fight for the citizens of Tacoma on this issue.

23. Joni Rasmussen:

Ms. Rasmussen was born and raised in Tacoma and she is opposed to having the digital billboards. She said that both she and her neighbors do not want the digital billboards in their neighborhood. She believed that the City was going to uphold the regulations of removing the billboards under the Ordinance that was passed 10 years ago. She believes that there is no reason for the City to go back on their original plan and that no compromise should be made with Clear Channel.

24. R. R. Anderson:

Mr. Anderson would like the City Council to uphold the laws that were passed in 1997. He said it is the right thing to do and “just say no to digital billboards”. He said also that we are trying to advertise that we are going “green” in our City and digital billboards will have a negative impact for living up to that advertisement.

25. Erik Bjornson:

Mr. Bjornson, Chair of North End Neighborhood Council, said that their council members have not voted on this amendment yet but that most of them opposed allowing digital billboards and that the Commissioners could expect to get a letter that states this. Hundreds of cities nationwide are fighting to keep digital billboards out of their cities. He urged the Commission as an independent appointed body to ban the blight of billboards (both regular and digital) for the City of Tacoma.

26. Rick Jones:

Mr. Jones’ objection to the code change was short and to the point and was put in the form of rhetorical questions to the Commissioners. He asked: (1) Is this the best we can do? and (2) If it’s not, why are we doing it?

27. Raquel LaPointe:

Ms. LaPointe, a South Tacoma resident, objected to making a deal with a large corporation because they were suing the City and feels that the City is giving into intimidation by Clear Channel. She believes that we should stand up for the visual appearance and integrity of our City and that it is wrong to give into a large corporation.

28. Paul Bert:

Mr. Bert lives in the Wedge District that is trying to have the neighborhood become a historic district. His neighborhood faces the challenges of opposition from MultiCare and others in being able to establish a historic district; billboards have not been removed from their neighborhood; and zoning has not gone through that once was anticipated. Mr. Bert feels that the City should be amenable to bringing about the changes that were once in the plans for his neighborhood.

29. Louise Hull:

Ms. Hull and her husband are not citizens of Tacoma but had an interest in what would happen with the billboard amendment. She said that in her experience of driving on I-5, the digital billboards are distractions that bombard you with frivolous messages that demand your attention, thereby creating a safety issue. She stated that digital billboards have that neon, glittery look that is blight on the landscape and that she hopes that Tacoma will say no to this.

30. Diane Walkup:

Ms. Walkup lives in a neighborhood trying to become a historic district. She briefly spoke regarding MultiCare putting up objections to becoming a part of the historic district and therefore hindering the process for other neighbors being a part of a historic district. She is pleased to see that people still speak out and believe that they will be heard. She acknowledged that we live in hard economic times, but feels that this should not be a license to give into the corporations and businesses to support saving the economy. She concluded with the thought that protecting the rights of the people (citizens) in the long run will result in protecting and saving the economy.

31. Victoria Hankwitz:

Ms. Hankwitz lives in the North Slope, and uses a busy intersection at North Eighth Street in the City. She explained how many citizens use alternate transportation and how dangerous for pedestrians to have a sign that distracts drivers at a busy intersection. She was very concerned that on one hand laws are put into effect that says it's against the law to text and use of cell phones while driving, and on the other hand allowing a sign to be put up that will be a major distraction and cause havoc. She also let it be known that she was an advocate for her neighbors, for her community and for Tacoma and felt that everyone had a short window to respond.

32. Scott McElhiney

Mr. McElhiney lives on the edge of Tacoma near Midland. He spoke regarding the hazardous conditions that occur when digital billboards are put up. Drivers' attention is drawn to digital billboards and that the pictures change every few seconds "almost like a animated movie" and drivers can't help but be distracted and this in turn is a dangerous situations. He also stated that Clear Channel is a national major corporation that really does not improve the local economy in a large way. He explained that the advertising profits made by these billboards for the most part do not benefit the City of Tacoma and are being drained off to an out-of-state corporation.

33. Edie Cooke

Mrs. Cooke recently moved from California and she and her daughter live in the Hilltop neighborhood. She had heard derogatory things about Tacoma, but when she moved here she found that it was an up and coming city, a beautiful place to live and rich in history and that she enjoys living here. She would like Tacoma to remain as she found it and not change to the "armpit of Seattle". She gave the comparison of "hating what had been done to Las Vegas" and was hopeful that Tacoma would not turn into a City that it should not be.

******* End of Oral Testimony *******

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Part C. Written Comments (received through March 25, 2011)

1.	Adkins, Jori	<p>From: joriadkins@mac.com [mailto:joriadkins@mac.com] Sent: Tuesday, March 22, 2011 1:05 PM To: Planning Cc: Strickland Marilyn; Boe, David; Mello, Ryan; Campbell, Marty; Manthou Spiro; Woodards, Victoria; Fey Jake; Loneragan, Joe; Lauren.Walker@cityoftacoma.org Subject: Billboard Ordinance</p> <p>To the esteemed members of the Tacoma Planning Commission, I wasn't going to write but the travesty of this 'Agreement' approved by the City Council is too much. How can we as a City say that a reduction of billboards city-wide justifies going against our Comp Plan in areas that we have all worked to make into better (more pedestrian friendly, more local business friendly, more aesthetically and visually coherent) commercial districts. The staff uses the word <i>substantial</i>, when writing all their flyers and introductions to this proposed code revision, in reference to the number of billboards removed in exchange for the digital billboards. This is not only biased but erroneous. ClearChannel will never install more than the initial 10 oversized digital billboards, which will mostly be in non-conforming areas, and all we as a city get is 53 smaller billboard <i>faces</i> removed. This is certainly not substantial. But even more of a slap in the face to the citizens of Tacoma is the size and placement of these first 10 digital billboards. It may look good in the chart showing the ratio of reduction of billboards to numbers of new, but if it never happens, which is most likely, we will have ruined, cheapened or lessened the value of several neighborhood commercial districts in Tacoma for a long time. Many of these commercial districts have struggled to rise above the apathy, abandonment and disregard of the 1950's thru 80's, and should be protected by the City Council, not handed over to a private outside corporation for their financial gain. The Planning Commission should take the higher ground and recommend, No Billboards, standard or digital! and the code should be rewritten to reduce the numbers as the leases come due. The code should state that an attorney will be designated to help those landowners who have billboards on their property with leases they can't get out of and are going to expire in the next 5 years. We will get rid of at least 53 without having to lower our standards to digital billboards anywhere in our city. As far as the lawsuit goes, let us fight it. I think we, as a city, should not roll over for ClearChannel, it is worth it to us. Yes, money is tight right now, but digital billboards rather than litigation will cost us far more in the long run and we, as a city, will pay for them for the next 50+ years.</p> <p>thank you for your time and consideration, Jori Adkins 301 Puyallup Ave. Tacoma 98421 jori adkins joriadkins@mac.com</p>
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2.	Alexander, Morgan	<p>From: Morgan Alexander [mailto:motocafe@yahoo.com] Sent: Tuesday, March 22, 2011 8:03 AM To: Boe, David; Campbell, Marty; Fey, Jake; Lonergan, Joe; Mello, Ryan; Manthou, Spiro; Marilyn Strickland; Lauren Walker; Woodards, Victoria Cc: Planning Subject: Tacoma's Billboards</p> <p>Hi,</p> <p>Please add me to the growing list of folks NOT in favor of the Clear Channel compromise. It appears the city is compromising more than it should in this case. Personally, I would like to see the city move forward with the 1997 Tacoma Billboard Ordinance plan.</p> <p>Also, if it is not in place already, I would like to see zoning language which clearly does not allow giant outdoor TV billboards.</p> <p>Thank you!</p> <p>Best, Morgan Alexander Tacoma, WA cel: 253-228-7271</p>
3.	Allard, Sarah	<p>From: Sarah Allard [mailto:se.allard@gmail.com] Sent: Wednesday, March 16, 2011 11:30 AM To: Planning Subject: Billboards</p> <p>Hello,</p> <p>Due to having to work tonight, I'm unable to attend the hearing tonight on the digital billboards in Tacoma. But I still want my voice to be heard. In the evenings I drive on southbound I5 through Fife and digital billboards there are a horrible eye-sore. They radiate so much light that it's blinding for the driver. I can't even imagine what it would be like to have these billboards in a city in residential neighborhoods. These billboards do not belong in Tacoma and I do not want them to be part of the landscape of this city. The light pollution from these monstrocities would be horrible for anyone near them and their energy usage is not good for the environment. The City needs to fight Clear Channel as they try to destroy the beauty of our city. Please, do not cave to this corporation and hurt the citizens of your city! We don't want these billboards in our city!</p> <p>Sincerely,</p> <p>Sarah Allard</p>
4.	Allen, MacKenzie (1)	<p>From: MacKenzie Allen [mailto:macallen@harbornet.com] Sent: Thursday, March 17, 2011 7:49 AM To: Campbell, Marty Subject: E-mail from the City website</p> <p>Good Morning, Marty...I wasn't able to make the public meeting last night but wanted to send this message along. I would strongly urge you and the Council to reconsider this deal re: the digital billboards. They are offensive enough on the highway. To have them in a residential or semi-residential area would be intolerable. We've lived in very large cities (New York, Los Angeles) where signs such as those are annoying enough. In Times</p>

		<p>Square, you expect them. Not in Tacoma. Please don't succumb to the quick money, regardless of our economic difficulties. We'll never be able to undo the damage.</p> <p>Best Regards, MacKenzie Allen</p>
5.	Allen, MacKenzie (2)	<p>From: MacKenzie Allen [mailto:macallen@harbournet.com] Sent: Thursday, March 17, 2011 7:52 AM To: Jake.Fey@cityoftacoma.org Subject: E-mail from the City website</p> <p>Good Morning, Mr. Fey...I wasn't able to make the public meeting last night but wanted to send this message along. I would strongly urge you and the Council to reconsider this deal re: the digital billboards. They are offensive enough on the highway. To have them in a residential or semi-residential area would be intolerable. We've lived in very large cities (New York, Los Angeles) where signs such as those are annoying enough. In Times Square, you expect them. Not in Tacoma. Please don't succumb to the quick money, regardless of our economic difficulties. We'll never be able to undo the damage.</p> <p>Best Regards, MacKenzie Allen 1102 North M St. Tacoma</p>
6.	Anderson, Colleen	<p>From: Colleen-Anderson -IA [mailto:colleen-anderson@iacademy.org] Sent: Wednesday, March 16, 2011 5:03 PM To: Planning; Marilyn.Strickland@cityoftacoma.org Subject: opposing lighted billboards</p> <p>Dear Mayor and Council,</p> <p>I am a consistent voter, and wish to drop you a note opposing electric billboards. Let's keep improving Tacoma's image and neighborhoods, rather than turning us into Vegas.</p> <p>Colleen</p>
7.	Anderson, Deborah	<p>From: Deborah Anderson [mailto:dja1950@hotmail.com] Sent: Thursday, March 24, 2011 4:07 PM To: Planning Subject: digital billboards</p> <p>NO, NO and NO.</p> <p>Please do not allow digital billboards in Tacoma. They are offensive, distracting and trashy.</p> <p>We live in the beautiful Pacific Northwest, not Las Vegas.</p> <p>These billboards would cheapen Tacoma. Are we still an All-America city? Come up with something more creative and attractive! You cleaned up the tideflats, why do you now want to pollute our streets and neighborhoods with digital billboard glare?</p> <p>Please save our city from this billboard horror.</p> <p>Deborah J. Anderson Tacoma composer and daughter of Arthur R. Anderson, co-founder of Concrete Technology. (253) 222-8632</p>

8.	Anderson, R. R. (1)	<p>From: R. R. Anderson [mailto:andersor42@gmail.com] Sent: Wednesday, March 16, 2011 9:04 AM To: Planning Cc: Mello, Ryan; Boe, David; Eric Anderson; JakeFey; Lonergan, Joe; LaurenWalker; MarilynStrickland; Campbell, Marty; SpiroManthou; Woodards, Victoria Subject: Comments on Billboard Blight, Digital Billboards and the International Clear Channel Conspiracy to Sap our Precious Bodily Fluids</p> <p>Dear Esteemed Public Servants, Please see attached cartoon I drew to sum up my deep personal conviction in this matter. If you are easily offended by the male trunk or nude pumpkins, then perhaps my comrade Daniel Rahe (part of the Exit 133 dot com Renaissance and civil philosopher) says it best:</p> <p>Municipal codes are written to increase the benefits, beautification, preservation, edification and protection of municipal values and culture. These proposed revisions might be the first time a code is re-written to decrease those actions. And this might be the first time a code is re-written for the benefit of one out-of-town, out-of-state business, to the arguable detriment of the inhabitants of the City.</p> <p>Kind of makes one want to run screaming into the Forrest, no? Also, as far as "GOING GREEN" the digital billboards would be a SHIFT into the dark ages. These things are TeeVees bigger than most studio apartments; unlike traditional billboards they are plugged in "energy vampires" 24 hrs a day! (I learned about energy vampires from my envirotalk city publication)</p> <p>It is time to do the right thing. It is time to do the SUPER thing!</p>
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DEFEND the INT3GRITY OF OUR CITY!

FULL COMMENT THREAD HERE:

<http://comics.feedtacoma.com/tacomis/tacomis-man-pumpkin-cannons-death-clear-channel/>

Goddess bless the City of Destiny

--

R.R. Anderson,

Your Friendly Neighborhood Cartoonist @

<http://www.holisticforgeworks.com>

++ Cartoonist + Inventor + Idea Man ++

New TACOMIC every Tuesday!

<http://feedtacoma.com/tacomis/>

Staff Note:

Attachment to R. R. Anderson's e-mail, 3-16-11
(next 1 page)



Death to Clear Channel Outdoor

9.	Anderson, R. R. (2)	<p>From: R. R. Anderson [mailto:andersor42@gmail.com] Sent: Tuesday, March 22, 2011 8:14 PM To: Planning Cc: Mello, Ryan; Boe, David; Eric Anderson; JakeFey; Lonergan, Joe; LaurenWalker; MarilynStrickland; Campbell, Marty; SpiroManthou; Woodards, Victoria Subject: Clear Channel writing its own rules now?</p> <p>Did you folks see this?</p> <p>http://www.cnc-tacoma.com/images/documents/billboards/lawsuit/20110322_CChannelDraftingOrdinance.pdf</p> <p>Are you like me... sick to your stomach ?</p> <p>- RR :)</p>
10.	Anderson, R. R. (3)	<p>From: R. R. Anderson [mailto:andersor42@gmail.com] Sent: Wednesday, March 23, 2011 8:10 AM To: Planning Cc: Mello, Ryan; Boe, David; Eric Anderson; JakeFey; Lonergan, Joe; LaurenWalker; MarilynStrickland; Campbell, Marty; SpiroManthou; Woodards, Victoria Subject: Puppets and Cartoonists United Against Billboards (P.C.U.A.B.)</p> <p>My fellow American,</p> <p>Another hyper-local cartoonist takes a stand against electronic billboards! (see attached) http://comics.feedtacoma.com/ocryx/ocryx-ocryx-joe-observe-few-good-things-about/</p> <p>And hyper-local puppet activists! http://i.feedtacoma.com/cisserosmiley/billboard-fieldtrip-gritz-n-shifty/</p> <p>avidly, RR Anderson</p> <div style="border: 1px solid black; padding: 10px; margin: 20px auto; width: fit-content;"> <p style="text-align: center;">Staff Note: Attachment to R. R. Anderson's e-mail, 3-23-11 (next 1 page)</p> </div>



11.	Anderson, R. R. (4)	<p>From: R. R. Anderson [mailto:andersor42@gmail.com] Sent: Thursday, March 24, 2011 10:32 AM To: Planning Cc: Mello, Ryan; Boe, David; Eric Anderson; JakeFey; Lonergan, Joe; LaurenWalker; MarilynStrickland; Campbell, Marty; SpiroManthou; Woodards, Victoria Subject: How Green is a Digital Billboard?</p> <p>My friend Steven M Garrett calculated the amount of energy needed to power the proposed 38 new electronic billboards and it adds up to the energy needed to power 316 average homes.</p> <p>Sends mixed signals with our status as a GREEN city no?</p> <p>-- R.R. Anderson, Your Friendly Neighborhood Webmaster @ http://www.holisticforgeworks.com http://www.cartoonistsleague.org ++ Cartoonist + Inventor + Idea Man ++ New TACOMIC every Tuesday! http://feedtacoma.com/tacomic/</p>
12.	Atherton, Jason	<p>From: Jason Atherton [mailto:jra721@gmail.com] Sent: Tuesday, March 22, 2011 9:27 AM To: Planning Subject: Billboards</p> <p>Billboards are no longer the issue. A corporation CAN NOT bully it's way into doing whatever it wants in the city. Laws were passed in 1997. Clear Channel needs to obey the law. The City of Tacoma needs to hold companies accountable. Why is Clear Channel not required to remove their current illegal billboards and pay the associated fines?</p> <p>I am a citizen of Tacoma and strongly oppose Digital billboards and corporate irresponsibility in Tacoma.</p> <p>Jason Atherton 423 S G Street #R Tacoma, WA 98405</p>
13.	Augustine, Stacy	<p>From: S. Augustine [mailto:saugustine@harbornet.com] Sent: Sunday, March 13, 2011 6:27 PM To: Planning Subject: Comments Concerning Electronic Billboards</p> <p>Dear Planning Commissioners,</p> <p>As a resident of Tacoma, I am very concerned about your proposal to site electronic billboards throughout the city. I consider the current billboards along I-5 to be very unattractive features that reflect poorly on the city of Tacoma. It's also my belief that the billboards cause dangerous distractions for drivers on our public roads and freeways.</p> <p>It's my understanding that you have signed a settlement agreement with Clear Channel, allowing for the use of these billboards and siting the first of a rather large number of proposed billboards.</p>

		<p>As a citizen concerned about Tacoma’s historical heritage and the maintenance of property values, I am urging you to reconsider your proposed changes to sign code ordinances, and take steps necessary to limit electronic billboards within the city in order to preserve the character of the city, prevent traffic accidents and save natural resources.</p> <p>Thank you, Stacy Augustine 4401 N 32nd Street, Tacoma</p>
14.	Ayer, Julian	<p>From: Julian Ayer [mailto:julianayer@gmail.com] Sent: Tuesday, March 15, 2011 1:06 AM To: Planning Subject: Billboard Settlement</p> <p>To Whom It May Concern:</p> <p>I want to voice my dismay and frustration with the agreement concerning billboards between the City of Tacoma and Clear Channel. I hope the planning commission will consider making modifications to the agreement to take into account the concerns of Tacoma residents who to my knowledge are overwhelmingly opposed to this settlement.</p> <p>I personally do not want billboards of any type near schools, churches, parks, shorelines, and historic buildings. This is important to me as a member of the community, as a pediatrician who counsels children, and as a member of Trinity Presbyterian Church (which is an older historic building at the intersection of 6th and Division that is currently obscured by a large billboard and is a likely location Clear Channel would place a new Digital billboard).</p> <p>Digital billboards, if allowed at all, should be restricted to industrial areas like the Flats and Nalley Valley.</p> <p>It is particularly frustrating for me that this issue was addressed and decided in 1997, that that decision was dismissed, and that there's been no opportunity to comment on whether Tacoma citizens want or are in agreement with this settlement.</p> <p>Thanks for reading my email and considering my request to modify or place some restrictions on the City's settlement with Clear Channel.</p> <p>Julian Ayer, MD 514 N. I St Tacoma, WA 98403</p>
15.	Ayer, Stephanie Kennedy	<p>From: Stephanie Kennedy Ayer [mailto:stephanieayer@gmail.com] Sent: Tuesday, March 15, 2011 3:30 PM To: Planning Subject: billboard hearing</p> <p>Dear City Planners,</p>

		<p>I am writing because I think the city needs to take a stronger stance against corporations such as Clear Channel. After defeating this large corporation in court, the city than capitulated to them by allowing the placement of digital billboards. Myself and many members of the community believe:</p> <ol style="list-style-type: none"> 1. We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong. <p>Please address this issue once and for all so that we, our community and most importantly our children will not be bombarded by advertisements every time we walk out of our churches, schools and parks. These billboards are a blight to our community and make our city appear less dignified than it should.</p> <p>Sincerely,</p> <p>Stephanie Kennedy Ayer 514 N. I St. Tacoma, WA 98403 253-272-1633</p>
16.	Babare, Martin & Evelyn	<p>From: Martin Babare [mailto:mbabare@nventure.com] Sent: Wednesday, March 23, 2011 3:25 PM To: Planning; Evelyn Gelegonya-Babare Subject: billboards</p> <p>Planners,</p> <p>I find digital billboards to be extremely offensive. They are distracting, light polluters, visual clutter and a traffic hazard from the visual distraction. While I do not want to spend a huge amount litigating, it is worth spending some amount. I think the existing billboards are OK and may become obsolete due to labor costs vs the digital. As a last resort I would favor a boycott of clear channel and any vendor that uses their services should they prevail.</p> <p>Sincerely</p> <p>Martin & Evelyn Babare 6442 View Ridge Dr Tacoma WA 98407 253-756-5576</p>
17.	Bardwil, Mark	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Mark Bardwil, North Slope Historic District, 2-21-11 (next 1 page)</p> </div>



North Slope Historic District

a 501(c)(3) organization

701 North J Street
Tacoma, WA 98403

RECEIVED

FEB 28 2011

Per _____

February 21, 2011

BOARD OF DIRECTORS:

MARK BARDWIL, CHAIR
TROY AXE
JOHN BUTLER
DEBORAH CADE
GEOFF CORSO
SCOTT KUEHN
MARSHALL MCCLINTOCK
JUDITH MARTIN
KAREN MAY
ERICA NELSON
KYLE PRICE
MITCH ROBINSON
DAVE ROOT
MARILYNN SABO
JULIE TURNER
BARBARA TOMBERG

Tacoma Planning Commission
Community and Economic Development Department
City of Tacoma
747 Market Street, Room 1036
Tacoma, Washington 98402

RE: Billboard regulations

Dear Commissioners:

Concerning the billboard regulations related to the legal agreement with Clear Channel, we would like to offer the following comments on the situation as we understand it to date:

1. We oppose any digital billboards in Area 04 (the intersection of Division, Sixth Avenue and Sprague). This intersection abuts the North Slope Historic District and the proposed Wedge Historic District, both historic residential neighborhoods. Currently Clear Channel's massive billboards in that intersection completely obscure the historic Trinity Presbyterian Church and light from these current billboards is visible from within neighboring homes. In addition and perhaps more critical, Jason Lee Middle School faces this intersection. One can only imagine the negative impact of a large digital billboard changing every eight seconds on students in those front classrooms.
2. If digital billboards are allowed near residential areas, they should be turned off by 10 pm and back on no earlier than 6:00 am. The current proposed shut-off between 12 am and 5 am is not satisfactory.
3. While 38 reasonably sized and placed digital billboards is not a bad trade-off, the city needs a definitive timeline from Clear Channel for removing the static billboards. Citizens must be assured that all the static billboards will come down, not just the initial 75. And, since the goal is to remove blight, the removals must occur quickly, certainly not more than five years.

Sincerely,

Mark Bardwil
Chair

Cc:
Jake Fey, City Council
Shirley Schultz

18.	Barrie, Christy (1)	<p>From: CHRISTY BARRIE [mailto:CBARRIE@Tacoma.K12.Wa.US] Sent: Monday, March 21, 2011 1:42 PM To: 'Jake.Fey@cityoftacoma.org' Subject: E-mail from the City website</p> <p>Please do not allow digital billboards within view of schools, churches and homes. Allowing Clear Channel to visually pollute Tacoma just depletes the value of our City. Tacoma is a city ever struggling with its image. I don't know what it will take to improve the image of Tacoma, but digital billboards in neighborhoods will solidify the negative view of the city and any positive efforts will be shadowed by these billboards. Businesses will not want to come to Tacoma when there are few neighborhoods that are not already blighted by bad planning, association with negative imagery—casinos, digital billboards on the freeways, etc. Just look at Fife and the reservation land. It already sends a negative image.</p> <p>If you are really representing the people, you will not allow digital billboards in our neighborhoods. Call Clear Channel's bluff and let them press charges.</p> <p>Christy Barrie Tacoma Resident, District 1 377-7255</p>
19.	Barrie, Christy (2)	<p>From: CHRISTY BARRIE [mailto:CBARRIE@Tacoma.K12.Wa.US] Sent: Monday, March 21, 2011 1:46 PM To: Lonergan, Joe Subject: E-mail from the City website</p> <p>Please do not allow digital billboards within view of schools, churches and homes. Allowing Clear Channel to visually pollute Tacoma just depletes the value of our City. Tacoma is a city ever struggling with its image. I don't know what it will take to improve the image of Tacoma, but digital billboards in neighborhoods will solidify the negative view of the city and any positive efforts will be shadowed by these billboards. Businesses will not want to come to Tacoma when there are few neighborhoods that are not already blighted by bad planning, association with negative imagery—casinos, digital billboards on the freeways, etc. Just look at Fife and the reservation land. It already sends a negative image.</p> <p>If you are really representing the people, you will not allow digital billboards in our neighborhoods.</p> <p>Christy Barrie Tacoma Resident, District 1 377-7255</p>
20.	Barrie, Christy (3)	<p>From: CHRISTY BARRIE [mailto:CBARRIE@Tacoma.K12.Wa.US] Sent: Tuesday, March 22, 2011 1:15 PM To: Planning Subject: No digital billboards</p>

		<p>The image of Tacoma is affected by the digital billboards in Fife and are the entry to Tacoma. I realize the billboards in the neighborhoods would be smaller than the ones in Fife, but they still send a message that does not highlight the quality in our neighborhoods. I would prefer there were no billboards in neighborhoods particularly in view of schools, churches and homes. I am not happy with the billboards at all, and think that the COT can remove them and fight Clear Channel. I see other cities where billboards are limited or must adhere to size limitations.</p> <p>A city should be allowed to have sign ordinances and the 1997 billboard law should be enforced. I also understand that Clear Channel owes thousands of dollars to COT because they have not followed the ordinance.</p> <p>I would look at several other options before I would allow digital billboards in Tacoma. This is just the first phase of digital billboards... they will grow in size and brightness. I also don't know how they can be allowed given that most parking lot lights are evaluated under SEPA laws for potential light pollution. Also, I doubt the historic district's allow for digital billboards. Does Clear Channel not have to follow these ordinances either?</p> <p>I would like to see the City of Tacoma represent the needs of the citizens over fear of being sued by a corporation that has no ties to Tacoma except to take advantage of the quick inappropriate decision made to consider this settlement. This settlement would put Tacoma in a far worse situation than no agreement at all.</p> <p>Sincerely,</p> <p>Christy Barrie Tacoma Resident</p> <p>There are many examples of states and cities who have had to fight for sign ordinances.</p>
21.	Beardsley-Schoonmaker, Courtney	<p>From: Courtney Beardsley-Schoonmaker [mailto:courtneyb@tpctacoma.org] Sent: Wednesday, March 16, 2011 2:22 PM To: Planning Subject: No Digital Billboards</p> <p>To whom it may concern:</p> <p>It has come to my attention that there is the possibility of a digital billboard going in to the billboard at the intersection of 6th and Division Ave. As an employee of Trinity Presbyterian Church, a volunteer at Jason Lee Middle School and a resident of 1617 Division Avenue, I strongly object this decision. The billboard in front of Trinity Presbyterian Church is already an eyesore to those wanting to enjoy the</p>

		<p>beauty this historic building presents. Also, in running the Trinity Learning Center I'm concerned for the safety of my students walking across the street with such a large distraction for drivers overhead.</p> <p>The billboards already existing at this intersection can be seen from many Jason Lee classrooms. A digital billboard would create a much greater distraction for those learning environments, thus hindering education for our Tacoma's youth.</p> <p>Lastly, the light from a digital billboard would cast light at all hours into my living room and bedroom. It seems that the resident buildings have not been considered in making this decision.</p> <p>A digital billboard is not wanted or needed at this intersection.</p> <p>Thank you for your time,</p> <p>Courtney Beardsley-Schoonmaker Trinity Presbyterian Church Intern for Youth Development 1615 6th Ave. Tacoma, WA 98405 253.272.8819 x104</p>
22.	Bishop, Nancy	<p>From: Nancy Bishop [mailto:bishopnan@gmail.com] Sent: Friday, March 18, 2011 8:44 AM To: Planning Subject: Digital billboard proposal</p> <p>To Whom it May Concern:</p> <p>I would hereby like to add my voice to those opposed to the placement of digital billboards throughout the city of Tacoma and, specifically, at the corner of 6th and Division.</p> <p>This type of billboard is an unsightly scourge that weakens the sense of community those of us living in the neighborhood work so hard to achieve. Would you consider putting such a thing at 26th and Proctor? How about in the Annie Wright neighborhood? I think not. People here care about aesthetics, too.</p> <p>Thank you for your time.</p> <p>-- Nancy Bishop, Ph.D. 253 507-4048</p>
23.	Bjornson, Erik	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter and 7 attachments from Erik Bjornson, Law Office of Erik Bjornson, 3-22-11 (next 32 pages)</p> </div>

Law Office of Erik Bjornson

711 COURT A, SUITE 114
TACOMA, WA 98402
(253) 272-1434
FAX (253) 573-1209

RECEIVED

MAR 24 2011

Per _____

Planning Commission
747 Market Street
Room 1036
Tacoma, WA 98402-3793

March 22, 2011

RE: Comment on Proposal to Place Electronic Billboards in Tacoma

Dear Tacoma Planning Commission,

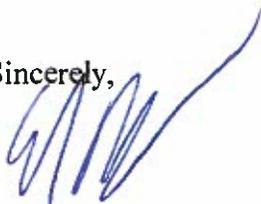
Cities across the United States are banning electronic billboards because they destroy the quality of life in cities. Tacoma should **DECLINE** to introduce them here. The clear trend of cities is to add **GREATER REGULATION** to electronic billboards, not less.

Electronic billboards are detrimental because they:

- 1) Are TVs on a stick and give blightful 24/7 commercials;
- 2) They use as much energy as 30 homes EACH undermining Tacoma's attempt to be green;
- 3) Distract drivers causing safety problems;
- 4) Are a form of visual pollution;
- 5) Destroy distinctiveness of everywhere they are placed;
- 6) Are a cause and symptom of urban blight; and
- 7) Negatively effect property values and the general desirability of areas where they are place and Tacoma generally.

There are hundreds of articles written on these factors as to why electronic billboards are detrimental to cities. Please recommend **AGAINST** introducing billboards to Tacoma to the Tacoma City Council in your report. Enclosed is a template that may be of assistance to you. I may be reached at (253) 272-1434.

Sincerely,



Billboards: The Case for Control

by Edward T. McMahon

Editor's Note: This article is an update of a piece Ed McMahon wrote for us in 1998. We're also pleased to make available to you as a complimentary download, McMahon's companion article on how to regulate billboards. It goes into more detail on various approaches communities can employ to gain control over billboards and their location. Go to: www.plannersweb.com/billboards.pdf.

Come see America the beautiful, if you can. Amber waves of grain? It is more like a ride through the yellow pages: a windshield vista of 50-foot beer cans and towering casino signs.

Many thought billboards were an endangered species in 1965 when Congress passed the Highway Beautification Act. But the law was so riddled with loopholes and enforcement so lax that in recent years, billboard companies have put up thousands of new, bigger, more obtrusive billboards.

In a relatively short time, outdoor advertising has gone from Burma Shave to Blade Runner: from small and folksy to huge and intrusive. We've now entered the era of digital billboards – giant outdoor TV screens wasting energy while degrading the landscape and distracting drivers.

Billboards are the definition of a roadside distraction. Their entire purpose is to take your eyes off the road and put

them on giant outdoor advertisements. Safety is just one of the reasons why many communities have been trying to regulate billboards for decades.

Curbing billboards is not easy, but it can be done. This article lays out the case for billboard control. It discusses the reasons beyond safety for why we need to halt construction of new billboards and strictly regulate those that remain.

1. Billboards are a form of pollution – visual pollution

Over the years, billboards have been described as the “junk mail of the highway,” “litter on a stick,” “visual kudzu,” “urban blight,” and more, but in their simplest form billboards are a form of visual pollution.

Regulating billboards is no different from regulating noxious fumes, sewage discharges, or excessive noise. The U.S. Supreme Court has said: “Pollution is not limited to the air we breathe and the water we drink; it can equally offend the eye and ear.”¹

While the messages on a billboard can be ugly or ordinary, when they are enlarged to the size of a house, placed on poles 50 to 100 feet high, randomly strewn along every street, even covering entire buildings, they become a visual and environmental hazard. Like overly loud noise – strictly regulated in many

communities – billboards thrust a discordant commercial note into our environment. They deprive us of visual access to scenic vistas and create a strident, hectic atmosphere in cities.

2. Billboards are out of place in most locations

Our landscape is one of America's greatest resources. Its value is economic as well as aesthetic, psychological as well as recreational, spiritual as well as physical. Every landscape, rural or urban, has its own kind of beauty and uniqueness. In every kind of landscape billboards are a disturbing alien intrusion. Like empty beer cans in a mountain stream, they simply don't belong because they commercialize, homogenize, and degrade our natural landscape.

Visual clutter may be appropriate in a few limited locations, such as a city's entertainment district (e.g., Times Square or the Las Vegas Strip). In most cases, however, billboards obliterate architectural character and ruin natural beauty. They also undermine community livability and sustainability. Doug Kelbaugh of the University of Michigan School of Architecture put it this way: “If a building, a landscape, or a city is not beautiful, it will not be loved; if it is not loved, it will not be maintained. In short it won't be sustained.”²



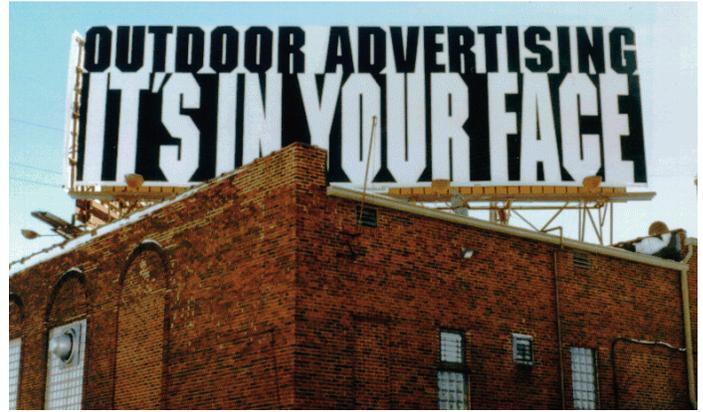
Billboards commercialize, homogenize, and degrade the countryside.



Welcome to Anyplace USA!



A tree on public land destroyed to improve the view of a billboard.



Billboards make us a captive audience to advertising.

3. Billboards destroy distinctiveness

Billboards look the same whether they are in Mississippi, Montana, or Malaysia. As a result, billboards homogenize our communities. They help turn unique places into “Anyplace.” In fact, almost nothing will destroy the distinctive character of a place faster than uncontrolled signs and billboards. This has negative economic consequences.

“Community differentiation” is a key concept in economic development today. If you can’t differentiate your community from any other community you have no competitive advantage. Put another way, the image of a community is fundamentally important to its economic well being.³

Every day, people make decisions about where to live, invest, or vacation based on what communities look like. Attractive, well-ordered communities have an advantage over ugly, chaotic ones. Take tourism: the more one community comes to look like every other community, the less reason there is to visit. On the other hand, the more a community does to protect and enhance its distinctive character, whether natural or architectural, the more reason there is to visit.

Billboards destroy distinctiveness and undermine our sense of place while they commercialize our neighborhoods.

1 *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981).

2 Douglas Kelbaugh, “Seven Fallacies in Architectural Culture,” *Journal of Architectural Education* 58:1 (Sept. 2004).

3 For more on this point see my article, “The Place Making Dividend,” *PCJ* #80 (Fall 2010).

4. Billboards are the only form of advertising that you can’t turn off or avoid

There is a vast difference between seeing an ad – even the same ad – in a magazine, newspaper, on television, or on the internet. When you buy a magazine or turn on the television, you exercise freedom of choice. You can easily close the magazine or turn off the television. You can flip the page or turn the channel.

In contrast, you have no power to turn off or throw away a billboard. Twenty-four hours a day, 365 days a year, billboards force advertising on individuals and communities whether they want it or not. Billboards are placed so you can’t avoid seeing them. Try closing your eyes while driving down a road lined with billboards and you’ll wreck your car.⁴

This is how the billboard industry sells space. They tell advertisers billboards give them more “control” over consumers. They claim the ability to “grab your attention” and rub your nose in advertising.

4 A word about safety. A recent report prepared for the National Cooperative Highway Research Program, *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs*, contains an exhaustive review of prior research. Among the report’s findings: “research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations ... demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance.”

5. Billboard companies sell something they don’t own – our field of vision

Courts have long held that billboards do not derive their value from the private land they stand on, but from the public roads they stand next to. Courts call this the “parasite principle” – because billboards feed like a parasite off roads they pay almost nothing to build, use, or maintain.

To understand this, imagine that every billboard in America was turned around so that the message could not be seen from the road. The billboards would suddenly be worthless. Their only value comes from their ability to be seen from public roads. Billboard companies charge advertisers based on the circulation of the road. The higher the traffic count, the higher the ad revenue.

Next time you drive on a toll road lined with billboards, consider how you’re being charged to use the road, while the ad company, typically is not.

continued on next page

Resources

Fighting Billboard Blight: An Action Guide for Citizens and Public Officials (Scenic America, Washington, DC 2000).

Meeting the Sign Regulation Challenge (American Planning Association, Chicago, IL 2006; CD-ROM).

Street Graphics and the Law, by Daniel Mandelker (American Planning Association, Chicago, IL 2004).

Billboards: The Case for Control

continued from previous page

As former California Governor Pat Brown once said: “When a man throws an empty cigarette package from a car, he is liable to a fine, but when a man throws a billboard across a view, he is richly rewarded.”⁵

6. Billboards are ineffective and unnecessary

Billboard companies argue that “people need billboards.” This is completely untrue. There are alternatives to billboards that provide the same information at less cost without degrading our landscape. We have all seen the highway “logo signs” which advertise roadside services such as gas stations, restaurants, hotels, and tourist attractions.

Information on roadside services is also readily available on smart phones, Blackberries, and vehicle information systems. These are far more useful and effective than roadside billboards, particularly when you consider the fact that the vast majority of billboards advertise products or services that have nothing to do with motorist information: beer, cell phones, strip clubs, you name it.⁶

Billboards are also one of the least effective forms of advertising. Billboards represent less than two percent of total advertising in the United States. At best, they are a secondary form of advertising that is used to reinforce ads in other media. The truth is, billboards are so ubiquitous that most people simply tune them out.

Media expert Marshall McLuhan was famous for saying “the medium is the message.” This means that the medium affects us more than the message. Billboards are a downscale medium that blights the countryside, annoys many people, and causes advertising overload.

⁵ Pat Brown, quoted in David Ogilvy, *Ogilvy on Advertising* (Vintage Books 1985).

⁶ The alcohol industry uses outdoor advertising, including billboards, to a much greater extent than other industry groups. See “Alcohol advertising on billboards, transit shelters, and bus benches in inner-city neighborhoods” in *Contemporary Drug Problems* (July 2008).

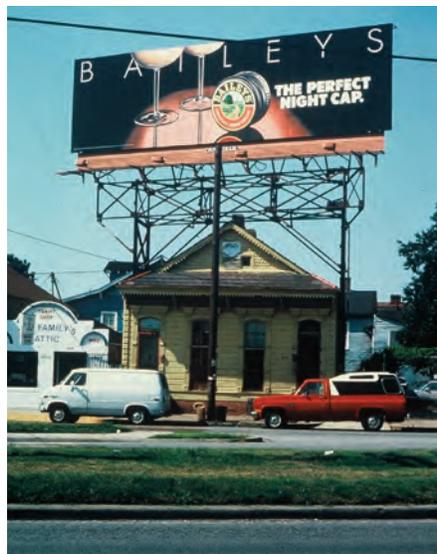


Logo signs provide motorist information without degrading the landscape.

7. Billboard companies exercise almost no restraint in the placement of outdoor ads

In recent years, billboards have metastasized in every kind of landscape and setting. Billboards now cover up buildings, hover over our neighborhoods, and stare down on homes, schools, churches, parks, and playgrounds. They deface cemeteries and historic districts.

In the countryside there are few areas sufficiently rural or scenic to be safe from billboards – they are even found in World Heritage Areas and along many designated scenic highways. Rami Tambello, founder of an anti-billboard group in Canada, says: “The outdoor advertising industry has a global culture of non-compliance with the law.”⁷ Ad companies are erecting illegal bill-



A familiar streetscape in too many communities. Good for property values?

boards all over the world, wherever they can get away with it.”⁸

Today four U.S. states – Alaska, Hawaii, Maine, and Vermont – along with thousands of cities and counties totally prohibit billboards. Many other strictly limit billboards.

Billboard regulation has also gone

international: many European countries, like England, have long prohibited billboards in the countryside. Now billboards are becoming an issue in developing countries. In 2000, Athens, Greece was so thick with billboards that it was difficult to see the city’s famous architecture. In preparation for the 2004 Olympics, the city dismantled rooftop billboards to beautify the city and improve its vitality.

In 2007, São Paulo Brazil, the world’s ninth largest city, banned billboards and took them all down. Brazilian media called this “a rare victory of the public interest over the private interest, of order over disorder, of aesthetics over ugliness, of cleanliness over trash.”⁹ One of the most important reasons for billboard regulation is because no place in the world will stay scenic and un-commercialized by accident.

8. Billboards are both a cause and a symptom of urban blight

Billboards are a cause of urban blight because they degrade the urban environment, lower property values, and foster contempt for the public realm. They are a symptom of urban blight because one

⁷ As reported by Jim Edwards in “Meet Rami Tambello ...” on bNet, the CBS Interactive Business Network (Apr. 22, 2009).

⁸ Search online and you’ll find numerous reports about local efforts to fight illegal billboards. See, e.g., “Court orders 59 billboards taken down” (*Houston Chronicle*, Oct. 21, 2010); “Fines slapped on illegal billboards” (*NY Post*, Apr. 27, 2010); “Billboards Gone Wild” (*L.A. Weekly News*, Apr. 23, 2008).

⁹ See Patrick Burgoyne, “São Paulo: The City That Said No to Advertising” (*Bloomberg Businessweek*, June 18, 2007); available online at: www.businessweek.com (search site for São Paulo).

form of blight breeds another. Graffiti, trash, junk cars, billboards – where you find one you'll usually find the other.

What's more, billboards are disproportionately located in low income neighborhoods. There are no billboards in Beverly Hills, Georgetown, Palm Beach, Scarsdale, or hundreds of other affluent communities. But drive into low-income neighborhoods in Chicago, Los Angeles, Miami, or any other big city and you will see neighborhoods saturated with billboards. As more of the world's population moves into cities, there is a growing need for places of respite from the chaos and clutter of urban life.

9. Billboards are bad for business

Beauty and place making are good for business; ugliness is not. Compare two communities: one with billboards and one without. For example, Montgomery County, Maryland, has no billboards. The nearby city of Baltimore, Maryland has thousands of billboards.

Has Montgomery County been negatively affected? On the contrary, Montgomery County has much lower unemployment, and much higher property values, than Baltimore. In fact, the county with America's lowest unemployment rate – Arlington County, Virginia, has no billboards at all. Lack of billboards does not seem to have deterred economic vitality here or in other communities. Places like Boulder, Colorado; Chapel Hill, North Carolina; Santa Fe, New Mexico; and Marin County, California, have banned billboards and gained national reputations as great places to live and work.

There is ample evidence to support the assertion that billboard regulation helps business.¹⁰ This is why almost all of America's premier vacation destinations tightly control signs. For example, Vermont runs ads touting its lack of billboards. The former head of the Vermont Chamber of Commerce said: "One of our greatest resources is our scenic beauty. Although there was some initial sensitivity that removing billboards might hurt tourism, it has had the opposite effect. Tourism went up for all businesses, large and small."¹¹

10. Digital billboards use huge amounts of energy, contributing to greenhouse gas emissions and global warming

Digital billboards are energy hogs. They use an enormous amount of electricity, especially compared to conventional billboards. Research by the Central Texas chapter of the U.S. Green Building Council found the energy consumption of one digital billboard 49 times that of a conventional billboard.¹² Even the spokesman for a major outdoor advertising firm recently acknowledged that a digital billboard consumes roughly 4,600 kilowatts of electricity per month, compared to 920 kilowatts for the average single-family house.¹³



Digital billboards are energy hogs.

Digital billboards make a mockery of government efforts to "go green." Sustainable communities simply don't allow themselves to be overrun with billboards. At its most basic, "sustainable" means enduring; a sustainable community is a place of enduring value. A community littered with ugly, energy guzzling digital signs is the antithesis of a sustainable community.

10 See also "Billboard Control is Good For Business," at: www.scenic.org/billboards/background/business.

11 Christopher Barbieri, quoted in testimony of Meg Maguire, former President of Scenic America; see: www.scenic.org/billboards/hba/testimony.

12 Available at: <http://banbillboardblight.org/?p=340>

13 As reported in "Dallas considers opening door to digital billboards," *Dallas Morning News* (Oct. 2, 2010). Department of Energy data for home energy consumption is available at: www.eia.doe.gov. For a good overview of the energy and environmental impacts of digital billboards, see Gregory Young, "Illuminating the Issues," available at: www.publicvoiceforpublicspace.org.

BILLBOARD CONTROL: WHAT WORKS

Billboard control is difficult, but not impossible – and thousands of communities around the world have successfully addressed the billboard problem. The legal tools for effective billboard control do exist; the larger question is how can they be used to best advantage.

In my experience, the simplest thing to do right now is to say, "No more billboards," in other words, to stop the construction of new billboards.

The big mistake many communities make is allowing new billboards in some locations while the industry refuses to take down non-conforming billboards in other locations. This adds insult to injury. With billboards, if things can get worse, they will get worse.

Halting new construction means the number of existing billboards will slowly diminish. It also gives government some leverage in dealing with the industry, especially when you understand that digital signs can generate five times more revenue than conventional signs.

SUMMING UP:

Almost 70 years ago, *Fortune* magazine, observed, "no place on earth is geographically beyond the reach of the hawkers and hucksters." Today commercialism – particularly in the form of outdoor advertising – pervades our world to an extent unimaginable, even several decades ago. It seems now that the hucksters won't be satisfied until every square inch of public space is filled with giant structures festooned with the message "BUY."

Billboards degrade our landscape and our culture. The old fashioned ideals of community, beauty, modesty, and respect for nature stand for nothing in the face of rampant commercialism. Now is the time to stand up and just say no to out of control billboards. ♦

Edward T. McMahon is a Senior Resident Fellow at the Urban Land Institute. Over the years, McMahon has written more than two dozen articles for the PCJ; see: www.plannersweb.com/mcmahon.html. (The viewpoints expressed are his own).



More cities ban digital billboards

Updated 3/24/2010 5:22 PM | Comments 153 | Recommend 15 | E-mail | Save | Print | Reprints & Permissions | [RSS](#)



Enlarge By Tim A. Parker, for USA TODAY

St. Louis is among a growing number of cities instituting a moratorium on digital and other electronic billboards, at least until it sees an extensive review by the Federal Highway Administration.

By Larry Copeland, USA TODAY

As the USA cracks down on texting while driving, more than a dozen cities around the nation have banned what some consider a growing external driving distraction: digital billboards.

Digital billboards change images every four to 10 seconds, flashing multiple messages from one or more advertisers on the same sign. Opponents such as John Regenbogen of Scenic Missouri deride them as "television on a stick."

Several communities have banned digital billboards outright, the most recent being Denver earlier this month. Other places have put a moratorium on them pending a federal study on whether they distract drivers. At least two other cities and two states are studying moratoriums.

MAP: Digital billboard laws across the USA
DISTRACTIONS: States go after texting drivers
LAHOOD: FocusDriven combats distracted driving

"The digital billboards are a distraction," says Fred Wessels, an alderman in St. Louis, which just approved a one-year moratorium on new such signs in that city.

"If they weren't distracting, they wouldn't be doing their job," says Max Ashburn, spokesman for Scenic America, a national non-profit group that seeks to limit billboards.

Research on the issue is mixed. A Virginia Tech Transportation Institute study in 2007, financed by the billboard industry, found that they aren't distracting. A review of studies completed last year for the American Association of State Highway and Transportation Officials, however, concluded that they "attract drivers' eyes away from the road for extended, demonstrably unsafe periods of time."

"There's no doubt in my mind that they are not a driving distraction," says Bryan Parker, an executive vice president for Clear Channel Outdoor, which owns about 400 digital billboards. He cites industry-sponsored studies of collisions before and after digital billboards were installed in Albuquerque, Cleveland, and Rochester, Minn., that found no correlation.

"We've looked at that very carefully," says Bill Ripp, vice president of Lamar Advertising, which owns 159,000 billboards, 1,150 of them digital. "We don't want to cause any unsafe conditions for drivers."

Digital billboards are a fast-growing segment of the outdoor advertising market. Since a federal rule against them was eased in 2007, the number of digital billboards has more than doubled to about 1,800 of 450,000 total billboards. At least 39

states allow them. They cost an average \$200,000 to \$300,000 apiece, according to the industry group Outdoor Advertising Association of America.

In 2007, the Federal Highway Administration relaxed a rule against digital billboards, saying they don't violate the 1965 Highway Beautification Act's ban on "intermittent," "flashing" or "moving" lights. FHWA is researching the signs, using eye-trackers inside volunteers' vehicles to determine whether drivers look at the billboards and for how long. The study is to be completed this summer.

There is little current data on whether greater distractions for drivers come from in-vehicle or external factors. The Department of Transportation, which is leading the national push against texting while driving, says that 5,870 people were killed in distracted driving crashes in 2008. But the agency has not determined how many of those deaths involved an electronic device, another distraction such as eating or tuning the radio, or something outside the vehicle.

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iGoogle

More

DIGITAL BILLBOARDS HIT ROADBLOCK

Digital billboards along public roadways face increasing regulations. Among the state and local governments limiting them:

[CLICK HERE for a larger map.](#)

Erik Bjornson
Letter (3-22-11)
Attachment 2
1 page



North End Neighborhood Council

March 18, 2011

To: Tacoma Planning Commission, Mayor Strickland and Tacoma City Council
Re: **Opposition to Billboards in Tacoma**

Esteemed City Leaders,

The North End Neighborhood Council (NENC) opposes the proposed settlement with Clear Channel over the issue of billboards. Neighborhoods universally consider billboards to be visual blight, and they are opposed by cities across the United States. Introducing electronic billboards in Tacoma would be extremely harmful and would degrade the quality of life in our city.

Hence, the NENC strongly supports the original 1997 city ordinance that greatly reduces the number of billboards in Tacoma. **The NENC opposes any introduction of electronic billboards in the City of Tacoma.**

The City of Tacoma should begin enforcing the current billboard law and expend any legal and financial resources necessary to defend the 1997 billboard law just as it would likely have to defend any law reducing blight in the City of Tacoma.

We believe the proposed “settlement agreement” would place Tacoma in a far worse position than no agreement at all and it should be rescinded. No change in the 1997 billboard law is warranted at this time. In addition:

1. We do not want any billboards of **any type** near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhoods.
2. Electronic billboards, should the city accept them, should have their impact minimized by requiring smaller sizes for signs, by lowering the heights of signs, by reducing the number of messages shown each hour, and/or by limiting signs to the sides of buildings rather than allowing stand-alone poles.
3. And if the city accepts electronic billboards, there should be a rapid, definite, enforceable timeline for the removal of all static faces.

Respectfully,

Kyle C. Price, NENC Vice Chair on behalf of the NENC



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

MEMORANDUM



Sample Draft for a "No" recommendation City to Income Carol.

Erik Bjornson
Letter (3-22-11)
Attachment 4
19 pages

Date: April 13, 2010
To: Members of the Durham City-County Planning Commission
Through: Steven L. Medlin, AICP, City-County Planning Director
From: Julia Mullen, Planner
Re: Text Amendment to the Unified Development Ordinance (UDO) – Nonconforming Off-Premise Signs (Billboards) (TC1000002)

Summary. This text amendment is requested by Fairway Outdoor Advertising (Fairway or the applicant) and would revise the off-premise sign provisions of the UDO. Off-premise signs include signs commonly known as billboards. The amendment would change City and County treatment of billboards, in particular by allowing digital billboards equaling twenty-five percent of Durham’s current billboard face area. Existing billboards could be reconstructed, and could be relocated within a billboard overlay district created along interstates and major roads. New billboards would have steel monopole construction, and could have lighting and the maximum height allowed under state law. The UDO currently prohibits new billboards, and relocation and upgrade of existing billboards. Existing billboards can be maintained but lighting, height, and materials cannot change. The effect of the requested amendment would be to remove older billboards that are gradually being removed anyway and install new billboards, potentially in new locations. One quarter of them could be digital and all could be 50 feet higher than the roadway and lit.

Recommendation. The Planning staff recommends denial.

Based upon objective analysis of the available information, staff recommends denial of this request for many reasons. First, the current ordinance has worked well for Durham and represents twenty years of carefully considered governing body decisions regarding the aesthetic and economic impacts of billboards. Second, Durham citizens overwhelmingly support maintaining the current ordinance. Third, increased prominence of billboards and digital billboards in particular could have a negative impact on the City’s appearance. New billboards could disturb nearby residents and negatively affect economic development by deterring businesses and individuals that are choosing among Triangle communities. Fourth, the applicant’s request is problematic in many other critical areas, including public safety, environmental impacts, effect on other aspects of the sign ordinance, and legal issues. Fifth, implementing the request would provide little economic benefit to Durham and require significant resources that the City and County lack.

Billboards can serve a useful purpose by providing advertising for local businesses or attractions, and digital billboards have been used successfully to broadcast emergency information. There are many other ways to advertise, however, and emergency information is displayed on official signs. Display of public service announcements as proposed by the applicant is problematic as discussed further in Section 5, Legal Issues. On balance, staff believes that the costs to Durham of implementing the applicant's request would outweigh any potential benefits.

It is important to note that Fairway's proposal cannot be adopted as submitted. If adoption is considered, there are a number of changes required to make it lawful, clear, and implementable. Staff would also recommend incorporating better technical and policy regulations. In addition, a zoning map change would be required to create the proposed billboard overlay zoning district.

Background. Fairway's application including cover sheet, proposed text amendment, and proposed text amendment justification is Attachment A to this memorandum. Attachment B is a Planning Department map depicting current billboard locations and the approximate location of Fairway's requested Billboard Overlay District. The map also depicts where billboards could be located in the overlay under state law. Attachment C contains information from the City's peer cities and Attachment D provides a list of sources for this memorandum. In preparing this report, Planning staff consulted with staff from the North Carolina Department of Transportation, the City and County Attorney's Offices, City Transportation, City-County Inspections, and the City-County Sustainability Office, among others. Analysis draws heavily from materials provided by the American Planning Association (APA), the American Association of State Highway and Transportation Officials (AASHTO), studies commissioned by federal, state, and local government, and information provided by the Outdoor Advertising Association of America (OAAA) and Scenic America.

In the mid-1980's, with the support of Durham businesses and citizens, the City Council passed an ordinance that prohibited new billboards and required removal of billboards not subject to federal protection under the Highway Beautification Act (billboards on interstates or federally assisted highways). Removal was required over a period of 5½ years, later changed to 6 years. The County sign ordinance was similarly changed when City and County Planning functions merged, but most billboards subject to removal were within City limits. Fairway's corporate predecessor, Naegele Outdoor Advertising, sued the City. The City spent more than a million dollars and over ten years litigating in federal court. It ultimately prevailed after Naegele appealed unsuccessfully to the United States Supreme Court. As a result, many billboards were removed from local roads. The ordinance required the remaining billboards to comply with various restrictions commonly applied to nonconformities -- they can be maintained but not upgraded or relocated. The intent was that over time many nonconforming billboards would be removed. The current ordinance's billboard provisions are substantially the same as the provisions adopted in the mid-1980's and reflect the continuing policy direction of the governing bodies since that time. That policy direction was reinforced in the early 1990's when the

governing bodies adopted changes to the on-premise sign ordinance that required many business signs to be removed or reduced in size after an amortization period. The overall result of Durham's sign ordinance, both off-premise and on-premise, has been to make signs less prominent and improve the community's appearance.

Fairway's current request is a revised version of a request it submitted in May of 2008. After considering Fairway's initial submission, the Joint City-County Planning Committee (JCCPC) recommended that Fairway present its proposal to various community groups and boards. Fairway did so, and the responses as reported to the Planning Department are included in this discussion. Fairway withdrew its initial request in August of 2008, saying that a new one would be forthcoming. In February of 2009, the Planning Department made a presentation to the JCCPC on its billboard research to date.

Fairway submitted its current request with fee on November 6, 2009. In March 2010, it submitted a slightly revised version of its proposed text, changing only responsibility for certain actions from the City or County Manager to the City or County, as appropriate. On January 6, 2010, the JCCPC directed the Planning Department to give the request priority behind only state-mandated items. The March 2010 Planning Commission meeting was cancelled, so this item is being presented in April 2010. On March 3, 2007, the JCCPC asked for benchmarking information for Durham's official peer cities and relevant case law regarding this request. Peer city benchmarking is included as Attachment C and references to relevant case law are included in Attachment D.

Fairway's Proposal. Attachment A contains Fairway's proposed text. Major points include:

- Creation of a billboard overlay district along the interstates and major highways in the City and County, including NC 147, except in Research Triangle Park; US 70; US 15-501; I-85, except in the Major Transportation Corridor Overlay; and the planned East End Connector;
- Mandatory billboard registration with the City or County as appropriate;
- Removal, relocation and reconstruction of registered billboards only onto non-residentially-zoned lots in the billboard overlay district, assuming property owner assent, under permits issued by the Planning Department. (Under state law, the underlying zoning must be commercial or industrial);
- Digital changeable copy billboards. An owner may replace 25 percent of its total display area with digital billboards. Digital billboards must display one eight-second public service announcement (PSA) every 60 seconds, and must display a public emergency message for two hours or until no longer necessary. Digital billboards must meet certain other standards, many of which are already state requirements;
- Issuance of a permit given compliance with certain standards. Billboards must be constructed entirely out of steel. Unless a billboard replaces a billboard on the same lot that is constructed on multiple poles, it must be located 1,000 feet from another billboard on the same side of the road, at least

200 feet from a residentially zoned or used property on the same side of the road, and at least at least 500 feet from a local or national historic district. Lighting may not shine directly onto or into a residentially zoned or used parcel. Billboards may be 50 feet high as measured vertically from the adjacent edge of pavement of the main travelled way;

- Size. No face panel may be larger than the face panel of the billboard being relocated and/or reconstructed. (Many existing billboards have multiple faces that presumably could be aggregated to allow one larger face); and
- Landscaping or payment in lieu. A new billboard must be landscaped or the owner must make payment in lieu of landscaping into a fund dedicated to gateway beautification.

Current Billboards and Projections. Planning staff worked with North Carolina Department of Transportation staff in 2009 and 2010 to assess the existing billboards in Durham. Existing billboard locations are shown on Attachment B. Staff identified 94 billboards, down from 101 in 2000. Of those, 61 are wood and 33 are metal, including 25 steel monopoles. Forty-two of Durham’s 94 billboards have two or more faces. (The North Carolina Department of Transportation (NCDOT) issues permits for billboard structures, each of which may have more than one face.) Configurations include side-by-side, back-to-back, v-shape, and double-decker. Forty-nine billboards are located in the City, and forty-three in the County. Billboards are located on:

US 15-501 Business North (1)	I-85 North (14)
US 15-501 Bypass North (2)	I-85 South (20)
US 15-501 Bypass South (4)	US 70 Business West (1)
US 501 Business (5)	US 70 Bypass East (18)
US 501 Bypass (6)	US 70 Bypass West (13)
NC 55 (3)	US 70 Highway (1)
NC 147 North (6)	

At least 38 of Durham’s 94 billboards currently violate easily correctible state requirements. Six appear to be dilapidated or abandoned and could possibly be removed. Staff estimates that eight additional billboards will be removed due to East End Connector right-of-way acquisitions, and that Alston Avenue widening will remove one or two more. Billboard owners receive compensation from the state for removals due to road construction.

At least 45 of Durham’s billboards are considered nonconforming by the state due primarily to violation of state standards regarding location in local zoning districts, spacing, and distance to ramp access. Thirty-one of those are in the County, 14 in the City. Several more billboards along the East End Connector project will likely become nonconforming if not removed due to their proximity to each other and the road’s transition to fully controlled access. A sign that is nonconforming under state law may not be converted to digital or relocated off the current sign site unless it moves to a conforming area under a new NCDOT sign permit and becomes a

conforming sign that meets all current state standards. Under local law, all of Durham’s billboards are currently nonconforming and may not be relocated or converted to digital.

Fairway owns half of the billboards in Durham. It owns 47 billboards, 35 with two or more faces. Twenty-two are metal monopole construction, five are other metal, and 20 are wood. Twenty-eight Fairway billboards are located in the City, and 19 in the County. Ten Fairway billboards appear to have correctible state violations. At least 16 Fairway billboards appear to be nonconforming as interpreted by the state. Fairway’s billboards are located on:

- | | |
|----------------------------|-------------------------|
| US 15-501 Bypass South (1) | I-85 North (3) |
| US 501 Business (5) | I-85 South (9) |
| US 501 Bypass (4) | US 70 Business West (1) |
| NC 55 (2) | US 70 Bypass East (11) |
| NC 147 North (3) | US 70 Bypass West (8) |

Digital billboards are lucrative. Revenue from a standard billboard face is \$1,000 to \$2,000 per month, or \$12,000 to \$24,000 per year. A digital billboard face generates at least \$14,000 per month, or \$168,000 per year, seven to 14 times the revenue of a standard sign. Eleven digital billboard faces would mean revenues of \$1,848,000 per year. A digital billboard costs \$200,000 to \$500,000 and so could be paid off in two to three years. Because they are so lucrative, digital billboards would be very expensive for Durham to remove once installed. The City or County would have to pay “just compensation,” which could include the value of the property plus lost revenues. A steel monopole billboard has a lifespan of 50 to 70 years and compensation for removal could therefore amount to millions of dollars.

Issues. This requested text amendment raises concerns in the areas of aesthetics and economic development, public safety, environmental impacts, effect on other aspects of the sign ordinance, and potential legal problems. It would also require resources that the Planning Department lacks. Each of those topics is addressed below, as are moratoriums that have been imposed by state and local governments. Also addressed are public opinion and the Proposed Text Amendment Justification provided by the applicant.

Adequate regulation of digital billboards and other digital signs is technically complicated. If a text amendment allowing digital billboards is desired, it should include specific technical criteria that are lacking in this proposal. In addition, policy measures that benefit and protect the citizens of Durham should be included as they have in other local ordinances that allow digital billboards. Both topics are also addressed below.

Section 1. Public Opinion. According to an August 2009 independent survey commissioned by the Durham Convention and Visitors Bureau, Durham citizens clearly support maintaining the current sign ordinance. Seventy-two percent of those

surveyed supported maintaining the ordinance, 20 percent were undecided, and 8 percent were opposed. Results were consistent along gender lines. Along racial lines, African-Americans supported the current ordinance 11-1, Caucasians 10-1, Hispanics 5.5-1, and Asians, 4-1. Recent arrivals to the area showed lower support ratios (4.5-1) than long-time citizens whose support for the current ordinance ranged from 8-1 to 20-1. In addition, Planning staff have reviewed numerous citizen e-mails concerning billboards, the vast majority of which oppose changing the sign ordinance, generally for aesthetic, safety, or environmental reasons. The majority of newspaper letters to the editor appear to oppose digital billboards, and a citizen web site has been created in support of the current billboard ban.

Other information received by staff regarding group or advisory board opinion on billboard ordinance changes includes:

- November 18, 2008. The former president of the Greater Durham Chamber of Commerce provided a memorandum in support of the previous requested text amendment to the Chamber Board of Directors. It is not clear whether the memorandum represents the official position of the Chamber or simply a recommendation. See, Memorandum to Chamber Board of Directors from Casey Steinbacher, President/CEO, entitled “Recommendation for Text Amendment to Enhance Existing Billboards in Durham County”, November 18, 2008.
- January 2009. The Durham City-County Appearance Commission voted 9-5 that digital billboards should not be considered in any proposed text amendment regarding billboards. Six members voted against considering any text amendment at all. Eight members voted for considering a text amendment regarding billboards, assuming that the existing billboards will otherwise never be removed and that the amendment would result in more attractive signs and a reduction in quantity.
- January 15, 2009. Downtown Durham Inc. issued a letter to Fairway in response to Fairway’s request that DDI consider the requested text amendment. DDI declined to take a position on changes to the billboard ordinance, citing lack of consensus and insufficient information.
- March 2009. The Inter-Neighborhood Council voted to oppose any changes to Durham’s strict regulation of billboards after hearing presentations by Fairway and INC members on the subject.

Section 2. Public Safety. The threat to public safety presented by digital billboards, and digital signs generally, is a hot button regulatory issue. Numerous United States studies have been conducted on driver distraction of various types, by entities including the Federal Highway Administration, the National Highway Traffic Safety Administration, the University of North Carolina Highway Safety Research Center, local governments, and insurance companies. The data extrapolated from those

studies indicates that digital billboards do indeed pose a safety risk to drivers due to their inherent distracting qualities. Courts have agreed. In 2008, the 1st U.S. Circuit Court of Appeals in *Naser Jewelers, Inc. v. City of Concord, NH*, stated “It is a given that a billboard can constitute a traffic hazard. It follows that EMCs [Electronic Message Centers], which provide more visual stimuli than traditional signs, logically will be more distracting and more hazardous.”

The billboard industry has issued two recent studies indicating that digital billboards are safe, which have been discredited by independent peer review studies commissioned by the State of Maryland (2007) and the Highways Subcommittee on Traffic Operations (SCOTE) of the American Association of State Highway and Transportation Officials (AASHTO) (2009). Notably, the author of one of the industry studies, Suzanne Lee, believes that the potential for drivers to be distracted by digital billboards should be investigated further. She recently stated, “[i]f we don’t study this, and get on top of it right now while the capabilities are expanding, every roadway will be filled with flashing lights and video.”

In 2009, the FHWA issued a Phase 1 report on digital billboards that included a literature review and investigation of applicable research methods and techniques. It also analyzed the numerous key factors or variables that affect driver response to digital signs or serve as indicators of driver safety. It made recommendations for future research in three stages – determination of distraction, basis for possible regulation, and relationship of distraction to crashes. The first stage of that research is now underway. (Concurrently, the FHWA’s interpretation of the Highway Beautification Act to allow digital billboards, made in 2007 under the Bush administration, is under scrutiny. In February 2010, the Georgetown Institute for Public Representation, a public interest law group, filed a petition with the FHWA to reverse its interpretation.) The 2009 AASHTO report also provides a comprehensive review of the research to date, and offers guidance to state and local governments that wish to allow digital billboards prior to the FHWA results. Particulars are discussed below in Section 10, Technical Regulation of Digital Billboards.

The FHWA promulgates standards for official signs, including digital signs, which are contained in the Manual of Uniform Traffic Control Devices (MUTCD). The 2009 MUTCD, effective January 15, 2010, contains a new Chapter 2L, Changeable Message Signs. It strictly regulates such factors as legend height, color, phases per cycle, and display time in order to protect drivers. The MUTCD training information explains that Chapter 2L was created “to consolidate all information about changeable message signs into one location and to incorporate the results of extensive research on changeable message sign legibility, messaging, and operations that has been conducted over a period of many years.” Comparing the MUTCD standards to advertising usage, the 2009 AASHTO report explains:

“[t]he MUTCD and the research on which it relies recognize that road signs are something of a “necessary evil”. They are required to communicate warnings, regulations, guidance and other information to

road users. However, because even official signs draw the driver's eyes away from the principal task, such signs are designed to communicate their message quickly, clearly, and consistently. Advertisers, on the other hand, have demonstrated little predilection to follow these principles; rather, their goal is to attract the driver's attention, and hold it long enough to communicate their message."

Digital billboards have been used to assist in emergencies and crimestopping, but local governments are now recognizing that they need to balance that assistance against other concerns, especially driver safety. Official signs regulated under the MUTCD are the appropriate venue for broadcasting public emergency messages.

Section 3. Aesthetics. Aesthetics is, of course, in the eye of the beholder. Citizens within communities can differ and communities overall have different aesthetic values and appearances. The Triangle communities – Raleigh, Cary, Chapel Hill, and Morrisville – have tight sign regulations similar to Durham's current ordinance. Cities like Greensboro, Asheville, and Wilmington have more permissive sign regulations. Based on information received it appears that some people in Durham enjoy billboards but most believe they are unattractive and contribute to visual clutter. The recent survey commissioned by the Durham Convention and Visitors Bureau indicates that citizens overwhelming support maintaining the current sign ordinance.

Beginning in the mid-1980's, Durham, like many other areas nationwide, determined that removing existing billboards and prohibiting new ones would improve the aesthetics and overall image of the City and County. The changes were supported by the business community, which advocated for a more attractive appearance for citizens and business alike, with an emphasis on attracting new business. The decision resulted in years of litigation at great taxpayer expense, but was upheld in the end. The consensus at the time was that Durham's appearance was greatly improved by regulating signs, including billboards, with the removal of nonconforming signs through amortization and being handled as legal nonconforming.

The aesthetics of digital billboards add a new element to the analysis. Again, some people appear to enjoy them: an Arbitron survey commissioned by the Outdoor Advertising Association of American found that a majority of digital billboard viewers in Cleveland found the signs to be attractive and helpful to the community. However, local citizen comments, independent local survey results, and nationwide reports indicate that many more people find them problematic. They are designed to be the brightest item in a field of vision, often visible for great distances. They can disturb citizens living nearby and generally obscure or distract from the natural and built environments. Natural, green vistas, even if merely buffers, attract and retain business and residents. Downtown Durham now has a clean, alluring cityscape thanks to significant public and private investment, and improving Durham's gateways is an ongoing priority.

Staff has also received comments indicating that many of Durham's existing billboards are considered an eyesore and could be improved in appearance. These comments are being taken into account and, given available resources, increased state and local enforcement should improve maintenance on existing billboards and expedite removal of others. The current ordinance requires that existing billboards be maintained up to a point. They must be removed if maintenance requirements are excessive or if they become dilapidated.

Section 4. Environmental Protection/Sustainability. Any new billboard is by definition not as green as an existing billboard because it requires the use of new materials and causes land disturbance during construction. In addition, digital billboards have high-energy usage and emissions. One standard-sized digital billboard contains 449,280 light-emitting diodes (LEDs). According to Scenic America, it consumes 397,486 kWh/year, has a carbon footprint equal to 49 traditional billboards or 13.39 homes, and generates 108.41 tons/year of carbon dioxide. The Durham County Greenhouse Gas Emissions Inventory and Local Action Plan calls for a 30% reduction in greenhouse gas emissions by 2030. Digital billboards would increase rather than reduce Durham's emissions.

Light pollution is also an issue with digital billboards. The applicant's request requires that lighting be confined to the billboard area, but digital billboards are designed to be the brightest item in a field of vision, and can be visible for miles at night. Even if digital billboards were deemed acceptable, the proposed language would not adequately protect Durham citizens as discussed below in Section 10, Technical Regulation of Digital Billboards. Also, regulating LED lighting is technically complicated and staff lacks the necessary training and equipment.

The applicant's request requires that new billboards be landscaped and maintained or that payment in lieu of the cost of landscaping be made. Regarding landscaping criteria, the applicant's requirement that a canopy tree be placed at each end of a billboard should be modified if adoption is considered. It would result in trees that partially eclipse a sign or require unattractive pruning to maintain sign visibility. Whether the proposed landscaping would enhance billboard appearance is debatable, but given the payment in lieu option, which is less expensive than installation and long-term maintenance, it may not occur in any case.

Tree removal around billboards is a more significant issue. Small preexisting trees may be removed along 250 feet of the travel lane right of way near a billboard under a NCDOT permit. (Trees can of course be removed to any extent on private land where the billboard is located.) Last year, when the billboard industry attempted to increase the 250 feet standard to 375 feet, the North Carolina Chapter of the American Planning Association opposed the change on the grounds that "[t]he perception of our State, particularly for visitors, is defined to a large extent by views from our roads. Natural, green vistas are what attract and retain businesses in our State; current standards help to protect this asset, while the proposed changes would accelerate its deterioration."

Section 5. Legal Issues. The law is clear that billboards can be regulated more strictly than other signs, and even banned entirely. Nonetheless, sign regulation is legally challenging. Litigation often results from unclear regulations or changes in sign ordinances. The billboard industry is responsible for many lawsuits against local governments, and many communities are currently involved in sign litigation. Most of the litigation involves digital technology, with some communities trying to require removal of signs that were built under ordinances that did not clearly disallow them. Durham’s ordinance is, however, clear in that regard. Since it has already been upheld, it is unlikely that the billboard provisions of Durham’s current ordinance will be subject to further challenge.

The applicant’s request raises legal concerns in a number of areas. The first is the allowance of billboards in zoning districts other than commercial or industrial districts. The Highway Beautification Act and North Carolina law limit new billboards to locations in those two districts, as interpreted by NCDOT. In addition, localities cannot zone areas solely to allow for billboard use. It appears that the applicant’s proposal contravenes federal and state law.

A second concern is how to allocate billboards between or among companies if new locations are being requested. Given the 1,000-foot separation requirement, multiple companies could request locations that are within a 1,000 feet of each other. No mechanism to choose is included in the amendment.

A third concern is the requirement to run public service announcements (PSAs) that include noncommercial advertising. The proposed amendment requires each digital billboard to display one eight-second PSA per minute. It describes PSAs as announcements for which no charge is made and which promote the programs, activities or services of governments or non-profit organizations, and announcements regarded as serving community interests. The legal concern is that sign regulations must be “content neutral” and in particular, they cannot favor some noncommercial messages over others. Announcements or activities from nonprofit groups may be controversial in nature. It appears that since the noncommercial advertising would be a legal requirement imposed by government, then government would need to require that all requesters be allowed digital time without regard to the message they wish to display. Profane or obscene messages could likely be excluded but it is not clear what else could be excluded without violating the constitutional mandate of content neutral government regulation. The legally safest alternative is to not require that PSAs be run.

In contrast, what occurs under the current ordinance works well, without government entanglement in this messy area. The current ordinance does not require that noncommercial content appear on billboards, but sign companies nonetheless offer space to noncommercial organizations. In fact, both noncommercial and commercial advertisers arguably receive better exposure under the current ordinance where their messages appear continuously than they would under a digital format where their

exposure is eight seconds per appearance. PSA placement could also be problematic - a Crimestoppers ad could be followed by six ads for alcohol and gun shows. Many viewers will see more than one ad, as they try to watch them change (the Ziegarnik effect).

A final legal concern is how the governing bodies can rationally justify allowing digital billboards without allowing the same digital technology for on-premise signs. It is difficult to argue that digital signs should be allowed off-premise and not allowed on-premise, especially since the courts have historically allowed on-premise signs to be treated more favorably than off-premise signs. The proliferation of digital billboards on major highways might necessarily lead to the proliferation of digital signs on local streets.

Section 6. Effect on Other Sign Ordinances. As discussed in Section 5, Legal Issues, any change to one area of a sign ordinance can lead to similar changes in other areas. If digital billboards are allowed, the public safety and aesthetics justifications for prohibiting digital on-premise signs and digital portable signs could be compromised or eliminated.

The 2009 AASHTO report states, “The potential impact from these latest technologies goes far beyond a simple replacement of traditional, static billboards. On-premise advertising signs, traditionally given much more freedom by FHWA and local authorities, are increasingly using the same LED technology now appearing on billboards.” The report goes on to explain:

“[t]he growing use of LED technology for advertising in on-premise applications is of concern because such signs may be larger than traditional billboards, closer to the right-of-way and to roadway sections with high task demands, and may include animation and full motion video. At least one State is considering the use of its official changeable message sign network for the display of digital advertising. And an unknown number of private or toll-road operators are also contemplating the sale of advertising within their rights-of-way. In addition, we are seeing the deployment of LED displays, often featuring video, on vehicles moving in the traffic stream. Vehicles as diverse as small trucks and vans, public transit buses, and large, over-the-road trailers, are now being outfitted with LED advertising, and the potential for driver distraction grows with each such installation. Our review suggests that, with few exceptions, government agencies have no regulations or guidelines in place to address these new uses.”

The report also describes personalized and interactive billboards, discussed further in Section 10, Technical Regulation of Digital Billboards, and the pressures being brought to bear on the FHWA to change the MUTCD to allow advertising on official signs. Durham can expect increasing pressure to allow digital on-premise signs as

shopping centers, automobile dealers, realtors and other business owners find that the signs are affordable and unprecedented in their attention-getting power.

Section 7. Financial Impact/Staffing. The requested text amendment would create an unfunded initiative by imposing a significant new regulatory and enforcement burden upon the City-County Planning Department and possibly other departments. New structures and processes would need to be implemented for the following:

- 1) Registration by the City or County of all Durham billboards within 90 days of ordinance adoption, including assessment of state permit compliance for each;
- 2) Assessment by the Planning Department of each permit application, including locational, structural, technical, and landscape elements, as well as any new state permit compliance;
- 3) Landscape inspection by the Planning Department within 90 days after permit issuance;
- 4) Review by the City or County of petitions for payment in lieu of landscaping and establishment and maintenance of a payment in lieu program, assuming statutory authority exists, and a gateway beautification program;
- 5) Enforcement by the Planning Department after permit issuance, including enforcement of digital standards requiring training, expensive equipment, and consistent monitoring; and
- 6) Creation by the City Police Department and the County Sherriff's Department of a digital billboard emergency protocol and ongoing staffing as needed to ensure its implementation.

In addition, the Planning Department would need to bring forward proposed registration and permit fees and a proposed zoning map change to implement the billboard overlay district. Registration and permit fees could offset certain permitting costs, but would not help with costs associated with other implementation or enforcement.

The City-County Inspections Department currently issues sign permits, and has raised a number of concerns about the requested text amendment. The concerns relate to:

- Division of labor between departments;
- Resource demands and record-keeping;
- The overlay district definition;
- NCDOT permit verification;
- Information requirements for permitting;
- Clarification of legal responsibilities of sign owner and property owner;
- Survey and lighting survey requirements;
- Reference to state regulation instead of specifying height;
- The rationale for exceptions for signs with multiple poles;
- Creation and administration of a fund dedicated to gateway beautification;
- Challenges in enforcement of lighting requirements;
- The fact that sign companies do not typically handle landscaping;
- Verification of all technical code requirements; and

- Logistics and enforcement, generally.

Given the budget cuts of FY 2009-2010 and FY 2010-2011 and resulting reduced staffing levels, the Planning Department and possibly others could not perform the additional functions without additional staff resources and/or significant adjustments to ongoing and prioritized items in work programs.

Section 8. Prohibition/Moratorium. State and local governments nationwide are grappling with the issue of digital billboards, and adopting a variety of approaches. Many allow digital billboards but an increasing number are either prohibiting them or imposing moratoriums to allow for study of the issue. Between April and December of 2008, 23 cities within Texas alone prohibited digital billboards, and six imposed moratoriums. At least 11 states prohibit digital billboards, and Montana and Kentucky have instituted temporary bans to allow for assessment of pending safety studies. Michigan and Minnesota are currently considering moratoriums. Many cities also prohibit digital billboards, including Houston, Austin, Galveston, Dallas, Fort Worth, San Diego, Little Rock, Pasadena, Santa Monica, Des Moines, St. Paul, Wichita, St. Petersburg, and Denver. As mentioned above, local governments like Raleigh, Cary, Chapel Hill, Cary, Morrisville, and Apex also prohibit them. San Francisco voters recently voted down a proposal for a new downtown billboard district with digital signs. St. Louis, El Paso, and San Antonio have imposed moratoriums and Atlanta is considering a ban. Many of the above locations prohibit all new billboards, standard as well as digital.

In October 2009, Watauga County, North Carolina (Boone, Blowing Rock) prohibited all new billboards and conversion from standard to digital following citizen complaints about three digital billboards owned by Lamar Advertising. In January 2009, the City of Los Angeles imposed a two-year moratorium due to negative citizen response, particularly from poorer citizens who happened to live near digital billboards, to a court settlement in which it allowed them. In August 2009, Los Angeles adopted an emergency ordinance banning digital billboards, both new and converted, from most areas of the city. The unanimous City Council vote came in response to another pending legal challenge to the moratorium, which had been previously upheld in federal court.

Section 9. Applicant Justification. The applicant provides a “Proposed Text Amendment Justification” that lists five reasons for requesting the proposed changes. Synopses with responses are listed below.

- **Reason 1.** The Durham Comprehensive Plan contemplates and supports the changes under Policy 4.2.3b, which states the UDO should “develop different design standards for attractive nonresidential signage appropriate to each development Tier.” The applicant requests changes in order to upgrade the appearance of billboards in each Tier.

Response 1. The referenced policy is located in Objective 4.2.3, Attractive Nonresidential Development, which states, “[i]ncorporate attractive nonresidential development into the existing community character, ensuring that is made an integral and appealing part of the built environment.” The referenced policy, Policy 4.2.3b, Nonresidential signage, also states, “Signs within the Suburban and Rural Tiers shall be compatible in appearance, while signs in the Downtown, Urban, and Compact Neighborhood Tiers shall be allowed greater variety and flexibility in their design.” The Comprehensive Plan was adopted in 2005, long after new off-premise signs were prohibited and restrictions placed on the nonconforming signs. This objective and policy clearly apply to on-premise signs in nonresidential developments, which is borne out by current UDO requirements and pending sign ordinance changes for the Downtown Tier. The applicant’s request is not Tier-specific, and in any case, the requested changes would not meet the letter or intent of this objective and policy.

- **Reason 2.** New billboard technology was not contemplated when the current billboard ordinance was enacted. The new digital technology represents a change in circumstances that warrants revisions.

Response 2. It is true that digital sign technology was not available when Durham’s sign ordinance was enacted. However, new technology or changed circumstances do not necessarily warrant UDO revisions. Durham does not need to revise its ordinances to prohibit digital signs, unlike many communities, which are revising them to do so as quickly as possible. The current ordinance works very well, is protective of public safety and aesthetics, and the advent of new technology and associated requests only means that diligent efforts are required to safeguard it.

- **Reason 3.** The Durham Comprehensive Plan supports using digital billboards for emergency management under Policy Goal 12.4, which states that Durham should “[p]rovide an effective program of emergency management to maintain a safe environment for Durham’s citizens,” and Objective 12.4.1, which states that Durham should “[e]stablish and maintain an appropriate level of emergency management in Durham.” Also, Comprehensive Plan Summary of Issues item number 1 states that “[n]ew technology can improve the effectiveness of staff [emergency] resources...”

Response 3. As recommended by the Durham Comprehensive Plan, Durham has an emergency management plan and systems that utilize the latest technology. As discussed above in Section 2, Public Safety, even communities that have successfully used digital billboards for emergency messages now realize that such benefits need to be weighed carefully against the overall risk to public safety. Durham has official NCDOT signs that broadcast emergency messages and are regulated under the MUTCD to protect the public.

- **Reason 4.** Changes in state law present conflicts with the UDO sign ordinance, which the proposed changes would resolve.

Response 4. The applicant cites two North Carolina Supreme Court cases for its proposition, Lamar OCI South Corporation v. Stanly County Zoning Board of Adjustment (N.C. 2008), and Morris Communications, d/b/a Fairway Outdoor Advertising v. the Board of Adjustment for the City of Gastonia (N.C. 2004). Under those cases, state law would indeed trump contradictory UDO provisions. Lamar says that a nonconforming billboard can be relocated back on the same Sign Location/Site, as long as it does not move more than 1/100th of a mile parallel to the highway. (Lamar also says that a billboard that is nonconforming under local law is nonconforming under state law.) Morris says that sign structures are part of the nonconforming sign that may be maintained. However, both cases hold that state regulation does not preempt local regulation of outdoor advertising in general, and a new case, Morris Communication Corporation d/b/a Fairway Outdoor Advertising v. City of Bessemer Zoning Board of Adjustment, N.C. Court of Appeals, March 2, 2010, muddies the waters. It holds that relocation of a nonconforming billboard on the same property due to highway construction as approved by NCDOT is prohibited where the local government requires a sign permit for relocation and the original sign permit had expired.

Whether specific UDO provisions do contradict state law is clearly uncertain. If they do, however, the UDO severability clause at Sec. 1.9, Severability, will likely protect the sign ordinance as a whole. Any changes to the existing ordinance to conform to state law would be minor and could be made through a simple technical changes amendment. They would not require wholesale revision of the sign ordinance.

- **Reason 5.** The requested changes will aid Durham's local economy and generate increased tax revenues from Durham's billboards.

Response 5. The applicant's request presents no information indicating how the requested changes will aid Durham's economy. Presumably, however, more local businesses could advertise on the digital signs, which could help them generate business. Of course, more out-of-town businesses could also advertise, drawing customers to other Triangle locations. The LED components could be manufactured by Cree, which has facilities in Durham, Morrisville, and Research Triangle Park. The Planning Department could charge permit and possibly registration fees. Fairway is based in Georgia with an office in Raleigh. It appears unlikely that the applicant will open an office in Durham or employ Durham citizens. Digital signs would not require on-site message changes and the Raleigh staff would presumably continue to manage the rest.

Billboards are taxed as personal property. According to County tax records, Fairway and its associated entities paid \$2,605.60 in 2008. Although 22 of Fairway's billboards are steel monopole, the average taxable value per sign was \$5,107. In 2009, Fairway and associated entities paid \$4,266.77. The average taxable value per sign was \$7,726. Even assuming that digital billboards are 20 times as valuable as standard steel monopole billboards, and that one quarter of the existing billboards would be digital and the rest steel monopole, it appears that the total tax payment from all billboard companies would be well under \$60,000 per year. The income method of tax assessment for billboards is not currently allowed under North Carolina law. Elsewhere, however, cities have switched to that method because the billboard industry could not exist without public investment in roads. Milwaukee expects up to 1,000 percent increases in billboard tax revenues based on its 2009 change.

Section 10. Technical Regulation of Digital Billboards. If Durham decides to change the billboard ordinance to allow digital signs, technical standards must be carefully drafted. The standards contained in the requested text amendment are inadequate to protect Durham citizens and other drivers along its roadways. All relevant departments and probably an outside consultant should be involved.

Recognizing that state and local governments are struggling with pressures to issue digital billboard permits, and with threats of litigation should such permits be denied or revoked, AASHTO issued its 2009 report to provide some guidance. Entitled "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs", the report was prepared by Jerry Wachtel of the Veridien Group. It analyzes the safety and regulation information currently available and recommends standards or, in many cases, methods of achieving standards, using the best existing information. The FHWA digital billboard safety study currently underway is expected to provide a more comprehensive understanding of the safety implications of digital signs that may lead to guidance or regulation at the federal level.

The report recommends **site-specific** regulation of the following factors:

- **Minimum Display Duration.** Sight distance to the digital billboard (ft)/Speed limit (ft/sec) = Min. display duration (sec).
- **Amount and Type of Information Displayed.** Upper limits on the amount of information displayed should differ depending upon sight distance, speed limits or prevailing speeds, and driver task demands imposed by the design and operation of the roadway. Telephone numbers, internet addresses, text message instructions, etc. are public safety hazards, and evidence has been shown of traffic slowing, even for AMBER Alert messages on official signs, despite their conformance with MUTCD standards.
- **Information Presentation.** Message design, including text size, image placement, etc. should facilitate speed and ease of reading, and rapid,

unambiguous message interpretation, to achieve lower levels of driver attentional demand and distraction. The MUTCD standards result from years of development and constant refinement by human factor and traffic safety experts and the report suggests looking to those and information already available from the outdoor advertising industry.

- **Digital Billboard Size.** The larger the billboard, the larger the images, the brighter it can appear to be, and the greater the distance from which it can be viewed. Digital billboards therefore need to be assessed differently than standard billboards.
- **Brightness, Luminance, and Illuminance.** The applicant requests maximum luminance levels that are much higher than the levels the report presents as accepted by both industry and regulators. Levels should be set following on-site assessment with specific measurement methods, and take into account environmental and other relevant factors. The methodology is described in the report.
- **Display Luminance in the Event of Failure.** In the event of malfunction, brightness should be reduced to a level independently determined to be the acceptable maximum under normal operation taking into account time of day and weather variables. Otherwise, the billboard should shut down. In 2007, a billboard on the San Francisco-Oakland Bay Bridge malfunctioned by maintaining day brightness at night and was not shut down, creating a serious safety hazard for drivers and generating complaints due to its visibility all over the Bay area.
- **Longitudinal Spacing Between Digital Billboards.** A set number is not adequate. Factors that need to be assessed include prevailing travel speeds, sight distance, topography, and driver field of vision generally.
- **Digital Billboard Placement with Relation to Traffic Control Devices and Driver Decision and Action Points.** Different cognitive demands are placed on drivers at different locations. The design and placement of traffic control devices themselves is the result of empirical research into those demands that led to nationwide standards. Billboards should be assessed for their effects as well to promote traffic safety.

If on-site determinations are not viable, then stringent standards should be set to ensure safety in all situations.

The report recommends prohibiting the following, which the applicant's request does in fact prohibit:

- **Interval Between Successive Displays;**
- **Visual Effects Between Successive Displays; and**

- **Message Sequencing** (a sequence of two or more signs with related messages).

The report also briefly addresses regulation of on-premise digital signs, digital signs in public rights-of-way, digital signs on moving vehicles, and new digital billboard technologies. New billboard technologies currently used elsewhere that will likely require regulation include the following:

- **Billboard Audio and Other Stimuli.** A digital billboard broadcasts audio or other sensory stimuli like smells. These billboards exist in the U.S. and have been prohibited in Tucson, Arizona, for instance.
- **Personalized and Interactive Billboards.** These signs include billboards that convey a personal greeting to the driver, billboards that interact with the driver in real time, and billboards that unobtrusively obtain information from drivers and vehicles. Personal greetings are used by Mini Cooper, which has billboards that recognize and convey a personal message to the vehicle of a driver who “opts in”. Billboards that interact with drivers exist in Europe. In a recent French trial, billboards call the cell phones of drivers who “opt in” with special promotions. In Belgium, billboards text back and forth with drivers, who answer questions to get placed into a drawing. Billboards that obtain information, or “smart signs”, include a billboard in California that monitors car radio information and tailors its advertising to the appropriate demographics. A recent patent claims to be able to capture images of driver eye movements as they approach the billboard.

Section 11. Policy Regulation of Digital Billboards. If Durham decides to change the billboard ordinance to allow digital signs, provisions should be included to ensure some benefit and protection for the citizens of Durham. Options include:

- **Tradeoffs:** Under this mechanism, a billboard company must remove a specific number of existing nonconforming billboards for each new digital billboard it erects. Asheville requires at least a three to one tradeoff, so that each new digital billboard requires removal of existing nonconforming billboards equaling at least three times the area of the new sign. The tradeoff number should ideally reflect the increased revenue generated by digital signs, which typically generate 7-14 times the revenue of standard billboards;
- **Specific Locations:** Under this mechanism, a local government requires removal of specific existing nonconforming billboards in exchange for new digital billboards. This mechanism can be used to clean up high-visibility areas. Wilmington’s ordinance is structured to clean up gateways and two other specific areas. San Antonio, TX used this mechanism to clean up its downtown historic district. Staff recommend cleaning up Durham gateways if ordinance adoption is considered;

- **Sunset Provisions:** Permit time limits can be imposed. For example, the City of Oakdale, Minnesota, issues annual billboard permits. This approach is suggested by the 2009 AASHTO Report. It allows a local government to decline to renew if the billboard proves problematic due to accidents caused, frequent malfunctions, use of new, undesirable technologies, traffic delays, need for road widening, citizen dissatisfaction, or other reasons. A clear limitation on the number of years authorized under a permit would allow government to avoid paying huge sums to remove billboards;
- **Financial Assistance:** Enforcement of digital billboard regulations requires sophisticated, expensive instrumentation. The applicant should purchase the equipment that the City and County, or their consultant, deem necessary for enforcement; and
- **Carbon Neutral:** In order to meet the goals set out in the Durham County Greenhouse Gas Emissions Inventory and Local Action Plan adopted by both the City Council and County Board of Commissioners in 2007, any changes to the current sign ordinance should mandate that digital signs be at least carbon neutral, either through direct use of renewable energy or the purchase of renewable energy generated in North Carolina.

Alternatives. The Planning Commission may recommend approval or modification of the proposed text amendment or recommend an alternate proposal.

Contact. Julia Mullen, Planner, 560-4137 x28255, julia.mullen@durhamnc.gov

Attachment: Attachment A, Fairway UDO Text Amendment Request and Replacement Text
Attachment B, Map of Proposed Overlay/State Billboard Status
Attachment C, Benchmarking Information
Attachment D, List of Sources

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Erik Bjornson
Letter (3-22-11)
Attachment 5
4 pages

March 1, 2010

Digital Billboards, Diversions Drivers Can't Escape

By **MATT RICHTEL**

Safety advocates who worry about the dangers of distracted driving have a new concern beyond cellphones and gadget-laden dashboards: digital roadside billboards.

These high-tech billboards marry the glow of Times Square with the immediacy of the Internet. Images change every six to eight seconds, so advertisers can flash timely messages — like the latest headlines, coffee deals at dawn, a cheeseburger at lunchtime or even the song playing on a radio station at that moment.

The billboard industry asserts there is no research indicating they cause crashes, and notes that the signs do not use video or animation.

But to critics, these ever-changing, bright billboards are “television on a stick” and give drivers, many of them already calling and texting, yet another reason to take their eyes off the road.

Abby Dart, executive director of Scenic Michigan, a nonprofit group trying to block construction of new digital billboards in the state, calls the signs “weapons of mass distraction” and says they can be more dangerous than phones.

“You can turn off your phone,” she said. “The billboard gets your attention whether you want to give it or not.”

Last Thursday, Michigan lawmakers held hearings on legislation, the first of its kind, that would impose a two-year moratorium on the construction of new billboards. Minnesota’s legislature is scheduled to hold hearings this month on a similar moratorium. As digital billboards begin to pop up around the country, questions about whether to regulate the emerging technology are being asked in other states as well, and by federal officials.

The Federal Highway Administration has been conducting a study, which it says will be completed this summer, that uses eye-trackers inside cars to see whether drivers who have

volunteered for the study look at the digital billboards, and for how long. The agency also has organized a tour this spring to take researchers to various cities around the world to study how other nations are regulating digital billboards.

In the United States, only about 2,000 of the nation's 450,000 billboards are digitized, but the industry expects there to be tens of thousands of them, as many as 15 percent of its overall inventory.

The signs are typically used in busy traffic areas, where advertisers are willing to pay a premium for them. A digital billboard costs \$250,000 to \$300,000, roughly half what it did five years ago, but much more than the \$5,000 to \$50,000 for a traditional billboard.

Space on the digital signs fetches a premium in part because up to six advertisers can share a single location. Traditional billboards fetch a wide range of monthly rents (from \$1,000 to \$5,000 depending on location and audience) and the digital versions cost the same or a bit more, but the industry benefits by selling that space at that price to more than one advertiser.

Rather than settling the matter, existing research about digital billboards leaves room for debate on the danger.

One 2007 study, from the [Virginia Tech](#) Transportation Institute, which used in-car cameras to study motorists, found that digital billboards did not change driver behavior more than ordinary billboards.

But critics note that the study was financed by the billboard industry and that it was found to be biased by reviewers who rejected it for publication in 2008 by the Transportation Research Board, a Congressionally chartered agency.

Even the researcher who led the Virginia Tech institute project, Suzanne Lee, while defending her science as sound, said that the potential for drivers to be distracted by the new billboards — and digital signs that use video and animation — should be investigated further.

“If we don't study this, and get on top of it right now while the capabilities are expanding, every roadway will be filled with flashing lights and video,” said Ms. Lee.

For decades, the Federal Highway Administration has provided regulations to states governing free-standing billboards that prohibit them from having “flashing, intermittent or moving light or lights.”

But in 2007, the agency ruled that the free-standing digital billboards did not violate the rule and recommended, among other guidelines, that ads on those billboards stay in place at least

four seconds and that they not be “unreasonably bright.”

Last week, the Georgetown Institute for Public Representation, a public interest law group, filed a petition with the highway administration asking it to reverse the earlier decision, which would have the effect of banning new digital billboards that include flashing, intermittent or moving lights, and requiring the dismantling of existing ones.

The billboard industry argues that the new signs are part of a larger technological and economic shift to a paperless society (no more crews hoisting and removing ads from billboards) and that they give advertisers more flexibility.

Marketing materials published last year by [Clear Channel](#), one of the nation’s biggest billboard companies, say the digital billboards are, among other things, ideal for posting game scores by advertisers like radio stations and sports bars. News organizations can also use them — “as the Web site headline changes, so does the digital billboard,” the materials say.

“It’s a very flexible, very responsible medium and very impactful,” said Ron Cooper, chief executive of Clear Channel Outdoor, which has 450 digital billboards and plans to add 150 more this year. Big corporations that have used them include ABC, [AT&T](#), [Coca-Cola](#), [McDonald’s](#), [General Mills](#), [Ford](#) and [Verizon](#). “Consumers report seeing it, remembering the brand, remembering the advertisers.”

He and others in the industry say they have been careful to make the signs memorable but not distracting. They say the “television on a stick” label is an exaggeration.

“It’s a slide projector — it shows one image after the next,” said Bill Ripp, a vice president who oversees digital billboards for [Lamar Advertising](#), another large billboard company. “We were as concerned as anybody. We wouldn’t want to cause danger.”

The industry has found an ally in some crime-fighting groups and agencies, including the [Federal Bureau of Investigation](#) and the National Center for Missing and Exploited Children, which use the new signs to broadcast images of fugitives or of abducted children.

“We’ve had moms grab their sons by the ear and drag them right down to the sheriff’s office because they were embarrassed to see the son on the billboard,” said Bart Dexter, coordinator of the Michigan Crime Stoppers organization, who opposes the Michigan moratorium.

Ms. Dart, from Scenic Michigan, said the potential driver distraction outweighs any help the signs may provide in catching fugitives.

Rebekah Warren, a Democratic state representative from Ann Arbor, who proposed the

moratorium, said the bill reflected broader concerns that legislators around the country had about distracted driving. In December, the Michigan House of Representatives passed legislation banning motorists from texting, something its Senate now is considering.

“We are moving so quickly into this digital age,” said Ms. Warren. “We are being cautious in state legislatures around the country on how we keep drivers focused on the road.”

This article has been revised to reflect the following correction:

Correction: March 3, 2010

A picture caption on Tuesday with an article about concerns that digital billboards may be a distraction to drivers described incorrectly the billboards shown. While the billboard at the far right was digital, the others were conventional billboards; the photograph did not show “a succession of digital billboards.”

From: David A Gabel, ENN
Published December 22, 2010 09:32 AM

The Rise of Digital Billboards: What a Waste!

On the typical American roadway, it is not uncommon to see large advertising billboards. Even looking out my office window, I see two of them: one for an insurance company, and the other with a scantily clad woman (not exactly sure what that ad is for). These types of billboards have been around for a long time, but are slowly being replaced with new flashy electronic billboards. According to a new report, digital billboards consume large amounts of energy and create a variety of electronic waste.

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Digital billboards use thousands of tiny light emitting diodes (LED) bulbs which can be manipulated, so the image can be changed. The effect is a brighter sign which attracts the gaze of motorists and passengers, adding to our ever-growing distractions on the road. For billboard owners, they can be great for business, allowing their space to be sold to multiple advertisers at any one time.

Besides contributing to light pollution and being a visual annoyance to some, digital billboards also use massive amounts of energy. According the study by Gregory Young, an architectural designer and urban planner in the Philadelphia area, each billboard consumes 30 times as much energy as the typical American household. Even though LED bulbs are extremely efficient, the signs deploy so many that their energy use is high.

Typical billboards have only one or two large lights to illuminate them at night, but require no energy during the day. Digital billboards need power for all hours of the day and therefore require cooling systems which use even more energy.

Some of these new billboards are enormous, measuring 20'x60' (6m x 18m), and can deploy over 10,000 LED bulbs. Young's report states that the largest digital billboards consume a staggering 323,773 kilowatts hours per year, compared to the typical household uses about 11,000 kilowatt hours per year. The cost of this amount of energy equates to a bill of over \$44,000 per year (given the current kWh rate in the Philadelphia metro area).

Another major problem is the enormous amounts of electronic waste produced from spent LED bulbs. LED bulbs have a lifespan of 100,000 hours (11 years) and are recyclable. However, with rapid technological advancements, today's LED bulbs will be obsolete. Also, there is often no mandate to reuse the bulbs, and very little monitoring exists. Wastes produced from typical billboards (paper, vinyl sheets) actually have a higher volume, but do not have the potentially toxic byproducts.

Nevertheless, digital billboards are expected to increase in numbers around the country as prices for large LED screens fall. The Outdoor Advertising Association of America projects the annual increase of large digital billboards to be several hundred per year. The rise of digital billboards will also bring about a rise in environmental, energy, and safety concerns.

Erik Bjornson
Letter (3-22-11)
Attachment 6
1 page

Erik Bjornson
Letter (3-22-11)
Attachment 7
1 page

Deseret News

Salt Lake City leaders want to ban electronic billboards

Published: Monday, March 21, 2011 5:01 p.m. MDT

SALT LAKE CITY — What happens in Salt Lake City ... well, it generally doesn't require a slogan about secrecy.

Utah's capital city isn't Las Vegas, and city leaders want to make sure it stays that way.

That's part of the reason Mayor Ralph Becker is asking the City Council to ban electronic billboards and prevent existing roadside advertising from converting to ads with changing images and flashing lights.

"The image of the city should not be that of Las Vegas," said Frank Gray, Salt Lake City's director of community and economic development.

Traditional billboards already fail to provide motorists entering the city with the type of welcome city leaders would like, Gray said. The potential for those billboards to be converted into signs with unsynchronized flashing images would be even further from that ideal, he said.

"That's not the image that any of us want for this beautiful city and for what the city represents to the state as its capital," Gray said.

On Tuesday, the Salt Lake City Council will discuss proposed zoning changes that would ban electronic billboards and provide criteria for those already operating in the city. The council also plans to set a public hearing on the issue for April 5.

City officials say there are six electronic billboards in the city, though the permitting of three of those is in dispute. City leaders hope to work out an agreement with Reagan Outdoor Advertising Inc. that would allow those signs to continue to operate but only change images once every 24 hours. If not, the issue could end up in court, Gray said.

"There's some question about whether those (three electronic billboards) were put up in a legitimate fashion," he said.

Messages left for Reagan Outdoor Advertising President Dewey Reagan were not immediately returned Monday.

Permits for electronic billboards have been withheld by the city since October, when Mayor Becker first initiated the request to regulate them. The regulations apply only to "off-premise advertising," such as billboards along roadways, not storefront signs.

"It's the mayor's intent to establish a citywide ban on electronic billboards," said Art Raymond, Becker's spokesman.

Electronic billboards are becoming more common across the nation because often they're more visible, and companies can lease the sign space to more than one company at a time.

In addition to problems with public perception, city officials say the electronic billboards cause safety concerns.

The Federal Highway Administration has been conducting a study to analyze driver distraction and traffic concerns that may be related to electronic billboards. Results from the second phase of that study are expected this month.

24.	Blilie, Amanda	<p>From: Blilie, Amanda [mailto:ABlilie@Bentallkennedy.com] Sent: Friday, March 25, 2011 8:09 PM To: Planning Subject: Digital Electronic Billboards</p> <p>I am writing to voice my concern over the Proposed Settlement Agreement with Clear Channel that would allow digital billboards to be placed in the city. As a citizen of North Hilltop/Stadium I feel strongly that these billboards would have a huge negative impact on our community and would conflict with the rich historical architecture that is so much a part of our neighborhoods. These billboards would not only be a tacky and vulgar reflection on our city but could also potentially adversely effect property values and would certainly create problems for citizens who's homes would be in viewing distance of these flashing, bright advertisements.</p> <p>I strongly urge the city to reconsider this agreement. As a homeowner and citizen I feel it is imperative that we not allow this to move forward.</p> <p>Regards,</p> <p>Amanda Blilie</p>
25.	Boardman, Jim	<p>From: Jim Boardman [mailto:jboardman@witt-company.com] Sent: Friday, January 14, 2011 9:26 AM To: shirley.schultz@cityoftacoma.org Subject: Electronic billboards = Crass</p>
26.	Boneske, Doug	<p>From: Doug Boneske [mailto:DougBoneske@q.com] Sent: Wednesday, March 16, 2011 12:29 PM To: Marilyn.Strickland@cityoftacoma.org Subject: E-mail from the City website DOUGBONESKE@q.com</p> <p>Please vote no on the new casino style bill boards on 6th avenue near Alder and Union. It will make it trashier looking than it already is. Their is already so much light pollution in this area, please don't make it worse. These signs are just another driver distraction to cause accidents and raise insurance premiums, as property values go down.</p> <p>Thanks for your time.</p>
27.	Bonner, Stanley	<p>From: Schultz, Shirley Sent: Tuesday, March 15, 2011 4:11 PM To: Wung, Lihuang Cc: Schultz, Shirley Subject: Public Comments, Billboards</p> <p>I received phone calls in opposition to all digital billboards but especially any at the intersection of 6th and Division:</p> <p>Stanley Bonner 1702 6th Ave</p> <p>Virginia Strader 654 North Sprague.</p>

28.	Botsford, Adam	<p>From: Adam Botsford [mailto:adambotsford@hotmail.com] Sent: Wednesday, March 16, 2011 2:47 PM To: Planning; shirley.schultz@cityoftacoma.org Subject: Clear Channel / Digital Billboards</p> <p>Good afternoon,</p> <p>I am a 10 year Tacoma resident and avid lover of the city. With that in mind I want to share my thoughts on the Clear Channel Billboard agenda.</p> <p>The discussion regarding the addition of digital billboards fills me with mixed emotion. Though I'm unable attend the meeting I'd like to voice some concerns and questions.</p> <p>First, what is the amount of revenue the changes from hard billboard to digital billboard would provide the city? What is the intended use of said funding?</p> <p>Second, will there be light emission limitations for these billboards? The current on seen entering Fife is excessively bright, distracting, often in disrepair and lacking in general usefulness. I share the sentiments of my closest friends in that it's simply and embarrassing landmark to note your entrance into Tacoma.</p> <p>Lastly, what provisions are being made to limit the number of digital billboards that can be put in throughout Tacoma?</p> <p>At this point I do not have a strong stance for or against these actions. In a time when funding is so urgently needed compromises must be made. But I do worry about the impact of this level of commercial advertising on the overall appeal of our amazing city.</p> <p>Thank you for your time.</p> <p>Adam M Botsford 814 South 72nd Street Tacoma WA 253-203-8106 adambotsford@hotmail.com www.adambotsford.blogspot.com</p>
29.	Bozick, Vincent	<p>From: Scheffler, Rose M CIV USA [mailto:rose.scheffler@us.army.mil] Sent: Wednesday, March 23, 2011 9:28 AM To: shirley.schultz@cityoftacoma.org Cc: Bozick, Vincent M CIV US USA Subject: Response to proposed billboard code revisions</p> <p>Ms. Shultz,</p> <p>On behalf of Mr. Bozick - please find the attached response from Joint Base Lewis-McChord on the proposed billboard code revisions.</p> <p>Thank you,</p> <p>Rose Scheffler DPW Secretary 253-967-3191</p> <div data-bbox="722 1713 1406 1864" style="border: 1px solid black; padding: 5px; margin-left: auto; margin-right: auto;"> <p style="text-align: center;">Staff Note: Attachment to this e-mail: Response package from JBLM (contact: Vincent Bozick), 3-21-11 (next 10 pages)</p> </div>



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
JOINT BASE GARRISON
BOX 339500, MAIL STOP 17
JOINT BASE LEWIS-MCCHORD, WA 98433-9500

MAR 21 2011

Vincent Bozick
E-mail (3-23-11)
(sent by Rose Scheffler)
Attachment (10 pages)

Public Works

Shirley Schultz
Principal Planner
747 Market Street
Tacoma, Washington 98402

Dear Ms. Schultz:

This letter is in response to the proposed billboard code revisions to the City of Tacoma Land Use Code. At the intersection of S. 74th St. and S. Tacoma Way a Proposed Digital Area is located. This area forms a portion of the west boundary to the Accident Potential Zone (APZ) II.

In Goal ST-9 of the Neighborhood Element of the City of Tacoma Comprehensive Plan, it states, "while virtually all development in Tacoma took place prior to the JLUS and preceding studies, any future development within APZ II should follow Air Force guidelines as detailed in the policies below". ST-9.3 Restrict Flight Hazards states: *The following characteristics are also discouraged in Accident Potential Zone II (APZ II) Development.* Sub item b of this list states: "Emission of light, either direct or indirect, which interferes with pilots' vision."

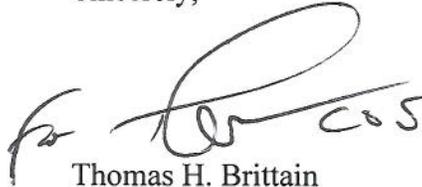
Item 2.b of the recommendations section of Chapter 4 of the 1992 JLUS states the City of Tacoma should "Prohibit any new use which emits light, direct or indirect (reflections) which interfere with pilots' vision" in APZ II.

We recommend that the light emitted by these digital billboards be downward directed, or even louvered, to prevent any chance of light being directed upwards and causing interference with pilots' night vision within the approach departure zone of the McChord Field runway. See enclosed email dated March 11, 2011.

In conclusion, Joint Base Lewis-McChord urges the City to adopt the 1998 AICUZ study and use this guide when developing regulations. The guidelines in this study reflect land use recommendations for Clear Zones, Accident Potential Zones I & II, and the four noise zones surrounding McChord Field.

Thank you for considering Joint Base Lewis-McChord's concerns and allowing us to comment on this proposed code revision. If you have any additional questions or comments, feel free to contact Vincent Bozick at 253-966-1654, or via email at vincent.m.bozick@us.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "TH BRITTAIN" with a stylized flourish above the name.

Thomas H. Brittain
Colonel, US Army
Commanding

Enclosures

supported and may be financed with federal funds. Only a small portion of the McChord's 65 dnl noise contour is located in Tacoma and is shown on the accompanying map.

New residential development should be constructed using noise reduction measures to reduce noise levels within the structures to an acceptable level. Care should be exercised in locating land uses, particularly residential developments and other noise sensitive uses such as schools, nursing homes and churches, in high noise areas.

Policies

ST-8.1 Buffer Noise Sources

Encourage the use of buffer areas and/or noise absorbing barriers between sources of noise and residential areas or other noise sensitive land uses.

ST-8.2 Noise Reduction Measures

Promote the use of construction techniques, building siting and other means that reduce the level of internal and external noise, particularly in high noise areas.

ST-8.3 Noise Impacted Areas

Discourage development in noise impacted areas that will significantly increase noise levels by either a direct contribution or by removing an existing natural feature that acts as a noise absorbing barrier.

ST-8.4 Noise Sensitive Land Uses

Discourage the development of noise sensitive land uses within or near high noise areas.

Goal ST-9 Accident Potential Zone II

Lower residential densities and identify flight hazards in the APZ II zone to limit injury and property damage in the event of an Air Force accident.

Policy Intent

The Air Force and Army, together with local planning authorities, issued the Joint Land Use Study (JLUS) to address land use issues of mutual concern. In the study, the Air Force designated Accident Potential Zones (APZ) for

the McChord Air Force Base which are areas where an aircraft mishap is most likely to occur *if* one were to occur. They do not reflect the probability of an accident. Accident Potential Zones are designed to follow arrival, departure and pattern flight tracks and are based upon analysis of historical accident data. Three zones are established: the Clear Zone, APZ I, and APZ II. A portion of McChord's APZ II is located in Tacoma and is nearly three miles from the end of the runway.

Within the City of Tacoma, the APZ II encompasses an area bounded roughly on the north by a line north of the parallel to South 72nd Street, on the east by Fife Street, on the south by the southern corporate limits, and on the west by a line just east of South Tacoma Way and is depicted on the following map.

The Growth Management Act was amended in 2004 recognizing the vital component that military installations have to the State's economy and the need to protect land surrounding military bases from development that is incompatible with the mission and operations of the installation. The McChord Air Force Base provides an invaluable contribution to the economy of the county and city. In addition to its role in protecting the security of our country, the Base benefits the City through the direct and indirect economic contributions of personnel and the purchase of goods and services. In recognition of its proximity and significance to the city, it is important to collaborate with McChord Air Force Base on land use plans and development that might affect the Base's ability to conduct its mission.

Ensuring lower densities in the APZ II can help limit injury and property damage in the event of an Air Force accident. Other land use regulations can help keep Air Force-identified flight hazards out of the APZ II. While virtually all development in Tacoma took place prior to the JLUS and preceding studies, any future development within the APZ II should follow Air Force guidelines as detailed in the policies below.

Policies

ST-9.1 Military Collaboration

Establish procedures to provide timely notice to the commander of McChord Air Force Base concerning proposed amendments to the Comprehensive Plan and/or development regulations affecting lands adjacent to the military installation.

ST-9.2 Limit Density

Housing densities greater than six units per acre or any concentrations of more than 25 people per hour/per acre in any given 24-hour period are discouraged in the Accident Potential Zone II (APZ II).

ST-9.3 Restrict Flight Hazards

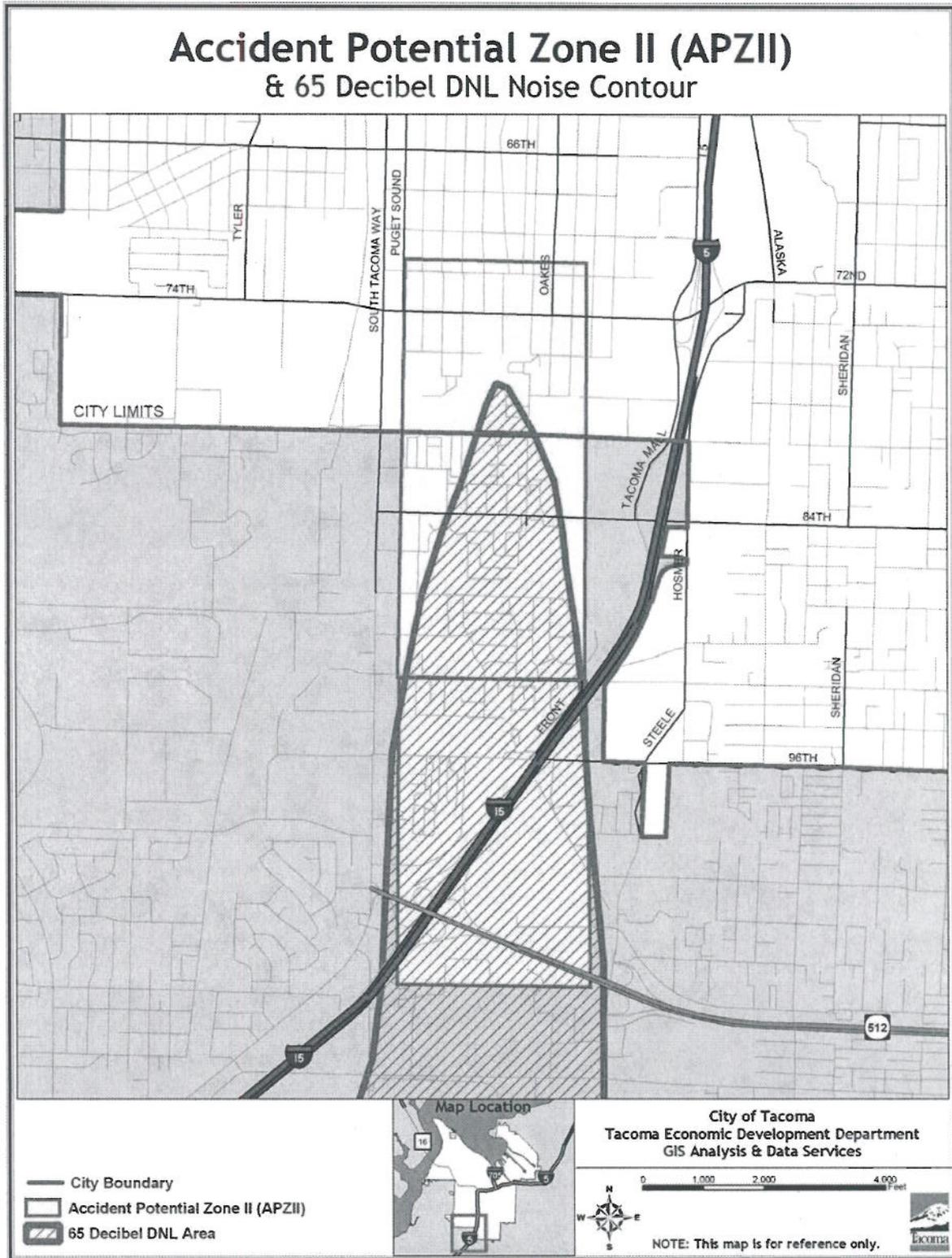
The following characteristics are also discouraged in Accident Potential Zone II (APZII) development:

- a. Release of airborne substances such as steam, dust and smoke, which interfere with aircraft operations.
- b. Emission of light, either direct or indirect, which interferes with pilots' vision.
- c. Emission of electrical currents, which interfere with communication systems or navigational equipment.
- d. Attraction to birds (i.e. landfills, feeding stations, etc.).
- e. Increased intensity or density in new development or redevelopment.

ST-9.4 Minimize Incompatible Uses

Discourage the following incompatible land uses within the Accidental Potential Zone II:

- a. Manufacturing involving chemicals, rubber, plastic, allied products, or scientific or calibrated products.
- b. Educational uses.
- c. Cultural facilities including churches.
- d. Public assembly uses including outdoor music amphitheaters.



RECOMMENDATIONS

1. Pierce County should develop regulations that minimize incompatible uses in Accident Potential Zone I as follows:
 - a. Prohibit any new residential development.
 - b. Prohibit any new use which involves release of airborne substances, such as steam, dust, and smoke which interfere with aircraft operations.
 - c. Prohibit any new use which emits light, direct or indirect (reflections), which interfere with pilot's vision.
 - d. Prohibit any new use which emits electrical currents which may interfere with communication systems or navigational equipment.
 - e. Prohibit any new use which attracts birds or waterfowl [i.e., sanitary landfills, feeding stations, and the growth of certain vegetation].
 - f. Prohibit any new use which results in a concentration of people, more than an average of twenty-five (25) people per hour/per acre in a 24-hour period.
2. Pierce County and the City of Tacoma should coordinate land use regulations developed to minimize land use incompatibilities in Accident Potential Zone II (APZ II) as follows:
 - a. Prohibit any new use which involves release of airborne substances, such as steam, dust, and smoke which interfere with aircraft operations.
 - b. Prohibit any new use which emits light, direct or indirect (reflections), which interfere with pilots vision.
 - c. Prohibit any new use which emits electrical currents which may interfere with communication systems or navigational equipment.
 - d. Prohibit any new use which attracts birds or waterfowl [i.e., sanitary landfills, feeding stations, and the growth of certain vegetation].
 - e. Prohibit any new use which results in a concentration of people, more than an average of twenty-five (25) people per hour/per acre in a 24-hour period.
 - f. Prohibit any new development or redevelopment which results in an increase in density or intensity of current development.
3. For development proposals in Accident Potential Zones I & II, environmental checklists should be referred to the McChord AFB Commander for comment prior to a threshold determination.
4. New churches, schools, libraries, and other similar buildings that concentrate people should not be located in Accident Potential Zones I or II.
5. Pierce County and the City of Tacoma should adopt Aircraft Accident Potential Areas as identified in the McChord AFB Air Installation Compatible Use Zone Study (AICUZ).

6. Upon adoption of accident potential zones, landlords, housing referral agencies, real estate agents, sellers, and lenders should include disclosure statements in rental agreements and purchase agreements.
7. Local governments should encourage the business community to lead the way on a voluntary program to remove land use conflicts in the Accident Potential Zones.
8. The military installations should update the Fort Lewis Installation Compatible Use Zone Study (ICUZ) and the McChord AFB Air Installation Compatible Use Zone Study (AICUZ) as missions change or land use compatibility standards change, but not less than every three (3) years in order to allow local jurisdictions to implement the Joint Land Use Study recommendations.

Bozick, Vincent M CIV US USA

From: LITWIN, ROBERT J Capt USAF AMC 62 OSS/OSA [robert.litwin@us.af.mil]
Sent: Thursday, March 10, 2011 8:16 AM
To: Bozick, Vincent M CIV US USA
Subject: FW: City of Tacoma hereby notifies Joint Base Lewis-McChord of its intent to implement revisions to the Tacoma Municipal Code Chapter 13 - Zoning (UNCLASSIFIED)

-----Original Message-----

From: ANAYA, SERGIO E Maj USAF AMC 62 OG/OGV
Sent: Wednesday, March 09, 2011 5:15 PM
To: OCONNELL, THOMAS J JR LtCol USAF AMC 62 AW/SE; OTT, CHRISTOPHER R Maj USAF AMC 62 OSS/OSK
Cc: LITWIN, ROBERT J Capt USAF AMC 62 OSS/OSA; POULTON CONSOLDANE, TERI L LtCol USAF AMC 62 OSS/CC; RYAN, JOHN B GS-12 USAF AMC 62 OSS/OSK; BEUSCH, SCOTT F Capt USAF AMC 62 AW/SEF
Subject: RE: City of Tacoma hereby notifies Joint Base Lewis-McChord of its intent to implement revisions to the Tacoma Municipal Code Chapter 13 - Zoning (UNCLASSIFIED)

All,

I apologize for the late response. After reviewing the locations of the boards, I don't see how this will affect us any more than the other cultural lighting we have already. Most of the boards are located where other buildings (lights) are located already. It might affect our approaches into Rwy 34 (on NVGs) but not for Rwy 16. Its simply hard to determine the impact accurately.

V/R,

Maj. Anaya

From: OCONNELL, THOMAS J JR LtCol USAF AMC 62 AW/SE
Sent: Wednesday, March 09, 2011 2:21 PM
To: ANAYA, SERGIO E Maj USAF AMC 62 OG/OGV; OTT, CHRISTOPHER R Maj USAF AMC 62 OSS/OSK
Cc: LITWIN, ROBERT J Capt USAF AMC 62 OSS/OSA; POULTON CONSOLDANE, TERI L LtCol USAF AMC 62 OSS/CC; RYAN, JOHN B GS-12 USAF AMC 62 OSS/OSK; BEUSCH, SCOTT F Capt USAF AMC 62 AW/SEF; OCONNELL, THOMAS J JR LtCol USAF AMC 62 AW/SE
Subject: FW: City of Tacoma hereby notifies Joint Base Lewis-McChord of its intent to implement revisions to the Tacoma Municipal Code Chapter 13 - Zoning (UNCLASSIFIED)

All,

We don't see any issues from a safety perspective.

Thanks,
TJO

T. J. O'CONNELL, Lt Col, USAF
Chief of Safety, 62d Airlift Wing
DSN: 382-3103
Comm: (253) 982-3103
BB: (253) 905-9144

-----Original Message-----

From: RYAN, JOHN B GS-12 USAF AMC 62 OSS/OSK
Sent: Wednesday, March 09, 2011 11:24 AM
To: OTT, CHRISTOPHER R Maj USAF AMC 62 OSS/OSK; BEUSCH, SCOTT F Capt USAF AMC 62 AW/SEF;
ANAYA, SERGIO E Maj USAF AMC 62 OG/OGV
Cc: BUEHN, KENNETH P LtCol USAF AFRC 446 OG/OGV; LITWIN, ROBERT J Capt USAF AMC 62 OSS/OSA;
POULTON CONSOLDANE, TERI L LtCol USAF AMC 62 OSS/CC
Subject: FW: City of Tacoma hereby notifies Joint Base Lewis-McChord of its intent to
implement revisions to the Tacoma Municipal Code Chapter 13 - Zoning (UNCLASSIFIED)

All,

The Tower (Capt Litwin) and I are getting questioned about lighted bill boards the city is looking to construct. They feel these boards might cause some level of interference in McChord flight ops, mainly in the form of light pollution. Capt Litwin and I need people in flight suits to weigh in on this. Looking at the locations from my perspective they seem to not be a factor, or at least it doesn't look like they would add all that much light in an already well lit area. It certainly doesn't look like it would be any worse than our own ramp lights or the area just north of the assault strip.

Can you guys offer up an opinion so we can put this issue to bed?

Thanks,
John

-----Original Message-----

From: Bozick, Vincent M CIV US USA [mailto:vincent.m.bozick@us.army.mil]
Sent: Friday, March 04, 2011 9:22 AM
To: LITWIN, ROBERT J Capt USAF AMC 62 OSS/OSA
Cc: RYAN, JOHN B GS-12 USAF AMC 62 OSS/OSK; RODRIGUEZ, EILEEN M GS-11 USAF AMC 62 OSS/OSAA;
ANAYA, SERGIO E Maj USAF AMC 62 OG/OGV; BEUSCH, SCOTT F Capt USAF AMC 62 AW/SEF; ZUMBRUNNEN,
CLINTON R Maj USAF AMC 62 OSS/DO
Subject: RE: City of Tacoma hereby notifies Joint Base Lewis-McChord of its intent to
implement revisions to the Tacoma Municipal Code Chapter 13 - Zoning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Attached is a map. We were able to get the actual GIS data from the City of Tacoma and insert into our mapping system.

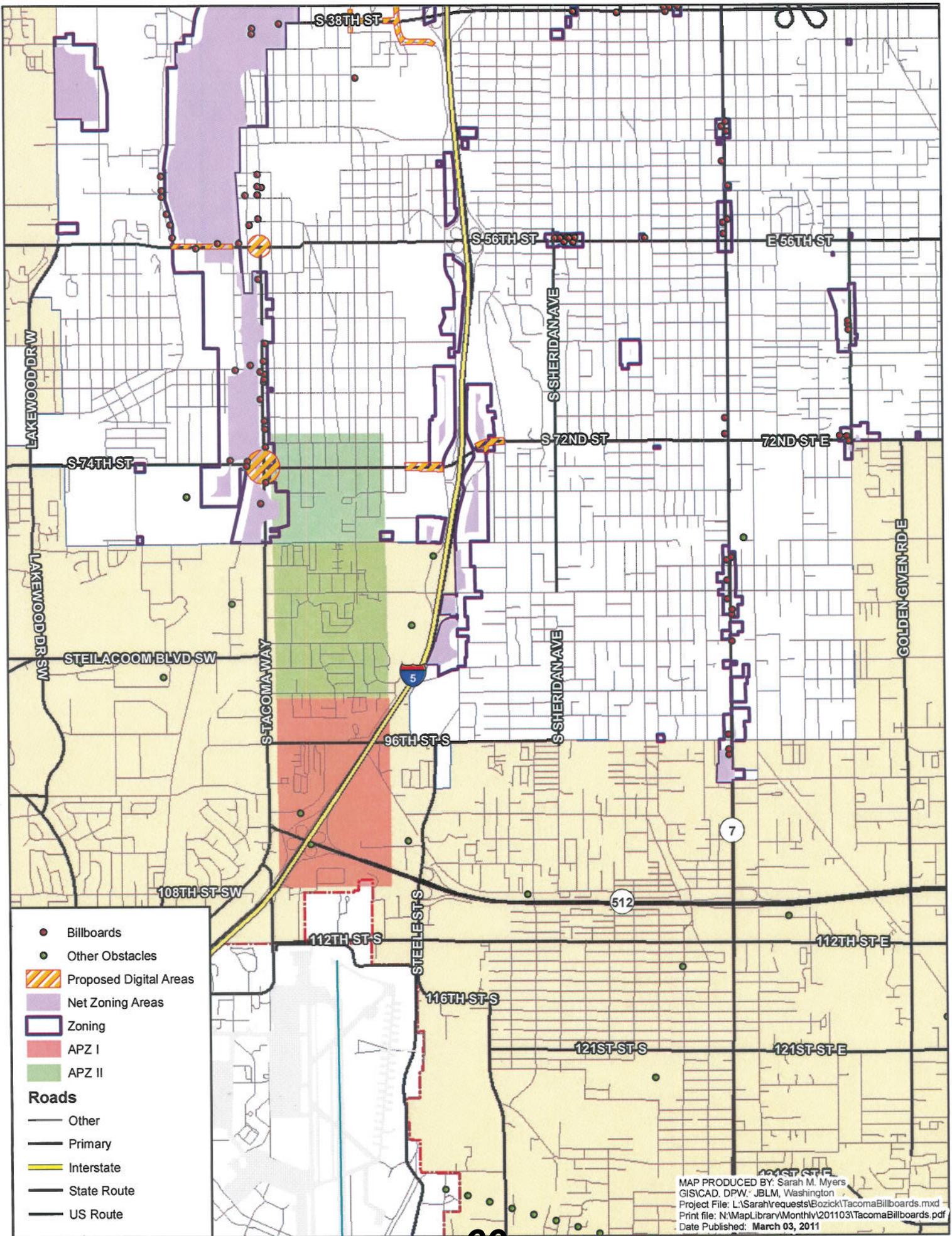
Now that we can zoom out on the map and see the proposed changes directly in relation to McChord Field, it does not look as bad as I previously thought it might.

Cap Litwin, billboards are NOT prohibited from APZ 1. But they should be below the imaginary surface limits. Uses that produce light emissions that would interfere with pilot vision are, such as light emitting digital billboards. But According to the data we have from the City, there should be no digital billboards except in the North West corner of APZ 2.

Only question remains, will these impact approach/departure courses?

Thanks,

Vincent Bozick
JBLM-DPW Planning Division
253-966-1654



MAP PRODUCED BY: Sarah M. Myers
 GISCAD, DPW: JBLM, Washington
 Project File: L:\Sarah\requests\Bozick\TacomaBillboards.mxd
 Print file: N:\MapLibrary\Monthly\201103\TacomaBillboards.pdf
 Date Published: March 03, 2011

30.	Braun, Kelly	<p>From: Kelly Braun [mailto:kelly.myles.braun@gmail.com] Sent: Friday, March 25, 2011 5:44 PM To: Planning Subject: Please no digital billboards</p> <p>I am a resident of Tacoma near N 26th & Stevens and I opposed to digital billboards in Tacoma. I hope that you will take this into consideration when you review the zoning code revisions for billboards.</p> <p>Thank you, Kelly Braun</p>
31.	Bristow, Pete	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Pete Bristow, South Tacoma Business District Association, 3-23-11 (next 1 page)</p> </div>



South Tacoma Business District Association

Pete Bristow, President

PO Box 9445 - Tacoma WA 98490-0445

Phone: 253-475-5676

www.southtacomabusinessdistrict.com

RECEIVED

MAR 25 2011

Per _____

March 23, 2011

Tacoma Planning Commission
747 Market Street, Room 1036
Tacoma WA 98402-3701

RE: Digital Billboards

Commissioners,

The South Tacoma Business District Association membership is opposed to the proposed changes to the city's sign code regulations, allowing digital billboards within the city. Other cities around the nation have successfully banned digital billboards on the basis that they are a safety hazard to motorists and pedestrians.

The South Tacoma Business District has been proud to be partner with City of Tacoma in the ongoing task of creating an environment to facilitate the redevelopment of South Tacoma. It has taken thousands of hours of volunteer's time to help shape the zoning and land use policies over the years in partnership with city government. Digital billboards will have an unacceptable impact on all business districts and surrounding neighborhoods; they are a visual pollution.

The current "Settlement Agreement" with Clear Channel has our association reconsidering the value that City of Tacoma policy makers have for the foundation that has been built over the years. We feel the Tacoma City Council has thrown our area "under the bus". The terminology "*special receiving area*" is, in reality, our front door. It not only violates the intent of the NCX designation, it violates common sense to have such a gigantic eyesore at the gateway to our business district. We feel that the Tacoma City Council has lost vision of what the neighborhood business districts are all about. A violation of the NCX zoning codes is not what the Tacoma City Council should be proposing.

We request that the Planning Commission recommend **against** allowing digital billboards in the City of Tacoma.

Sincerely,

SOUTH TACOMA BUSINESS DISTRICT ASSOCIATION

Pete Bristow
President

32.	Buffington, Ross & Julie	<p>From: Ross Buffington [mailto:rossbuffington@mac.com] Sent: Sunday, March 20, 2011 5:33 PM To: jdoty@bcradesign.com Cc: lwung@cityoftacoma.org Subject: Comments Regarding Plans for Electronic Billboards</p> <p>Mr. Doty:</p> <p>Please add our comments to the public record being compiled by the Planning Commission regarding the City of Tacoma's proposed settlement with Clear Channel which would allow the placement of electronic billboards throughout the city.</p> <p>We are strongly opposed to having any electronic billboards in the city. We feel they are a blight on both commercial and residential areas. We feel the City Council did not allow for public input into this plan and request that the City Council cancel their plans to implement this agreement and develop a plan for dealing with billboards which includes the appropriate public input.</p> <p>Sincerely,</p> <p>Ross and Julie Buffington 502 S. Sheridan Ave. Tacoma, WA 98405 9253) 931-7085</p>
33.	Cade, Deborah	<p>From: Deborah Cade [mailto:dlcade@comcast.net] Sent: Friday, March 25, 2011 6:41 AM To: lwung@cityoftacoma.org Subject: Comments on digital billboard settlement</p> <p>To members of the Planning Commission:</p> <p>Please oppose the settlement with Clear Channel and the agreement to allow digital billboards in Tacoma. One of them will be at the intersection of Sprague and 6th Ave., right near two historic residential districts and a middle school. I live in the North Slope Historic District. Our neighborhood has worked very hard over the last many years to improve the neighborhood. The same is true for the residents of the Wedge neighborhood. In general, Tacomans have done a lot over the last few years to improve the appearance and the livability of our city. This agreement with Clear Channel undermines all of our work. Clear Channel has no interest in Tacoma other than making money; I've heard nothing about them doing anything positive for the city. The City should not be bending over backwards to give them what they want. Other cities have banned these billboards, and have instituted restrictions or amortization schedules for existing billboards. Yes, if you do not approve this agreement Clear Channel may back out of the settlement agreement and they have expensive lawyers. But you can't let threats from big corporations and big law firms stop you from doing what is right for our community.</p> <p>Deborah Cade 908 North M Street Tacoma, WA 98403 253-593-4569 dlcade@comcast.net</p>

34.	Caldwell, Tony	<p>From: Anthony Caldwell [mailto:caldwellae@hotmail.com] Sent: Sunday, January 16, 2011 8:37 PM To: shirley.schultz@cityoftacoma.org Subject: Billboards</p> <p>Good Morning Shirley,</p> <p>This has long been my concern, here in the City of Destiny. America have gotten obsess with exterior advertisement, not to mention what we see on our computers. It's too excessive, the world is changing, the economic, the climate, etc and these sign must be too. Do the city get a cut for all of the signage; I guess a permit is required? The term do more with less make sense in some cases. My point is digit signs sounds like a 21st century idea whom time have come.</p> <p>Let's not forget the cell towers at another meeting. Shirley new regs are needed to control this industry. Companies can jointly use the same digital signs and flash their product every 15-20 seconds 24/7. You know, people in general are attracted to lights, our brains tune in and we read for an lasting effect. So this could become a win win for the city and the company displaying and the environment. All signs should be the same size, style, color (lights), reduced numbers, of course. Companies can share responsibility for cost and a set limit of advertisement for each sign. Signs must all be a certain height, not blinding, no reflection, weather friendly, maint. friendly, and easy for companies to be added or dropped (easy transition). We can set the tune for America, this is our city, we need more control, we need to continue to make money to improve our great city and its residents.</p> <p>I can't be at the workshop because I work nights, but I would appreciate feedback from the meetings and work shops via email mail, landline. Thanks Shirley and good luck with this project.</p> <p> Tony Caldwell SEnCo</p>
35.	Camarata, Justin	<p>From: Justin Camarata [mailto:justincamarata@gmail.com] Sent: Wednesday, March 23, 2011 9:30 AM To: Planning Subject: Billboards</p> <p>Adding to the chorus of voices against digital billboards in our city. Please say no to the proposed agreement and stick with the original 1997.</p> <p>Respectfully,</p> <p>Justin Camarata North End Neighborhood Councilmember and Tacoma resident</p>
36.	Carleton, Naomi	<p>From: Ensie [mailto:ensie1@gmail.com] Sent: Tuesday, March 15, 2011 8:37 PM To: Planning Subject: Digital Billboards in Tacoma</p> <p>To Whom it May Concern:</p> <p>I am writing to express my extreme displeasure with the idea of additional digital</p>

		<p>billboards in the city of Tacoma. As a resident, living very near the proposed 6th Avenue/Division Street site, I am asking you to please stop any additional digital billboards from being placed in our city. Not only are these signs a distraction for drivers (especially in areas have high school traffic!), they are an eyesore and increase the light pollution significantly.</p> <p>My husband and I regularly comment on the Emerald Queen Casino billboards located on the 5 freeway, as well as the multiple signs in use in Fife. These signs are glaringly bright, making it almost impossible not to view them, and are bothersome wherever they are. I cannot imagine their use on high traffic streets, and think the danger to pedestrians and other drivers would make them an immediate problem.</p> <p>In discussion with our friends and neighbors, not one person said they were in favor of the proposed digital billboards.</p> <p>I am happy to discuss this matter further. Please feel free to contact me. Thank you,</p> <p>Naomi Carleton</p>
37.	Carr, Maile	<p>From: Smiley Lau [mailto:smileslau@hotmail.com] Sent: Tuesday, March 15, 2011 7:29 PM To: Planning Subject: Digital Billboards</p> <p>To Whom it May Concern;</p> <p>I am writing this email to let it be known that my family and I are against digital billboards being put up in our neighborhood. We are against billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. We believe that digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley. Please realize that digital billboards are a safety hazard because people are distracted by their changing messages, they add to the light pollution already infiltrating the 6th Ave stretch and are plain ugly.</p> <p>Thank you for considering the residents' viewpoints on this matter.</p> <p>Maile Carr 412 South M Street Tacoma, WA 98405 253.310.0474</p>
38.	Carrigan, Drew	<p>From: Drew Carrigan [mailto:drew.carrigan@gmail.com] Sent: Wednesday, March 16, 2011 2:14 PM To: Planning Subject: Digital Billboards</p> <p>Hello,</p> <p>I am a Tacoma resident writing to voice my opposition to the proposed electronic billboards. In addition to electronic billboards being an eyesore and an unsafe distraction to drivers, I feel that the increased energy use and carbon footprint that</p>

		<p>would result is unjustified and problematic. Please do not allow electronic billboards in our beautiful city!</p> <p>Thank you for your consideration,</p> <p>Drew Carrigan drew.carrigan@gmail.com (517) 282.2668</p>
39.	Casey, Robert (& Thacker, Tracie)	<p>From: traciet@harbornet.com [mailto:traciet@harbornet.com] Sent: Monday, March 14, 2011 6:58 PM To: Planning Subject: Digital Billboards</p> <p>To Whom It May Concern:</p> <p>We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhoods. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley. We decided the issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not. Only on its implementation and that is just wrong.</p> <p>We own one of the Grey Gables Row Homes on the corner of Division and Grant and a digital billboard there would completely destroy our quality of life, along with our property value. The standard billboard that is already there is intrusive enough.</p> <p>Thank you, Robert Casey Tracie Thacker 1617 Division Ave #9 Tacoma, WA 98403</p>
40.	Cech, Anita	<p>From: Anita Cech [mailto:Anita@ciswa.org] Sent: Tuesday, March 22, 2011 11:46 AM To: Schultz, Shirley Subject: Please forward to Mayor Strickland</p> <p>Resending with PDF version.</p> <p>The attached letter provides community feedback regarding the Tacoma Planning Commission's proposed billboard regulations.</p> <div data-bbox="407 1472 553 1640" data-label="Image"> </div> <p>ANITA CECH Public Relations/Marketing Manager Communities In Schools of Washington 1010 South 336th Street, #205 Federal Way, WA 98003 253.248.1991 ext 24 www.ciswa.org</p> <div data-bbox="570 1717 1287 1871" data-label="Text" style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Attachment to this e-mail: Letter from Anita Cech, Communities In Schools of Washington, 3-22-11 (next 1 page)</p> </div>



Communities In Schools

Washington

1010 South 336th Street
Suite 205
Federal Way, WA 98003

PH: 253.248.1991
www.ciswa.org

March 22, 2011

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland,

It has come to my attention that the Tacoma Planning Commission is considering revisions to the city's billboard regulations and would like to get community feedback prior to making a decision. I would like to contribute the following for your consideration.

Communities In Schools is a nonprofit organization, dedicated to dropout prevention, with affiliate offices in the Tacoma community and throughout the state. For many years, Clear Channel Outdoor has graciously donated in-kind billboard space to our Washington State network. The advertising we have received from Clear Channel Outdoor has helped increase awareness in the community of the need to help keep kids in school so they can achieve in life. Website traffic, volunteer interest, and donations have all been positively influenced by our relationship with Clear Channel Outdoor.

Clear Channel Outdoor has offered us other advertising opportunities as well, including digital advertising. The digital boards in Kent have provided a great boost to our efforts in that community through the timely promotion of special events and other campaigns. Because digital boards offer the flexibility to share customized messages rapidly, we see them as particularly well-suited to nonprofit organizations like Communities In Schools which has various calls-to-action but would otherwise be unable to tailor its messages to the unique needs of the community. Whether it is a call to volunteer, donate, advocate, or participate, digital boards allow us to communicate efficiently and effectively, while using our limited financial resources wisely.

On behalf of Communities In Schools, I'd like to acknowledge that Clear Channel Outdoor has been invaluable to our organization's public relations efforts, which ultimately means more kids receive the support they need to complete their education and become contributing members of our communities. Clear Channel Outdoor has demonstrated a strong commitment to giving back—not just to nonprofits like Communities In Schools, but to the community as a whole. This is a gift to all of us and a partnership we stand by with gratitude.

Sincerely,

Anita Cech
Public Relations/Marketing Manager
Communities In Schools of Washington
anita@ciswa.org

41.	Clark, Aya	<p>From: Aya Clark [mailto:ayaclark@comcast.net] Sent: Wednesday, March 16, 2011 9:47 AM To: Planning Subject: Digital Billboard on 6th Ave.</p> <p>To the Citizens on the Planning Commission:</p> <p>If you can stand yet one more email that comments on the proposed digital billboard along 6th and Division Street, I would like to echo the sentiment of my fellow Tacoma residents and say that it would NOT be in the best interest of the neighborhood to allow such a thing to be installed.</p> <p>My reasons are the same as the others:</p> <ol style="list-style-type: none"> 1. We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong. <p>Thank you for your attention to this. We hope for a positive outcome on this matter. Aya Clark 523 N. C Street. #2 Tacoma, WA 98403</p> <p>Stadium District resident and Elder at Trinity Presbyterian Church</p>
42.	Coates, Brooke	<p>From: Brooke Coates [mailto:brookecoates2@gmail.com] Sent: Tuesday, March 15, 2011 8:44 AM To: Planning Subject: say no to billboards!</p> <p>To whom it may concern,</p> <ol style="list-style-type: none"> 1. We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong. <p>Digital billboards would not be any sort of addition to Tacoma. They would</p>

		<p>destroy the charm and class that we have been working so hard to attain. Please reconsider!</p> <p>Sincerely,</p> <p>Brooke Coates 17 North Rd. N Tacoma, WA 984016 (253)752-0833</p>
43.	Coble, Kenneth	<p>From: Kenneth Coble [mailto:kennethcoble@gmail.com] Sent: Wednesday, March 16, 2011 11:40 AM To: Planning Subject: Please do not build digital billboards in my neighborhood.</p> <p>Please do not build digital billboards in my neighborhood.</p>
44.	Collier, Josh	<p>From: Josh Collier [mailto:joshcollier@gmail.com] Sent: Monday, March 21, 2011 3:16 PM To: Planning Subject: Billboard Regulations</p> <p>Please don't allow digital billboards to come to Tacoma! This is an example of a company trying to push around a city to make money. In 1997 a law was passed that has yet to be enforced. The citizens of Tacoma say NO! please don't let us be pushed around by Clear Channel! The law that was passed in 1997 to tear down billboards should be enforced, no compromise! As a city, we need to make choices that help people want to live in the city, not cause people to want to move away to get away from ugly billboards. Finances are tough for the City of Tacoma, but allowing digital billboards will make the city a worse place to live.</p> <p>~josh 253.820.4296 http://twitter.com/joshcollier</p>
45.	Cooke, Edie	<p>From: Edie Cooke [mailto:edie.cooke@hotmail.com] Sent: Thursday, March 17, 2011 10:17 AM To: Jake.Fey@cityoftacoma.org Subject: E-mail from the City website</p> <p>If we cannot trust our mayor and city council to make good decisions for our city who can we trust? I would like to express my strong opposition to the proposed electronic billboards. I can't imagine any way to blight our city better and quicker. I moved to Tacoma from Southern California three years ago and before I moved here I was told that Tacoma is the "armpit of Seattle". I found this not to be true and have grown to love Tacoma. My daughter lives on South Cushman and the area is an "up and coming" area with homeowners working hard to improve their neighborhood. The static billboard are ugly enough, but this?? What an onslaught of ugliness, distraction, pollution. PLEASE, please don't bend to Clear Channel. Please stand up for our city and our citizens.</p> <p>Sincerely, Edie Cooke 2109 North Union Avenue Tacoma, WA 98406</p>

46.	Cooke, Richard (1)	<p>From: Richard Cooke [mailto:apclam@nventure.com] Sent: Wednesday, March 16, 2011 4:00 PM To: Marilyn.Strickland@cityoftacoma.org Subject: Electronic Billboards</p> <p>Madam Mayor, I would like to express how upset I am at the proposed electronic bill boards being considered in Tacoma. They are an eyesore and will reduce property values. Surely there is another avenue that can be taken to remove traditional bill boards without making the problem worse instead of better. I am unable to attend the meeting tonight due to a previous engagement, but would like my strong disapproval noted.</p> <p>Sincerely,</p> <p>Richard Cooke 2109 North Union Ave Tacoma, WA 98406</p>
47.	Cooke, Richard (2)	<p>From: Richard Cooke [mailto:apclam@nventure.com] Sent: Wednesday, March 16, 2011 4:03 PM To: Campbell, Marty Subject: Electronic Bill Boards</p> <p>Mr. Campbell, I would like to express how upset I am at the proposed electronic bill boards being considered in Tacoma. They are an eyesore and will reduce property values. Surely there is another avenue that can be taken to remove traditional bill boards without making the problem worse instead of better. I am unable to attend the meeting tonight due to a previous engagement, but would like my strong disapproval noted.</p> <p>Sincerely,</p> <p>Richard Cooke 2109 North Union Ave Tacoma, WA 98406</p>
48.	Cooke, Richard (3)	<p>From: Richard Cooke [mailto:apclam@nventure.com] Sent: Wednesday, March 16, 2011 4:05 PM To: Jake.Fey@cityoftacoma.org Subject: Electronic Bill Boards</p> <p>Mr. Fey, I would like to express how upset I am at the proposed electronic bill boards being considered in Tacoma. They are an eyesore and will reduce property values. Surely there is another avenue that can be taken to remove traditional bill boards without making the problem worse instead of better. I am unable to attend the meeting tonight due to a previous engagement, but would like my strong disapproval noted.</p> <p>Sincerely,</p> <p>Richard Cooke 2109 North Union Ave Tacoma, WA 98406</p>

49.	Cooper, Doug & Char	<p>From: coopersz@comcast.net [mailto:coopersz@comcast.net] Sent: Wednesday, March 16, 2011 11:35 AM To: spiro.manthou@cityoftacoma.org Subject: Digital Billboards</p> <p>Hi,</p> <p>We are strongly opposed to the Clear Channel digital billboards. They are a blight on the landscape of the city. Limit them to the I-5 corridor.</p> <p>Thank you,</p> <p>Doug and Char Cooper 1520 South 5th Street Tacoma, Wa. 98405 253.272.7072</p>
50.	Corso, Geoff (1)	<p>From: Corso . [mailto:corso1965@live.com] Sent: Thursday, March 17, 2011 1:07 AM To: Planning Cc: smgaffney@earthlink.net Subject: Clear Channel Billboards in Tacoma</p> <p>To: Tacoma Planning Commissioners, Dept. of Community & Economic Development</p> <p>It is very unfortunate that Clear Channel's billboards remain standing, and the current "settlement" is offensive to the will of Tacomans as expressed more than a decade ago.</p> <p>In deciding how to regulate the billboards, please consider the damages that Tacoma suffers to the benefit of Clear Channel. For example, Tacoma is located in a beautiful region often referred to as Cascadia. Clearly, views add value to property. Many of these billboards mar views of mountain ranges, volcanoes, and the sound. Property values may be artificially suppressed by billboards that obstruct valuable views. Consequentially, Clear Channel's billboards rob Pierce County and the City of Tacoma of property tax revenue.</p> <p>Recommendation: Consider applying a sin tax to each billboard proportional to its offensiveness.</p> <p>This tax will help the county and city recover lost property tax revenue and likely reduce the number number of offensive billboards. For example:</p> <ul style="list-style-type: none"> • Billboards might be taxed by the size of the sign, and larger billboards might be taxed at a higher rate per square foot. • Digital billboards may be taxed at a higher rate than traditional billboards. • Billboards that block views of the mountain ranges, volcanoes, and sound may be taxed at a higher rate than billboards that don't obstruct a valuable view. • Billboards have always been a part of Tacoma. For example, you can see the ghost of signs painted on old buildings downtown. Bill boards that enhance the character of historic buildings might not be taxed because of their benefit to Tacoma culture. • Automatically increase the tax rate each year to ensure that inflation doesn't reduce the effectiveness of the sin tax.

		<p>Thank you for your leadership. Tacoma is a much better place to live than it was 20 years ago.</p> <p>Geoff Corso 701 N. J St. Tacoma</p>
51.	Corso, Geoff (2)	<p>From: Corso . [mailto:corso1965@live.com] Sent: Sunday, March 20, 2011 11:53 PM To: Planning; Sean Gaffney Subject: Heavily regulate billboards in Tacoma</p> <p>To: Tacoma Planning Commission, Dept. of Community & Economic Development:</p> <p>If the former First Lady, Lady Bird Johnson, thought it was a priority to campaign against billboards because they were a threat to the beauty of our country, the problem has become much worse with the further proliferation of billboards and the advent of digital ones. I urge the the Planning Commission to heavily regulate them. For example:</p> <ul style="list-style-type: none"> • I find the digital billboards along roads distracting while I'm trying to keep my attention focused on traffic and the road. In fact, the primary purpose of digital billboards along roads is to distract drivers. I think the distraction of digital billboards is similar to the distraction caused by a cell phone. Please prohibit digital billboards where they might be a distraction for motorists. • I find billboards near my home repugnant. You rarely see billboards in wealthy neighborhoods. Why does the city tolerated them in poor and middle class neighborhoods? Please prohibit billboards where they can be seen from a residence. <p>In the '90's, the citizens of Tacoma clearly stated that billboards are no longer tolerated in the city. Please keep this fact in mind while regulating them. Tacoma has come a long way in the past 20 years. Please keep the momentum going by severely restricting billboards in the city.</p> <p>Thank you for making Tacoma a better place to live.</p> <p>Geoff Corso 701 N. J St. Tacoma</p>
52.	Crawley, Deborah	<p>From: Deborah Crawley [mailto:deborahc@braininjurywa.org] Sent: Wednesday, March 16, 2011 4:28 PM To: Marilyn.strickland@cityoftacoma.org Subject: Tacoma's Billboard Regulations</p>  <p>March 16, 2011</p>

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland,

It has come to my attention that the Tacoma Planning Commission is considering revisions to the City's billboard regulations. The commission would like to get community feedback and then hold a public hearing before making their recommendation to the City Council who will make the final decision.

Brain Injury Association of Washington serves the Tacoma community. I would like to share some feedback on the community services that Clear Channel Outdoor has provided to many not-for-profit organizations including Brain Injury Association of Washington.

Clear Channel Outdoor has continuously supported our agency by providing discounted or pro-bono outdoor advertising. It is critical for us to make sure our community understands the impact of Traumatic Brain Injury (TBI). This is a serious public health issue for our community.

Our recent billboard campaign helped create a dramatically increased web traffic, volunteer interest and funding opportunities. By utilizing billboards to stress that "A Concussion = A Brain Injury", it helped us to inform our community that we need to identify education priorities and support the need for services among those living with TBI. Our community sought out Brain Injury Association of Washington for services once the campaign started.

Our partnership with Clear Channel Outdoor has been great. This corporation has a strong commitment to give back to our community – including pro-bono space .

Please consider my feedback when you make a final decision and please feel free to call me with any questions.

Sincerely,

Deborah Crawley
Executive Director
Brain Injury Association of Washington
206-897-5755 (phone)
206-897-5756 (fax)

Mailing Address:
PO Box 3044
Seattle, WA 98114
Office Address:
401 Broadway, 4th Floor
Patricia Steel Building
Seattle,

53.	Cruise, Susan (1)	<p>From: S . [mailto:scruise250@msn.com] Sent: Wednesday, March 09, 2011 7:00 AM To: shirley.schultz@cityoftacoma.org Subject: Re: General Comments - Electronic billboards on 6th Avenue, proposed regulations & public hearing before Tacoma Planning Commiission on March 16, 2011</p> <p>Shirley,</p> <p>Please forward the comments in my email below (including the correction for the typo) to the Planning Commissioners for their consideration at the March 16, 2011 hearing. Thanks.</p> <p>Regards,</p> <p>Susan Cruise ----- Original Message ----- From: S. To: reuben.mcknight@cityoftacoma.org ; info@historictacoma.org ; shirley.schultz@cityoftacoma.org ; Lauren.Walker@cityoftacoma.org ; S. Cc: Doug.Schafer ; chair@cnc-tacoma.com ; bilozbo@hotmail.com ; hac@harbornet.com Sent: Wednesday, March 09, 2011 1:05 AM Subject: Re: General Comments - Electronic billboards on 6th Avenue, proposed regulations & public hearing before Tacoma Planning Commiission on March 16, 2011</p> <p>I want to correct a typo. As you know the proposed Wedge Historic Special Review and Conservation District is in the vicinity of 6th Ave. and Division (not 6th Ave. and Union as I mistakenly said in my email below.)</p> <p>Susan Cruise ----- Original Message ----- From: S. To: reuben.mcknight@cityoftacoma.org ; info@historictacoma.org ; shirley.schultz@cityoftacoma.org ; Lauren.Walker@cityoftacoma.org Cc: Doug.Schafer ; chair@cnc-tacoma.com ; bilozbo@hotmail.com ; hac@harbornet.com Sent: Wednesday, March 09, 2011 12:39 AM Subject: General Comments - Electronic billboards on 6th Avenue, proposed regulations & public hearing before Tacoma Planning Commiission on March 16, 2011</p> <p>Dear Mr. McKnight, Officers and Members of Historic Tacoma, Ms. Schultz and Ms. Walker,</p> <p>I have read the <i>alleged</i> settlement agreement between the City of Tacoma and Clear Channel and the draft of proposed revisions to Tacoma's sign and billboard regulations dated February 16, 2011 developed by Shirley Schultz. Contrary to hype in the press and posturing by the City of Tacoma this settlement agreement has no effect on whether the City agrees to install digital billboards or not as it has not been signed by Clear Channel.* I would also like to point out that the Staff Report dated February 10, 2011, attached to a memo from Ms. Schultz to the Planning Commission, entitled Billboard Code Revisions, incorrectly states as follows "In these areas [the receiving areas] - where up to 10 and only 10 digital faces may be located - the standard size regulations do not apply. The agreement states that the first ten digital billboards will be "bulletin" billboards, which are defined as up to 672 square feet...." The Settlement Agreement DOES NOT identify the size of the first ten 10 digital billboards. Also, there is NO definition of "bulletin" billboards in the TMC 13.06.520 on Signs identifying "bulletin" boards as 672 sq. ft. This</p>
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sounds to me like the City is accepting the unsubstantiated, inappropriate definition of a "bulletin" billboard offered by Clear Channel to the detriment of the citizens and residential neighborhoods of Tacoma.

Therefore, I make the following general comments:

1. Since the Federal Highway Administration, which regulates billboards, began a study this year on the effect of digital billboards on driver safety, it is premature for the City to permit installation of digital billboards. The study is not yet complete. The City should propose a moratorium on on digital billboards while the City awaits the results of the federal study. One of the problems with digital billboards is the brightness and that they are meant to distract the driver. Based on a study released in 2009 by the National Highway Traffic Safety Administration there were 5,474 fatal accidents and 448,000 injury accidents caused by various types of distracted driving. The drivers with the highest incidents of distracted driving are under 20 years old. The City's premature allowing installation of digital billboards, without a moratorium, before the federal study is complete may expose the City to financially draining personal injury lawsuits, discovery concerning the basis for the alleged settlement agreement and be evidence of a cavalier disregard for the safety of drivers, pedestrians and teenagers and young college children thus killed or injured.

2. The selection of digital billboard locations on 6th Ave. at N. Union Ave, at Junett St. and at Division St. is inconsistent with the City's plan to encourage pedestrians. It is particularly inconsistent for the location at 6th Ave. and Union St. where it intersects with the proposed Wedge Historic Special Review and Conservation District. Let's not beat around the bush. A billboard that changes its face, colors and images every 8 - 10 seconds is essentially flashing and will discourage pedestrians.

3. Discouragement of pedestrians and the visual blight created by digital billboards in the midst of predominantly residential areas such as 6th Ave. may tend to decrease property values and be less attractive to the kind of homeowners who value a beautiful neighborhood and who renovate and maintain the old historic houses that surround the neighborhoods around 6th Ave. as noted above. Why are the commercial interests of Clear Channel more important to the City Council than the financial and aesthetic interests of Tacoma's citizens, and more important than healthy and livable neighborhoods?

4. The locations on 6th Avenue are within 250 feet of residential neighborhoods and the brightness, and different colored images changing every 8 to 10 seconds will be invasive to the residents living even beyond 250 feet. I know this because I can see 85% of the face of a nonconforming rooftop billboard that also exceeds height restrictions. I can see this billboard from the back of my house at 615 S. Madison St. even though my house is approximately 600 - 700 ft. from the nonconforming sign on 6th Ave. between N. Proctor and N. Adams St. The non conforming sign is located on top of the Gayle Orth Catering Service at 3853 6th Ave. between North Proctor and North Adams St.

5. Therefore, the residential buffering area should be increased from 250 feet to "not allowed if visible from a residential area" or "700 feet in any direction from a billboard, digital or otherwise."

		<p>6. Digital billboards should not be permitted in a city such as Tacoma with its rich, historically significant, and historic architectural diversity and homogenous residential and business district areas such as the 6th Ave. Business District.</p> <p>7. Under no circumstances should any new digital billboard be 672 sq ft. nor should it be more than 300 sq. ft. The alleged Settlement Agreement does not provide for this in any way.</p> <p>* The First Amendment to the Settlement Agreement gives Clear Channel until August 15, 2011 to sign the Settlement Agreement. The copies that I have received of the Settlement Agreement from the City Manager's Office and the City Clerk have not been signed by Clear Channel.</p> <p>CC: Doug Hill, Tacoma</p> <p>Sincerely,</p> <p>Susan Cruise 615 S. Madison St. Tacoma, WA 98405</p>
54.	Cruise, Susan (2)	<p>From: S . [mailto:scruise250@msn.com] Sent: Friday, March 11, 2011 5:09 PM To: pelswick@windermere.com; smgaffney@earthlink.net; cbeale@ci.puyallup.wa.us; mnu tsch@hotmail.com; Jeremy Doty; tom@oconnorandassociates.net; Morrision.ian.s@gmail.com; smorris@piercettransit.org; Knute000@sprynet.com Subject: Opposition to Proposed Change to TMC 13.06.521 N.3 on Non Conforming Off Premises Signs</p> <p>Dear Commissioners,</p> <p>I have an additional comment in the attached letter. A summary of that comment follows.</p> <p>The proposed <i>new</i> regulation at TMC 13.06.521 Section N.3 permits substantial changes in existing nonconforming signs by allowing nonconforming signs to be converted into digital billboards. The proposed new regulation, which I strongly oppose, provides as follows: “A non-conforming off-premises sign shall not be changed, expanded, moved, or altered in any manner which would increase the degree of its nonconformity, <i>unless the alteration is to change a standard billboard into a digital billboard in compliance with this section...</i>”</p> <p>The proposed language should be deleted in its entirety. The proposed language is vague, ambiguous, and illogical and capriciously perpetuates nonconforming signs by turning them into digital billboards. The proposed language is also inconsistent with federal and state regulations on nonconforming signs.</p>

The federal regulation 23 C.F.R. 750.707(5), Nonconforming Signs, states as follows

“The [nonconforming] sign must remain substantially the same as it was on the effective date of the State law or regulations...”

The state regulation, WAC 468-66 -200(3), Nonconforming signs, also does not allow conversion of a nonconforming sign into a digital billboard and states as follows

“A nonconforming sign may not be maintained if:....(b) There are substantial changes to the sign structure’s original construction materials, such as upgrades to steel signposts....”

Susan Cruise
615 S. Madison St.
Tacoma, WA 98405

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Dear Commissioners:

I have read the *alleged* settlement agreement between the City of Tacoma and Clear Channel and the draft of proposed revisions to Tacoma's sign and billboard regulations dated February 16, 2011 developed by Shirley Schultz. Contrary to hype in the press and posturing by the City of Tacoma this settlement agreement has no effect on whether the City agrees to install digital billboards or not as it has not been signed by Clear Channel.* I would also like to point out that the Staff Report dated February 10, 2011, attached to a memo from Ms. Schultz to the Planning Commission, entitled Billboard Code Revisions, incorrectly states as follows "In these areas [the receiving areas] - where up to 10 and only 10 digital faces may be located - the standard size regulations do not apply. The agreement states that the first ten digital billboards will be "bulletin" billboards, which are defined as up to 672 square feet..." The Settlement Agreement DOES NOT identify the size of the first ten 10 digital billboards. Also, there is NO definition of "bulletin" billboards in the TMC 13.06.520 on Signs identifying "bulletin" boards as 672 sq. ft. The only reference to "bulletin" billboards in the TMC is TMC 13.06.521(1) stating under the section on "Exempt Signs" that "'Non-electric bulletin boards [shall] not exceed [ing] 12 square feet..." Obviously by Tacoma's own definition, a bulletin board can be as small as 12 square feet. This sounds to me like the City is accepting the unsubstantiated, inappropriate definition of a "bulletin" billboard offered by Clear Channel to the detriment of the citizens and residential neighborhoods of Tacoma.

Therefore, I make the following general comments:

1. The City should propose a moratorium on digital billboards while the City awaits the results of the the FHWA study on crashes in the vicinity of digital billboards. The Federal Highway Administration, which regulates billboards, issued a report in February 2009 "The Possible Effects of Commercial Electronic Variable Messages Signs (CEVMS) on Driving Safety, Phase 1." See <http://www.fhwa.dot.gov/realestate/cevms.htm> Pursuant to this report the FHWA began but has not completed its study on the effect of digital billboards on driver safety. It is premature for the City to permit installation of digital billboards. The FHWA study refers to a study by the Wisconsin Dept. of Transportation of crashes in the vicinity of digital billboards. The Wisconsin study found that all types of crashes increased in the vicinity of digital billboards with a significant increase in side-swipe crashes. The FHWA report

notes "A frequently changing CEVMS [digital billboard] which can generally be seen long before it can be read raises a particular concern for distraction. This is because drivers may continue to glance at the CEVMS [digital billboard] to observe changes in various colors with various sizes until the sign can be read." One of the problems with digital billboards is the brightness and that they are meant to distract the driver. Based on a study released in 2009 by the National Highway Traffic Safety Administration there were 5,474 fatal accidents and 448,000 injury accidents caused by various types of distracted driving. The drivers with the highest incidents of distracted driving are under 20 years old. The City's premature allowing installation of digital billboards, without a moratorium, before the federal study is complete may expose the City to financially draining personal injury lawsuits, discovery concerning the basis for the alleged settlement agreement, and be evidence of a cavalier disregard for the safety of drivers, pedestrians and teenagers and young college children thus killed or injured.

2. The selection of digital billboard locations on 6th Ave. at N. Union Ave, at Junett St. and at Division St. is inconsistent with the City's plan to encourage pedestrians. It is particularly inconsistent for the location at 6th Ave. and Division St. where it intersects with the proposed Wedge Historic Special Review and Conservation District. Let's not beat around the bush. A billboard that changes its face, colors and images every 8 - 10 seconds is essentially flashing and will discourage pedestrians.

3. Discouragement of pedestrians and the visual blight created by digital billboards in the midst of predominantly residential areas such as 6th Ave. may tend to decrease property values and be less attractive to the kind of homeowners who value a beautiful neighborhood and who renovate and maintain the old historic houses that surround the neighborhoods around 6th Ave. as noted above. Why are the commercial interests of Clear Channel more important to the City Council than the financial and aesthetic interests of Tacoma's citizens, and more important than healthy and livable neighborhoods?

4. The locations on 6th Avenue are within 250 feet of residential neighborhoods and the brightness, and different colored images changing every 8 to 10 seconds will be invasive to the residents living even beyond 250 feet. I know this because I can see 85% of the face of a nonconforming rooftop billboard that also exceeds height restrictions. I can see this billboard from the back of my house at 615 S. Madison St. even though my house is approximately 600 - 700 ft. from the nonconforming sign on 6th Ave. between N. Proctor and N. Adams St. The non conforming sign is located on top of the Gayle Orth Catering Service at 3853 6th Ave. between North Proctor and North Adams St.

5. Therefore, the residential buffering area should be increased from 250 feet to "not allowed if visible from a residential area" or "700 feet in any direction from a billboard, digital or otherwise."

6. Digital billboards should not be permitted in a city such as Tacoma with its rich, historically significant, and historic architectural diversity and homogenous residential and business district areas such as the 6th Ave. Business District.

7. Under no circumstances should any new digital billboard be 672 sq ft. nor should it be more than 300 sq. ft. The alleged Settlement Agreement does not

provide for this in any way.

8. The *alleged* Settlement Agreement which has already been amended one time should be amended again to eliminate any new billboard, digital or otherwise, along 6th Avenue. Why did the City Council approve placement of freeway sized digital billboards in the midst of a small pedestrian friendly small business community such as 6th Avenue with its blocks and blocks of historic, Victorian and craftsman houses all around 6th Ave? It is unconscionable.

* The First Amendment to the Settlement Agreement gives Clear Channel until August 15, 2011 to sign the Settlement Agreement. The copies that I have received of the Settlement Agreement from the City Manager's Office and the City Clerk have not been signed by Clear Channel.

CC: Doug Hill, Tacoma

Sincerely,

Susan Cruise
615 S. Madison St.
Tacoma, WA 98405

Staff Note:
Attachment to this e-mail of 3-11-11:
Letter from Susan Cruise, 3-1-11
(next 3 pages)

SUSAN CRUISE
615 S. MADISON ST.
TACOMA, WA 98405
March 1, 2011

Ms. Shirley Schultz
Principal Planner
Current Planning Division
CITY OF TACOMA
COMMUNITY AND ECONOMIC DEVELOPMENT
747 Market St.
Room 1036
Tacoma, WA 98402-3793

Jeremy C. Doty, Chair
Thomas C. O'Connor, Vice-Chair
Chris Beale
Peer Elswick
Donald Erickson
Sean Gaffney
Scott Morris
Ian Morrison
Matthew Nutsch
Commissioners
TACOMA PLANNING COMMISSION
747 Market St.
Room 1036
Tacoma, WA 98402-3793

**RE: COMMENTS ON PROPOSED NEW REGULATION ON NONCONFORMING
OFFPREMISES BILLBOARDS/SIGNS**

Dear Ms. Schultz and Commissioners:

I read the Public Review Draft of the proposed Billboard Code Revisions dated February 16, 2011. I also attended the public meeting of the Tacoma Planning Commission on February 16, 2011. My comments concern the following proposed revision that is (1) harmful to the aesthetics of Tacoma, (2) perpetuates nonconforming signs at the expense of city and neighborhood aesthetics, (3) diminishes the enjoyment of neighborhoods and (4) strongly favors the commercial interests of billboard companies over the interests of residential neighborhoods in the vicinity of digital and nonconforming billboards:

1. PROPOSED REVISION: The proposed *new* regulation at TMC 13.06.521 Section N.3 permits substantial changes in existing nonconforming signs by allowing nonconforming signs to be converted into digital billboards. The proposed new regulation, which I strongly oppose, provides as follows: “A non-conforming off-premises sign shall not be changed, expanded, moved, or altered in any manner which would increase the degree of its nonconformity, *unless the alteration is to change a standard billboard into a digital billboard in compliance with this section...*”

2. MY OBJECTION TO THE PROPOSED REVISION: The proposed language should be deleted in its entirety. The proposed language is vague, ambiguous, and illogical and capriciously perpetuates nonconforming signs by turning them into digital billboards. The proposed language is also inconsistent with federal and state regulations on nonconforming signs.

The federal regulation 23 C.F.R. 750.707(5), Nonconforming Signs, states as follows:

“The [nonconforming] sign must remain substantially the same as it was on the effective date of the State law or regulations...”

The state regulation, WAC 468-66 -200(3), Nonconforming signs, also does not allow conversion of a nonconforming sign into a digital billboard and states as follows:

“A nonconforming sign may not be maintained if:....(b) There are substantial changes to the sign structure’s original construction materials, such as upgrades to steel signposts....”

Since conversion of a nonconforming vinyl or other type of billboard into the electronic materials and lighting required for a digital billboard is a substantial change to the billboard’s original construction materials it is essentially installing a brand new nonconforming sign and not allowed under state law.

Tacoma’s proposed language is arbitrary and capricious because the revision expressly and illogically allows an “increase [in] the degree of its nonconformity” if “the alteration is to change a standard billboard to a digital billboard in compliance with this section....” The practical result of such language arbitrarily allows billboards that are nonconforming and inconsistent with the Tacoma code because they are on rooftops or within 250 feet of a residential neighborhood, but at the same time comply with all of the new technical standards for a digital billboard. Another practical and unwanted result of such ambiguous language is an increased likelihood of litigation to determine the application and enforcement of this regulation.

3. MY RECOMMENDATION: Proposed new section TMC 13.06.521 paragraph N.3 should be deleted in its entirety. The proposed revision does not accomplish what the comment next to the proposed revision claims the proposed revision does. This proposed revision is not essentially the same as TMC 13.06.521 section 2, as the comment claims, because it adds language that nonconforming signs can be converted into digital billboards and it does not have “clarity.”

In the interests of encouraging livable and enjoyable neighborhoods in Tacoma, and balancing the interests of the billboard companies that have nonconforming signs, Tacoma's goal should be to allow reasonable maintenance and repair of grandfathered nonconforming signs but not to perpetuate them by converting them into new digital billboards.

Sincerely,

Susan Cruise

55.	Cruise, Susan (3)	<p>From: S. To: pelswick@windermere.com ; smgaffney@earthlink.net ; cbeale@ci.puyallup.wa.us ; mnutsch@hotmail.com ; jdoty@bcradesign.com ; Morrison.ian.s@gmail.com ; smorris@piercetransit.org ; Knute000@sprynet.com ; S. ; tom@oconnorandassociates.net Sent: Friday, March 25, 2011 5:02 PM Subject: Re: General Comments - Electronic billboards on 6th Avenue, proposed regulations & public hearing before Tacoma Planning Commiission on March 16, 2011</p> <p>Ms. Schultz and Planning Commissioners,</p> <p>The attached letter contains my proposed revisions to the proposed changes to Tacoma's sign code concerning billboards. As I stated at the public hearing on March 16th I am opposed to digital billboards in Tacoma in any fashion. However, I have noticed in my reading the alleged settlement agreement, Revised Staff Report of March 7, 2011 and the proposed revisions to the sign code, the "Public Review Draft" attached to the March 7, 2011 and attempting to harmonize the 3 documents that there are inconsistencies that favor Clear Therefore Therefore I have separated my comments into 2 sections in the attached comments as follows:</p> <ol style="list-style-type: none"> 1. First set of revisions and comments deletes all references to digital billboards and also adds revisions that in my opinion strengthen the current code; and 2. Second set of comments - I pointed out inconsistencies. I also deleted language regarding special receiving areas in the areas I know the best and that are terribly egregious by allowing nonconforming billboards within city right of way and within 250 ft. of residences, schools, a church and a pedestrian friendly business district, the 6th Ave. Business District. Those special receiving areas are 6th Ave. and Union; 6th Ave. & Junett; 6th Ave. & Division/Sprague; and Union and S 23rd St. 3. Note - Because a significant inconsistency was the inclusion of the 18 new (illegal and nonconforming) special receiving areas in the proposes changes to the code but the omission of the 54 locations where billboards were to be removed, even though the Public Review Draft states that those 54 locations were in the proposed new code, I added them by a chart. Because I could not create a pdf file with the computer I am using, I brought a hard copy of my attached letter with a hard copy of the new chart to Shirley Schultz's office today. The chart with the 54 locations is taken from the alleged settlement agreement. <p>One more note, even though I work full time which often includes beside Monday through Friday business hours some nights and weekends, it has b even extraordinarily easy to get signatures on a petition to oppose digital billboards. No one who was approached by me or read my petition said they were in favor of digital billboards. I easily gathered 102 signatures. I would like to share a few comments with you that are not on the petition but were made to me:</p> <ol style="list-style-type: none"> 1. Why are they walking all over small neighborhoods and the people who live there? 2. Why rereading on people's dreams and aspirations and hard work (regarding property values depreciating in the vicinity of digital billboards) and 3. The digital bill boards should go outside the homes of the elected officials who voted for them.
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Susan Cruise-- Original Message -----

From: S.

To: pelswick@windermere.com ; smgaffney@earthlink.net ; cbeale@ci.puyallup.wa.us ; mnutsch@hotmail.com ; jdoty@bracdesign.com ; tom@oconnorandassociates.net ; Morrisio.n.ian.s@gmail.com ; smorris@piercettransit.org ; Knute000@sprynet.com

Sent: Friday, March 11, 2011 5:46 PM

Subject: Fw: General Comments - Electronic billboards on 6th Avenue, proposed regulations & public hearing before Tacoma Planning Commiission on March 16, 2011

Dear Commissioners:

I have read the *alleged* settlement agreement between the City of Tacoma and Clear Channel and the draft of proposed revisions to Tacoma's sign and billboard regulations dated February 16, 2011 developed by Shirley Schultz. Contrary to hype in the press and posturing by the City of Tacoma this settlement agreement has no effect on whether the City agrees to install digital billboards or not as it has not been signed by Clear Channel.* I would also like to point out that the Staff Report dated February 10, 2011, attached to a memo from Ms. Schultz to the Planning Commission, entitled Billboard Code Revisions, incorrectly states as follows "In these areas [the receiving areas] - where up to 10 and only 10 digital faces may be located - the standard size regulations do not apply. The agreement states that the first ten digital billboards will be "bulletin" billboards, which are defined as up to 672 square feet..." The Settlement Agreement DOES NOT identify the size of the first ten 10 digital billboards. Also, there is NO definition of "bulletin" billboards in the TMC 13.06.520 on Signs identifying "bulletin" boards as 672 sq. ft. The only reference to "bulletin" billboards in the TMC is TMC 13.06.521(1) stating under the section on "Exempt Signs" that ""Non-electric bulletin boards [shall] not exceed [ing] 12 square feet..." Obviously by Tacoma's own definition, a bulletin board can be as small as 12 square feet. This sounds to me like the City is accepting the unsubstantiated, inappropriate definition of a "bulletin" billboard offered by Clear Channel to the detriment of the citizens and residential neighborhoods of Tacoma.

Therefore, I make the following general comments:

1. The City should propose a moratorium on digital billboards while the City awaits the results of the the FHWA study on crashes in the vicinity of digital billboards. The Federal Highway Administration, which regulates billboards, issued a report in February 2009 "The Possible Effects of Commercial Electronic Variable Messages Signs (CEVMS) on Driving Safety, Phase 1." See <http://www.fhwa.dot.gov/realestate/cevms.htm> Pursuant to this report the FHWA began but has not completed its study on the effect of digital billboards on driver safety. It is premature for the City to permit installation of digital billboards. The FHWA study refers to a study by the Wisconsin Dept. of Transportation of crashes in the vicinity of digital billboards. The Wisconsin study found that all types of crashes increased in the vicinity of digital billboards with a significant increase in side-swipe crashes. The FHWA rerport notes "A frequently changing CEVMS [digital billboard] which can generally be seen long before it can be read raises a particular concern for distraction. This is because drivers may continue to glance at the CEVMS [digital billboard] to observe changes in various colors with various sizes until the sign can be read." One of the problems with digital billboards is the brightness and that they are meant to distract the driver. Based on a study released in 2009 by the National Highway Traffic Safety Administration there were 5,474 fatal accidents and 448,000 injury accidents caused by various types of distracted driving. The drivers with the highest incidents of distracted driving are under 20 years old. The City's premature allowing installation of digital billboards, without a moratorium, before the federal study is complete may expose the City to financially draining personal injury lawsuits, discovery concerning the basis for the alleged settlement agreement, and be evidence of a cavalier

disregard for the safety of drivers, pedestrians and teenagers and young college children thus killed or injured.

2. The selection of digital billboard locations on 6th Ave. at N. Union Ave, at Junett St. and at Division St. is inconsistent with the City's plan to encourage pedestrians. It is particularly inconsistent for the location at 6th Ave. and Division St. where it intersects with the proposed Wedge Historic Special Review and Conservation District. Let's not beat around the bush. A billboard that changes its face, colors and images every 8 - 10 seconds is essentially flashing and will discourage pedestrians.

3. Discouragement of pedestrians and the visual blight created by digital billboards in the midst of predominantly residential areas such as 6th Ave. may tend to decrease property values and be less attractive to the kind of homeowners who value a beautiful neighborhood and who renovate and maintain the old historic houses that surround the neighborhoods around 6th Ave. as noted above. Why are the commercial interests of Clear Channel more important to the City Council than the financial and aesthetic interests of Tacoma's citizens, and more important than healthy and livable neighborhoods?

4. The locations on 6th Avenue are within 250 feet of residential neighborhoods and the brightness, and different colored images changing every 8 to 10 seconds will be invasive to the residents living even beyond 250 feet. I know this because I can see 85% of the face of a nonconforming rooftop billboard that also exceeds height restrictions. I can see this billboard from the back of my house at 615 S. Madison St. even though my house is approximately 600 - 700 ft. from the nonconforming sign on 6th Ave. between N. Proctor and N. Adams St. The non conforming sign is located on top of the Gayle Orth Catering Service at 3853 6th Ave. between North Proctor and North Adams St.

5. Therefore, the residential buffering area should be increased from 250 feet to "not allowed if visible from a residential area" or "700 feet in any direction from a billboard, digital or otherwise."

6. Digital billboards should not be permitted in a city such as Tacoma with its rich, historically significant, and historic architectural diversity and homogenous residential and business district areas such as the 6th Ave. Business District.

7. Under no circumstances should any new digital billboard be 672 sq ft. nor should it be more than 300 sq. ft. The alleged Settlement Agreement does not provide for this in any way.

8. The *alleged* Settlement Agreement which has already been amended one time should be amended again to eliminate any new billboard, digital or otherwise, along 6th Avenue. Why did the City Council approve placement of freeway sized digital billboards in the midst of a small pedestrian friendly small business community such as 6th Avenue with its blocks and blocks of historic, Victorian and craftsman houses all around 6th Ave? It is unconscionable.

* The First Amendment to the Settlement Agreement gives Clear Channel until August 15, 2011 to sign the Settlement Agreement. The copies that I have received of the Settlement Agreement from the City Manager's Office and the City Clerk have not been signed by Clear Channel.

CC: Doug Hill, Tacoma

Sincerely,

Susan Cruise
615 S. Madison St.
Tacoma, WA 98405

Staff Note:
Attachment to this e-mail of 3-25-11:
Letter from Susan Cruise, 3-25-11
(next 11 pages)

RECEIVED

MAR 25 2011

SUSAN CRUISE
615 S. MADISON ST.
TACOMA, WA 98405
March 25, 2011

Ms. Shirley Schultz
Principal Planner
Current Planning Division
CITY OF TACOMA
COMMUNITY AND ECONOMIC DEVELOPMENT
747 Market St.
Room 1036
Tacoma, WA 98402-3793

Jeremy C. Doty, Chair
Thomas C. O'Connor, Vice-Chair
Chris Beale
Peer Elswick
Donald Erickson
Sean Gaffney
Scott Morris
Ian Morrison
Matthew Nutsch
Commissioners
TACOMA PLANNING COMMISSION
747 Market St.
Room 1036
Tacoma, WA 98402-3793

RE: MY PROPOSED REVISIONS TO TMC13.06.520 SIGNS

Dear Ms. Schultz and Commissioners:

I. I OPPOSE DIGITAL BILLBOARDS IN TACOMA

I oppose any changes to the Tacoma sign code that permit digital billboards in any fashion. Rather than restating my opposition to digital billboards in this letter I incorporate by reference my comments stating my opposition to digital billboards in the email that I sent to the Planning Commissioners on March 11, 2011, with the exception that I now recommend increasing the buffering zone for sensitive uses such as residential areas, churches, schools and parks to 1,000 ft.

II. OVERVIEW OF MY COMMENTS ON PROPOSED REVISIONS TO THE TACOMA SIGN CODE

My comments in this letter are organized into two sections. My comments address the staff's Public Review Draft of proposed Billboard Code Revisions attached to the Revised Staff Report dated March 7, 2011 (Revised Staff Report).

The **first section of my comments** eliminates all references to digital billboards, except for an optional moratorium on digital billboards, and makes suggestions for revisions to the remaining revisions. These revisions (1) remove ambiguities; (2) strengthen the Tacoma sign code TMC 13.06.520, 521 and 522; (3) permit billboards consistent with the aesthetic and financial needs of residential neighborhoods and the zoning and planning goals of the City of Tacoma; and (4) deletes all references to digital billboards. I strongly urge the Commission to make code revisions that do not allow digital billboards. **My second set of comments** addresses for your information inconsistencies in the proposed Billboard Code Revisions, the Revised Staff Report and the Settlement Agreement. I have made all of my revisions in **bold** text so you can see them more easily.

III. MY FIRST SET OF COMMENTS – ALL REFERENCES TO DIGITAL BILLBOARDS DELETED

A. I PROPOSE THE FOLLOWING REVISION TO TMC 13.06.520.C.

Definitions (see page 13 of 70):

1. “Billboard standard. An off-premises sign greater than 72 square feet in size **and less than 300 square feet in size**. This type of sign is generally composed of poster panels or bulletins mounted on a building wall or freestanding structure, or painted directly on the wall or freestanding structure.”

REASON: Since the staff's proposed revision gives the smallest size for a billboard – 72 square feet - it is important to also state the largest size - 300 square feet. Otherwise, it can create confusion as to what the largest size is. People look to the definitions section of regulations to help them understand and navigate code.

B. I PROPOSE THE FOLLOWING REVISION TO TMC 13.06.520.C.

Definitions (see page 14 of 70):

2. **Delete in its entirety the following proposed new code** “Billboard, digital. An off-premises sign greater than 72 square feet **in** size utilizing digital message technology capable of changing the message or copy on the sign electronically.....”

REASON: Digital billboards create visual delight and depreciate property values. They will discourage pedestrians on 6th Avenue and harm these businesses that rely on pedestrians. They are designed to distract drivers and tend to increase crashes.

They are inconsistent with the rich architectural character and historic house that define Tacoma.

C. I PROPOSE THE FOLOWING REVISION TO TMC 13.06.520 Definitions
(see page 17 of 70):

1. “Roof sign. Any sign erected upon, against, or directly above a roof or parapet of a building or structure, **including the support structures for signs and signs which project above a roof.**”

REASON: This refers to the architectural unity of a building or structure and includes signs that tecnicly might be one inch from a building wall, roof or parapet or partially over a roof yet add to visual clutter by appearing to be “directly” above the roof when when viewed from the street. Kent Municipal Code has such a provision.

D. I PROPOSE ADDING THE FOLLOWING NEW SECTION TO TMC 13.06.521.C GENERAL SIGN REGULATIONS (see pages 21 and 22 of 70):

1. “C. Prohibited signs. The following commercial signs are prohibited, except as may be otherwise provided by this chapter:....**13: Any sign greater than 300 square feet.**”

REASON: I propose adding this new section C. 13. When people look to this section of the code to see what types of signs are not permitted, my proposed revision clarifies that signs greater than 300 square feet are prohibited. My proposed revision fills in the omission of this type of prohibited sign.

E. I PROPOSE THE FOLLOWING TWO REVISIONS TO TMC 13.06.521.M. GENERAL SIGN REGULATIONS (see pages 23 – 30 of 70):

1. **REVISION:** “1.a. New Billboard Faces: No new billboards shall be allowed in the City. **In no case shall the number of billboard faces or structures increase, and the square footage of any billboard sign areas to be relocated shall be equal to or less than the square footage of the billboard sign area to be removed, except that in no case shall a nonconforming billboard sign be removed or relocated.**”

REASON: No new billboards should be allowed in the City, digital or otherwise. The Staff comment on page 24 of 70 next to deleted code section “d”incorrectly states that the deleted text, which I inserted in my revision above, was “relocated to section 1.a above.” As this comment is an error and the deleted language was not relocated, I relocated it to section 1.1 in my revisions above. NOTE: I have not reinserted any of the language regarding relcoation and transfer of permits for conforming signs, and have no opinion on that now, other than nonconforming signs should not be allowed to relocate or be transferred.

2. **REVISION:** I recommend the following additional revisons for Section M:

- Sections M.1.b, d, (there is no section c) - **delete** (These sections refer to digital billboards)
- Sections M.5.e, f, g, h, i and k – **delete** (These sections refer to digital billboards.)
- Replace deleted text M 1.a – M 1.e with an optional new section M 1.a as follows:

“There will be a moratorium on the installation of digital billboards until July 1, 2021 to allow consideration of studies on the effects of digital billboards on crashes in the vicinity of digital billboards, driver safety and driver distraction.”

REASON: Traffic studies show an increase in crashes in the vicinity of digital billboards. See <http://www.fhwa.dot.gov/realestate/cevms.htm>. The Federal Highway Administration, which regulates billboards, is studying the relationship of digital billboards to driver safety, driver distraction and crashes. Therefore, it is premature and financially imprudent to permit digital billboards. Allowing digital billboards in city right of way and in residential buffer zones demonstrates poor stewardship of the City of Tacoma’s funds. Jury verdicts and settlements of personal injury and wrongful death lawsuits will drain the City’s funds.

- Section M.6 – **REVISION:** “The maximum area of any sign face shall be 300 square feet.” **Delete the section allowing 672 sq. ft. for digital billboards in the special receiving areas.**
- Section M.8 – “Dispersal. Billboard structures not located on the same structure shall be a minimum of **1000 feet** apart.” **REASON:** 500 feet apart is a short distance. Right now on 6th Avenue between Proctor Street and Union Street, 3 consecutive blocks are blighted with 3 billboards as follows – (1) on 6th Ave. between Proctor and Adams Streets on top of Gayle Orth Catering/ Gruv (the former Hell’s Kitchen); (2) on 6th Ave. between Adam and Washington Streets (across from the Goofy Goose); and (3) on 6th Avenue between Washington and Union on the corner of Union Ave.) This is unsightly and discourages pedestrians.
- Section M.9 – “Buffering – sensitive uses” – **REVISION:** No billboard shall be located within **1000** feet of:
 - a. A residential district;
 - b. Any publicly-owned open space, playground, park, or recreational property, as recognized in the adopted Open Space Habitat and Recreation Element” of the *Comprehension Plan, as amended*;
 - c. Any church or school; or
 - d. Any designated historic district whether on the federal, state, or local register of historic properties. **REASON:** Having billboards within 250 feet of playgrounds, school, residences and churches conflicts

with the quiet enjoyment of city life. Having signs so close to sensitive areas, such as Jason Lee Middle School and Trinity Church at 6th Ave. and Division Ave. favors the commercial and financial interests of national billboard owners who are not residents of Tacoma over the right of Tacoma residents who pay taxes to maintain and enjoy sensitive areas. It is degrading to the quality of life. Having expressway sized digital billboards within 250 feet of parks, home or churches that may shine into the homes and parks is inconsistent with sound city planning.

- Section M.11 – “Location – special billboard receiving areas” – **Delete this section in its entirety. REASON:** The receiving areas designated in M.11.1 through 18 are illegal as they permit nonconforming, oversized billboards in sensitive buffering zones that include residences, churches, parks and schools.

F. I PROPOSE THE FOLLOWING REVISIONS TO PROPOSED NEW SECTION TMC 13.06.521. ON NONCONFORMING SIGNS, - N.2 AND N.3 (page 30 of 70):

1. **N.2** “No nonconforming on-premises **or off-premises sign** shall be changed, expanded, or altered in any manner which would increase the degree of its nonconformity.....” (Add text in **bold**)
2. **N.3** – “A non-conforming off-premises sign shall not be changed, expanded, moved, or altered in any manner which would increase the degree of its nonconformity, *unless the alteration is to change a standard billboard into a digital billboard in compliance with this section...*” – **delete this section in its entirety..**

REASON: The proposed *new* regulation at TMC 13.06.521 Section N.3 permits substantial changes in existing nonconforming signs by allowing nonconforming signs to be converted into digital billboards. The proposed language is vague, ambiguous, and illogical and capriciously perpetuates nonconforming signs by turning them into digital billboards. The proposed language is also inconsistent with federal and state regulations on nonconforming signs. See 23 CFR 750.505(5) and WAC 468-66-200(3) that do not permit conversion of a nonconforming sign into a new substantially different conforming or nonconforming sign.

Federal regulation 23 C.F.R. 750.707(5), Nonconforming Signs, states as follows:

“The [nonconforming] sign must remain substantially the same as it was on the effective date of the State law or regulations...”

Washington State regulation, WAC 468-66 -200(3), Nonconforming signs, also does not allow conversion of a nonconforming sign into a digital billboard and states as follows:

“A nonconforming sign may not be maintained if:....(b) There are substantial changes to the sign structure’s original construction materials, such as upgrades to steel signposts....”

Since conversion of a nonconforming vinyl or other type of billboard into the electronic materials and lighting required for a digital billboard is a substantial change to the billboard’s original construction materials it is essentially installing a brand new nonconforming sign and not allowed under state law.

Tacoma’s proposed language arbitrarily, capriciously and illogically allows an “increase [in] the degree of its nonconformity” if “the alteration is to change a standard billboard to a digital billboard in compliance with this section....” The practical result of such language arbitrarily allows billboards that are nonconforming and inconsistent with the Tacoma code because they are on rooftops or within 250 feet of a residential neighborhood. Another practical and unwanted result of such ambiguous language is an increased likelihood of litigation to determine the application and enforcement of this regulation.

Tacoma’s goal should be to allow reasonable maintenance and repair of grandfathered nonconforming signs but not to perpetuate them by converting them into new nonconforming digital billboards.

IV. MY SECOND SET OF COMMENTS ADDRESSES INCONSISTENCIES IN THE PROPOSED SIGN REGULATIONS, SETTLEMENT AGREEMENT AND STAFF REPORT (FOR INFORMATION PURPOSES ONLY)

A. There is no language in proposed TMC 13.06.521.M on pages 23 - 70 that lists the first 54 billboards to be removed.

1. ADDING LANGUAGE ABOUT 54 BILLBOARDS TO BE REMOVED TO SECTION M.1.a ADDRESSES THIS OVERSIGHT: “M.1.a. New Billboard Faces. No new billboards shall be allowed in the City, unless the applicant for a new billboard reduces the total number of billboards and relocation permits in existence as of June 1, 2011. **The first ten (10) new billboards will only be allowed in receiving areas designated in M.11 below. The first 54 billboard faces to be removed in exchange for the first ten (10) digital billboards are listed in the chart entitled “TMC 13.06.521.N, Billboards To Be Removed.** For purposes of this regulation, “reduce” shall mean to relinquish permits held by an applicant and/or physical removal of billboard. **In no case shall the number of billboard faces or structures increase, and the square footage of billboard sign area to be relocated shall be equal to or less than the square footage of billboard sign area to be removed.**”

REASON: (1) The Revised Staff Report of March 7, 2011 incorrectly states at paragraph 4, page 3 of 10 that “The first 54 billboard faces to be removed are listed in the settlement **and are specified in the draft code revisions.**” This is not true. The draft code revisions fail to specify the 54 locations where billboards must be removed in

exchange for digital billboards. However, the proposed revisions **do** state the 18 new receiving areas where digital billboards can be installed. The City Council approved a “settlement agreement” that allegedly identified 18 specific locations where Clear Channel can install new digital billboards on condition that Clear Channel remove 54 billboards in specific locations. Similarly adding the 54 locations to the code is consistent with the City Council’s goals and staff’s intent to have the 54 locations specified in the code. (2) By simply saying “New billboards (without referencing the first 10 only) will only be allowed in receiving areas designated below in M.11” the 38 new digital billboards envisioned by the settlement agreement will only go into 18 areas including several residential neighborhoods in the 6th Avenue and S. Union Ave. areas. It is consistent with TMC 13.06.521.M.1.a.¹

NOTE: The chart listing the 54 digital billboards should follow the Chart for Section 13.06.522.M on page 40 of 70.

REASON : (3) Staff’s proposed revisions on page 23 of 70 deleted the following language at 1.d on page 24 of 70: **“In no case shall the number of billboard faces or structures increase, and the square footage of billboard sign area to be relocated shall be equal to or less than the square footage of billboard sign area to be removed.”** Staff’s comment states “This language has been relocated to (1.a) above.” However, staff did not relocate this language to 1.a above. I corrected this omission/oversight by relocating the deleted language to 1.a above.

B. TMC 13.06.521 M.1.d., EXCHANGE OF DIGITAL BILLBOARDS, IS SIMILARLY VAGUE AND AMBIGUOUS ABOUT REMOVING THE 54 BILLBOARDS (page 24 of 70).

1. ADDING LANGUAGE ABOUT 54 BILLBOARDS TO BE REMOVED TO SECTION M.1.d ADDRESSES THIS OVERSIGHT AS FOLLOWS: “Exchange of digital billboards. A digital billboard permit may be issued with the condition that construction may begin upon removal, to be verified by a site inspection, of at least five (5) existing standard billboard faces, **taken from the list of 54 billboard faces in the chart entitled “TMC 13.06.521.N, Billboards To Be Removed** and exchange of up to ten (10) relocation permits.....

REASON: Same as above.

¹ I have provided the new chart – which is Exhibit 2 from the alleged Settlement Agreement – with the hard copy that I delivered to the Planning Commission Offices at 747 Market St., Tacoma, WA.

C. MY PROPOSED REVISION AND COMMENTS TO TMC 13.06.521.M.11.b EXCEPTION TO CERTAIN PERFORMANCE STANDARDS (page 28 of 70)

OBSERVATION: This section states: “Exception to certain performance standards. In the following locations, the regulations of Sections M.8 and M.9 (buffering and dispersal) above, and Section 13.06.522a (sign tables), do not apply...”

COMMENT: There should be no exceptions to certain performance standards. I do not see Section 13.06.522a (sign tables) in the Public Review Draft prepared for the March 16, 2011 Public Hearing. Is “Section 13.06.522a” a typo. Should it be another number or letter. Was a document omitted from the sign code revisions?

D. LOCATION – SPECIAL BILLBOARD RECEIVING AREAS:

COMMENT: Delete the following special receiving areas for expressway sized digital bulletin billboards:

(4) 6th Avenue and Division Avenue. From the midpoint of the intersection of 6th Avenue and Division, 600 feet northeast on Division Avenue, 525 feet to the west on 6th Avenue, east on 6th Avenue to N. Grant Street and 300 feet north and south on Sprague Avenue.

REASON: Permitting a 672 sq. ft. sign that is more consistent with being seen from a distance on an expressway in the heart of a small business district, near to the Jason Lee Middle School, Trinity Church, the North Slope Historic District and the proposed Wedge Historic Special Review and Conservation District is inconsistent with city planning to encourage pedestrians and make Tacoma an enjoyable, livable city. It also introduces distractions that make it unsafe for the most vulnerable and most easily distracted citizens of Tacoma – its young students and the elderly who frequent Trinity Church. It would shine into nearby residences and depreciates property value.

(5) 6TH Avenue and Junett Street, 150 feet to the east and west of the midpoint of the intersection of 6th Avenue and Junett Street.

REASON: This location includes a small scale business district that includes businesses in older wood frame historic houses – 6th Ave. Business District. It is also within 250 feet of a residential district. Having worked so hard and successfully to create a thriving pedestrian friendly business district in the heart of a residential district it violates city planning goals to place a freeway sized digital billboard in this neighborhood.

(6) 6th Avenue and Union Avenue, 150 feet in all directions from the midpoint of the intersection of 6th Avenue and Union Avenue.

REASON: A nonconforming freeway sized digital sign in the 6th Ave. Business District will discourage pedestrians. Such an oversized sign in this pedestrian friendly small business district in the heart of a neighborhood of historic craftsman, Victorian and 1940s

era homes will weaken this successful small business district. It is particularly insensitive and inappropriate due to its closeness to the UPS college campus a few blocks north on North Union Ave. Given that traffic studies show that drivers under the age of 20 years have the greatest number of car crashes due to distractions, the distractions of a lit constantly changing digital billboard will most likely contribute to increased accidents due to the large number of drivers under 20 years old who drive in the vicinity of UPS.

(8) S. Union Avenue and S. 23rd Street, S. Union Avenue 150 feet north and 900 feet to the south of the midpoint of the intersection of S. Union and S. 23rd Street.

REASON: Although this business location is not pedestrian friendly like the 6th Ave. Business District, there are apartments for the elderly in this area. The most vulnerable members of society are its elderly and its younger members. The distractions caused by the changing lights and signs of digital billboards may contribute to pedestrian accidents as elderly pedestrians and drivers occupy the same road space and are distracted by the signs.

Thank you for considering my comments and proposed revisions.

Sincerely,

A handwritten signature in cursive script that reads "Susan Cruise". The signature is written in dark ink and is positioned above the printed name.

Susan Cruise

Encl.

TMC 13.06.521.N

PROPOSED TACOMA SIGN REMOVALS

Panel	Description	Lease
40215	MARINE VIEW DR WL 150F N/O MCMURRAY RD SF-1	14187
40216	MARINE VIEW DR WL 150F N/O MCMURRAY RD NF-2	14187
40891	MCKINLEY AV EL 100F N/O MORTON ST NF-1	9067
40892	MCKINLEY AV EL 100F N/O MORTON ST SF-2	9067
40948	38TH ST S SL 100F W/O THOMPSON AV EF-1	14149
40949	38TH ST S SL 100F W/O THOMPSON AV WF-2	14149
40975	S 38TH ST SL 230F W/O TACOMA AV EF-1	37743
40976	S 38TH ST SL 230F W/O TACOMA AV WF-2	37743
41072	PACIFIC AV EL 50F N/O S 52ND ST NF-1	14069
41073	PACIFIC AV EL 50F N/O S 52ND ST SF-2	14069
41286	MCKINLEY AV WL 70F N/O E 63RD ST NF-2	40261
41287	MCKINLEY AV WL 70F N/O E 63RD ST SF-1	40261
41290	MCKINLEY AV WL 200F N/O 64TH ST E NF-2	14020
41291	MCKINLEY AV WL 200F N/O 64TH ST E SF-1	14020
41495	PACIFIC AV EL 10F S/O S 88TH ST NF-1	40158
41496	PACIFIC AV EL 10F S/O S 88TH ST SF-2	40158
41335	56TH ST S NL 25F E/O SHERIDAN AV EF-2	14154
41336	56TH ST S NL 25F E/O SHERIDAN AV WF-1	14154
44012	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44013	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44033	S TYLER ST EL 470F S/O S 52ND ST NF-1	12399
44034	S TYLER ST EL 470F S/O S 52ND ST SF-2	12399
44054	S TYLER ST EL 150F S/O S 52ND ST NF-1	12399
44055	S TYLER ST EL 150F S/O S 52ND ST SF-2	12399
44219	S TACOMA WY SL 50F W/O JUNETT EF-1	40056
44220	S TACOMA WY SL 50F W/O JUNETT WF-2	40056
44720	CENTER ST NL 10F W/O DURANGO ST WF-1	40157
44721	CENTER ST NL 10F W/O DURANGO ST EF-2	40157
44930	PEARL ST WL 200F S/O N 51ST ST SF-1	40060
44931	PEARL ST WL 200F S/O N 51ST ST NF-2	40060
44972	N 26TH ST EL 15F N/O PROCTOR ST NWF-1	9141
44973	N 26TH ST EL 15F N/O PROCTOR ST EF-1	9141
44993	N 26TH ST NL 100F E/O PROCTOR ST WF-1	9141
45013	N 26TH ST NL 100F W/O ADAMS ST EF-1	9141
45135	6TH AV NL 50F E/O ALDER ST WF-1	40062
45136	6th AV NL 50F E/O ALDER ST WF-2	40062
45239	6TH AV SL 304F E/O STATE ST WF-2	9873
45240	6TH AV SL 304F E/O STATE ST WF-2	9873
45303	6TH AV NL 100F W/O SHERIDAN AV WF-1	9609
45471	S "J" ST EL 10F N/O S 11TH ST NF-1	40274
45472	S 11TH ST NL 10F E/O S "J" ST EF-2	40274
45492	S 11TH ST NL 20F W/O S "J" ST EF-1	12869
45538	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45539	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45540	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45574	S 12TH ST SL 5F W/O S "L" ST WF-1	12934
45594	S 12TH ST NL 100F E/O S "L" ST WF-1	12999
45553	S 12TH ST SL 65F W/O S FERRY ST EF-1	11450
45554	S 12TH ST SL 65F W/O S FERRY ST WF-2	11450

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ORIGINAL

45614	TACOMA AV WL 50F N/O S 13TH ST NF-1	12436
45634	TACOMA AV WL 50F S/O S 13TH ST SF-1	37797
45635	TACOMA AV WL 50F S/O S 13TH ST NF-2	37797
45544	SPRAGUE AV WL 175F S/O 12TH ST NF-2	14098
45545	SPRAGUE AV WL 175F S/O 12TH ST SF-1	14098

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ORIGINAL

56.	Curtis, Debra	<p>From: micadeki@comcast.net [mailto:micadeki@comcast.net] Sent: Tuesday, March 22, 2011 2:47 PM To: Planning Subject: Against Digital billboards</p> <p>I vote strongly to not blight the 6th and Division neighborhood with any billboard. A digital one would be a severe traffic hazard. That intersection where children cross from Jason Lee is already confusing. I have worked, served and worshiped in the Hilltop neighborhood for 35 plus years. Listen to our voices from the restoring neighborhood! Debra Curtis, retired nurse practitioner Franciscan and member of Trinity Presbyterian Church.</p>
57.	Davie, Fred (1)	<p>From: Fred Davie [mailto:backstagevideotacoma@yahoo.com] Sent: Saturday, February 05, 2011 2:55 PM To: Schultz, Shirley Subject: Re: Sign code / digital billboards</p> <p>Dear Shirley,</p> <p>On January 31st you wrote:</p> <p>"Under the proposed ordinance, anyone who wishes to build a digital billboard will have to secure the removal of 8 standard billboards."</p> <p>This will be a problem for me, as I have no standard billboards to remove. Nevertheless, I wish to participate in the new digital billboards program and hope you will make a provision in the new law for property owners who would not qualify under the terms you have mentioned. It would certainly be unfair to craft the new sign ordinance in such a manner that only one company would be able to place the signs. This would create a monopoly in our fine city. Certainly that is not in the interest of the citizens.</p> <p>Very truly yours,</p> <p>Fred Davie</p> <hr/> <p>From: "Schultz, Shirley" <shirley.schultz@ci.tacoma.wa.us> To: Fred Davie <backstagevideotacoma@yahoo.com> Sent: Mon, January 31, 2011 8:02:49 AM Subject: RE: Sign code / digital billboards</p> <p>Mr. Davie –</p> <p>Thank you for your comment.</p> <p>Billboards are privately owned and operated. In order to install a new billboard, the owner currently must remove another billboard in a nonconforming (meaning it's in</p>

the wrong zoning district, or too big, or too high, etc.) location and build one that's conforming. Therefore, the number of billboards will remain the same, or will be reduced under the proposed exchange for digital billboards. Under the proposed ordinance, anyone who wishes to build a digital billboard will have to secure the removal of 8 standard billboards, unless they can also purchase the permits to build new billboards – then the exchange is 5 standard billboards and 10 permits. Currently all the permits and almost all of the billboards are owned by ClearChannel Outdoor.

Whether or not your property could be home to a billboard will depend on how the ordinance is developed, and where digital billboards beyond the first ten are allowed. Then, it will depend on whether or not the billboard company wants to put one there. If you'd like to get me your contact information I can pass it along to ClearChannel's real estate specialist.

Sincerely,

Shirley Schultz
Principal Planner
Building and Land Use Services
City of Tacoma
747 Market Street
Tacoma, WA 98402-3769
p: 253-591-5121
f: 253-591-5433

From: Fred Davie [<mailto:backstagevideotacoma@yahoo.com>]
Sent: Friday, January 28, 2011 6:41 PM
To: shirley.schultz@cityoftacoma.org
Subject: Sign code / digital billboards

Dear Shirley,

Thanks for the card you sent to me about the Community meeting at the Evergreen State College on Monday, January 31. I will be unable to attend the meeting but am very interested in the subject.

I am the owner of commercial property in Tacoma and want very much to participate in the digital billboard rollout! What would be required for me to get permission to place one of these attractive signs on my property? Will the city be buying the signs or will they be provided by some third party? Can I purchase my own digital billboard and sell the advertising myself? I have access to a large crane and would like to get started as soon as the weather permits.

Thanks again,

Fred G. Davie

58.	Davie, Fred (2)	<p>From: Fred Davie [mailto:backstagevideotacoma@yahoo.com] Sent: Wednesday, March 16, 2011 4:07 PM To: Planning Subject: Clear Channel Settlement</p> <p>3/16/11</p> <p>To whom it may concern,</p> <p>I have been reading about the proposed settlement of the Clear Channel lawsuit against the City of Tacoma which would result in the installation of a number of digital billboards.</p> <p>I oppose this settlement. I would prefer that the city proceed to try the case in court and see if our billboard ordinance cannot be upheld.</p> <p>The digital billboards will usher in a new form of litter to our city and accelerate the process of turning certain neighborhoods into ghettos.</p> <p>But in the event that you decide to recommend in favor of the settlement I have some suggestions.</p> <p>The introduction of the new digital billboards should not be restricted to one entity, that being the Clear Channel Company. There are many commercial property owners, advertising companies, and sign installation companies right here in Tacoma. They should be afforded the same opportunity to participate in the digital signs as Clear Channel. If you wish to restrict the number of locations that would be OK. But there should be a lottery to determine who will be allowed to place a sign. The settlement as proposed would provide Clear Channel, in effect, with a virtual monopoly. This is not appropriate. We should maintain local control of these signs to greatest extent possible.</p> <p>Thank you very much.</p> <p>Yours truly,</p> <p>Fred G. Davie 4102 N. Ferdinand St. Tacoma, WA 98407 253-752-4354</p>
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59.	Davie, Fred (3)	<p>From: Fred Davie [mailto:backstagevideotacoma@yahoo.com] Sent: Wednesday, March 16, 2011 4:20 PM To: marilyn.strickland@cityoftacoma.org Subject: Oppose Clear Channel Settlement</p> <p>3/16/11</p> <p>Dear Ms. Mayor,</p> <p>Would you please do your constituents of Tacoma a big favor and apply your utmost effort to terminate the Clear Channel settlement?</p> <p>These digital billboards will introduce a blight upon our city and will begin to turn certain neighborhoods into ghettos.</p> <p>Our elected officials have previously stated that Tacoma does NOT want billboards. This should not be interpreted as meaning that we therefore want digital billboards. Tacomans do not want any billboards. Please allow the Clear Channel suit to go to trial. If you need to add some legal help to win this fight then please bring some people in. WE CAN WIN!</p> <p>One additional concern I have with the settlement is that, if approved, it will provide the Clear Channel Company, in effect, a monopoly over the billboard business in Tacoma. Why should they receive any reward because they refused to remove their illegal signs? If we are going to have digital signs, then let's establish a way to allow local property owners, local sign companies, and local advertising agencies to participate. Let's make sure everyone's property rights and constitutional freedom of speech rights are observed.</p> <p>Thanks for taking a moment to consider my position.</p> <p>Very truly yours,</p> <p>Fred G. Davie 4102 N. Ferdinand St. Tacoma, WA 98407 253-752-4354</p>
60.	Davis, Bonnie (1)	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Bonnie Davis, 3-3-11 (next 1 page)</p> </div>

MAR 04 2011

3616 N. Cheyenne St.
TACOMA, WA 98400
March 3, 2011
253-759-2226

Tacoma Planning Commission
747 Market St., 3rd Floor
TACOMA, WA 98402

Dear Shirley Schultz, Principal Planner,

I am in favor of a complete ban against digital billboards, such as the following locations have established: Dallas-Fort Worth; Galveston; Austin, Houston; San Francisco; St. Petersburg; Maine; Montana. There is a moratorium on all new (additional) digital billboards in L.A.

I believe these signs waste electricity; they're disruptive and jarring to passing traffic and nearby residences. They are probably hard to dismantle and recycle when worn out. If other cities can ban these digital billboards, why can't Tacoma do so, also? Oh, yes, the lights on the signs ~~can~~ do cause light pollution at night. Tacoma should not "buckle under" to the big corporations and allow digital billboards.

Sincerely,

Bonnie B. Davis, long-time citizen of Tacoma.

61.	Davis, Bonnie (2)	<p>From: DeGrosse, Cindy Sent: Wednesday, March 16, 2011 10:38 AM To: Wung, Lihuang Subject: Billboards</p> <p>Bonnie Davis just called to leave a message for Mayor Strickland and the Council members – she is very much against the billboards as she feels they will be a blight to the neighborhoods. Ms. Davis lives in the north end and her phone number is 253-759-2226.</p> <p><i>Cindy DeGrosse</i> <i>Mayor/Council Office</i> (253) 594-7848 cdegrosse@cityoftacoma.org</p>
62.	Davis, Bonnie (3)	<p>From: Leingang, Cynthia Sent: Thursday, March 17, 2011 5:02 PM To: Lonergan, Joe; Woodards, Victoria Cc: Wung, Lihuang; DeGrosse, Cindy Subject: phone message regarding billboards</p> <p>Good afternoon, Bonnie Davis, a Northend resident, phoned to say she was against billboards and wants to have them banned entirely. She can be contacted at 759-2226.</p> <p>Thank you, Cindy L.</p>
63.	Davis, Bonnie (4)	<p>From: DeGrosse, Cindy Sent: Tuesday, March 22, 2011 3:31 PM To: Strickland, Marilyn Cc: Wung, Lihuang Subject: Citizen Complaint</p> <p>Bonnie Davis, lives in the north end. She just called to leave this message for Mayor Strickland. She is against the electronic billboards and feels that City government is not listening to the citizens.</p> <p><i>Cindy DeGrosse</i> <i>Mayor/Council Office</i> (253) 594-7848 cdegrosse@cityoftacoma.org</p>

64.	Davis, Felice	<p>From: felice Davis [mailto:fdavis1944@gmail.com] Sent: Tuesday, March 15, 2011 11:47 AM To: Boe, David; Jake.Fey@cityoftacoma.org Subject: E-mail from the City website</p> <p>Dear Mr. Boe and Mr. Fey,</p> <p>I'm encouraging the city council to proceed more slowly with the digital billboards. Since they are so distracting and ugly, shouldn't the city put up only a few, live with them and then make a decision?</p> <p>Thank you for all the effort you put in on behalf of the city.</p> <p>Felice Davis 3008 N. Narrows Dr. E101 Tacoma, 98407</p>
65.	Delight, Anita Joy	<p>From: anita [mailto:ajoy@harbornet.com] Sent: Tuesday, March 15, 2011 5:48 PM To: Planning Subject: Proposed Digital Billboard Agreement</p> <p>I have just become aware of an agreement between the city and an entity called Clear Channel that proposes to put digital billboards at various locations throughout the city. I am hoping this is not yet a "done deal" and that my voice can be counted among those who oppose such a proposal. In general I am inclined to perceive billboards as "unnecessary visual pollution." Beyond that, I am a driver who sees digital billboards along the interstate and experiences them as distractions which pose a safety risk.</p> <p>I would like to go on record as opposing this proposal entirely. If it is to be passed, I would like to propose that such billboards be restricted to non-residential, highly commercial or industrial areas. I think they would be particularly intrusive in residential neighborhoods, near schools, day cares, parks, churches or along the waterfront where many of us go for walks and recreation.</p> <p>Thank you for your consideration.</p> <p>anita joy delight 2214 N. Stevens Street Tacoma, Washington 98406 (252)756-7383</p>
66.	Denton, Jon	<p>From: jonathan denton [mailto:moment_00@yahoo.com] Sent: Tuesday, March 15, 2011 1:05 PM To: Planning Subject: Sign Code Revisions for Billboards – restrict use of digital billboards in Tacoma</p> <p>To whom it may concern,</p> <p>I support a moratorium on digital billboards until 2021. I believe that digital billboards are a distraction to drivers. The dissemination of digital media should be restricted to environments that are appropriate for distractions like shopping centers and living rooms. The billboards that are currently on I-5 have taken my attention from the roadway. I have mistaken the billboards "flashing" for emergency lights.</p> <p>Thank you,</p> <p>Jon Denton</p>

67.	DeOme, Tricia (1)	<p>-----Original Message----- From: chair@cnc-tacoma.com [mailto:chair@cnc-tacoma.com] Sent: Tuesday, March 01, 2011 3:48 PM To: Schultz, Shirley Subject: RE: Status of Billboards</p> <p>shirley, Thank you for answering my questions, here are few more. One of our board members had the following concern (sorry it is so long):</p> <p>"Among my many questions is how the itty, bitty, circles on a very small map that was an exhibit to the Settlement Agreement designating the "special receiving areas" got translated into a 375-yard segment of street (6th & Division/Sprague) or 350-yard segment (Union & 23rd). The City's Public Review Booklet makes several false assertions about the (possibly yet unsigned) Settlement Agreement from the Clear Channel lawsuit. That proposed, unsigned Settlement Agreement is included in the City's handout at the 12/15/2010 Planning Commission meeting. http://cms.cityoftacoma.org/Planning/Billboard%20Regulations/Billboards%20-%20PC%20Handouts%20(12-15-10).pdf</p> <p>That proposed Settlement Agreement's only substantive language -- its Paragraph 2 -- concerning Clear Channel's exchange of digital for standard billboards reads as follows:</p> <p>"2. Following the Effective Date of this Agreement, and upon receipt of permits to construct ten digital bulletin billboards at the approximate locations shown on Ex. 1, Clear Channel agrees to (i) permanently remove the structures shown on Ex. 2 within six months of the receipt of the permits to construct ten digital billboards, and (ii) relinquish 100 relocation permits it currently holds, as shown on Ex. 3. The structures removed will be cut down at or below ground level. Thereafter, Clear Channel will be able to erect additional digital bulletin billboards as follows: For every one digital billboard to be constructed, Clear Channel will give up a combination of 15 relocation permits and existing faces, of which at least five must be removals of existing faces. If and when Clear Channel no longer has any relocation permits, it will have to remove eight existing faces in exchange for the right to construct one digital structure. Regardless of whether Clear Channel seeks permits to construct digital billboards in addition to the first ten referenced above, Clear Channel will permanently remove an additional 25 sign faces during the five-year period beginning upon the issuance of the digital bulletin billboard permits referenced above. The faces to be removed will be at Clear Channel's discretion. Clear Channel may include these 25 faces, as removed, in the number of faces to be removed in seeking to erect additional digital bulletin billboards."</p> <p>Notice that the language of Paragraph 2 concerning Clear Channel's rights refers to "digital structures" not to "digital billboard faces." Nothing in the Settlement Agreement specifies the maximum size of the digital billboard faces, nor limits digital structures to only one face. Nothing in the Settlement Agreement prevents Clear Channel from demanding permits, for example, for two structures with two digital faces each in the 375-yard span at 6th and Division or the 350-yard span on Union in the vicinity of 23rd Street.</p> <p>I attach the very small map with the itty, bitty, circles that was attached to the proposed Settlement Agreement in the handout to the 12/15/10 Planning Commission meeting that apparently designated the "special receiving areas" where Clear Channel's first 10 digital billboard structures (not just 10 faces) may be erected.</p> <p>There are mistakes in the table on PDF page 7 of the Public Review Booklet showing the exchanges of digital billboards for standard billboards and relocation certificates. After the first 10 digital billboards, Clear Channel still will have 200 faces and 69 certificates (269 units). To erect 7 more digital billboards, Clear Channel must surrender 105 units (7 x 15),</p>
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and since it only has 69 certificates remaining, it must surrender 36 faces to get those 7 digital billboards ($69 + 36 = 105$), leaving it with 164 faces (not 165 faces). Of those 164 faces, Clear Channel could surrender 160 of them to erect 20 (not 21) more digital billboards leaving it with 4 standard billboards. ($164 \div 8 = 20$ remainder 4)."

If you could get back to me by Wednesday afternoon. I want to make sure I have all the information prior to our Thursday meeting.

Tricia

> Hi, Tricia -

>

> First, I'll make sure you're on the Planning Commission mailing list that's the one we used for this mailing and all Neighborhood Council leadership should be on it. As for my personal email... I think I just forgot. I am sorry about that! (Now I'll go through my emails and make sure I didn't forget anyone else.)

> 1. The billboards that remain on South 12th are "grandfathered" in meaning they have nonconforming rights because they were there prior to the changes in our zoning code that said they couldn't be there. One of the goals of the proposed code changes is that these nonconforming billboards will go away faster. I think there are only a couple on 12th that are proposed to be removed immediately (closer to downtown), but eventually it's hoped that they will all be removed.

>

> 2. South 12th and Union is zoned "C-1" which does not allow billboards. There's one parcel zoned "C-2" - which does allow billboards, but because there are buffering standards from residential zones, no new billboard could go there.

>

> I hope this helps. Feel free to ask any other questions. Again, I apologize for missing your email.

>

>

> Shirley Schultz
> Principal Planner
> Building and Land Use Services
> City of Tacoma
> 747 Market Street
> Tacoma, WA 98402-3769
> p: 253-591-5121
> f: 253-591-5433

>

>

> -----Original Message-----

> From: chair@cnc-tacoma.com [mailto:chair@cnc-tacoma.com]

> Sent: Sunday, February 27, 2011 1:28 PM

> To: Schultz, Shirley

> Subject: RE: Status of Billboards

>

> Shirley,

> I have reviewed the draft ammendments and have a couple questions.

> 1. If the billboards allowed areas along South 12th Street cannot accept billboards because zoning why do we keep them.

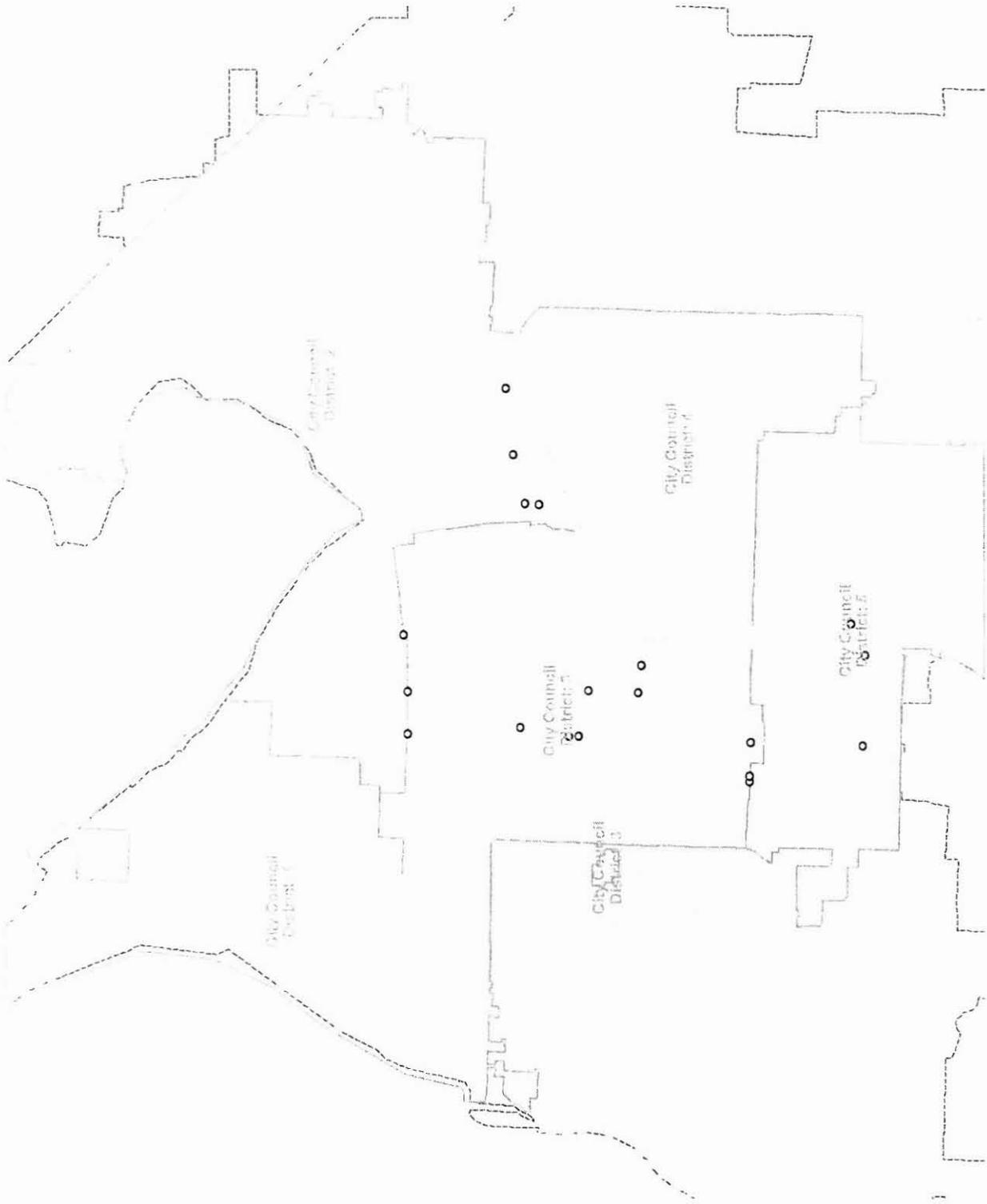
>

> 2. Can you confirm if billboards are allowed by zoning at South 12th Street and Union Street. It is too zoomed out to see if there is lavender there.

>
> Also, I did not get anything for the public review draft and public hearing notice(Community Council forwarded it on). Can you make sure I am on the list.
>
> Thank you,
>
> Tricia DeOme
> Central Neighborhood Council
> 253-267-2114
>
>> Tricia -
>>
>> I will add you to my email list for tomorrow's distribution of the public review draft and public hearing notice. All contact information (and website information) will be there.
>>
>> A comment in writing is best -- but as far as how, I think it's what's easiest for you -- either a letter or an email is fine. Of course, coming to the public hearing and testifying in person is great too.
>>
>> Thanks for asking,
>>
>>
>> Shirley Schultz
>> Principal Planner
>> Building and Land Use Services
>> City of Tacoma
>> 747 Market Street
>> Tacoma, WA 98402-3769
>> p: 253-591-5121
>> f: 253-591-5433
>>
>>
>> -----Original Message-----
>> From: chair@cnc-tacoma.com [mailto:chair@cnc-tacoma.com]
>> Sent: Sunday, February 20, 2011 8:02 PM
>> To: shirley.schultz@cityoftacoma.org
>> Subject: Status of Billboards
>>
>> Shirley,
>> The Central Neighborhood Council would like to comment on the proposed digital billboard locations in the Central Neighborhood. What would be the best forum and timing for our comments?
>>
>> Thanks
>> Tricia DeOme
>> Central Neighborhood Council
>> 253-267-2114

Staff Note:
Attachment to Tricia DeOme's e-mail, 3-1-11
(next 1 page)

Exhibit B



Proposed Approximate Locations for First 10 Digital Billboards

68.	DeOme, Tricia (2)	<p>From: Tricia DeOme [mailto:chair@cnc-tacoma.com] Sent: Thursday, March 10, 2011 9:23 PM To: Marilyn.Strickland@cityoftacoma.org; Boe, David; Woodards, Victoria; Lauren.Walker@cityoftacoma.org; Campbell, Marty Subject: Digital Billboards</p> <p>Good Evening, The CNC has been reviewing the proposed code changes regarding digital billboards in Tacoma. We also reviewed the July 27, 2010 city council meeting video where the settlement agreement for the Clear Channel lawsuit was approved. We have few background questions for the city council members that represent the Central Neighborhood. The questions are not intended to be accusatory, we are trying to gain an understanding of what the city council members were aware of and considered when the settlement agreement was approved.</p> <ol style="list-style-type: none"> 1. Was there discussion behind closed doors of the benefits and pitfalls of the having digital billboards in Tacoma? Only Mayor Strickland commented on the agreement at the July 27, 2010 city council meeting. We are interested in hearing the councils reasoning for approving the settlement agreement. What was the advice of the Tacoma Legal Department? 2. Were the council members aware that the 19 special receiving areas were adjacent residential neighborhoods and the billboards would shine on houses? 3. Were the council members aware the settlement agreement describes the first 10 billboards in 19 receiving areas as bulletin boards, which means they can be up to 600 square feet. 4. Did the council receive figures from Clear Channel regarding profit on the digital billboards? Once they are up, there is minor labor costs, the boards can show multiple images... it seems like it is going to a more profit than a 1 for 5 trade. 5. Did the council consider increased energy use issues with the digital billboards? How do digital billboards play into being a green city? 6. Have the council members seen examples of what digital billboards look like in the dark and light hours? <p>We are still wrapping our heads around the impact on our neighborhoods with digital billboards and are interested in your response. Thank you for your time.</p> <p>Tricia DeOme Central Neighborhood Council 253-267-2114</p>
69.	DeOme, Tricia (3)	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note:</p> <p>Tricia DeOme and Douglas Schafer, Central Neighborhood Council, submitted a letter with 24 attachments on 3-25-11, totaling 428 pages. Due to the large volume, their packet is being compiled separately. Included here is the cover letter only, plus a list of the 24 attachments. (next 8 pages)</p> </div>

Central Neighborhood Council

P.O. Box 5201
Tacoma, Washington 98415-0201
<http://cnc-tacoma.com>

March 25, 2011

Tacoma Planning Commission
747 Market Street, Room 1036
Tacoma, WA 98402-3793

Re: Potential Revisions to the Sign Code for Billboards

Greetings:

Introduction. This letter presents the comments of the Central Neighborhood Council (CNC) on the proposed revisions to the City of Tacoma's sign code (Tacoma Municipal Code (TMC) sections 13.06.520 to .522) for billboards that was the subject of your public hearing on March 16, 2011. The CNC is a nonprofit organization independent of the City, but created in 1992 by the City along with seven other neighborhood councils (they geographically encompass the entire City) to facilitate citizen input and participation in City governance, pursuant to TMC Chapter 1.45. Section 1.45.070 of TMC states, "Neighborhood Councils will directly advise City government on matters concerning the general health, safety and welfare of their neighborhoods. Their actions should reflect the needs and wants of the neighborhood."

Legal Representations and Background. As we understand the proposal, from the Public Review Booklet and the Revised Staff Report (3-7-2011) posted on the City's website, the City Council on July 27, 2010, approved a Proposed Settlement Agreement (PSA) to resolve and dismiss a lawsuit that Clear Channel Outdoor, Inc. (CCO) filed in July 2007 against the City to stop its enforcement of certain zoning requirements in the sign code adopted by the City in July 1997 that required nonconforming billboards to be removed within ten years.

The 1997 ordinance limited billboards to areas zoned C-2 (General Community Commercial District), M-1 (Light Industrial District), M-2 (Heavy Industrial District), and PMI (Port Maritime & Industrial District), and further barred them within 375 feet of a shoreline district or within 250 feet of a residential or historic district, or a school, church, park, playground, or public open space. And even if in a lawful zone, billboard spacing and density was limited, and billboard faces were limited to 12 feet by 25 feet (300 sq. ft.).

We understand that of CCO's 253 billboards in the City, 193 of them were, and remain, nonconforming and subject to removal, leaving only 60 conforming billboards. We further understand that CCO acquired all its Tacoma billboards from Ackerley Communications and Sun Outdoor Advertising after the 1997 ordinance was enacted, and that CCO now owns or manages all billboards in Tacoma except for four billboard faces on two structures owned by Jacobs Billboard Company. Reportedly, CCO also own 169 "relocation permits" that under the 1997

ordinance would enable CCO to install up to that number of billboard faces within the C-2, M-1, M-2, and PMI zones, if it could do so within the buffer, spacing, and density requirements of the 1997 ordinance. However, those areas appear to be quite limited (chiefly, South Tacoma Way, Puyallup Ave. in the Dome district, and the Port area) according to the map appearing as Exhibit C to the City's Staff Report to the Billboard Code Revision.

The City has publicly disclosed the PSA that City officials signed shortly after the City Council approved it on July 27, 2010. The lawyer hired by the City to oppose CCO's lawsuit, Shelley Kerslake, acknowledged at the hearing on March 16, 2011, that ***CCO will not be signing the PSA*** unless the City revises its sign code to be acceptable to CCO. Nonetheless, CCO dismissed its lawsuit against the City on October 13, 2010, although it could file another lawsuit over the dispute. The most significant paragraph of the PSA reads as follows:

"2. Following the Effective Date of this Agreement, and upon receipt of permits to construct ten digital bulletin billboards at the approximate locations shown on Ex. 1, Clear Channel agrees to (i) permanently remove the structures shown on Ex. 2 within six months of the receipt of the permits to construct ten digital billboards, and (ii) relinquish 100 relocation permits it currently holds, as shown on Ex. 3. The structures removed will be cut down at or below ground level. Thereafter, Clear Channel will be able to erect additional digital bulletin billboards as follows: For every one digital billboard to be constructed, Clear Channel will give up a combination of 15 relocation permits and existing faces, of which at least five must be removals of existing faces. If and when Clear Channel no longer has any relocation permits, it will have to remove eight existing faces in exchange for the right to construct one digital structure. Regardless of whether Clear Channel seeks permits to construct digital billboards in addition to the first ten referenced above, Clear Channel will permanently remove an additional 25 sign faces during the five-year period beginning upon the issuance of the digital bulletin billboard permits referenced above. The faces to be removed will be at Clear Channel's discretion. Clear Channel may include these 25 faces, as removed, in the number of faces to be removed in seeking to erect additional digital bulletin billboards."

The Exhibit 1 to the PSA is a map of the entire City on letter-size paper with 18 very tiny circles. And the language of the PSA is certainly vague. But by October 2010, CCO had provided to City officials its initial draft (copy enclosed) of language for its desired ordinance that translated those 18 very tiny circles in to 18 very large "Digital Billboard Overlay Zones" that it specifically defined, including areas such as segments up to a half-mile long on Puyallup Avenue, Pacific Avenue, Union Street, and Sixth Avenue, and 300 to 1,200 foot diameter circles around selected intersections. In addition, CCO's initial draft of ordinance language stated that digital billboards could ***only*** be located within its defined "Digital Billboard Overlay Zones," suggesting that CCO is only intends to have digital billboards at those locations. It appears that nearly all of CCO's

“Digital Billboard Overlay Zones” are areas in which billboards are illegal under the City’s current zoning – not zones C-2, M-1, M-2, or PMI.

It is noteworthy that the PSA included no specifications about digital billboards, but it referred in paragraph 2 to the initial ten and all additional ones as “digital bulletin billboards.” Reportedly, the billboard industry uses the term “bulletin” to describe 14 by 48 foot billboards, but CCO’s initial draft of the ordinance uses that term also to describe 10.5 by 36 foot billboards. We point this out because the City’s Staff Report for the proposed Billboard Code Revisions states, at its page 6, “Many of the standards for the first ten (10) digital billboard faces were set forth in the settlement agreement.” In fact, the PSA set forth no standards for either the first ten or subsequent digital billboards.

Though the PSA includes almost no detail about either the locations, size, or other specifications for digital billboards, the City’s hired attorney, Ms. Kerslake, at your public hearing instructed you to follow the policy decision made by the City Council when it approved the PSA. However, according to articles in The News Tribune the next day, March 17, 2011, and on March 22, 2011, both the City Manager and Mayor Strickland disagreed with Ms. Kerslake and asserted that the Planning Commission could reject the PSA and recommend against implementing it.

It seems apparent to those of us with even modest awareness of zoning law that the City’s lawyers and leaders and CCO are trying to implement their negotiated zoning changes in a manner that would not lead courts to invalidate them as “contract zoning.” We urge that Planning Commission to not facilitate such a shady strategy. In a much publicized Florida appellate court case in 1996 (*Chung v. Sarasota County*, 686 So.2d 1358) the court wrote:

"We conclude that the County's settlement agreement here presents a case of improper contract zoning. Although the County Commission approved the settlement at its regular meetings, it bypassed the more stringent notice and hearing requirements for a rezoning. When it entered into the settlement agreement that obligated it to rezone Chung's property, the County contracted away the exercise of its police power, which constituted an ultra vires act.

"Chung argues that the County must still follow the formal requirements to enact the zoning amendments and that this process will provide the necessary due process opportunities for notice and a hearing. **We reject this argument because the hearings that follow would be a pro forma exercise since the County has already obligated itself to a decision.**"

Both because we believe that the proposed Billboard Code Revisions based upon the PSA and apparent unwritten agreements between City lawyers and leaders and CCO represent improper “contract zoning,” and for our other concerns about digital billboards discussed below, the CNC strongly urges the Planning Commission to entirely reject the proposed Billboard Code

Revisions. In addition, while City officials have promoted the PSA as likely to result in the removal of all billboards in the City except for about 38 new digital billboards, nothing in the PSA—even if CCO chooses to sign it, which might not—requires that CCO remove its standard billboards, and its initial draft ordinance language suggests that it only plans on installing digital billboards in what it called the “Digital Billboard Overlay Zones” and the proposed code change calls “Special Receiving Areas.” We are aware of no city in which CCO has removed all its standard billboards in order to install only digital ones.

Furthermore, it appears from both the court filings made by the City in CCO’s litigation and by public records that the City leaders determined at the outset of that litigation not to defend its 1997 billboards ordinance but instead to negotiate a compromise with CCO. Our review of court cases leads us to believe that the courts would uphold the City’s 1997 ordinance. We are including copies of several of those court cases,¹ that can be downloaded from our website page at <http://www.cnc-tacoma.com/index.php/proposed-electronic-billboards>.

Accordingly, CNC strongly urges the Planning Commission to reject entirely the proposed Billboard Code Revisions and to urge City leaders to enforce the 1997 ordinance and defend it in court if necessary. Among the materials that were providing you with this letter is a copy of the 42-page report from April 2010 by the professional urban planning staff of the city and county of Durham, North Carolina, that thoroughly studied digital billboards and recommended against allowing them.

Traffic Safety Concerns. We are most concerned that digital billboards will have an adverse affect on traffic safety. Because electronically displayed billboard messages are designed to catch the attention of all persons in the vicinity, the distracting effect on drivers appears obvious. CCO’s marketing brochure for advertisers advises them that their digital billboard messages should be legible from 500 feet away. With the increased use of two-wheeled vehicles, such as bicycles, scooters, and motorcycles, the distracting effect on those vehicle operators must be considered as well. And even pedestrians may get distracted by digital billboards, just as they now do with electronic messages on their cell phones.

The prospect of having distracting digital billboards at an already confusing five-way intersection as is proposed at Sixth Avenue and Sprague (and Division) is most alarming to us,

¹ We are providing for your public hearing record printouts of the following cases: *Ackerley Communications v. Krochalis* (Seattle), 108 F.3d 1095 (9th Cir., 1997); *Ackerley Communications v. Seattle*, 92 Wash.2d 905, 602 P.2d 1177 (1979); *Clear Channel Outdoor v. Los Angeles*, 340 F.3d 810 (9th Cir., 2003); *Metro Lights v. Los Angeles*, 551 F.3d 898 (9th Cir., 2009); *Clear Channel Outdoor v. New York*, 594 F.3d 94 (2nd Cir., 2010); *Outdoor Systems v. Mesa*, 594 F.3d 94 (9th Cir., 1993); *University Place v. McGuire*, 144 Wash.2d 640, 30 P.3d 453 (2001); and *Rhod-A-Zalea v. Snohomish County*, 136 Wash.2d 1, 959 P.2d 1024 (1998).

particularly since its proximity to Jason Lee Middle School results in a high volume of pedestrian traffic by both children and parents.

There have been many studies and articles pointing out that digital billboards present a higher traffic safety hazards than do standard static billboards. We are including with this letter copies of several such studies and articles to ensure that your public hearing record reflects them, and we ask that you take them into consideration. Of additional significance given our rainy climate, traffic engineers should consider the distracting effect from bright digital billboards arising from glare or reflections from wet streets, and the light scattering effect of wet windshields (and wet face shields in the case of motorized two-wheeled vehicles).

Aesthetic Concerns. We are concerned about the visual blight caused by both nonconforming standard billboards, if allowed to remain, and by the proposed digital billboards. Both forms of unnatural structures are widely considered by the general population to be visual pollution. Such nuisances have a depressing effect upon neighborhoods and communities. They have a depressing effect upon the values of property near them, and their presence in a community impairs the quality of life in that community and makes it a less desirable place in which to live and work. For these reasons, several states and many cities have banned billboard altogether. The responsible previous leaders of our City wisely studied the billboard issues in the 1980s and 1990s, and ultimately adopted the 1997 ordinance that should have resulted by mid-2007 in the removal of all nonconforming billboards, leaving billboards only in the areas zoned C-2, M-1, M-2, and PMI. We feel that implementing CCO wishes is inconsistent with our City's carefully crafted Comprehensive Plan.

One of our members inspected a CCO digital billboard in Kent and reported that the noise from its apparent cooling fan or other equipment was offensively audible.

We urge the Planning Commission to study the materials about the blight of billboards posted on the website of an organization named Scenic America, whose website is <http://scenic.org>.

Economic Concerns. City leaders should consider the potential adverse economic impacts of permitting digital billboards within the City. Digital billboards are lucrative for their operators because they can display advertising messages from dozens of customers each day. Reportedly, digital billboards generate 7 to 14 times more revenue than do standard billboards. And they are reported as having useful lives of 50 to 70 years. Accordingly, if any future action by the City or an errant motorist interrupts electrical power to or otherwise disables a digital billboard, or if any public works project requires removal of a digital billboard, the compensation that CCO or other sign owner would be demanding could be a staggering figure.

Local court records show that in 2004 the City of Lakewood acquired land needed for road work and had to remove two of CCO's billboards for the project. After CCO sued that city,

the city paid CCO a settlement amount of \$85,000. (Pierce County Superior Court case no. 05-2-08956-9) If those billboards had been digital instead of standard ones, presumably Lakewood would have had to pay 7 to 14 times that settlement amount. Setting up the City for such staggering future costs is irresponsible.

At a meeting yesterday of the Community Council during a discussion of the proposed Billboard Code Revisions, a member reported speaking with a representative of his auto insurance company after an incident in which another driver had been distracted by a digital sign. That representative told him that insurance companies were monitoring the traffic accident rates in communities that allow driver-distracting electronic signage, and that as the traffic accident rates increased so would the insurance premium rates for residents of those communities.

Environmental Concerns. Among the environmental concerns expressed by critics of digital billboards is their great use of electrical energy. The 2010 report by the urban planners in Durham, NC, referenced above states:

[D]igital billboards have high-energy usage and emissions. One standard-sized digital billboard contains 449,280 light-emitting diodes (LEDs). According to Scenic America, it consumes 397,486 kWh/year, has a carbon footprint equal to 49 traditional billboards or 13.39 homes, and generates 108.41 tons/year of carbon dioxide.

That level of energy use is inconsistent with the objectives of our community (Green Tacoma) and the majority of its residents. And the illuminating effect of both static and digital billboards upon the sky—particularly in regions like ours with frequently cloudy weather—is an environmental issue of concern to those who appreciate a naturally dark sky after the sun has set. We are including with this letter a 2006 article about unwanted light pollution that references the International Dark-Sky Association and its website at www.darksky.org. We urge you to consider that article.

As previously noted, the noise attributable to a digital billboard's cooling fan or other equipment is another environmental issue of concern to us.

Recommendations. While CNC strongly encourages the City should enforce and defend its current sign code and zoning restrictions, including all the provisions added by the 1997 ordinance, in the event that City officials do decide to permit digital billboards within the City, we make the following suggestions.

1. Digital billboards should not be permitted at all in areas not zoned C-2, M-1, M-2, and PMI. The implementation of CCO's "Digital Billboard Overlay Zones" or what are called in the proposed Billboard Code Revision as "Special Receiving Areas" should be rejected.

2. The buffer distance for placement of digital billboards away from residential districts and other sensitive areas should be increased from 250 feet to 1,000 feet. A buffer of merely 250 feet from residences is simply unacceptable and inconsistent with our

3. No so-called “bulletin” size digital billboards should be allowed—whether 14 by 48 feet or 10.5 by 36 feet—within the City. The existing billboard size limit of 12 by 25 feet (300 sq. ft.) should apply to any digital billboards that are permitted anywhere in the City.

4. If digital billboards are permitted, they should not be allowed to display during hours of darkness, so they should be off from about an hour after sunset until about an hour before sunrise.

5. The digital billboard image display time should be determined by a vehicle seeing only one display. The display time should be determined by the number of seconds it takes a vehicle traveling the speed limit on the street faced by the sign to travel the distance from which the driver can view the sign, so that drivers will normally see only one image change on the digital billboard. The CCO marketing materials urge advertisers to make their digital billboard copy readable from 500 feet. A vehicle traveling at 30 MPH covers 44 feet per second, and it covers 500 feet in about 12 seconds. So a digital billboard on a 30 MPH street should not change its image more frequently than every 12 seconds. The rate of change should also incorporate stoplights.

6. Any permits that the City issues for digital billboards should have a limited term, such as five years, so that if the City should need to remove that billboard for a public works or other project, or if it is determined to be an unacceptable traffic hazard, the City will not have to compensate CCO or another owner an astronomical sum based upon long-term future revenue stream from the billboard. And the City should consider conditioning issuance of digital billboard permits on the applicant agreeing to limit the liability of the City or others for any loss of power or other event that disables it temporarily.

We intend to continue opposing to the members of the City Council the implementation of the PSA and the apparent unwritten understandings between City officials and lawyers and the CCO executives and lawyers. We hope that the Planning Commission will join us in that opposition. Thanks you for your voluntary service to us and our fellow residents of our City.

Very truly yours,

Tricia DeOme, Chair
Central Neighborhood Council
chair@cnc-tacoma.com
253-267-2114

Douglas A. Schafer, Board Member
Central Neighborhood Council
schafer@pobox.com
253-431-5156

List of Attachments to the Letter of 3-25-11
from Tricia DeOme and Douglas Schafer

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2.	"Tacoma commission hears passionate criticism of digital billboards", Kathleen Cooper, The News Tribune, 3-17-11	2
3.	"Tacoma residents say no to digital billboard deal", Kathleen Cooper, The News Tribune, 3-22-11	2
4.	"2011 Digital Media Kit – Clear Channel Outdoor: Des Moines", Clear Channel Outdoor	15
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6.	"Our Discussion", e-mail from Chris Artman, Clear Channel, to Eric Anderson, 6-12-08	2
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8.	"The Taking Issue in Billboard Control", Charles Floyd, University of Georgia, April 17	17
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14.	"Outdoor Systems v. Mesa", 997 F.2d 604 (1993)	15
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16.	"Rhod-A-Zalea v. Snohomish County", 136 Wash.2d 1, 959 P.2d 1024 (1998)	13
17.	"Using Outdoor Lighting Ordinances to Mitigate The Unwanted Effects of Light Pollution", Donald Elliott and Molly Mowery, WPR, March 2006	3
18.	"Clear Channel Outdoor v. Lakewood", Stipulation and Order of Dismissal, No. 05-2-08956-9, Superior Court of Washington in and for Pierce County, 9-12-05	11
19.	"Illuminating the Issues – Digital Signage and Philadelphia's Green Future", George Young, SCRUB: Public Voice for Public Space, 12-14-10	22
20.	Scenic America Issue Alert 2 (Electronic Signs) – various articles	8
21.	"Digital Billboards, Distracted Drivers – Remember Burma-Shave? Large electronic signs distract drivers in new ways", Jerry Wachtel, APA Planning, March 2011	4
22.	"Billboards: The Case for Control", Edward T. McMahon, Planning Commissioners Journal, No. 81, Winter 2011	4
23.	"Text Amendment to the Unified Development Ordinance (UDO) – Nonconforming Off-Premise Signs (Billboards) (TC1000002)", memo from Julia Mullen to Durham City-County Planning Commission, North Carolina, 4-13-10	42
24.	"Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs", Final Report, NCHRP Project 20-7 (256), Jerry Wachtel, April 2009	194
Total Pages		421

(List compiled by Lihuang Wung, Community and Economic Development Department)

70.	Dewes, Amberly	<p>From: Amberly Dewes [mailto:iamdewes@yahoo.com] Sent: Thursday, March 24, 2011 6:42 PM To: Planning Subject: In reference to the Clear Channel digital billboards</p> <p>Dear Tacoma,</p> <p>This is a plea from a citizen of Tacoma. Please, please, PLEASE do not allow these billboards to litter Tacoma's atmosphere. In addition to being disgusting and hideous, I think they are also highly distractive. The safety concerns alone should be enough to not allow these to be put up.</p> <p>I really hope that you consider the voices of your community. Thank you.</p> <p>Amberly Dewes</p>
71.	DeWitt, Suzie & Scott	<p>From: Suzie DeWitt [mailto:suziedewitt@nwdusa.com] Sent: Thursday, February 03, 2011 7:43 AM To: shirley.schultz@cityoftacoma.org Subject: Billboards</p> <p>Hello Shirley,</p> <p>I saw the article in the Sunday paper about the billboards. I couldn't attend the meeting but I would like to communicate our distaste for the electronic signs. At the mall it's not so bad but by the freeway and randomly on the street we hate the large ones. The casino signs are especially assaulting to the eye and very distracting to drivers. I would very much dislike seeing their use expanded.</p> <p>Suzie and Scott DeWitt</p>
72.	Di Nino, Lynn	<p>From: Lynn Di Nino [mailto:lynndin@msn.com] Sent: Sunday, March 27, 2011 8:52 AM To: Planning Subject: firmly AGAINST giant TV billboards</p> <p>Dear Electronic Billboard Proponents,</p> <p>Please add my name to the list of Tacoma residents who are firmly AGAINST the digital billboards. Lynn Di Nino, homeowner 2313 N 29th St, Tacoma WA.</p>
73.	Diamond, Jon	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Jon Diamond, Diamond Parking, 3-21-11 (next 1 page)</p> </div>



DIAMOND PARKING INC

The Oldest and Largest Family-Owned Parking Company In The World

"Family Owned & Operated"

March 21, 2011

The Honorable Mayor Marilyn Strickland & Council
City of Tacoma
747 Market Street, Suite 1200
Tacoma WA 98402

Re: Proposed Changes to the Land Use Regulatory Code

Dear Mayor Strickland & Council:

We are writing to express our support for the changes proposed to the Land Use Regulatory Code (Sections 13.06.520-522) pursuant to a negotiated settlement agreement between the City and Clear Channel Outdoor. Briefly, we understand the proposed Code changes will, among other things, permit the erection of a limited number of digital billboards in exchange for the removal, and / or the relinquishment of the permits for, a large number of existing static billboards. As proposed, the digital boards would be unable to display any animation or flashing lights in compliance with the September 2007 guidelines established by Federal Highway Administration ("FHWA").

Certainly, there are questions which must be addressed as we integrate this – or any new technology – into our society. We do agree that the aesthetic values of our community must be considered. That being said, we believe that an objective evaluation of the merits supports the proposition that the introduction of digital billboards can be beneficial to our community. Digital billboards are already operating in a number of cities throughout the country including Cleveland, Phoenix, Albuquerque and Spokane.

Digital billboards represent a dynamic tool for local businesses to reach a large number of consumers. In addition, the boards are typically made available to law enforcement and public safety organizations as a way of disseminating time-critical information such as Amber Alerts or in-progress terrorist activities. Critics of digital billboards generally focus on two arguments: light "spillage" and driver safety. The facts are that digital billboards adjust their ambience to the background light, automatically dimming as the sun sets and studies by numerous organizations, including the FHWA, indicate that digital billboards are safety-neutral from a driver standpoint.

As a local company that has conducted business in Tacoma and Pierce County for over 50 years, we believe the proposed changes to the Regulatory Code are in the best interests of the general public, our community and the City of Tacoma.

Sincerely,

Jon Diamond
President

Home Office: 605 First Ave., Suite 600 • Seattle, Washington 98104-2224
(800) 340-PARK or (206) 284-3100 • Fax (206) 285-5598

-128- www.diamondparking.com

74.	Donohue, Rick	<p>From: Rick Donohue [mailto:planeman01@hotmail.com] Sent: Wednesday, March 23, 2011 10:49 AM To: Planning Subject: Billboards</p> <p>To whom it may concern:</p> <p>I would like to express my opinion that billboards within the city of Tacoma are an eyesore and the planning commission should impose strict limits to the creation/establishment of new signs, particularly of the electronic type. Please keep the creation of ordinances pertaining to such signs squarely in the hands of the city and not outside parties i.e. Clearchannel. Tacoma is, and should continue to be a beautiful place to be. Lets not cover it up with gigantic signs. The people of Tacoma don't want to see them or be blinded (especially at night while driving) by electric signs.</p> <p>Thank you -</p> <p>Rick Donohue</p>
75.	Eaves, Michaela	<p>From: Michaela [mailto:michaelaeaves@gmail.com] Sent: Wednesday, March 16, 2011 1:14 PM To: Planning Subject: billboard proposal weigh-in</p> <p>Dear City Planners,</p> <p>I'm writing in regards to the proposed analog to digital billboard swap-out that is currently being considered.</p> <p>Please, please do not do this.</p> <p>Digital billboards are distracting -- as they are meant to be to draw attention -- but the distraction carries over to driving. Don't we already have enough to draw our attentions without putting a giant screen at a busy intersection or traffic-clogged interstate? People have a hard enough time keeping their eyes off their phones, internal dvd players, children crying, coffee spilling and on the roads as it is.</p> <p>Sometimes driving by these eyesores at night robs me of my night-adjusted vision and if it's raining, it makes it even harder to see the important things rather than the optional things. If you haven't seen it already, this video of someone driving down I-5 recording the relative brilliance of digital billboard vs traffic lights and reflectors. http://www.youtube.com/watch?v=CG8UVfikulg</p> <p>Additionally, the amount of light pollution makes it extremely difficult to drive by these at night much less live near them. I live a couple streets away from a regular billboard. The lights already shine in my house all night long and I'm not really even very close to it. I cannot imagine how terrible it would be to have this replaced with something that is not only orders of magnitude brighter, but blinking and shifting as well and I feel for the people that would have to live under the new digital ones.</p> <p>I understand there is probably a lot of pressure from the companies installing these billboards. There is probably tax revenue involved, political obligations, that sort of thing. I'm hoping to add my small voice to weigh in and ask that you make a decision for the people driving through Tacoma not to mention living here. Please do not distract us from already dangerous roads or light up our houses when it's not necessary.</p> <p>Thanks for your time and consideration, Michaela Eaves</p>

76.	Eberhardt, Ginny	<div data-bbox="597 186 1256 338" style="border: 1px solid black; padding: 10px; text-align: center;">Staff Note: Letter from Ginny Eberhardt, Community Council of Tacoma, 3-24-11 (next 2 pages)</div>
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March 25, 2011

Re: Digital Billboards

Mayor Strickland, City Council Members and Mr. Anderson:

Please accept this letter from the Community Council of Tacoma asking that digital billboards NOT be allowed in the City of Tacoma.

Thank you,



Ginny Eberhardt, Chair
Community Council of Tacoma
224-6967

**COMMUNITY COUNCIL OF TACOMA**City of Tacoma • Neighborhood Council Office • 747 Market Street, 10th Floor • Tacoma, WA 98402

March 24, 2011

Planning Commission
747 Market Street, Room 1036
Tacoma, WA 98402

Reference: Digital Billboards

Dear Planning Commission Members:

The Community Council of Tacoma would like to go on record as opposing the changes to the City of Tacoma's Sign Code regulations: allowing digital billboards.

For the last seventeen years the eight Neighborhood Councils have strived to make Tacoma a better place to live, work and play. Allowing electronic billboards would send the message that the City and the Neighborhood Councils are not on the same page; that the City is willing to allow digital pollution rather than fighting for the rights of all its citizens.

We are asking at the least, for:

- no digital billboards in residential neighborhoods
- Control of lighting: setting upper luminance levels that is acceptable to safety experts
- Lengthening dwell times: longer than the normal 6-8 seconds
- Keeping signs simple
- Prohibiting message sequencing

We ask the Planning Commission to vote "no" on digital billboards in Tacoma and inform the City Council that the Community Council of Tacoma is recommending no digital billboards be allowed in Tacoma.

Sincerely,

Ginny Eberhardt, Chair
Community Council of Tacoma

cc: Mayor Strickland and City Council Members
Eric Anderson, City Manager

77.	Elling, Kari Ann	<p>From: Kari Ann Elling [mailto:kariann713@yahoo.com] Sent: Tuesday, March 15, 2011 10:10 PM To: Planning Subject: Banning of digital billboards in residential areas</p> <p>Dear Planning Committee:</p> <ol style="list-style-type: none"> 1. I do not want billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. This issue of billboards was decided upon in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation, and that's wrong! <p>Please take into account the concerns of residents that have to view unsightly billboards anytime they attend church, walk their children to school, or simply leave their home. I attend Trinity Presbyterian church at the corner of 6th & Division (the proposed sight for a new digital billboard) and I also live just 3 blocks from there! Please put a stop to billboards (especially digital) in residential neighborhoods and near places of worship!</p> <p>Kari Ann Elling 921 S. Ridgewood Ave Tacoma 98405</p>
78.	Entwistle, Zach	<p>From: Zach Entwistle [mailto:zach@zachentwistle.com] Sent: Wednesday, March 16, 2011 3:53 PM To: Planning Subject: Digital Billboard on 6th and Division--A Voters Opinion</p> <p>My name is Zach Entwistle and I live at 7519 E F St, Tacoma, WA 98404.</p> <p>I am strongly opposed to the proposal to build a digital billboard on the corner of 6th and Division. In fact, I don't like digital billboards at all. If they have to exist, they should only be in industrial areas.</p> <p>Thanks for considering my opinion in your decision. Zach</p> <p>Zach Entwistle Real Estate & Marketing Consultant Direct/Text (253) 820-9808 Email zach@zachentwistle.com www.zachentwistle.com Fax (253) 460-8650 Keller Williams--Tacoma "Be kinder than necessary to those you meet, for everyone is fighting some kind of battle." Unknown</p>

79.	Erickson, Sara	<p>From: Sara Erickson [mailto:sara.sme.32@gmail.com] Sent: Friday, March 18, 2011 4:31 PM To: Planning Subject: Digital Billboards</p> <p>To the Planning Commission:</p> <p>My name is Sara Erickson and I live at 315 N L Street Tacoma 98403 and have worked in Tacoma for the past 10 years.</p> <p>I am very opposed to the digital billboards in all capacities. They use unnecessary electricity and resources to continue to promote a consumer focused society. They are aesthetically unappealing and can be a distraction for drivers whose first focus should be the safety of the road.</p> <p>The proposal to place a digital billboard on 6th Ave and Division, or within any other residential neighborhood is a horrible invasion of that neighborhood space and culture. The location is too close to residential homes, schools, and churches.</p> <p>I view this proposal as irresponsible and shortsighted for the city of Tacoma. People love living in Tacoma, but I don't believe digital billboards will nurture this love. I hope you will review other options and refuse to place digital billboards in our very own backyards.</p> <p>Thank you for your consideration, Sara Erickson</p>
80.	Finnigan, Katherine	<p>From: Katherine Finnigan [mailto:kdf@nventure.com] Sent: Wednesday, March 23, 2011 8:09 PM To: MStrickland@cityoftacoma.org Subject: Clear Channel's LED billboards</p> <p>I am totally opposed to Clear Channel's LED billboards. They serve no positive purpose, but present many detriments to our community. VOTE NO ON CLEAR CHANNEL'S LED BILLBOARDS!!! Katherine Finnigan Tacoma, WA</p>
81.	Flint, Bryan	<p>From: BryanFlnt [mailto:bryanflnt@gmail.com] Sent: Friday, March 25, 2011 6:53 AM To: Planning Cc: Mello, Ryan; Maralyn Stricklan; Jake.Fey@cityoftacoma.org; Spiro Manthou; Lauren.Walker@cityoftacoma.org; Campbell, Marty; Lonergan, Joe; Woodards, Victoria; Boe, David Subject: Opposition to lighted billboards</p> <p>Dear Planning Commission members,</p> <p>As a resident of Tacoma who lives on McKinley Hill, I oppose lighted billboards in the City of Tacoma.</p> <p>For many years travelers on I-5 passing by the Tacoma Dome and McKinley Hill would smell the pulp mill, the dreaded "aroma of Tacoma". Even though the odor is largely illuminated by Simpson, many who live north of Tacoma continue to identify Tacoma by it's aroma. Tacoma is slowly outgrowing the designation as a trashy, smelly place to be driven through.</p>

		<p>A lot of hard work and the development of local cultural, educational and business organizations have developed a new sense of pride in Tacoma. The UWT and development of museums downtown as well as local business districts have enhanced the quality of life in Tacoma. local arts, sports and education efforts have created a dynamic, exciting community energy. A whole generation of young people are taking pride in their town and adding their own voice and stamp on the community.</p> <p>Tacoma has tremendous visual assets that are a fundamental part of what makes this a great place to live and work. Mt. Rainier, Commencement Bay, the Tacoma Narrows, and the hills of the city are all elements that create the unique and dynamic visual gems of this town.</p> <p>Lighted billboard would be a blight on the city. Visitors to Tacoma would be assaulted with a tunnel of lighted, blinking, pulsing billboards. What kind of signal does that send visitors? the true heart of Tacoma's value will not be communicated to the hundreds of thousands of drivers on I-5. It would communicate the exact opposite.</p> <p>Yakima is the Palm Springs of Washington. Lets not make Tacoma the Los Vegas of Washington.</p> <p>Sincerely,</p> <p>Bryan Flint 508 E Harrison St. Tacoma, WA 98404 (253) 310-3725</p>
82.	Flynn, Christie	<p>From: Christie Flynn [mailto:ittyjo@yahoo.com] Sent: Thursday, March 17, 2011 10:38 PM To: Planning Subject: no billboards</p> <p>Please, no digital billboards in Tacoma.</p>
83.	Frederick, Richard	<p>From: Richard Frederick [mailto:alphacentauri@harbornet.com] Sent: Thursday, March 17, 2011 9:31 AM To: Planning Subject: digital billboards</p> <p>Dear Planners,</p> <p>Digital billboards are a visual blight, a distraction to drivers, and a waste of precious energy.</p> <p>I hope the City Council stands up to Clear Channel and fights against this desecration that may benefit the billboard company but is a slap in the face of Tacoma residents.</p> <p>Sincerely,</p> <p>Richard Frederick 1563 Seashore Dr. Tacoma, WA 98465</p>

84.	Freitas, Kevin (1)	<p>From: Kevin Freitas [mailto:kevin@kevinfreitas.net] Sent: Tuesday, March 15, 2011 7:10 AM To: Planning Subject: Opposed to ClearChannel Digital Billboards in Tacoma</p> <p>To whom at the Planning Commission it may concern:</p> <p>No digital billboards please! We don't need the ads and we don't need the light polluting our skies and neighborhoods. We already see few enough stars in our night sky don't pander to ClearChannel and squander that and more away from our citizens. Which would you prefer a child to see when they look up at night: The beautiful stars in Orion's belt or a ClearChannel billboard ad?</p> <p>Tacoma should've stood up and initially fought ClearChannel on their violation of our billboard ordinance. Since this initial crop of digital billboards has yet to be erected please stand up and say no to digital billboards in Tacoma.</p> <p>Sincerely,</p> <p>Kevin Freitas 3142 N. Cheyenne St. Tacoma, WA 98407</p>
85.	Freitas, Kevin (2)	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Written comments submitted by Kevin Freitas at the Planning Commission's Public Hearing, 3-16-11 (next 5 pages)</p> </div>

Per _____

Good evening. My name is Kevin Freitas and I'm a resident here in Tacoma and work for a local Tacoma employer. I'm here to speak in opposition to the proposed changes to Tacoma's sign codes and, thus the related settlement with ClearChannel regarding violations of those codes.

I seek a more livable community and changes to our sign code to pacify a large corporation who's been in violation of those codes for 14 years is unacceptable. If any such companies want to operate in our town they need to follow our rules and regulations as they would anywhere. Likewise, the City needs to treat such companies like they are one voice among the rest of its citizenry and no different just because they're pocketbooks may run deeper.

There's certainly a value to owners of land/buildings these signs reside on but I'd suggest that land/building owner and the sign owner are the only parties who stand to gain any non-tax profit from a new billboard going up in a neighborhood. If anyone can site an example where nearby property values went **up** due to a digital billboard going in I'll stand corrected.

My suggestion to this body would instead for this Commission to update our sign code to additionally and specifically prohibit the forms of digital/electronic billboards in the current proposed changes. Let's not forget that the settlement with ClearChannel specifies only 10 initial digital billboards but the code changes don't limit the overall number that could keep popping up.

If ClearChannel doesn't like these changes, as with all business, I'm sure they have competitors in Virgin, CBS, etc. who'd be happy to come to town and do business here conforming to our local laws and make their profits via billboards that don't violate our City codes for 14 years. As with any local business or citizen, if you don't like it here you can always move! As for how our code changes effect the settlement with ClearChannel let the lawyers deal with that. It's the least this Commission can do to help allow the public their say on an issue they've thus far been bypassed on.

Overall, this Planning Commission needs to stand up for Tacoma. The people in this room and all around town do it every day. It's time for this Commission to show this within and by enforcing our laws. We have a chance with this sign code to make Tacoma a better place to live. This current proposal represents one step forward and two steps back. Once these new digital billboards go in you can bet they'll never come down if we change our minds. After all, how many of the hundred or so ClearChannel billboards currently in violation of existing sign codes have come down? None. I oppose these sign code changes and encourage the same from this Planning Commission.

If this Commission sees fit to move forward despite these concerns I'd urge it to amend the digital billboard section to have all billboards shut off not at a set time each night or turn on at a set time each morning but for those times to be variable based on our local sunset and sunrise. I propose the signs be rendered dark/off by one hour after sunset and turned back on no earlier than one hour before sunrise. As a programmer these changes are trivial to implement and will help prevent issues of night time light pollution and driver distraction.

Thank you for your time and attention.

Kevin Freitas
3142 N. Cheyenne St.
Tacoma, WA 98407
253-229-5093
kfreitas@feedtacoma.com

Good evening. My name is Kevin Freitas and I'm a resident here in Tacoma and work for a local Tacoma employer. I'm here to speak in opposition to the proposed changes to Tacoma's sign codes and, thus the related settlement with ClearChannel regarding violations of those codes.

This is not a free speech issue. It's an issue of a City setting standards for livability. In a livable and civil society law and order must exist. Sometimes maintaining that law and order means finding the balance of what benefits the individual versus the community. There are plenty of examples in our City and society of this so-called limiting of free speech:

- If a small business wants to put up a huge sign with flashing lights it may be required to be changed according to ordinances guiding how that sign can look, where it can be placed, what size it can be, etc.
- A home owner in a neighborhood may not be able to let their grass grow to a certain height or leave their recycling bins out more than a day due to a home owners association they may belong to.
- Political campaign signs can't be placed in public right-of-way's except around the time of elections to keep our streets clean and avoid unnecessary distractions while driving.
- A student might be sent to the principal's office for swearing up a storm or generally disrupting the classroom learning process.
- I can't even stand up and interrupt the President while he's giving a speech without likely being escorted from the venue.

And on and on... All this is in the name of a livable and civil community and changes to our sign code to pacify a large corporation who's been in violation of those codes for 14 years is unacceptable. No speech has been unreasonably limited thus no change in our laws is necessary. Citizens and businesses in Tacoma obey our laws every single day and billboard owning media companies should be no different. If any such companies want to operate in our town they need to behave like they're local and actually care about where they do business and the people who they consider as their neighbors here. Likewise, the City needs to treat such companies like they are one voice among the rest of its citizenry and no different just because they're pocketbooks may run deeper.

There's certainly a value to owners of land/buildings these signs reside on but, again, violations to sign codes make this point moot. If such signs don't stand in place lawfully, then the profits generated from them are ill-gotten and should not be allowed to continue. To go beyond this I'd suggest that land/building owner and the sign owner are the only parties who stand to gain any non-tax profit from a new billboard going up in a neighborhood. If anyone can site an example where nearby property values went **up** due to a billboard going in I'll stand corrected.

The clock on fines for billboards in violation of Tacoma's sign code started ticking in 2007. Based on calculations made at the time for the daily value of fines incurred, I created a counter over at FeedTacoma.com for how much money the media company in question (ClearChannel) owes the city of Tacoma. At \$24,000 per day since then the fine is now up to nearly \$31 million dollars. As my friend, fellow patriot, and CLAW member RR Anderson said in these very chambers last July, that could fill a lot of potholes.

My suggestion to this body would instead be to require a settlement including ClearChannel's removal of all non-conforming billboards as the original 1997 code mandates. They've had 14 years to comply and have done nothing. In exchange, our settlement with them will be to consider these hefty fines they've incurred null and void which is more than enough cover the expense of sign removal as they would likely claim Tacoma would be on the hook for. Along with that I propose this Planning Commission update our sign code to additionally and specifically prohibit the forms of digital/electronic billboards in the current proposed changes. Let's not forget that the settlement with ClearChannel specifies only 10 initial digital billboards but the code changes don't limit the overall number that could keep popping up.

If ClearChannel doesn't like these changes, as with all business, I'm sure they have competitors in Virgin, CBS, etc. who'd be happy to come to town and do business here conforming to our local laws and make their profits more honestly. As with any local business or citizen, if you don't like it here you can always move!

Overall, this Planning Commission needs to stand up for Tacoma. The people in this room and all around town do it every day. It's time for this Commission to show this within and by enforcing our laws. We have a chance with this sign code and this case to push efforts to make Tacoma a better place to live forward. Rather, this current proposal represents no "settlement" but is rather one step forward and two steps back. I oppose these sign code changes and settlement with ClearChannel and encourage the same from this Planning Commission.

If this Commission sees fit to move forward despite these concerns I'd urge it to amend the digital billboard section to have all billboards shut off not at a set time each night or turn on at a set time each morning but for those times to be variable based on our local sunset and sunrise. I propose the signs be rendered dark/off by one hour after sunset and turned back on no earlier than one hour before sunrise. As a programmer these changes are trivial to implement and will help prevent issues of night time light pollution and driver distraction.

Thank you for your time and attention.

Kevin Freitas
3142 N. Cheyenne St.
Tacoma, WA 98407
253-229-5093
kfreitas@feedtacoma.com

86.	Gannett, Mark (1)	<p>From: Gannett, Mark [mailto:mgannett@vjglaw.com] Sent: Wednesday, March 23, 2011 11:26 AM To: Jake.Fey@cityoftacoma.org Subject: E-mail from the City website: LED billboards</p> <p>Mr. Fey:</p> <p>I very much oppose the granting of permits to Clear Channel (or anyone else) to build LED billboards in Tacoma and I hope you are, too. It's kind of mind-boggling that the City Council would allow this to happen: the blight, energy usage, etc. I'd sure hate to live near one of these—it'd be bad enough to be distracted by one of these monsters while driving around town. I sure hope (and expect) that you opposed these also.</p> <p>Please let me know if there is anything else I can to do help stop this abomination.</p> <p>Thank you.</p> <p><i>Mark L. Gannett</i> (253) 383-3791, Ext. 6631</p>
87.	Gannett, Mark (2)	<p>From: Gannett, Mark [mailto:mgannett@vjglaw.com] Sent: Wednesday, March 23, 2011 12:53 PM To: Campbell, Marty Subject: LED BillboardsE-mail from the City website</p> <p>Mr. Campbell:</p> <p>I very much oppose the granting of permits to Clear Channel (or anyone else) to build LED billboards in Tacoma and I hope you are, too. It's kind of mind-boggling that the City Council would allow this to happen: the blight, energy usage, etc. I'd sure hate to live near one of these—it'd be bad enough to be distracted by one of these monsters while driving around town. I sure hope that you oppose this application.</p> <p>Thank you.</p> <p><i>Mark L. Gannett</i> (253) 383-3791, Ext. 6631</p>
88.	Girvin, Robert	<p>From: Robert Girvin [mailto:rgirvin@harbornet.com] Sent: Tuesday, March 15, 2011 1:06 PM To: Planning Subject: digital billboards</p> <p>Folks,</p> <p>I am writing to oppose placing digital billboards in residential areas. These are intrusive nuisances. They can put out ten times as many messages as a traditional billboard (thus there should be 1/10th as many of them). They add to light pollution and disrupt the peaceful quality of our neighborhoods. Restrict them to major traffic zones (at least 1000' from any home). Let the Clear Channel leases expire in residential areas.</p> <p>Sincerely, Robert Girvin 906 N. Stadium Way Tacoma, WA 253-383-4588</p>

89.	Gray, Colleen (& Shaw, Stan)	<p>From: Colleen Gray [mailto:anythingcreative@harbornet.com] Sent: Wednesday, March 16, 2011 8:47 PM To: Planning Subject: No billboards—digital or otherwise</p> <p>How is it that Clear Channel is allowed to put up any signs? I've lived in cities that controlled signage and had no outdoor boards within city limits. Why is Clear Channel's speech so much freer here? Now our city leadership is allowing CC to blackmail us into letting them put up digital signage? Let them sue. In the meantime, pass signage laws to reduce ALL signage to only the size needed to communicate the message, and in scale with the architecture of the buildings they surround. And limit the types of materials, too. No vinyl banners.</p> <p>If CC does somehow brainwash, bribe or trick the council into allowing them to put up digital signs, either the city or Clear Channel must pay local property owners for the loss in value to their properties and the annoyance to their eyes.</p> <p>Thank you. Colleen Gray and Stan Shaw</p>
90.	Haddon, Ellie	<p>From: Schultz, Shirley Sent: Thursday, March 17, 2011 11:58 AM To: Wung, Lihuang Subject: Billboard Comment</p> <p>From Ellie Haddon (?):</p> <p>“Reading the Tribune about the meeting last night. Wants to suggest that before this goes any further, we should dig out the ?** agreement we had for the lights at the Dome, and the agreement we had that allows that lighting in perpetuity at Tacoma expense, and that goes along to the heirs. This might be biting off more than we can chew. There’s talk of a recall of the whole council and the mayor if this is approved and we should stop the problem if we can.”</p> <p>**Sounds like “Anti-mackus”. I don’t know what the word is and don’t know the history but I did save the voice mail in case anyone else can listen.</p>
91.	Halko, Steven & Peggy	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Steven & Peggy Halko, 3-24-11 (next 1 page)</p> </div>

March 24, 2011

Dear Planning Commission Members

We live on Oakes Street and 74th in Tacoma. I have heard about the plan to put electronic digital billboards in the area of Tacoma Mall Blvd and 74th. I am greatly opposed to this issue and hope that the Planning Commission will consider to not go forward with this type of billboard plan. Our community is a nice appearing community and to bring some kinda billboard with all flashing lights would be in complete disregard to what we are trying to accomplish. Have you driven just north of Fife on I-5 to see the flashing obnoxious sign that does nothing but distract the driver and also just south of Olympia on I-5 is the same type of electronic billboard that does more to distract the driver than to be informative. And we definitely don't need that kind of distraction at the intersection of 74th & Tacoma Mall Blvd. There is a lot going on at that intersection and to display flashing signs would be more dangerous than helpful.

**PLEASE DO NOT INSTALL AND ELECTRIC DIGITAL BILLBOARDS
AT THE INTERSECTION OF 74TH AND TACOMA MALL BLVD.**

Respectfully submitted

Steven & Peggy Halko

7624 South Oakes Street

A handwritten signature in black ink, appearing to read "Steven & Peggy Halko". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

92.	Halmo, Jim	<p>From: jim h [mailto:jimh1890@hotmail.com] Sent: Wednesday, March 16, 2011 9:32 AM To: shirley.schultz@cityoftacoma.org Subject: Proposed Billboard Regulations</p> <p>Dear Ms. Schultz:</p> <p>Many thanks for returning my phone call. I am attaching my written comments plus two attachments. The first is my personal summary of some findings in a very recent Federal review of all the significant studies on the safety impacts of digital signs. The second is the reference summary to another Federal study, this one on eye movements and the impacts of such signs on drivers' visual concentration. Cars were equipped with some very sophisticated electronic equipment to follow eye movements during actual driving in controlled situations in a few U.S. cities. That second landmark research effort has been completed (per my conversation with a couple of experts in the field). However, it has yet to be released to the public. It is anticipated that the study will result in some significant changes in how such digital signs are regulated.</p> <p>Jim Halmo, tel. no. 253-875-1890</p> <div data-bbox="501 804 1354 1194" style="border: 1px solid black; padding: 10px;"><p style="text-align: center;">Staff Note:</p><p>There are 3 attachments to Jim Halmo's e-mail of 3-16-11:</p><ol style="list-style-type: none">1. Letter to Planning Commission, 3-16-112. "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs"3. "The Effects of Commercial Electronic Variable Message Signs on Driver Attention and Distraction"<p>These attachments are shown on the next 7 pages.</p></div>
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March 16, 2011

Members of the Tacoma Planning Commission

Having read the draft comments on the proposed changes to bill board regulations in the City of Tacoma, along with the ‘Frequently Asked Questions’ section, I must offer some comments. I would note that I was born in Tacoma.

First, it is important to note that the whole issue of ‘freedom of expression’ discussion has been discussed in a variety of U.S. Courts of Appeals. A number of recent U.S. Court of Appeals cases, in the 1st, 8th, 9th, and 11th Courts, have sided with major public restrictions. The Courts stated controlling visual clutter via sign ordinances advances the government interest. They have deferred to the aesthetic judgments of local governmental jurisdictions when evaluating how to restrict such electronic boards because there are alternative channels of communication, including non-electronic signs, available to them. One Federal Court highlighted: *“the maximizing of profits is not the animating concern of the First Amendment.”*

Second, I am shocked that you have brushed aside some studies regarding the impacts of such signs on drivers’ attention and the impacts of such signs on traffic public safety. To state as you do that such studies are “inconclusive” indicates to me that you have ignored what has been ongoing at the U.S. Federal Highway Administration. Let’s look at two critical studies.

1) The *“Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs”*, published in April 2009, is the most critical review of all significant research on the impacts of the new digital signs. The 194-page study sponsored by the U.S. Federal Highway Administration, the American Association of State Highway and Transportation Officials, and the National Cooperative Highway Research Program of the Transportation Research Board provides the first formal detailed review of research conducted over the past decade and the total implications of the usage of such signs along the nation’s highways. To have ignored this study, at this time, ignores the warnings which many citizens in the City of Tacoma have been raising. This is a federally sponsored **official** study. Ignore it at your discretion; however, the implications for future legal processing are significant.

I am attaching some written summary amended comments I made previously about this study before the Pierce County Council and the State’s Growth Management Hearings Board.

While that report focused largely on roadway signs, it noted that *“from the traffic safety perspective, it is possible that the risk of driver inattention and distraction is higher for some on-premises signs...”* For example, this includes the types of stimuli, sign elevations, and signs *“placed at angles that may require excessive head movements.”* Even Amber Alerts were found to cause a significant distraction as drivers slowed down and frequently wrote down information while driving.

2) The Federal Highway Administration has conducted a second physical study of the eye movement of drivers during the drivers' visual interaction with signage. That study, *The Effects of Commercial Electronic Variable Message Signs on Driver Attention and Distraction*", had been ongoing for sometime. However, it has been completed. We are awaiting the final published report. Importantly, the implications for major changes in U.S. federal standards can be most significant and may have a major bearing on how States and local jurisdictions will be required to draft and to implement new digital signage controls. The Federal Government has said the findings will be released; the release date has not yet been announced. The latest information from the Federal Government on the study is attached.

Pending the formal release of that potential *landmark* study, I strongly recommend that the City of Tacoma take a 'long pause' to review that study once released and subsequently take the necessary steps to incorporate additional safety measures.

Sincerely,

James L. Halmo
9806 247th Street Ct East
Graham, WA 98338

Enclosures: a/s

“Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs”

Extracting from the 194-page document Final Report (April 2009) prepared at the request of the Federal Highway Administration, the National Cooperative Highway Research Program of the Transportation Research Board (of The National Academies of Science, Engineering, and Medicine), and the American Association of State Highway and Transportation Officials, there are some pointed issues which relate to traffic safety generally but which are applicable to the usage of electronic messaging signs in both urban and rural areas. Based on the study’s definition, these are considered in the study to be “commercial electronic variable message signs”. (CEVMSs) Some of the recommended guidance can be summarized as follows:

- The “**background**” of electronic message signs. Electronic messaging signs frequently are adjusted to be dimmer, blanked, or fade, and thus visually drawing the driver from the highway to the sign. Background colors are also changed frequently to attract driver’s attention. Better restrictions can be placed on such usage to minimize the creation of hazardous conditions. The federally sponsored study states: “*color and contrast may draw attention to the sign and yet prove to be a challenge to the driver to read the message in the time available for it to be seen.*” (p. 149)
- “**Message sequencing**” on electronic message signs involves a single thought, idea or message that is divided into segments and presented on two or more successive displays.. The prolongation of such messages in a number of texts inhibits traffic flow and clearly draws a driver’s vision from the roadway to a longer attention span trying to read some continuous complete thought. (p. 147-148) Given the size of signs, space allocated for messaging, and potential bits of information to be presented, the study states “*...it is reasonable for such authorities to impose limits on the amount of information that can be presented.*” (p. 149)

In the City of Tacoma review, there is no requirement for each display should convey a single thought. The federally sponsored study recommends that “messaging

sequencing should be prohibited.” *Special effects*” between messages can also be prohibited. (p. 148)

- “***Successive Display Intervals***”, can give the distinct impression as being flashing messages. The federal highway sponsored report states, that in order to reduce or eliminate this problem, “...*the screen should transition from one message to the next with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, or animation.*” (p. 147) Most digital signs display successive messages, trailing or scrolling messages, and flashing messages 24-hours-a-day. Some message displays are a combination of electronic visual changes. These distractions should be prohibited.

- The “***moth effect***” of electronic message signs. It is well document that a brighter sign will attract a driver’s gaze earlier and potentially longer than other visual stimuli. At night, dawn, dusk and during inclement weather (frequently the rule and not the exception in the Pacific Northwest) such signs draw the driver’s vision away from tail lights and official road signs. “...*the moth effect has been described by some as causing crashes as a result of a driver’s loss of lane maintenance due to a combination of reduced optic flow and an ‘intense attentional fixation on a roadside target.’* (p.119) The City of Tacoma review does not address safety measures to minimize the “moth effect”.

- The “***distance***” an electronic message sign must be from an intersection. It is clearly evident that placing such signs extremely close to highway intersections poses a serious traffic hazard. Do drivers see student walking nearby or crossing the street in front of them when such signs are always located very close to intersections? It was *not* an unknown situation. Closeness to traffic control devices (sign, signals, and markings) impacts a driver’s decision and actions. Extended distance limitations can be stipulated near facilities with public assembly facilities. The federally sponsored report, while addressing digital billboards and ‘commercial electronic variable message signs’ (CEVMS) in this recommendation, draws attention to the need for “*constraints without exception*” on the location of electronic signs near action driver decision points and near traffic control devices. This “...*is based on long-standing, well-research, thoroughly*

documented principles. Accordingly we believe that prohibition against the placement of distracting irrelevant stimuli in roadway settings where drivers must make decisions and take actions should be imposed.” (p. 159) The City of Tacoma review does not play sufficient attention to this matter.

- ***Weather conditions*** affecting electronic message signs. Certain weather conditions, particularly fog, affect traffic safety. It has been established that multi-vehicle crashes are not infrequent in dense fog. Drivers have extreme difficulty in seeing the tail lights of other vehicles in front of them. Many parts of the City of Tacoma are notorious for their heavy fog conditions in the winter months. The federally sponsored reports states: *“In daytime fog, the ambient lighting conditions may be described as high brightness and low contrast. The water vapor in the atmosphere scatters light sources and may cause glare. In dense fog, drivers may have difficulty seeing vehicles ahead of them, even when these vehicles have their lights on. Multi-vehicle crashes are not infrequent in dense fog, and this is often attributed to drivers being unable to see vehicles ahead of them insufficient time and distance to stop.”* (p. 157) The City’s review addresses this issue. Electronic message sign can have onboard sensors readily installed that can detect night and daylight fog and adjust the sign’s luminance. It should be retained in any final action taken by the City in order to minimize traffic hazards due to weather conditions.

The federally sponsored study adds strong comments that “on-premise” signs, may from a traffic safety perspective impose greater risk on driver inattention and distortion due to their: a) closeness to the roadways, b) mounted elevation levels closer to drivers' eye level, c) angle placement which may require greater driver head movement and d) possess more stimulating stimuli. (p. 161) The study, which must be considered the most comprehensive review prepared in decades by the federal government, provides some authoritative and substantive direction for authorities to craft signage regulations for improving public safety, not just in urban areas but in rural areas which are frequently ignored in the drafting of formal policies and regulatory changes.

Project Details

Project Name:	The Effects of Commercial Electronic Variable Message Signs on Driver Attention and Distraction
Contact:	Last Name: Monk First Name: Chris Telephone: 202-493-3365 E-mail: chris.monk@dot.gov
Organization:	Federal Highway Administration
Offices:	Office of Safety Research and Development
Team:	Human Factors
Roadmap/Focus area:	Data not yet available
Project Description:	Draft final report on City 1 and 2 results submitted by contractor ---
Laboratories:	Human Factors Laboratory
Start Date:	February 1, 2009
End Date:	April 30, 2011
Funding Amount:	\$497,000.00
FHWA Program Names:	Environment and Planning
Goals:	Conduct an on-road field study using eye-tracking technology to determine whether drivers look at Commercial Electronic Variable Message Signs (CEVMS) for periods of time that exceed suggested safety criteria and whether drivers look at CEVMS more frequently or for longer durations than they do when viewing standard billboards
Project Type:	Internal
Background Information:	With the growing presence of Commercial Electronic Variable Message Signs and the lack of recent, objective data to address the potential distraction effects of such signs, the Federal Highway Administration (FHWA) Office of Environmental Planning initiated a project two purposes. The first was an update of the most recent report on the issue by FHWA from 2001. The second purpose is to conduct a research project to gather data on driver visual behavior in the vicinity of electronic billboards. Whereas this research will produce a valuable contribution to the issue, it will only be able to answer some of the important questions.
Test Methodology:	Field research with eye-tracking technology to determine drivers' visual attention when driving past Commercial Electronic Variable Message Signs, standard billboards, and other signage
Other	Phase 2. Funding amount is \$547,000 for Phases 1 and 2 combined.

Information:

Partners: Science Applications International Corporation (SAIC)

More Information URL: URL not yet available

Fieldtest: Yes

Expected Benefits: The outcomes of this study will help Federal Highway Administration provide recommendations to States and local communities on utilization of Commercial Electronic Variable Message Signs

Deliverables: Behavioral data on the effects of Commercial Electronic Variable Message Signs on driver visual behavior

Audiences: Data not yet available

Deliverable URL(s): URL(s) not yet available

Related URL(s): <http://www.fhwa.dot.gov/realestate/cevms.htm>

Project Keywords: research
safety
commercial electronic variable message signs
CEVMS
digital billboards
DBB
electronic billboards
EBB
driver attention
driver distraction
driver safety
outdoor advertising

FHWA Topics: research
safety
human factors

TRB Keywords: Data not yet available

Status: Office of Safety Research and Development

FHWA Disciplines: Data not yet available

Subject Areas: Data not yet available

93.	Hammer, Bruce	<p>From: Bruce Hammer [mailto:turtleboy1@thewiredcity.net] Sent: Friday, March 25, 2011 9:09 PM To: Planning Subject: Electronic Billboards</p> <p>Hi Planning Commission,</p> <p>I really appreciate the work you do for us. I want to thank you for allowing people to voice their opinions on the proposed billboard agreement. I hope you can and we can stop this agreement with these people. I was angered over a year ago, when they egregiously used their billboards with "The Constitution Matters"; Wow! These Clear Channel people are could care less about Tacoma: very insulting and arrogant! They appear to be like two-year olds. They want to do what they want to do when they want to do it.</p> <p>I think we definitely do not sign any agreement with these people. I would rather tolerate the visual pollution we have now (perhaps our ten-year old suit might benefit us some day) than allow these slick Texans to make more money: digital billboards.</p> <p>Tacoma Planning Commission, I know in Tacoma we do not have a lot of money, but I think we have a principal here: let us do the right thing and just say no. Our greatest riches in this city (I have lived here nearly 50 years) are us: the people. I urge you to strongly vote against or encourage the city council (if I can make it down there I will testify against it) to not make an agreement with Clear Channel. Clear Channel clearly could care less about us, but cares a lot about making money.</p> <p>Sincerely,</p> <p>Bruce Hammer 5816 South A Street Tacoma, WA 98408</p>
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94.	Hampton, Marshall	<p>From: Marshall Hampton [mailto:mhampton@wamail.net] Sent: Tuesday, January 18, 2011 1:03 PM To: shirley.schultz@cityoftacoma.org Subject: Billboards</p> <p>Shirley, where are the photos of the digital billboards you and the city are proposing to replace the current ones? I suggest you have photos of the proposed replacements ready for the meeting.</p> <p>Marshall</p>
95.	Hatter, Beverly	<p>From: Bev Hatter [mailto:bevhatter@harbornet.com] Sent: Tuesday, March 15, 2011 9:18 AM To: Planning Subject: commercialization of Tacoma</p> <p>I am part of a group that opposes digital billboards being placed all over town with lack of discernment between industrial and residential areas. Please consider the following points.</p> <ol style="list-style-type: none"> 1. We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong. <p>Sincerely, Beverly Hatter</p>
96.	Hawkins, Anne	<p>From: ANNE HAWKINS [mailto:AHAWKI1@Tacoma.K12.Wa.US] Sent: Wednesday, March 16, 2011 7:57 PM To: Planning Cc: MARYKATE GRANT; WAYNE GREER Subject: billboard by Jason Lee Middle School</p> <p>To Whom it May Concern:</p> <p>I seriously hope you are not planning to allow a digital billboard anywhere near my school, Jason Lee Middle School. My students have enough going on to divert their attention to learning without adding an eyesore like that.</p> <p>Sincerely,</p> <p>Anne Hawkins Jason Lee Middle School (253) 571-7728</p>

97. Haynie, David

From: Peg Greiwe [<mailto:peg2@mashell.com>]
Sent: Tuesday, March 15, 2011 4:12 PM
To: Marilyn Strickland
Subject: Clear Channel Outdoor - Billboard Regulations
Importance: High

Hello,

Attached is a letter in support of Clear Channel Outdoor's community efforts

Please consider it during the hearings on billboard regulations.

David Haynie
President
Graham Business Assn



Graham Business Assn
PO Box 163, Graham WA 98338
www.grahamspeaks.com
360-832-2451
FAX 360-832-2471

Staff Note:
Letter attached to David Haynie's e-mail, 3-15-11
(next 1 page)



GRAHAM BUSINESS ASSOCIATION

P.O. Box 163

GRAHAM, WA 98338-0163

(360) 832-2451

March 14, 2011

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland,

The Graham Business Association has been able to use the services of Clear Channel Outdoor to publicize our Grazing in Graham annual event for the past two years.

Clear Channel Outdoor has supported us by providing discounted and pro-bono outdoor advertising. The advertising campaign made people aware of our Grazing in Graham, a community event. We had approximately 2000 people and several sponsors supporting the GIG which showcased many of the businesses in the Graham area.

Clear Channel Outdoor has a strong commitment to give back to our community.

Not only have they provided in-kind advertising, they also have provided other helpful marketing and outreach assistance.

Clear Channel Outdoor continually and selflessly keep the community needs in the forefront when it pertains to community service in our market.

Clear Channel Outdoor is a great partner and community contributor.

Sincerely,

David Haynie

David Haynie
President
DH:peg

98.	Herron, Anna	<p>From: Anna Herron [mailto:aherron@northwestleadership.org] Sent: Friday, March 18, 2011 7:30 AM To: Planning Subject: digital billboard</p> <p>Planning committee,</p> <p>My name is Anna Herron and I live at 618 S. Sheridan Avenue in the north-end of the Hilltop. I am strongly opposed to building a digital billboard on the corner of 6th and Division. I am a member of Trinity Presbyterian Church and my son will be attending Jason Lee Middle school next year. A digital billboard will be an eyesore as well as a distraction to drivers on a busy corner where there is already a lot of children and traffic trying to navigate safely. My opinion is that digital billboards should be saved for industrial areas only.</p> <p>Thank you for considering my opinion in this matter.</p> <p>Sincerely, Anna Herron - a concerned resident of the area and teacher in Tacoma</p>
99.	Hilderbrand, Kari	<div data-bbox="610 863 1245 1010" style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Kari Hilderbrand, United Way of Pierce County, 3-15-11 (next 1 page)</p> </div>



United Way
of Pierce County

PO Box 2215
Tacoma, WA 98401
(253) 272-4263
(253) 597-7481 fax
www.uwpc.org
Dial 2-1-1 for help

3/15/2011

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland,

It has come to my attention that the Tacoma Planning Commission is considering revisions to the City's billboard regulations. The commission would like to get community feedback and then hold a public hearing before making their recommendation to the City Council who will make the final decision.

As a member of the Tacoma community, I would like to share some feedback on the community services that Clear Channel Outdoor has provided to many not-for-profit organizations – including United Way of Pierce County.

- Clear Channel Outdoor has continuously supported our agency by providing discounted or pro-bono outdoor advertising.
- Through their generosity, we were able to find a new marketing tool that we never tapped into. Through this form of advertising, we were able to create a public awareness campaign.
- The advertising campaign helped create an increased web traffic, volunteer interest and funding opportunities.
- The advertising campaign made people aware of our community services, and additionally, the agency's branding and image was more widely recognized.
- Our community sought out United Way of Pierce County for services commenting that they learned of the agency through transit or outdoor advertising.
- Clear Channel Outdoor has a strong commitment to give back to our community. This in turn helps our local economy.
- Not only have they provided in-kind advertising, they also have provided other helpful marketing and outreach opportunities that we haven't even tapped into.
- Clear Channel Outdoor continually and selflessly keep the community needs in the forefront when it pertains to community service in our market.
- Clear Channel Outdoor is a great partner and community contributor.

I ask that you consider my feedback when you make a final decision.

Sincerely,

A handwritten signature in blue ink that reads "Ben Hildbrand".

100.	Jacobs, Brian	<p>From: Brian Jacobs [mailto:bljacobs@harbornet.com] Sent: Wednesday, March 16, 2011 10:14 AM To: Planning Cc: Jake.Fey@cityoftacoma.org; Marilyn.Strickland@cityoftacoma.org; jordan.schrader@thenewstribune.com Subject: Electronic Billboards - NO</p> <p>Dear City of Tacoma Planning Commission –</p> <p>I would like to voice my opposition to the proposed plan to allow electronic billboards in the City of Tacoma. I understand the compromise that this action would bring about with Clear Channel, but in my opinion, allowing electronic billboards would be introducing an even greater eye-sore to the city then the current amount of unsightly billboards. It adds additional light pollution that is not needed, nor wanted, into the community and even worse, adds an element of distraction to drivers that would make our neighborhoods less safe, especially during night time hours.</p> <p>I agree that the first amendment should be protected, but this is the first amendment for profit and should be weighed differently... especially given the overwhelming public outcry within our community. But in the end, this is a public safety issue and in my opinion, the planning commissions and the city council's first mandate is to ensure the safety of the citizens of this city. A vote other than no fails in this regard.</p> <p>Regards, Brian Jacobs 253-272-7193</p>
101.	Jacobson, Kurt	<p>From: Kurt Jacobson [mailto:kurtgjacobson@gmail.com] Sent: Monday, March 21, 2011 4:03 PM To: Schultz, Shirley Subject: Letter to Mayor Strickland - Billboard hearings</p> <p>Dear Mayor Strickland and Shirley Schultz,</p> <p>Attached and below is a message about Planning Commission hearings about the City-Clear Channel billboard agreement.</p> <p style="text-align: center;">Kurt Jacobson 4553 Kennedy Rd NE Tacoma, WA 98422 (253) 229-6905 - KurtGJacobson@gmail.com</p>

March 21, 2011

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland,

Subject: Billboard Regulations and the Tacoma Planning Commission

I want to comment about the implementation of the billboard agreement reached between the City and Clear Channel Outdoor.

As a local business owner for 37 years, I value billboards as a responsible and cost-effective medium for businesses, governments and not-for-profit organizations to reach most of their audiences and people they serve.

I would like the City of Tacoma to be perceived as receptive to businesses thinking of relocating, expanding or deciding to stay in Tacoma. Attempts to diminish the ability of any company or other organization to responsibly and efficiently let local residents see their messages would cause the City to lose revenue to other markets. The City receives more than 35% of its revenue, about \$150 million, from businesses. They help pay for vital services for our citizens. The positive revenue and economic development impacts of the agreement are important to me.

As a communications business owner, I believe the trade-off involving the loss of many of the obsolete old-fashioned paper (now vinyl) billboards in exchange for the much cleaner and contemporary billboards is worthwhile.

I realize that very small number of citizens prefer to see no public commercial messages. Others appear to be concerned that the billboards will look like the very bright, animated billboards they see along I-5. The new billboards are much more subtle than most people think. They are not "bright." In fact they look much like the older vinyl billboards in daylight and similar to the billboards that currently have external lights. Eventually, I believe the great majority of citizens will realize that there are fewer billboards and those that are left are clean, intriguing and not objectionable.

In balance, the benefits of the agreement reached between the City and Clear Channel for the new billboards seems like a positive step for the majority of Tacoma citizens, businesses and City revenue.

Sincerely,

Kurt Jacobson

102.	Jeffery, Karen	<p>From: mcgintey@comcast.net [mailto:mcgintey@comcast.net] Sent: Tuesday, March 22, 2011 9:22 AM To: Planning Subject: Billboard ordinance.</p> <p>There's an elephant in the room and it's named Clear Channel and no one knows what to do about it. Just say NO. Whose city is this? I say let them sue and print it up big in the paper, and let them have some bad PR. Why do we have to let them cram down their annoying, glaring lightshows on our community. They've had their billboards, but these are not billboards they are gigantic TV screens. It does not fit the definition of billboard, so let's pass a new law denying lighted animated signage larger than 3' by 3' or whatever. It does not comply, it can't be set up. Quit backing down to big money.</p> <p>Karen M Jeffery 424 East Wright Ave. 253-267-1009 mcgintey@comcast.net Tacoma, WA</p>
103.	Jensen, Jill	<p>From: robert Jensen [mailto:jillandrob@gmail.com] Sent: Friday, March 25, 2011 1:17 PM To: Planning; Marilyn.Strickland@cityoftacoma.org; Jake.Fey@cityoftacoma.org; Spiro.Manthou@cityoftacoma.org; Lauren.Walker@cityoftacoma.org; Campbell, Marty; Woodards, Victoria; Lonergan, Joe; Boe, David; Mello, Ryan; Eric.Anderson@cityoftacoma.org Subject: Billboards</p> <p>March 21, 2011</p> <p>Dear Tacoma Planning Commission, Mayor Strickland, City Council Members and City Manager Anderson,</p> <p>Attending the first public City of Tacoma meeting regarding non-conforming billboards, I was shocked to learn they have kowtowed to Clear Channel's (CC) threat of a lawsuit instead of upholding our City's long-standing objective of removing all non-conforming billboards. Without offering Tacoma's citizens an opportunity for a public meeting or input before the agreement was reached, we now find the City is on the threshold of permitting LED billboards in exchange for the removal of select existing signs - but mostly tearing up paper permits they cannot use anyhow. Clear Channel has knowingly and blatantly chosen to force the issue and the end results for Tacoma will be disastrous. In my opinion, the cityscape of</p>

Tacoma will be permanently marred by these glaring, over-sized structures. The following are questions I have as taxpayers and we deserve a response from you.

1. The City did not have a public meeting prior to agreeing to Clear Channel's demands and I was told it was because it was an emergency as they were being threatened by a lawsuit. We deserve a longer period than a matter of weeks to let our comments and concerns be addressed. Only a handful of people we have talked with have any knowledge this issue is at hand.

2. The two public meetings have been scheduled during times which most working adults cannot attend (the first meeting beginning at 5:00 p.m. for example). I am requesting two additional public meetings which will allow more participation - including one on a Saturday for those people who cannot possibly attend on a week night.

3. The city of Seattle has not permitted such billboards. I am asking Tacoma to enquire of Seattle how they have stopped them and to carefully consider how we might implement a similar approach.

4. I was told Clear Channel wrote the proposal along side the city- do we really understand what this means long-term? Whose best interests are being served and will Tacoma be threatened by additional lawsuits from CC when they opt to challenge this agreement in the future?

5. I am requesting unbiased research is conducted so Tacoma and her citizens truly understand the impacts of both traffic/accidents, safety, environmental, noise and light pollution. Slow downs in traffic between Fife and Tacoma are all too common now with the barrage of billboards lining the stretch of highway. Can the glare of lit billboards and multiple messages be partly to blame?

6. These MEGA LED Billboards can legally be 14 x 48 feet - and at 672 sq. feet are larger than my daughter's apartment! Why are such sizes even being considered?

7. Have ALL businesses/business districts (and neighborhood councils) been notified of the city's decision? It was suggested at the first public meeting to do so. How will their business signage be impacted?

8. Supplemental Public Hearing Notices were mailed to people who expressed an interest by attending the first public meeting. I feel they should have been mailed to citizens city wide. Many people do not subscribe to the News Tribune so how will they be informed otherwise? For some, it will not be until they see the signs are being erected in their own neighborhood.

9. How do we trust that Clear Channel will not threaten us down the road when they want more grandiose signs - bigger, brighter and more in-your-face? If they are can do it now, they can do it later. Perhaps they will just threaten to sue - again.

10. It was stated at the public meeting that Tacoma is not IN ANY WAY benefiting from their agreement with CC. I am asking for this statement to be verified by the Tacoma Council members and Planning Commission.

11. I submitted a PDR request for any/all correspondence relating to CC and the City of Tacoma and employees. I asked on the record at the public hearing that the deadline for comment to Planning Commission be extended until 7 days after the date I receive the complete PDR documents.

Finally, if Tacoma does not currently have the funding to complete the necessary studies, nor the funds to respond to Clear Channel's lawsuit, then leave their multitude of billboards as they are now with NO LED signs permits issued at all. Is this option truly any worse than what they are proposing? If CC is permitted to install LED lighting of this scale and magnitude, Tacoma and her residents are all-but-assured this proposal will not be our last problem with them, but instead just the beginning.

My final and most personal request is for the City of Tacoma to stay true to our original promise of NO BILLBOARDS in Tacoma. Let's continue to stay focused on shaping Tacoma and her future into a class act . We need to hold firm to our convictions that our City is a beautiful one, and march forward in our efforts to not let Clear Channel or any other deep-pocketed entity bully us into anything which is not right for Tacoma. Period. Let's work together to keep Tacoma the place we all want to call home!

I would like the Planning Commission, City Council, and Mr. Anderson to know I truly appreciate the willingness of all committee members to give this important decision the attention it deserves.

Sincerely,

Jill Jensen

3002 N. 13th St.

Tacoma, WA

253.279.3878

104.	Jensen, Robert	<p>From: Jensen, Robert W [mailto:robert.w.jensen@boeing.com] Sent: Thursday, March 24, 2011 10:17 PM To: Planning Subject: Concerned citizen billboard comment</p> <p>To Tacoma Planning Commission, What kind of city do we want to live in? What kind of city do we want to call home? Although I was not born and raised here, I love this city and the life it grants me. I like the shopping and restaurants near my home along 6th Ave. and the mountain views from around town. I like the effort the city is putting into parks, the waterfront and preserving the historical district. It is for these reasons I am so horrified by the recent proposal by our City Counsel to allow Clear Channel to erect massive electronic billboards throughout our city's business districts. These monstrosities, 14x48 feet, will permanently and significantly alter our cityscape. They will be a constraint reminder that this city bends to outside interests and big money. They cheapen the perception the "City of Destiny" is trying to portray, and for what? The compensation Clear Channel has offered for these scars is their word that an <u>insignificant</u> (20%) of the existing sign faces will be removed. So, if the Council agrees to this, 5 years from now we will have giant flashing billboards along with the existing 200 static ones. There is NO reason why CC would ever spend the money to remove and replace additional existing signs after they get rid of the 50 non-revenue producing structures they are offering up. They are not a partner with Tacoma. They are here for one reason, to make money. The proposed plan is so outrageous and one sided that I cannot image the city council had a say in its development; it seems clearly written for, and by, Clear Channel. I ask, why does the city need to do anything at this point? All of these signs have been out of compliance since the new sign code was adopted years ago. The city needs to check with other municipalities to understand why they are not allowing these signs. They need to give the public a chance to sort out what this is going to mean and provide comment. They need to understand the safety and environmental implications, and wait for and digest the upcoming USDOT study on electronic billboards. One published study by the state of Wisconsin found that traffic accidents (both rear end and side swipes) increased by 21% following the erection of an electronic sign. If, after all this, they feel this is still a good plan for the city, they need to explore ways to generate revenue from these monsters as other cities have done. I urge the Planning Counsel to strongly recommend to the Council to slow down and reconsider, as this will be a lasting legacy they leave.</p> <p>Regards, Robert Jensen 3002 N 13th</p>
105.	Johnson, Jere	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Jere Johnson, 3-19-11 (next 1 page)</p> </div>

RECEIVED

MAR 21 2011

The Mayor/Council Office

March 19, 2011

RE:Clear Channel Billboards.

Mayor Mariland Strickland
747 Market Street Suite 1200
Tacoma, WA. 98402-3766

Dear Mayor Strickland,

My husband & I have been following the articles in the News Tribune regarding Clear Channel Billboards.

We have noticed that most people speak out against the billboards. We have two billboards on our property. As Seniors on fixed incomes we appreciate the money we receive from Clear Channel. The money helps pay the property tax on our land.

Our boards are located in a commercial area & we have never received a complaint from any of our neighbors.

Sincerely,
Mr. & Mrs. Jere Johnson
320 East 32nd. ST. Unit 302
Tacoma, WA. 98404

106.	Kerslake, Shelley	<p>From: Shelley Kerslake [mailto:smkkd@comcast.net] Sent: Monday, March 07, 2011 4:39 PM To: Stenger, Donna Cc: Schultz, Shirley Subject: Billboard</p> <p>Donna - Per our conversation, attached please find a letter that can be entered into the record responding to Mr. Shafer's concern. I am meeting with the Council tomorrow in executive session at 1:00 and will update them on this issue.</p> <p>Let me know if you need anything additional.</p> <div data-bbox="522 573 1331 724" style="border: 1px solid black; padding: 10px; text-align: center;"><p>Staff Note: Attachment to this e-mail: Letter from Shelley Kerslake, Kenyon Disend, PLLC, 3-7-11 (next 2 pages)</p></div>
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March 7, 2011

City of Tacoma Planning Commission
City of Tacoma
747 Market St.
Tacoma, WA 98402

Re: Clear Channel Settlement Agreement

Dear Planning Commission Members:

It has come to my attention that an issue has been raised regarding minor discrepancies on one of the exhibits to the Clear Channel settlement agreement. I take this opportunity to clarify the record in this regard. On July 27, 2010 the City Council considered a settlement agreement with Clear Channel Outdoor. At that time, the agreement had not been finally approved by Clear Channel and was awaiting input from the City Council. Because of the draft nature of the agreement, the motion made by the City Council was phrased in terms of authorizing settlement in "substantially the same form as the settlement agreement ... on file with the City Clerk."

Following Council approval, minor modifications to Exhibit 2 were made, which resulted in a net increase of billboard faces to be removed. This final exhibit is on file in the City Attorney's Office and with the City Clerk and was provided to the Planning Commission at the December 15, 2010 meeting. Unfortunately, the City Attorney's Office was unaware that City staff had been provided the prior version of Exhibit 2. The differences between the two exhibits do not impact the proposed code revisions which are currently before the Planning Commission for consideration.

We apologize for any confusion this may have caused and all information going forward will reflect the correct billboard removal locations. Staff has revised the public notice to reflect these minor changes.

City of Tacoma Planning Commission
March 7, 2011
Page 2

As always, if you have any questions or would like to discuss this further, please do not hesitate to contact me.

Very truly yours,

KENYON DISEND, PLLC



Shelley M. Kerslake

cc: Bill Fosbre, Acting City Attorney
Donna Stenger
Shirley Schultz

107.	Kester, Eugene	<div data-bbox="581 186 1276 338" style="border: 1px solid black; padding: 10px; text-align: center;">Staff Note: Letter from Eugene Kester, Proctor District Association, 3-14-11 (next 1 page)</div>
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**PROCTOR DISTRICT
DINING · SHOPPING · SERVICES**

March 14, 2011

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland,

It has come to my attention that the Tacoma Planning Commission is considering revisions to the City's billboard regulations. The commission would like to get community feedback and then hold a public hearing before making their recommendation to the City Council who will make the final decision.

As a citizen of the Tacoma community, I would like to share some feedback on the community services that Clear Channel Outdoor has provided to many not-for-profit organizations – including the Proctor Arts Fest of the Proctor District Association.

- Clear Channel Outdoor has continuously supported our agency by providing discounted or pro-bono outdoor advertising.
- Through their generosity, we were able to find a new marketing tool that we never tapped into. Through this form of advertising, we were able to create a public awareness campaign.
- The advertising campaign helped created an increased volunteer interest and funding opportunities.
- The advertising campaign made people aware of our community event, and additionally, the agency's branding and image was more widely recognized.
- Clear Channel Outdoor has a strong commitment to give back to our community. This in turn helps our local economy.
- Not only have they provided in-kind advertising, they also have provided other helpful marketing and outreach opportunities that we haven't even tapped into.
- Clear Channel Outdoor continually and selflessly keep the community needs in the forefront when it pertains to community service in our market.
- Clear Channel Outdoor is a great partner and community contributor.

I ask that you consider my feedback when you make a final decision.

Sincerely,

Eugene F. Kester
Co-Chair of the Proctor Arts Fest
Proctor District Association
genemild@yahoo.com

108.	Kircher, Bob	<p>From: Bob Kircher [mailto:bobkircher@comcast.net] Sent: Saturday, February 12, 2011 2:38 PM To: shirley.schultz@cityoftacoma.org Subject: billboards</p> <p>Hi Shirley,</p> <p>I lived in Tacoma from 1991 - 2003, when I moved to Seattle. When I lived in Tacoma I daily drove to by Seattle job, where I still work. Since 2003 I have owned a rental house in Tacoma that I periodically visit.</p> <p>I recall when the I-5 section from the King/Pierce county line to downtown Tacoma used to be a picturesque section of highway. That same section of freeway has become such an embarrassing eyesore; solely because of the ugly billboards. What a disgrace. It makes me want to throw up. If there is anything I can do to help reduce the number of billboards, please let me know.</p> <p>Bob Kircher Seattle, WA (and Tacoma property owner)</p>
109.	Knudson, Gary	<p>From: Gary Knudson [mailto:gknudson@harbornet.com] Sent: Monday, March 07, 2011 5:45 PM To: Boe, David; Wung, Lihuang Subject: Fw: Electronic billboards: proposed regulations & public hearing</p> <p>Planning Commission Members and Councilmember Boe-</p> <p>As a board member of Historic Tacoma and as a design professional, I would like to read the excellent research in HT's latest e-newsletter into the record, for the benefit of both the Planning Commission and the City Council. I understand the Planning Commission's limited role in this settlement, but as the only public commission with a comprehensive regulatory purview over the entire flux and future of Tacoma's built environment, this group bears some responsibility to state, or at least resonate, the concern that such intrusions would obviate all the work we do in terms of controlling allowed uses, densities, signage, heights, lot coverage and the like. Consider the impact on our nascent mixed-use centers or Main Street program and historic districts.</p> <p>The City Council needs to be aware of this guidance and to be cognizant of the great damage that will potentially ensue if the agreement in its present form is allowed to proceed. The impact of such signs (certainly the unregulated first group) goes far beyond the 800-foot notification radius for other site- and building-based variances, and could negatively impact the viability, livability, retained and tax value of properties for hundreds of yards around, including residential properties ostensibly not intended to be influenced.</p> <p>.</p> <p>I apologize for the form of this communication, but the depth of research is too extensive to present in a more customary letter form.</p> <p>Thank you for your attention.</p> <p>Gary Knudson</p>

Gary Knudson & Associates
3307 N 25th Street
Tacoma, WA 98406
253.752.5014

----- Original Message -----

From: [Historic Tacoma](#)

To: gknudson@harbornet.com

Sent: Saturday, March 05, 2011 8:35 PM

Subject: Electronic billboards: proposed regulations & public hearing



Electronic Billboards Proposed Regulations, Meeting & Public Hearing

March 5, 2011

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16 major cities including San Francisco, Denver and Austin and four states have banned digital billboards for reasons outlined in [this article](#) from the Planning Commissioners Journal. Last summer, as the result of a Settlement Agreement (SA) with Clear Channel, Tacoma agreed to accept as many as 38 digital electronic billboards in exchange for the company removing 253 existing traditional & mostly smaller billboards scattered around the city.

A few weeks ago the Planning Commission was presented with proposed sign code amendments that would regulate the placement and size of billboards in Tacoma. The amendments address issues related to the City's July 2010 SA with Clear Channel, a settlement that was not included on advance agendas for that City Council meeting and thus received little public comment at the time.

City staff will conduct a **question & answer session on Wednesday, March 9th, at 6pm** and the Planning Commission has scheduled a **public hearing on these amendments for its next regular meeting at 5pm, Wednesday, March 16**. Both meetings will be in City Council Chambers.

It is unclear how many of the 38 digital billboards are actually viable and could be developed. But it is clear that given the cost of these digital billboards and their supporting structures, cities generally cannot afford to remove them if they choose to at a later date. Historic digital billboards in 2060? Somehow we fail to see the charm. Beyond the visual blight and safety issues, the billboards are energy hogs: in one year a jumbo billboard consumes as much energy as 13 single family homes.

While the Planning Commission is unable to address the major provisions of the SA, it has been allowed to consider siting standards for all billboards with the exception of the first ten

allowed under the SA. These standards would basically restrict the placement of new billboards within 250 feet of residential areas, public parks, schools, churches and other public places. Additionally the Commission is considering limits on daytime and nighttime illumination levels as well as hours of nighttime illumination.

The SA also exempts the first ten digital billboards from the proposed size limitation of 300 square feet for future billboards. All ten initial digital billboards are expected to be jumbo billboards up to 672 square feet in area per display face (about 14 x 48") or more than twice the size of the more common traditional front-lit billboards scattered throughout the city. Signs can be back to back. The SA allows a number of these larger jumbo digital billboards to be sited along community collector streets where the posted speed is 35 mph or less, e.g. in our neighborhoods.

These larger billboards appear to conflict with existing Comp Plan land use policies for mixed-use districts. The Comp Plan states outright that billboards should be prohibited in the city's shoreline districts and freestanding signs should be prohibited in the Tacoma Dome Urban Center Mixed-Use district, for example. Land-use policies for most mixed-use districts call out signage that is both high quality and pedestrian-oriented.

Where will Clear Channel locate these jumbo digital billboards? The intersection of Sixth Avenue and Division Avenue; three additional areas along Sixth Avenue to the west including Sixth Avenue near N. Cedar Street, the intersection of Sixth Avenue and Union Avenue, and an approximately ½ mile stretch west of N. Pearl Street to N. Mildred Street; ½ mile of Pacific Avenue south of the UW Tacoma campus from approximately E. 23 Street south to South 30 Street; and a ½ mile stretch along Puyallup Avenue south of the Port properties. Given the size of these first ten initial digital billboards, it is likely that Clear Channel is anticipating that they will be visible to passing motorists along nearby arterials, freeway access ramps, and freeways. Other larger designated receiving areas are where S. 38 Street intersects S. Steele Street; near interchanges with I-5 along South 72 and South 74 Streets; and the intersection of S. Tacoma Way with S. 56 Street and S. 74 Street.

If you have comments, attend the Planning Commission's public hearing at its next regular meeting on March 16, 5pm, Council Chambers. Public comment is also being accepted by the Planning Commission via mail & email: lwung@ci.tacoma.wa.us. The Commission is slated to forward recommendations to City Council in May.

If you want to learn more, two excellent sources are the Illinois Coalition for Responsible Outdoor Lighting (www.illinoislighting.org/billboards.html); and Scenic America

(www.scenic.org).

The complete text of the proposed revisions, the staff report, maps showing the areas where new digital billboards would be allowed, the first group of existing billboards that would be removed, and the environmental determination are available from the Community and Economic Development Department, at all branches of Tacoma Public Library, and on the Planning Division website at www.cityoftacoma.org/planning (click on "Billboard Regulations") If you have questions, contact: Shirley Schultz, City of Tacoma, shirley.schultz@cityoftacoma.org, (253) 591-5121.

Details and extensive research for this article was conducted by a member of the Tacoma Planning Commission who also questions why we would want to allow electronic billboards in this city with its rich, historically significant, architectural character and architecturally homogenous neighborhoods and business districts.

[Forward email](#)



This email was sent to gknudson@harbornet.com by info@historictacoma.org | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).
Historic Tacoma | P.O. Box 7664 | Tacoma | WA | 98417

110. Koenig,
Jennifer

From: Jennifer Koenig [mailto:koenig3722@comcast.net]
Sent: Wednesday, March 16, 2011 6:36 PM
To: Planning
Subject: digital billboards

Dear Planning Commission,

Our family has lived near 6th Avenue (near Union Avenue) for 12 years. It has been a joy to see the development of creative, family-oriented businesses along a strip of Tacoma which was long an area to avoid. We love to walk to local businesses and support the 'little guys', rather than drive to the big box stores.

My family has a wish list for 6th Avenue: fresh, local produce, a branch library, and a quality toy store. Of course, we know that these are tough economic times, but we know for certain that what we DON'T want is more electric billboards.

The paper versions are bad enough; in this day and age, we can find advertisements everywhere we look, and we don't need to be distracted while driving or walking down 6th Avenue with these redundant eyesores.

My family is AGAINST ELECTRONIC BILLBOARDS.

Sincerely,

Jen Koenig
along with Joe, Aidan, Charlie, and Zachary

111.	Ladenburg, John	<p>From: John Ladenburg [mailto:john@ladenburg.org] Sent: Tuesday, March 15, 2011 6:03 PM To: Marilyn.Strickland@cityoftacoma.org Subject: Video Billboards</p> <p>Please oppose the video billboard proposal, it would be a terrible blight on Tacoma. This is a bad settlement and you should reject it and continue the fight to clean up Tacoma.</p> <p><i>John W. Ladenburg Sr.</i> Ladenburg Law, PLLC 1019 Pacific Avenue, Suite 1116 Tacoma, WA 98402 Telephone: 253 272 5226 FAX: 253 295 2326</p> 
112.	Lally, Beth	<p>From: Beth Lally [mailto:blally253@gmail.com] Sent: Wednesday, March 16, 2011 12:42 PM To: Planning Subject: Opposition to proposed billboards</p> <p>Dear City of Tacoma:</p> <p>As a long time resident and homeowner in Tacoma, I was very disappointed to hear of the plans for the electronic billboards in our fine city. These signs are distracting and unattractive and would detract from the quality of any neighborhood in which they are installed. Tacoma is a unique and beautiful community. These type of billboards belong in Vegas-NOT Tacoma. Please do the right thing and vote down these eyesores.</p> <p>Thank you for your time.</p> <p>Sincerely,</p> <p>Beth Lally Tacoma Lover!</p>
113.	Lambert, Annie	<p>From: Annie Lambert [mailto:anniecorsen@gmail.com] Sent: Friday, March 18, 2011 8:38 PM To: Planning Subject: Say NO to Digital Billboards</p> <p>My name is Annie Lambert. I currently live at 4617 S. 12th Street Ct., Tacoma, Wa 98405.</p>

		<p>I am disappointed to hear that Tacoma is considering adding more digital billboards, especially in residential areas and near churches and schools. I drive by 6th Ave and Division every day on my way to work and church and would seriously change my route if a giant flashing digital billboard was installed. I find the digital billboards in the Fife area very distracting and a traffic hazard. I am not in favor of digital billboards in any location.</p> <p>I would ask you to seriously reconsider any agreement to add more of these monstrosities.</p> <p>Sincerely, Annie Lambert</p>
114.	Lampman, Carmen	<p>From: Carmenl@centuryinsurancesvcs.com [mailto:Carmenl@centuryinsurancesvcs.com] Sent: Thursday, March 17, 2011 3:52 PM To: maryilyn.strickland@cityoftacoma.org Cc: jdoty@bcradesign.com; shirley.schultz@cityoftacoma.org Subject: Digital Billboards - JUST SAY NO! Importance: High</p> <p>It is okay to over simplify the issue here: JUST SAY NO TO ANY MORE BILLBOARDS AND ESPECIALLY NO DIGITAL BILLBOARDS!</p> <p>I implore everyone involved in this decision making process to use some common sense. Measure the decision this way: What will be the benefit of the common good? A reminder that you too can have huge boobs and fake tan – just come on over to Sona-so-what and get a tune up! Good grief! What product or service could possibly be advertised on these billboards that is not already saturated in the marketplace via other media etc.?</p> <p>We talk about making our children aware of the “Green” movement and then we hypocritically act by creating more waste and destroy open space or green areas by erecting these signs.</p> <p>It really makes no sense at all: please use common sense and stop this process now. We all have more important things to focus on in our City .</p> <p>Please.</p> <p>Carmen Lampman</p> <p>Century Insurance Services LLC. 3208 50th St Ct NW Ste C104 Gig Harbor, WA 98335</p> <p>PH: 253-851-9600 FX: 253-851-9601</p> <p>email: Carmenl@CenturyInsurancesvcs.com Web: www.CenturyInsuranceSvcs.com</p>

115.	Langsted, Fred (& Ferrari, Tracie)	<p>From: Frederick Langsted [mailto:Atomic215DH@hotmail.com] Sent: Wednesday, March 16, 2011 12:32 PM To: Planning Subject: Electric Billboards</p> <p>No one in my neighborhood wants these billboards, we moved here to get away from this crap.. what are you trying to do, turn us into Fife!?!?</p> <p>Fred Langsted & Tracie Ferrari 3621 North Stevens Street Tacoma, WA 98407</p> <p>Live from my iPhone 4</p>
116.	Larsen, Darrel	<div data-bbox="621 615 1232 766" style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Darrel Larsen, King County Deputy Assessor, 3-20-11 (next 1 page)</p> </div>

Darrel K. Larsen
32829 10th Place S.W.
Federal Way, Wash 98023
253-229-9061

RECEIVED

MAR 21 2011

The Mayor/Council Office

Mayor Marilyn Strickland
C/o City of Tacoma
747 Market Street - Suite # 1200
Tacoma, Washington 98402-3766

March 20th, 2011

Concerning: Proposed billboard sign regulation changes

Dear Mayor Strickland,

I am the owner of the commercial property located at 1202 So. 38th Street in Tacoma that includes a pad for a billboard sign owned by Clear Channel over the past 22 years. The advertising value inherent with these billboards is clearly in the interest of maintaining tax revenue to the City of Tacoma. In these financially difficult times to both private and public entities I believe it is imprudent to damage the income stream of the businesses that benefit from the billboard advertising, the land owner who pays property taxes or the City's receipt of sales tax, B&O tax and property tax revenue derived from the public value of this advertising media.

Sincerely,



Darrel K. Larsen
King County Deputy Assessor

117.	Lawson, Kirsten Marie	<div data-bbox="594 186 1261 304" style="border: 1px solid black; padding: 5px; text-align: center;">Staff Note: Letter from Kirsten Marie Lawson, 3-23-11 (next 2 pages)</div>
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RECEIVED

23 March 2011

MAR 25 2011

Kirsten Marie Lawson
5419 S. Sheridan Avenue
Tacoma, WA 98408

Per _____

Planning Commission
747 Market Street
Room 1036
Tacoma, WA 98402

First, thank you for providing a forum for the community to voice their concerns regarding the revisions to the sign code and for allowing me to speak. My first two concerns regard safety and wildlife habitat.

1. Digital billboards, and billboards generally, are designed to be distracting. Traditional billboards blend in allowing messages to be culled via several passes. Digital billboards are distracting in a number of other ways. Advertisements change/flash every 6-8 seconds, which decreases the amount of time a driver has to gather the information and, subsequently, may increase a driver's attention away from the road. This may lead to eyes off the forward roadway even longer. The *100-Car Naturalistic Driving Study, USDOT National Highway Traffic Administration* found that 23% of crashes and near crashes could be attributable to drivers removing eyes from the forward roadway for more than 2 seconds. This increases to 65% when eyes were removed from the forward roadway for 3 seconds or more. This cannot be equivocated to WADOT's amber alert notices which are shown on signs directly over the driver's forward roadway. Billboards are always located off and to the side and therefore draw the driver's eyes away from the road creating a hazardous situation.
2. Site 18 runs from "S. 72nd Street and S. Hosmer Street. That portion of S. 72nd Street between I-5 and the midpoint of the intersection of S. 72nd and S. Alaska Street and S. Hosmer Street 300 feet south of S. 72nd Street and the midpoint of the intersection of S. Hosmer and S. 72nd." The intersection of S. 72nd Street and S. Alaska Street abuts Wapato Park, the crown jewel of Tacoma's smaller parks. It houses migratory birds such as Canada geese, hooded mergansers, common mergansers, ring-necked ducks, cormorants, et cetera as well as a large variety of songbirds, raptors, hummingbirds, heron, and mammals. Additional light disturbing the already disturbed diurnal and nocturnal cycles might impact them. That a digital billboard could be installed within a mile radius is simply outrageous. Did the staff members who determined the digital billboard sites even consider a driving or walking tour of the proposed areas? Do they live near the proposed sites? Doubtful.

My third and fourth concerns are ethical and aesthetic.

1. It is the City's and its workers' ethical duty to protect and uphold those laws beneficial to the city and expunge those detrimental or without relevance and service. The 1997 Sign Code ordinance was none of latter and only of the former. That the City has cowed to a corporation and may allow a corporation to determine civic law is much akin to the Federal Government's lax regulations and inspections of larger industries (e.g., oil and gas). If industry and corporations are allowed to dictate law, there will be no recourse for the people. It should also be understood that many civic, county, and state laws have been defended successfully against the attacks of billboard corporations. Scenic America, scenic.org, has a great deal of

information regarding the safety and legality of digital billboards.

2. Aesthetic is more difficult to argue because it is more personal for most. I have read of and read some studies that indicate that people are happier in a beautiful environment, one that is not beset by attacks on the ears, eyes, nose, skin, living conditions, et cetera. A happy populace is something everyone wants in their city, no? Advertisements, regardless of digital or not, are an attack on our visual space. Removing traditional billboards and banning digital billboards would do wonders to drawing the individual's attention to Tacoma's beauty whether it be the craftsman houses, museums, brick and mortar buildings, churches, industrial areas (which have their own sort of beauty), waterways, parks, and numerous other areas. That the eye could look over the rooftops, undisturbed, to Mt. Rainier or across the Puget Sound is exceptionally enchanting. In fact, I cannot count the times I have marveled at the morning sky over Mt. Rainier as I run past Alling Park to run through Wapato Park, the sun breaking through the trees on the eastern side of the lake. Digital billboards are not beautiful. They are garish and shouldn't have a place in Tacoma.

In summary, no change to the 1997 sign ordinance should be made, digital billboards should be banned, and the existing billboards should be removed. (Clear Channel's deliberate delay in bringing suit against the City of Tacoma when fines may have been levied, is suspicious to say the least.) Good luck with your decision. May it be the right one.

In civic pride and duty,

A handwritten signature in black ink, appearing to read "Kirsten Lawson", with a long horizontal flourish extending to the right.

Kirsten Marie Lawson

118.	Leslie, Najeea	<p>From: najeea@iname.com [mailto:najeea@iname.com]</p> <p>Sent: Tuesday, March 15, 2011 2:56 PM</p> <p>To: shirley.schultz@cityoftacoma.org; spiro.manthou@cityoftacoma.org</p> <p>Subject: no digital billboard at 6th & division</p> <p>Dear Shirley Schultz and Spiro Manthou,</p> <p>Please tell the city council that the residents of the 6th ave area do not want any digital billboards in our lovely neighborhood. Thanks for your work.</p> <p>A 6th Ave Niegborhood resident, Najeea Leslie</p> <p>Najeea F Leslie, LMP Yoga Instructor & Chi Nei Tsang Practitioner Forms of Grace, Yoga & Healing Arts www.formsofgrace.com najeea@iname.com% =</p>
119.	Lewis, Mary	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Mary Lewis, 3-24-11 (next 2 pages)</p> </div>

RECEIVED

2011



Aunt Mary Lewis
4066 S Gregory St.
Tacoma, WA 98409

The Mayor/Council Office

Dear Mayor Strickland -
yet again, I'm writing
to complain! (I'm sure
a groan goes up when
you see a letter with
my return address!)

I am ~~so~~ upset with
this billboard issue.
I thought we (the citizens
of Tacoma) had years ago
said no billboards of any
kind - now flashy - tacky
ones???

As - Council / city feels
low suit would be a
financial burden

Come on - we can
spend money on "over-run"
for a memorial - and
the parks can blow
\$175,000 for a "plan"?

I am stunned - I
feel like Inconnu is
being trashed - by
our leaders..

Mary G. Zeevil

2000

120.	Limerick, James	<div data-bbox="602 186 1252 304" style="border: 1px solid black; padding: 5px; text-align: center;">Staff Note: Letter from James Limerick, 3-17-11 (next 1 page)</div>
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March 17, 2011

Shirley Schultz, City Planner
City of Tacoma
747 Market St.
Tacoma, WA. 98402

Dear Planners, Mayor, and City Council,

Whenever I pass by the casino billboard in Fife, I just cringe. These digital billboards are nothing short of crude, crass invasions of our environment, and our souls.

Are we to believe that Tacoma will be turned into an Entertainment Fairland, by the addition of these ten billboards?

I hardly think we have to go any further with such a silly idea.

The light pollution would be intense.

The frenzy over such colors and lights would cause accidents.

Property values would be greatly diminished.

The City needs, desperately, to wake up and get to First Things First. And that would mean put in completely standard, safe streets; and sidewalks in many areas too.

James R. Limerick
1416 N. Cedar St.
Tacoma, WA 98406

121.	Lippens, Olivia	<p>From: Lippens, Olivia [mailto:oliviavoigtslippens@clearchannel.com] Sent: Wednesday, March 16, 2011 10:28 AM To: Schultz, Shirley Cc: Mayes, Michael Subject: Letters</p> <p>Shirley-</p> <p>The attached has copies of letters sent to Mayor Strickland in support of the ordinance change. I thought they would be germane for the meeting tonight & wanted you to have copies before then.</p> <p>Olivia Olivia Lippens President Clear Channel Outdoor Seattle P: 206.494.4228 F: 206.682.7139 www.clearchanneloutdoor.com</p>  <p><i>Legal Notice: Unless expressly stated otherwise, this message is confidential and may be privileged. It is intended for the addressee(s) only. Access to this email by anyone else is unauthorized. If you are not an addressee, any disclosure or copying of the contents of this email or any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately.</i></p> <div data-bbox="527 1178 1326 1593" style="border: 1px solid black; padding: 10px; margin: 20px auto; width: fit-content;"> <p style="text-align: center;">Staff Note:</p> <p>There are 4 letters attached to Ms. Lippens' e-mail:</p> <ol style="list-style-type: none"> 1. Haynie, David (Graham Business Association, 3-14-11) 2. Kester, Eugene (Proctor District Association, 3-14-11) 3. Montgomery, Dennis (Communities in Schools of Washington, 7-28-10) 4. Starnes, Mark (Boys & Girls Clubs, 3-15-11) <p>These letters are listed elsewhere in this document (sorted by senders' last names).</p> </div>
122.	Love, Courtney	<div data-bbox="613 1667 1240 1785" style="border: 1px solid black; padding: 10px; margin: 20px auto; width: fit-content;"> <p style="text-align: center;">Staff Note: Letter from Courtney Love, 3-25-11 (next 1 page)</p> </div>

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MAR 25 2011

Per _____

March 25, 2011
Tacoma Planning Commission
747 Market Street, Rm 1036
Tacoma, WA 98402

RE: Electronic Billboards

Dear Planning Commission Members:

I protest electronic billboards in Tacoma. I am against billboards in general, electronic billboards even more so. I find them distracting and anxiety enhancing for fear of how they distract other drivers. I really dislike how the light reflects off of every surface when it rains, especially after the sun has set (very relevant in Tacoma). I don't like the ambient light in my car after I've driven past them; the red and blue dominant signs cause me fear that there are emergency vehicles behind me that I did not notice and am now in the way of.

I had the impression that Tacoma was trying to promote the business districts in Tacoma, but billboards distract from street side businesses. As you drive by a billboard, your eyes are taken above and away from the storefronts on the street you're driving on. Electronic billboards will be even more distracting for the fact that they will be changing, never allowing the eye to look away.

When I look at the list of proposed locations, I can think of at least one reason per sight why an electronic billboard would be inappropriate. From nearness to homes, distraction from local business, too near a school, or plain old unsightliness in an area locally cared for and improved.

I also take issue with the energy that these signs will use. I do my part to be environmentally respectful and I cannot and will not support the misuse of our resources by these useless electronic billboards. I do not think Amber alerts are reason enough to compromise on this.

Stand strong and fight Clearwater -- do not allow electronic billboards and move forward with removing all billboards.

In all sincerity,



Courtney N. Love
5645 S Montgomery St
Tacoma, WA 98409
253-476-1708

123.	Lumsden, Terry	<p>From: TELumsden@aol.com [mailto:TELumsden@aol.com] Sent: Tuesday, March 22, 2011 2:38 PM To: Kathleen.cooper@thenewstribune.com; Mello, Ryan Subject: Billboards</p> <p>I've sent one letter strongly opposing the "settlement", commenting in part:</p> <ol style="list-style-type: none"> 1)..when I moved into 6th and Union 2004, I had hoped to get help and buy the whole corner across from the Poole's bldg and do a similar development...was told the NE corner owners were not interested in selling...obviously due to the large cash cow billbd above their wooden structure (now used to sell old LPs). 2)..thus if this Billbd remains in the "settlement" (and an electric one is allowed across the street) this corner will always be underdeveloped...as will several lots on which are Billbds. 3)..since my letter it was confirmed these lot owners pay no B&O to the city and no real property taxes to the county for the revenue they receive (\$3-4 K/ month ?) or for the enhanced value to the lot due to the Billbd...thus we taxpayers subsidize the billbds when we maintain the streets and sidewalks, etc. 4)..so for the lots that will have new billbds, and the lota on which the old ones will remain, the lots will never be improved, sold or developed, EVER. 5)..Why not build in a "sunset" provision whereby in say 50 years, these electric monoliths start disappearing...FOREVER..Clear Channel can make its money and run... 6)..There is no "settlement", only a cessation of litigation to consider resolution...It should not have been announced as a "settlement". <p>Since that time I have read the U>S Supreme Court cases, Metromedia, Discovery Networks, et al and am puzzled why is the City settling so gravely when the law is in its favor ?...what is this "cost of litigation" that evokes so much fear ?...The News Tribune got it right in today's paper : Clear Channel has a lot to lose in this suit...the city should be demanding favorable terms or continue to litigate...Is the City afraid to WIN ?..That would mean buying out these lots to remove the billbds...Has anyone estimated that cost ? We should know...It is not the cost of the suit but the cost of winning I believe scares the council...The city should be contacting all lot owners and offering to buy out their right NOT to renew !!!...With all due respect to the private attys hired by the city, and they are very good, maybe it would be money well spent to get another opinion on the probabilities of winning...Clear Channel is sweating bullets that it can scare a win here...</p> <p>Finally, it is a big mistake to put an electric billbd at the corner of a busy intersection like 6th and Union...Drivers and pedestrians will be more distracted than usual if there is such activity going on with the billbd...Oh, check out the backside of the monster at 6th and Union...rusty, dirty, rotting mess...that is what customers/clients/home owners/ visitors from other cities see in my parking lot...we are blue collar here, but not trashy...</p> <p>Terry E Lumsden, Attorney 3517 6th Ave #200 Tacoma, WA 98406 253-537-4424 253-573-1744 (fax) www.TELumsden.com</p>
124.	Marks, Jena	<p>From: Jena Marks [mailto:paintmarks1@yahoo.com] Sent: Wednesday, March 16, 2011 10:13 PM To: Planning Subject: Digital billboards</p> <p>I was unable to make it to the meeting this evening, but I did want to make my opinion heard.</p> <p>No digital billboards please! We don't need the ads and we don't need the light polluting our skies and neighborhoods. We already see few enough stars in our</p>

		<p>night sky don't pander to ClearChannel and squander that and more away from our citizens. Which would you prefer a child to see when they look up at night: The beautiful stars in Orion's belt or a ClearChannel billboard ad?</p> <p>Tacoma should've stood up and initially fought ClearChannel on their violation of our billboard ordinance. Since this initial crop of digital billboards has yet to be erected please stand up and say no to digital billboards in Tacoma.</p> <p>Please!</p> <p>Thank you,</p> <p>Jena Marks Paintmarks1@yahoo.com</p> <p>Sent from Yahoo! Mail on Android</p>
125.	Martin, Adam	<p>From: a mar. . . [mailto:icecreamdoesitwell@gmail.com] Sent: Wednesday, March 16, 2011 3:53 PM To: Planning Subject: Electric Billboards are IRRESPONSIBLE !!</p> <p>I can imagine no symbol less in keeping with the values of the local Tacoman population than one that simultaneously wastes massive amounts of resources (electricity), causes an eye sore at the entrance to an historic Tacoma neighborhood, and promotes light pollution, all the while contributing to a landscape of distractions to drivers that will inevitably result in increased accidents AND INJURY OF PEDESTRIAN STUDENTS ATTENDING AN IMMEDIATELY NEARBY PUBLIC SCHOOL.</p> <p>This measure is grossly irresponsible, and directly contrary to common sense and the better interests of those persons living in and driving through that community.</p> <p>PLEASE use good judgment, and say NO to corporate interest that is contrary to public interest.</p> <p>Thank you.</p> <p>Sincerely,</p> <p>Adam Martin</p>

126.	Martin, Judith	<p>From: judithkmartin@aol.com [mailto:judithkmartin@aol.com] Sent: Saturday, March 19, 2011 11:14 AM To: Planning Cc: judithkmartin@aol.com Subject: billboard issue</p> <p>Dear Planning Commission,</p> <p>I SUPPORT the city's 1997 ban on all billboards. I do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhoods .</p> <p>Digital billboards ..if allowed should be restricted to industrial areas like the Flats and Nalley Valley for example. Thank you,</p> <p><i>Judith Martin</i> 515 north m street Tacoma, Wa . 98403</p> <p><i>One thing you can give and still keepis your word</i></p>
127.	Mason, Brent	<p>From: Brent Mason [mailto:brentm@WWEE.org] Sent: Monday, March 14, 2011 2:43 PM To: Marilyn.Strickland@cityoftacoma.org Subject: City's Billboard Regulations</p> <p>Dear Mayor Strickland...</p> <p>It has come to my attention that the Tacoma Planning Commission is considering revisions to the City's billboard regulations. I believe it is the intent of the commission to gather community feedback & then conduct a public hearing before making their recommendation to the City Council, who will then make the final decision.</p> <p>As the Development Director for Washington Women's Employment & Education (WWEE), I wanted to take this opportunity to share w/ you some of the many services that Clear Channel Outdoor has provided to WWEE & many other not-for-profit organizations in the Tacoma community.</p> <ul style="list-style-type: none"> • Clear Channel Outdoor has continuously supported our agency by providing discounted or pro-bono outdoor advertising. • Through their generosity, we were able to find a new marketing tool that we never tapped into. Through this form of advertising, we were able to create a public awareness campaign. • The digital advertising campaign that we will embark upon later this year will help increase web traffic, volunteer interest & funding

opportunities.

- The digital advertising campaign will make people aware of our programs & services, & additionally, the agency's branding & image will be more widely recognized.
- Clear Channel Outdoor has made digital advertising an option for us this year, which will be incorporated into an integrated marketing strategy. This is a great marketing option, because there is no production cost. Importantly, we are able to rotate different campaigns throughout the year.
- Digital advertising is quick & fast – no printing required. Artwork can be generated through digital computer.
- Not only have they provided in-kind advertising, they also have made us aware of other helpful marketing & outreach opportunities that we have yet to tap into.
- Clear Channel Outdoor is a great partner and community contributor.

I ask that you consider my feedback when you make a final decision.

Sincerely,

Brent

Brent Mason
Development Director

Washington Women's Employment & Education (WWEE)

Transforming Lives from the Inside Out

3516 South 47th Street, Suite 205,

Tacoma, WA 98409

Phone: (253) 590-0647 | **Fax:** (253) 474-3366 | **Web:** www.wwee.org

128. Mayes,
Michael

From: Mayes, Michael [mailto:MichaelMayes@clearchannel.com]
Sent: Friday, March 25, 2011 12:00 PM
To: Jeremy Doty
Subject: Clear Channel Public Comment

Dear Chair Doty,

Please find the attached letter which shall serve as Clear Channel's public comment regarding the proposed changes to the Tacoma sign code.

We look forward to continuing to work with the Commission on crafting a sign code which will result in significant sign consolidation in the City. I am available at any time should you wish to discuss any issues pertaining to the proposed revisions to the code.

Sincerely,

Michael R Mayes
Director of Real Estate



3601 6th Avenue S
Seattle, WA 98134
206 682-3833
Fax: 206-447-0377
www.clearchanneloutdoor.com

Staff Note:
Letter from Michael Mayes,
Clear Channel Outdoor, 3-25-11
(next 3 pages)



March 25, 2011

City of Tacoma Planning Commission

747 Market Street Room 345

Tacoma, WA 98402

Chairman Doty and Members of the Planning Commission:

Clear Channel was in attendance at last week's public hearing as a concerned business citizen to hear public feedback on the proposed sign code revisions. Rather than vocalize our point of view at this meeting we felt it was more important to come and listen to testimony to help us understand, and in turn, better address those concerns.

While there was very little discussion about the specifics of the proposed code we did hear the majority of comments from one vocal neighborhood group about digital signs in general. The specific concerns that were voiced by these select citizens now allow us to clarify incorrect perceptions about what digital signs actually are, how they operate and where they will be deployed. Please allow us to take this opportunity to clarify information, to shed light on the benefits of digital signs and to give greater insight into how this program would be instituted.

Legally Operating Signs

- Clear Channel Outdoor (CCO) and its predecessors erected and have operated their signs legally within the City of Tacoma for over 85 years.
- Each sign was built in compliance with the code at the time of construction and holds a valid permit. It is only the result of a number of code changes instituted by the City, that the signs become legally non-conforming. These code changes do not diminish the status of CCO operating legally within the code.

Sign Consolidation

- The Settlement and subsequent code changes will result in a net reduction of over 30,000 square feet of signage within the City of Tacoma.
- The ultimate goal of the City's 1997 code change was to create less signage within Tacoma. The Settlement and proposed code changes achieve this goal and aggressively reduce signage in Tacoma.
- The code changes will result in removal of 179 signs and permits within the City- this represents 42% of CCO's assets in the city.
- The revised sign code will allow for removal of older signs in favor of newer state-of-the-art signs.

Lighting

- These proposed digital signs are not like the signs on I-5 just outside of Tacoma. (The lighting levels for the existing digital signs on I-5 are not regulated, which allows for excessive sign brightness. The proposed language in the revised code will insure that digital signs in Tacoma are kept at appropriate light levels.)
- Static digital billboards operate much like a digital picture frame changing between still images without effects. Digital billboards will not contain movement, animation, video, scintillating lights, beacon lights, running lights or moving lights, or the illusion of movement. Each static message shall not include flashing lights or the varying of light intensity
- Each CCO Digital Sign has a built in ambient light sensor which will adjust the brightness as ambient light conditions change. This will insure that the sign(s) will never be too bright for conditions.
- The ambient light level will not vary significantly from that of a traditional billboard display. Digital billboards cause less light "spillage" or "trespass." With a digital sign the illuminance is greatest in the area that is directly perpendicular to the sign and gradually tapers off into nothing as you as you become more parallel to the sign. This is because a LED sign is not a uniform light source, but rather it focuses the light in specific directions.

206	682 • 3833 Tel
	447 • 0377 Fax

- A video which shows a side by side comparison of a traditional and a static digital billboard can be seen on the Planning Commission website, which illustrates more clearly what digital looks like on a streetscape. Follow the link below:

<http://cms.cityoftacoma.org/Planning/Billboard%20Regulations/Digital%20vs%20Traditional%20Video.wmv>

Locations

- Digital signs will not be placed in residential zones
- Considerable time was spent working with the City to determine the most appropriate Digital Overlay Zones for deployment of digital technology.
- Digital signs could only be located in C1, C2, CCX, NCX, UCX, UCXTD, M1, M2 & WR zones
- The revised sign code calls for the first 10 static digital signs to be placed within 19 designated special receiving areas. Therefore it is mathematically impossible for every one of the 19 receiving areas to receive a digital sign.
- These signs will be placed in highly travelled commercial corridors with high traffic counts.

Public Benefit

- In addition to significantly reducing the total number billboards in Tacoma, the new static digital signs will provide direct benefit to the community via their emergency messaging capabilities.
- Digital signs are updated in real time and provide static images and information to people in ways no other media can. It has the added benefit of providing the Citizens of Tacoma with a real time emergency messaging system.
- CCO works in partnership with state, local and federal law enforcement, first responders and emergency relief organizations to provide an emergency messaging network with real time messaging capabilities. When an emergency occurs we have agreed to override advertising to provide for posting of amber alerts, missing person reports, fugitive information as well as natural disaster and other warnings. This valuable service is provided free of charge as a community service.
- For example, our existing Digital Network has posted multiple Amber Alerts and public safety warnings from flood warnings to "most wanted" messages. This same network has enabled relief aid information for numerous local non profits, Federal Law enforcement, Local Law Enforcement and local first responders- all at no cost.
- Specifically, the ability to change messages in real time is an extremely valuable tool for law enforcement and has been critical in capturing criminals nationwide including recent apprehensions in the high profile cases involving the "East Coast Rapist" and the "Granddad Bandit". Locally our signs gave valuable assistance in apprehending the killer of Seattle Police Officer Timothy Brenton and support in the tragic Lakewood Police shooting in 2009.

Energy & the Environment

- Over the past 4 years there has been a 79% decrease in energy usage from one of our LED vendors. Another LED vendor has had similar reductions and anticipates further 25% reduction in energy consumption in the next year, as technology advances.
- The current generation of digital sign faces are not cooled by fans.
- Static digital signs eliminate the printing of vinyl sign faces and dramatically reduce the number of trucks on the street needed to change advertising copy.
- By installing the first 10 proposed digital signs, we eliminate the electrical use, vinyl production and truck trips for all the removed traditional billboards. In this case, that's 179 traditional signs & permits that are removed from the city.
- The LED manufacturers report that 90% of a digital sign face is fully recyclable.

Traffic Safety

- A wide spread sampling of local law enforcement agencies have found no evidence that drivers' accidents were caused by billboards. Federal and state courts have concluded that there is no evidence that billboards impair traffic safety. The U.S. Department of Transportation, state transportation agencies and property/casualty companies' statistics on fatal accidents indicate no correlation between billboards and traffic accidents. Numerous state transportation agencies have constructed their own billboards and message centers to provide varying information to the motoring public.
- Numerous fact based studies of traffic accident data gathered by governmental agencies have consistently revealed that there is no correlation between digital billboards and traffic accidents. These studies completed in

Cleveland, OH, Albuquerque, NM, Rochester, MN, Richmond, VA and Reading, PA represent the only USA completed, in- field studies with digital billboards as their only subject, conducted and released to date (2-3-2011).

Industry studies in five areas found:

- There is no statistically significant relationship between accidents and digital billboards; digital billboards are "safety neutral"
- More than 160,000 accident records in proximity to 69 digital billboard faces were analyzed
- Combined traffic counts exceed one-half billion cars per year

Local Business Benefits

- 85% of the billboard space sold in Tacoma has been purchased locally. Nationally the average is 47%, which underscores the point that local businesses in Tacoma rely on outdoor advertising more than almost any other market in America.
- Outdoor advertising is a critical revenue driver for the local business community. It is by far the most cost efficient means of traditional advertising for large and small local businesses.
- Static digital advertising eliminates the production cost and time involved with purchasing & printing materials for traditional billboards.
- Tacoma's economic recovery is reliant upon the promotion of local businesses as evidenced in a March 21, 2011 Seattle Times front page story entitled: "Tacoma works to recover from economic blows", which outlines the path to stabilizing a downward trending economy and illustrates the need for focus & support on cultivating the local business community.
- At a time where local business is struggling does it make sense to take away one of the most valuable & affordable tools businesses have to drive revenue and create brand recognition & awareness?
- Business leaders in the region have submitted public comments via letter, regarding potential impacts to their businesses.

Clear Channel operates Locally

- CCO's Washington division (and its predecessors) are and were locally operated businesses that have been doing business in Tacoma since first building signs here over 85 years ago.
- We have been a member of the Tacoma-Pierce County Chamber of Commerce since 1980.
- CCO pays B & O taxes, permit fees and personal property taxes and has 49 local employees, almost half of which live in Pierce County.
- CCO is an engaged civic and corporate partner in Tacoma who provides both financial and operational support to numerous charitable organizations, many of whom have written to Planning Commission, City Council & Mayor Strickland in support of our efforts.
- Numerous area business owners, operators and land owners have submitted written testimony to the Planning Commission, City Council & Mayor Strickland to express their support of the sign code. Non-profit groups, law enforcement and the greater community all support digital signage. Modern, digital outdoor signage is part of any metropolitan world class city and exists in 43 states to date.

We look forward to continuing to work with the Planning Commission to come up with a revised sign code which will both allow us to complete the Settlement Agreement and to address the concerns expressed in public comment.

Sincerely,



Michael Mayes

Clear Channel Outdoor

Director of Real Estate

129.	McClintock, Marshall (1)	<p>From: marshalm@q.com To: ryanmello@msn.com Subject: RE: Electronic billboards: proposed regulations & public hearing Date: Mon, 7 Mar 2011 17:22:29 +0000</p> <p>Sharon specifically mentions Denver, Austin, and SF. I've asked Sharon for more info on that. The four states that ban billboards are: Vermont, Alaska, Hawaii, and Maine (odd - 3 traditionally GOP states)</p> <p>This article from USAToday has some more detail: http://www.usatoday.com/news/nation/2010-03-22-visual-soup_N.htm</p> <p>Here's a federal upholding the constitutionality of a ban: http://www.concordmonitor.com/article/federal-court-upholds-sign-ban</p> <hr/> <p>Subject: Re: Electronic billboards: proposed regulations & public hearing From: ryanmello@msn.com Date: Sun, 6 Mar 2011 14:06:16 -0800 To: marshalm@q.com</p> <p>What other communities were able to ban billboards outright?</p> <p>Ryan N. Mello 253-861-8356</p> <p>On Mar 6, 2011, at 11:08 AM, Marshall McClintock <marshalm@q.com> wrote:</p> <p>Don't know if you saw this from Sharon, but this business about exempting the "first ten" sucks -- especially if jumbo-sized ones go in residential areas like the Sprague/Division intersection. Who the fuck neogiated this lousy deal for the city? They should be fired.</p> <p>MM</p> <div data-bbox="428 1373 1427 1524" style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;">Staff Note: Attached to this e-mail was a web page sent from Historic Tacoma to Marshall McClintock on 3-5-11, which was identical to the one sent to Gary Knudson on 3-5-11. (See comment listed under "Knudson")</p> </div>
130.	McClintock, Marshall (2)	<p>From: Marshall McClintock [mailto:marshalm@q.com] Sent: Wednesday, March 16, 2011 4:48 PM To: Planning Cc: smgaffney@earthlink.net Subject: billboard regulations</p> <p>Planning Commission Dept. of Community & Economic Development Tacoma, WA</p>

		<p>Dear Sirs:</p> <p>I would urge the Planning Commission to limit the placement of billboards of ANY type to 1000 ft or more from any church, school, park, shoreline, historic district, registered historic landmark or residential district. Digital billboards should only be allowed in industrial areas, such as Nalley Valley and the Tide Flats. Citizens decided this issue in 1997, and I urge to remain as true to that decision as possible.</p> <p>Also, I would like specifically to oppose billboards of any type or size at the intersection of Sixth Avenue and Division. There should be no billboards at this location because:</p> <ul style="list-style-type: none"> • The existing billboard at that location already obscures a Tacoma landmark, Trinity Presbyterian Church, designed by architects Frederic & Stanley Shaw in 1922. • This location is also opposite the Central Seventh Day Adventist Church, designed by architect, Silas E. Nelson in 1952 and is one Tacoma's first modernist churches. • It is also across from the southern boundary of the North Slope Historic District, which is on the Tacoma, Washington, and National historic registers. The Gray Gables Apartments, Tacoma's first condominium built in 1921, sits at this corner. • Finally, the historic Jason Lee Intermediate School, designed by Roland Borhek in 1923 lies directly across the intersection, which was restored at great cost in 2001 and from whose front and side windows, the billboard location is easily visible. Allowing a digital billboard that close to a school would be disastrous. <p>Thank you for this opportunity to comment.</p> <p>Regards,</p> <p>Marshall R. McClintock Ex-Officio member for the North Slope Historic District Landmarks Preservation Commission 701 North J Street Tacoma, WA 98403</p>
131.	McDonald-Wright, Susan	<p>From: Susan McDonald-Wright [mailto:samw1225@harboret.com] Sent: Tuesday, March 15, 2011 7:04 PM To: spiro.manthou@cityoftacoma.org Cc: shirley.schultz@cityoftacoma.org Subject: No Digital Billboard on 6th and Sprague</p> <p>Dear Honorable Council Member,</p> <p>I am a resident of the neighborhood where this digital monstrosity will be located. I am NOT in favor of having this type of outdoor advertising in the area.</p> <p>The skyline already blighted by several other ugly billboards.</p> <p>In this day and age when most cities are spending all kinds of money to promote green this or green that and spending a ton of extra tax dollars to get LEED certification why would this type of energy wasting, light polluting thing be allowed to be erected especially on the edge of four residential areas.</p> <p>Sincerely, Susan A. McDonald-Wright</p>

132.	McManus, Charlie	<p>From: Primo Grill [mailto:pgrill@qwestoffice.net] Sent: Thursday, March 24, 2011 1:12 PM To: jake.fey@cityoftacoma.org Cc: Lauren.walker@cityoftacoma.org Subject: Electronic Bill Boards</p> <p>Councilpersons Fey and Walker, As a 21 year resident and business owner in Tacoma I would like to voice my disapproval of the deal to add digital billboards to the city. I believe that digital billboards are even more of an eyesore than paper billboards and would hurt Tacoma's self image as well as the image we project to visitors to the city.</p> <p>Please oppose this deal.</p> <p>Regards,</p> <p>Charlie McManus Primo Grill Crown Bar</p>
133.	Mellor, Nancy	<p>From: Nancy Mellor [mailto:nancy_mellor@wamail.net] Sent: Saturday, March 19, 2011 4:58 PM To: Planning Subject: Billboard regulations</p> <p><i>I am against the digital billboards. They are an eyesore and too much stimulation when I am driving down the road. Personally, I get distracted by them, which I think is unsafe. Nancy - University Place</i></p>
134.	Menzies, Patricia	<p>From: Patricia Menzies [mailto:pmenzies48@gmail.com] Sent: Wednesday, March 16, 2011 10:47 AM To: Planning Subject: Billboard "compromise" was a mistake</p> <p>Dear City Planners,</p> <p>The proposed compromise is a mistake for two major reasons. You've heard this before but I want to cast my voice against this for these two reasons.</p> <p>1) The original law restricting billboards was a good step forward. The Vermont example has been raised as the "gold standard" but this was a good start. While I understand how difficult it could have been to take Clear Channel to court and get them to pay the fines incurred by their blatant disregard of the law, caving to their extortion was inexcusable. They knowingly broke the law and got away with it. After the events of the last few years, citizens like myself are more than fed up with big corporations trashing our economies and living conditions and smirking all the way to the bank (which is the biggest smirker in the bunch)!</p> <p>2) We are working so hard to teach drivers about "distracted driving" and the dangers inherent in that. Why on earth would we allow billboards which reach out and grab drivers eyes and attention while navigating our City's streets? Much focus has been given to the intersection of 6th, Division and Sprague. If I sit in my recliner on my front porch (if the weather ever warms up!) or a chair in my living</p>

		<p>room, that billboard is front and center in my visual field. If that were converted to a digital billboard, it would be extremely annoying.</p> <p>I would like to see us treated more as fellow citizens than consumers, and removing billboards which add little to the quality of life in Tacoma. These digital billboards are exponentially worse both for drivers, pedestrians and cyclists trying to safely navigate our streets and for residents and businesses in the areas around those installations.</p> <p>I suggest going back to the drawing board, cancelling the agreement and taking Clear Channel to court for the scofflaws that they are.</p> <p>I hope to make it to the meeting today to voice my opposition but wanted to send this message also. Only 26 letters against?! Then we're not letting you know how many of us want this reconsidered.</p> <p>Thank you. Patricia Menzies 615 S Grant Ave. Tacoma, WA 98405 253-565-2599</p>
135.	Miller, Chris	<p>From: Chris Miller [mailto:martindelmar@gmail.com] Sent: Friday, March 25, 2011 11:54 AM To: Planning Subject: Digital Billboards=Not Neighborly</p> <p>To Whom It May Concern:</p> <p>I am a homeowner, a business owner, a taxpayer, and a voter in the City of Tacoma. The current proposals to allow digital billboards is neither synonymous of how I thought our city was portrayed, nor is it neighborly in any way. These billboards go against any coexistence we are trying to provide by having residences and businesses functioning together in an urban setting. By allowing these digital billboards, you not only turn a deaf ear to the very people who have been telling you not to allow this, but you turn a blind eye towards the blight it will blanket our fair city with. I urge you to stand strong against corporate interest, and listen to those who have a vested interest in our city...the people who live here. Thank you for your time.</p> <p>Chris Miller</p>
136.	Miller, John	<p>From: Schultz, Shirley Sent: Tuesday, March 15, 2011 11:47 AM To: Wung, Lihuang; Schultz, Shirley Subject: Public Comment</p> <p>John Miller 648 North Sprague Tacoma, WA 98403</p> <p>Expressed general opposition to digital billboards. Especially not at 6th/Sprague – if nothing else, a traffic hazard.</p>

137.	Miller, Katie	<p>From: Katie Miller [mailto:ms.katiemiller@gmail.com] Sent: Wednesday, March 16, 2011 11:05 AM To: Planning; shirley.schultz@cityoftacoma.org; spiro.manthou@cityoftacoma.org Subject: Proposed Digital Billboard near 6th/Division/Sprague</p> <p>Good Morning,</p> <p>I would like to express my concerns with the Clear Channel digital billboard that has been proposed in Tacoma near the 6th/Division/Sprague intersection.</p> <p>I live near the intersection of 8th and State. Our neighborhood sees lost of traffic, distracted drivers, speeding cars, etc. We don't want a reason for drivers to be even more distracted. We don't want drivers looking up 50 feet in the air at a 672 square foot blinding, flashing advertisement in this intersection on a Saturday afternoon while a soccer game is letting out of Jason Lee Middle School's fields which is next to the proposed site. Not to mention the every day distraction that this will cause while middle schoolers are walking to school, bus patrons are walking to their stops, or other neighbors our for their daily walk/run. I frequently walk to the Starbucks from my home and have personally encountered several circumstances where already distracted drivers (due to cell phones, or looking into shops on 6th Ave, etc.) have had some "close calls." Adding a 14'x48' digital billboard will only add to the "close calls."</p> <p>I urge you and the City to reconsider approving this digital billboard in Tacoma near 6th/Division/Sprague. I feel that this will be detrimental to the neighborhood's walk ability due to even more distracted drivers. I also feel that this will make an already struggling neighborhood feel more industrial and allow others the ability to change. We have tried so hard to get this area of Tacoma more livable and walkable, I would hate to see all that progress go to the wayside because this digital billboard has been constructed.</p> <p>Please feel free to contact me directly should you like to discuss this further.</p> <p>Thank you for your time.</p> <p>Regards, Katie Miller Home: 253-507-4405 Cell: 206-423-7128</p>
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138. Minas, Francesca	<p>From: Francesca Minas [mailto:Francesca.Minas@heart.org] Sent: Wednesday, March 23, 2011 1:14 PM To: Schultz, Shirley Subject: Letter for Mayor Strickland</p> <p>Dear Ms. Schultz,</p> <p>The attached letter from the American Heart Association provides community feedback regarding the Tacoma Planning Commission's proposed billboard regulations. We hope that you will take it into consideration, and please let me know if you have any problems opening the file.</p> <p>Sincerely, Francesca Minas</p> <p>Francesca Fabile Minas Senior Director, Communications & Marketing American Heart Association Western States Affiliate 710 2nd Ave. Ste. 900, Seattle, WA 98104 206.834.8611 or 800.562.6718 fax 206.632.8478</p> <p>www.heart.org/pugetsound www.heart.org/southsound</p> <p> Find us on Facebook</p> <p>www.facebook.com/ahapugetsound</p> <p></p> <p>www.twitter.com/ahapugetsound</p> <div data-bbox="522 1184 1330 1335" style="border: 1px solid black; padding: 10px; text-align: center;"><p>Staff Note: Attachment to this e-mail: Letter from Francesca Minas, American Heart Association, 3-23-11 (next 1 page)</p></div>
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Western States Affiliate
710 2nd Avenue, Suite 900
Washington, WA 98104
www.heart.org

March 23, 2011

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland,

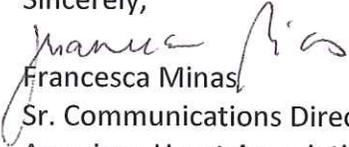
It has come to our attention that the issue of digital billboards is currently under consideration by the City of Tacoma and its Planning Commission. While the American Heart Association does not have a position in favor or against digital billboards, we wanted to share with you that Clear Channel Outdoor has been wonderfully supportive of our mission to improve the cardiovascular health of Tacoma and the communities surrounding it.

In the past few years, we have been fortunate enough to receive donations of billboard spaces (pro bono) from Clear Channel Outdoor, donations of considerable value that allow us to reach the community with educational messages about heart disease and stroke, the No. 1 and No. 3 killers in America. Their donation of billboard space for our Go Red For Women campaign alone has energized many of our volunteers and inspired others to support our efforts to end heart disease in women.

As a non-profit that relies strictly on private donations to sustain our mission, we rely on the goodwill of media companies such as Clear Channel Outdoor to reach a broad audience, and our success would be diminished without their existing support. For 2010, we received roughly \$132,650 worth of in-kind gratis for American Heart Association.

Please know that they are a great partner to the American Heart Association in Tacoma and a wonderful contributor to our cause.

Sincerely,


Francesca Minas,
Sr. Communications Director,
American Heart Association
(206) 834-8611
francesca.minas@heart.org

139.	Monroe, Tad & Melissa	<p>From: Tad Monroe [mailto:tmonroe@urbangracetacoma.org] Sent: Monday, March 14, 2011 5:54 PM To: Planning Subject: Re: The Proposed Digital Billboard</p> <p>To Whom it May Concern:</p> <p>As a resident at 1617 Division Avenue #11 in Tacoma, I'd like to voice my concern and my opposition for the proposed digital billboards to go in at the intersection of Sixth and Division Avenue.</p> <p>There are far to many residential properties, schools, and churches that would be negatively effected by the light pollution and overall negative effect on the aesthetics of our neighborhood that such a sign or collection of signs would produce.</p> <p>I'd like to add my voice to the many neighbors who I know oppose this project.</p> <p>Thank you for your consideration.</p> <p>Regards, Tad and Melissa Monroe</p>
140.	Montgomery, Dennis	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Dennis Montgomery, Communities In Schools of Washington, 7-28-10 (next 1 page)</p> </div>



Communities In Schools

Washington

1010 South 336th Street
Suite 205
Federal Way, WA 98003

253.248.1991
www.ciswa.org

Elaine Kitamura
Director of Community Affairs
Clear Channel Outdoor
3601 Sixth Avenue South
Seattle, WA 98134

July 28, 2010

Dear Elaine,

I want to thank you for Clear Channel's continued support of Communities In Schools. Your in-kind donation for 2009-2010 valued at \$42,000 means a great deal to our network of 12 Washington affiliates.

Over the past few years your donated outdoor placements have driven a broader awareness of the needs of students in need and the schools that educate them, and have resulted in increased interest in the work of Communities In Schools. Website traffic, volunteer interest and donations are all on the upswing due in no small part to our partnership.

In particular I want to thank you for including us in your digital program. The digital boards in Kent have provided a great boost to our efforts there with the promotion of career fairs and other timely events. Because digital boards offer the flexibility to promote specific messages in a timely manner we see them as particularly suited to groups like Communities In Schools who have various calls to action – whether it be a call to volunteer, donate, attend an event or advocate, digital boards carry the message without the cost of printing. They create new opportunities to tell our story, while saving costs.

Our region is fortunate to have Clear Channel as the primary outdoor media provider. Your strong commitment to giving back to the community is a gift not just to nonprofit groups like Communities In Schools but to the community as a whole. Thank you for your partnership.

Sincerely,

Dennis Montgomery
Director of Communications
Communities In Schools of Washington

141.	Mordhorst, Andrew (1)	<p>From: Andrew Mordhorst To: shirley.schulz@ci.tacoma.wa.us Cc: Marilyn Strickland Sent: Thursday, February 24, 2011 12:48 PM Subject: Billboard Regulation ?</p> <p>Ms. Schultz, I am a member of the South Tacoma Neighborhood Council and was present at your presentation of the Billboard Code Agreement to the Community Council last month. I have read the forwarded pertinent information and I have a few questions. I was wondering if there is any stipulation or regulation of the content of subject matter presented on billboards? Where the subject matter is held to similar standards as television and radio. All such media are required to present opposing opinions and with acceptable language if presented to the public at large. My question relates to the limited ownership of billboards with in the city of Tacoma. Such a limitation to me constitutes a monopoly. A monopoly that might be able to limit freedom of speech by the actions or views of a single company (Clear Channel Outdoor) supporting a one sided view. If I remember during the beginning of the possible limitation of billboards discussion in the city Clear Channel Outdoor presented a one sided opinion campaign on the effects of their business with the proposed changes in billboard restrictions. Claiming it was an infringement of free speech. I do not remember that there were any opposing views presented in the same type of media. With the development of the new electronic signage it seems it would be possible and important to require a differing views with in the same venue. Has there been any discussion within the development of the agreement which would provide the public with opposing views? It is important to protect the Constitutional Rights for everyone so each individual is able to develop an informed decision. The technology today allows for multiple images to be presented so it is possible to present opposing views in the same way on the same billboard. Also to limit the effects of image changes causing flashing the images could be directed to fade in an out over a designated time frame like 3 to 5 seconds. Thank you for your time and consideration. Andrew Mordhorst</p>
142.	Mordhorst, Andrew (2)	<p>From: Hayward, Tansy Sent: Sunday, March 27, 2011 11:29 AM To: Stenger, Donna; Schultz, Shirley Subject: FW: Insurance Rates</p> <p>Shirley and Donna,</p> <p>I have attached a number of e-mails from Andrew Mordhorst around billboards. I would consider some of the content to be public input.</p> <p>Thanks,</p> <p>Tansy</p> <div data-bbox="467 1629 1390 1745" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;">Staff Note: Listed below are three e-mails from Andrew Mordhorst, all dated 3-18-11, all in response to Tansy Hayward's e-mail of 3-18-11</p> </div> <p>From: Andrew Mordhorst [mailto:amartist@harbournet.com] Sent: Friday, March 18, 2011 9:23 AM To: Hayward, Tansy Subject: Re: Legality</p>

Tansy,
Thank you for getting back to me
The statement that equal time dose not apply to billboard is true. But when the same billboard is electronic it becomes a different horse of an other color. Messages on such Electronic media can be changed in an instant. This makes it a more powerful tool than a static manually change message board.
Such electronic media needs to be dealt with as do Television and News Papers. An electronic light billboard is even more immediate and should be held to the same standards. Maybe the cities legal department needs to proceed with such a case and see if arguments to protect the citizen needs to be done. Or as a class action law suite. If they have an off the record comment of a direction a citizen could take to protect all the citizens and their Constitutionally Protected Rights. I would be glad to take it under advisement.
Andrew

From: Andrew Mordhorst [mailto:amartist@harbournet.com]
Sent: Friday, March 18, 2011 9:46 AM
To: Hayward, Tansy
Subject: Re: Billboard Restrictions

Tansy,
In reading the attachments after my last response I see the regulations of the media is controlled by licensing. If the city has such a program in place licensing Billboards this might be a way to protect the citizens of Tacoma. If billboards are a distraction to vehicle drivers or can be proven to be so. There seems to be a way to limit their use in areas (intersections, high traffic areas) like the limitations pose inconsideration of school and hospital zones. Billboards are designed to capture the attention of the public with no discrimination of the end results, only the possibility of increase revenue for advertisers. I sent a E-Mail to the Mayor and the City Manager about my personal experience with a hit and run distracted driver after the STNC Meeting when we last saw each other. If you have not read it let me know and I will forward it to you.
Thank you again,
Andy

From: Andrew Mordhorst [mailto:amartist@harbournet.com]
Sent: Friday, March 18, 2011 2:20 PM
To: Hayward, Tansy
Cc: Vaughn, Skip
Subject: Insurance Rates

Hello Again Tansy,
I have another piece of the pie to fill in for you. Talking with my insurance agent I asked him a question relating to possible traffic accidents. Traffic accidents related to distractions cause by Electronic Billboards. It is possible if traffic accident increase and are attributed to this inevitable distraction. Insurance rates could go up if drivers are exposed to this intentional distraction. Fact, Insurance Companies continually watch for increase of clamant pay outs and will pass the cost along to insurance holders if it continues. I justify this term intentional distraction because Electronic Billboards are designed to garner the attention of possible viewers (customers of advertisers) who are involved in the act of driving a vehicle
People are inquisitive(rubber Necker's) and just simple distractions on the road. Such as the flashing lights of a police, ambulance or safety vehicle can cause a traffic slow down or even more accidents. Often to the chagrin of the commuters caught up in traffic grid lock .

Tell everyone at your office there are Daffodils and Tulips showing up around South Tacoma planted by a vicious gang of Gorilla Gardeners.
Andy

----- Original Message -----
From: [Hayward, Tansy](#)
To: amartist@harbornet.com
Cc: [Vaughn, Skip](#)
Sent: Friday, March 18, 2011 8:34 AM

Andrew,

I have attached two e-mails that address questions that you raised at Wednesday's South Tacoma Neighborhood Council Meeting. The first is regarding equal time and as I suspected, equal time doesn't apply to billboards. In your comments, it seemed that you were referencing potentially emerging case law. If you have more information, please feel free to share it and I will pass it onto legal. The second e-mail is regarding the permitting process at Wapato Lake. They have provided both historical reference and the current status of permitting.

I have copied Skip, as well, and I hope that the information will be helpful.

Regards,

Tansy

Tansy Hayward
Assistant City Manager
City of Tacoma, WA
747 Market Street, Room 1200
Tacoma, WA 98402
(253) 591-5133

143. Morford, M.

From: mmorf@mail.com [mailto:mmorf@mail.com]
Sent: Tuesday, March 22, 2011 10:23 AM
To: Planning
Subject: More on Billboards

Greetings -

I am a life-long Tacoma native. My grown daughter just delivered our first granddaughter. Both of them were also born in Tacoma.

My assumption, pretty much my whole life, was that each generation would leave our city a better, more welcoming and safer place. To violate the will of the citizens, go against established city law and to literally blight our landscape with non-stop glaring, intrusive and distracting signs at the behest of out-of-state corporations is surreal and a contradiction of everything this community has stood for. What became of "go local"? What became of civic decency?

The level of compromise and outright cowardice on this issue is nearly tangible. Clear Channel has violated our city laws, has shown pure contempt for the citizens (and political process) of Tacoma.

They should be forced to pay what they owe and be banned from public spaces in Tacoma. They have betrayed our community trust and deserve no place in our community.

M.Morford (Morf)

144.	Mullen, Bob & Janet	<p>From: mullens1@juno.com [mailto:mullens1@juno.com] Sent: Sunday, March 13, 2011 11:51 PM To: Planning Subject:</p> <p>To: the city planning department Re: Digital billboards</p> <p>My husband & I feel it is important to weigh in on the decision to locate digital billboards and their impact on our particular location (3005 S. 7th St.).</p> <p>We have lived at this same address since 1979 and until the last 2-3 years, have enjoyed our location; considering the number of changes that have occurred in our area within a block of 6th Ave., we are wondering how much longer we can enjoy living in this location as we are of retirement age.</p> <p>We are in agreement with the gentleman who owns the rental property (Gray Gables) who recently wrote a Letter to the Editor published in the News Tribune. We have seen the 6th Ave corridor close to our home change dramatically in several ways including the lanes of traffic decreased from 2 lanes each direction (East-West) and an intrusion on parking within residential neighborhoods because of anticipated or open businesses. While the City Council voted to make a parking corridor on S. Junette off of 6th Ave., the configuration was not the best planned on that street nor for the surrounding neighborhood. Additionally 6th Ave. has always seen a high turnover of businesses but to the detriment of the surrounding neighborhoods (north and south sides), the average homeowner is feeling squeezed out. We are blue collar workers, not to be compared to or re-made to be like the Proctor district.</p> <p>Now, another intrusion is being "forced" upon us in regard to the digital billboards. One can only drive north on I-5 to see what impact a digital billboard has, especially at night with its brightness. With the foolishness of locating these billboards in areas that very much have rentals and private home ownership, it will not attract further business to the 6th Ave. corridor but will depreciate home values in the surrounding neighborhood.</p> <p>As we understand, our area has been rezoned to mixed use (again, not of our choosing) but we wonder how long it will be before our area, as well as others who will be forced to "accept" these intrusions into our neighborhoods that were once family oriented, will become vacant wastelands of empty homes...becoming not "The City of Destiny" but "The City of Blight, Decay, and Vagrancy."</p> <p>We would ask that the City Council reconsider placing these billboards in residential areas and restrict them to commercially zoned areas.</p> <p>Sincerely, Bob & Janet Mullen 3005 S. 7th Tacoma, WA 98405</p>
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145.	Murphy, Robyn	<p>From: Robyn Murphy [mailto:theimbibery@gmail.com] Sent: Wednesday, March 16, 2011 4:58 PM To: Planning Subject: Billboards</p> <p>Dearest City Council, I recently went on a trip to California and was gone for ten days. I remember the feeling of coming home to downtown where I live at the Villaggio on Market. The streets were clean and the people friendly. I don't care what anyone says about us Tacomans! It is wonderful here. I have fallen in love with my community and our beautiful city. Please hear the people today and keep the bright lights of Clear Channel out of Tacoma. Thank you Tacoma Planning and City Council Members! We at the Villa Caffe love you! Thank you for everything you do..... for everyone. Robyn Murphy</p>
146.	Napolitano, Lew	<p>From: Napolitano, Lew (DSHS/DVR) [mailto:NAPOLL@dshs.wa.gov] Sent: Saturday, January 15, 2011 11:22 AM To: shirley.schultz@cityoftacoma.org Subject: feedback</p> <p>Hi Shirley,</p> <p>My wife and I believe electronic billboards are an attractive nuisance are and potentially dangerous to motorists who tend to stare at them while driving. We are against this idea.</p> <p>Lew Napolitano</p>
147.	Nash, Mindy	<p>From: Mindy Nash [mailto:mindynash@gmail.com] Sent: Wednesday, March 16, 2011 10:22 AM To: Planning Subject: Digital Billboards in Tacoma</p> <p>To whom it may concern,</p> <ol style="list-style-type: none"> 1. We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong.

		<p>Trinity Presbyterian church is a beautiful church over 100 years old. I am sadden each time I see the view of it as I drive down 6th Avenue heading downtown obstructed by a billboard. These we supposed to be taken down. Please do not consider replacing it with a digital billboard. Please have billboards near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood removed.</p> <p>Mindy Nash 1522 Earnest S. Brazill St. Tacoma, Wa 98405</p>
148.	Nash, Rod	<p>From: Rod Nash [mailto:rod.g.nash@gmail.com] Sent: Friday, March 18, 2011 1:18 PM To: Planning Subject: Opposed to Digital Billboards</p> <p>To Whom It May Concern:</p> <p>I would like to share that as a neighborhood resident and an employee at Trinity Presbyterian Church, directly across the street from where the Digital Billboard is being talked about being put in, I am strongly opposed to the proposal to have a billboard on 6th and Division. If this agreement does go through, I would strongly appreciate a Digital Billboard being in a place that is much more industrial than one of Tacoma's most beautiful and historic residential neighborhoods.</p> <p>With the amount of students who frequent this corner, and these streets and an already-unsafe and confusing intersection, this seems proposterous. This would be, frankly, a completely unsafe decision, and seems to put lives at risk. I cannot imagine our fair city making a decision like this, and pray that it will not.</p> <p>Thank you for considering my opinion in your decision. And thank you for the work you do for Tacoma.</p> <p>Rod Nash Hilltop Resident</p>
149.	Nelson, Jodi	<p>From: Anderson, Eric Sent: Sunday, March 27, 2011 10:30 AM To: rob jensen; Planning; Marilyn.Strickland@cityoftacoma.org; Jake.Fey@cityoftacoma.org; Spiro.Manthou@cityoftacoma.org; Lauren.Walker@cityoftacoma.org; Campbell, Marty; Woodards, Victoria; Lonergan, Joe; Boe, David; Mello, Ryan; Eric.Anderson@cityoftacoma.org Cc: Jodi NELSON Subject: RE: Billboards</p> <p>Dear Ms Nelson and Mr. Jensen,</p> <p>Thank you for your emails.</p>

The City Council has not abandoned its efforts to address billboards in Tacoma. The Council has agreed to a settlement that provides for removal of billboards in locations chosen by the City. If the agreement is implemented, the net removal of billboards will be 85%. It reduces the number of pending permits, up to all 169 that Clear Channel has vested at this time.

So much for the effect of the settlement, it doesn't become law unless the Council adopts it in the sign ordinance, which they have not. Instead, they have embarked upon a public review of the ordinance with open minds. There has been a lot of input. There will be a lot more. Everyone, including those who strongly support billboards (e.g. Clear Channel) and the most adamant opponents of billboards, as well as all those in between, should and will be heard. In the end Council must decide how to address the issue.

Ultimately, the nature of the ordinance will be the Council's decision. I assure you they have not made it yet. They are listening carefully and working hard to do it right.

Thank you for your time in reading this, for your input and for your participation in the work.

Eric A. Anderson
City Manager
Tacoma, Wa

From: rob jensen [mailto:jillandrob@gmail.com]

Sent: Friday, March 25, 2011 4:46 PM

To: Planning; Marilyn.Strickland@cityoftacoma.org; Jake.Fey@cityoftacoma.org; Spiro.Manthou@cityoftacoma.org; Lauren.Walker@cityoftacoma.org; Campbell, Marty; Woodards, Victoria; Loneragan, Joe; Boe, David; Mello, Ryan; Eric.Anderson@cityoftacoma.org

Cc: Jodi NELSON

Subject:

March 22, 2011

To: Tacoma Council, Eric Anderson, Marilyn Strickland and Planning Commission

With great dismay I heard that Tacoma has backed away from improving our community with the removal of unsightly, out-of-scale billboards. These billboards were supposed to have been phased out, with no new boards erected.

The insufficient notification to the public of the change in direction has been carefully orchestrated to NOT let the citizens have an active role in this decision. For example, I have been unable to attend either public meeting because the times have interfered with my workday and/or commute.

The citizens of Tacoma have been told our city government will be more

transparent in matters that directly impact our lives as residents and taxpayers. We should have the ability to provide input especially where our neighborhoods are affected. After all, the City has provided funding for years to support efforts of our neighborhood councils to help guide in the development and planning for our residential areas and commercial enterprises that reside in our communities.

Our voice is supposed to be valued with sufficient time to evaluate all alternatives.

It is widely known that while large groups providing input can slow down the decision- making cycle, it also has provided the overall best solutions. Together, a few government employees along with Clear Channel lawyers and their PR machine, represent a very small but powerful group who obviously wanted to avoid residents to be aware of the proposal to place extremely large, digital billboards (approximately 35-48 ft wide) within the 6th Ave fledgling business district.

6th Avenue and other Tacoma neighborhoods have been reliant on small business owners, who took a chance to bring vitality back to the city's previously run- down areas. By placing these totally OUT OF SCALE BILLBOARDS in such key locations, the opportunity for drivers to even see local business signage is strongly impacted. Clear Channel is not interested in these businesses or the residential communities. They just want to sell their clients' messages, which ultimately will do nothing to improve our communities.

The look and feel of an area that wants to attract patronage of their businesses creates an atmosphere that is of a human scale. Synergy for a healthy revitalization is based on people feeling a sense of a small business community with its own identity featuring entertainment; boutique shops; restaurants and small businesses, similar to the Proctor District. The proposed billboards will force shopkeepers and patrons to experience light pollution, potential traffic implications and cheapen the desirability of the area for both homes and businesses.

The safety of pedestrians who must walk in close proximity to the streets, where drivers obviously will be distracted (otherwise Clear Channel would not be pushing for these locations) by these signs, will be directly impacted. These are pedestrian business areas. We are not allowed to use cell phones because taking our eyes off the road to view phone screens has proven to cause accidents. Changing messages or images on a 35-48ft long billboard, in the case of 6th Avenue, three within less than a mile. Are there any legal ramifications to Clear Channel if a person is injured due to their advertisements causing drivers to be distracted? Minimally, the Council should demand that a study either be performed, or at least solicit information from other cities (not any data from Clear Channel's biased interests) to be evaluated.

		<p>Questions:</p> <p>1) .Since the citizens wanted to get rid of all billboards, and the council approved doing so, we should at least be given the opportunity to decide if we would rather keep the signage we have, versus having such a distasteful new agreement.</p> <p>2) Seattle has not permitted LED billboards. Has the city investigated how that was accomplished or any cities that have been successful? Did Clear Channel also threaten Seattle with a lawsuit?</p> <p>Lastly, anyone driving south on I-5 towards Tacoma sees the hoard of signage sitting right next to one another. Our view of Mt. Rainer is gone. One cannot even begin to make out what all the advertising messages are promoting.</p> <p>Anyone taking a vacation usually looks for areas that are beautiful -- they usually have tasteful signs that are not competing based on size; height; garish colors; and certainly not the ones Clear Channel now proposes. Tacoma citizens have made a substantial investment in turning our image around. Signage is critical to creating a city reputation of being "classy" NOT a "gritty" place to visit, live or own a business.</p> <p>3) The "behind closed door" decision regarding Clear Channel is extremely disappointing to me. I both want and deserve to have time to carefully consider the impacts this decision will have on my hometown. I feel there was no sincere interest at City Hall to truly vet this proposal to Tacoma's citizens and receive back their input and opinions. And certainly not a reasonable time frame offered in which to accomplish.</p> <p>I am asking for both.</p> <p>Sincerely,</p> <p>Jodi Nelson (253)756-0787 Jodi.Nelson1@comcast.net</p>
150.	Neuberger, Tim	<p>From: Tim Neuberger [mailto:timneuberger@hotmail.com] Sent: Tuesday, March 15, 2011 9:11 PM To: spiro.manthou@cityoftacoma.org Subject: Clear Channel Billboard NO</p> <p>Dear Spiro,</p> <p>I live one block from the proposed clear channel billboard on 6th and sprague and am totally against a digital billboard in that loccation, much less anywhere else in Tacoma. Those signs ar a total abomination and should not be forced on all those who enter the area. That's exactly what those are, forced advertising. I have know choice except to be blinded by them and I have no protection from my son as we drive by. Why do they have to do this? How does this type of advertising help out city except the money they probably pay oin taxes. Other than that, don't we get enough information, do we really need more, especially in such an offensive manner. Please vote no.</p> <p>Peace, Tim Neuberger</p>

151.	Nichols, Laure	<p>From: John Nichols [mailto:johnnichols@harbornet.com] Sent: Wednesday, March 16, 2011 6:21 PM To: Marilyn.Strickland@cityoftacoma.org; jake.fey@cityoftacoma.org; Planning Subject: No on Mega Billboards</p> <p>Hello:</p> <p>I am writing to express my disapproval of the agreement between The City of Tacoma and Clear Channel. Tacoma's citizens want and deserve to have quality studies done to answer valid concerns regarding the impacts these huge LED billboards will have on such things as traffic, safety, energy consumption, light pollution, etc. Reporting on this issue makes citizens question the value quality of life plays in Council decisions regarding development within the City of Tacoma. Please take a second look at your plans and ensure there is ample opportunity for public comment.</p> <p>Sincerely,</p> <p>Laure Nichols</p>
152.	Nilson, Cary	<p>From: Cary Nilson [mailto:carynilson@vzw.blackberry.net] Sent: Wednesday, March 16, 2011 12:17 PM To: Wung, Lihuang Subject: Billboards</p> <p>I would not like to see the larger digital billboards in Tacoma. I would like to see them go away completely</p>
153.	Noss, Joy	<p>From: PHILIP NOSS [mailto:pjmst@q.com] Sent: Thursday, March 24, 2011 1:09 PM To: Planning Subject: billboards proposed</p> <p>To the Tacoma City Council:</p> <p>I am opposed to the building of the electronic billboards being considered by the City of Tacoma. I drive into Tacoma once each week and find the existing billboards around I-5 both distracting and a threat to traffic safety. To erect more would cause even more visual and economic blight for Tacoma. Also, once installed, these billboards would be extremely difficult to get rid of. Think about it -- Clear Channel Outdoor is not interested in the longterm welfare of Tacoma. It's interested in money. Is a "compromise" that would fill Tacoma with more gigantic flashing signs be worth it? And is this the legacy that the present City Council wants to leave to their city, and their children?</p> <p>I sincerely hope not.</p> <p>Joy Noss 1201 12th Ave. S.W. Puyallup, WA 98371 253-845-4468</p>
154.	Nuismer, JT	<p>From: JT Nuismer [mailto:jtnuismer@harbornet.com] Sent: Friday, March 25, 2011 12:28 PM To: Planning Subject: electronic billboards</p>

I live directly across from one of billboard sites (Division Ave. and 6th by the It's Greek to Me restaurant) that would become electronic if this proposal goes forward. I've lived here for eight years and as a civic minded citizen, have made an effort to make this a better neighborhood-cleaning up trash, notifying the city of street light outages, crime concerns, etc. I'm opposed to these giant eyesores. The light will shine in my home (Gray Gables 1617 Division #2) at all hours. In a time of falling property values, I can't imagine this will have anything but a further negative effect on mine as well as my neighbors. As a personal choice, I have not watched tv in nine years but it's going to be hard to ignore if this thing goes up. For those of us who care about the quality of life in our neighborhood, this can't possibly bode well for us. A bigger question would be is this an image of Tacoma we want to project? This is not Las Vegas and a giant glowing billboard sends a tawdry image to say the least. Please do not allow these eyesores in our city.

JT Nuismer
 Acting President Gray Gables Homeowners Association
 1617 Division Ave.

155. Oberfield,
 Matthew

From: Matt Oberfield [<mailto:mx2oberfield@harbornet.com>]
 Sent: Wednesday, March 16, 2011 6:59 AM
 To: spiro.manthou@cityoftacoma.org
 Cc: Schultz, Shirley
 Subject: digital billboard

Dear Mr. Manthou & Ms Schultz,

I would like to express my opposition to the settlement allowing the placement of digital billboards in Tacoma neighborhoods. Tacoma, has a right to control what is posted within its limits. I was very pleased when the law(?) was passed mandating their removal from the city limits. I do not believe that billboards are a form of free speech but, by their very nature, paid speech. And whoever pays Clear Channel (not Tacoma) the most money will have their message displayed.

There are many reason I specifically oppose the digital billboards as well. I think there are a safety hazard for drivers and pedestrians. They will be a source of light pollution in our city. They are a waste of energy.

Thank you for your service to the City of Tacoma.

Sincerely,

Matthew Oberfield
 916 N. Grant Ave.
 Tacoma, WA 98403
 253.383.7235

156.	Oberfield, Megan	<p>From: Schultz, Shirley Sent: Tuesday, March 15, 2011 4:17 PM To: mx2oberfield@harbornet.com Cc: Wung, Lihuang Subject: Public Comment, Billboards</p> <p>Dear Ms. Oberfield –</p> <p>Thank you for your telephone comment in general opposition to digital billboards in the City of Tacoma. Your comment has been logged and will be forwarded to the Planning Commission and the City Council.</p> <p>Have a nice day!</p> <p>Shirley Schultz Principal Planner Building and Land Use Services City of Tacoma 747 Market Street Tacoma, WA 98402-3769 p: 253-591-5121 f: 253-591-5433</p>
157.	Oliver, John & Judy	<p>From: John Oliver [mailto:oliver_001@msn.com] Sent: Wednesday, March 16, 2011 1:22 PM To: Spiro.Manthou@cityoftacoma.org Subject: Digital Billboard at Sixth, Division and Sprague</p> <p>Dear Councilman Manthou, We live on Division Ave. in close proximity to the proposed sign. That intersection has enough confusion as it is. We are apposed to a digital sign that would bring more distraction to an already confused intersection. With a new Walgreen's store coming soon the traffic will increase and bring more drivers unfamiliar with the area. We don't need the distraction. Please do what you can to stop the approval of this Digital Sign.</p> <p style="text-align: right;">Sincerely Yours,</p> <p style="text-align: right;">John & Judy Oliver 1417 Division Ave.</p>
158.	Olsen, Debra	<p>From: Deb Olsen [mailto:Deb@luth.org] Sent: Wednesday, March 16, 2011 4:56 PM To: Planning Subject: electronic billboards</p> <p>Please, please no electronic billboards in the city of Tacoma! Don't we have enough ugliness surrounding us?</p> <p>Sincerely, Debra G Olsen 8222 S Park Ave Tacoma Homeowner and business operator</p>

159.	Olson, Don	<p>From: d.olsonjr [mailto:d.olsonjr@comcast.net] Sent: Thursday, March 17, 2011 3:49 PM To: Planning Subject: Digital Billboards</p> <p style="text-align: center;">Dear Planning Commission Members:</p> <p>In reference to the Tacoma News Tribune's front page article dated March 17, 2011, pertaining to your forthcoming consideration of an amendment to the zoning code, which would allow Clear Channel the right to install digital billboards in the city, I am totally opposed to this request.</p> <p>First, I am assuming these proposed digital billboards are similar to those located North of Fife adjacent to I-5 on tribal lands. If so, Clear Channel's proposal is about as idiotic as can be.</p> <p>Second, after reviewing the map of the proposed sites where the digital billboards are supposed to be located, I was almost surprised. The map clearly demonstrates that NO digital billboards are proposed North of 6th Avenue, however, the neighborhoods adjacent to 6th Avenue and South get their usual share of corporate blight.</p> <p>Third, I have a more progressive suggestion. How about removing the sites suggested for 6th Avenue, and locate them along North Pearl at the strip mall(s) located on the West side of North Pearl, between North 21st and North 30th. In addition, one sign could be placed at the entrance of Pt. Defiance Park. Likewise, a few could be installed on business roofs located at North 26th and Proctor. Maybe we could have one of those larger lovely signs placed on the roof of Starbucks at that location. The remaining digital billboards could be placed in the front yards of current city council members, mayor, and city manager. At least that would satisfy the "quid pro" standard. Clear Channel would get to place their ugly signs in the proper north-end city properties, and, on the other hand, the city council members and the mayor would continue to receive their corporate political campaign contributions.</p> <p>What a sad lot!</p> <p>As members of the Planning Commission you do not have to carry the city leaderships water. In short, do your duty and deny Clear Channel's outrageous proposal. Thank you for your consideration.</p> <p>Sincerely,</p> <p>Don E. Olson, Jr. 3510 South 7th Street Tacoma, WA 98405 d.olsonjr@comcast.net</p>
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160.	Osborn, Robert	<p>From: Robert Osborn [mailto:osborn1970@yahoo.com] Sent: Friday, March 18, 2011 10:49 PM To: Planning Subject: Digital Billboards</p> <p>To Whom It May Concern,</p> <p>I would like to express my opposition to the digital billboards being planned for in Tacoma. Tacoma is a beautiful small city that doesn't need these urban eyesores. Please tell Clear Channel no and not allow these billboards to become a reality. Thank you.</p> <p>Sincerely,</p> <p>Robert L Osborn 2504 S M St Tacoma, WA 98405 253-683-4595</p>
161.	Owens, Jayson	<p>From: J. Owens [mailto:jaysondowens@gmail.com] Sent: Tuesday, March 22, 2011 11:46 AM To: Planning Subject: fight clearchannel</p> <p>Dear council,</p> <p>We passed these billboard laws for a reason, and clearchannel had YEARS to comply! Please don't let them dump on our city anymore.</p> <p>Thanks, Jayson Owens</p>
162.	Parker, Kevin	<p>From: Kevin Parker (Securitas Security Services US) [mailto:v-kep@microsoft.com] Sent: Monday, March 21, 2011 3:19 PM To: Planning Subject: Billboard Regulations</p> <p>Tacoma City Planners,</p> <p>I am writing today to echo the concern originally voiced by Kyle Price, Vice Chair of the North End Neighborhood Council (NENC), who has also opposed the proposed settlement with Clear Channel. Neighborhoods universally consider billboards to be visual blight, and they are opposed by cities across the United States. Introducing electronic billboards in Tacoma would be extremely harmful and would degrade the quality of life in our city.</p> <p>The City of Tacoma should begin enforcing the current billboard law and <u>expend any legal and financial resources</u> necessary to defend the 1997 billboard law just as it would likely have to defend any law reducing blight in the City of Tacoma.</p>

		<p>I believe the proposed "settlement agreement" would place Tacoma in a far worse position than no agreement at all and it should be rescinded. No change in the 1997 billboard law is warranted at this time. In addition:</p> <ol style="list-style-type: none"> 1. I do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhoods. 2. Electronic billboards, should the city accept them, should have their impact minimized by requiring smaller sizes for signs, by lowering the heights of signs, by reducing the number of messages shown each hour, and/or by limiting signs to the sides of buildings rather than allowing stand-alone poles. 3. And if the city accepts electronic billboards, there should be a <u>rapid</u>, definite, enforceable timeline for the removal of all static faces. <p>Regards,</p> <p>Kevin Parker +1 (253) 720-0330 Cell 1215 South 14th Street Tacoma, WA 98405</p>
163.	Paul, Brendan	<p>From: brendan paul [mailto:brendanpatrickpaul@gmail.com] Sent: Thursday, March 24, 2011 9:51 AM To: Planning Subject: electronic billboards</p> <p>I just heard that this issue is being reviewed, I wish I had more time to compose a more eloquent email on the subject, but the city of Tacoma needs some real help in how we are presenting ourselves as a quality place to live.</p> <p>Digital billboards are commercial graffiti on our landscape, please ban them. Beyond simple visual pollution I feel that the Emerald Queen billboard on I-5 is unsafe. When the roadway is wet as (as it often is), it causes a reflection on the road on a turn that already creates a traffic delay.</p> <p>Thank you for your consideration!</p> <p>Brendan Paul</p> <p>-- Brendan Paul www.brendanpaul.com brendanpatrickpaul@gmail.com 917 838 3119</p>

164.	Paulson, Jamie	<p>From: Jamie Paulson [mailto:jamie@thriceallamerican.com] Sent: Wednesday, March 16, 2011 1:13 PM To: Planning Subject: Sign Code Change Testimony</p> <p>Dear Commissioners,</p> <p>I wish to speak in opposition to the City of Tacoma allowing Clear Channel to erect electronic billboards in our neighborhoods. I believe that having previously enacted an ordinance in 1997 to ban billboards in most areas of the city, it is well within our rights to hold Clear Channel and other advertisers to said restrictions regardless of any legal challenge on their part, and it is our duty to follow through on the intent of that ordinance rather than settling with a outside corporation that offers little or no benefit to our city. Billboards in our neighborhoods, digital or otherwise, are aesthetically unpleasing, create light pollution, and dilute the success of efforts to encourage shopping with local businesses by providing another platform for big business to put their name front and center in people’s minds. I encourage you to look deeply at why we are caving on this issue, and strongly consider the legal right of our city to say “no more” to Clear Channel.</p> <p>Thank you for your time, Jamie Paulson 809 S Pine St, Tacoma</p>
165.	Pedersen, Ray	<p>From: Ray Pedersen [mailto:hagar512@comcast.net] Sent: Wednesday, January 19, 2011 9:40 PM To: Shirley Schultz Subject: Digital Billboards</p> <p>Dear Ms. Schultz,</p> <p>I am concerned about the radio interference properties of digital billboards causing interference with radio and TV reception in the neighborhoods nearby. I tried a search of the FCC requirements but could not find any specific coverage of those devices. I strongly recommend that you contact the FCC and obtain the proper text for incorporation into your revised sign code.</p> <p>Sincerely,</p> <p>Ray Pedersen, PE Retired</p>
166.	Perkins, Sally	<p>From: Sally Perkins [mailto:sally@practicalsolutionstacoma.com] Sent: Wednesday, March 16, 2011 10:56 AM To: shirley.schultz@cityoftacoma.org Subject: Electronic Billboards</p> <p>Good morning, Shirley, I wanted to provide some comments on the electronic billboard issue that is up for public comment tonight. I am unable to attend in person due to a work conflict.</p> <p>My points are:</p>

		<ul style="list-style-type: none"> ▪ The City Council never should have offered to make this settlement with Clear Channel. Other communities have successfully banned billboards and Tacoma should join them. Billboards are visual blight, harm the City’s effort to redevelop and create one more obstacle for current residents to overcome in making this community a desirable place to live. ▪ The City of Tacoma should be focusing on those factors that make the City (and its neighborhoods—all of its neighborhoods, not just downtown) desirable to live in. Adding electronic billboards, especially in those areas of the City that are working to improve, would hamper Tacoma’s ability to attract new residents, not enhance it. From an economic and community development standpoint, this proposal is taking the City in the wrong direction. ▪ City officials should look long and hard at the tradeoffs that the proposed settlement requires. Which neighborhoods win? Which ones lose? “For every neighborhood that prospers, there is another neighborhood nearby that pays the price for that prosperity.” How does this play out in this case? ▪ The Central Neighborhood Council has provided you with a thoughtful and reasonable set of suggestions that include a moratorium and eliminating “special receiving areas” (special blight areas?). I support the CNC’s most stringent recommendations and thank them for the effort put forth in developing their points. <p>Thank you for your consideration of these comments.</p> <p>Sally Perkins 1419 S. Sheridan Tacoma, WA 98405 Please note my new e-mail address and save it to your address book, as e-mail will forward from my Harbornet account for a limited time. Thank you! Sally Perkins Practical Solutions P.O. Box 5366 Tacoma, WA 98415-0366 Phone: 253.572.1170 sally@practicalsolutionstacoma.com</p>
167.	Petitions	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note:</p> <p>Three petition letters were received on 3-25-11, containing a total of 103 signatures. The first two letters were identical, dated 3-20-11, and gathered 39 and 63 signatures, respectively. The third letter, dated 3-22-11, was signed by one individual. (next 8 pages)</p> </div>

RECEIVED

MAR 25 2011

March 20, 2011

TO: Tacoma Planning Commission
747 Market St.
Tacoma, WA 98402-3793

We, the undersigned, have homes and businesses in Tacoma. We oppose any changes to the Tacoma Sign Code that will allow digital billboards in Tacoma, and any changes that allow new billboards that are non-conforming under the present sign code, TMC 13.06.520, 521 and 522. Digital billboards will degrade our neighborhoods, create visual blight, are distracting and unsafe for drivers, children, and elderly pedestrians and will tend to increase accidents. The 672 square feet digital billboards proposed in our neighborhood along 6th Ave. at Union Ave., Junett St., and Sprague/Division St. are within 250 ft. of residential areas, are inconsistent with the historic houses that are within those 250 feet, will diminish the vitality of the 6th Ave. Business District by discouraging pedestrians, will shine into homes beyond 250 feet and will depreciate the value of our properties that we have worked so hard to develop and restore. We particularly deplore the misinformation, the secrecy, and lack of notice to the public in which our elected city council members voted on this matter. Our elected city council members have favored nonlocal corporate interests over the interests of the people who elected them and the interests of the City.

Please do not vote to allow digital billboards.

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE & EMAIL</u>	<u>DATE</u>
1. Susan Cruise	615 S MADISON ST. TACOMA, WA 98405	253-906-1500 SCRUISE250@MSN.COM	3/20/11
2. Tracey Hook	3915 S 7th St. TACOMA, WA 98405	206 349-0493 @Yahoo.com	brunglas254
3. Tony ESPERA	3915 S. 7th St. TACOMA WA 98405	206 335-1120	
4. Ronald Bath	3921 S. 7th St. TACOMA, WA 98405	253-759-1888 pianolists@earthlink.net	
5. GREG PEEER	3818 S. 7th TACOMA WA 98405	253 686 4868	
6. Kevin O'Brien	3907 S 7th Tacoma, WA 98405	253.905.4790 253-905-4891	obriekn@comcast.net
7. Mary O'Brien	3907 S. 7th Tacoma, WA 98405	maryellenobrien@comcast.net	
8. Thomas	620 S. Proctor Tacoma WA 98405		
9. Tom	620 S. MADISON, 1st, WA 98405		

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE & EMAIL</u>	<u>DATE</u>
10. J. McKay Nelson	620 So. Madison	madshop@q.com 253.752.0991	3/20/11
11. Drill	4016 S 7th St	253-359-7250 Duthies 150@yahoo.com	
12. ANGIE JACKSON	4011 So. 7 th	(253) 752-8545	3-20-11
13. Ronald Norris	4007 S. 7 th	(253) 752-6198	
14. Libby Jrujan	4007 S 7th	253 752 6198	
15. Douglas Hill	724 S. Madison	253-392-0114	
16. Cathryn McGaw Hill	724 South Madison	253-752-9638	3/20/11
17. Heather Tolbert	303 1/2 6 th Ave #2	253-330-0039 tolbert-heather@hotmail.com	3-20-11
18. Heather Domazlicky	3326 N Ferdinand St.	253-203-6078	
19. Chris Cartwright	4005 6th ave	304-1812	
20. Arvid J. Andersson	2124 N. Andersson St	253 209-9615	3/20/11
21. Beth Graham	215 N J St	(714) 315-6249	3/20/11
22. Valkalla Coffee Co.	3918 6 th Ave	253 299-9613	
23. Leslie Boyler	4306 B North 26 th Street	blackwinterrose@yahoo.com	03/21/11
24. Hector Castro	2509 S. 13 th St.	253 970 1955 hcastro_2000@yahoo.com	
25. Joshua Legosky	525 Broadway #305	253.572.1189	3/20/11
26. Michel Foley	2417 N. Washington St.	253-761-8066	3/21/11
27. Espen Pyrkle	1008 S Pine St, Tacoma WA	98405 425-9411-9439	
28. Helena Shaw	3908 6 th Ave Tacoma	98406 253 355 9410	
29. Marky Kinnunen	3918 5 th St Tacoma	98406 206 650 1603	
30. Jenny Lund	3917 S 7 th St Tacoma	98405 (253) 212-3052	3/22/11

NAME

ADDRESS

TELEPHONE & EMAIL

DATE

- 31. Greg Wittreich 3917 S 7th ST 98405 wittregu@yahoo.com 3/23/11
- 32. 3/23/11 Jennifer Jordan 3911 S 7th St jennifer.jordan@gmail.com
- 33. Sandra Kuwahara 711 S. Madison 98405 skuwahara1@comcast.net
- 34. DEBBIE Kray 728 S MADISON 98405 JDEKray@comcast.net
- 35. JEFF Kray 728 S. Madison 98405 " "
- 36. Lindsay Pyrtel 1008 S. Pine St. Tacoma, WA 98405 LindsayFawing@hotmail.com
- 37. FRITZ BOENZATER 3914 S 7TH ST TACOMA WA 98405
- 38. Carla Barragin 3914 S. 7th St Tacoma, WA 98405 estetaluna@yahoo.com
- 39. Geoffrey Rinehart 1523 N. Anderson St. Tacoma, WA 98406 3/25/11

RECEIVED

MAR 25 2011

March 20, 2011

TO: Tacoma Planning Commission
747 Market St.
Tacoma, WA 98402-3793

We, the undersigned, have homes and businesses in Tacoma. We oppose any changes to the Tacoma Sign Code that will allow digital billboards in Tacoma, and any changes that allow new billboards that are non-conforming under the present sign code, TMC 13.06.520, 521 and 522. Digital billboards will degrade our neighborhoods, create visual blight, are distracting and unsafe for drivers, children, and elderly pedestrians and will tend to increase accidents. The 672 square feet digital billboards proposed in our neighborhood along 6th Ave. at Union Ave., Junett St., and Sprague/Division St. are within 250 ft. of residential areas, are inconsistent with the historic houses that are within those 250 feet, will diminish the vitality of the 6th Ave. Business District by discouraging pedestrians, will shine into homes beyond 250 feet and will depreciate the value of our properties that we have worked so hard to develop and restore. We particularly deplore the misinformation, the secrecy, and lack of notice to the public in which our elected city council members voted on this matter. Our elected city council members have favored nonlocal corporate interests over the interests of the people who elected them and the interests of the City.

Please do not vote to allow digital billboards.

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE & EMAIL</u>	<u>DATE</u>
1. Dana Clark	606 S State St	313-220-0000 dana.clark@comcast.net	3/21/11
already NOT removing billboards in violation of 250' rule.			
2. John Sletten	606 S. STATE ST	JEFF@HOTMAIL.COM	3-21-11
3. KRISTOPHER JENSEN	17 ST HELENS AVE #305	KRISTOPHER.JENSEN@GMAIL.COM	3-21-11
4. DAVID W CHENEY	712 S UNION AVE		3/22/11
5. JUSTIN PRINCE	3911 NORTH 80 th ST	TACOMAHEMPRESI@GMAIL.COM	3/22/11
6. Byron Betts	1523 S. CUSHMAN	Byron@VALHALLACOFFEE.CO 253 227 3148	3/22/11
7. JEFF CHAPLIN	1405 S Verde Tac.		3-22-11
8. Jessica Miller		mooncrazy@cheerful.com	3-22-11
9. Kathy Pettibon	4301 6 th Ave Ta Ce		3/22/11
10. Kari Berge	821 S Yakima #306 Tacoma 98405	253 318 0246 kari.berge@comcast.net	3/23/11

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE & EMAIL</u>	<u>DATE</u>
11. Kevin Terhune	1723 So. Sheridan Ave.	383-4107	3/22/11
12. Anne Baer	936 S Fernside Tac	370.6229	3/22/11
13. Gloria Steel	2323 N 31st Tac.	381-7532	3/22/11
14. Eric Waldman	809 S. JUNET	480-385-9943	3.22
15. Nick Heath	743 St Helens suite #3	602 315 7831	3/22/11
16. Robert Cronin	6317 58th Ave Ct W	510 378 3914	3/22/11
17. Jay Chick	1011 S. Madison St	444.7724	
18. Kay Blutton	2706 S. Melrose St	272-0436	3/23/2011
19. BREE KELLY	2706 S. MELROSE ST	272 0436	3/23/2011
20. Jan Nielsen	1026 N Cushman St	861-2116	3/23/11
21. Susanne Wilhelm	620 N J		3/23/11
22. Lisa Duval	3813 6th Ave	759-4136	3/23/11
23. Denis K. Merrill	3861 S. 15th	973-8177	3/23/11
24. Wes Betts	3636 N Vasco	253 226 3986	3-23-11
25. Bonnie Hill	3711 N 35th St	253 756 9025	3/23/2011
26. Tammy Chateaux	905 N. Proctor	949 514 4825	3/23/11
27. Richard Dotson	730 S Vassault St	253.223.4198	3/23/11
28. Jan Politeo	6020 N Hayward Pkwy #52	253 759 4952	3/23/11
29. Cheryl Bord	3010 N Proctor Tacoma	98407	3/23/11
30. Angi Unger	611 N. K St Tacoma	98403	3/23/11
31. Lisa Marin	622 ELECTRON	98466	3/23/11
32. NAME	Address	Phone #	

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE & EMAIL</u>	<u>DATE</u>
			253 404 0034	3/23
32. 31	Sue Ann Hartzell	3914 6 th Ave	sooji@soojisdaycare.com	
33. 32	Derrick Bushnell	4302 S 9th	360 670 6047	3/23
34. 33	Sery Nuhon	1214 N. 2nd St	GLASSTWASH@gmail.com	3/23
35. 34	Katie Lowery	1218 S. Ainsworth	253 678-2792	lowery.ke@gmail.com
36. 35	Tom Horne	1544 S. Brookside Ter.		3/23/11
37. 36	Amy Vitzthum	307 S. 30 th St	253-274-0271	3/23/11
38. 37	Justin Hosea	3411 S K St	253-495-4453	3-23-11
39. 38	Pete Hudspeth	807 N. Shepherd	253 752 2240	3/23/11
40. 39	Wolfgang Zimmerer	2002 S. 7th St	206 778 4764	3/24/11
41. 40	Heather Urschel	4613 N. 12 th St	253-879-1117	3/24/11
42. 41	Wendi	4802 N 10 th St	206-356-264	3/24/11
43. 42	Ann Nelson	3932 N. MARSH AVE	253-759-9425	3-24-11
44. 43	Sue Lee	3313 S. 7th St	253 329 2246	3/24/11
45. 44	Alma Heubree	320 N I St.	253 572-1030	3/24/11
46. 45	Alan Vander Schoon	523 S. G. Street	253 988-8736	3/24
47. 46	ERICA WINGARD	826 N SPICE ST	222 3375	
48. 47	Steven	4307 7th S	98405 355-6464	
49. 48	RANKOS	3108 E. VALLEY VIEW TERR TAC.	253 471 4765	
50. 49	Laurel Duerett	1410 N. 6 th St. Tacoma	206-779-2340	
51. 50	Hayla B.	1109 N 7th	98403 206 795 3537	
52. 51	Megan Currie	4841 S. M St.	98408 253 709-1818	
53. 52	Marni Boardman	803 S Adams	98405 253 565 4833	

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE & EMAIL</u>	<u>DATE</u>
54. 55.	Janet Caranagh	3114 N. 14 th St.	253-701-8192 Caranaghfam@gmail.com	3/24/11
55. 56.	ELIZABETH HALBERG	4519 S. 9TH ST	(253) 720-1065 LIZ.HALBERG@GMAIL.COM	3/24/11
56. 57.	Chris Lohr	3408 S 9th St	253 212 3278 info@deartacom.com	3/24/11
57. 58.	Ayako Mizawa	=	(253) 212-3278	3/24/11
58. 59.	Beth Barker	6721 N Parkview Ln	253-759-4846	3/24/11
59. 60.	Paul Mansfield	1421 W Porter St	253-363-7888	2/25/11
60. 61.	Lisa Mansfield	1421 W Porter St	253 363 2888	2/25/11
61. 62.	DAN GASPER	4511 N. 15 th ST	253-229-4822	3/25/11
62. 63.	Duncan Stewart	218 Broadway	253 858 2116	3/25/11
63. 64.	Christy Scerra	3423 S. Tyler	253/302-0382	3/26/11

RECEIVED

MAR 25 2011

Per _____

March 22, 2011

TO: Tacoma Planning Commission
747 Market St.
Tacoma, WA 98402-3793

We, the undersigned, have homes and businesses in Tacoma. We consider the proposed settlement between Clear Channel and the City of Tacoma ill advised and inappropriate. We particularly deplore the misinformation, the secrecy, and orchestrated effort to prevent the citizens of Tacoma from having any effective input into this process. We oppose any changes to the Tacoma Sign Code that would allow digital billboards in Tacoma, and any changes that allow new billboards that are non-conforming under the present sign code, TMC 13.06.520, 521 and 522.

Digital billboards will degrade our neighborhoods, create visual blight, are distracting and unsafe for drivers, children, and elderly pedestrians and will tend to increase traffic accidents. Locating a digital billboard **anywhere within sight of a residence** would be a constant irritant to the residents and have a significant adverse impact on property values. Clear Channel's offer to run emergency and public service announcements is of little value. Other governmental agencies run such notices. No amount of Amber Alerts can compensate for the aesthetic and safety damage done by digital billboards.

One of the proposed locations for digital billboards is on S. 74th St. from Wapato to Tacoma Mall Blvd. This area is adjacent to a number of apartment houses and residential homes. It is also an area citizens landscaped with ornamental trees to beautify this entryway to our South Tacoma Neighborhood. We do not want all the money and years of dedicated effort wasted by installing huge billboards that pollute the scene. The City Council and the Planning Commission are charged with making Tacoma a better place to live and should not be denigrating it with electronic billboards.

We request that you recommend against allowing digital billboards in Tacoma.

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE & EMAIL</u>	<u>DATE</u>
John Stave	6249 S. Hudson	253 381-7788 jstave@gmail.com	3-25-11

168.	Pinto, Mark	<p>From: Mark Pinto [mailto:markpinto@ymail.com] Sent: Sunday, March 06, 2011 7:34 AM To: Wung, Lihuang Subject: Electronic billboards</p> <p>I understand that the Planning Commission is scheduled to discuss the regulation of electronic billboards in Tacoma, following a settlement agreement between the city and Clear Channel that allowed for the introduction of jumbo screens throughout the city. What a grim prospect. If the existing billboard on the west side of the I-5 freeway below the King County/Pierce County border is any indication of what we can expect, I'm not optimistic. I'm not an expert on urban design, but I know ugly when I see it. The last thing Tacoma needs is more ugly. I implore the Planning Commission to proceed as cautiously and thoughtfully as possible as they implement the introduction of these billboards. Though I can't exactly envision how they can be introduced into the landscape in a seamless manner, I'm hopeful that the Commission will seek guidance from those in the know who can help to minimize the visual impact of these screens.</p> <p>Thanks for your consideration.</p> <p>Mark Pinto 3419 N. 27th St. Tacoma, WA 98407</p>
169.	Porter, Kaaren (1)	<p>From: porkat@comcast.net [mailto:porkat@comcast.net] Sent: Wednesday, March 16, 2011 4:24 PM To: Jake.Fey@cityoftacoma.org Subject: billboards</p> <p>Dear Mr. Fey,</p> <p>I am so against the digital billboards. What Tacoma and Pierce County need is cleanup, tidy-up, and code enforcement, as Tacoma and Pierce Co. are starting to look like a slum area or ghetto. These billboards will add to the clutter of the area which is already cluttered and unkempt looking. It's starting to look more and more like a Detroit before it became really bad. Thank you for your consideration. Kaaren Porter</p>
170.	Porter, Kaaren (2)	<p>From: porkat@comcast.net [mailto:porkat@comcast.net] Sent: Wednesday, March 16, 2011 4:29 PM To: Campbell, Marty Subject: billboards</p> <p>Dear Mr. Campbell,</p> <p>I am so against the digital billboards. Tacoma and Pierce County are starting to look like slums or ghettos. There is so much clutter and this adds to it. We need code enforcement, cleaning up, tidying up and beautification. Just the other day a friend went to Tacoma and said she thought it was dirty and really didn't like going down there anymore. We</p>

		<p>need to clean up, make apartment managers clean up the properties, not allow board fences in front yards so taggers can have a chalkboard, and pick up trash. Billboards are not a good thing for any place. There are too many other ways to advertise. Thank you. Kaaren Porter.</p>
171.	Price, Kyle (1)	<p>From: Kyle Price [mailto:Kyle_Price@aw.org] Sent: Wednesday, February 02, 2011 9:45 AM To: shirley.schultz@cityoftacoma.org Subject: billboards</p> <p>Shirley, I have another question or two about the billboards. First, I realized on a dusk-time jog yesterday that a bunch of billboards in Tacoma are currently not floodlit at all. We really can't allow a digital billboard to go into a place that currently isn't floodlit, especially in places along 6th and Division where the residential zones begin just a half block off the main street. A 35 foot sign that wasn't lit before would become a major intrusion for the residential areas if it becomes lit. And also, there should be a cut off date for lighting. If it isn't floodlit TODAY, a digital billboard should not be allowed in that spot. If the lighting date is not set in stone, Clear Channel could just go light the unlit signs and then argue for a digital billboard in that spot. Based on the little research I've done on the company, I have no doubt they would pursue such a shady course of action if they wanted a digital billboard in that spot.</p> <p>And my other question is this: Why are we only getting 5 to 1? In my research, some cities have gotten as much as 15 to 1. I know they're also turning in some permits here, but those are largely symbolic since there's probably not much economic pressure to add more static signs for advertising in the city.</p> <p>Kyle Price 1102 North 5th</p>
172.	Price, Kyle (2)	<p>From: Kyle Price [mailto:Kyle_Price@aw.org] Sent: Friday, February 04, 2011 12:23 PM To: shirley.schultz@cityoftacoma.org Subject: billboards again</p> <p>And I think we should have a mechanism in place to remove all of the static billboards, even if there's just a timeline. Placed conscientiously, I don't think 38 digital billboards are a bad idea necessarily, especially if we remove the rest. But if Clear Channel gets 10 and then don't bother to remove any more than the first 75, it doesn't seem like much of a gain. If part of the city's goal is to remove blight and make the city nicer, we should have a timeline for Clear Channel to reach the 38, like 10 or 12 years. If they don't reach the replacement goal, maybe they can keep the permits for the 38, but the rest still have to come down. That seems like a better deal to me and a more sure way to make the city look better. The only real problem I see with the digital billboards is the light pollution. Some of the current places allowed for the digital billboards are only a half block from residential areas. Maybe when residential areas are so close, the billboards shouldn't be as tall. I hope some of this is constructive and helps us reach a more favorable deal</p>

		<p>for the city!</p> <p>Kyle Price 1112 North 5th</p>
173.	Price, Kyle (3)	<p>From: Kyle Price [mailto:Kyle_Price@aw.org] Sent: Monday, March 14, 2011 3:12 PM To: Planning Subject: billboards</p> <p>Esteemed Planning Commission--</p> <p>I do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhoods.</p> <p>If we get suckered into the deal with Clear Channel, there must be a deadline to remove all faces (five years?), even if Clear Channel doesn't add all 38 digital options.</p> <p>There should be efforts to minimize the impact of billboards, like only allowing them on the sides of buildings, keeping digital billboards smaller than the jumbo sizes, reducing the height of digital billboards so the light pollution isn't so extreme.</p> <p>We had a sunset deal on casinos, and they brought good money to town. Why can't we enforce the sunset deal with billboards? Is it just because Clear Channel has money?</p> <p>Thank you for your consideration.</p> <p>Kyle Price 1112 North 5th</p>
174.	Price, Kyle (4)	<p>From: Kyle Price [mailto:Kyle_Price@aw.org] Sent: Saturday, March 19, 2011 2:33 PM To: Planning Cc: board@nenc.org Subject: billboards</p> <p>Please add the North End Neighborhood Council's attached letter to the pile of comments you are collecting on the billboard issue.</p> <p>Kyle Price nenc</p> <div style="border: 1px solid black; padding: 10px; margin: 20px auto; width: fit-content;"> <p>Staff Note: Attachment to this e-mail: Letter from Kyle Price, North End Neighborhood Council, 3-18-11 (next 1 page)</p> </div>

RECEIVED

MAR 22 2011

Per _____



North End Neighborhood Council

March 18, 2011

To: Tacoma Planning Commission, Mayor Strickland and Tacoma City Council

Re: **Opposition to Billboards in Tacoma**

Esteemed City Leaders,

The North End Neighborhood Council (NENC) opposes the proposed settlement with Clear Channel over the issue of billboards. Neighborhoods universally consider billboards to be visual blight, and they are opposed by cities across the United States. Introducing electronic billboards in Tacoma would be extremely harmful and would degrade the quality of life in our city.

Hence, the NENC strongly supports the original 1997 city ordinance that greatly reduces the number of billboards in Tacoma. **The NENC opposes any introduction of electronic billboards in the City of Tacoma.**

The City of Tacoma should begin enforcing the current billboard law and expend any legal and financial resources necessary to defend the 1997 billboard law just as it would likely have to defend any law reducing blight in the City of Tacoma.

We believe the proposed "settlement agreement" would place Tacoma in a far worse position than no agreement at all and it should be rescinded. No change in the 1997 billboard law is warranted at this time. In addition:

1. We do not want any billboards of **any type** near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhoods.
2. Electronic billboards, should the city accept them, should have their impact minimized by requiring smaller sizes for signs, by lowering the heights of signs, by reducing the number of messages shown each hour, and/or by limiting signs to the sides of buildings rather than allowing stand-alone poles.
3. And if the city accepts electronic billboards, there should be a rapid, definite, enforceable timeline for the removal of all static faces.

Respectfully,

Kyle C. Price, NENC Vice Chair on behalf of the NENC

175.	Rash, Jordan	<p>From: Jordan Rash [mailto:rash.jordan@gmail.com] Sent: Wednesday, March 16, 2011 11:53 AM To: Planning Subject: Opposed to digital billboards</p> <p>I understand that the City Council has already approved digital billboards but that the deal is not done.</p> <p>I live at N 7th and Proctor and I can see two billboards from my home. If they were to become digital billboards, the light pollution would likely diminish the value of my home and reduce our quality of life, especially those within a couple blocks of 6th Avenue.</p> <p>I would rather not see digital billboards at all anywhere in Tacoma. Please stop the digital billboard plan.</p> <p>Sincerely,</p> <p>Jordan M. Rash</p> <p>3826 N 7th Street Tacoma, WA 98406 Mobile: (253) 304-9333 rash.jordan@gmail.com</p>
176.	Rasmussen, Joanna	<p>From: JOANNA RASMUSSEN [mailto:JRASMU1@Tacoma.K12.Wa.US] Sent: Wednesday, March 23, 2011 5:59 PM To: Planning Subject: billboards</p> <p>I have been a resident of Tacoma for 58 years and a taxpaying homeowner for 40 years. I want to make it very clear to the commission that I strongly object to any changes to the current code that would allow the obnoxious lighted billboards to scar the landscape of Tacoma. We need to maintain the natural beauty and scenery that is left in our city. Be wise and listen to the constituents that you supposedly represent. Thank you for your time.</p> <p>Kindergarten Teacher Whitman Elementary 253-571-7232 csandru@tacoma.k12.wa.us</p>
177.	Rasmussen, Joanna (2)	<p>From: JOANNA RASMUSSEN [mailto:JRASMU1@Tacoma.K12.Wa.US] Sent: Friday, March 25, 2011 5:05 PM To: Planning Subject: Billboards</p> <p>I am a resident of the City of Tacoma and would like to express my concern with the proposed changes to the city code concerning billboards. In 1997 the City Council adopted new guidelines concerning size of billboards. The citizens of</p>

		<p>Tacoma supported this issue and waited patiently for the 10 year period to end. We had hopes of less blight, less distraction and an increase in aesthetics in and around our neighborhoods. Please do not change our codes to the benefit of Clear Channel alone. This “compromise” benefits no one but Clear Channel.</p> <p><i>Joni Rasmussen</i></p> <p>1st/2nd Grade Teacher Whitman Elementary 253-571-7235 jrasmu1@tacoma.k12.wa.us</p>
178.	Rasmussen, Joel	<p>From: Joel Rasmussen [mailto:Joel.Rasmussen@linsengineers.com] Sent: Wednesday, March 23, 2011 2:47 PM To: Planning Subject: Clear Channel Digital Billboards</p> <p>Tacoma City Council,</p> <p>I am a licensed mechanical engineer working throughout Tacoma, Pierce County and Washington State. A service I regularly provide is to specify the quality and quantity of building insulation, mechanical equipment efficiencies and lighting densities for commercial and residential buildings, in compliance with the Washington State Energy Code. Permits for new construction and remodel work are granted after showing compliance with this Code. Occasionally, the costs to add or upgrade building insulation or to purchase heating equipment that complies with the Code will prevent a small business from opening or remodeling their building. At the very least, Code compliance presents a significant cost to businesses. In worse cases, business is sometimes stopped.</p> <p>Clear Channel's digital billboards seem to be an indiscriminate use of energy that flies in the face of professionals such as myself that work to enforce energy efficiency. They will be sad irony to Code-affected business owners.</p> <p>The United States Green Building Council has established guidelines to reduce the amount of commercial outdoor light pollution that leaks into adjacent neighborhoods. Exterior lighting design and orientation is continually improving to prevent wasting it on people and places that do not want it.</p> <p>Allowing the installation of digital billboards adjacent to neighborhoods, as indicated in the July 27, 2010 Settlement Agreement between City of Tacoma and Clear Channel, will show that Tacoma City Council has limited regard for energy conservation and neighborhood quality. In the current environment of sustainable construction, these billboards will provide an counter-productive precedence.</p> <p>Joel Rasmussen, P.E. 520 North Ainsworth Ave. Tacoma, Washington 253-593-3822 253-549-6608</p>
179.	Ray, Erika	<p>From: Erika Ray [mailto:erikaray7584@gmail.com] Sent: Thursday, March 24, 2011 12:54 PM To: Planning Subject: Billboards</p>

		<p>Dear City of Tacoma,</p> <p>As a 4th generation member of the City of Destiny and the granddaughter of Arthur Roland Anderson of Concrete Technology, I beg you to reconsider fighting for freedom from capitalistic media for the good of our community.</p> <p>Look at all the incredible work we have put in to create an amazing, art-focused and flourishing Tacoma!</p> <p>The people of Tacoma believe the billboards will be toxic and detrimental to the planning we have worked so hard on all these years (do you dare to imagine a night sky lit with flashing lights - our own mini Vegas?).</p> <p>Please say "NO" to the corporate bullying - we love and support you!</p> <p>A joint project with Seattle to connect our existing light-rail system to theirs in lieu of the tunnel proposed to replace 99 would be an asset to our eco-conscious, forward thinking Pacific Northwest.</p> <p>Thank you so much for your time, efforts and consideration.</p> <p>Much love,</p> <p>Your Daughter of Destiny,</p> <p>Erika Ray</p> <p>-- Erika@ErikaRay.com www.ErikaRay.com (253) 278 - 7584</p>
180.	Rich, Jim	<p>From: Jim Rich [mailto:jhrich@qwestoffice.net] Sent: Friday, March 04, 2011 9:59 PM To: shirley.schultz@cityoftacoma.org Subject: Digital billboards</p> <p>Ms. Levy,</p> <p>I would ask the vendor to bring to the meetings the long term savings they are accruing changing to digital.</p> <p>As a long time business person I have a feeling the sign company is going to be a huge winner in this exchange. Over a period of time they likely will recoup their initial capital costs and then accrue huge profits.</p> <p>They no longer will have to pay crews to take down and put up the panels also they will save the cost of the panels.</p>

		<p>They will receive multiple revenue streams from the additional electronic panels that can be changed at a keyboard.</p> <p>It appears to me the exchange ratio is outlandishly in favor of the sign company, revenue wise. Even if they claim their revenue won't increase, their costs certainly will be reduced.</p> <p>I would need them to prove to me that they are not receiving a gigantic financial windfall from the City.</p> <p>Do they have any independent financial studies to indicate how much they will increase revenue by doing this?</p> <p>Jim Rich Guardian Security 474-5855</p>
181.	Riedener, Claudia	<p>From: Claudia Riedener [mailto:ixia@harbornet.com] Sent: Friday, March 25, 2011 6:43 PM To: Planning Subject: billboards</p> <p>Greetings Tacoma Planning Commission,</p> <p>I am writing regarding the city's plan to allow up to 36 digital billboards here in Tacoma.</p> <p>I have two issues with this "contract".</p> <p>The first issue is safety. At night time when it is raining (which is kind of common around here) the glare for the digital boards makes it impossible to see the reflective middle stripes or dots in the middle of the roads. Just last night coming back from Seattle I could not make out any lanes on I-5 when I drove past the Emerald Queen digital board. Who would be responsible if an accident were to occur because of glare?</p> <p>The second issue is revenue. What are expected revenues for the city of Tacoma per annum? Despite reading though documents, I was not able to find such a number.</p> <p>About my third issue you must have gotten an ear full by now. So I won't elaborate in the visual pollution. Other than to say that now I see them everywhere. And I do not have time to read the sign for business, which should be preferred since the city is actively promoting the business districts!</p>

		<p>Respectfully,</p> <p>Claudia Riedener Ixia Tile Tacoma 1004 S. Steele Tacoma, WA 98405 253-274-0655 www.ixiatile.com</p>
182.	Riehs, Abbey	<p>From: Brian and Abbey Riehs [mailto:brianandabbey@gmail.com] Sent: Thursday, March 17, 2011 1:20 PM To: Planning Subject: Re: billboards</p> <p>To whom it may concern: I am a mother of two, and as such, am concerned with the safety of the proposed electronic billboards. I have seen these along I-5, and admit they are quite distracting. Even the ones in front of stores such as Walgreens, etc. are distracting to drivers. As a state and community, haven't we been working to eliminate distractions for drivers (I'm referring to the current cell phone regulations)? Regular billboards are less of a distraction due to the fact that they aren't bright and don't allow for moving words/pictures. Imagine how many distracted drivers there are out there already. By adding more distractions, we are making our city less safe for everyone. Thank you for considering my point of view. Sincerely, Abbey Riehs 253-571-9362</p>
183.	Robbins-Ghormley, Amber	<p>From: amber robbins [mailto:am_robbins@yahoo.com] Sent: Tuesday, March 15, 2011 2:46 PM To: Planning Subject: Billboards</p> <p>Dear Planning Commission, I am grieved to hear of the digital billboard agreement between the City of Tacoma and Clear Channel. It seems obvious to me that allowing Clear Channel to place digital billboards within the city limits puts the interests of a single cable company above the greater good of this city. Tacoma has been growing into a beautiful, desirable city and this will have a clearly negative impact on aesthetics as well as the values of our city. I am dumbfounded and unable to understand how this could be seen as a good decision. I urge you to stop these digital billboards from going up within Tacoma's city limits. Please speak on behalf of the citizens of this town. I join with others in the below requests.</p> <p>1. We do not want any billboards of any type near schools, churches,</p>

		<p>parks, shorelines, historic buildings or districts, or residential neighborhood -- period.</p> <p>2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley</p> <p>3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong.</p> <p>As a member of Trinity Presbyterian Church on 6th and Division, we already have a huge billboard blocking our beautiful historic building. I hope and pray it will not become even more of an ugly distraction in becoming an electronic billboard. Please give ear the requests of the people.</p> <p>Thank you. Sincerely, Amber Robbins-Ghormley 3309 N. 8th St. Tacoma, WA 98406 253-759-4770</p>
184.	Robbins-Ghormley, Matt	<p>From: Matthew Robbins-Ghormley [mailto:Matt@tpctacoma.org] Sent: Wednesday, March 16, 2011 11:26 AM To: Planning Subject: Trinity Presbyterian Church opposed to Digital Billboard at 6th and Grant</p> <p>March 16, 2011</p> <p>To Whom It May Concern:</p> <p>On behalf of the congregation of Trinity Presbyterian Church (located at the corner of Grant and S. 6th Avenue) I would like to express our strong opposition to the proposal of a digital billboard being installed just feet from our church's front door.</p> <p>We run two after-school programs each day that cater to students from Bryant Elementary, Jason Lee middle school and Stadium high school. The 40-some students involved in these programs walk each day from school to our church to do homework, and receive tutoring and mentoring. The challenge of Sprague Avenue meeting 6th Avenue directly at Jason Lee middle school and on our corner is already a huge safety concern for our city.</p> <p>If the purpose of a digital billboard is to catch the eye of the casual onlooker in a manner a traditional billboard cannot, this is a seriously under-considered proposal. The intersection at "the Wedge" on 6th and Sprague is already extremely confusing for drivers and causes its fair share of accidents as it is. The decision to potentially put lives in danger, and even, specifically, the lives of hundreds of</p>

students walking to and from school each day seems far-removed from thought which would take the safety of Tacoma's citizens seriously. This plan, simply put, puts lives, and mainly the lives of students, seriously at risk.

The crosswalk on Grant and S. 6th, coming from Bryant Elementary School to Trinity's property, is one used every day by our staff and kids from Bryant. Cars rarely even stop when our staff member is standing on the edge of the sidewalk with a bright yellow STOP sign in hand and a row of 10 kids standing behind her. Drivers are simply already not paying attention. We have had a number of near-misses, long waits as cars speed by unaware, and curse words being hurled at our staff member, trying to cross the street with 10 children. Giving drivers yet another, and even greater, distraction on this corner seems utterly irresponsible.

Beyond even the eyesore I believe a digital billboard in a historic and beautiful area of Tacoma would create, it is truly the safety of all of our neighbors for which I fear should this decision come to pass.

Please find another way to settle this matter with Clear Channel. Thank You.

Sincerely,

Rev. Matt Robbins-Ghormley, on behalf of the Trinity Leadership and Congregation

Rev. Matt Robbins-Ghormley
Pastor, Trinity Presbyterian Church
church: 253.272.8819 ext 102
matt@tpctacoma.org

185. Roberson,
Fred

From: Paula Miller [mailto:paula@officesandlofts.com]
Sent: Monday, March 21, 2011 2:20 PM
To: Planning
Subject: Billboards

Paula Miller
**Roberson Building Company &
FRR-Harmon LLC**
1944 Pacific Ave., Suite 210
Tacoma, WA 98402-3121
253-627-2663 ext. 101
paula@officesandlofts.com

Staff Note:
Attachment to this e-mail: Letter from Fred Roberson,
Roberson Building Company, 3-21-11
(next 1 page)

ROBERSON BUILDING COMPANY
THE HARMON BUILDING
1944 PACIFIC AVENUE, SUITE 210
TACOMA, WA 98402-3121

RECEIVED

MAR 22 2011

March 21, 2011

Per _____

Planning Commission
747 Market St. -Room 1036
Tacoma, WA 98402

Dear Fellow Citizens:

Subject: Billboard Blight

Like a lot of citizens, I abhor billboards and the corporations that profit by them. I am really afraid that the City Council will cave in and compromise on this issue. I am sure that is what their attorneys are advising. This is what I suggest.

1 – Put an initiative before the voters asking for their financial support to take this matter to the Supreme Court if necessary. We may make it possible to free municipalities all over the Country. Failing in that noble effort we would benefit in other ways.

2 – The publicity to Tacoma could be extremely beneficial.

3 – Just by passing the initiative would give the billboard companies reason to compromise further.

I would rather proceed in this manner and fail than grovel at Clearview's feet.

I just wish I was able to give financial support to this effort.

Sincerely,



Fred Roberson

186.	Robinson, Joanna	<p>From: Joanna Robinson [mailto:jorobin@wamail.net] Sent: Wednesday, March 16, 2011 1:23 PM To: Planning Subject: Digital Billboard</p> <p>Hello—</p> <p>I'm a longtime voter and citizen of Tacoma, and am writing to express my opposition to the proposed Clear Channel digital billboard at the intersection of Sprague and 6th Avenue. I live on the edge of the North Slope Historic District, less than a block from the proposed site, in an area of beautiful, historic homes. We love our neighborhood, and love living in the city. My concern is that the proposed sign would further add to the “negative” aspects of living close to that intersection. It is an extremely busy intersection, traffic-wise, and I would be concerned about a major increase in accidents, due to the distraction of a moving, lighted sign. I am opposed to the sign because of its potential for light pollution and noise pollution from the cooling fans that would accompany it (it is already an area that is noisy at times, as it is a major thoroughfare by which emergency vehicles transport people to Tacoma General Hospital). Finally, although the proposed sign would be outside of the North Slope Historic District boundaries, I believe it would be a very negative, crass and ugly entry to our beautiful neighborhood. It would further erode property values that have decreased dramatically because of the economic downturn.</p> <p>I appreciate your consideration of my views, and of the views of all Tacoma citizens in your decisions about this matter.</p> <p>Joanna Robinson</p>
187.	Rolfe, Linda	<p>From: Linda Rolfe [mailto:larolfe1@comcast.net] Sent: Tuesday, March 15, 2011 5:22 PM To: Planning Subject: billboards</p> <p>I do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood or anywhere.</p> <p>Digital billboards should not be allowed. They are simply ugly pollution; like noise pollution and air pollution—ugly pollution</p> <p>L.A. Rolfe 3623 North Proctor Tacoma, WA 98407</p>

188.	Rose, Jacob	<p>From: Jacob Rose [mailto:jacobrosere@gmail.com] Sent: Wednesday, March 16, 2011 7:11 PM To: Planning Subject: Digital Billboards</p> <p>Please say no to allowing digital billboards in Tacoma! This would ruin our neighborhoods! I can not imagine a digital billboard at 6th & Sprague Ave. or blocking the view heading down Pacific Ave. to Downtown Tacoma. Think of the residents of Tacoma and our image. The billboards now, people are used to and they don't catch much attention. The Digital Billboards will stand out!</p> <p>Do the right thing for Tacoma! NO TO DIGITAL BILLBOARDS!</p> <p>Thank you,</p> <p>Jacob Rose Resident The Mix Pacific Grill Club Biella Day Spa & Sublime Salon</p>
189.	Rosi, Ron	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Ron Rosi, 3-22-11 (next 1 page)</p> </div>

Mayor Marilyn Strickland
c/o City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

RECEIVED

MAR 2 2011

The Mayor/Council Office

March 22, 2011

Dear Mayor Strickland:

My wife and I are property owners in Tacoma who earn revenue from a Clear Channel billboard. We want to let you know about a positive impact of billboards in Tacoma.

Although some people are against billboards, the additional revenue that we earn helps us to improve the looks of our property. As an example, we are currently taking bids to sealcoat and stripe our parking lot at 35th and Pacific Avenue. This project will keep down unsightly weeds that grow on the property and refurbish the looks of the parking lot. We would not be able to complete this maintenance upgrade without the billboard revenue that we earn.

Respectfully,



Ron Rosi

2327 N. Narrows Dr.
Tacoma, WA 98406

190.	Rue, Kirk	<p>From: Kirk Rue [mailto:barkplace@harbornet.com] Sent: Wednesday, March 23, 2011 8:06 AM To: Planning Subject: Don't let Clear Channel run Tacoma</p> <p>Fewer billboards sounds good, but "Active" billboards would be worse than the <i>status quo</i>. They're more intrusive, and they set a horrible precedent for a city that wants to be seen as more liveable. It would be like agreeing to even louder commercials on TV - on a set you couldn't turn off! The city should not agree to Clear Channel's plans even if they threaten to sue. Clear Channel vs. Tacoma would put an ugly face on the advertising industry, and Clear Channel in particular.</p> <p>Kirk Rue 317 North 4th Tacoma</p>
191.	Ryan, Jeffrey	<p>From: Jeffrey J. Ryan [mailto:jjryan@harbornet.com] Sent: Thursday, March 17, 2011 10:47 AM To: Planning Subject: Opposition to Billboards in Tacoma</p> <p>Members of the Planning Commission:</p> <p>I would like to add my name to the list of those who oppose any revision to the municipal code that would allow electronic billboards within the city limits. I believe that the City should enforce the ban on billboard as written in 1997 and that we as a city should not back down from our right to remove visual blight from our city. Billboards have no added benefit to our city; they are owned by non-resident corporations and generally advertise national chains. Billboards only benefit local residence with billboards on their property and at the detriment of the property owners around them. In my professional opinion there is no context in which I find billboard is appropriate, only locations in which they have a lesser visual impact. Since they provide no benefit to our community I strongly believe that they should be removed from our city.</p> <p>As a resident of the north end I appreciate the proposed removal of the billboards from the Proctor area but I am concerned by the plans for Sixth Avenue. The plan to install a new billboard at Sixth and Sprague stands out as a clear violation of our rights for a well planned and livable environment. The intersection of Sixth and Sprague is an exceptional urban landscape with great potential with its five streets that intersect at this location, this is a location for a visual focal point of pride in our community such as a monument or park and it has a fine old church that could act as that focus but its blocked from view by a billboard. I have looked forward to the removal of this obstruction for some time, but under the current proposal this would be replaced with a new electronic sign that would move us in the wrong direction. The current sign is bad enough there is not benefit in the proposed change. The new sign location at Sixth and Pine is a great spot for a billboard if you're Clear channel, but places a sign directly in front of drivers traveling west on sixth for many blocks, it would be a visual distraction and poor urban planning.</p> <p>The City needs to stand up and say no to billboards. As an independent commission you have the opportunity to stand up for the residents of this city by saying no to the proposed revisions to the code. I believe the city council was rushed into this agreement and that they would have taken a different path if additional information had been provided to them by the city staff and if they had benefited from public comment. You have the chance to review this issue in more depth, please take the time to review both sides of this issue. I</p>

		<p>am confident that you will do the right thing by opposing changes that will allow billboards in our community.</p> <p>Best regards and thank you for you time,</p> <p>Jeff Ryan</p> <p>Jeffrey J. Ryan, Architect RYAN ARCHITECTURE 3017 NORTH 13TH ST. TACOMA, WA 98406 V/F 253.759.0161</p>
192.	Ryan, Susan	<p>From: Susan Ryan [mailto:SRyan1@rainierconnect.com] Sent: Thursday, March 17, 2011 9:54 AM To: Planning Subject: billboards</p> <p>Dear Commission:</p> <p>No, No to the digital billboards. Read a few weeks ago that the City Council approved this. I struggle to understand why other than to make a lawsuit go away. Just now learning more about this as most Tacoman's are. In hindsight I believe this is a grave mistake and will be a bigger problem for Tacoma should these billboards go in. We all know the mega corporations have teams of lawyers and will intimidate small communities. Why was the City Council encouraged to vote yes for an ordinance that I understand Clear Channel wrote?</p> <p>As the first ten go up citizens will be disturbed by them. As the potential 38+ go up citizens will be outraged. Clear Channel won't be an honest player in this. And Tacoma is being played.</p> <p>Just looking at 6th Ave there is already enough distraction. This is not NY City or Vegas and this takes us in a worse direction than what we started with 13 years ago.</p> <p>I urge you to not follow the direction of the City Manager and Council on this one and vote no.</p> <p>Susan Ryan Tacoma Resident</p>
193.	Sabo, Marilyn	<p>From: Marilyn Sabo [mailto:gowancraig@yahoo.com] Sent: Monday, March 14, 2011 12:50 PM To: Planning Cc: msabo4@yahoo.com Subject: Digital Billboards</p> <p>It is "clear" that Clear Channel is more interested in strategic location of their digital billboards for profit than in being a good business neighbor, with the best interests of the citizens and children of our neighborhood in mind. This billboard will be located across from a middle school, almost on top of a historic church, and at the "entrance" of our North Slope neighborhood and historic district.</p> <p>As a citizen of the district and a teacher, I find this billboard aesthetically and educationally unacceptable. These billboards are ugly and disruptive...even the one along I5 near Fife disrupts and slows traffic because people are gawking at it instead of paying attention to their driving.</p>

		<p>We wouldn't allow other eyesores like this to invade our residential neighborhoods or schools....why this one? I hope that the salespeople for Clear Channel are not better representatives for their product and profit than the City Planners are for our best interests...</p> <p>Thank you for listening to the residents of our neighborhood...we pay taxes, too.</p>
194.	Sautner, Helen (1)	<p>From: gems3125 [mailto:gems3125@gmail.com] Sent: Wednesday, March 16, 2011 4:50 PM To: Spiro.Manthou@cityoftacoma.org Subject: Please No Digital Sign in our Neighborhood! Importance: High</p> <div data-bbox="505 596 1351 747" style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;">Staff Note: The body of the e-mail was composed in a picture format, and has been converted to a PDF document, as shown on the next 1 page</p> </div>

Dear Rep. Spiro Manthou,

I am writing you about the new digital signs purposed by Clear Channel Corp.

I am one of those residence that will be living in close to the area of 6th & Sprague and Division Streets.

This is the area that is supposed to get one of those digital billboards. I highly advise you to vote against this in favor of me and my neighbors.

These signs produce bright light that is not blocked by one's curtains and blinds in their homes. Plus the roar off of the cooling fans that must run 24-7 is a serious problem here.

6th & Sprague and Division Streets has allot of private residence homes In and around this project and the resulting new sign would only cause Annoying noise and issues with us and our neighbors.

Please advise against this and purpose another location that is not around So many private homes and apartments, where people live etc..

Thank you for reading this message.

Looking forward to your support,

Helen Sautner
822 North Grant Ave.
Tacoma, WA. 98403-1052
gems3125@gmail.com
helensautner@comcast.net

195.	Sautner, Helen (2)	<p>From: gems3125 [mailto:gems3125@gmail.com] Sent: Wednesday, March 16, 2011 4:55 PM To: shirley.schultz@cityoftacoma.org Subject: Please No Digital Sign in our Neighborhood! Importance: High</p> <div data-bbox="505 352 1352 501" style="border: 1px solid black; padding: 10px; text-align: center;"><p>Staff Note: The body of the e-mail was composed in a picture format, and has been converted to a PDF document, as shown on the next 1 page</p></div>
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Dear Ms. Shirley Schultz,

I am writing you about the new digital signs purposed by Clear Channel Corp.

I am one of those residence that will be living in close to the area of 6th & Sprague and Division Streets.

This is the area that is supposed to get one of those digital billboards. I highly advise you to vote against this in favor of me and my neighbors.

These signs produce bright light that is not blocked by one's curtains and blinds in their homes. Plus the roar off of the cooling fans that must run 24-7 is a serious problem here.

6th & Sprague and Division Streets has allot of private residence homes In and around this project and the resulting new sign would only cause Annoying noise and issues with us and our neighbors.

Please advise against this and purpose another location that is not around So many private homes and apartments, where people live etc..

Thank you for reading this message.

Looking forward to your support,

Helen Sautner
822 North Grant Ave.
Tacoma, WA. 98403-1052
gems3125@gmail.com
helensautner@comcast.net

196.	Sawaya, Melanie (1)	<p>From: MELANIE SAWAYA [mailto:msawaya18@gmail.com] Sent: Wednesday, March 02, 2011 12:31 PM To: Planning Subject: Remove Old Billboards</p> <p>To Whom this may concern:</p> <p>My family resides at 1506 S 5th Street and we have been here for 12 years. We are all for the removal of all billboards on 6th Ave between S. Ainsworth and S. Cushman. The big billboard that is in the parking lot of Greek to Me is an eye soar for residents and those heading into a nice residential area not to mention it is blocking a beautiful historic church. I'm all for upgrading to digital billboards on 6th Ave, heading away from the residential area towards the bridge/business 6th Ave district.</p> <p>So excited that the City of Tacoma is reviewing this matter.</p> <p>Best regards, Melanie Sawaya 253.380.8205</p>
197.	Sawaya, Melanie (2)	<p>From: MELANIE SAWAYA <msawaya18@gmail.com> Date: Wed, Mar 16, 2011 at 10:41 AM Subject: Please, NO Digital Billboards To: spiro.manthou@cityoftacoma.org, shirley.schultz@cityoftacoma.org</p> <p>Hello, My name is Melanie Sawaya and I reside at 1506 So 5th Street 98405. Please, No billboards of any kind at Sixth, Division and Sprague. If you are heading on 6th Ave towards Division it is an eye sore with the billboard that is currently above the restaurant "It's Greek To Me"...It blocks the view of a beautiful historic church. This is a beautiful residential area and billboards don't belong here.</p> <p>This area has a strong movement to get the Historic Wedge District adopted and now you want to deter the goal in which the historical status would achieve. It is my humble plea that you rule in favor of removing the Billboard at 6th, Sprague and Division!!</p> <p>Respectfully, Melanie Sawaya 253.380.8205</p>
198.	Sawaya, William	<p>From: wesawaya@yahoo.com [mailto:wesawaya@yahoo.com] Sent: Monday, March 21, 2011 6:45 PM To: Planning Subject: Turn off the billboards!!</p> <p>Hello Council Members, My name is William Sawaya and I live at 1506 South 5th Street here in T-Town. First I</p>

		<p>would like to thank you for your time and consideration in the matter regarding "Billboards". Secondly, I would like to voice my opposition to this proposed plan. What a waist of electricity! Not to mention the visual pollution. As you are aware the "Wedge" is trying to gain historical status. I believe that this new billboard concept would be a deterrent to the area at 6th & Sprague. The billboard that currently sits there now all ready destroys the view of a wonderful historic Church and I believe it should be removed.</p> <p>Now that I've stated my personal view please consider my professional view. I am a Lieutenant Firefighter Paramedic with Pierce County Fire District #16 and I or my partner is usually driving quickly through this part of town while transporting sick or critically injured patients to Tacoma General Hospital. If you hadn't noticed that intersection is one of the busiest intersections in the town of Tacoma with regards to Emergency Response Traffic. Not only does Tacoma Fire use this main arterial but also West Pierce County Fire Districts, Kitsap County Fire Districts, and even some Mason County Fire Districts!! Tacoma General Hospital is one of the only Level I Trauma Designated Facilities in the South Sound. That means a lot of ambulances travel there--if a digital billboard is raised there you'll also see the number of traffic incidents rise. IS IT WORTH IT? People are already distracted enough as they drive. They do not need the City of Tacoma to add to their distraction. So for my safety and the safety of my fellow Emergency Service Workers please consider the traffic impact and <u>DO NOT APPROVE THE PROPOSED BILLBOARD PLAN!!</u></p> <p>Again, thank you for your time. Respectfully Submitted, Lt. William Sawaya Firefighter/Paramedic and Tacoma Resident 1506 South 5th Street Tacoma WA 98405 253.380.2211</p>
199.	Schaaf, John & Linda	<p>From: spunkertwo@comcast.net [mailto:spunkertwo@comcast.net] Sent: Saturday, March 12, 2011 11:54 AM To: Planning Subject: Billboard Regulations</p> <p>John and Linda Schaaf currently owned the commercial building located at 4637 Pacific Ave, Tacoma, Washington. The current billboard is within 75' of the building. We strongly opposed a digital form of billboard!!!! Within the last 6 years we have had on two occasions vehicles hitting the building causing extensive damage. One other occasion a vehicle came within 2 inches of making contact. We feel the digital billboards are a total distraction to people driving by them. We operated a business at this location for 15 years. Witnessed numerous accidents at the intersection of 48th and Pacific Avenue, which is about 175' from the current billboard. Most of these accidents were caused by speeding or just not paying attention. People are supposed to be concentrating on driving, not watching an advertisement on a billboard. These digital billboards are just as distracting as text messaging and talking on the phone while driving. The bottom line, which is more important, revenue generated by these signs or the public's safety?</p> <p>Sincerely,</p> <p>John and Linda Schaaf</p>

200.	Schafer, Doug (1)	<p>From: Doug Schafer [mailto:schafer49@gmail.com] On Behalf Of Doug Schafer Sent: Tuesday, March 01, 2011 10:33 PM To: SHERYL LOEWEN; ptaylor@byrneskeller.com; sminson@byrneskeller.com; shirley.schultz@ci.tacomawa.us; Shelley Kerslake; CHRIS BACHA Subject: Re: Clear Channel v. Tacoma Settlement Agreement</p> <p>Counsel and Ms. Schultz and Ms. Loewen:</p> <p>The purported "original" Settlement Agreement executed by Tacoma officials that Ms. Loewen emailed me today consisted of 14 pages (attached), each page stamped at its foot with an "original" stamp EXCEPT the one-page map labeled as Exhibit 1 and the two-page table titled "Proposed Tacoma Sign Removals" that should have been (but was not) labeled as Exhibit 2. It reasonably appears that those three pages were not among the actual originals for they would have been stamped as such the same as the others. Supporting that suspicion is the fact that the table of billboards initially to be removed differs materially from the comparable table (mistakenly labeled Exhibit A) in the copy of the Settlement Agreement presented by Planner Shirley Schultz to the Tacoma Planning Commission on December 15, 2010 that remains posted on the City's website at: http://cms.cityoftacoma.org/Planning/Billboard%20Regulations/Billboards%20-%20PC%20Handouts%20(12-15-10).pdf</p> <p>Ms. Shultz's version of the table of billboards to be removed (attached as Exhibit-2_Shultz.pdf) lists 53 panels and includes 7 that are not listed on the other version. Ms. Loewen's version of the table of billboards to be removed (attached as Exhibit-2_Loewen.pdf) lists 54 panels and includes 8 that are not listed on the other version.</p> <p>Please straighten out this mess. Thanks.</p> <p>Doug Schafer, concerned Tacoma citizen.</p> <p>P.S. I understand that Clear Channel has not executed the proposed Settlement Agreement and the six-month "option period" for it to do so has expired. Please correct me if otherwise.</p> <p>On 3/1/2011 4:07 PM, SHERYL LOEWEN wrote: Mr. Schafer:</p> <p>Per your request.</p> <p>Sheryl A. Loewen, Paralegal Kenyon Disend, PLLC The Municipal Law Firm 11 Front Street South Issaquah, WA 98027-3820</p> <p>Tel: (425) 392-7090 ext. 2201 Fax: (425) 392-7071 sheryl@kenyondisend.com</p>
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www.kenyondisend.com

----- Original Message -----

Subject:Clear Channel v. City of Tacoma

Date:Sun, 27 Feb 2011 22:30:00 -0800

From:Doug Schafer <schafer@pobox.com>

To:ptaylor@byrneskeller.com, sminson@byrneskeller.com, shelley@kenyondisend.com, hris@kenyondisend.com

Counselors Paul Taylor, Steven Minson, Shelley Kerlake, Chris Bacha:

Your stipulated order of dismissal (attached) of the above-referenced case last fall states that the dismissal is "subject to the terms and conditions of the attached Agreement Re Dismissal of Lawsuit." That two-page dismissal agreement refers, at its first sentence, to an "attached Settlement Agreement" but no such settlement agreement was attached, nor was it separately filed in the public court file. I trust it was omitted by inadvertance and not in an attempt to prevent public disclosure of it. Please email me a PDF copy of the settlement agreement with all its exhibits as it existed on August 6, 2010, when the dismissal agreement was executed.

I am simply a Tacoma citizen interested in more fully understanding the proposed changes to Tacoma's sign code. While Tacoma city staff purportedly provided its Planning Commission at its meeting on December 15, 2010, a true copy of the Settlement Agreement (now posted on the city's website), the exhibits to that copy are quite inconsistent with that agreement's paragraph 2 that describes those exhibits. I am confident that respected counsel would not have been that sloppy.

Thank you for your assistance.

Doug Schafer, WSBA 8652.

Staff Note:

There are 3 attachments to Doug Schafer's e-mail of 3-1-11:

1. Tacoma-Clear Channel Settlement Agreement
2. Exhibit A – Billboards to be removed
3. Unlabeled Exhibit 2 to Settlement Agreement

(next 19 pages)

SETTLEMENT AGREEMENT
BETWEEN CITY OF TACOMA AND CLEAR CHANNEL

RECITALS

1. Clear Channel and the City are parties to a lawsuit, Clear Channel v. City of Tacoma, United States District Court, Western District of Washington, No. C07-5407 BHS.

2. The City is contemplating the enactment of an ordinance (the "Ordinance") which, among other things, would allow digital bulletin billboard signs in exchange for the removal of existing billboard signs and/or the relinquishment of pending relocation permits. The effect of such an ordinance would be to significantly and permanently reduce the number of billboard structures in the City.

3. The City believes that the Ordinance, in conjunction with the provisions of this Agreement, will benefit the public health, safety, and welfare of the City by providing for a significant and permanent reduction in the number of billboards in the City, greater, faster (almost instantaneous) and more effective dissemination of "amber alert" messages, and enabling the use of new and greener materials and technology in sign structures.

4. As a result of the Ordinance, the City anticipates there will be over 30,000 square feet of billboard signage removed within the first year of passage of the ordinance. Thereafter, there will be significant additional reductions over time because of the digital conversion ratio, which requires elimination of several thousand square feet of existing signage and/or permits in exchange for each new digital billboard, reductions based on normal industry attrition and consolidation, and Clear Channel's commitment to remove additional signage over time.

AGREEMENT

1. Effective Date. This Agreement shall become effective on the date on which the Agreement is fully executed by Clear Channel, the City Manager, the City Clerk/Deputy City Clerk and their signatures properly attested ("Effective Date").

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2. Following the Effective Date of this Agreement, and upon receipt of permits to construct ten digital bulletin billboards at the approximate locations shown on Ex. 1, Clear Channel agrees to (i) permanently remove the structures shown on Ex. 2 within six months of the receipt of the permits to construct ten digital billboards, and (ii) relinquish 100 relocation permits it currently holds, as shown on Ex. 3. The structures removed will be cut down at or below ground level. Thereafter, Clear Channel will be able to erect additional digital bulletin billboards as follows: For every one digital billboard to be constructed, Clear Channel will give up a combination of 15 relocation permits and existing faces, of which at least five must be removals of existing faces. If and when Clear Channel no longer has any relocation permits, it will have to remove eight existing faces in exchange for the right to construct one digital structure. Regardless of whether Clear Channel seeks permits to construct digital billboards in addition to the first ten referenced above, Clear Channel will permanently remove an additional 25 sign faces during the five-year period beginning upon the issuance of the digital bulletin billboard permits referenced above. The faces to be removed will be at Clear Channel's discretion. Clear Channel may include these 25 faces, as removed, in the number of faces to be removed in seeking to erect additional digital bulletin billboards.

3. For purposes of this Agreement, digital billboard shall mean a billboard that uses digital technology that produces static images which are changed remotely. Digital billboards may not scroll, flash or feature motion pictures. Clear Channel is not permitted to construct the ten digital billboards referenced above until the removal of the billboards shown on Exhibit 2 is complete. All of the provisions of this paragraph are conditioned upon the enactment of an Ordinance, which will specify, among other things, digital receiving areas, static image times, billboard maintenance, PSA processes and technology definitions. Any digital billboards constructed will be constructed in compliance with such Ordinance and any other applicable provisions of the City Code.

4. Vested Rights. Clear Channel and the City hereby acknowledge Clear Channel's vested rights with respect to its existing conforming and legally

nonconforming billboard signs and relocation permits, and any signs constructed pursuant to the Ordinance. If and to the extent the City requires the removal of such signs or elimination of such permits at some future date (other than in connection with the construction of digital billboards as provided herein), the City will compensate Clear Channel for the fair market value of those interests.

5. Additional Sign Regulation by City. Nothing herein shall be construed to limit or impair the City's authority to enact ordinances or regulations governing signs or to limit or impair the City's police power, provided, however, that, if the City does so in a manner that limits, conflicts with or is inconsistent with Clear Channel's vested rights as acknowledged in this Agreement, it shall pay to Clear Channel any monetary loss arising therefrom, including the fair market value for removed signs or elimination of relocation permits as a result of such ordinances or regulations. In addition, notwithstanding anything to the contrary herein, if the City amends its existing sign regulations to allow for the use of new technology or material, or to in any way change the existing limitations on signs, Clear Channel may also use such technology and material and/or elect to be otherwise governed by the changes in connection with its signs without otherwise changing any of the terms this Agreement.

6. Option Period. Upon approval of this Agreement and its execution by the Mayor, the City Clerk/Deputy City Clerk and proper attestation of their signatures, the City shall deliver the original signed Agreement to Clear Channel (the "Approval Date"). By executing this Agreement, the City, in exchange for Clear Channel's dismissal of the Litigation pursuant to the Agreement Re Dismissal of Lawsuit, and the payment by Clear Channel to the City of \$100.00, and other good and valuable consideration, grants Clear Channel the option, in Clear Channel's sole discretion, of executing this Agreement at any time within six (6) months of the Approval Date (the "6 Month Option Period"). If, however, the City adopts an Ordinance within the 6 Month Option Period, then Clear Channel shall only have the option, in its sole discretion, of executing the Agreement at any time within thirty (30) days from the effective date of the Ordinance, shortening or extending the 6 Month Option Period, as the case may be (the "30 Day Option Period").

7. Clear Channel's option to execute this Agreement, or to leave the Agreement unexecuted, shall be within Clear Channel's sole discretion. Nothing herein shall be interpreted to require Clear Channel to execute the Agreement.

8. The provisions of this Agreement including, without limitation, the removal time frames in Paragraph 2, shall not become effective until Clear Channel executes this Agreement.

9. Entire Agreement. This Agreement, and the Agreement Re Dismissal of Lawsuit attached as Ex. ^{edp}~~3~~⁴, is the entire agreement between the City and Clear Channel, and no verbal or written assurance or promise by any party hereto is effective or binding unless included in this Agreement, or a written supplemental settlement agreement signed by the parties to this Agreement.

10. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the City and Clear Channel, its subsidiaries, affiliates, designated successors and assigns. In the event of any challenge to this Agreement, the City and Clear Channel agree that they will defend the approval, validity, constitutionality, and enforceability of this Agreement and any of the terms contained herein.

11. Enforcement. In the event of a breach of this Agreement, any party hereto may bring an action for injunctive relief, specific performance, or other appropriate relief to compel enforcement of this Agreement.

12. Severability. If any paragraph, phrase, sentence or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

13. Counterparts. This Agreement may be executed in counterparts, all of which together shall constitute one and the same instrument.

14. Notice. Any and all notices required or permitted under this Agreement shall be in writing and shall be personally delivered, sent by registered mail, a

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recognized overnight delivery service, facsimile communication, electronic communication (e-mail) or by other means which affords the sender evidence of delivery, or of rejected delivery, to the respective parties at the addresses shown below, unless and until a different address has been designated by written notice to the other party. Any notice by means which affords the sender evidence of delivery, or rejected delivery, shall be deemed to have been given at the date and time of receipt or rejected delivery.

If to the City: City Attorney
City of Tacoma
747 Market Street, #1120
Tacoma, WA 98402

If to Clear Channel:

With copy to: City Clerk
City of Tacoma
747 Market Street, #220
Tacoma, WA 98402

With copy to:

Notice shall be deemed to have been given upon receipt or refusal.

[Signatures appear on the following page.]

14. Nothing in this Agreement shall require the City to enact any ordinance.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their undersigned officials as duly authorized.

CITY OF TACOMA



City Manager

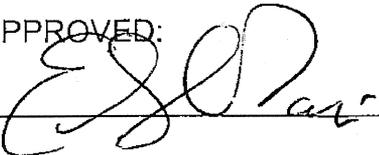
Date: 7-30-2010

ATTEST:

 8-6-10

City Clerk/Deputy City Clerk

APPROVED:



Tacoma City Attorney

CLEAR CHANNEL OUTDOOR, INC.

By: _____

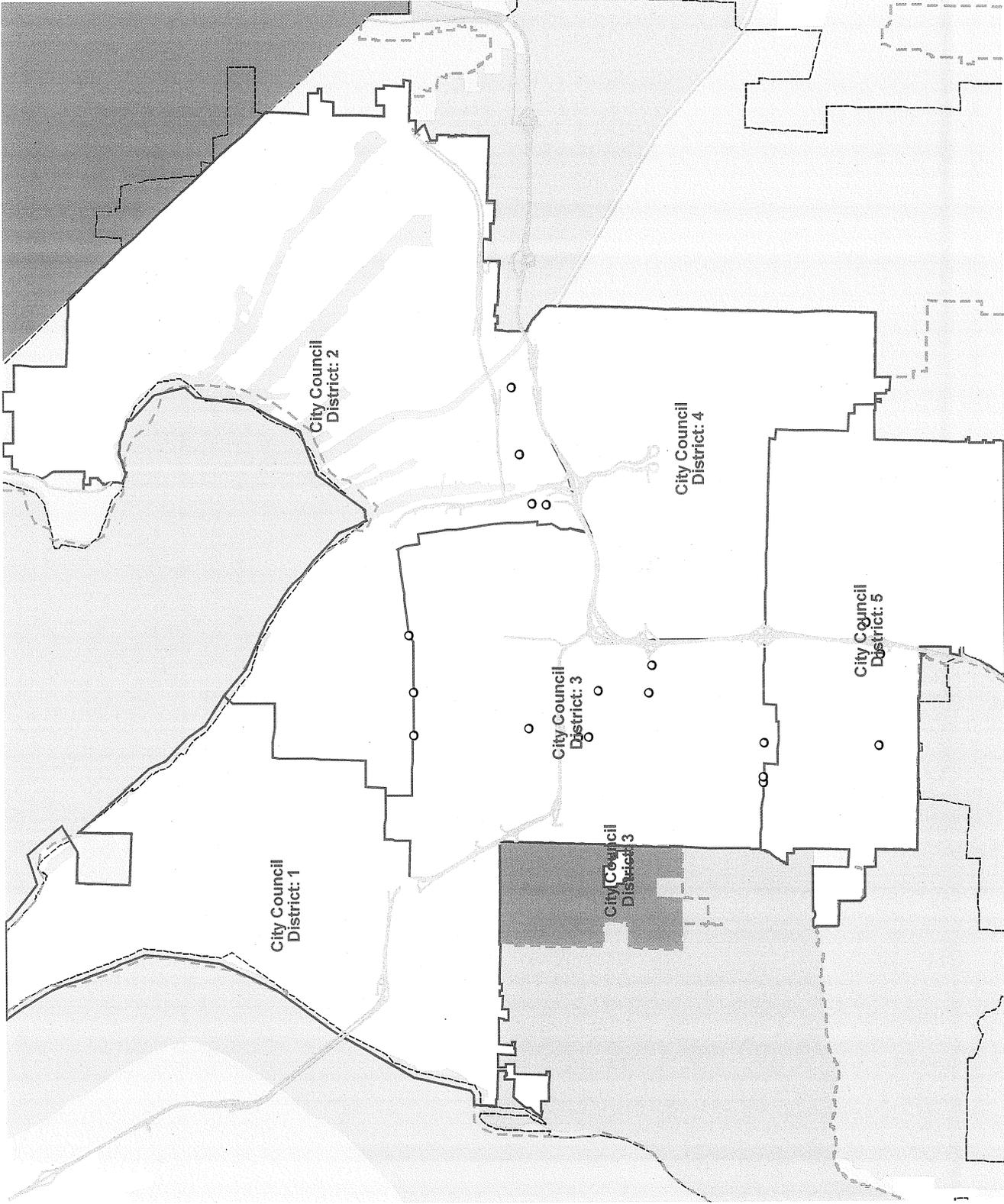
Its: _____

Date: _____

Settlement Agreement between City of Tacoma and Clear Channel
approved by motion at the Tacoma City Council meeting of July 27, 2010

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Exhibit 1



Proposed Approximate Locations for First 10 Digital Billboards

PROPOSED TACOMA SIGN REMOVALS

Panel	Description	Lease
40215	MARINE VIEW DR WL 150F N/O MCMURRAY RD SF-1	14187
40216	MARINE VIEW DR WL 150F N/O MCMURRAY RD NF-2	14187
40891	MCKINLEY AV EL 100F N/O MORTON ST NF-1	9067
40892	MCKINLEY AV EL 100F N/O MORTON ST SF-2	9067
40948	38TH ST S SL 100F W/O THOMPSON AV EF-1	14149
40949	38TH ST S SL 100F W/O THOMPSON AV WF-2	14149
40975	S 38TH ST SL 230F W/O TACOMA AV EF-1	37743
40976	S 38TH ST SL 230F W/O TACOMA AV WF-2	37743
41072	PACIFIC AV EL 50F N/O S 52ND ST NF-1	14069
41073	PACIFIC AV EL 50F N/O S 52ND ST SF-2	14069
41286	MCKINLEY AV WL 70F N/O E 63RD ST NF-2	40261
41287	MCKINLEY AV WL 70F N/O E 63RD ST SF-1	40261
41290	MCKINLEY AV WL 200F N/O 64TH ST E NF-2	14020
41291	MCKINLEY AV WL 200F N/O 64TH ST E SF-1	14020
41495	PACIFIC AV EL 10F S/O S 88TH ST NF-1	40158
41496	PACIFIC AV EL 10F S/O S 88TH ST SF-2	40158
41335	56TH ST S NL 25F E/O SHERIDAN AV EF-2	14154
41336	56TH ST S NL 25F E/O SHERIDAN AV WF-1	14154
44012	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44013	S TYLER ST EL 525F N/O S 56TH ST SF-1	12399
44033	S TYLER ST EL 470F S/O S 52ND ST NF-1	12399
44034	S TYLER ST EL 470F S/O S 52ND ST SF-2	12399
44054	S TYLER ST EL 150F S/O S 52ND ST NF-1	12399
44055	S TYLER ST EL 150F S/O S 52ND ST SF-2	12399
44219	S TACOMA WY SL 50F W/O JUNETT EF-1	40056
44220	S TACOMA WY SL 50F W/O JUNETT WF-2	40056
44720	CENTER ST NL 10F W/O DURANGO ST WF-1	40157
44721	CENTER ST NL 10F W/O DURANGO ST EF-2	40157
44930	PEARL ST WL 200F S/O N 51ST ST SF-1	40060
44931	PEARL ST WL 200F S/O N 51ST ST NF-2	40060
44972	N 26TH ST EL 15F N/O PROCTOR ST NWF-1	9141
44973	N 26TH ST EL 15F N/O PROCTOR ST EF-1	9141
44993	N 26TH ST NL 100F E/O PROCTOR ST WF-1	9141
45013	N 26TH ST NL 100F W/O ADAMS ST EF-1	9141

45135	6TH AV NL 50F E/O ALDER ST WF-1	40062
45136	6th AV NL 50F E/O ALDER ST WF-2	40062
45239	6TH AV SL 304F E/O STATE ST WF-2	9873
45240	6TH AV SL 304F E/O STATE ST WF-2	9873
45303	6TH AV NL 100F W/O SHERIDAN AV WF-1	9609
45471	S "J" ST EL 10F N/O S 11TH ST NF-1	40274
45472	S 11TH ST NL 10F E/O S "J" ST EF-2	40274
45492	S 11TH ST NL 20F W/O S "J" ST EF-1	12869
45538	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45539	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45540	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45574	S 12TH ST SL 5F W/O S "L" ST WF-1	12934
45594	S 12TH ST NL 100F E/O S "L" ST WF-1	12999
45553	S 12TH ST SL 65F W/O S FERRY ST EF-1	11450
45554	S 12TH ST SL 65F W/O S FERRY ST WF-2	11450
45614	TACOMA AV WL 50F N/O S 13TH ST NF-1	12436
45634	TACOMA AV WL 50F S/O S 13TH ST SF-1	37797
45635	TACOMA AV WL 50F S/O S 13TH ST NF-2	37797
45544	SPRAGUE AV WL 175F S/O 12TH ST NF-2	14098
45545	SPRAGUE AV WL 175F S/O 12TH ST SF-1	14098

Posters and Bulletins

1114 S. Proctor St.	1	1
1114 S. Proctor St.		1
3907 S 12th St.	1	1
3907 S 12th St.		1
3907 S 12th St.		1
3907 S 12th St.		1
S TACOMA WAY SL 135FT E Wilkeson St	1	1
S TACOMA WAY SL 135FT E Wilkeson St		1
S TACOMA WAY SL 5FT W ALASKA	1	1
S TACOMA WAY SL 5FT W ALASKA		1
6TH AV S 50F W UNION AV W		1
PORT OF TAC RD W 600F N PAC HWY E S	1	1
PORT OF TAC RD W 600F N PAC HWY E N		1
S 15TH ST S 50F E TACOMA AV E	1	1
TACOMA AV E 5F S S 15TH ST N	1	1
TACOMA AV E 50F S S 15TH ST S	1	1
STADIUM WY W 10F S DIVISION LN S	1	1
STADIUM WY W 10F S DIVISION LN N		1
JEFFERSON AV W 100F N S 25TH ST N	1	1
S 25TH ST N 50F W JEFFERSON AV W	1	1
S 25TH ST N 50F W JEFFERSON AV E		1
PACIFIC AV W 10F N JEFFERSON AV N	1	1
PORTLAND AV W 75F S E 26TH ST N		1
PORTLAND AV W 10F S E 26TH ST S	1	1
6TH AV S 32F E FAWCETT AV E	1	1
6TH AV S 32F E FAWCETT AV W		1
PACIFIC AV W 100F S S 45TH ST S	1	1
PACIFIC AV W 100F S S 45TH ST N		1
PACIFIC AV W 60F N S 50TH ST S	1	1
PACIFIC AV W 60F N S 50TH ST N		1
PORTLAND AV W 75F S E 25TH ST N	1	1
S 56TH ST N 50F W S L ST W	1	1
S 56TH ST N 50F W S L ST E		1
MARTIN LUTHER KING ST W 75F S S 15TH ST N	1	1
STADIUM WY W 600F N S 4TH ST S		1
STADIUM WY W 600F N S 4TH ST S		1
3014 Portland Av	1	1
3014 Portland Av		1
2330 E 11th St	1	1
2330 E 11th St		1
5520 Pacific Av	1	1
5520 Pacific Av		1
1101 Taylor Way	1	1
1101 Taylor Way		1
6611 S Tacoma Way	1	1
6234 S Tacoma way	1	1
6234 S Tacoma Way		1
1424 Puyallup Av	1	1

Posters and Bulletins

1424 Puyallup Av		1
4207 S Pine St.	1	1
4207 S Pine St		1
2914 6th Av	1	1
8403(05) Pacific Av	1	1
8403(05) Pacific Av		1
6231 1/2 S Tac. Wy	1	1
6231 1/2 S Tac. Wy		1
4718 S Tacoma Way	1	1
3804 Portland Av	1	1
858 S 38th St	1	1
2615 6th Av	1	1
4301 6th Av	1	1
4301 6th Av		1
3420 McKinley Av	1	1
6613 S Tacoma Way	1	1
Center St e/o Alder	1	1
Center St e/o Alder		1
Center St w/o Cedar	1	1
Center St w/o Cedar		1
314 E 26th St	1	1
516 "K" St	1	1
3417 6th Av	1	1
3417 6th Av		1
7601 S Tacoma Way	1	1
7601 S Tacoma Way		1
3512 E 11 th St	1	1
3512 E 11th St		1
3532 E 11th St	1	1
35342 E 11th St		1
2124 S Tacoma Way	1	1
2124 S Tacoma Way		1
7821 S Tacoma Way	1	1
7821 S Tacoma Way		1
4345 S Tacoma Way	1	1
4321 S Tacoma Way	1	1
4321 S Tacoma way		1
4545 S Tacoma Way	1	1
4525 S Tacoma Way	1	1
4525 S Tacoma Way		1
4517 S Tacoma Way	1	1
4517 S Tacoma Way		1
3011 S Hosmer	1	1
3011 S Hosmer		1
4002 S 56th St	1	1
3211 S 38th St	1	1
3211 S 38th St		1
2403 S Tacoma Wy	1	1

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7/19/2010

AK Media / Washington Tacoma Bank

EXHIBIT 3

~~Posters and Bulletins~~

1801 Center St	1	1
2607 Pacific Av	1	1
2607 Pacific Av		1
3601 Pacific Av	1	1

AGREEMENT RE DISMISSAL OF LAWSUIT

1. Upon execution of the attached Settlement Agreement by the City, the parties shall file a Stipulated Dismissal of the lawsuit. If the City thereafter attempts to enforce the provisions of TMC 13.06.520N(6) ("Amortization"), as that provision exists as of the date that the City signs the Settlement Agreement, and Clear Channel files a lawsuit challenging such action, any such lawsuit shall be deemed to have been filed on the date the lawsuit was originally filed for purposes of the statute of limitations and laches.

2. The City agrees that it will continue to comply with and be bound by the terms of the Stipulated Injunction in the pending case during the period from when it signs the Settlement Agreement to a date three weeks after the expiration of the applicable Option Period. If Clear Channel refiles the lawsuit during that period, the terms of the Stipulated Injunction shall continue in effect until the conclusion of the lawsuit, including all appeals.

3. The City agrees to notify Clear Channel in the event of a third-party challenge to all or any portion of the Settlement Agreement or any Ordinance adopted in connection with the Settlement Agreement. If such challenge is made, Clear Channel may, at its sole discretion, elect to toll the Sign removal requirements in Paragraph 2 of the Settlement Agreement until the conclusion of the lawsuit, including all appeals, by giving written notice of such election to the City within 30 days of service of such challenge upon Clear Channel.

4. In the event the Settlement Agreement or any resulting Ordinance is wholly or partially invalidated by a final non-appealable court order issued as a result of a third-party challenge, and the City thereafter attempts to enforce TMC 13.06.520N(6) as it now exists, then Clear Channel shall have the option, at its sole discretion, to refile the lawsuit under the terms of Paragraph 1 above.

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5. Should the City fail to comply with all or any portion of the Settlement Agreement, Clear Channel shall have the right to refile the lawsuit pursuant to the terms of Paragraph 1 above, in addition to the remedies set forth in the Settlement Agreement.

DATED this ____ day of March, 2010.

Clear Channel

Mayor of Tacoma

Tacoma City Attorney

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Exhibit A - Billboards to be removed

Panel	Real Property Address	Description	Lease
40215	2810 Marine View Dr 98422	MARINE VIEW DR WL 150F N/O MCMURRAY RD SF-1	14187
40216	2810 Marine View Dr 98422	MARINE VIEW DR WL 150F N/O MCMURRAY RD NF-2	14187
40891	3535 E McKinley Ave #37-39 98404	MCKINLEY AV EL 100F N/O MORTON ST NF-1	9067
40892	3535 E McKinley Ave #37-39 98404	MCKINLEY AV EL 100F N/O MORTON ST SF-2	9067
40948	858 S 38th St 98418	38TH ST S SL 100F W/O THOMPSON AV EF-1	14149
40949	858 S 38th St 98418	38TH ST S SL 100F W/O THOMPSON AV WF-2	14149
40975	614 S 38th St 98408	S 38TH ST SL 230F W/O TACOMA AV EF-1	37743
40976	614 S 38th St 98408	S 38TH ST SL 230F W/O TACOMA AV WF-2	37743
41072	5039 Pacific Ave 98408	PACIFIC AV EL 50F N/O S 52ND ST NF- 1	14069
41073	5039 Pacific Ave 98408	PACIFIC AV EL 50F N/O S 52ND ST SF- 2	14069
41286	6212 McKinley Ave 98404	MCKINLEY AV WL 70F N/O E 63RD ST NF-2	40261
41287	6212 McKinley Ave 98404	MCKINLEY AV WL 70F N/O E 63RD ST SF-1	40261
41290	6302 McKinley Av 98421	MCKINLEY AV WL 200F N/O 64TH ST E NF-2	14020
41291	6302 McKinley Av 98421	MCKINLEY AV WL 200F N/O 64TH ST E SF-1	14020
41371	8040 Pacific Ave 98408	PACIFIC AV WL 93F N/O S 82ND ST NF 2	12263
41495	8805 Pacific Ave 98444	PACIFIC AV EL 10F S/O S 88TH ST NF- 1	40158
41496	8805 Pacific Ave 98444	PACIFIC AV EL 10F S/O S 88TH ST SF- 2	40158
43761	7017 S Tacoma Way 98409	S TACOMA WY EL 345F S/O S 70TH ST NF-1	11484

18 panels

43762	7017 S Tacoma Way 98409	S TACOMA WY EL 345F S/O S 70TH ST SF-2	11484
44012	5425 S Tyler st 98409	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44033	5321 S Tyler St 98409	S TYLER ST EL 470F S/O S 52ND ST NF-1	12399
44034	5321 S Tyler St 98409	S TYLER ST EL 470F S/O S 52ND ST SF-2	12399
44054	5225 S Tyler St 98409	S TYLER ST EL 150F S/O S 52ND ST NF-1	12399
44055	5225 S Tyler St 98409	S TYLER ST EL 150F S/O S 52ND ST SF-2	12399
44219	3004 South Tacoma Way 98409	S TACOMA WY SL 50F W/O JUNETT EF-1	40056
44220	3004 South Tacoma Way 98409	S TACOMA WY SL 50F W/O JUNETT WF-2	40056
44720	3859 Center St 98409	CENTER ST NL 10F W/O DURANGO ST WF-1	40157
44721	3859 Center St 98409	CENTER ST NL 10F W/O DURANGO ST EF-2	40157
44930	5032 No Pearl St 98407	PEARL ST WL 200F S/O N 51ST ST SF- 1	40060
44931	5032 No Pearl St 98407	PEARL ST WL 200F S/O N 51ST ST NF- 2	40060
44972	3809 No 26th St 98407	N 26TH ST EL 15F N/O PROCTOR ST NWF-1	9141
44973	3809 No 26th St 98407	N 26TH ST EL 15F N/O PROCTOR ST EF-1	9141
44993	3817 N 26th St 98406	N 26TH ST NL 100F E/O PROCTOR ST WF-1	9141
45013	3809 No 26th St 98407	N 26TH ST NL 100F W/O ADAMS ST EF 1	9141
45040	6517 6th Ave 98406	6TH AV NL 100F W/O MASON ST EF-2	14139
45135	3111 6th Ave 98406	6TH AV NL 50F E/O ALDER ST WF-1	40062
45136	3111 6th Ave 98406	6th AV NL 50F E/O ALDER ST WF-2	40062
45240	2040 6th Ave 98403	6TH AV SL 304F E/O STATE ST WF-2	9873
45303	1407 So 6th Ave 98405	6TH AV NL 100F W/O SHERIDAN AV WF-1	9609
45323	1318 6th Ave 98405	6TH AV SL 95F E/O SHERIDAN AV EF- 1	12441

22 panels

45471	919 S 11th St 98405	S "J" ST EL 10F N/O S 11TH ST NF-1	40274
45472	919 S 11th St 98405	S 11TH ST NL 10F E/O S "J" ST EF-2	40274
45492	1001-1 So 11th St 98405	S 11TH ST NL 20F W/O S "J" ST EF-1	12869
45540	2002 S 12th St 98405	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45544	1240 Sprague St 98405	SPRAGUE AV WL 175F S/O 12TH ST NF-2	14098
45545	1240 Sprague St 98405	SPRAGUE AV WL 175F S/O 12TH ST SF-1	14098
45574	1212 Earnest S Brazill St 98405	S 12TH ST SL 5F W/O S "L" ST WF-1	12934
45594	1115 S 12th St 98405	S 12TH ST NL 100F E/O S "L" ST WF-1	12999
45600	1215 Martin Luther King Way 98405	MLK ST EL 150F S/O 12TH ST NF-1	14009
45601	1215 Martin Luther King Way 98405	MLK ST EL 150F S/O 12TH ST SF-2	14009
45614	1210 Tacoma Ave S 98402	TACOMA AV WL 50F N/O S 13TH ST NF-1	12436
45634	1302 Tacoma Ave 98402	TACOMA AV WL 50F S/O S 13TH ST SF-1	37797
45635	1302 Tacoma Ave 98402	TACOMA AV WL 50F S/O S 13TH ST NF-2	37797

13 panels

<p style="text-align: center;">Total Number Of Signs To Be Removed: 53</p>

Unlabeled Exhibit 2 to Settlement Agreement that Sheryl Loewen emailed to Doug Schafer on March 1, 2011. (enlarged)

Doug Schafer
E-mail (3-1-11)
Attachment 3
2 pages

PROPOSED TACOMA SIGN REMOVALS		
Panel	Description	Lease
40215	MARINE VIEW DR WL 150F N/O MCMURRAY RD SF-1	14187
40216	MARINE VIEW DR WL 150F N/O MCMURRAY RD NF-2	14187
40891	MCKINLEY AV EL 100F N/O MORTON ST NF-1	9067
40892	MCKINLEY AV EL 100F N/O MORTON ST SF-2	9067
40948	38TH ST S SL 100F W/O THOMPSON AV EF-1	14149
40949	38TH ST S SL 100F W/O THOMPSON AV WF-2	14149
40975	S 38TH ST SL 230F W/O TACOMA AV EF-1	37743
40976	S 38TH ST SL 230F W/O TACOMA AV WF-2	37743
41072	PACIFIC AV EL 50F N/O S 52ND ST NF-1	14069
41073	PACIFIC AV EL 50F N/O S 52ND ST SF-2	14069
41286	MCKINLEY AV WL 70F N/O E 63RD ST NF-2	40261
41287	MCKINLEY AV WL 70F N/O E 63RD ST SF-1	40261
41290	MCKINLEY AV WL 200F N/O 64TH ST E NF-2	14020
41291	MCKINLEY AV WL 200F N/O 64TH ST E SF-1	14020
41495	PACIFIC AV EL 10F S/O S 88TH ST NF-1	40158
41496	PACIFIC AV EL 10F S/O S 88TH ST SF-2	40158
41335	56TH ST S NL 25F E/O SHERIDAN AV EF-2	14154
41336	56TH ST S NL 25F E/O SHERIDAN AV WF-1	14154
44012	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44013	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44033	S TYLER ST EL 470F S/O S 52ND ST NF-1	12399
44034	S TYLER ST EL 470F S/O S 52ND ST SF-2	12399
44054	S TYLER ST EL 150F S/O S 52ND ST NF-1	12399
44055	S TYLER ST EL 150F S/O S 52ND ST SF-2	12399
44219	S TACOMA WY SL 50F W/O JUNETT EF-1	40056
44220	S TACOMA WY SL 50F W/O JUNETT WF-2	40056
44720	CENTER ST NL 10F W/O DURANGO ST WF-1	40157
44721	CENTER ST NL 10F W/O DURANGO ST EF-2	40157
44930	PEARL ST WL 200F S/O N 51ST ST SF-1	40060
44931	PEARL ST WL 200F S/O N 51ST ST NF-2	40060
44972	N 26TH ST EL 15F N/O PROCTOR ST NWF-1	9141
44973	N 26TH ST EL 15F N/O PROCTOR ST EF-1	9141
44993	N 26TH ST NL 100F E/O PROCTOR ST WF-1	9141
45013	N 26TH ST NL 100F W/O ADAMS ST EF-1	9141

34 panels listed on this page

45135	6TH AV NL 50F E/O ALDER ST WF-1	40062
45136	6th AV NL 50F E/O ALDER ST WF-2	40062
45239	6TH AV SL 304F E/O STATE ST WF-2	9873
45240	6TH AV SL 304F E/O STATE ST WF-2	9873
45303	6TH AV NL 100F W/O SHERIDAN AV WF-1	9609
45471	S "J" ST EL 10F N/O S 11TH ST NF-1	40274
45472	S 11TH ST NL 10F E/O S "J" ST EF-2	40274
45492	S 11TH ST NL 20F W/O S "J" ST EF-1	12869
45538	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45539	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45540	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45574	S 12TH ST SL 5F W/O S "L" ST WF-1	12934
45594	S 12TH ST NL 100F E/O S "L" ST WF-1	12999
45553	S 12TH ST SL 65F W/O S FERRY ST EF-1	11450
45554	S 12TH ST SL 65F W/O S FERRY ST WF-2	11450
45614	TACOMA AV WL 50F N/O S 13TH ST NF-1	12436
45634	TACOMA AV WL 50F S/O S 13TH ST SF-1	37797
45635	TACOMA AV WL 50F S/O S 13TH ST NF-2	37797
45544	SPRAGUE AV WL 175F S/O 12TH ST NF-2	14098
45545	SPRAGUE AV WL 175F S/O 12TH ST SF-1	14098

20 panels listed on this page,
for a total of 54 panels.

201.	Schafer, Doug (2)	<p>From: Doug Schafer [mailto:schafer49@gmail.com] On Behalf Of Doug Schafer Sent: Wednesday, March 02, 2011 3:45 PM To: jdoty@bcradesign.com; tom@oconnorandassociates.net; Walker, Lauren; Boe, David Subject: Re: Clear Channel v. Tacoma Settlement Agreement</p> <p>Jeremy Doty and Tom O'Connor (Planning Comm'n Chair & Vice Chair), Councilmembers Walker and Boe:</p> <p>As a follow-up on my message below (bcc'd to you four), today I fetched from the City Clerk's office a copy of the Settlement Agreement (with an original stamp on the foot of each page). While the format of its Exhibit 2 was different, the list of billboards initially to be removed matched the list I was given by Shelley Kerslake's paralegal yesterday.</p> <p>I was surprised, however, that the City Clerk also had a "First Amendment to Settlement Agreement" dated Jan. 25, 2011, (attached) that extended Clear Channel's "option period" to August 15, 2011. The clerk at that office checked by phone with "legal" and then told me that the First Amendment had not been approved by the City Council.</p> <p>Doug Schafer</p> <p>On 3/1/2011 10:33 PM, Doug Schafer wrote:</p> <p>Counsel and Ms. Schultz and Ms. Loewen:</p> <p>The purported "original" Settlement Agreement executed by Tacoma officials that Ms. Loewen emailed me today consisted of 14 pages (attached), each page stamped at its foot with an "original" stamp EXCEPT the one-page map labeled as Exhibit 1 and the two-page table titled "Proposed Tacoma Sign Removals" that should have been (but was not) labeled as Exhibit 2. It reasonably appears that those three pages were not among the actual originals for they would have been stamped as such the same as the others. Supporting that suspicion is the fact that the table of billboards initially to be removed differs materially from the comparable table (mistakenly labeled Exhibit A) in the copy of the Settlement Agreement presented by Planner Shirley Schultz to the Tacoma Planning Commission on December 15, 2010 that remains posted on the City's website at: http://cms.cityoftacoma.org/Planning/Billboard%20Regulations/Billboards%20-%20PC%20Handouts%20(12-15-10).pdf</p> <p>Ms. Shultz's version of the table of billboards to be removed (attached as Exhibit-2_Shultz.pdf) lists 53 panels and includes 7 that are not listed on the other version. Ms. Loewen's version of the table of billboards to be removed (attached as Exhibit-2_Loewen.pdf) lists 54 panels and includes 8 that are not listed on the other version.</p> <p>Please straighten out this mess. Thanks.</p> <p>Doug Schafer, concerned Tacoma citizen.</p> <p>P.S. I understand that Clear Channel has not executed the proposed Settlement Agreement and the six-month "option period" for it to do so has expired. Please correct me if otherwise.</p>
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On 3/1/2011 4:07 PM, SHERYL LOEWEN wrote:

Mr. Schafer:

Per your request.

Sheryl A. Loewen, Paralegal
Kenyon Disend, PLLC
The Municipal Law Firm
11 Front Street South
Issaquah, WA 98027-3820

Tel: (425) 392-7090 ext. 2201

Fax: (425) 392-7071

sheryl@kenyondisend.com

www.kenyondisend.com

----- Original Message -----

Subject:Clear Channel v. City of Tacoma

Date:Sun, 27 Feb 2011 22:30:00 -0800

From:Doug Schafer <schafer@pobox.com>

To:ptaylor@byrneskeller.com, sminson@byrneskeller.com, shelley@kenyondisend.com

Counselors Paul Taylor, Steven Minson, Shelley Kerslake, Chris Bacha:

Your stipulated order of dismissal (attached) of the above-referenced case last fall states that the dismissal is "subject to the terms and conditions of the attached Agreement Re Dismissal of Lawsuit." That two-page dismissal agreement refers, at its first sentence, to an "attached Settlement Agreement" but no such settlement agreement was attached, nor was it separately filed in the public court file. I trust it was omitted by inadvertance and not in an attempt to prevent public disclosure of it. Please email me a PDF copy of the settlement agreement with all its exhibits as it existed on August 6, 2010, when the dismissal agreement was executed.

I am simply a Tacoma citizen interested in more fully understanding the proposed changes to Tacoma's sign code. While Tacoma city staff purportedly provided its Planning Commission at its meeting on December 15, 2010, a true copy of the Settlement Agreement (now posted on the city's website), the exhibits to that copy are quite inconsistent with that agreement's paragraph 2 that describes those exhibits. I am confident that respected counsel would not have been that sloppy.

Thank you for your assistance.

Doug Schafer, WSBA 8652.

Staff Note:
Attachment to Doug Schafer's e-mail of 3-2-11,
"First Amendment to Settlement Agreement"
(next 1 page)

Obtained from Tacoma City Clerk on March 2, 2011.
This amendment was not authorized by the City Council.

**FIRST AMENDMENT TO SETTLEMENT AGREEMENT
BETWEEN CITY OF TACOMA AND CLEAR CHANNEL**

Doug Schafer
E-mail (3-2-11)
Attachment

Clear Channel and the City of Tacoma were parties to a lawsuit, Clear Channel v. City of Tacoma, United States District Court, Western District of Washington, No. C-07-5407 BHS. Pursuant to that lawsuit, the City executed a Settlement Agreement. Although Clear Channel has not yet executed the Settlement Agreement, it has an option period in which it may do so, as set forth in Paragraph 6 of the Settlement Agreement.

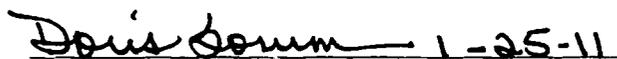
Clear Channel and the City of Tacoma agree that the Option Period in Paragraph 6 of the Settlement Agreement is amended such that the final date by which Clear Channel may execute the Settlement Agreement is extended to August 15, 2011. This new date is also applicable to the provisions of Paragraph 2 of the parties' Agreement Re Dismissal of Lawsuit.

CLEAR CHANNEL OUTDOOR

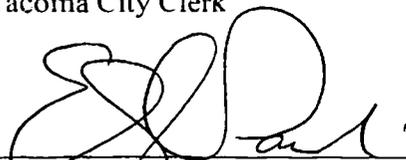
By _____
Olivia Lippens,
President & General Manager, Seattle Division

CITY OF TACOMA


Tacoma City Manager



Tacoma City Clerk



Tacoma City Attorney

202.	Schafer, Doug (3)	<p>From: Doug Schafer [mailto:schafer49@gmail.com] On Behalf Of Doug Schafer Sent: Tuesday, March 08, 2011 6:07 PM To: Fey, Jake; Woodards, Victoria; Boe, David; Mello, Ryan; Lonergan, Joe; Manthou, Spiro; Walker, Lauren; Strickland, Marilyn; Campbell, Marty Subject: City's Proposed Electronic Digital Billboards</p> <p>Tacoma City Council Members:</p> <p>At today's meeting of the Economic Development & Env/Public Work committees I provided Councilmembers Manthou, Fey, and Boe a copy of the attached email messages expressing some of my objections to the City's apparent decision not to defend in court the 1997 ordinance banning billboards after a 10-year amortization period. I believe that 1997 ordinance can be successfully defended.</p> <p>I have posted many relevant documents on the website of the Central Neighborhood Council, and I urge you to consider them, at: http://cnc-tacoma.com/index.php/new-a-pending/proposed-electronic-billboards</p> <p>Thank you.</p> <p>Doug Schafer</p> <div data-bbox="521 932 1333 1171" style="border: 1px solid black; padding: 10px; text-align: center;"><p>Staff Note: Attachment to Doug Schafer's e-mail of 3-8-11, "E-mail message handed out at the joint meeting of Economic Development and Environment/Public Works Committees on 3-8-11" (next 3 pages)</p></div>
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----- Original Message -----

Subject:Re: Please add me to your Historic Tacoma email list.

Date:Mon, 07 Mar 2011 13:59:35 -0800

From:Doug Schafer <schafer@pobox.com>

To:swinters@

Sharon Winters:

Thank you. I am also appalled by the City's proposed actions. I am a lawyer, but I lack land use and zoning experience. Nonetheless, I reviewed the court files from the Clear Channel lawsuit. The lawsuit was filed by Clear Channel in Pierce County Superior Court in late July 2007. The City apparently hired former City legal department staff attorney Shelley Kerslake to represent it. Ms. Kerslake immediately filed papers to move the lawsuit to Federal District Court (I wonder why.). In August, 2007, the City filed an answer to Clear Channel's complaint that generally denied CC's factual and legal assertions. From that time until mid-February 2010, nothing was filed in the case except stipulated extensions of the trial date (except for a stipulated dismissal from the lawsuit of a City employee that CC had named). It appears that the City chose to negotiate a settlement rather than to defend the City Council's 1997 ordinance. On February 10, 2010, Clear Channel filed a motion for summary judgment. The City never filed any response to that motion, but the Settlement Agreement that I fetched from the City Clerk's office last week shows that its Exhibit 4 (Agreement to Dismiss Lawsuit) was dated March ____, 2010. So by sometime in March 2010, the City had essentially acquiesced to Clear Channel's demands. The federal lawsuit was dismissed by stipulation of the parties on October 13, 2010, but it could be re-filed if the settlement falls through.

I believe that the City's litigation posture should have been to defend the 1997 ordinance. The foundation of nearly all of Clear Channel's arguments was that the 1997 ordinance only categorized as "nonconforming" those billboards that on July 22, 1997, were displaying a message advertising goods, products, events, or services not sold on the premises. Clear Channel makes First Amendment arguments premised on its assumption (since allegedly no records exist) that some of its billboards were displaying noncommercial messages, or were without a message, on July 22, 1997. In my view, the City should have sought a ruling early on rejecting that argument, or a ruling that Clear Channel's lawsuit challenging the 1997 ordinance was barred by the short limitations period for challenges under the state's Land Use Petition Act.

Given the significance of the issues in the lawsuit, it surprises me that the City did not hire a more prominent (and probably more capable) lawfirm to defend the City's 1997 ordinance, or at least to seek a second opinion for such a lawfirm before "rolling over."

It is my view that the City could renounce the proposed Settlement Agreement and return to court to defend its 1997 ordinance. The proposed Settlement Agreement signed in late July 2010 by the City's manager, clerk, and attorney, gave Clear Channel on "option period" of six months to sign it. Clear Channel never did. In late January 2011, without City Council authorization, the City's manager, clerk, and attorney signed a First Amendment to the Settlement Agreement extending until August 15, 2011, the deadline for Clear Channel to sign the proposed Settlement Agreement. Arguably, the First Amendment is invalid since the City Council did not authorize it. But irregardless, I consider the proposed Settlement Agreement nothing more than the City's offer that it can revoke at will, since its paragraph 7 states, "Clear Channel's option to execute this Agreement, or to leave the Agreement unexecuted, shall be within Clear Channel's sole discretion. Nothing herein shall be interpreted to require Clear Channel to execute the Agreement."

I attach a copy of Clear Channel's motion for summary judgment and a copy of the proposed Settlement Agreement and its First Amendment. If you'd like any more of the papers from the litigation, please let me know.

Doug Schafer

P.S., The City's planning department (planner Shirley Schultz) has been working from a copy of the proposed Settlement Agreement that was distributed to attendees at the City Council meeting on July 27, 2010, when

the Council approved that Agreement. But its Exhibit 2, listing billboards initially to be removed, differs significantly from the Exhibit 2 that was attached to the original proposed Settlement Agreement on file at the City Clerk's office.

----- Original Message -----

Subject:Re: electronic billboards

Date:Tue, 08 Mar 2011 11:06:56 -0800

From:Doug Schafer <schafer@pobox.com>

To:swinters@

Sharon Winters:

My first impression upon reading Clear Channel's motion for summary judgment was the same as yours. However, upon further consideration and review of the Code provisions as they existed in 1997-98, I came to the view that CC's interpretation of the Code provisions was deeply flawed. The City attorneys should have sought a court ruling early on as to whether CC's interpretation was required by the Code provisions. Attached is a copy of the Tacoma Sign Code as it existed early in 1998, and a copy of the 1997 ordinance. Commonly employed judicial rules of statutory (and ordinance) interpretation could be employed by a willing judge. Those rules permit laws to be interpreted in ways that resolve ambiguities and that implement a law-making body's plain intentions.

The defined phrase "Billboard sign" in TMC 13.06.550.C.5 (1997) was not generally used in the 1997 ordinance that amended only TMC 13.06.551. A literal interpretation of "Billboard sign" as defined in .550.C.5 in 1993 or earlier (defined as an off-premises sign) is inconsistent with the use of that phrase in TMC 13.06.551.N.11 (added in 1997) that refers to on-premises "billboard signs." Inconsistencies and ambiguities in written laws require interpretation. TMC 13.06.551.B (in place before 1997) provided for interpretation of ambiguities by Tacoma's Land Use Administrator. It appears Clear Channel never sought its "administrative remedy" (normally required by courts before judicial review) of an interpretation by the Land Use Administrator. Courts generally defer to reasonable interpretations of written laws by officials designated in those laws to administratively interpret them.

A separate basis upon which I believe the City should have defended the 1997 ordinance was a statute of limitations defense. The state's Land Use Petition Act (LUPA, RCW Ch. 36.70C) requires a challenge within 21 days of a "land use decision" meaning a "final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination." That final determination in the case of Tacoma's billboard ordinance was in 1997. In 2002, Federal Way failed in its assertion of the LUPA statute of limitations defense to its billboard ban because its ban was enacted before LUPA became effective and because the wording of its ban granted its officials discretion to make a "final determination" well after the ban took effect. Tacoma's 1997 ordinance appears not to suffer from the features that cause the court to reject Federal Way's LUPA limitations period defense. Attached is a copy of the 2002 Federal Way court ruling.

Doug Schafer

----- Original Message -----

Subject:Re: electronic billboards

Date:Tue, 08 Mar 2011 11:41:37 -0800

From:Doug Schafer <schafer@pobox.com>

To:swinters@

Sharon Winters:

I should have added to my last message that --

1. Because the 1997 ordinance generally used the word "billboard" rather than the previously defined phrase

"Billboard sign," it can be argued that the 1997 lawmakers intended "billboard" in the 1997 ordinance to be given its ordinary dictionary meaning.

2. In the definitions at TMC 13.06.550 from 1993 (publication of the public library's TMC Volume II, pages 13-131 through 13-133) or earlier, the definition of "Billboard sign" includes "A sign which advertises goods, products, events, or services...." The definition of "Sign" includes "Any object, device, display, structure or part thereof which is used to advertise ... a product, business...." I believe that the code's definition of "Billboard sign" could be interpreted consistent with its definition of "Sign" as meaning a sign "which is used to advertise" goods, products, events, or services. With that interpretation, the classification of a sign as a billboard sign turns on whether it has been used, or sometimes is or was used, to advertise goods, products, events, or services. Not on whether it was blank on July 22, 1997, or was displaying a non-commercial message on that date.

By the way, sometime after 1998, the sign code was recodified from TMC 13.06.550 to .552 to TMC 13.06.520 to .522.

Doug Schafer

203.	Schafer, Doug (4)	<p>From: Doug Schafer [mailto:schafer49@gmail.com] On Behalf Of Doug Schafer Sent: Friday, March 18, 2011 4:21 PM To: Fey, Jake; Woodards, Victoria; Boe, David; Mello, Ryan; Lonergan, Joe; Manthou, Spiro; Walker, Lauren; Strickland, Marilyn; Campbell, Marty Subject: Non-Defense of Clear Channel's Billboard Lawsuit</p> <p>City Council members:</p> <p>Please consider whether the City's lawyers and staff are being truthful with you concerning the indefensibility of the 1997 billboard ordinance. Last Monday, I requested of City lawyers Elizabeth Pauli and Shelley Kerslake the citations (i.e., case name, library volume and page) to the post-1997 court rulings that the City's staff report on the proposed billboard ordinance asserts led City officials not to defend the 1997 ordinance. Now they're treating that simple request (copy below) for case citations as a request public records, that I now might receive after the public comment period expires next Friday! Below is my message to a Planning Commission member about the post-1997 court cases supporting that ordinance and concluding with my sincere view that City officials and lawyers are knowingly deceiving you, the Planning Commission, and the public!</p> <p>Doug Schafer</p> <p>----- Original Message ----- Subject:Re: electronic billboards Date:Fri, 18 Mar 2011 11:55:27 -0700 From:Doug Schafer <schafer@pobox.com> To:knute000@sprynet.com CC:swinters@nventure.com <swinters@nventure.com></p> <p>Don, in my testimony Wednesday evening, I urged Commission members to review the recent, precedential court cases posted at the foot of the Central Neighborhood Council website page on the billboard issue: http://cnc-tacoma.com/index.php/proposed-electronic-billboards</p> <p>I there posted brief summaries of, and linked titles to the full texts of, several very relevant cases, including ones rejecting Clear Channel's argument that a sign definition like Tacoma's billboard definition is improper content-based regulation. The 9th Federal Circuit Court of Appeals in 2003 rejected Clear Channel's claim that LA's definition ("a sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where such sign is located.") was content-based regulation. The court wrote, "The Supreme Court, the Ninth Circuit, and many other courts have held that the on-site/off-site distinction is not an impermissible content-based regulation." Tacoma's definition of billboard sign is comparable: "Billboard sign. A sign which advertises goods, products, events, or services not necessarily sold on the premises on which the sign is located." In 2010, the 2nd Federal Circuit Court of Appeals upheld NYC's regulation based upon a the following definition: ""a sign that directs</p>
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attention to a business, profession, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the premises where the sign is located."

At the end of Wednesday's hearing, I handed the attached copy from that webpage's summary of those cases to City lawyer Shelley Kerslake. Last Monday morning, I emailed Ms. Kerslake and City Attorney Elizabeth Pauli requesting that they cite to me the post-1997 cases that weaken the City's legal defense of its 1997 ordinance, as asserted in the City staff's report. They have not responded at all. I feel strongly that City officials are knowingly misleading the Planning Commission, the City Council, and the public.

Doug Schafer

----- Original Message -----

Subject:Public Disclosure Request 11-3065 Schafer

Date:Fri, 18 Mar 2011 15:25:36 -0700

From:Anderson, Lisa <lisa.anderson@cityoftacoma.org>

To:'schafer@pobox.com' <schafer@pobox.com>

Dear Mr. Schafer:

I am in receipt of your email below for "citations to court cases subsequent to the 1997 ordinance that contributed to the decision not to defend in court the 1997 ordinance", which has been assigned the above referenced tracking number. Documents responsive to your request are being compiled and reviewed. It is anticipated that any responsive documents should be available by March 25, 2011, if not sooner. To the extent possible, records will be sent to you electronically via this email address.

In the meantime, please do not hesitate to contact me if you have any questions.
Regards,

Lisa Anderson

Public Disclosure Assistant
City Clerk's Office
747 Market Street, Room 220
Tacoma, WA 98402
(253) 591-5188

From: Doug Schafer [<mailto:schafer@pobox.com>]

Sent: Monday, March 14, 2011 12:57 PM

To: Pauli, Elizabeth; Kerslake, Shelley

Subject: Clear Channel v. Tacoma (corrected)

Elizabeth Pauli and Shelley Kerslake:

The staff report included in the Public Information Booklet concerning the proposed ordinance to reflect the proposed settlement agreement with Clear

Channel includes the following statement:

"An amortization clause was adopted in 1997 stating that all nonconforming billboards were to be removed by August 1, 2007. That clause was challenged when the deadline passed. Court cases regarding commercial free speech, content-based regulation, and property takings have been adjudicated since that time. Pursuant to the legal challenge, and in light of court cases subsequent to the 1997 ordinance, the City Council determined that a settlement was in the best interest of the City."

Will you please provide me citations to court cases subsequent to the 1997 ordinance that contributed to the decision not to defend in court the 1997 ordinance. I have reviewed Clear Channel's Motion for Summary Judgement filed 2/10/2010, and I find in it few references to post-1997 rulings. My impression from the documents I have seen so far is that City officials decided very early on to negotiate a settlement with Clear Channel rather than litigate in defense of the 1997 ordinance.

It appears to me that Clear Channel's arguments rest, for the most part, on its overly-literal interpretation of the 1997 ordinance as applying only to sign structures that were actually displaying commercial messages on July 22, 1997, when that ordinance took effect. I believe that a different interpretation consistent with the 1997 City Council's plain intent is also quite possible. Couldn't Clear Channel's interpretation be challenged in a motion for summary judgment at relatively little cost?

I believe that an overly-literal interpretation of the 1997 ordinance would be rejected by the court. Among my reasons are that a literal reading of the definitions in TMC 13.06.520 (in 1997 it was codified as 13.06.550) essentially nullifies the signage regulatory scheme (both in 1997 and still today). The definition of "nonconforming sign" in that section is "any sign which does not conform to the requirements of this section." But since that section -- TMC 13.06.520 -- contains no requirement (they're in the next sections: .521 and .522), there literally can be no "nonconforming sign" as so defined. Attached is a PDF of some email messages that give other reasons supporting my belief.

Thank you for your consideration.

Doug Schafer

Staff Note:
Attachment to Doug Schafer's e-mail of 3-18-11,
"Relevant Court Cases"
(next 2 pages)

TMC 13.06.520

Billboard sign. A sign which advertises goods, products, events, or services not necessarily sold on the premises on which the sign is located

Relevant Court Rulings: (click on an item to see it)

Rhod-A-Zalea v. Snohomish County (WA Supreme Court, **1998**), "Local governments, of course, can terminate nonconforming uses but they are constitutionally required to provide a reasonable amortization period."

University Place v. McGuire (WA Supreme Court, **2001**), "Nonconforming uses are not favored, and may be extinguished, either after a period of nonuse or a reasonable amortization period allowing the owner to recoup on investment. [footnote 3: **This case does not involve an amortization schedule requiring nonconforming use property owners to end their use in a reasonable period of time. Such a schedule has been approved in Washington State.** See Rhod-A-Zalea, 136 Wash.2d at 7, 959 P.2d 1024; accord Teuscher v. Zoning Bd. of Appeals, 154 Conn. 650, 228 A.2d 518, 522-23 (1967).]"

Horan v. Federal Way (WA Court of Appeals, **2002**), "The parties have not adequately briefed whether amortization is sufficient compensation, and we express no opinion on the issue."

Court rulings upholding amortization periods for nonconforming uses, such as billboards: see the 36 court rulings listed on page 12 of Professor Floyd's article, "The Takings Issue in Billboard Control."

League of Neighborhood Residential Advocates v. Los Angeles (9th Circuit, Fed. Ct. of Appeals, **2007**), invalidating the City's litigation settlement agreement that granted the litigant a variance from the City's prior zoning laws.

Chung v. **Sarasota County** (Florida Ct. of Appeals, **1996**), ruling as follows:

"We conclude that the **County's settlement agreement here presents a case of improper contract zoning.** Although the County Commission approved the settlement at its regular meetings, it bypassed the more stringent notice and hearing requirements for a rezoning. **When it entered into the settlement agreement that obligated it to rezone Chung's property,** the County contracted away the exercise of its police power, which constituted an ultra vires act. "Chung argues that the County must still follow the formal requirements to enact the zoning amendments and that this process will provide the necessary due process opportunities for notice and a hearing. **We reject this argument because the hearings that follow would be a pro forma exercise since the County has already obligated itself to a decision.**"

Ackerley Comm. v. Seattle (9th Circuit, Fed. Ct. of Appeals, **1997**). Seattle in 1977 had banned new billboards and regulated the relocation of existing ones. The court in 1997 upheld the **constitutionality of Seattle's 1993 ordinance** that further regulated the spacing, dispersion,

height, size, location and relocation of billboards, leading to a gradual net reduction in the number of billboards in the city.

Outdoor Systems v. Mesa (9th Circuit, Fed. Ct. of Appeals, 1993). Court upheld constitutionality of 1986 ordinance that banned new offsite signs, including all billboards, and required removal of nonconforming signs on parcel before owner could get a building permit.

Clear Channel Outdoor v. Los Angeles (9th Circuit, Fed. Ct. of Appeals, 2003). Ordinance imposed inspection fees on **"Off-Site Signs" defined as "a sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where such sign is located."** [This definition is comparable to Tacoma's definition of "billboard sign" that Clear Channel challenges as content-based regulation.] The court rejected Clear Channel's constitutional challenge. saying, "The Supreme Court, the Ninth Circuit, and many other courts have held that the on-site/off-site distinction is not an impermissible content-based regulation."

Metro Lights v. Los Angeles (9th Circuit, Fed. Ct. of Appeals, 2009). The Court again upheld LA's sign code that banned, with limited exceptions, off-site signs, meaning a sign on private property advertising commercial services or wares purveyed elsewhere than on the premises where the sign is located. [Again, LA's definition of "Off-Site Sign" is comparable to Tacoma's definition of "billboard sign."]

Clear Channel Outdoor v. New York City (2nd Circuit, Fed. Ct. of Appeals, 2010). The Court upheld constitutionality of NYC regulations governing locations of, and requiring documentation concerning, **"advertising signs" defined as "a sign that directs attention to a business, profession, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the premises where the sign is located."** [This definition is comparable to Tacoma's definition of "billboard sign" that Clear Channel challenges as content-based regulation.]

204.	Schain, Steve	<p>From: Steve Schain [mailto:steveschain@harboret.com] Sent: Tuesday, March 15, 2011 12:14 PM To: Planning Subject: Stop electronic bill boards in residential area</p> <p>I live in the Stadium District since 1982. I have watched much progress in our city to make it a more liveable place, e.g. Ruston Way, Link, UWT park improvements, remodeling of historic school buildings (e.g. Jason Lee). Now the city is taking a step backwards through its agreement with Clear Channel to allow 10 large, continuously flashing, in you face bill boards. I can't imagine a progress city allowing this. Yes, we want to get rid of the many other bill boards that Clear Channel has through the city. But this is not the way to do it.</p> <ol style="list-style-type: none"> 1. Do not allowt any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong. <p>I want to live in a city that is free of visual pollution these bill boards provide. The Planning Dept. needs to re-evaluate this agreement. It also needs a re-evaluation of its core values regarding the future of our city. Too many decisions are being made that work against Tacoma becoming a place that people want to move too. We are the only major urban area in Pierce County that has not seen a growth in population. Planning dept decisions are contributing to this problem by not helping to complete the Dome to Point Defiance walkway and considering denying broad public access to the shoreline, Electronic billboards throughout Tacoma is just one more example of poor decision making that only benefits one large corporate business.</p> <p>-- Steve Schain, Ph.D, CPG 420 N Stadium Way Tacoma, WA 98403 (253) 961-7593 steveschain@harboret.com</p>
205.	Schlemmer, Jennevieve	<p>From: jps@jennevieve.com [mailto:jps@jennevieve.com] Sent: Friday, March 25, 2011 9:05 AM To: Planning Subject: no electronic billboards</p> <p>Hello, I am writing to express my discontent with the idea of electronic billboards being allowed in Tacoma. I am sure that none of these would end up in the "nicer" zip codes. As a resident of central Tacoma and fairly near to 6th ave where some of these might end up, I am disgusted that the city is even</p>

		<p>considering this option. It is dangerous. I have been rearended on 6th ave and the driver told me she had too many distractions to look at on the road; what if there is an electronic billboard added to the mix? Also, the intersection of 6th and Sprague is already dangerous and frequently drivers do not understand what lanes turn where. Visually, they are ugly and trashy looking too. I was surprised that the city allowed Gray's Lumber to have one.</p> <p>Please do not let Clear Channel dictate this city's policies on signage!</p> <p>Thank you Jennevieve Schlemmer</p>
206.	Schmidt, Ken	<p>From: Ken Schmidt [mailto:khschmidt55@yahoo.com] Sent: Wednesday, March 16, 2011 8:34 AM To: Planning Cc: Ken Schmidt Subject: Billboard public comment</p> <p>Dear Planning Commission,</p> <p>Unfortunately, I will not be able to make the public comment meeting tonight, but I would like to offer my written comments on the proposed electronic billboards.</p> <p>The digital billboards are absolutely horrible, and I vehemently oppose any more billboards being installed in the City.</p> <p>Can you imagine living next to one of those monstrosities? I drive past one at 56th & South Tacoma Way in South Tacoma every day and each time I see it (even when approaching from the blind side of the billboard), my thought is "how horrible it must be to live or work across the street from that." The presence of the electronic billboard makes that corner the most annoying intersection in the region, especially when a driver forced to sit through that super-bright display on a dark morning/night. Literally, it gives me an instant headache. I look at that car dealership (Austin's Automotive) and am so disappointed that they allowed such an obtrusive display to be mounted on their building, because of the negative impact on the neighborhood. It makes me want to call the City and ask, "Who allowed that thing to be installed? It is HORRENDOUS!! They should be fired!" Honestly...I have had that thought at least a hundred times.</p> <p>The scary part of that atrocious billboard is that it is a fraction of the size of the proposed billboards. That particular billboard is probably between 4-6 feet tall and 8-12 feet wide, or 50 sq feet. The proposed billboards are 672 sq ft...or about 30 feet wide by 22 feet tall!!! They emit a super-bright, non-stop, Vegas style light show at all hours of the day and night.</p> <p>These billboards are incredibly ugly and intrusive. They substantially drop the surrounding property values. They distract drivers. And, they use an incredible amount of energy while doing it! Like a TV commercial with the volume higher than the primary TV show, these billboards are incredibly annoying. But you can't</p>

		<p>turn it off.</p> <p>One of the most important things we can do as a city is to encourage people, especially families, to live in more dense urban housing. The billboard in South Tacoma is located directly across the street from some urban apartments, in a mixed use building, which the City is rightfully encouraging throughout the city. Every time I see that billboard, I feel sorry for the individuals (and property owners) living across the street. I get furious considering the impact that 35 huge billboards would have on all the surrounding neighborhoods. All the progress the City has made towards that encouraging compact neighborhoods over the past decade is erased the moment an electronic billboard is installed.</p> <p>As a lifelong citizen of Tacoma (except college), I have never offered my public comments before. However, I felt compelled to offer my comments on this subject because of the horrible long-term negative effects of allowing these visual display boards in our City. Please, I implore the Planning Commission to take whatever action is necessary (including leaving the existing billboards in place) to remove any existing display boards and prevent the installation of any additional billboards. At an absolute minimum, the brightness of the panels must be dramatically reduced during low daylight.</p> <p>Sincerely,</p> <p>Ken Schmidt</p>
207.	Schoo, Stephanie	<p>From: Ilana Kalmbach [mailto:Ilana.Kalmbach@seattleredcross.org] Sent: Wednesday, March 16, 2011 4:23 PM To: marilyn.strickland@cityoftacoma.org Cc: Stephanie Schoo Subject: ClearChannel Support Letter</p> <p>Dear Mayor Strickland:</p> <p>My supervisor, Stephanie Schoo, Director of Communications at the American Red Cross Serving King & Kitsap Counties, asked me to email this letter to you on her behalf since we are currently handling a huge workload responding to the tragic events in Japan and the Pacific. Thank you for your time and attention to this letter.</p> <p>Sincerely,</p> <p>Ilana Kalmbach Communications & Outreach Coordinator</p> <p>+ American Red Cross Serving King & Kitsap Counties Voice: (206) 709-4509 or (206) 323-2345 ext. 13805 Email: ilana.kalmbach@seattleredcross.org Web: www.seattleredcross.org</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto; margin-right: auto;"> <p>Staff Note: Letter from Stephanie Schoo, American Red Cross, 3-16-11 (next 1 page)</p> </div>



American Red Cross

Serving King & Kitsap Counties

March 16, 2011

Seattle Office	Bremerton Office
1900 25th Avenue South	811 Pacific Avenue
PO Box 3097	PO Box 499
Seattle, WA 98114	Bremerton, WA 98337
Tel: 206.323.2345	Tel: 360.377.3761
Fax: 206.325.8211	Fax: 360.792.0498

TTY: 206.720.5392
seattleredcross.org

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

Dear Mayor Strickland:

The Clear Channel Outdoor digital advertising program has greatly benefited the American Red Cross. Over the past year and a half, Clear Channel has generously provided pro bono space on its digital billboards throughout the Seattle area enabling us to recruit volunteers, prepare the community for disasters and raise critical funds for disaster relief.

Locally, the Red Cross responds to a disaster nearly every other day, and when disaster strikes, time is of the essence. Through ClearChannel's digital program, we are able to provide critical messages to the public within minutes. Because everything is handled electronically, there are no set-up or production costs.

For example in winter 2009-10, residents and businesses below the Howard Hanson Dam in the Green River Valley were at a higher risk for flooding. Government reports estimated that nearly 30,000 people could be impacted. We immediately reached out to ClearChannel for help, and within a very short period of time, we are able to provide flood preparedness messaging via the digital billboards – all free of charge.

The American Red Cross greatly appreciates ClearChannel's support and its commitment to our local community. Time and again, ClearChannel has proven itself to be a dedicated, community partner.

Sincerely,

Stephanie Schoo
Director, Marketing & Communications

In partnership with



Board Chair Deborah G. Haug **Vice Chair** Jonelle M.C. Johnson **Secretary** Ann L. Sobil **Treasurer** Scott M. Edwards
Chief Executive Officer Randy Hutson

The mission of the American Red Cross is to provide relief to victims of disasters and help people prevent, prepare for and respond to emergencies.

208.	Shifty, Citykitty	<p>From: shifty citykitty [mailto:shifty@meowmail.com] Sent: Wednesday, March 16, 2011 5:10 PM To: Planning Subject: tee vee billboards</p> <p>tee vee billboards are ugly, and they are supposed to take the other ones down - not put more up.</p>
209.	Shoop, Harlan	<p>From: harlanshoop@comcast.net [mailto:harlanshoop@comcast.net] Sent: Friday, March 18, 2011 9:27 AM To: Planning Subject: digital bill boards</p> <p>Dear Tacoma City Council. I am Harlan Shoop living at 1111 S. Ridgewood, Tacoma, 98405. I have been unable to attend any of the public hearings regarding the digital signs proposed for Tacoma by Clear Channel. I am against these signs. I think Tacoma has a very "weak" billboard and sign code as it is. I would not only eliminate the digital sign, I would reduce the number of lighted bill boards within the city. From my house I can see 3 large Clear Channel signs that in my mind ruin the horizon. The sign at the corner of Division and 6th, near where I used to work, has always seemed to me to be an eyesore on the horizon. Please don't add the digital signs and reduce the number of permits for billboards would be my vote and encouragement to the council. Sincerely, Harlan Shoop.</p>
210.	Sikora, John	<p>From: Leingang, Cynthia Sent: Thursday, March 17, 2011 5:19 PM To: Strickland, Marilyn; Walker, Lauren; Woodards, Victoria; Mello, Ryan; Manthou, Spiro; Lonergan, Joe; Fey, Jake; Campbell, Marty; Boe, David Cc: Wung, Lihuang; DeGrosse, Cindy Subject: phone message from citizen regarding Billboards</p> <p>Good afternoon, John Sikora, of 4519 North Frace, phoned to tell Council he supports citizens that oppose electronic billboards. They are distracting and invasive.</p> <p>Mr. Sikora can be contacted at 756-0279.</p> <p>Thank you, Cindy L.</p>
211.	Spivey, Mike	<p>From: Mike Spivey [mailto:mike.z.spivey@gmail.com] Sent: Tuesday, March 15, 2011 9:03 AM To: Planning Subject: billboards in Tacoma</p> <p>Dear Planning Commission:</p> <p>I am very unhappy to hear about digital billboards coming soon to areas near residential parts of Tacoma. The large billboards themselves are bad enough, but</p>

		<p>this is really too much. One such billboard is planned for right in front of my church, Trinity Presbyterian, at the corner of 6th and Division. The billboard will be in plain sight of another church and Jason Lee Middle School as well. Can't such billboards be restricted to industrial areas like the Flats and Nalley Valley?</p> <p>Also, I thought that the City of Tacoma had outlawed all billboards in town, to take effect a few years ago. I remember that the billboard company waited until the last minute to file a lawsuit. If this is the outcome of that lawsuit, it seems worse than what was in place originally.</p> <p>Please do everything you can to remove billboards from near residential parts of Tacoma and areas near churches, schools, and parks.</p> <p>Sincerely,</p> <p>Mike Spivey, PhD 620 N. Adams St. Tacoma, WA 98406</p>
212.	Stailey, Heather	<p>From: Heather Stailey [mailto:hastailey@aol.com] Sent: Thursday, March 24, 2011 12:15 PM To: Planning Subject: Billboards</p> <p>I would like to add my thoughts about the proposed changes to the billboard regulations.</p> <p>Ten years ago this city decided that billboards did not add to our environment in a positive manner. I for one agreed with this decision and was happy that we had limited billboards to the ones we currently had and began working on actually reducing that number. Now because a large corporation wants to challenge our cities decision it appears that our city leaders are considering backing down on this previous decision.</p> <p>I don't understand this "waffling" on the part of our leaders. What don't they understand about the concept that looking out of a window at home or driving down one of our local city streets that many, many of us do not want to look at a flashing electronic advertisement? What happened to neighborhoods that had signage that fit the environment and character of an area? What happened to the cities plan to make Tacoma a better place?</p> <p>Heather Stailey</p>
213.	Starnes, Mark	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from Mark Starnes, Boys & Girls Clubs, 3-15-11 (next 1 page)</p> </div>



BOYS & GIRLS CLUBS
OF SOUTH PUGET SOUND

Mayor Marilyn Strickland
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402-3766

**Boys & Girls Clubs
of South Puget Sound**
3875 South 66th Street
Tacoma, WA 98409
Tel (253) 502-4600
Fax (253) 572-8449
BGCSPS.ORG

March 15, 2011

Al Davies Branch
1620 South 17th Street
Tacoma, WA 98405
Tel (253) 502-4631
Fax (253) 597-6450

Dear Mayor Strickland,

Bremerton Branch
900 Olympic Avenue
Bremerton, WA 98312
Tel (360) 362-1854
Fax (360) 782-6833

It has come to my attention that the Tacoma Planning Commission is considering revisions to the City's billboard regulations. As a leader in the Tacoma community, I would like to share some feedback on the community services that ClearChannel Outdoor has provided to the Boys & Girls Clubs of South Puget Sound.

Cheney Family Branch
Jim and Carolyn Milgard
Family HOPE Center
8502 Skansie Avenue
Gig Harbor, WA 98332
Tel (253) 502-4670
Fax (253) 858-5462

- ClearChannel Outdoor has continuously supported our organization by providing discounted or pro-bono outdoor advertising, totaling over \$100,000 in 2010 and again over \$100,000 this year.
- Through their generosity, we are able to utilize a marketing tool that we would have never been able to tap into without their generosity. Through this form of advertising, we are able to create a public awareness campaign which ties into our BE GREAT for Kids Annual Fund Drive.
- The advertising campaign is helping us create awareness which drives increased web traffic, volunteer interest, memberships and funding opportunities.
- The advertising campaigns make people aware of our community services, and additionally, the agency's branding and image is becoming more widely recognized.
- Not only have they provided in-kind advertising, they also have provided other helpful marketing resources, including one of their employees who currently serves on our Executive Board.
- Clear Channel Outdoor continually and selflessly keep ours and others needs in the forefront when it pertains to community service in our market.

D.A. Gonyea Branch
5136 North 26th Street
Tacoma, WA 98407
Tel (253) 502-4640
Fax (253) 752-5269

Henry T. Schatz Branch
Donald G. Topping
Regional HOPE Center
3875 South 66th Street
Tacoma, WA 98409
Tel (253) 502-4650
Fax (253) 471-2974

Clear Channel Outdoor is a great partner and community contributor. I ask that you consider my feedback when you make a final decision.

Lakewood Branch
Gary and Carol Milgard
Family HOPE Center
10402 Kline Street SW
Lakewood, WA 98499
Tel (253) 502-4660
Fax (253) 589-9374

Sincerely,

Mark Starnes
President / CEO

North Mason Branch
P.O. Box 214
75 E. Campus Drive
Belfair, WA 98528
Tel (360) 362-1855
Fax (360) 277-0572

South Kitsap Branch
500 SW Birch Road
Port Orchard, WA 98367
Tel (360) 443-3441
Fax (360) 443-3468

**South Pierce County
Branch**
320 176th St. E. (Portable 26)
Spanaway, WA 98387
Tel (253) 683-7426
Fax (253) 683-7456

GREAT FUTURES START HERE.

214.	Stephens, Heidi	<p>From: Heidi S. [mailto:heidigs@hotmail.com] Sent: Tuesday, March 22, 2011 9:56 AM To: Planning; Walker, Lauren; Lauren Walker; Mello, Ryan; Boe, David Subject: Billboards: concerns and a solution</p> <p>Please stand with the people of Tacoma who do not want our neighborhoods, business districts and roadways bombarded with invasive electronic billboards. Clear Channel sees our city only as financial opportunities for themselves and corporate advertisers, none of which will benefit citizens residing here.</p> <p>I am particularly concerned about the proposed digital sign at 56th and South Tacoma Way. Our intent has been to preserve the welcoming feel of historic store fronts, but a glowing, digital billboard will undo all our efforts. I am also disturbed that Clear Channel may be planning to install cell phone antennas on these huge structures, unknown to, not discussed and not approved by those who will be subjected to them.</p> <p>I propose that (if the city feels they must settle with Clear Channel) digital billboards be placed only in high traffic areas such as the Tacoma Mall and other large shopping centers (along the west part of 6th Avenue, the Target complex at S 23rd and Union, the Michael's center between S. 36th and 38th, and retail areas between S. 38th and 48th and along I-5)... not in small neighborhood business and residential districts.</p> <p>My preference is that the city stand strong and decline to negotiate with hostile companies, and instead demand that Clear Channel comply with city laws. However, if a settlement must be reached, please insist that any agreement includes language prohibiting cell phone antennas or any other use of the signs besides two-dimensional visual advertising.</p> <p>Thank you, Heidi Stephens</p>
215.	Strader, Virginia	<p>From: Schultz, Shirley Sent: Tuesday, March 15, 2011 4:11 PM To: Wung, Lihuang Cc: Schultz, Shirley Subject: Public Comments, Billboards</p> <p>I received phone calls in opposition to all digital billboards but especially any at the intersection of 6th and Division:</p> <p>Stanley Bonner 1702 6th Ave</p> <p>Virginia Strader 654 North Sprague.</p>

216.	Strivens, Karla	<p>From: Trinity Office [mailto:office@tpctacoma.org] Sent: Wednesday, March 16, 2011 2:38 PM To: Planning Subject: Digital Billboards</p> <p>Dear Planning Commision,</p> <ol style="list-style-type: none"> 1. We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong. <p>Thank you,</p> <p>Karla Strivens 7623 East F St. Tacoma, WA 98404</p>
217.	Sukys, Britton (1)	<p>From: Britton & Megan Sukys [mailto:sukys@comcast.net] Sent: Thursday, March 10, 2011 3:15 PM To: Planning Subject: Digital Billboard proposal 6th and Division</p> <p>Members of the council, city planners,</p> <p>I hereby formally request that there be no Digital billboard installed above the "It's Greek to Me" Restaurant at Sixth avenue and Division, near Sprague.</p> <p>I have owned Unit #12 of the Historic "Grey Gables" (built in 1922) building directly across the street from the proposed site for over ten years.</p> <p>The Digital Billboard would be excessively intrusive to my residential property, The current Billboard face is visable from all four levels of my home, and is directly in line with my bedroom, my six-year-old Son's Bedroom, My Living room window and my basement office. I contend that this obtrusive light source and the barrage of constant flashing imagery would drastically impact my everyday quality of life.</p> <p>I am also a land-scape painter and fine artist, My front yard is my inspiration, and Tacoma is my subject matter. I have painted the scene of the intersection several times. It would be absolutely horrific to see my paintings with a flashing television in them. I highly doubt anyone would see this as a beautiful urban landscape, and it would stand as a sad commentary on Tacoma, that is for sure.</p> <p>Please rethink the location of this sign, as it is visible to several other tax-paying homeowners in both the Gray Gables complex and throughout the edge of the historic North Slope district, two churches and Jason Lee Middle school.</p> <p>This is a poor location for such a major source of light pollution. I worry that my already</p>

		<p>declined property values would be impacted in the short-term, and in the long-term may make a sale of my home impossible.</p> <p>This is not the burden that should be put upon the city's residents.</p> <p>This is an unfair infringement of my property rights by the Clear-Channel corporation.</p> <p>I graciously ask the city planners to reject this proposed location on behalf of me and my family. Thank-you for your service and time.</p> <p>I would be glad to discuss this further 253-274-0705</p> <p>Britton A. Sukys 1617 Division Ave #12 Tacoma WA, 98403</p>
218.	Sukys, Britton (2)	<p>From: Britton & Megan Sukys [mailto:sukys@comcast.net] Sent: Sunday, March 13, 2011 3:14 PM To: Campbell, Marty Subject: Digital Billboard proposal</p> <p>Members of the council, city planners,</p> <p>I hereby formally request that there be no Digital billboard installed above the "It's Greek to Me" Restaurant at Sixth avenue and Division, near Sprague.</p> <p>I have owned Unit #12 of the Historic "Grey Gables" (built in 1922) building directly across the street from the proposed site for over ten years.</p> <p>This Intersection is very confusing for unfamiliar drivers. With four major roads, two side streets, a 20 MPH school-zone, two churches and numerous pedestrians, mostly Middle-school children. I am very concerned about the public safety...Because this is my front-yard!</p> <p>The Digital Billboard would also be excessively intrusive to my residential property, The current Billboard face is visible from all four levels of my home, and is directly in line with my bedroom, my six-year-old Son's Bedroom, My Living room window and my basement office. I contend that this obtrusive light source and the barrage of constant flashing imagery would drastically impact my everyday quality of life.</p> <p>I am also a land-landscape painter and fine artist, My front yard is my inspiration, and Tacoma is my subject matter. I have painted the scene of the intersection several times. I personally have very little objection to lighted signs in general. The Intersection had billboards when I bought it in 2001, and in general, I admire large print advertisements for their artistic value...however this is a whole other level worse.</p> <p>I highly doubt anyone would see this as a beautiful urban landscape, and it would stand as a sad commentary on Tacoma, that is for sure.</p> <p>Please help the council rethink the location of this particular sign, as it is visible to several other tax-paying home-owners in both the Gray Gables complex and throughout the edge of the historic North Slope district, two churches and Jason Lee Middle school.</p> <p>This is a poor location for such a major source of light pollution, which has several proven health-risks including higher instances of Breast-Cancer and Prostate Cancer.</p>

		<p>I worry that my already declined property values would be impacted in the short-term, and in the long-term may make a sale of my home impossible. This is not the burden that should be put upon the city's residents.</p> <p>This is an unfair infringement of my property rights by the Clear-Channel corporation.</p> <p>I graciously ask the city planners to reject this proposed location on behalf of me and my family. Thank-you for your service and time.</p> <p>I would be glad to discuss this further 253-274-0705</p> <p>Britton A. Sukys 1617 Division Ave #12 Tacoma WA, 98403</p>
219.	Sukys, Glenn (1)	<p>From: Glenn Sukys [mailto:gsukys@g.com] Sent: Friday, March 11, 2011 1:43 PM To: Woodards, Victoria Subject: E-mail from the City website</p> <p>I am totally opposed to these proposed electronic billboards.</p> <p>RETURN ACKNOWLEDGEMENT OF THIS E-MAIL REQUESTED</p> <p>Glenn Sukys Keys Investigations Private Investigator 253-671-2337 fax: 253-474-3836 P.O. Box 8445 Tacoma, WA. 98419</p>
220.	Sukys, Glenn (2)	<p>From: Glenn Sukys [mailto:gsukys@g.com] Sent: Friday, March 11, 2011 5:30 PM To: Lonergan, Joe Subject: Re: E-mail from the City website</p> <p>regular billboards are like someone speaking in a normal voice. Billboards like those in Fife are like someone shouting with an amplified bass . I have to live with my family. You are responsible to your constituents and the city had a win in the cities case and dropped the ball. I care about visual pollution and so should you. Glenn</p> <p>On Mar 11, 2011, at 5:21 PM, Lonergan, Joe wrote:</p> <p>> Thanks. I think we have a very different understanding of these billboards and their operation. > > This is the first I have heard of cooling fans which may be a very real concern and a is certainly a question worth asking. > > You didn't answer the question regarding your thoughts on conventional billboards. > > As I understand these billboards I wouldn't be opposed to having one across the street although it may be more appropriate where I live than where you do. I don't know how my</p>

wife would feel about it. While I respect my wife's opinions, it isn't my job to make decisions based on those opinions, but rather on the greater good for those impacted by the decisions I make.

>

> Thank you,

>

> Joe Lonergan

> Tacoma City Council

> District 5

>

>

> ----- Original Message -----

> From: Glenn Sukys [<mailto:gsukys@q.com>]

> Sent: Friday, March 11, 2011 05:04 PM

> To: Lonergan, Joe

> Subject: Re: E-mail from the City website

>

> Joe: let me thank you for responding. Now let me count some of the ways. 1) Distraction for drivers. 2). absurd use of massive amounts of energy. 3). Noisy heavy duty fans used to cool the displays. 4). Close to schools and residential areas lowering property values with bright lights flooding into bedrooms at night. Where do you live Joe? ...May we put one across from your house? Would your wife like that?

>

>

> On Mar 11, 2011, at 4:51 PM, Lonergan, Joe wrote:

>

>> I appreciate your taking the time to share your opposition to electronic billboards.

>>

>> Do you know why you are opposed to them? Are you in favor of regular, non-electronic billboards?

>>

>> Thank you,

>>

>> Joe Lonergan

>> Tacoma City Council

>> District 5

>>

>>

>> ----- Original Message -----

>> From: Glenn Sukys [<mailto:gsukys@q.com>]

>> Sent: Friday, March 11, 2011 01:42 PM

>> To: Lonergan, Joe

>> Subject: E-mail from the City website

>>

>> I am totally opposed to these proposed electronic billboards.

>>

>>

>> RETURN ACKNOWLEDGEMENT OF THIS E-MAIL REQUESTED

>>

>> Glenn Sukys Keys Investigations

>>

>> Private Investigator

>> 253-671-2337

>> fax: 253-474-3836

>>

>> P.O. Box 8445

>> Tacoma, WA. 98419

>>

221.	Sukys, Glenn (3)	<p>From: Glenn Sukys [mailto:gsukys@q.com] Sent: Friday, March 11, 2011 6:21 PM To: Lonergan, Joe Subject: Fwd: E-mail from the City website</p> <p>Joe: Thank you again for your responses. I live on McKinley and 72nd. So we are neighbors. But I live in Tacoma not just the old Bismarck district. Here are more details to consider. I apologize for any perceived rudeness but I am a passionate member of society. Also please give my condolences to Ms. Walker on her loss. In the big scheme of things this is a small thing. glenn</p> <p>http://pwmag.com/industry-news.asp?sectionID=760&articleID=1501241</p> <p>However the light pollution, Noise (especially in the summer when your windows are open) and immediate and long lasting damage to surrounding property values (would you buy a home under one of these signs? of course not).</p> <p>At a bare minimum, Could they at least be limited to No-residential sightlines and nowhere near schools 100+ feet minimum, churches or Schools. And not in a historic district.</p> <p>Traditional billboards are an eyesore as well, but immensely preferable to these 14' by 46' proposed signs.</p> <p>On Fri, Mar 11, 2011 at 5:42 PM, Glenn Sukys <gsukys@q.com> wrote:</p> <p>Begin forwarded message:</p> <p>From: "Lonergan, Joe" <joe.lonergan@cityoftacoma.org> Date: March 11, 2011 5:39:37 PM PST To: "gsukys@q.com" <gsukys@q.com> Subject: Re: E-mail from the City website</p> <p>I am not sure what 'win' you think the city had. I would be interested to know. The situation the city had was one that may have (and still could if not handled well) cost the citizens A LOT in legal fees or payouts (or both) and resulted in little or no change.</p> <p>Thank you for clearing up one thing for me - the electronic billboards being discussed here are not the billboards you see in Fife. I would agree that those are loud, distracting, potentially dangerous and certainly undesirable.</p> <p>Thanks,</p> <p>Joe Lonergan Tacoma City Council District 5</p>
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----- Original Message -----

From: Glenn Sukys [<mailto:gsukys@q.com>]

Sent: Friday, March 11, 2011 05:30 PM

To: Lonergan, Joe

Subject: Re: E-mail from the City website

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glenn

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This is the first I have heard of cooling fans which may be a very real concern and a is certainly a question worth asking.

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As I understand these billboards I wouldn't be opposed to having one across the street although it may be more appropriate where I live than where you do. I don't know how my wife would feel about it. While I respect my wife's opinions, it isn't my job to make decisions based on those opinions, but rather on the greater good for those impacted by the decisions I make.

Thank you,

Joe Lonergan
Tacoma City Council
District 5

----- Original Message -----

From: Glenn Sukys [<mailto:gsukys@q.com>]

Sent: Friday, March 11, 2011 05:04 PM

To: Lonergan, Joe

Subject: Re: E-mail from the City website

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		<p>On Mar 11, 2011, at 4:51 PM, Lonergan, Joe wrote:</p> <p>I appreciate your taking the time to share your opposition to electronic billboards.</p> <p>Do you know why you are opposed to them? Are you in favor of regular, non-electronic billboards?</p> <p>Thank you,</p> <p>Joe Lonergan Tacoma City Council District 5</p> <p>----- Original Message ----- From: Glenn Sukys [mailto:gsukys@q.com] Sent: Friday, March 11, 2011 01:42 PM To: Lonergan, Joe Subject: E-mail from the City website</p> <p>I am totally opposed to these proposed electronic billboards.</p> <p>RETURN ACKNOWLEDGEMENT OF THIS E-MAIL REQUESTED</p> <p>Glenn Sukys Keys Investigations Private Investigator 253-671-2337 fax: 253-474-3836 P.O. Box 8445 Tacoma, WA. 98419</p>
222.	Sukys, Glenn (4)	<p>From: Glenn Sukys [mailto:gsukys@q.com] Sent: Monday, March 14, 2011 10:39 AM To: Schultz, Shirley Subject: Re: Electronic Billboards</p> <p>Thank you for your response. I feel that they are a major distraction for drivers and lower property values more than regular billboards....glenn</p> <p>On Mar 14, 2011, at 8:17 AM, Schultz, Shirley wrote:</p> <p>> Mr. Sukys - > > Thank you for your email. It will be included with all public comments and transmitted to the Planning Commission. > > > Shirley Schultz > Principal Planner > Building and Land Use Services > City of Tacoma</p>

		<p>> 747 Market Street > Tacoma, WA 98402-3769 > p: 253-591-5121 > f: 253-591-5433 > > > -----Original Message----- > From: Glenn Sukys [mailto:gsukys@q.com] > Sent: Friday, March 11, 2011 1:37 PM > To: shirley.schultz@cityoftacoma.org > Subject: Electronic Billboards > > I am totally opposed to these proposed electronic billboards. > > > RETURN ACKNOWLEDGEMENT OF THIS E-MAIL REQUESTED > > Glenn Sukys Keys Investigations > Private Investigator > 253-671-2337 > fax: 253-474-3836 > P.O. Box 8445 > Tacoma, WA. 98419 ></p>
223.	Sullivan, Grace	<p>From: Grace Sullivan [mailto:gracehope@gmail.com] Sent: Wednesday, March 16, 2011 7:16 PM To: Planning Subject: Please Say No To Electronic Billboards</p> <p>Dear City Planners, Please, please don't approve Clear Channel's use of electronic billboards in Tacoma. It is heartbreaking to see our mid sized town pushed around by such a well funded bully of a company. Even after years of litigation, no amount of fighting has ever changed the fact that Clear Channel has been wrong all along. Electronic billboards are not a compromise, they are an outright surrender on Tacoma's part and an outright win on Clear Channel's part. I don't want Tacoma to be "that kind of town". I don't want to raise my children in a place where the rights & attentions of it's citizens are sold in such a trashy way.</p> <p>The assault on our collective consciousnesses posed by electronic billboards is almost unimaginable. Already we are inundated daily by advertising from television, radio, the internet, newspapers, magazines, traditional billboards & street corner sign shakers. Nearly everywhere our eyes can land has already been sold in one form or another to advertising. Adding the persistent, intense & flashing glow of electronic billboards right in our neighborhoods is an immense burden to have leveraged on our attention and would be nearly impossible to tune out. In a town that historically struggles with substance abuse & mental health issues, a move towards willfully adding another layer of pressure on our citizens is a move in the wrong direction.</p> <p>Sincerely, Grace Sullivan</p>

224.	Sutton, Beth	<p>From: Beth Sutton [mailto:basuttonrt@hotmail.com] Sent: Wednesday, March 16, 2011 8:20 PM To: Planning Subject: digital bill boards</p> <p>Dear Planning Department,</p> <p>I truly appreciate the work you do to improve the quality of life in Tacoma. I am asking you to refrain from placing digital billboards in Tacoma. They are an eye sore and too distracting to drivers. Please consider not placing digital billboards in Tacoma.</p> <p>Sincerely, Beth Sutton</p>
225.	Swanson, Rob	<p>From: Rob Swanson [mailto:dr.robswanson@gmail.com] Sent: Tuesday, March 15, 2011 8:21 AM To: Planning Subject: clear channel settlement</p> <p>Robert David Swanson 3520 South L Street Tacoma, WA 98418</p> <p>In addition to the below outlined points, I would like to express my concern and dismay over the potential for erecting these types of advertisements. They are intrusive, they are light pollutive, and they detract from existing aesthetics. Moreover, it plots a course toward the type of community in which I would rather not life.</p> <ol style="list-style-type: none"> 1. We do not want any billboards of any type near schools, churches, parks, shorelines, historic buildings or districts, or residential neighborhood -- period. 2. Digital billboards, if allowed, should be restricted to industrial areas like the Flats and Nalley Valley 3. We decided this issue of billboards in 1997, but that's been thrown out the window. There's been no opportunity to comment on whether we want this settlement or not, just on its implementation and that's wrong. <p>Very Respectfully, Rob Swanson</p>
226.	Thekat, Gritz	<p>From: gritz thekat [mailto:gritz@meowmail.com] Sent: Wednesday, March 16, 2011 5:07 PM To: Planning Subject: digital billboards</p> <p>digital billboards are cool and high tech, prrrrrrr</p>
227.	Thurlow, John	<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Staff Note: Letter from John Thurlow, Northeast Tacoma Neighborhood Council, 3-24-11 (next 1 page)</p> </div>



Northeast Tacoma Neighborhood Council

www.netacoma.org
5559 Beverly Ave. NE
Tacoma, WA 98422

24 March 2011

Re: Opposing Electronic Billboards

City of Tacoma Planning Commission
747 Market Street, rm 1036
Tacoma, WA 98402

By e-mail to: planning@cityoftacoma.org

The Board of the Northeast Tacoma Neighborhood Council endorses the objections from neighborhood councils and residents in Tacoma to the introduction of electronic (digital) billboards in the city. Although NE Tacoma is not slated in this discussion to host any such billboards, we are residents of Tacoma and will suffer along with the residents of neighborhoods slated to receive such billboards and those who visit those areas. We have our own static billboard issues that we grapple with already, and support curtailment of billboards in general in the city.

We find the arguments worthy that have been made by neighborhood councils, letters to The News Tribune, and resident petitions for challenging Clear Channel's litigation and abandoning the out-of-court settlement. We urge the City Council to take action accordingly.

At the very least, if we are compelled to accept some form of digital, electronic billboards, we believe that:

- Their size should be restricted to a much smaller maximum (less than half that proposed)
- Height strongly limited
- Use restricted to industrial/commercial corridors where they would not impinge on nearby residences
- Brightness limits established consistent with ambient light levels
- Images designed to not distract drivers
- The rate of image change regulated to ensure that drivers are exposed to no more than one image in the average time that they would see the sign clearly.

Please let me know if you have any questions. Please do not hesitate to call me at 253.219.1617.

Sincerely,

/s/ John Thurlow

John Thurlow
Chair, Northeast Tacoma Neighborhood Council

cc: Jake Fey, City Council
Marilyn Strickland, Mayor
NETNC Board

228.	Tran, Hung	<p>From: AutoRepair HungTran [mailto:hungauto08@yahoo.com] Sent: Friday, March 18, 2011 5:33 PM To: Schultz, Shirley Subject: billboard comments</p> <p>Hello Shirley! my name is Hung Tran, the billboard on my property, I love to keep my billboard because get more income in and the billboard not on my way... and also I like to enjoy whenever their put new AD on it....thanks...If you have any question please call me or email me 253-376-3025 hungauto08@yahoo.com.... let me soon thank you again.....have a great weeken...</p> <p>--- On Fri, 3/18/11, Hartt, Marina <MarinaHartt@clearchannel.com> wrote:</p> <p>From: Hartt, Marina <MarinaHartt@clearchannel.com> Subject: billboard comments To: hungauto08@yahoo.com Date: Friday, March 18, 2011, 11:59 PM</p> <p>Mr. Tran: The email address for the city contact person is</p> <p>shirley.schultz@ci.tacoma.wa.us</p> <p>Thanks for helping with this matter.</p> <p>Marina Hartt Real Estate Department Data Administrator (206) 494-4224 phone (206) 628-0825 fax marinahartt@clearchannel.com</p>
229.	Tubig, Chris	<p>From: Chris Tubig [mailto:chris.tubig@gmail.com] Sent: Wednesday, March 16, 2011 12:25 PM To: Planning Cc: jdoty@bcradesign.com; tom@oconnorandassociates.net; knute000@sprynet.com; morrison.ian.s@gmail.com; smorris@piercetransit.org; pelswick@windermere.com; smgaffney@earthlink.net; cbeale@ci.puyallup.wa.us; mnutsch@hotmail.com Subject: Re: Digital Billboards - please read in full</p> <p>(I apologize, first draft sent before finished)</p> <p>Dear Tacoma Planning Commission,</p> <p>I'd like to start off by saying that I'm writing this with respect to you as representatives of our city and as individuals.</p> <p>After reading the background of this entire issue I have many concerns with the decisions that were made. The decision to allow Clear Channel to erect digital</p>

billboards in our city in exchange for dropping their lawsuit and removing several of their conventional billboards seems logical to some and when put under corporate pressure I'm sure that it seems like the easier choice. But the long term impact on our beautiful city is far more important to me and several other citizens who love and inhabit Tacoma.

WE CANNOT allow these billboards to be placed in our neighborhoods, business districts, historical areas and near schools. They should not be allowed in our city at all, rather than back down Tacoma should take a stand against pressure from corporations even if it takes a little more time and energy.

Think about this as individuals:

Jeremy Doty - as a representative of a very well known and successful architectural firm, allowing these terrible eyesores throughout our city is going to be remembered. You focus on quality and have constructed very beautiful designs - this does not fall in line with your reputation.

Thomas O'Connor - taken directly from your website:

*"What is better than the preservation of Tacoma's architectural history?
Participating in the revival of Tacoma by owning a home that incorporates both old and new built by O'Connor & Associates, one of the area's most respected builders."*

These billboards will be a terrible addition to any new projects you and any other builder want to participate in. It goes completely against the mission and values of your own company.

Peter Elswick - digital billboards in neighborhoods and schools? From a business standpoint, you are trying to MAXIMIZE home values and keep our city a desirable place to live. Nobody wants to live anywhere near one of these awful things! As an individual, think if you would want to see those every day.

Ian Morrison - downtown resident - strategic advisor at a very well respected law firm - student and New Tacoma Neighborhood Council. You are part of a neighborhood council that serves an area directly next to an area where these billboards would be, an area where their neighborhood council is fighting like mad to keep them out!

I urge each of you that has a stake to really listen to the PEOPLE who matter and who are affected. We are saying NO to this decision, and I can assure each of you that your actions will never be forgotten from those of us who live here. You are all public figures, one drawback of that can be that your actions are public and if unpopular with the public that you serve it could come back to bite you in the future. I say this because it is the truth not to be threatening, if the decision to move forward and allow Clear Channel their digital boards - IT WILL BE REMEMBERED AND WILL BE PUBLICIZED THROUGHOUT TACOMA.

		<p>I plan on attending the meeting tonight and hope to see a change in a better direction.</p> <p>Best,</p> <p>Chris Tubig</p>
230.	Tucker, Joan	<p>From: Joan Tucker [mailto:Joan.Tucker@multicare.org] Sent: Thursday, March 24, 2011 12:25 PM To: Planning Subject: Re: Digital Billboard Proposal Importance: High</p> <p>Tacoma City Planning Board,</p> <p>A Digital Billboard in our neighborhood, <u>really</u>? I live in the Grey Gable Townhomes and we already have to deal with a check cashing place out our back doors and now you're considering <u>another</u> potential nuisance and safety hazard to our community?</p> <p>Please take into consideration that the North Slope is a Historic District. We have churches, schools and parks right here where you're proposing to place this sign. I watch young families daily walking their small children through our neighborhood. Please keep those billboards on the freeway if you have to, but not in our community.</p> <p>Thank you for your time, Joan Tucker</p> <hr/> <p>MULTICARE'S SHARED VALUES Respect Integrity Stewardship Excellence Collaboration Kindness</p> <p>Mailgate1.multicare.org made the following annotations -----</p> <p>NOTICE: This e-mail and the attachments hereto, if any, may contain privileged and/or confidential information. It is intended only for use by the named addressee(s). If you are not the intended recipient of this e-mail, you are hereby notified that any examination, distribution or copying of this e-mail and the attachments hereto, if any, is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by email or telephone and permanently delete this e-mail and the attachments hereto, if any, and destroy any printout thereof. MultiCare Health System, Tacoma, WA 98415 (253) 403-1000. =====</p>
231.	Turley, Bob	<p>From: Bob Turley [mailto:Bob.Turley@DiamondParking.com] Sent: Monday, March 21, 2011 3:05 PM To: Schultz, Shirley Subject: Letter of Support for Proposed Changes to Land Use Regulatory Code (Sections 13.06.520-.522)</p>

		<p>Good Afternoon Ms. Schultz:</p> <p>Diamond Parking Inc. would like to offer support for the proposed changes to the Land use Regulatory Code in connection with the City's Settlement Agreement with Clear Channel Outdoor. Please find a copy of a letter from our president, Jon Diamond, in support of the Code changes. (The original follows via US Mail.) On its merits, we believe the proposed Settlement Agreement is in the best interest of our community.</p> <p>Thank you in advance for consideration and assistance with this matter.</p> <p>Bob Turley Chief Financial Officer Diamond Parking Inc. 605 First Avenue, Ste. 600 Seattle, WA 98104 Phone: 206-436-7204 Fax: 206-285-5598 Email: Bob.Turley@DiamondParking.com www.DiamondParking.com</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;">Staff Note: Letter from Jon Diamond, Diamond Parking, 3-21-11 (Already listed under the name of "Diamond, Jon")</p> </div>
232.	Turner, Julie	<p>From: JnJ Turner [mailto:juliejayturner@gmail.com] Sent: Monday, March 14, 2011 9:19 AM To: Planning Subject: digital billboards</p> <p>Dear Commissioners,</p> <p>Please, no digital billboards that impinge on residential neighborhoods! Keep them off of 6th Avenue, since it is a street imbedded in residential areas. The proposed one at 6th and Sprague would negatively impact homes and a school. We don't need this kind of pollution!</p> <p>Julie Turner 817 North J. St. Tacoma, WA 98403</p>
233.	Tyvand, Patsy	<p>From: patsy.tyvand@expeditors.com [mailto:patsy.tyvand@expeditors.com] Sent: Thursday, March 24, 2011 8:32 AM To: Planning Subject: An emphatic NO!</p> <p>I have lived in Tacoma for over 7 years and have watched in horror as huge, energy-wasting billboards have lined I-5 near the Fife curve. I can't believe that the city council would agree to allow these to blight neighborhoods all over Tacoma.</p> <p>The City Council has made several bad missteps in recent years (Cheney stadium roof is another example) -- the Council needs to remember that an important aspect of leadership</p>

		<p>is to ask for input BEFORE decisions are made.</p> <p>NO to huge obnoxious electronic billboards ruining our city.</p> <p>Patsy Tyvand 3804 No 33rd Street</p>
234.	Van Horn, Shirley	<p>From: Shirley Van Horn [mailto:shirleyvanhorn@net-venture.com] Sent: Thursday, March 24, 2011 9:10 PM To: Planning Subject: against the billboards</p> <p>Dear Committee,</p> <p>I would like to voice my opinion about placing the lighted billboards in the city. They are a huge distraction for drivers. From a person that lives less than a half mile away from several of the proposed sites, I can only hope that you will not allow this invasion into an already dangerous situation. I am not sure if it is still true, but it was my understanding that several years ago there were more accidents on 72nd and 56th street than any other locations in the city. There are already significant distractions.....the last thing we need are lighted signs.</p> <p>Thank you for considering our neighborhoods,</p> <p>Shirley Van Horn</p>
235.	Varnell, Joann	<p>From: JOANN VARNEL [mailto:JVARNEL@Tacoma.K12.Wa.US] Sent: Wednesday, March 16, 2011 12:59 PM To: Planning Subject: No electronic billboards</p> <p>I am deeply dismayed and concerned over the proposal to all electronic billboards in our city. These forms of advertising are intrusive, an eyesore and a potential hazard to pedestrians and motorists alike.</p> <p>As a teacher at Jason Lee Middle School, I am especially concerned about one of the proposed electronic billboard sites. Sprague and 6th is already a busy and dangerous intersection with a 5-way stop. During my six years at Jason Lee we have had at least one student vs. car accident every year. I'm worried that if an electronic billboard were to be placed near, or at this intersection, there will be more pedestrian vs. car accidents.</p> <p>Another issue is that electronic billboards create light pollution. In addition to the effect on our viewability of the night sky, it will seep light into every residential home that is in the sightline. Traditional billboards already are blocking our views and bombarding passerbys with advertisements, however, when at home, a resident can simply pull blinds or curtains to block them out. Residents near electronic billboards will not have the same ability. If a homeowner or renter would want to block out the electronic billboard they would have to go to great expense for blackout draperies and blinds, incurring additional expense and more electricity to illuminate their dwelling places since they would not be able to use natural daylight and still block out the electronic billboards.</p> <p>There is also concern of the billboards diminishing property values for those homeowners who live within view.</p> <p>Are you going to compensate the citizens effected by purchasing blinds and draperies,</p>

		<p>paying for increased electricity usage, as well as covering the loss in property value?</p> <p>Please, do not approve the electronic billboards in Tacoma.</p> <p>Joann Varnell Theatre Teacher Jason Lee Middle School 253-571-7677</p>
236.	Varner, Paula	<p>From: cetaceous [mailto:cetaceous_1@yahoo.com] Sent: Wednesday, March 16, 2011 5:17 PM To: Planning Subject: Digital Billboards</p> <p>I am unable to attend tonight's meeting but would like to take this opportunity to voice my opinion about the digital billboards. I sincerely hope any more digital billboards will be allowed in Pierce County. I disagree with those who see them as an artistic medium. Even if they were used to display art, I would be opposed. They are very bright and compel all who are within range to look at them: the eye is naturally drawn to light. This is different from headlamps on cars, street lights and traffic lights which all have the affect of helping everyone in the vicinity stay safe. The billboards are not only a traffic hazard and distraction (will the tax payer also have to pay the resulting distracted driver tickets?) but they are totally unnecessary. I am certain they will also cause a decline in property value around them. I strongly object to the one on I-5 at Fife as well and wish it would go away. Realizing that is unlikely to happen I am vigorously opposed to any more being erected. Please do not allow these digital blights to increase in number in our area.</p> <p>Sincerely, Paula Varner 3315 North 27th St Tacoma, WA 98407</p>
237.	Vaughn, Laura	<p>From: Laura Vaughn [mailto:lauravaughn@harbornet.com] Sent: Wednesday, March 16, 2011 3:53 PM To: Chris Beale; Donald Erickson ; Ian Morrison ; Jeremy Doty; "Lihuang Wung \ (Staff Contact)@imta-38.everyone.net"; Matthew Nutsch; Peter Elswick; Scott Morris ; Sean Gaffney; Thomas O'Connor, Vice-Chair; David Boe; Jake Fey; Joe Lonergan; 'Lauren Walker'; Marty Campbell; 'Mayor Marilyn Strickland'; Ryan Mello; Spiro Manthou; 'Victoria Woodards' Subject: Digital Billboards</p> <p>Planning Commission</p> <p>Attached is my letter of concern about the proposed digital billboards.</p> <p>Sincerely,</p> <p>Laura Vaughn 7634 S Fife St. Tacoma, WA. 98409 253-475-3121</p> <div data-bbox="602 1755 1252 1871" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;">Staff Note: Letter from Laura Vaughn, 3-16-11 (next 2 pages)</p> </div>

March 16, 2011

Planning Commission
747 Market Street – Room 1036
Tacoma WA 98402

Reference: Digital Billboards

Dear Planning Commission Members:

We want to protest against allowing digital billboards in Tacoma, and specifically against allowing the placement of digital billboards on South 74th Street between Wapato Street and Tacoma Mall Boulevard. My husband and I cleared the entire length of the right of way on the south side of the street and the strip along Tacoma Mall Boulevard between South 74th Street to South 78th Street. We did this fifteen years ago while the property belonged to the City of Tacoma. We chopped out scotch broom and wild blackberry bushes and contoured the site until we could mow it with our lawnmower. We planted twenty-six trees on the property and watered them and mowed the grass until the site was purchased by Bates Technical College. We obtained an agreement with Bates to maintain the site but I still have to carry water in five gallon jugs to water the trees every weekend in the heat of summer. We also contacted Pierce Transit and arranged to have a bus shelter placed on the property for the benefit of the residents in the adjacent neighborhood of homes and apartments and for the students of Bates Technical College. This converted an essential wasteland into a beautiful entryway into our Arlington neighborhood of South Tacoma.

We are now appalled to hear that the City Council has signed an agreement with a billboard company to desecrate this beautiful streetscape by the installation of digital billboards. The installation of huge digital billboards on property we worked so hard to beautify and have treated like it was ours, is outrageous and would cheapen the looks of our project. We cannot understand the reason anyone would even consider allowing digital billboards anywhere in Tacoma.

The agreement with this greedy billboard company would place most of the digital billboards in South Tacoma which is also unacceptable. We don't want them and wouldn't wish them on anyone else. Every resident in Tacoma would be harmed by being visually assaulted by the appearance of these huge signs within view of their residence and when moving about in our city. There would be no escaping the attack of their advertising messages. Please recommend to the Mayor and City Council that the City of Tacoma sign code regulations be updated to ban digital billboards.

If we can't depend on our elected representatives, to protect our interests; the only recourse we have as citizens would be a boycott of any company advertising on these monstrosities and a change of representatives. Hopefully the City Council will change their minds and support us.

The following was taken from Scenic America's website:

“Don't let anyone tell you billboards can't be banned. The following states prohibit all billboards:

Vermont - Removed all billboards in 1970s

Hawaii - Removed all billboards in 1920s

Maine - Removed all billboards in 1970s and early 80s

Alaska - State referendum passed in 1998 prohibits billboards”

“Often, billboard industry representatives try to convince local governments that if they ban billboards, they will be violating the First Amendment right to free speech. This is not

true. In almost all states, localities may ban billboards outright, or may restrict the size and types of billboards that are allowed. The only thing they cannot restrict is what they say. 'It's only when you get into banning content that you get into trouble,' said Eric Kelly, an attorney and professor of urban planning at Ball State University, who often helps local cities and towns draft or revise their sign ordinances.

Kelly recommends that local governments also make any rules regarding sign technology consistent between on-premise and off-premise signs to avoid potential litigation that might charge they are giving preferential treatment to one type of business over another. But that doesn't mean that you have to allow digital billboards if you allow banks to show the time and temperature, or gas stations to regularly change the prices posted on their signs, he said.

Allowing signs to change messages no more than once per minute, or restricting the size of the sign to no more than 30 square feet, allows for time and temperature signs, gas stations and church message boards but essentially bans Tri-Vision billboards and digital message boards that show new ads every six or eight seconds. It also helps, said Kelly, to include language in the ordinance explaining why the restrictions are there. If the ordinance states that its mission is to promote safety and aesthetics, and ties this goal back to goals in the local comprehensive plan, it strengthens the ordinance and helps protect it from legal challenges."

Please recommend to the City Council that the City's sign code be revised to ban digital billboards and that the City Council continue the City's efforts to remove all billboards from Tacoma.

Sincerely,

Laura Vaughn
7634 South Fife
Tacoma, WA 98409

238. Vaughn, Skip
(1)

From: Skip Vaughn [<mailto:skipvaughn@harbournet.com>]
Sent: Wednesday, March 16, 2011 3:22 PM
Subject: FW: Digital Billboards

Subject: Digital Billboards

Planning Commission:

Attached is the South Tacoma Neighborhood Council's letter opposing digital billboards.

Sincerely,



Chair
South Tacoma Neighborhood Council
7634 S Fife St.
Tacoma, WA 98409

Staff Note:
Letter from Skip Vaughn,
South Tacoma Neighborhood Council, 3-6-11
(next 3 pages)



BOARD MEMBERS

Chair
Skip Vaughn
Arlington
475-3121

Vice-Chair
John Miles
Edison
722-9400

Secretary
Venus Dergan
Manitou
474-1579

Treasurer
Pennie Smith
Arlington
475-9170

DIRECTORS

Deb Blakeslee
Orchard
460-3506

Kathy Getz
Manitou
302-0379

Andy Mordhorst
Edison
475-8416

Bruce Petersen
Edison
472-3361

Jim Rich
At-Large
474-5855

Gorden Rolan
Orchard
297-7099

Tim Smith
At-Large
219-7345

Barbara Tucci
Oakland/Madrona
405-8839

March 16, 2011

Planning Commission
747 Market Street – Room 1036
Tacoma WA 98402

Reference: Digital Billboards

Dear Planning Commission Members

The South Tacoma Neighborhood Council is opposed to the changes to the City of Tacoma Sign Code regulations that will allow digital billboards in the City of Tacoma. We consider the out-of-court settlement with Clear Channel Outdoor that allowed digital billboards was ill considered and inappropriate. At this point the whole process from start to its apparently obvious conclusion seems to be orchestrated to prevent the citizens of Tacoma from having any effective input to the process. It brings up a number of questions.

- How was Clear Channel Outdoor able to game the City's legal staff, and other elected and appointed officials, into both allowing digital billboards in Tacoma and grandfathering a horde of nonconforming billboards.
- How does a lawsuit claiming a violation of constitutional rights end up allowing digital billboards as the out-of-court settlement?
- Why did the City Council rush to approve an out of court settlement that sets forth in great detail the conversion of static billboards to highly profitable digital billboards with little, if any, citizen input?
- Why did they then charge you, the Planning Commission, with obtaining citizen input, after the fact, to digital billboard regulations already basically cast in concrete by the out of court settlement?
- Do they hope that allowing the citizens to vent their anger at meetings on the City's Sign Code will somehow give the appearance that the citizens input was part of the process?

While static billboards are bad enough; electronic digital billboards are extremely irritating, annoying and a safety hazard for drivers and pedestrians alike. Other cities around the nation have successfully banned digital billboards on the basis they are a safety hazard due to their obvious distraction to motorists, visual pollution, and light pollution at night. It is obvious that if they were not a distraction to motorists they would not be doing their job. According to the News Tribune; "digital billboards have been banned in Dallas, Fort Worth, Galveston, Austin and Houston, Texas; San Francisco, Calif.; St. Petersburg, Fla.; Denver, Colo.; Pima County, Ariz.; and the states of Maine

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and Montana. Many cities, including Los Angeles, have moratoriums on new ones.”

According to USA Today; “the American Association of State Highway and Transportation Officials, however, concluded that they **"attract drivers' eyes away from the road for extended, demonstrably unsafe periods of time."** In a similar article by Scenic America; “A Wisconsin Department of Transportation study conducted in the 1980s examined crash rates on I-94 East and West adjacent to the Milwaukee County stadium, after a variable message sign that showed sports scores and ads had been installed. The study found that sideswipe and rear-end collisions were up as much as 35 percent where the sign was most visible.”

Digital billboards along freeways are dangerous enough; digital billboards in Tacoma with intersections, traffic signals, and railroad crossing will be many times more hazardous. The Scenic America article states that; **“Studies show drivers who take their eyes off the road for more than two seconds are far more likely to suffer a crash or near crash.”** Those same studies showed that it takes the average driver **six seconds to comprehend the message on a digital billboard.** That’s **three times longer than it takes to cause an accident.** Motorists then stay focused on the sign to see what’s next.

Clear Channel Outdoors’s offer to run emergency messages on the digital billboards is of little value. Existing government-operated digital highway signs, as well as television and radio, already provide a system for emergency communication. No amount of donated ad space or Amber Alerts can compensate for the aesthetic and safety damage done by digital billboards.

Once the digital signs go up, they will be cost-prohibitive to remove should the City later need to buy them out due to road improvements, commercial development, or if the City finally recognizes the signs are proven to be hazardous. Tacoma should not fall for offers to take down old signs in exchange for permitting new digital ones. Whatever perceived benefits accrue from such deals don’t outweigh the damage from the introduction of devices that will potentially lead to traffic deaths and injuries and degrade the visual character of our community.

According Scenic America; “Often, billboard industry representatives try to convince local governments that if they ban billboards, they will be violating the First Amendment right to free speech. This is not true. In almost all states, localities may ban billboards outright, or may restrict the size and types of billboards that are allowed. The only thing they cannot restrict is what they say. ‘It’s only when you get into banning content that you get into trouble,’ said Eric Kelly, an attorney and professor of urban planning at Ball State University, who often helps local cities and towns draft or revise their sign ordinances.

We believe the proposal to allow digital billboards goes directly against the wishes of the citizens of Tacoma. While static billboards are visual blight and pollution, digital billboards are many times far worse. The citizens of Tacoma have a history of opposing even static billboards to the point that the City of Tacoma attempted to ban them completely. Digital billboards anywhere in the city will be safety hazards to drivers by distracting their attention to the road and other traffic.

Digital billboards would be a source of light pollution as the light they emit will be greater than the reflected light from static billboards. They also consume significantly more electricity than static billboard lighting. The proposed regulations would require digital billboards to be located more than 250 foot from a residential neighborhood. This is ridiculously inadequate restriction for digital billboards designed to be seen for miles. Locating a digital billboard **anywhere within sight of a residence** would be a constant irritant to the residents and have a significant adverse impact on their property values. We do not want our homes or apartments located in the equivalent of a Times Square.

We note that the billboards would be concentrated in South Tacoma due to the high traffic volumes on our streets making them more profitable. In reality, the high traffic volumes on our neighborhood arterials in one of the main reasons **digital billboards should not be located there**. We consider digital billboards would have an unacceptable adverse impact on our neighborhood and business districts and would make our high volume arterials even more dangerous for pedestrians and motorists alike. We are looking for traffic calming to reduce the number of accidents in South Tacoma. We are not looking for another distraction to take drivers concentration away from the road and other traffic. The high number of digital billboards in South Tacoma will mar the many scenic vistas we now enjoy and substitute the equivalent of a huge screen television to ruin the appearance of our streetscapes.

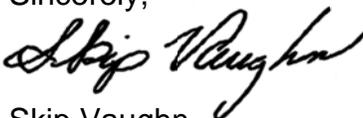
One of the proposed locations for digital billboards is on South 74th Street from Wapato to Tacoma Mall Boulevard. This area is adjacent to a number of apartment houses and residential homes. It is also an area that we landscaped with ornamental trees to beautify this entryway into our South Tacoma Neighborhood and make a positive "statement" about Tacoma. Digital billboards will send the wrong message. This portion of South 74th Street is also scheduled to have the median redesigned and landscaped as part of the traffic calming efforts on this high volume arterial. We do not want to see all the money and years of dedicated effort wasted by the installation of huge digital billboards that will pollute the scene. It would be an insult to the citizens that have worked so hard to beautify their neighborhood.

The City Council and the Planning Commission are charged with making Tacoma a better place to live and should not be denigrating it to merely a backdrop to electronic digital billboards. We keep trying to make Tacoma truly "The City of Destiny", but it is increasingly difficult when digital billboards would give Tacoma the appearance that our destiny is "Anything for a Buck"

Many of the proposed sites, like 74th and South Tacoma Way, are near intersections and the digital billboards will distract drivers when it is most critical that they focus their eyes and mind on traffic and traffic signals and not on commercial messages. The same is true of digital billboard sites located on streets that cross high speed rail tracks. That is not a time or place to distract a driver by flashing commercial messages on digital billboards to take their mind off traffic and the oncoming Amtrak train traveling seventy plus miles per hour. Who would have the "deep pockets" in the law suits by surviving family members?

We request the Planning Commission recommend against allowing digital billboards in Tacoma and send the message to the City Council that the South Tacoma Neighborhood Council is opposed to allowing any digital billboards in the City of Tacoma.

Sincerely,



Skip Vaughn,
Chair, South Tacoma Neighborhood Council
7634 South Fife Street
Tacoma, WA 98409
(253) 475-3121

CC: Mayor Strickland and City Council
Eric Anderson, City Manager

239. Vaughn, Skip
(2)

From: Skip Vaughn [<mailto:skipvaughn@harbornet.com>]
Sent: Wednesday, March 16, 2011 10:47 PM
To: Chris Beale; Donald Erickson ; Ian Morrison ; Jeremy C. Doty, Chair; "[Lihuang Wung \ \(Staff Contact\) @imta-38.everyone.net](mailto:Lihuang.Wung@imta-38.everyone.net)"; Matthew Nutsch; Peter Elswick; Scott Morris ; Sean Gaffney; Thomas O'Connor, Vice-Chair; Boe, David; Fey, Jake; Lonergan, Joe; 'Lauren Walker'; Campbell, Marty; 'Mayor Marilyn Strickland'; Mello, Ryan; Spiro Manthou; Woodards, Victoria
Subject: FW: Billboard Hearing - tonight (Wed. 5pm)

From: Heidi S. [<mailto:heidigs@hotmail.com>]
Sent: Wednesday, March 16, 2011 8:24 PM
To: skipvaughn@harbornet.com
Cc: Timothy Smith
Subject: RE: Billboard Hearing - tonight (Wed. 5pm)

Hi Skip,

Just today I was made aware that one of the things Clear Channel does with their massive electronic billboards, is to slyly put cell phone antennas on them. I'd like to know if the city is aware of this, if they've approved it sand if there's any verbiage about it in the agreements... I'd like to have language added stating it's not allowed. Electro-magnetic waves are one thing, cell radiation is another.

I hope this question was raised at the Neighborhood Council meeting... if not, could it be put forward to the city?

Thanks,
Heidi Stephens

From: skipvaughn@harbornet.com
To: heidigs@hotmail.com
Subject: RE: Billboard Hearing - tonight (Wed. 5pm)
Date: Wed, 16 Mar 2011 11:42:58 -0700

Hi:

I'm not sure. None of the board members have indicated they would be there. We are sending a letter to the planning commission protesting the billboards.

Skip

From: Heidi S. [<mailto:heidigs@hotmail.com>]
Sent: Wednesday, March 16, 2011 6:57 AM
To: Timothy Smith; skipvaughn@harbornet.com
Subject: Billboard Hearing - tonight (Wed. 5pm)

I know this conflicts with the Neighborhood Council meeting tonight, but will someone representing South Tacoma be at this hearing to protest the current billboard proposal?

Planning Commission Public Hearing on Billboard Sign Code Revisions
Location: City Council Chambers, Tacoma Municipal Building at 747 Market Street (1st Floor)
Time: 5:00pm, Wednesday, March 16, 2011

240.	Walton, Jackie	<p>From: Jackie Walton [mailto:dancingjackaroo@gmail.com] Sent: Sunday, March 20, 2011 10:11 PM To: Planning Subject: Digital Billboards</p> <p>To whom it may concern:</p> <p>My name is Jackie Walton, and I live at 123 N Yakima Ave Apt 205, Tacoma, WA 98403. I am writing to express my deep concern with the idea of more digital billboards coming to Tacoma. As someone who travels the I-5 corridor on a regular basis, I have seen that the digital billboards at the Emerald Queen Casino as well as the others in the Fife/Milton area are a major distraction when driving. I have also noticed, traveling miles away on the 501 bus route, that the sign is an eyesore and a source of light pollution affecting many miles. Adding more of these, particularly in residential areas, makes no sense.</p> <p>Comments have been made trying to assure us that the digital billboards will be hardly noticeable, difficult to distinguish from "regular" billboards. Considering the fact that even regular billboards are an eyesore, I fail to find this comforting. Others have mentioned the energy usage and noise that result; is this really what we want to bring to our neighborhoods?</p> <p>If this does get pushed through despite the clear wishes of the public, I will vote with my dollars. Any companies using this billboard will receive a letter from me explaining just why I will no longer purchase their products or use their services.</p> <p>Thank you for considering my comments.</p> <p>Sincerely,</p> <p>Jackie Walton</p>
241.	Weiss, Stacey	<p>From: Stacey Weiss [mailto:sweiss@pugetsound.edu] Sent: Wednesday, March 16, 2011 11:22 AM To: Planning Cc: Jake.Fey@cityoftacoma.org; jordan.schrader@thenewstribune.com; Marilyn.Strickland@cityoftacoma.org Subject: Electronic Billboards - NO</p> <p>Dear City of Tacoma Planning Commission –</p> <p>I would like to voice my opposition to the proposed plan to allow electronic billboards in the City of Tacoma. I understand the compromise that this action would bring about with Clear Channel, but in my opinion, the city gets the short end of the stick in this compromise. Allowing electronic billboards would introduce an even greater eye-sore to the city. It adds additional light pollution that is not needed, nor wanted, into the community and even worse, adds an element of distraction to drivers that would make our neighborhoods less safe, especially during night time hours.</p> <p>I agree that the first amendment should be protected, but this is the first amendment for profit and should be weighed differently... especially given the overwhelming public outcry within our community. But in the end, this is a public safety issue and in my opinion, the planning commissions and the city council's first mandate is to ensure the safety of the citizens of this city. A vote other than no fails in this regard.</p> <p>Regards, Stacey Weiss 1214 N Junett St Tacoma, WA 98406 253-272-7193</p>

242.	Winters, Sharon (1)	<p>From: swinters@nventure.com [mailto:swinters@nventure.com] Sent: Tuesday, March 08, 2011 8:34 AM To: Boe, David Subject: Clear Channel/City Settlement Agreement apparently unsigned by CC</p> <p>David:</p> <p>From research conducted by Doug Schafer, a local attorney and member of the Central Neighborhood Council, we recently learned that the Settlement Agreement with Clear Channel, approved by City Council in July 2010, has never been signed by Clear Channel. We also understand that an extension to sign was extended to Clear Channel by the city manager, city clerk and city attorney in late January, an extension that we believe should be immediately withdrawn. See details in Mr. Schafer's message below.</p> <p>As noted in Historic Tacoma's March 5th email message, which I will forward separately, we are very concerned about the long term implications of this Settlement Agreement, the fact that no public notice was provided in advance agendas of that Council discussion and decision, and that there was thus little public comment at the time. Both from media reports and from individual contacts in the community, we understand that many residents and business owners are concerned and believe that this issue deserves a public forum.</p> <p>Our recommendation is that Council ask the City Manager to withdraw the extension (see attached FirstAmend2) immediately. From information presented by Mr. Schafer, a Planning Commissioner, our own research, and precedent established in other cities, we believe that the City can prevail against Clear Channel's lawsuit.</p> <p>Sincerely, Sharon Winters Board President Historic Tacoma 253.761.9349 (evenings) www.historictacoma.org</p> <p>----- Original Message ----- From : Doug Schafer[mailto:schafer@pobox.com] Sent : 3/7/2011 1:59:35 PM To : swinters@nventure.com Cc : Subject : FW: Re: Please add me to your Historic Tacoma email list.</p> <p>Sharon Winters:</p> <p>Thank you. I am also appalled by the City's proposed actions.? I am a lawyer, but I lack land use and zoning experience.? Nonetheless, I reviewed the court files from the Clear Channel lawsuit.? The lawsuit was filed by Clear Channel in Pierce County Superior Court in late July 2007.? The City apparently hired former City legal department staff attorney Shelley Kerslake to represent it.? Ms. Kerslake immediately filed papers to move the lawsuit to Federal District Court (I wonder why.).? In August, 2007, the City filed an answer to Clear Channel's complaint that generally denied CC's factual and legal assertions.? From that time until mid-February 2010, nothing was filed in the case except stipulated extensions of the trial date (except for a stipulated dismissal from the lawsuit of a City employee that CC had named).? It appears that the City chose to negotiate a settlement rather than to defend the City Council's 1997 ordinance.? On February 10, 2010, Clear Channel filed a motion for summary judgment.? The City never filed any response to that motion, but the Settlement Agreement that I fetched from the City Clerk's office last week shows that its Exhibit 4 (Agreement to Dismiss Lawsuit) was dated March ____, 2010.? So by sometime in March 2010, the City had essentially acquiesced to Clear Channel's demands.? The federal lawsuit was dismissed by stipulation of the parties on October 13,</p>
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2010, but it could be re-filed if the settlement falls through.

I believe that the City's litigation posture should have been to defend the 1997 ordinance.? The foundation of nearly all of Clear Channel's arguments was that the 1997 ordinance only categorized as "nonconforming" those billboards that on July 22, 1997, were displaying a message advertising goods, products, events, or services not sold on the premises. Clear Channel makes First Amentment arguments premised on its assumption (since allegedly no records exist) that some of its billboards were displaying noncommercial messages, or were without a message, on July 22, 1997.? In my view, the City should have sought a ruling early on rejecting that argument, or a ruling that Clear Channel's lawsuit challenging the 1997 ordinance was barred by the short limitations period for challenges under the state's Land Use Act.

Given the significance of the issues in the lawsuit, it surprises me that the City did not hire a more prominent (and probably more capable) lawfirm to defend the City's 1997 ordinance, or at least to seek a second opinion for such a lawfirm before "rolling over."

It is my view that the City could renounce the proposed Settlement Agreement and return to court to defend its 1997 ordinance.? The proposed Settlement Agreement signed in late July 2010 by the City's manager, clerk, and attorney, gave Clear Channel on "option period" of six months to sign it.? Clear Channel never did.? In late January 2011, without City Council authorization, the City's manager, clerk, and attorney signed a First Amendment to the Settlement Agreement extending until August 15, 2011, the deadline for Clear Channel to sign the proposed Settlement Agreement. Arguably, the First Amendment is invalid since the City Council did not authorize it.? But irregardless, I consider the proposed Settlement Agreement nothing more than the City's offer that it can revoke at will, since its paragraph 7 states, "Clear Channel's option to execute this Agreement, or to leave the Agreement unexecuted, shall be within Clear Channel's sole discretion. Nothing herein shall be interpreted to require Clear Channel to execute the Agreement."

I attach a copy of Clear Channel's motion for summary judgment and a copy of the Settlement Agreement and its First Amendment.? If you'd like any more of the papers from the litigation, please let me know.

Doug Schafer

P.S., The City's planning department (planner Shirley Schultz) has been working from a copy of the Settlement Agreement that was distributed to attendees at the City Council meeting on July 27, 2010, when the Council approved that Agreement.? But its Exhibit 2, listing billboards to be initially to be removed, differs significantly from the Exhibit 2 that was attached to the original Settlement Agreement on file at the City Clerk's office.

Staff Note:

Three are 3 attachments to Sharon Winters' e-mail of 3-8-11 to Council Member David Boe:

1. Clear Channel's motion for summary (provided by Doug Schafer to Sharon Winters on 3-7-11)
2. Tacoma-Clear Channel Settlement Agreement (provided by Doug Schafer to Sharon Winters on 3-7-11)
3. First amendment to the Settlement Agreement (provided by Doug Schafer to Sharon Winters on 3-7-11)

(next 35 pages)

The Honorable Benjamin H. Settle

Sharon Winters
E-mail (3-8-11), Attachment 1
(provided by Doug Schafer 3-7-11)
19 pages

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CLEAR CHANNEL OUTDOOR, a Delaware corporation,)	
)	No. C07-5407 BHS
Plaintiff,)	PLAINTIFF CLEAR CHANNEL'S
)	MOTION FOR PARTIAL SUMMARY
v.)	JUDGMENT
CITY OF TACOMA, a municipal corporation;)	
and JOHN W. HARRINGTON, JR., an individual,)	NOTE ON MOTION CALENDAR:
)	MARCH 5, 2010
Defendants.)	ORAL ARGUMENT REQUESTED

I. INTRODUCTION

In 1997, the City of Tacoma passed the Forced Removal Ordinance (“FRO”). The FRO required that certain “nonconforming billboards” be removed by August 1, 2007. The test for whether a sign constituted a “nonconforming billboard” subject to removal turned on the message on the sign on July 22, 1997. This antiquated, content-based approach to sign regulation rendered the FRO unconstitutional in many different ways, any one of which, standing alone, is fatal to the FRO.

First, the test for which signs are subject to the FRO impermissibly favors certain noncommercial speech over other noncommercial speech. For example, a sign reading “Don’t Drink and Drive” on July 22, 1997, was not a billboard, and not subject to forced removal. If on

1 that same day the sign instead read “Attend Services at St. Luke’s,” or “Buy War Bonds,” it was
2 a “nonconforming billboard” subject to removal. The First Amendment does not permit the
3 government to discriminate between and among protected, noncommercial messages, allowing
4 some but penalizing others.

5 Second, because the FRO turns on content-based restrictions of noncommercial speech, it
6 is subject to strict scrutiny. As a matter of law, the asserted interests underlying the ordinance –
7 aesthetics and traffic safety – do not rise to the requisite compelling state interests necessary to
8 satisfy the strict scrutiny test.

9 Third, because the FRO also reaches commercial speech, it must pass muster under the
10 Central Hudson test. Under that test, a governmental body seeking to restrict commercial speech
11 must demonstrate that (i) the harms it recites are real, and (ii) the restriction will alleviate those
12 harms to a material degree. As noted, the applicability of the FRO to any given sign depends on
13 the message on that sign on July 22, 1997. But the City concedes that it has no evidence of the
14 messages on any given sign on that date. Nor does Clear Channel. Accordingly, it is impossible
15 to determine the signs to which the FRO applies. Because it is impossible to know what signs
16 must be removed, it is impossible to know whether the FRO advances its stated goals of
17 advancing aesthetics and traffic safety.

18 Fourth, the FRO violates the Cambridge Doctrine. That doctrine holds that the
19 government may not restrict or distribute future speech rights based on past lawful speech. Here,
20 the determination of whether a sign is a “nonconforming billboard” subject to forced removal is
21 based on distinctions between and among lawful messages posted a decade earlier. In other
22 words, future speech rights are distributed (and restricted) based on past lawful speech. The
23 FRO is a plain Cambridge violation.

24 Even if the City could overcome the many constitutional hurdles, the FRO is nevertheless
25 unenforceable. As noted, whether a sign is subject to the FRO depends on the message on that
26

1 sign on July 22, 1997. Unless the City has evidence of such messages (it does not), it must be
2 enjoined from attempting to enforce the ordinance.

3 Next, many of the signs are covered by RCW 47.42. That statute bars a municipality
4 from seeking to remove signs along certain routes unless and until the City tenders just
5 compensation into the registry of the Court. Many of the signs in question fall under RCW
6 47.42. Nevertheless, the City has not tendered the requisite compensation.

7 To put all of this into context, it will be helpful to review the City's enforcement actions.
8 As detailed herein, both the City Attorney's Office and the code enforcement office knowingly
9 undertook illegal actions. The conduct is, frankly, inexcusable.

10 In all of this, there are no disputed facts on the counts for which summary judgment is
11 sought. Purely legal issues are presented, and Clear Channel seeks summary judgment on
12 Counts I, II, III, IV, VII and VIII of the Complaint, and a permanent injunction barring the City
13 from enforcing the forced removal requirement.

14 **II. BACKGROUND**

15 Clear Channel maintains 187 signs within the Tacoma city limits which the City contends
16 must be removed.¹ Clear Channel disseminates lawful noncommercial and commercial speech
17 on those signs. When this suit was filed, the estimated approximate value of the signs was \$25 to
18 \$30 million.²

19 On July 25, 1997, the City enacted the FRO. Pursuant to the FRO, Tacoma's Sign Code
20 was retroactively amended such that all "billboards" which did not comply with the various
21 requirements of the Sign Code as of July 22, 1997, were, from that date forward, deemed
22 "nonconforming billboards."³ Such nonconforming billboards were required to be removed by
23 August 1, 2007.⁴

24
25
26
¹ Ex. 1. All exhibits are attached to the Declaration of Paul Taylor filed herewith.

² Id.

³ Ex. 2 at TMC § 13.06.521(N)(5) (at pp. 13-117).

⁴ Id. at TMC § 13.06.521(N)(6)(c)(6) (at pp. 13-118).

1 Under the FRO, the determination of whether a sign structure was a “billboard” (and
2 subject to removal) turned on the content of the message on the sign on July 22, 1997. In
3 particular, “billboard” was defined as:

4 A sign which advertises goods, products, events, or services not
5 necessarily sold on the premises on which the sign is located;
6 however, a person, business, or event located on the premises shall
7 not be identified.⁵

8 Under this definition, signs which on July 22, 1997, bore noncommercial messages such
9 as “Don’t Drink and Drive” or “Elect Jim Smith” were not billboards. Likewise, a sign which
10 was vacant on July 22, 1997, was not a billboard. Because such signs were not billboards on
11 July 22, 1997, they did not become “nonconforming billboards” subject to forced removal. By
12 contrast, signs bearing messages such as “Attend Services at St. Luke’s,” or “Buy War Bonds”
13 became “nonconforming billboards” based on their message.

14 Clear Channel does not have a record of the messages that were posted on its sign
15 structures in Tacoma on July 22, 1997.⁶ Neither does Tacoma.⁷

16 As the removal date approached, the City geared up to enforce it. In early June 2007, the
17 City sent letters to approximately 200 of Clear Channel’s landlords.⁸ The letters advised that:

18 [A]ll nonconforming billboards must either be brought into
19 compliance with the City code, or must be removed from their
20 respective sites by no later than August 1, 2007.⁹

21 The letter also demanded a “schedule of compliance . . . by July 6, 2007 detailing how
22 the billboard on your property will be removed or relocated to an authorized site by August 1,
23 2007.”¹⁰

24 ⁵ Ex. 2 at § 13.06.520(C).

25 ⁶ Ex. 1 at ¶ 4.

26 ⁷ Ex. 3 at 22:1-4; 29:1-4.

⁸ *Id.* at 11:14-15.

⁹ Ex. 4.

¹⁰ *Id.*

1 The City's enforcement effort is troubling. First, the only signs subject to the FRO were
2 "nonconforming" billboards. But in sending the letter to over 200 landlords, the City made no
3 effort to determine whether the structures on the recipient's property were conforming or
4 nonconforming. Why not? The code enforcement officer who signed the letters explained that
5 the City was in a hurry and there was no time:
6

7 Q. Why didn't you make any effort to go through the list to figure
8 out which boards were conforming and which boards were not?

9 A. Before I sent the letter there was no time. This was – because
10 the amortization period was coming up. This was in July – or not
11 July, in the very first part of June or late May that this was being
12 decided what to do. And they wanted the letter to go out quickly.¹¹

13 After sending the letters, the enforcement officer had second thoughts about sending
14 them without knowing if the billboard on any given property was nonconforming. He undertook
15 to determine if the letters had only been sent to those landlords with nonconforming structures on
16 their property. He did not get very far (not even past the first page of the list) because he had
17 other pressing tasks, and he simply abandoned the effort.¹²

18 Second, the City code has no provision authorizing the City to demand a "schedule of
19 compliance." Notwithstanding, the Tacoma City Attorney's Office instructed that the demand
20 for a compliance schedule be included in the letter:

21 Q. What authority did you have to instruct the citizen to submit a
22 schedule of compliance?

23 A. That paragraph was directed to be put in there by my
24 supervisor. That is what they – in fact, that is a new part of the letter
25 that was put in by Mr. Gross.

26 Q. Mr. Gross, he's --

A. He's the attorney, yeah.¹³

¹¹ Ex. 3 at 33:7-15.

¹² Id. at 33:22-34:25.

¹³ Id. at 13:1-8.

1 The enforcement officer who signed the letter concedes that he had no authority to
2 demand a schedule of compliance:
3

4 Q. Well, what authority did you think you had to order that of a
citizen?

5 A. I didn't have the authority. I was essentially sending out a
6 letter with information for that person.¹⁴

7 He nevertheless sent the letter because "my bosses said go write this, write this letter and
8 send it out."¹⁵

9
10 On July 26, 2007, Clear Channel sued seeking a declaratory judgment that the FRO was
11 unconstitutional. Clear Channel simultaneously moved to bar the City from assessing or
12 accruing any fines or penalties during the pendency of the lawsuit. Effectively conceding that
13 the FRO was unconstitutional, the City stipulated to the following Order:

[T]he City of Tacoma is prohibited from assessing or imposing any
14 civil or criminal penalty against Plaintiff, Clear Channel Outdoor, or
15 its landlords, including any retroactive penalty, based on their alleged
16 failure to comply with TMC § 13.06.521.N.6(c)(6) during the
pendency of this action.¹⁶

17 **III. ARGUMENT**

18 **THE FORCED REMOVAL PROVISIONS ARE**
19 **CONSTITUTIONALLY DEFECTIVE**

20 There are two basic approaches to sign regulation. The modern and widespread approach
21 is a content-neutral scheme which regulates signs based on size, without regard to the message
22 on the signs. The other is an outdated, content-based approach which distinguishes permissible
23 speech from impermissible signs based on the ideas or views expressed on the sign. In enacting
24 the FRO, Tacoma inexplicably chose the latter.

25 Content-based regulations, such as Tacoma's, are strongly disfavored:

26 ¹⁴ Id. at 14:2-6.

¹⁵ Id. at 14:9-11.

¹⁶ Ex. 5.

1
2 At the heart of the First Amendment lies the principle
3 that each person should decide for himself or herself the ideas
4 and beliefs deserving of expression, consideration, and
5 adherence. Our political system and cultural life rest upon this
6 ideal. **Government action that stifles speech on account of
7 its message, or that requires the utterance of a particular
8 message favored by the Government, contravenes this
9 essential right. . . .**

6 For these reasons, the First Amendment, subject only
7 to narrow and well-understood exceptions, does not
8 countenance governmental control over the content of
9 messages expressed by private individuals. **Our precedents
10 thus apply the most exacting scrutiny to regulations that
11 suppress, disadvantage, or impose differential burdens
12 upon speech because of its content.**

10 Turner Broad. Sys., Inc. v. FCC, 512 U.S. 622, 641-642 (1994) (citations omitted) (emphases
11 added). See also City of Ladue v. Gilleo, 512 U.S. 43, 59 (1994) (O'Connor, J., concurring)
12 (“With rare exceptions, content discrimination in regulations of the speech of private citizens on
13 private property . . . is presumptively impermissible, and this presumption is a very strong one.”).
14 Thus, it is not surprising, as detailed below, that content-based sign regulation schemes are
15 regularly struck down under the First Amendment.

16 **A. The FRO Impermissibly Discriminates Among Various Forms of Protected
17 Noncommercial Speech – Count I of the Complaint**

18 The FRO discriminates between and among various forms of protected noncommercial
19 speech. Under the FRO, certain constitutionally-protected noncommercial messages rendered a
20 sign a “billboard” subject to forced removal, while other protected noncommercial messages did
21 not make that same sign a billboard subject to removal. For example, if a sign read “Attend the
22 Antiwar Rally at Wright Park” on July 22, 1997, it was a billboard because it advertised an
23 “event” which was not “sold” on the premises on which the sign is located.¹⁷ By contrast, a sign
24 which read “Pray” on July 22, 1997, was not a billboard because it did not advertise “goods,
25 products, events, or services.” The “Antiwar Rally” sign is subject to forced removal, “Pray” is
26 not.

¹⁷ Ex. 2 at TMC § 13.06.520(C).

1 The First Amendment prohibits the government from favoring one form of
2 noncommercial speech over other noncommercial speech. This First Amendment cornerstone
3 was explained in Metromedia, Inc. v. City of San Diego:

4 With respect to noncommercial speech, the city may not choose the
5 appropriate subjects for public discourse: "To allow a government
6 the choice of permissible subjects for public debate would be to
7 allow that government control over the search for political truth."
8 Because some noncommercial messages may be conveyed on
9 billboards throughout the commercial and industrial zones, San
10 Diego must similarly allow billboards conveying other
11 noncommercial messages throughout these zones.

12 Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 515 (1981). See also Nat'l Adver. Co. v.
13 City of Orange, 861 F.2d 246, 249 (9th Cir. 1988) ("The Constitution forbids the selective
14 prohibition of protected noncommercial speech based on its content.").

15 The Court in National Advertising Co. v. Town of Babylon, 703 F. Supp. 228 (E.D. N.Y.
16 1989), applied Metromedia to strike down Sign Codes with content-driven provisions similar to
17 Tacoma's:

18 Several of the challenged ordinances also create
19 exceptions to their general bans on noncommercial speech which
20 discriminate in favor of certain types of noncommercial speech
21 and against other types of noncommercial speech.

22 Babylon, 703 F. Supp. at 239. In holding such provisions facially unconstitutional, the Court
23 followed Metromedia and held that the defendants were:

24 [M]aking a value-based judgment that saying "vote for X" at
25 election time is more important than saying for example "save the
26 whales" at various times throughout the year. Legislation enacted
to reflect such a determination is not constitutionally sound.

27 Id.

28 The Second Circuit similarly followed Metromedia in affirming the District Court:

29 The district court properly followed Metromedia in concluding
30 that the exceptions to the ban for temporary political signs . . .
31 impermissibly discriminate between types of noncommercial
32 speech based on content. See Metromedia, 453 U.S. at 515, 101 S.
33 Ct. at 2896 ("With respect to noncommercial speech, the city may
34 not choose the appropriate subjects for public
35 discourse . . .").

1 Nat'l Adver. Co. v. Town of Babylon, 900 F.2d 551, 557 (2nd Cir. 1990).

2 Here, the FRO allows signs that carried certain noncommercial messages on July 22,
3 1997, to continue past August 1, 2007. Conversely, it requires removal of otherwise identical
4 signs which carried other noncommercial messages on July 22, 1997. Making matters worse, a
5 sign that was blank on the benchmark date can remain. Thus, Tacoma actually created a system
6 which gave an incentive not to speak. The FRO unlawfully discriminates between and among
7 various forms of protected, noncommercial speech.

8 **B. The Ordinance Cannot Withstand the Requisite Strict Scrutiny Analysis – Count II**
9 **of the Complaint**

10 Even if the FRO did not discriminate among various forms of noncommercial speech (it
11 clearly does), it still fails. An ordinance employing content-based restrictions on noncommercial
12 speech is presumed unconstitutional and subject to a strict scrutiny analysis. See, e.g., Boos v.
13 Berry, 485 U.S. 312, 321-322 (1988). Accordingly, “[I]t is the rare case in which . . . a [content-
14 based] law survives strict scrutiny.” Burson v. Freeman, 504 U.S. 191, 211 (1992).

15 To withstand strict scrutiny, an ordinance must be narrowly tailored to reach a
16 compelling state interest, and use the least restrictive means available to meet its objectives.
17 Boos v. Berry, 485 U.S. at 321-322; Solantic, LLC v. City of Neptune Beach, 410 F.3d 1250,
18 1258 (11th Cir. 2005). The Ordinance cannot withstand this test.

19 **1. The Asserted Interests Are Not Sufficient As a Matter of Law**

20 The asserted interests underlying the FRO – aesthetics and traffic safety – do not, as a
21 matter of law, rise to the level of “compelling” interests:

22 Although ‘safety’ and ‘aesthetics’ are substantial government
23 interests, they are not compelling enough to justify content-based
24 restriction on fully-protected, noncommercial speech.

25 King Enters., Inc. v. Thomas Twp., 215 F. Supp.2d 891, 910 (E.D. Mich. 2002) (citing N.
26 Olmsted Chamber of Commerce v. City of N. Olmsted, 86 F. Supp.2d 755, 767 (2000) and
Metromedia, Inc. v. City of San Diego, 453 U.S. at 507-508). See also Solantic, LLC v. City of
Neptune Beach, 410 F.3d at 1267 (aesthetics and traffic safety are not “compelling” interests).

1 The lack of compelling interests is, by itself and as a matter of law, fatal to the FRO.

2 **2. The Ordinance Is Not Narrowly Tailored**

3 Even if the interests were sufficiently compelling (they are not), the FRO still fails under
4 strict scrutiny analysis. The FRO is not narrowly tailored to accomplish the asserted interests.

5 First, the content driven restrictions violate the narrow tailoring requirement because the
6 method of regulation is not sufficiently linked to the interest sought to be achieved. For
7 example, in Solantic, LLC v. City of Neptune Beach, 410 F.3d 1250 (11th Cir. 2005), the Court
8 addressed the validity of a content-based Sign Code. The City attempted to justify the Code
9 based on its interest in traffic safety and aesthetics. After holding that these interests were not
10 “compelling” in the first instance, the Court held that the ordinance was not narrowly tailored in
11 any event:

12 [T]he City has simply failed to demonstrate how these
13 interests [aesthetics and traffic safety] are served by the
14 distinction it has drawn in the treatment of exempt and
15 nonexempt categories of signs. Simply put, the sign code’s
16 exemptions are not narrowly tailored to accomplish either the
17 City’s traffic safety or aesthetic goals.

18 Solantic, 410 F.3d at 1268.

19 The same result was reached in King Enterprises, Inc. v. Thomas Township, 215 F.
20 Supp.2d 891, 911 (E.D. Mich 2002):

21 The Township has not explained how the limitation of content
22 of these messages advances their stated goals. For instance,
23 safety and aesthetics are promoted no more by allowing a sign
24 which states only location or activities than by a sign which
25 announces a tenet of faith, or a proverb, or the motto or mission
26 of a service club. Nor has it been established that limiting the
display of such messages to churches, charities and service
clubs will serve a government interest.

27 See also N. Olmsted Chamber of Commerce v. N. Olmsted, 86 F. Supp.2d at 771 (ordinance not
28 narrowly tailored where no evidence that impermissible signs were less aesthetic, or more of a
29 hazard, than permissible signs).

1 The Ordinance also fails the “narrowly tailored” requirement because it regulates
2 “billboards” based on message, without regard to size. It thus applies to any sign that carried a
3 message which made it a “billboard” on July 22, 1997. As a result, and depending on the
4 message, church, school and small business readerboards are all potentially “billboards” subject
5 to removal, even though they do not contribute to the stated concerns about traffic or aesthetics.

6 Finally, the City cannot prove that its content-based regulatory scheme actually
7 accomplishes the stated goals. The test for removal is the content on the sign on July 22, 1997.
8 There is no evidence that the City did any analysis of the messages on Clear Channel’s signs, or
9 any other signs, on the benchmark date. Accordingly, the City cannot establish how many, if
10 any, signs must be removed. Absent a record of the content on the signs at issue, the City cannot
11 show that the Ordinance will accomplish the stated interests.

12 In short, the FRO cannot withstand strict scrutiny. Frankly, it is not a close call.

13 **C. The FRO Fails Under the Central Hudson Test – Count IV of the Complaint**

14 Beyond regulating noncommercial speech, the FRO also reaches, and regulates,
15 commercial speech. For example, a sign with commercial speech (e.g., “Eat at Joe’s – One Mile
16 Ahead”) on July 22, 1997, is a “billboard” subject to the FRO.

17 The validity of a regulatory scheme restricting commercial speech is governed by Central
18 Hudson Gas & Electric Corp. v. Public Service Commission of New York, 447 U.S. 557 (1980).
19 Under that test, the speech must first concern lawful activities and not be misleading. Assuming
20 the speech so qualifies, the government must:

- 21 (1) prove a substantial interest in support of its regulation;
- 22 (2) demonstrate that the restriction directly and materially advances that interest; and
- 23 (3) prove that the restriction is narrowly drawn, i.e., no more extensive than necessary
24 to serve the government interest.

25 The FRO falls under the Central Hudson test.

1 **1. The FRO Does Not Directly and Materially Advance the Asserted Interests**

2 The FRO fails under the second element because it does not directly and materially
3 advance the asserted interests of aesthetics and traffic safety. Under this element, “[a]
4 governmental body seeking to sustain a restriction on commercial speech must demonstrate that
5 the harms it recites are real and that its restriction will in fact alleviate them to a material
6 degree.” Edenfield v. Fane, 507 U.S. 761, 770-71 (1993). “Speculation or conjecture” is not
7 enough. Id.

8 Here, whether a sign is a “billboard” subject to forced removal depends on its content on
9 July 22, 1997. If the message read “Save the Whales” on that day, the structure was not a
10 billboard, and not subject to forced removal. If that same structure had a message reading “Shop
11 at Joe’s,” it was a “billboard,” subject to forced removal. If that same structure was blank, in
12 contrast, it was again not a billboard, and not subject to removal. Because of the content-based
13 yardstick, there was no way for the City to know, then or now, whether the Ordinance would
14 materially advance the City’s interests by reducing the number of signs. Whether the Ordinance
15 “materially advanced” the City’s interest is a matter of “speculation or conjecture.” That is not
16 enough. See Edenfield, 507 U.S. at 770-771.

17 Likewise, the Ordinance allows the continued maintenance of all signs which were not
18 billboards on July 27, 1997. Unless the City can prove that only a small number of structures
19 will be allowed to continue, the City cannot show that there will be a meaningful reduction in the
20 amount of signage in Tacoma as a result of the Ordinance. Indeed, it is entirely possible that
21 only a few signs will be subject to forced removal, and thousands will remain. Because the City
22 has no information about the messages on signs on the benchmark date, it has no way of
23 knowing how many signs fall under the FRO. This speculation shows that the FRO fails the
24 “materially advance” requirement.

25 In a related vein, there is no evidence showing why a sign with a message requiring
26 removal of the sign is any “less safe or less aesthetically pleasing” than a sign with a message

1 that does not require forced removal. Thus, the FRO does not sufficiently “materially advance”
 2 the City’s interests. N. Olmstead Chamber of Commerce, 86 F. Supp.2d at 771. See also
 3 Solantic, LLC, 410 F.3d at 1267. Thus, the FRO “does not further the City’s goals of safety and
 4 aesthetics in any meaningful way.” 86 F.Supp.2d at 771.

5 **2. The Ordinance Is Not Narrowly Drawn**

6 The City likewise cannot prove the final element – that the restriction is “narrowly
 7 drawn.” This element of the test:

8 complements the direct-advancement inquiry . . . asking whether
 9 the speech restriction is not more extensive than necessary to
 10 serve the interests that support it. The Government is not
 11 required to employ the least restrictive means conceivable, but it
 12 must demonstrate narrow tailoring of the challenged regulation
 13 to the asserted interest – ‘a fit that is not necessarily perfect, but
 14 reasonable; that represents not necessarily the single best
 15 disposition but one whose scope is in proportion to the interest
 16 served.’

17 Greater New Orleans Broad. Ass’n v. United States, 527 U.S. 173, 188 (1999) (quoting Bd. of
 18 Trustees of State Univ. of New York v. Fox, 492 U.S. 469, 480 (1989)).

19 The FRO fails this element. It applies to all signs, however small, that constituted
 20 “billboards” on July 22, 1997, regardless of whether they create traffic or pedestrian hazards, or
 21 detract from aesthetics. The FRO is classically “over inclusive.” See, e.g., City of Ladue v.
 22 Gilleo, 512 U.S. 43, 51 (1994) (Sign regulations are “subject to attack on the ground that they
 23 simply prohibit too much speech.” (citing Metromedia, 453 U.S. at 512)). It condemns far too
 24 much speech, and extends the ban in a way not necessary to further the government’s interests.
 25 In fact, it is doubtful that the City really understood what it was accomplishing when it enacted
 26 an ordinance that made potentially thousands of signs “billboards” based on their content. The
 FRO is not “narrowly drawn.” It could hardly be broader.

Conversely, because the FRO is content based, it is also underinclusive. If a sign is truly
 a traffic hazard or a threat to aesthetics, it does not lose that character simply because it has an
 approved message. City of Ladue, 512 U.S. at 51; Solantic, LLC, 410 F.3d at 1268.

1 In short, the FRO is not narrowly drawn.

2 **D. The FRO Violates the Cambridge Doctrine – Count III of the Complaint**

3 The Cambridge Doctrine is rooted in a pair of leading First Circuit sign regulation cases,
4 Ackerley Communications of Massachusetts, Inc. v. City of Somerville, 878 F.2d 513 (1st Cir.
5 1989) (“Somerville”) and Ackerley Communications of Massachusetts, Inc. v. City of
6 Cambridge, 88 F.3d 33 (1st Cir. 1996) (“Cambridge”). Those cases teach that the government
7 may not restrict or distribute future speech rights based on past lawful speech. Here, the
8 Ordinance violates the Cambridge Doctrine because the determination of whether a sign is a
9 “billboard” subject to forced removal is based on the message on that sign a decade earlier.

10 In Somerville, the town of Somerville enacted a regulatory scheme designed to eliminate
11 billboards. Certain billboards, however, were grandfathered. Signs that contained exclusively
12 noncommercial speech in the year preceding enactment of the Ordinance were exempted from
13 the removal requirement. Somerville, 878 F.2d at 515. Thus, if a sign carried a commercial
14 message for even one day in that past year, it was not grandfathered.

15 The Somerville Court had little difficulty holding that this regulatory scheme violated the
16 First Amendment. The Court defined the issue:

17 [W]e must address whether Somerville may choose the signs that
18 will be permitted in the future to carry noncommercial and onsite
19 commercial messages by looking at whether those signs carried
20 such messages exclusively for the previous year. Phrased another
21 way, the issue is whether a severe penalty – a prohibition against
22 future speech – may be imposed on a speaker because he in the
23 past engaged in a certain kind of lawful but less favored speech.
24 We conclude that the First Amendment does not permit this
25 particular discrimination.

26 878 F.2d at 518.

The Court explained that the exemption from eligibility for grandfathering effectively
barred “some, but not all, speakers from displaying messages in a particular manner, i.e., with
nonconforming billboards.” Id. Those who had maintained exclusively noncommercial speech
on their sign were grandfathered and could continue using their signs. The rest could not. The

1 Court elaborated on the discriminatory impact of the Ordinance, explaining Somerville had not
 2 eliminated nonconforming signs as a vehicle for speech, but instead permitted only certain
 3 people to continue using such signs. Id. at 518-519. Moreover, the test for who could continue
 4 using such signs was impermissibly based on past speech. Id.

5 Somerville's neighboring city, Cambridge, later attempted a similar regulatory scheme.
 6 Like Somerville, Cambridge passed an ordinance intended to reduce the number of signs. At the
 7 time, there was also a state law which grandfathered nonconforming uses in existence at the time
 8 a local zoning ordinance was enacted. The state statute excluded certain kinds of signs, based on
 9 their content, from the grandfathering provisions. In particular, signs bearing "offsite"¹⁸
 10 messages were not grandfathered. Cambridge, 88 F.3d at 34. The Court explained that:

11 The combined effect of the local ordinance and state law,
 12 therefore, is to protect signs that do not conform to the amended
 Cambridge ordinance only if they carry onsite messages.

13 Id. at 34.

14 As in Somerville, the plaintiff sign company argued that the ordinance impermissibly
 15 distributed future speaking rights based on whether the sign carried an offsite message when the
 16 ordinance was passed. Cambridge responded that the ordinance was valid because it was not
 17 based on past speech, but on the message in place the day the ordinance was enacted. Id. at 36.
 18 Thus, the ordinance did not "look backward" to distribute future speech rights. The Court
 19 acknowledged that the measuring date was different, but held that it was a distinction without a
 20 difference:

21 [T]he Cambridge scheme's reliance on the date of enactment
 22 nevertheless eliminates speakers from future access to a particular
 23 medium based on their past choice of lawful speech. If it is
 24 impermissible to assign future speech rights based on the content
 25 of past speech, the amount of past speech does not strike us as
 significant. The chilling effect that results from linking future
 speech to past speech exists even if the pressure to conform one's
 speech is compressed into a short time frame.

26 ¹⁸ An "offsite" message is one which is unrelated to the particular location of the sign. 88 F.3d at 34 n.1. For example, a sign reading "Joe's Restaurant – One Mile Ahead" is an "offsite" sign.

1 88 F.3d at 38. The Court also noted that the effect of the ordinance was to allocate speech rights
 2 to a “privileged class” of business and property owners whose signs qualified for the
 3 grandfathering. *Id.* It explained that “[u]nder the First Amendment, it is normally not within the
 4 government’s power to decide who may speak and who may not, at least on private property or
 5 in traditional public fora.” *Id.* at 39.

6 Tacoma combines the worst of Cambridge and Somerville. The FRO was enacted on
 7 July 22, 1997, and examines the message on signs as those messages existed. Thus, it has the
 8 identical “date of enactment” problem condemned by Cambridge. The Ordinance did not
 9 become effective, however, until three days later – July 25, 1997. On the effective date it looked
 10 backwards to speech that existed three days earlier. Thus it is retroactive a la Somerville. Either
 11 one of these defects, standing alone, renders the Ordinance invalid under the First Amendment.
 12 Combined, there is no doubt. The Ordinance plainly violates the First Amendment’s Cambridge
 13 Doctrine.

14 **E. Tacoma Should Be Permanently Enjoined from Enforcing the Ordinance in the**
 15 **Absence of Evidence of Content – Count VII**

16 Even if the FRO is constitutional, the City should nevertheless be barred from entering
 17 the ordinance. The issue of whether a given sign was a “billboard” (and subject to forced
 18 removal) depends on the message on the sign on July 22, 1997. Clear Channel does not have any
 19 record of the content of its signs on that date.¹⁹ The City has no record of the messages of the
 20 signs in question on that day.²⁰

21
22
23
24
25
26

¹⁹ Ex. 1.

²⁰ Ex. 3 at 29:1-4.

1 Accordingly, Clear Channel requests summary judgment on Count VII and the
2 corresponding claim for relief:

3 [A] declaratory judgment that, to the extent the Ordinance is
4 otherwise enforceable, the City of Tacoma cannot enforce TMC §
5 13.06.521.N.6.c(6) in regard to any particular sign structure unless it
6 possesses and provides proof of the content of the message on that
7 sign structure on July 22, 1997.

8 **F. The City Is Violating RCW 47.42 – Count VIII**

9 Under RCW 47.42, a municipality cannot require removal of signs “visible” from a state
10 route without first tendering just compensation into the registry of the Court. RCW 47.42
11 provides that:

12 (1) Just compensation shall be paid upon the removal of any
13 existing sign pursuant to the provisions of any resolution or
14 ordinance of any county, city, or town of the state of Washington

15

16 RCW 47.42.107.

17 There are the following state routes in Tacoma: SR 163, SR 7, SR 705, SR 16, SR 509,
18 and Interstate 5. At the time the case was filed, Clear Channel maintained 40 structures,
19 containing 69 sign faces, which are visible from these routes and subject to forced removal.²¹

20 Just compensation must be paid into the registry of the Court before the City can require
21 removal of these signs. See also Horan v. City of Federal Way, 39 P.3d 366 (Wash. Ct. App.
22 2002) (city must tender just compensation into the registry of the court before requiring removal
23 of signs). The City has made no such tender.

24 RCW 47.42 also requires compensation to landowners for the taking or elimination of a
25 sign lease, or of the right to erect or maintain signs on his or her property, for signs which are
26 “visible” from a state route. RCW 47.42.107(2)(a) and (b). As with the sign owner, a
municipality is required to tender compensation into the registry of the Court before requiring a
landowner to remove such signs on his or her property. Tacoma has not offered compensation to

²¹ Ex. 1.

1 Clear Channel's landlords for signs covered by RCW 47.42, nor has Tacoma tendered funds into
2 the registry of the Court.

3 DATED this 10th day of February, 2010.

4 BYRNES & KELLER LLP

5
6 By /s/ Paul R. Taylor

7 Paul R. Taylor, WSBA #14851

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15 Attorneys for Plaintiff Clear Channel Outdoor

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 10th day of February, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Shelley M. Kerslake
Chris D. Bacha
Kenyon Disend, PLLC
11 Front Street South
Issaquah, WA 98027-3820
shelley@kenyondisend.com
chris@kenyondisend.com

/s/ Paul R. Taylor, WSBA #14851
Paul R. Taylor, WSBA #14851
Byrnes & Keller LLP
1000 Second Avenue, 38th Floor
Seattle, WA 98104
Telephone: (206) 622-2000
Facsimile: (206) 622-2522
ptaylor@byrneskeller.com
Attorneys for Plaintiff Clear Channel

SETTLEMENT AGREEMENT
BETWEEN CITY OF TACOMA AND CLEAR CHANNEL

Sharon Winters
E-mail (3-8-11),
Attachment 2
(provided by Doug
Schafer 3-7-11)
14 pages

RECITALS

1. Clear Channel and the City are parties to a lawsuit, Clear Channel v. City of Tacoma, United States District Court, Western District of Washington, No. C07-5407 BHS.
2. The City is contemplating the enactment of an ordinance (the "Ordinance") which, among other things, would allow digital bulletin billboard signs in exchange for the removal of existing billboard signs and/or the relinquishment of pending relocation permits. The effect of such an ordinance would be to significantly and permanently reduce the number of billboard structures in the City.
3. The City believes that the Ordinance, in conjunction with the provisions of this Agreement, will benefit the public health, safety, and welfare of the City by providing for a significant and permanent reduction in the number of billboards in the City, greater, faster (almost instantaneous) and more effective dissemination of "amber alert" messages, and enabling the use of new and greener materials and technology in sign structures.
4. As a result of the Ordinance, the City anticipates there will be over 30,000 square feet of billboard signage removed within the first year of passage of the ordinance. Thereafter, there will be significant additional reductions over time because of the digital conversion ratio, which requires elimination of several thousand square feet of existing signage and/or permits in exchange for each new digital billboard, reductions based on normal industry attrition and consolidation, and Clear Channel's commitment to remove additional signage over time.

AGREEMENT

1. Effective Date. This Agreement shall become effective on the date on which the Agreement is fully executed by Clear Channel, the City Manager, the City Clerk/Deputy City Clerk and their signatures properly attested ("Effective Date").

2. Following the Effective Date of this Agreement, and upon receipt of permits to construct ten digital bulletin billboards at the approximate locations shown on Ex. 1, Clear Channel agrees to (i) permanently remove the structures shown on Ex. 2 within six months of the receipt of the permits to construct ten digital billboards, and (ii) relinquish 100 relocation permits it currently holds, as shown on Ex. 3. The structures removed will be cut down at or below ground level. Thereafter, Clear Channel will be able to erect additional digital bulletin billboards as follows: For every one digital billboard to be constructed, Clear Channel will give up a combination of 15 relocation permits and existing faces, of which at least five must be removals of existing faces. If and when Clear Channel no longer has any relocation permits, it will have to remove eight existing faces in exchange for the right to construct one digital structure. Regardless of whether Clear Channel seeks permits to construct digital billboards in addition to the first ten referenced above, Clear Channel will permanently remove an additional 25 sign faces during the five-year period beginning upon the issuance of the digital bulletin billboard permits referenced above. The faces to be removed will be at Clear Channel's discretion. Clear Channel may include these 25 faces, as removed, in the number of faces to be removed in seeking to erect additional digital bulletin billboards.

3. For purposes of this Agreement, digital billboard shall mean a billboard that uses digital technology that produces static images which are changed remotely. Digital billboards may not scroll, flash or feature motion pictures. Clear Channel is not permitted to construct the ten digital billboards referenced above until the removal of the billboards shown on Exhibit 2 is complete. All of the provisions of this paragraph are conditioned upon the enactment of an Ordinance, which will specify, among other things, digital receiving areas, static image times, billboard maintenance, PSA processes and technology definitions. Any digital billboards constructed will be constructed in compliance with such Ordinance and any other applicable provisions of the City Code.

4. Vested Rights. Clear Channel and the City hereby acknowledge Clear Channel's vested rights with respect to its existing conforming and legally

nonconforming billboard signs and relocation permits, and any signs constructed pursuant to the Ordinance. If and to the extent the City requires the removal of such signs or elimination of such permits at some future date (other than in connection with the construction of digital billboards as provided herein), the City will compensate Clear Channel for the fair market value of those interests.

5. Additional Sign Regulation by City. Nothing herein shall be construed to limit or impair the City's authority to enact ordinances or regulations governing signs or to limit or impair the City's police power, provided, however, that, if the City does so in a manner that limits, conflicts with or is inconsistent with Clear Channel's vested rights as acknowledged in this Agreement, it shall pay to Clear Channel any monetary loss arising therefrom, including the fair market value for removed signs or elimination of relocation permits as a result of such ordinances or regulations. In addition, notwithstanding anything to the contrary herein, if the City amends its existing sign regulations to allow for the use of new technology or material, or to in any way change the existing limitations on signs, Clear Channel may also use such technology and material and/or elect to be otherwise governed by the changes in connection with its signs without otherwise changing any of the terms this Agreement.

6. Option Period. Upon approval of this Agreement and its execution by the Mayor, the City Clerk/Deputy City Clerk and proper attestation of their signatures, the City shall deliver the original signed Agreement to Clear Channel (the "Approval Date"). By executing this Agreement, the City, in exchange for Clear Channel's dismissal of the Litigation pursuant to the Agreement Re Dismissal of Lawsuit, and the payment by Clear Channel to the City of \$100.00, and other good and valuable consideration, grants Clear Channel the option, in Clear Channel's sole discretion, of executing this Agreement at any time within six (6) months of the Approval Date (the "6 Month Option Period"). If, however, the City adopts an Ordinance within the 6 Month Option Period, then Clear Channel shall only have the option, in its sole discretion, of executing the Agreement at any time within thirty (30) days from the effective date of the Ordinance, shortening or extending the 6 Month Option Period, as the case may be (the "30 Day Option Period").

7. Clear Channel's option to execute this Agreement, or to leave the Agreement unexecuted, shall be within Clear Channel's sole discretion. Nothing herein shall be interpreted to require Clear Channel to execute the Agreement.

8. The provisions of this Agreement including, without limitation, the removal time frames in Paragraph 2, shall not become effective until Clear Channel executes this Agreement.

9. Entire Agreement^{enP}. This Agreement, and the Agreement Re Dismissal of Lawsuit attached as Ex. ~~3~~⁴, is the entire agreement between the City and Clear Channel, and no verbal or written assurance or promise by any party hereto is effective or binding unless included in this Agreement, or a written supplemental settlement agreement signed by the parties to this Agreement.

10. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the City and Clear Channel, its subsidiaries, affiliates, designated successors and assigns. In the event of any challenge to this Agreement, the City and Clear Channel agree that they will defend the approval, validity, constitutionality, and enforceability of this Agreement and any of the terms contained herein.

11. Enforcement. In the event of a breach of this Agreement, any party hereto may bring an action for injunctive relief, specific performance, or other appropriate relief to compel enforcement of this Agreement.

12. Severability. If any paragraph, phrase, sentence or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

13. Counterparts. This Agreement may be executed in counterparts, all of which together shall constitute one and the same instrument.

14. Notice. Any and all notices required or permitted under this Agreement shall be in writing and shall be personally delivered, sent by registered mail, a

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recognized overnight delivery service, facsimile communication, electronic communication (e-mail) or by other means which affords the sender evidence of delivery, or of rejected delivery, to the respective parties at the addresses shown below, unless and until a different address has been designated by written notice to the other party. Any notice by means which affords the sender evidence of delivery, or rejected delivery, shall be deemed to have been given at the date and time of receipt or rejected delivery.

If to the City: City Attorney
City of Tacoma
747 Market Street, #1120
Tacoma, WA 98402

If to Clear Channel:

With copy to: City Clerk
City of Tacoma
747 Market Street, #220
Tacoma, WA 98402

With copy to:

Notice shall be deemed to have been given upon receipt or refusal.

[Signatures appear on the following page.]

14. Nothing in this Agreement shall require the City to enact any ordinance.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their undersigned officials as duly authorized.

CITY OF TACOMA



City Manager

Date: 7-30-2010

ATTEST:

Doris Baum 8-6-10

City Clerk/Deputy City Clerk

APPROVED:



Tacoma City Attorney

CLEAR CHANNEL OUTDOOR, INC.

By: _____

Its: _____

Date: _____

Exhibit 1



Proposed Approximate Locations for First 10 Digital Billboards

EXHIBIT 2 - BILLBOARDS TO BE REMOVED

PROPOSED TACOMA SIGN REMOVALS		
Panel	Description	Lease
40215	MARINE VIEW DR WL 150F N/O MCMURRAY RD SF-1	14187
40216	MARINE VIEW DR WL 150F N/O MCMURRAY RD NF-2	14187
40891	MCKINLEY AV EL 100F N/O MORTON ST NF-1	9067
40892	MCKINLEY AV EL 100F N/O MORTON ST SF-2	9067
40948	38TH ST S SL 100F W/O THOMPSON AV EF-1	14149
40949	38TH ST S SL 100F W/O THOMPSON AV WF-2	14149
40975	S 38TH ST SL 230F W/O TACOMA AV EF-1	37743
40976	S 38TH ST SL 230F W/O TACOMA AV WF-2	37743
41072	PACIFIC AV EL 50F N/O S 52ND ST NF-1	14069
41073	PACIFIC AV EL 50F N/O S 52ND ST SF-2	14069
41286	MCKINLEY AV WL 70F N/O E 63RD ST NF-2	40261
41287	MCKINLEY AV WL 70F N/O E 63RD ST SF-1	40261
41290	MCKINLEY AV WL 200F N/O 64TH ST E NF-2	14020
41291	MCKINLEY AV WL 200F N/O 64TH ST E SF-1	14020
41495	PACIFIC AV EL 10F S/O S 88TH ST NF-1	40158
41496	PACIFIC AV EL 10F S/O S 88TH ST SF-2	40158
41335	56TH ST S NL 25F E/O SHERIDAN AV EF-2	14154
41336	56TH ST S NL 25F E/O SHERIDAN AV WF-1	14154
44012	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44013	S TYLER ST EL 525F N/O S 56TH ST NF-1	12399
44033	S TYLER ST EL 470F S/O S 52ND ST NF-1	12399
44034	S TYLER ST EL 470F S/O S 52ND ST SF-2	12399
44054	S TYLER ST EL 150F S/O S 52ND ST NF-1	12399
44055	S TYLER ST EL 150F S/O S 52ND ST SF-2	12399
44219	S TACOMA WY SL 50F W/O JUNETT EF-1	40056
44220	S TACOMA WY SL 50F W/O JUNETT WF-2	40056
44720	CENTER ST NL 10F W/O DURANGO ST WF-1	40157
44721	CENTER ST NL 10F W/O DURANGO ST EF-2	40157
44930	PEARL ST WL 200F S/O N 51ST ST SF-1	40060
44931	PEARL ST WL 200F S/O N 51ST ST NF-2	40060
44972	N 26TH ST EL 15F N/O PROCTOR ST NWF-1	9141
44973	N 26TH ST EL 15F N/O PROCTOR ST EF-1	9141
44993	N 26TH ST NL 100F E/O PROCTOR ST WF-1	9141
45013	N 26TH ST NL 100F W/O ADAMS ST EF-1	9141
45135	6TH AV NL 50F E/O ALDER ST WF-1	40062
45136	6th AV NL 50F E/O ALDER ST WF-2	40062
45239	6TH AV SL 304F E/O STATE ST WF-2	9873
45240	6TH AV SL 304F E/O STATE ST WF-2	9873
45303	6TH AV NL 100F W/O SHERIDAN AV WF-1	9609
45471	S "J" ST EL 10F N/O S 11TH ST NF-1	40274
45472	S 11TH ST NL 10F E/O S "J" ST EF-2	40274
45492	S 11TH ST NL 20F W/O S "J" ST EF-1	12869
45538	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45539	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45540	SPRAGUE AV WL 10F S/O S 12TH ST WF-3	14097
45574	S 12TH ST SL 5F W/O S "L" ST WF-1	12934
45594	S 12TH ST NL 100F E/O S "L" ST WF-1	12999
45553	S 12TH ST SL 65F W/O S FERRY ST EF-1	11450
45554	S 12TH ST SL 65F W/O S FERRY ST WF-2	11450

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45614	TACOMA AV WL 50F N/O S 13TH ST NF-1	12436
45634	TACOMA AV WL 50F S/O S 13TH ST SF-1	37797
45635	TACOMA AV WL 50F S/O S 13TH ST NF-2	37797
45544	SPRAGUE AV WL 175F S/O 12TH ST NF-2	14098
45545	SPRAGUE AV WL 175F S/O 12TH ST SF-1	14098

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Posters and Bulletins

1114 S. Proctor St.	1	1
1114 S. Proctor St.		1
3907 S 12th St.	1	1
3907 S 12th St.		1
3907 S 12th St.		1
3907 S 12th St.		1
S TACOMA WAY SL 135FT E Wilkeson St	1	1
S TACOMA WAY SL 135FT E Wilkeson St		1
S TACOMA WAY SL 5FT W ALASKA	1	1
S TACOMA WAY SL 5FT W ALASKA		1
6TH AV S 50F W UNION AV W		1
PORT OF TAC RD W 600F N PAC HWY E S	1	1
PORT OF TAC RD W 600F N PAC HWY E N		1
S 15TH ST S 50F E TACOMA AV E	1	1
TACOMA AV E 5F S S 15TH ST N	1	1
TACOMA AV E 50F S S 15TH ST S	1	1
STADIUM WY W 10F S DIVISION LN S	1	1
STADIUM WY W 10F S DIVISION LN N		1
JEFFERSON AV W 100F N S 25TH ST N	1	1
S 25TH ST N 50F W JEFFERSON AV W	1	1
S 25TH ST N 50F W JEFFERSON AV E		1
PACIFIC AV W 10F N JEFFERSON AV N	1	1
PORTLAND AV W 75F S E 26TH ST N		1
PORTLAND AV W 10F S E 26TH ST S	1	1
6TH AV S 32F E FAWCETT AV E	1	1
6TH AV S 32F E FAWCETT AV W		1
PACIFIC AV W 100F S S 45TH ST S	1	1
PACIFIC AV W 100F S S 45TH ST N		1
PACIFIC AV W 60F N S 50TH ST S	1	1
PACIFIC AV W 60F N S 50TH ST N		1
PORTLAND AV W 75F S E 25TH ST N	1	1
S 56TH ST N 50F W S L ST W	1	1
S 56TH ST N 50F W S L ST E		1
MARTIN LUTHER KING ST W 75F S S 15TH ST N	1	1
STADIUM WY W 600F N S 4TH ST S		1
STADIUM WY W 600F N S 4TH ST S		1
3014 Portland Av	1	1
3014 Portland Av		1
2330 E 11th St	1	1
2330 E 11th St		1
5520 Pacific Av	1	1
5520 Pacific Av		1
1101 Taylor Way	1	1
1101 Taylor Way		1
6611 S Tacoma Way	1	1
6234 S Tacoma way	1	1
6234 S Tacoma Way		1
1424 Puyallup Av	1	1

	Posters and Bulletins	
1424 Puyallup Av		1
4207 S Pine St.	1	1
4207 S Pine St		1
2914 6th Av	1	1
8403(05) Pacific Av	1	1
8403(05) Pacific Av		1
6231 1/2 S Tac. Wy	1	1
6231 1/2 S Tac. Wy		1
4718 S Tacoma Way	1	1
3804 Portland Av	1	1
858 S 38th St	1	1
2615 6th Av	1	1
4301 6th Av	1	1
4301 6th Av		1
3420 McKinley Av	1	1
6613 S Tacoma Way	1	1
Center St e/o Alder	1	1
Center St e/o Alder		1
Center St w/o Cedar	1	1
Center St w/o Cedar		1
314 E 26th St	1	1
516 "K" St	1	1
3417 6th Av	1	1
3417 6th Av		1
7601 S Tacoma Way	1	1
7601 S Tacoma Way		1
3512 E 11 th St	1	1
3512 E 11th St		1
3532 E 11th St	1	1
35342 E 11th St		1
2124 S Tacoma Way	1	1
2124 S Tacoma Way		1
7821 S Tacoma Way	1	1
7821 S Tacoma Way		1
4345 S Tacoma Way	1	1
4321 S Tacoma Way	1	1
4321 S Tacoma way		1
4545 S Tacoma Way	1	1
4525 S Tacoma Way	1	1
4525 S Tacoma Way		1
4517 S Tacoma Way	1	1
4517 S Tacoma Way		1
3011 S Hosmer	1	1
3011 S Hosmer		1
4002 S 56th St	1	1
3211 S 38th St	1	1
3211 S 38th St		1
2403 S Tacoma Wy	1	1

7/19/2010

AK Media / Washington Tacoma Bank

EXHIBIT 3

~~Posters and Bulletins~~

1801 Center St	1	1
2607 Pacific Av	1	1
2607 Pacific Av		1
3601 Pacific Av	1	1

AGREEMENT RE DISMISSAL OF LAWSUIT

1. Upon execution of the attached Settlement Agreement by the City, the parties shall file a Stipulated Dismissal of the lawsuit. If the City thereafter attempts to enforce the provisions of TMC 13.06.520N(6) ("Amortization"), as that provision exists as of the date that the City signs the Settlement Agreement, and Clear Channel files a lawsuit challenging such action, any such lawsuit shall be deemed to have been filed on the date the lawsuit was originally filed for purposes of the statute of limitations and laches.

2. The City agrees that it will continue to comply with and be bound by the terms of the Stipulated Injunction in the pending case during the period from when it signs the Settlement Agreement to a date three weeks after the expiration of the applicable Option Period. If Clear Channel refiles the lawsuit during that period, the terms of the Stipulated Injunction shall continue in effect until the conclusion of the lawsuit, including all appeals.

3. The City agrees to notify Clear Channel in the event of a third-party challenge to all or any portion of the Settlement Agreement or any Ordinance adopted in connection with the Settlement Agreement. If such challenge is made, Clear Channel may, at its sole discretion, elect to toll the Sign removal requirements in Paragraph 2 of the Settlement Agreement until the conclusion of the lawsuit, including all appeals, by giving written notice of such election to the City within 30 days of service of such challenge upon Clear Channel.

4. In the event the Settlement Agreement or any resulting Ordinance is wholly or partially invalidated by a final non-appealable court order issued as a result of a third-party challenge, and the City thereafter attempts to enforce TMC 13.06.520N(6) as it now exists, then Clear Channel shall have the option, at its sole discretion, to refile the lawsuit under the terms of Paragraph 1 above.

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5. Should the City fail to comply with all or any portion of the Settlement Agreement, Clear Channel shall have the right to refile the lawsuit pursuant to the terms of Paragraph 1 above, in addition to the remedies set forth in the Settlement Agreement.

DATED this ____ day of March, 2010.

Clear Channel

Mayor of Tacoma

Tacoma City Attorney

Obtained from Tacoma City Clerk on March 2, 2011.
This amendment was not authorized by the City Council.

**FIRST AMENDMENT TO SETTLEMENT AGREEMENT
BETWEEN CITY OF TACOMA AND CLEAR CHANNEL**

Clear Channel and the City of Tacoma were parties to a lawsuit, Clear Channel v. City of Tacoma, United States District Court, Western District of Washington, No. C-07-5407 BHS. Pursuant to that lawsuit, the City executed a Settlement Agreement. Although Clear Channel has not yet executed the Settlement Agreement, it has an option period in which it may do so, as set forth in Paragraph 6 of the Settlement Agreement.

Clear Channel and the City of Tacoma agree that the Option Period in Paragraph 6 of the Settlement Agreement is amended such that the final date by which Clear Channel may execute the Settlement Agreement is extended to August 15, 2011. This new date is also applicable to the provisions of Paragraph 2 of the parties' Agreement Re Dismissal of Lawsuit.

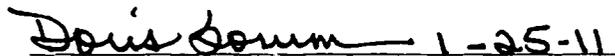
CLEAR CHANNEL OUTDOOR

By _____
Olivia Lippens,
President & General Manager, Seattle Division

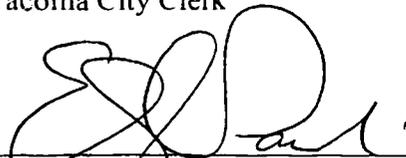
Sharon Winters
E-mail (3-8-11), Attachment 3
(provided by Doug Schafer 3-7-11)
2 pages

CITY OF TACOMA


Tacoma City Manager



Tacoma City Clerk



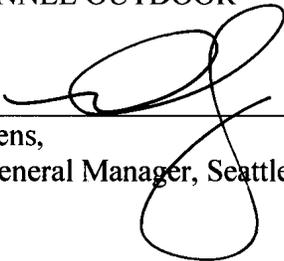
Tacoma City Attorney

FIRST AMENDMENT TO SETTLEMENT AGREEMENT
BETWEEN CITY OF TACOMA AND CLEAR CHANNEL

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CLEAR CHANNEL OUTDOOR

By  _____
Olivia Lippens,
President & General Manager, Seattle Division

CITY OF TACOMA

Tacoma City Manager

Tacoma City Clerk

Tacoma City Attorney

243.	Winters, Sharon (2)	<p>From: swinters@nventure.com [mailto:swinters@nventure.com] Sent: Tuesday, March 08, 2011 12:03 PM To: Mello, Ryan Subject: electronic billboards</p> <p>Ryan, after reading CC's motion for summary judgment, I was left with the impression that the City's 1997 ordinance (attached) was deeply flawed because it required removal of signs based on the message that appeared on the billboard at a set date in 2007... a clear violation of 1st amendment rights. I asked Atty. Schafer about this and his explanation below suggests that indeed it was CC's argument that was deeply flawed and offers a number of actions that the City should have taken and may still take to rectify this situation. I daresay that, if invited, Doug will be willing to offer a summary of his findings and advice as to how to proceed. -- Sharon</p> <p>----- Original Message ----- From : Doug Schafer[mailto:schafer@pobox.com] Sent : 3/8/2011 11:06:56 AM To : swinters@nventure.com Cc : Subject : FW: Re: electronic billboards</p> <p>Sharon Winters:</p> <p>My first impression upon reading CC's motion for summary judgment was the same as yours. However, upon further consideration and review of the Code provisions as they existed in 1997-98, I came to the view that CC's interpretation of the Code provisions was deeply flawed. The City attorneys should have sought a court ruling early on as to whether CC's interpretation was required by the Code provisions. Attached is a copy of the Tacoma Sign Code as it existed early in 1998, and a copy of the 1997 ordinance. Commonly employed judicial rules of statutory (and ordinance) interpretation could be employed by a willing judge. Those rules permit laws to be interpreted in ways that resolve ambiguities and that implement a law-making body's plain intentions.</p> <p>The defined phrase "Billboard sign" in TMC 13.06.550.C.5 (1997) was not generally used in the 1997 ordinance that amended only TMC 13.06.551. A literal interpretation of "Billboard sign" as defined in .550.C.5 in 1993 or earlier (defined as an off-premises sign) is inconsistent with the use of that phrase in TMC 13.06.551.N.11 (added in 1997) that refers to on-premises "billboard signs." Inconsistencies and ambiguities in written laws require interpretation. TMC 13.06.551.B (in place before 1997) provided for interpretation of ambiguities by Tacoma's Land Use Administrator. It appears Clear Channel never sought its "administrative remedy" (normally required by courts before judicial review) of an interpretation by the Land Use Administrator. Courts generally defer to reasonable interpretations of written laws by officials designated in those laws to administratively interpret them.</p> <p>A separate basis upon which I believe the City should have defended the 1997 ordinance was a statute of limitations defense. The state's Land Use Petition Act (LUPA, RCW Ch. 36.70C) requires a challenge within 21 days of a "land use decision" meaning a "final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination." That final determination in the case of Tacoma's billboard ordinance was in 1997. In 2002, Federal Way failed in its assertion of the LUPA statute of limitations defense to its billboard ban because its ban was enacted before LUPA became effective and because the wording of its ban granted its officials discretion to make a "final</p>
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determination" well after the ban took effect. Tacoma's 1997 ordinance appears not to suffer from the features that cause the court to reject Federal Way's LUPA limitations period defense. Attached is a copy of the 2002 Federal Was court ruling.

Doug Schafer

On 3/8/2011 9:42 AM, swinters@nventure.com wrote:

Doug, in reading your attached documents carefully, the motion for summary judgement reveals, to me at least, the fact that the City's 1997 ordinance was deeply flawed: it required removal based on the message that appeared on the billboard at a set date in 2007... which does appear a clear violation of 1st amendment rights and counter to the tack taken by most cities which have successfully passed ordinances: the ordinance outlined physical characteristics of the signage to be eliminated/banned in the future. Would you agree or did I miss something in my reading? If indeed the 1997 ordinance was deeply flawed and CC has a case, what route should the City now take (assuming it can pull that amendment extending the time during which CC can sign the SA)? Do they create a totally new ordinance? (As a minor note, I am also puzzled as to why CC gets credit for permits they're holding; typically if you don't use it in a set period, they expire.)

----- Original Message -----

>From : swinters@nventure.com[mailto:swinters@nventure.com]

Sent : 3/7/2011 2:56:50 PM

To : schafer@pobox.com

Cc :

Subject : FW: RE: Re: Please add me to your Historic Tacoma email list.

>Doug: This is amazing that Clear Channel never signed but that city staff essentially gave them more time to sign. I will forward this information to Councilman Mello. We appear to have an opening big enough to drive a truck (or very large electronic billboard) through. Thanks, Sharon

----- Original Message -----

From : Doug Schafer[<mailto:schafer@pobox.com>]

Sent : 3/7/2011 1:59:35 PM

To : swinters@nventure.com

Cc :

Subject : RE: Re: Please add me to your Historic Tacoma email list.

Sharon Winters:

Thank you. I am also appalled by the City's proposed actions.? I am a lawyer, but I

lack land use and zoning experience.? Nonetheless, I reviewed the court files from the Clear Channel lawsuit.? The lawsuit was filed by Clear Channel in Pierce County Superior Court in late July 2007.? The City apparently hired former City legal department staff attorney Shelley Kerslake to represent it.? Ms. Kerslake immediately filed papers to move the lawsuit to Federal District Court (I wonder why.).? In August, 2007, the City filed an answer to Clear Channel's complaint that generally denied CC's factual and legal assertions.? From that time until mid-February 2010, nothing was filed in the case except stipulated extensions of the trial date (except for a stipulated dismissal from the lawsuit of a City employee that CC had named).? It appears that the City chose to negotiate a settlement rather than to defend the City Council's 1997 ordinance.? On February 10, 2010, Clear Channel filed a motion for summary judgment.? The City never filed any response to that motion, but the Settlement Agreement that I fetched from the City Clerk's office last week shows that its Exhibit 4 (Agreement to Dismiss Lawsuit) was dated March ___, 2010.? So by sometime in March 2010, the City had essentially acquiesced to Clear Channel's demands.? The federal lawsuit was dismissed by stipulation of the parties on October 13, 2010, but it could be re-filed if the settlement falls through.

I believe that the City's litigation posture should have been to defend the 1997 ordinance.? The foundation of nearly all of Clear Channel's arguments was that the 1997 ordinance only categorized as "nonconforming" those billboards that on July 22, 1997, were displaying a message advertising goods, products, events, or services not sold on the premises. Clear Channel makes First Amendment arguments premised on its assumption (since allegedly no records exist) that some of its billboards were displaying noncommercial messages, or were without a message, on July 22, 1997.? In my view, the City should have sought a ruling early on rejecting that argument, or a ruling that Clear Channel's lawsuit challenging the 1997 ordinance was barred by the short limitations period for challenges under the state's Land Use Act.

Given the significance of the issues in the lawsuit, it surprises me that the City did not hire a more prominent (and probably more capable) lawfirm to defend the City's 1997 ordinance, or at least to seek a second opinion for such a lawfirm before "rolling over."

It is my view that the City could renounce the proposed Settlement Agreement and return to court to defend its 1997 ordinance.? The proposed Settlement Agreement signed in late July 2010 by the City's manager, clerk, and attorney, gave Clear Channel an "option period" of six months to sign it.? Clear Channel never did.? In late January 2011, without City Council authorization, the City's manager, clerk, and attorney signed a First Amendment to the Settlement Agreement extending until August 15, 2011, the deadline for Clear Channel to sign the proposed Settlement Agreement. Arguably, the First Amendment is invalid since the City Council did not authorize it.? But regardless, I consider the proposed Settlement Agreement nothing more than the City's offer that it can revoke at will, since its paragraph 7 states, "Clear Channel's option to execute this Agreement, or to leave the Agreement unexecuted, shall be within Clear Channel's sole discretion. Nothing herein shall be interpreted to require Clear Channel to execute the Agreement."

I attach a copy of Clear Channel's motion for summary judgment and a copy of the Settlement Agreement and its First Amendment.? If you'd like any more of the papers from the litigation, please let me know.

Doug Schafer

P.S., The City's planning department (planner Shirley Schultz) has been working from a copy of the Settlement Agreement that was distributed to attendees at the City Council meeting on July 27, 2010, when the Council approved that Agreement.? But its Exhibit 2, listing billboards to be initially to be removed, differs significantly from the Exhibit 2 that was attached to the original Settlement Agreement on file at the City Clerk's office.

On 3/7/2011 12:27 PM, swinters@nventure.com wrote:

Will do, Doug.

FYI, there's a joint Public Works & Economic Development council committee meeting tomorrow, 3pm, city hall, room 248, where this topic will be reviewed by city staff and discussed by council members. (They sometimes take public comment). Boe, Walker, Fey, Mello and Manthou are members of those two committees. I assume CNC has spoken with your Council representative on this.

I also just learned that as a result of our email, Councilman Mello has asked that the topic be addressed in executive session with the city manager and city attorney after tomorrow night's council meeting. It sounds like council may have been ill-informed about the implications of the settlement agreement with Clear Channel. Personally, I'm appalled that there was no notice in that July Council agenda where it was approved AND that cities across the country have put these bans in place, but we can't manage to do it.

Sharon Winters
Board President
Historic Tacoma
www.historictacoma.org

----- Original Message -----

From : Doug Schafer[<mailto:schafer@pobox.com>]
Sent : 3/7/2011 10:10:27 AM
To : swinters@nventure.com
Cc :
Subject : RE: Please add me to your Historic Tacoma email list.

Please add me to the Historic Tacoma email list. I'm a member of Tacoma's Central Neighborhood Council's board. I'm interested in joining with others to oppose the electronic billboards. Thanks.

Doug Schafer

schafer@pobox.com

Staff Note:

Three are 3 attachments to Sharon Winters' e-mail of 3-8-11 to Council Member Ryan Mello:

1. Tacoma Sign Code as it existed early in 1998 (provided by Doug Schafer to Sharon Winters on 3-8-11)
2. Ordinance No. 26101, 1997 (provided by Doug Schafer to Sharon Winters on 3-8-11)
3. 2002 Federal Way court ruling (provided by Doug Schafer to Sharon Winters on 3-8-11)

(next 51 pages)

NWR 352.02 T119TM V2
Tacoma (Wash.)
Tacoma municipal code : a
codification of the general or

RWF

**TACOMA
MUNICIPAL
CODE**

Sharon Winters
E-mail (3-8-11), Attachment 1
(provided by Doug Schafer 3-8-11)
19 pages

Volume II

**A Codification of the General Ordinances
of the City of Tacoma, Washington**

Revised, Reformatted, and Reprinted by

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Seattle, Washington

1993

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JUN 7 1993

13.06.476

25696 § 7; passed April 25, 1995; Ord. 21883 § 6; passed Nov. 13, 1979; Ord. 20795 § 8; passed July 6, 1976; Ord. 20266 § 52; passed Dec. 17, 1974.)

13.06.476 Area-wide reclassifications.

Repealed by Ord. 25696. (Ord. 21883 § 6; passed Nov. 13, 1979.)

13.06.480 Amendment of boundaries of districts.¹

Whenever this chapter has been or is hereafter amended to include in a different district, property formerly included within classified district boundaries of another district, such property shall be deemed to thereupon be deleted from such former district boundaries. (Ord. 15004; passed June 28, 1954; Ord. 14793 § 37A; passed May 18, 1953.)

13.06.485 Appeals to City Council of Examiner's decisions or recommendations.

Repealed by Ord. 25517. (Ord. 23909 § 12; passed Aug. 4, 1987; Ord. 22479 § 4; passed July 28, 1981; Ord. 20560 § 23; passed Sept. 30, 1975.)

13.06.490 Enforcement of chapter.

It shall be the duty of the Land Use Administrator of the City of Tacoma to enforce this chapter. (Ord. 22766 § 27; passed Sept. 7, 1982; Ord. 14793 § 38; passed May 18, 1953.)

13.06.500 Severability.

Should any section, clause or provision of this chapter be declared by the court to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid. (Ord. 14793 § 40; passed May 18, 1953.)

13.06.510 Violations – Penalties.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000 or impris-

onment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25559 § 1; passed Aug. 23, 1994.)

13.06.520 Repealing.

Ordinances Nos. 12703, 9389 and 9598, and all amendments thereto and all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed. (Ord. 18058 § 1; passed May 24, 1966; Ord. 14793 § 40; passed May 18, 1953.)

13.06.550 Sign regulations.

A. Purpose. The purpose of this section is to establish sign regulations that support and complement land use objectives set forth in the "Land Use Management Plan," including those established by the Highway Advertising Control Act (Scenic Vistas Act). Signs perform important communicative functions. The reasonable display of signs is necessary as a public service and to the proper conduct of competitive commerce and industry. The sign standards contained herein recognize the need to protect the safety and welfare of the public and the need to maintain an attractive appearance in the community. This code regulates and authorizes the use of signs visible from public rights-of-way, with the following objectives:

1. To establish uniform and balanced requirements for new signs;
2. To ensure compatibility with the character of the surrounding area;
3. To promote optimum conditions for meeting sign users' needs while, at the same time, improving the visual appearance of an area which will assist in creating a more attractive environment;
4. To achieve quality design, construction and maintenance of signs so as to prevent them from becoming a potential nuisance or hazard to pedestrian and vehicular traffic.

B. Scope.

1. The provisions and requirements of this section shall apply to signs in all zones as set forth in this chapter. Applicable sign regulations shall be determined by reference to the regulations for the zone in which the sign is to be erected.

2. The regulations of this section shall regulate and control the type, size, location, and num-

1. Rezone ordinances are on file in the offices of the City Clerk and Public Works Department.

ber of signs. No sign shall hereafter be erected or used for any purpose or in any manner except as permitted by the regulations of this section.

3. The provisions of this code are specifically not for the purpose of regulating the following: traffic and directional signs installed by a governmental entity; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point of purchase advertising displays, such as product dispensers; national flags, flags of a political subdivision, and symbolic flags of an institution or business; legal notices required by law; historic site plaques; gravestones; structures intended for a separate use, such as Goodwill containers and phone booths; scoreboards located on athletic fields; lettering painted on or magnetically flush-mounted onto a motor vehicle operating in the normal course of business; and barber poles.

4. Regulations pertaining to signs in Shoreline Districts are found in Chapter 13.10 of the Official Code of the City of Tacoma.

C. Definitions.

1. Abandoned sign: A sign that no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises where such sign is located.

2. Architectural blade: A sign structure which is designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

3. Awning sign: A sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

4. Banner sign: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

5. Billboard sign: A sign which advertises goods, products, events, or services not necessarily sold on the premises on which the sign is located; however, a person, business, or event located on the premises shall not be identified. The sign may consist of:

a. Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of posted paper.

b. Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area.

6. Blanketing: The term "blanketing" applies to signs or other structures projecting over the sidewalk, and means the complete shutting off of the face of a sign or structure by another sign or structure, when viewed by a person standing on the sidewalk.

7. Building face or wall: All window and wall area of a building in one plane or elevation.

8. Center identification sign: Any sign which identifies a shopping center (normally associated with C-P districts or other developments of similar size and character), industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual businesses and activities located within the center.

9. Changing message center: An electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank; i.e., time, temperature, date, news, or com-

mercial information of interest to the traveling public.

10. Changeable copy sign (manual): Any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., readerboards with changeable pictorial panels.

11. Construction sign: A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

12. Directional sign: Any sign which serves solely to designate the location of any place, area, or business within the City limits of Tacoma, whether on-premises or off-premises.

13. Directory sign: A sign on which the names and locations of occupants or the use of a building is given.

14. Electrical sign: A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.

15. Flashing sign: An electrical sign or portion which changes light intensity in sudden transitory bursts, but not including signs which appear to chase or flicker and not including signs where the change in light intensity occurs at intervals of more than one second.

16. Freestanding sign: A permanently installed, self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

17. Frontage – single business location: The length of the property line of any one premises parallel to and abutting each public right-of-way bordered. Frontage shall be used to compute the number and size of signs.

17.1. Frontage – multiple business center:

a. Center identification sign: For the purpose of computing the size of the center identification sign, frontage shall be the length of the property line of the center parallel to and abutting each public right-of-way bordered.

b. Individual business sign: For the purpose of computing the size of individual business signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For an individual business with more than one frontage, the largest frontage with a public entrance shall be used.

18. Graphics: An aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning, or message.

18.1. Ground sign: A sign that is six feet or less in height above ground level and is supported by one or more poles, columns or supports anchored in the ground.

19. Identification sign: A sign which is limited to the name, address and number of a building, institution, or person and to the activity carried on in the building or institution, or the type of occupancy of the person.

20. Illuminated sign: A sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign, or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

21. Incidental sign: A small sign intended primarily for the convenience and direction of the public on the premises, which does not advertise but is informational only, and includes information which denotes the hours of operation, telephone number, credit cards accepted, sales information, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

22. Landscaping: Any material used as a decorative feature, such as planter boxes, pole covers, decorative framing, and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign, but does not contain advertising copy.

23. Marquee sign: A sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

24. Multiple business center: A grouping of two or more business establishments which either share common parking on the lot where they are located or which occupy a single structure or separate structures which are physically or functionally related or attached. In order to be considered a separate business establishment, a business shall be physically separated from other businesses; however, businesses which share certain common internal facilities, such as reception areas, checkout stands, and similar features shall be considered one business establishment.

25. Nonconforming sign: A nonconforming sign shall mean any sign which does not conform to the requirements of this section.

26. Neutral surface: The building surface, cabinetry, and opaque surfaces which are not an integral part of the sign message and which are quiet in tone.

27. Off-premises sign: A sign that identifies or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained.

28. On-premises sign: Any sign identifying or advertising a business, person, activity, goods, products, or services primarily located on the premises where the sign is installed or maintained.

29. Person: Person shall mean and include a person, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

30. Political sign: A temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot in a primary, general, or special election.

31. Portable sign: Any sign not permanently attached to the ground or a building. Includes A-frame, sandwich boards and portable readerboards.

32. Projecting sign: A sign, other than a wall sign, which is attached to and projects from a structure or building face.

33. Public information sign: A sign erected and maintained by any governmental entity for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility. Public signs include those of such public agencies as the Port of Tacoma, Pierce Transit, the Tacoma School District, and the Metropolitan Park District.

34. Readerboard: A sign consisting of tracks to hold letters, which allows for frequent changes of copy; usually such copy is not electronic.

35. Real estate sign: Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.

36. Repair: To paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

37. Roof line or ridge line: The top edge of the roof or top of a parapet, whichever forms the top line of the building silhouette.

38. Roof sign: Any sign erected upon, against, or directly above a roof or parapet of a building or structure.

39. Rotating signs: Any sign or portion thereof which physically revolves about an axis.

40. Sign: Any object, device, display, structure or part thereof which is used to advertise, iden-

tify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

41. Sign area: The total area of a sign, as measured by the perimeter of the smallest rectangle enclosing the extreme limits of the letter, module or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, decorative features, or framework which contains no written or advertising copy. (Includes only one side of a double-faced sign unless noted otherwise.)

a. Individual letter signs using a wall as the background without added decoration or change in wall color shall be calculated by measuring the smallest rectangle enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.

b. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.

c. Neutral surfaces, i.e., graphic design, wall murals and colored bands, shall not be included in the calculation (See definition of "Neutral Surface").

d. The area of all regulated signs on a business premises shall be counted in determining the permitted sign area.

42. Sign height: The vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, that the grade of the ground may not be built up in order to allow the sign to be higher.

43. Sign structure: Any structure which supports, has supported, is designed to support or is capable of supporting a sign, including a decorative cover.

44. Special event sign: A temporary sign advertising any civic, patriotic, commercial, or other special event of general public interest.

45. Swinging sign: A sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

46. Temporary sign: An on-premises sign, banner, balloon, pennant, valance, A-board, or advertising display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wall-board, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure, and which is intended to be displayed for a limited time only.

47. Under-marquee sign: Signs or other information-conveying devices that are affixed to the underside of a marquee and project down from the bottom of the marquee.

48. User: A user shall be understood to mean the lessee or purchaser of any sign.

49. Unlawful sign: Any sign which was erected in violation of any applicable ordinance or code governing such erection or construction at the time of its erection, which sign has never been in conformance with all applicable ordinances or codes.

50. Wall sign (fascia sign): A sign painted on or attached to or erected against the wall of a building with the face in a parallel plane of the building wall.

51. Window sign: A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises. (Ord. 25085 § 2(I); passed March 31, 1992.)

13.06.551 General sign regulations.

A. Administration.

1. It shall be the duty of the Land Use Administrator of the City of Tacoma to interpret and enforce this section. In addition to meeting the provisions of this section of the zoning code, the permits, materials, structural design, construction, inspection, and maintenance requirements for signs must conform with Title 2 of the Tacoma Municipal Code, administered by the Building and Land Use Services Division of the Public Works Department.

2. The Building Official shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the Municipal Code (see Chapter 2.05, Sign Code). In addition, all signs, where appropriate, shall conform to the current National Electrical Code and the National Electrical Safety Code. Exceptions to these regulations may be contained in the Tacoma Landmarks Special Review District regulations, Chapters 1.42 and 13.07 of the Municipal Code.

3. All new permanent signs require permits. Permits require full conformance with all City Codes, particularly Titles 2 and 13. Signs not visible from a public right-of-way are not regulated herein, but may require permits pursuant to the provision of Title 2 of the Municipal Code.

4. Temporary signs may be displayed in accordance with the applicable sign regulations of the zoning district in which such signs are located and the provisions of subsection O (Nonconforming Signs) of this section. Any person desiring to display a portable readerboard sign shall, prior to

the display of such sign, obtain a temporary sign permit from the Public Works Department. Such permit shall be issued by that department upon a showing by the applicant that the portable reader-board sign conforms to the applicable sign regulations of this chapter. The permit issued shall be posted by the permittee in a conspicuous place on the portable readerboard, and shall indicate the date of issue and expiration date. Further, such permit does not obviate the need for compliance with any applicable requirements of the Uniform Building Code, the City's Electrical Code, and any other City ordinance. The application shall be presented on forms and accompanied by information prescribed by the Public Works Department.

B. Interpretation.

1. It is the purpose of this subsection to provide a simple and expeditious method for classifying ambiguities and inadvertent limitations in this section and the rules and regulations adopted therein.

2. A request for interpretation of any provision of this section shall be submitted in writing as set forth in Section 13.06.471 of this chapter. Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Land Use Administrator shall receive such further facts and information as are necessary to a meaningful interpretation of the provisions in question.

3. Procedures for subsequent processing and appeals from the ruling of the Land Use Administrator shall be as set forth in Sections 13.06.410 and 13.06.415 of this chapter.

C. Exempt Signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance pursuant to Title 2 of the Municipal Code or any other law or ordinance relating to the same.

1. Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy.

2. Repainting, maintenance, and repair of existing signs or sign structures, providing work is done on-site and no structural change is made.

3. Signs not visible from the public right-of-way and beyond the boundaries of the lot or parcel.

4. Seasonal decorations for display on private property.

5. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

6. Signs of public service companies indicating danger and aid to service or safety.

7. Non-electric bulletin boards not exceeding 12 square feet in area for each public or charitable or religious institution when the same are located on the premises of said institutions.

8. Signs denoting a building which is under construction, structural alterations, or repair which announce the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others, providing the area of such sign shall not exceed 32 square feet.

9. Window sign.

10. Political signs as set forth in Title 2 of the Municipal Code.

11. Real estate signs 12 square feet or less.

12. Professional name plates two square feet or less.

13. Changing plex-style faces in existing cabinets, provided work is done on-site without removing sign.

D. Prohibited Signs. The following commercial signs are prohibited, except as may be otherwise provided by this chapter.

1. Signs or sign structures which, by coloring, wording, lighting, location, or design, resemble or conflict with a traffic control sign or device, or which make use of words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse persons traveling on the right-of-way or which in any way create a traffic hazard.

2. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicular traffic, or which obstruct a clear view of official signs or signals.

3. Signs, temporary or otherwise, which are affixed to a tree, rock, fence, or utility pole.

4. Signs on public property, except when authorized by the appropriate public agency.

5. Signs attached to or placed on any stationary vehicle or trailer so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction.

6. Signs mounted on a roof, except where incorporated into a building to provide an overall finished appearance.

7. All portable signs not securely attached to the ground or a building, including readerboards and A-frames on trailers, except those allowed by the regulations of the appropriate zoning district.

8. Abandoned signs.

E. Special Regulations by Type of Sign. In addition to the general requirements for all signs contained in this section, and the specific requirements for signs in each zone, there are special requirements for the following types of signs:

1. Wall signs.
2. Projecting signs.
3. Freestanding signs.
4. Marquee signs.
5. Under-marquee signs.
6. Canopy and awning signs.
7. Temporary signs.
8. Off-premises directional signs.

9. Billboards (outdoor advertising sign).

The special requirements for these signs are contained in subsections F through N of this section.

F. Wall Signs. Special regulations governing wall signs are as follows:

1. A wall-mounted sign shall not extend more than three feet above the roof line.
2. A wall sign shall not extend more than 18 inches from the wall to which it is attached.
3. No wall sign shall cover wholly or partially any wall opening nor project beyond the corner of the wall to which it is attached.
4. Where a wall sign extends over a public or private walkway, a vertical clearance of eight and one-half feet shall be maintained above such walkway.
5. For the purposes of this subsection, any building with an actual or false mansard roof may use such walls or roof for wall sign installation.
6. An architectural blade designed primarily for the placement of signs may be erected on top of a wall, parapet, roof, or building face and shall comply with all applicable height limitations. All supporting structure for such signs shall be completely enclosed.

G. Projecting Signs. Special regulations governing projecting signs are as follows:

1. No projecting sign shall extend nearer than two feet to the face of the nearest curb line, measured horizontally.
2. The maximum projection permitted for any one sign shall be six and one-half feet or two-thirds of the width of the sidewalk below the location of the projecting sign, whichever is less.

3. A projecting sign shall not rise more than one foot above the roof line.

4. Minimum Clearance. All projecting signs over the public right-of-way shall have a minimum clearance to the ground as follows:

a. Over alleys and driveways, 14-1/2 feet, provided said projection is no more than 12 inches;

b. Over automobile parking lots and other similar areas where vehicles are moved or stored, 14-1/2 feet;

c. Over footpaths, sidewalks, and other spaces accessible to pedestrians, 10 feet;

d. All parts of electric reflector lamps or other illuminating devices extending over the sidewalk space shall be at least 10 feet above the sidewalk, and the projection horizontally over the sidewalk space may not be more than nine feet, but no closer than two feet from the curb line.

5. No projecting sign shall be erected in such a position as to completely blanket another projecting sign already in place on either side.

6. All projecting signs shall be installed in such a manner that the support structure above a roof, building face, or wall shall be minimally visible.

7. Supporting framework for a projecting sign may rise 12 inches above a parapet; however, where there is a space between the edge of the sign and the building face, such framework must be enclosed.

H. Freestanding Signs. Special regulations governing freestanding signs are as follows:

1. In order to encourage well-designed signs in a pleasing setting, protect sign poles from damage by vehicles, and to free as much area as possible from pavement as is economically feasible and desirable, landscaping shall be used in conjunction with all freestanding signs (see definition of "landscaping"). Temporary, portable, and real estate signs shall be excluded from this requirement.

2. No freestanding sign shall project over a public right-of-way unless an adjacent structure or sign is built out to or over the property line that blocks visibility to a freestanding sign on the adjoining property; then such freestanding sign may be located so that the sign structure is on private property and the sign cabinet may project over the right-of-way, subject to all the provisions regulating projecting signs which project over rights-of-way.

I. Marquee Signs. Special regulations governing marquees are as follows:

1. Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the

purpose of determining projection, clearance, height, and material, be considered a part of and shall meet the requirements for a marquee as specified in the Uniform Building Code.

J. Under-Marquee Signs. Special regulations governing under-marquee signs are as follows:

1. Signs may be located under a marquee if a vertical clearance of 10 feet is maintained between the sign and the grade below.

2. Under-marquee signs shall be limited to a maximum vertical height of 12 inches and a maximum sign area of seven square feet.

K. Canopy and Awning Signs. Special regulations governing canopy and awning signs are as follows:

1. Signs are permitted along the faces and edges of canopies and awnings; provided they are printed, marked, stamped, or otherwise impressed upon the awning in a professional manner.

2. A sign below a fixed rain protection feature, such as a canopy or awning, may project the full width of such feature. Such a sign must clear the sidewalk by a minimum of 10 feet, not exceed seven square feet in area, and be placed at a right angle to the sidewalk. Awnings and canopies may extend over public property not more than seven feet from the face of a supporting building, but no portion shall extend nearer than two feet to the face of the nearest curb line, measured horizontally.

3. Signs designed as an integral part of a canopy or awning and located along the face or edge may be illuminated.

4. Signs located on canopies and awnings shall designate only the name of the business and/or the place and kind of business. A decorative design and/or the emblem or initials of the business occupying the premises may be placed flat on the main portions of the canopy or awning.

L. Temporary Signs. Special regulations governing temporary signs are as follows:

1. The duration of display of a temporary sign shall not exceed six months in any 12-month period, unless otherwise noted.

2. No flashing temporary signs of any type shall be permitted; however, internally illuminated signs, i.e., portable readerboards, shall be permitted provided that they conform to the current National Electrical Code and the National Electrical Safety Code.

3. All temporary signs must be located on private property.

4. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists.

5. No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets (see Title 9 of the Municipal Code).

6. All temporary signs shall meet vehicular sight distance requirements established by the Traffic Engineer.

7. The regulations governing the size, number, and type of temporary signs are located in the respective zoning district regulations.

M. Off-Premises Directional Signs. Special regulations governing off-premises directional signs are as follows:

1. Off-premises directional signs shall be limited to a maximum of 25 square feet in area and 20 feet in height.

2. Off-premises directional signs shall contain only the name of the principal use and directions to the use in permanent lettering.

3. Off-premises directional signs shall be placed on or over private property, except that business district identification signs may be located and comply with the applicable requirements of Title 9 of the Municipal Code.

4. Off-premises directional signs are permitted when on-premises signs are inadequate to identify the location of a business.

5. No more than three such signs are permitted, and only one from each direction of travel.

N. Billboards (Outdoor Advertising Signs). Special regulations governing billboards are as follows:

1. a. Any person, firm, or corporation who maintains billboard structures and faces within the City of Tacoma shall be authorized to maintain only that number of billboard structures and faces that they maintained on April 12, 1988, except for transfers permitted in subsection 1.c of this section. A person who maintains any such billboard structures and faces may thereafter relocate a billboard face or structure to a new location as otherwise authorized by this section. No other billboards shall be authorized, and there shall be no greater total number of billboard structures and faces within the City than the number that were in existence on April 12, 1988. That number of structures and faces shall include those for which permit applications had been filed prior to April 13, 1988. As unincorporated areas are annexed to the City of Tacoma, the total number of billboard structures and faces in that area will constitute an addition to the number authorized in the City of Tacoma.

b. Upon removal of an existing billboard face or structure, a relocation permit shall be issued authorizing relocation of the face to a new site.

There shall be no time limit on the billboard owner's eligibility to utilize such relocation permits. In the event that a billboard owner wishes to remove a billboard and does not have immediate plans for replacement at a new location, an inactive relocation permit shall be issued. There shall be no time limit on the activation of the inactive permit and such permits are transferable. The application for a relocation permit shall include an accurate site plan and vicinity map of the billboard face or structure to be removed, as well as a site plan and vicinity map for the new location. Site plans and vicinity maps shall include sufficient information to determine compliance with the regulations of this chapter. The above provisions shall not apply to billboards whose permit applications were applied for prior to April 13, 1988, and not erected, unless the applicants/owners agree within 60 days to have such billboards subject to all the provisions of this chapter.

c. Relocation permits shall be transferable upon the billboard owner's written permission.

d. In no case shall the number of billboard faces or structures increase, and the square footage of billboard sign area to be relocated shall be equal to or less than the square footage of billboard sign area to be removed. Removal of a billboard structure shall also require the issuance of a demolition permit, and removal of billboard faces and structures shall be completed prior to the installation of relocated billboard faces or structures. The billboard owner shall have the right to accumulate the amount of square footage to be allowed, at the owner's discretion, to new sign faces and structures permitted under this chapter.

2. All billboards shall be maintained in good repair in compliance with all applicable building code requirements. The exposed area of backs of billboards must be covered to present an attractive and finished appearance.

3. Each sign structure must at all times include a facing of proper dimensions to conceal back bracing and framework of structural members. During periods of repair, alteration, or copy change, such facing may be removed for a maximum period of 48 consecutive hours.

4. a. Not more than a total of four billboard faces attached to not more than two support structures shall be permitted on both sides of a street within any distance of 1,000 feet measured laterally along the right-of-way, with a minimum of 100 feet between such structures.

b. There shall be at least 300 linear feet of land which is properly zoned which permits billboards on one side of the street in order to erect one

billboard structure on that side of the street. There shall be at least 600 linear feet of land which is properly zoned which permits billboards on one side of the street in order to erect more than one billboard structure on that side of the street.

c. The property on the opposite side of the street from the proposed billboard location must also be properly zoned to permit billboards.

5. The maximum area of any one sign shall be 300 square feet, with a maximum vertical sign face dimension of 12.5 feet and maximum length of 25 feet, inclusive of any border and trim but excluding the base or apron, supports, and other structural members; provided, that cut-outs and extensions may add up to 20 percent of additional sign area.

6. Indirect or internal lighting shall be the only allowable means of illumination. No flashing signs shall be permitted.

7. No billboard shall be located on, in, or within 250 feet of:

a. A residential district; or

b. Any publicly owned open space, playground, park, or recreational property as recognized in the adopted "Recreation and Open Space Facilities Plan" as amended; or

c. Any church or school; or

d. Any designated historic district, whether on the Federal, State, or local register of historic properties.

8. No billboard shall be located on, in, or within 375 feet of any shoreline district.

9. Rooftop (billboard) signs are prohibited.

10. The maximum height of all billboard signs shall be 30 feet, except in the M-3 Industrial zoning, where the maximum height shall be 45 feet. For the purpose of this section, height shall be the distance to the top of the normal display face from the main traveled way of the road from which the sign is to be viewed.

11. Billboard signs which advertise a business, event, or person located on the same premises as the billboard sign shall be considered an on-premises sign and must meet all criteria for the location of on-premises signs.

O. Nonconforming Signs. It is the intent of this subsection to allow the continued existence of legal nonconforming signs, subject, however, to the following restrictions:

1. No sign that had previously been erected in violation of any City Code shall, by virtue of the adoption of this section, become a legal nonconforming sign.

2. No nonconforming sign shall be changed, expanded, or altered in any manner which would

increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming. For purposes of this subsection, normal maintenance and repair, including painting, cleaning, or replacing damaged parts of a sign, shall not be considered a structural alteration.

3. Any sign which is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this chapter. Any period of such discontinuance caused by government actions, strikes, material shortages, acts of God, and without any contributing fault by the sign user, shall not be considered in calculating the length of discontinuance for purposes of this section.

4. Any nonconforming sign damaged or destroyed, by any means, to the extent of one-half of its replacement cost shall be terminated and shall not be restored.

5. All existing signs within the City of Tacoma which are not in compliance with the requirements of this section upon the effective date of the ordinance codified in this chapter are considered to be nonconforming signs. Nonconforming signs shall be made to conform with the requirements of this section under the following circumstances:

a. When any new sign for which a sign permit is required by this section is proposed to be installed on a premises upon which is located a nonconforming billboard, the billboard shall be removed or brought into conformance with this section for each new sign installed for a particular business.

b. Whenever a building, or portion thereof, upon which is located a nonconforming rooftop (billboard) sign is proposed to be expanded or remodeled, all nonconforming rooftop billboard signs located on that portion of the building being remodeled or expanded shall be removed or brought into compliance with this section if such expansion or remodel adds to the building the lesser of:

- (1) Twenty percent or more of the gross floor area of the existing building;
- (2) One thousand square feet gross floor area; and
- (3) A value for the new construction or remodeling greater than or equal to 50 percent of the assessed value of the existing building.

c. Whenever any modification is to be made to the structure, frame, or support of any nonconforming billboard sign, such nonconforming billboard sign shall be removed or brought into conformance with this section.

d. Whenever the facade of a building upon which is located a nonconforming billboard wall sign is remodeled or renovated, all nonconforming billboard wall signs located on the portion of the facade being renovated shall be brought into conformance with this section.

6. Amortization. All legal nonconforming billboard signs shall be discontinued and removed or made conforming within 10 years from the effective date of this section, on or before August 1, 2007, and all billboard signs which are made nonconforming by a subsequent amendment to this section shall be discontinued and removed or made conforming within 10 years after the date of such amendment (collectively the "amortization period"). Upon the expiration of the amortization period, the billboard sign shall be brought into conformance with this section, with a permit obtained, or be removed. Nonconforming billboard signs that are removed prior to the end of the amortization period shall be given an inactive relocation permit pursuant to subsection N.1.b. of this section.

P. Special Exceptions. The Land Use Administrator may authorize an exception to the regulations for the size, number, type, location and height of on-premises signs as herein set forth, subject to the following standards and criteria and the applicable procedures set forth in Section 13.06.404:

1. Review Criteria. The Land Use Administrator may approve a special sign exception for one or more of the following reasons:

a. The proposed sign plan indicates an exceptional effort to create visual harmony between the signs, structures and other features of the property through the use of a consistent design theme.

b. The proposed sign plan will preserve a desirable existing design or siting pattern for signs in an area.

c. The proposed sign plan will minimize view obstruction or preserve views of historically or architecturally significant structures.

d. In the case of a planned shopping center approved pursuant to Section 13.06.275 of this chapter, or a shopping center or mixed-use center subject to Section 13.06.285 of this chapter, the proposed sign plan provides an integrated sign program consistent with the overall approved site plan for the center.

e. In the case of a planned shopping center approved pursuant to Section 13.06.275 of this chapter, or a shopping center or mixed-use center subject to Section 13.06.285 of this chapter, the exception is warranted because of the physical characteristics of the center, such as size, shape, or topography, or because of the location of signs in existence on the date of passage of this section.

2. Submittal Requirement. As part of any application for a special sign exception, the following information shall be submitted:

a. A narrative describing how the proposal is consistent with the criteria listed above.

b. A colored rendering or drawing, to scale, showing the proposed signs and how they relate to development in the area and on the subject property. (Ord. 26101 § 1; passed July 22, 1997; Ord. 25933 § 2; passed July 23, 1996; Ord. 25893 § 90; passed June 4, 1996; Ord. 25085 § 2(II); passed March 31, 1992.)

13.06.552 District sign regulations.

A. R-1 Sign Regulations. One nonilluminated sign not exceeding 12 square feet in area pertaining to the lease, rental, or sale of a building or premises on which it is located. One nonilluminated nameplate not exceeding one and one-half square feet in area, placed flat against the building, for each Group Care Home Class I and family day care home. Signs for golf courses shall conform to the sign regulations found in Section 13.06.375 of this chapter. One ground sign with a maximum area of 30 square feet identifying a subdivision. A subdivision identification sign shall be approved by the Land Use Administrator. A 32-square-foot temporary sign advertising a subdivision during construction shall be allowed adjacent to each street abutting the site, in conformance with Chapter 13.04 of this title.

B. R-2 Sign Regulations. Sign regulations shall be the same as stated for the R-1 One-Family Dwelling District, except that one nonilluminated nameplate not exceeding one and one-half square feet in area, placed flat against the building, shall be allowed for each boarding home.

C. R-2SRD Sign Regulations. Sign regulations shall be the same as stated for the R-2 One-Family Dwelling District, except that boarding and lodging houses, Group Care Homes Class I and Group Care Homes Class II shall be allowed one nonilluminated nameplate not exceeding one and one-half square feet in area placed flat against the building.

D. R-3 Sign Regulations. Sign regulations shall be the same as stated for the R-2 One-Family Dwelling District, except that boarding and lodg-

ing houses, Group Care Homes Class I and Group Care Homes Class II shall be allowed one nonilluminated nameplate not exceeding one and one-half square feet in area placed flat against the building.

E. R-4 Sign Regulations.

1. One freestanding sign not exceeding 30 square feet in area for all faces and not greater than six feet in height, or one building face sign of the same maximum dimensions, shall be allowed for each development site.

2. Indirect illumination, floodlighting, or internal illumination shall be the only allowable means of illumination of signs. All external lighting shall be directed away from adjacent properties to minimize the effects of light and glare upon adjacent uses. No bare bulb or neon illumination of signs shall be allowed. No flashing or animated signs shall be allowed. No electrical wire or cable serving an electric or illuminated sign shall be laid on the surface of the ground.

3. Signs shall only identify the name of the development or business and may contain secondary information related to rental or sale of units. Public identification signs may be placed upon public service structures such as telephone booths and bus shelters.

4. All signs shall be of permanent materials (no cardboard, cloth, paper, etc.). No flags, banners or other devices shall be displayed for the purpose of attracting attention to a development or site. No temporary or portable signs shall be allowed. The display of the national flag, state flag, and flags of other political subdivisions shall not be restricted.

5. No sign shall be placed in a location which obstructs sight distance for an adjacent driveway or street right-of-way. No signs for a development shall be placed in any public right-of-way. No sign shall be erected which imitates or resembles any official traffic sign, signal, or device. Incidental public service signs less than four square feet in area which contain no advertising but are intended for the convenience of the public and provide such messages as "entrance," "exit," "emergency entrance," "no parking," or other incidental service messages shall be allowed.

6. All signs shall be submitted for the review of the Buildings Division of the Department of Public Works as required by the Building Code and the Electrical Sign Code. Additionally, the proposed design of all signs shall be submitted to the Building and Land Use Services Division of the Department of Public Works prior to construction for review to insure conformance with the standards listed hereinabove.

F. R-4-L Sign Regulations. Sign regulations shall be the same as stated for the R-4 Multiple-Family Dwelling District.

G. R-5 Sign Regulations. Sign regulations shall be the same as stated for the R-4 Multiple-Family Dwelling District.

H. PRD Sign Regulations. Sign regulations shall be the same as specified herein for the R-4 Multiple-Family Dwelling District. Design of signs shall be submitted with development plans at the time of site approval for review and approval of the Hearing Examiner. A single identification sign for the overall development shall be allowed at each major access to the PRD District; provided, that only one overall development sign shall be allowed adjacent to each right-of-way frontage of the PRD District, irrespective of the fact that more than one major access may enter said right-of-way.

I. PD Sign Regulations. A single identification sign for the overall development shall be allowed at each major access to the PD District; provided, that only one overall development sign shall be allowed adjacent to each right-of-way frontage of the PD District, irrespective of the fact that more than one major access may enter said right-of-way. Overall identification signs shall have a maximum height of 20 feet and a maximum total area of 200 square feet for all faces. The design of the overall development sign shall be reviewed by the Hearing Examiner at the time of the consideration of the Overall Development Site Plan. Each specific development site shall be limited to a single freestanding sign and building face signs as specified below. No other signs, except as specified below, shall be allowed. All specific development signs shall meet the following standards:

1. Specific development site signs shall identify only the name and/or product of the establishment.

2. No bare bulb or neon illumination of signs shall be allowed. Indirect illumination, flood lighting or internal illumination shall be the only allowable means of illumination of signs.

3. No flashing or animated signs shall be allowed.

4. Where a single building on a development site contains a single tenant, signs on building faces shall be limited to a single sign for each building face which shall not extend above the wall line of the building, nor more than one foot from the face of the building. Each building face sign shall be allowed a maximum total area of 100 square feet. The maximum total area of all building face signs on a single development site shall not exceed 200 square feet.

5. Where a single building on a development site contains multiple tenants, each tenant may have a single building face sign which shall not extend above the wall line of the building, nor more than one foot from the face of the building. Each sign shall be limited to a maximum total area of 20 square feet.

6. Freestanding signs for a specific development site shall be limited to a maximum total area for all faces of 50 square feet and a maximum height of 20 feet.

7. Graphics or super-graphics utilized for advertising purposes shall meet the size limitations specified for building face signs herein. Graphics or super-graphics utilized for aesthetic enhancement or decoration shall not be restricted by the provisions hereof.

8. Private traffic and directional signs and public convenience signs may be allowed by the Hearing Examiner or Land Use Administrator where a public need is served.

9. A uniform sale or lease sign design for the entire development shall be submitted for review by the Hearing Examiner at the time of Overall Development Site Plan Approval. Sale or lease signs shall not exceed six square feet, shall be constructed of permanent materials (no cardboard, paper, etc.), and shall be limited to a single sign per development site.

10. The design and location of signs for specific development sites shall be submitted for review and approval of the Land Use Administrator as a requirement of the administrative site approval process.

J. T Sign Regulations.

1. One freestanding sign not exceeding 50 square feet in area per face and not greater than 15 feet in height, or one building face sign of the same maximum dimension, shall be allowed for each office development site. The maximum total area of signs allowed per office site may be apportioned between freestanding and building face; provided, that for office buildings containing more than one occupant, one nonilluminated building face sign not to exceed six square feet in area shall be allowed to identify each occupant of the building. The allowable freestanding sign may also be utilized as a joint directory sign. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.

Sign regulations for residential developments shall be the same as rated for the R-4 Multiple-Family Dwelling District.

2. Indirect illumination, floodlighting, or internal illumination shall be the only allowable means of illumination of signs. All external lighting shall be directed away from adjacent properties to minimize the effects of light and glare upon adjacent uses. No bare bulb or neon illumination of signs shall be allowed. No flashing or animated signs shall be allowed. No electric wire or cable serving an electric or illuminated sign shall be laid on the surface of the ground.

3. Signs shall only identify the name of the development or business, and may contain no secondary information. Public identification signs may be placed upon public service structures such as telephone booths and bus shelters.

4. All signs shall be of permanent materials (no cardboard, cloth, paper, etc.). No flags, banners or other devices shall be displayed for the purpose of attracting attention to a development or site. No temporary or portable signs shall be allowed. The display of the national flag, State flag, and flags of other political subdivisions shall not be restricted.

5. No sign shall be placed in a location which obstructs sight distance for an adjacent driveway or street right-of-way. No signs for a development shall be placed in any public right-of-way. No sign shall be erected which imitates or resembles any official traffic sign, signal, or device. Incidental public service signs less than four square feet in area which contain no advertising, but are intended for the convenience of the public and provide such messages as "entrance," "exit," "emergency entrance," "no parking," or other incidental service messages shall be allowed.

6. All signs shall be submitted for the review of the Building and Land Use Services Division of the Department of Public Works as required by the Building Code and the Electrical Sign Code. Additionally, the proposed design of all signs shall be submitted to the Public Works Department prior to construction for review by the Land Use Administrator to ensure conformance with the standards listed hereinabove.

K. TM and RCX Sign Regulations. Sign regulations shall be the same as stated for the T Residential-Commercial Transitional District, except hospitals may be allowed to have a single identification sign at each major access to the hospital; provided, that only one sign shall be allowed adjacent to each right-of-way frontage of the TM District irrespective of the fact that more than one major access may enter said right-of-way, and ground-level retail and service businesses in the RCX District are allowed a "wall" sign or a "sign placed on the building face" not to exceed one

square foot per lineal foot of building frontage. Retail and service businesses located on the second-level of a building in the RCX District are allowed 0.5 square feet of signage for each lineal foot of building frontage.

L. C-F, C-P, C-1, C-2, C-3, CCX, UCX, UCX-TD, CIX, M-C, M-1, M-2, and M-3 Sign Regulations.

1. General Size Provision.

a. Sign Area – Single Business Location: The sign area for all signs shall not exceed 1.5 square feet of sign area per lineal foot of street frontage. The maximum sign area for any one sign shall not exceed 200 square feet.

Each single business location will be allowed a minimum sign area of 50 square feet.

b. Sign Area – Multiple Business Center: Each individual business oriented onto a right-of-way or parking lot shall be permitted a sign area the larger of either 30 square feet or one square foot per foot of building frontage. Signs may be placed on any building face; however, a sign placed on a building face that does not have a public entrance shall not exceed in size 25 percent of the signage permitted for that building.

Each multiple business center shall be allowed one center freestanding sign per street frontage with a sign area not to exceed 1.5 square feet per lineal foot of street frontage. The maximum sign area for a center freestanding sign shall be 200 square feet.

The center freestanding sign may identify individual businesses or uses within the center. In addition, the center freestanding sign may identify the name of the center.

If the center freestanding sign identifies the name of the center, the area of the sign may be increased by up to 100 square feet; provided, that the sign area devoted to individual businesses or uses within the center shall be limited to no more than two-thirds of the total sign area and the sign area devoted to center identification shall be at least one-third of the total sign area.

c. Alley. Signs on buildings having public entryways on alleys or parking lots are permitted one additional wall sign per business location for each such building orientation. Such signs shall not exceed 50 square feet in area except in instances where the primary entrance of the business is oriented onto an alley or parking lot. In such instances, the maximum area permitted for the additional sign shall be 100 square feet.

d. Second-Story or Basement Business. Businesses maintained solely on the second floor or in the basement of a building shall be entitled to

50 percent of the sign areas allowed in subsection 1.a or b with a minimum allowable area of 25 square feet. Such signs shall be limited to wall signs and shall not be located higher than 30 feet as measured from the grade to the top of the sign.

2. Number and Type (Single Business Location). Each street frontage of each business premises permitted the following number and type of permanent signs subject to the area provisions above:

a. There shall be no more than one free-standing or projecting sign per frontage.

b. The total number of signs for any use shall be based on frontage. Any use with frontage up to 300 feet shall be allowed three signs. Uses with over 300 feet of frontage may have one additional sign for each 100 feet of additional frontage over 300 feet.

c. Wall, canopy, awning, and marquee signs are permitted sign types.

d. Rotating and animated signs are permitted.

e. Flashing signs are permitted; provided the flashing portion does not exceed 15 percent of the sign-face area. In addition, no portion of a flashing sign shall be visible within 400 feet of a residentially zoned area.

f. Electronic information signs are permitted. The area of these signs shall be part of the maximum sign area allowed.

g. Incidental signs as defined in Section 13.06.550.C.21 are permitted in addition to the number of signs permitted in subsection b, above.

h. Off-premises directional signs as defined in Sections 13.06.550.C.12 and 27 are permitted, subject to the standards contained in Section 13.06.551.M.

3. Number and Type (Multiple Business Center).

a. Each multiple business center shall be allowed one center identification sign per street frontage. Each 300 lineal feet (or portion thereof) of frontage shall be considered a separate street frontage. Each sign may identify the name of the center and the names of individual businesses within. Freestanding center identification signs shall be located a minimum distance of 200 feet from other freestanding center identification signs.

b. Each individual business shall be permitted a maximum of three building signs. No individual business shall be permitted a projecting sign.

c. Incidental signs which are oriented primarily to people entering or exiting a business premises are permitted in addition to those signs permitted above.

d. Ground signs, as defined in Section 13.06.550.C.18, with a maximum face area of 50 square feet, identifying only the center and located at the street entrances to the center, are permitted in addition to those permitted above.

4. Temporary Signs. The following signs are allowed in addition to other permitted signs in this chapter:

a. Banners are permitted with a maximum size of 60 square feet; provided only one banner at a time shall be allowed for each business premises. Each banner may be displayed no longer than six months in any 12-month period. Such signs must be securely fastened, located wholly on private property, and only advertise goods, products, services or activities offered on the premises.

b. Pennants and flags are permitted; provided, that each system of pennants and flags is erected wholly on and over private property.

c. One A-board sign is permitted for each business premises. Such sign shall not exceed 12 square feet in area nor four feet in height, and shall be wholly located on private property.

d. Special events signs, as defined in Section 13.06.550.C.44, are permitted; provided, that such signs are located on private property, are not displayed for a period to exceed 60 days in any 12-month period, and are removed within seven days after the advertised special event. Special events signs situated on movable support structures of any kind (e.g., portable readerboard signs) shall be securely fastened to the ground or building in a manner satisfactory to the Buildings Division of the Public Works Department. In addition, such signs shall not exceed 32 square feet in area and shall not be allowed in any instance where the use already has a freestanding or projecting sign.

5. Height.

a. The maximum height of a freestanding sign shall not exceed 35 feet above grade.

b. The height of all other signs is regulated in Section 13.06.550 under types of signs.

c. Incidental and directional signs shall be limited to a height of four feet when freestanding and 10 feet when attached to a wall.

6. **Billboards** – X Districts. **Billboard signs, as defined in Section 13.06.550.C.5, shall be prohibited.**

M. BSRD and NCX Sign Regulations. These sign regulations shall apply to all commercially and industrially zoned property within the Business SRD and to all property subject to an NCX Neighborhood Commercial Mixed-Use District.

1. Applicability. This subsection shall govern the type, number, and size of wall, projecting,

freestanding and canopy and awning signs, as well as the maximum and minimum allowed signage for a site. The other sign provisions of Sections 13.06.550, 13.06.551, and 13.06.552 shall still apply. Signage on any residentially zoned property shall be governed by the regulations contained in the underlying zoning district.

The allowed signage is based on uses and not on buildings. Each individual use, not each individual building, is allowed a certain number of signs, a certain amount of signage, and certain types of signage. The signage allowed is different if the use is a street level use or an upper story or basement use.

2. Street Level Uses.

a. If any street level use does not have any frontage on a street or parking area, it shall be allowed only the same signage as an upper story use.

b. Total Maximum Signage for Areas Designated SRD. Each use shall be allowed 1.5 square feet of signage for each linear foot of building frontage on the SRD designated arterial street or on its only street frontage. If it has no SRD designated arterial street frontage, this ratio shall apply to the first 50 feet of such frontage. The ratio shall be reduced to 0.5 square feet of signage for each linear foot of building frontage over 50 feet; provided, however, that each use shall have a minimum of 50 square feet of total sign area. No additional signage is allowed for uses with additional frontages, except as noted in subparagraph c immediately below for parallel frontages.

c. Number of Signs. Each use shall be allowed two signs per SRD designated arterial street frontage or its only street frontage, if it has no SRD designated arterial street frontage. Only one of the allowed signs for the SRD designated frontage may be a ground or projecting sign.

Any use with more than one street frontage shall be allowed additional signs. For any additional street frontage which is parallel to the SRD designated frontage, the same signage as is allowed for the SRD designated frontage shall be allowed. For any additional street frontage which is perpendicular to the SRD designated frontage, one wall sign shall be allowed with a maximum sign area of 50 square feet.

d. Total Maximum Signage for Signs Designated NCX Mixed-Use Commercial Areas. Each use shall be allowed 1.5 square feet of signage for each linear foot of building frontage on the abutting classified arterial street or its primary street frontage. This ratio shall apply to the first 50 feet of such building frontage. The ratio shall be

reduced to 0.5 square feet of signage for each linear foot of building frontage over 50 feet; provided, however, that each use shall have a minimum of 50 square feet of total sign area.

Any use with more than one street frontage shall be allowed additional signs. For any additional street frontage which is parallel to the primary frontage, the same signage as is allowed for the designated frontage shall be allowed. For any additional street frontage which is perpendicular to the designated frontage, one wall sign shall be allowed with a maximum sign area of 50 square feet.

e. Types of Signs Allowed in the SRD and NCX. One wall, canopy or awning sign is also allowed per alley frontage, if a public entrance is on such frontage.

One additional sign per building frontage is allowed on any frontage greater than 100 linear feet.

f. Freestanding Signs. Ground signs shall be the only type of freestanding signs allowed. A use must have at least 25 feet of frontage on a street or parking area in order to be allowed a ground sign. No ground sign shall be allowed for a use which has a projecting sign. Ground signs are not allowed on an alley frontage. Ground signs shall be limited to a maximum area of 30 square feet per face or a total maximum sign area of 60 square feet for all faces, whichever is less.

g. Projecting Signs. A use must have at least 25 feet of frontage on a street or parking area in order to be allowed a projecting sign. No projecting sign shall be allowed for a use which has a ground sign. Projecting signs are not allowed on an alley frontage. Projecting signs shall be limited to a maximum sign area of 40 square feet per face or a total maximum sign area of 80 square feet for all faces, whichever is less. Projecting signs must be located at least 10 feet from any side property line and adjacent business, unless such property line abuts a right-of-way or parking area which is at least 20 feet wide. The bottom of a projecting sign shall be limited to a maximum height of 12 feet above the sidewalk. The provisions of Section 13.06.285.J shall also apply.

h. Wall, Canopy, and Awning Signs. There is no maximum sign area for wall, canopy, and awning signs; provided, however, that the maximum signage on the site cannot exceed the square footage allowed under subparagraphs 2.b and 2.d of this section. The maximum size of any wall, canopy or awning sign located on an alley frontage shall be 25 square feet. The provisions of Section 13.06.285.I shall also apply.

3. Upper Story or Basement Uses. Each use shall be allowed only one wall sign with a maximum sign area of 10 square feet. Such sign area may be combined with other allowed sign area for the building to create a larger wall sign with more than one use using the sign.

4. Multiple Business Center and District Identification and/or Directory Signs. The Land Use Administrator may review and approve identification and directory signs for a multiple business center, for a district or for a portion of a district. If such sign is to be located in public right-of-way, review and approval will also be required from the City Engineer.

Such signs shall be in addition to the signage permitted for individual uses, but shall not be for the sole purpose of allowing a business or businesses more signage than is permitted.

The Land Use Administrator shall consider the following purposes and guidelines in reviewing proposed identification or directory signs. Identification and directory signs may: identify a multiple business center, a business district or a portion of a district; identify the individual businesses and services available; direct people to specific businesses and provide a sense of place within the center or district by identifying a group of businesses as one unit. The primary purpose of a center sign is to identify the center.

a. Guidelines for multiple business center signs: A multiple business center may be allowed one such sign. The maximum allowed sign area shall be 30 square feet if it is a ground sign, 40 square feet if it is a projecting sign and 50 square feet if it is a wall, canopy or awning sign. This allowed size shall be the maximum total sign area, including the center name, any individual business's names, and any directional information. The sign may only contain the name of the center, the names of individual businesses within the center, and directional information. The predominant message on the sign shall be the name of the center. The signage allowed for individual businesses serves the purpose of business identification; therefore, business identification on a center sign shall be limited. The amount of space to identify each individual business name shall be relatively equal.

b. Guidelines for district signs: A district may have a maximum of four identification signs, one for each of the directions of travel to the district. These identification signs may be located only at an entrance to the district which is on an arterial. Identification signs may contain the name of the district and other information about the district, but the names of individual businesses within

the district may not be included. The name of the district shall be the predominant message on the identification sign. Directory signs may be located within the district, but should be oriented solely to the pedestrian and not the automobile. A directory sign may contain the name of the district, the names of individual businesses within the district and directional and other district information. Directory signs which serve additional functions such as seating, shelter, kiosks, landscaping or art are encouraged.

5. No exposed braces, angle irons or supports shall be visible from the public right-of-way. Guy wires shall be allowed as specified in Municipal Code Chapter 2.05.

6. The height of any off-premises directional sign located in a Business SRD or an NCX district shall be limited to six feet.

7. Billboard signs, as defined in Section 13.06.550.C.5, are prohibited. Any existing outdoor advertising sign shall be nonconforming and governed by Section 13.06.285.R.

8. One sidewalk A-board sign is permitted for each business engaged in any commercial activity; provided, that the abutting sidewalk is 12 feet or more in width and the sign is limited to 12 square feet in area.

N. B Sign Regulations. These regulations are intended to provide for adequate and effective identification for each business without signs becoming a dominating visual feature downtown. Exceptions to these regulations may be contained in the Tacoma Landmarks Special Review District Ordinance, Chapter 13.07 of this title.

1. General Provisions.

a. The following regulations are applicable to permanent on-premises signs, including wall painted signs and window signs.

(1) Maximum Sign Area. The total area permitted for all uses occupying any building or premises shall not exceed one and one-half square feet per lineal foot of street or plaza (mall) frontage; however, a minimum of 25 square feet shall be permitted for each individual use if located on the first floor or 15 square feet if located on the second floor or in the basement. Further, no one sign shall exceed 150 square feet in area for all faces.

(2) Number and Type. Signs not specifically prohibited or otherwise restricted herein are allowed, either directly illuminated or indirectly illuminated; provided, that the total area of all signs for any individual use does not exceed the limitations set forth in subsection (1) above.

(3) Projecting Signs. Projecting signs are subject to the following restrictions:

(a) Projecting signs shall not extend more than three and one-half feet over the sidewalk nor exceed 50 square feet in area for all faces.

(b) No projecting sign shall be displayed unless the building to which it is attached is 20 feet or more in width.

(4) Awnings, Canopies and Marquees. Signs attached to these rain protection features are subject to the following requirements, in addition to those set forth in Section 13.06.285.N:

(a) The area of signs on awnings, canopies, and marquees shall not be regulated; however, such signs shall not extend above the second story, shall only be permitted along the face or edges of such devices, and shall not extend above or below the upper or lower surfaces of such devices. Further, this subsection is not intended to limit the number of such features along any street or plaza.

(b) A sign below a fixed rain protection feature may project the full width of such feature. Such signs must clear the sidewalk by a minimum of eight and one-half feet, not exceed seven square feet in area, and be placed at a right angle to the sidewalk.

(5) One standard parking symbol not projecting more than three and one-half feet over the sidewalk, clearing the sidewalk by a minimum of eight and one-half feet and not exceeding 21 square feet in area per face may be permitted along each street frontage of a parking lot or garage available to the general public for parking.

(6) Maximum Height Permitted.

(a) Signs attached to a building shall not extend above the roof line or the top of the parapet upon which the sign is attached, whichever is higher. No extensions shall be made to any building adding to its height for the sole purpose of elevating signs above the original roof height.

(b) Freestanding (ground) signs shall not extend more than 20 feet above the grade of the sidewalk at the point where such sign is located.

(7) Movement. Except for clocks and dial temperature signs, all parts of every sign shall be stationary. Signs which are designed to have parts moving, either by mechanical or natural means, are prohibited.

(8) Flashing Signs. Flashing signs are prohibited; however, signs which display, either constantly or in sequence, by electronically or electrically controlled changes in the same lamp bank, time, temperature, and reports of other phe-

nomena which are variable in nature, such as stock market quotations, shall be permitted; provided the copy displayed shall remain constant for at least two-second intervals between changes.

(9) Additional Signs.

(a) Signs intended primarily for informational or directional purposes or oriented primarily toward pedestrians are permitted in addition to those regulated by Items (1) through (8) above.

(b) The total area of such additional signs shall not exceed 0.2 square feet per lineal foot of street or plaza (mall) frontage.

(c) No such additional sign shall be so placed as to extend more than eight feet above the sidewalk grade level.

(d) No such additional sign shall be moving or flashing.

(e) Off-premises directional signs shall be permitted, subject to the standards contained in Section 13.06.551.M.

b. On-Premises Signs, Impermanent Materials.

(1) Maximum Sign Area. The total sign area permitted shall not exceed 0.5 square feet for each lineal foot of street or plaza (mall) frontage.

(2) Attachment. Impermanent signs located downtown shall be attached to or placed within buildings. No additional supports on the ground or extensions from buildings for the purpose of displaying such signs shall be permitted.

(3) One sidewalk A-board sign is permitted for any premises or building engaged in any commercial activity; provided, that the abutting sidewalk is 12 feet or more in width and the sign is limited to 12 square feet in area.

(4) Temporary storefront window signs are permitted as long as they do not cover over 25 percent of the glass area. This regulation shall apply to signs placed within three feet of the window and visible from the outside.

c. On-Premises Real Estate Signs. Unlighted signs not exceeding in total area 20 square feet, and located along any one street or mall (plaza) frontage, may be placed on any premises, providing all copy pertains only to said sale or lease; and provided further, such signs are removed within 20 days of the completion of the transaction.

d. Prohibited Signs.

(1) Signs and devices which are intended to be moved or rotated by the wind.

(2) Strings of exposed incandescent lights.

(3) All portable readerboard signs.

(4) Any sign mounted on a roof and above the parapet of a building.

O. Special Use Sign Regulations.

1. For public and private schools, public park facilities, and churches on sites that are over one acre in area and have a minimum of 100 feet of street frontage: one freestanding sign not exceeding 40 square feet in area per face and not greater than 15 feet in height and one building face sign of the same maximum dimension shall be allowed for each special property use. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.

2. For uses other than public and private schools, public park facilities, and churches, all special property uses on sites less than one acre or sites with less than 100 feet of frontage: one freestanding sign not exceeding 30 square feet in area for all faces and not greater than six feet in height and one building face sign of the same maximum dimensions: provided, that the total area for the freestanding and building face signs may not exceed 30 square feet. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.

3. Indirect illumination, floodlighting, or internal illumination shall be the only allowable means of illumination of signs. All external lighting shall be directed away from adjacent properties to minimize the effects of light and glare upon adjacent uses. No bare bulb or neon illumination of signs shall be allowed. No flashing or animated signs shall be allowed. No electric wire or cable serving an electric or illuminated sign shall be laid on the surface of the ground.

4. All signs shall be of permanent materials (no cardboard, cloth, paper, etc.). No flags, banners or other devices shall be displayed for the purpose of attracting attention to a development or site. No temporary or portable signs shall be allowed. The display of the national flag, State flag, and flags of other political subdivisions shall not be restricted.

5. No sign shall be placed in a location which obstructs sight distance for an adjacent driveway or street right-of-way. No signs for a development shall be placed in any public right-of-way. No sign shall be erected which imitates or resembles any official traffic sign, signal, or device. Incidental public service signs less than four square feet in area which contain no advertis-

ing, but are intended for the convenience of the public and provide such messages as "entrance," "exit," "emergency entrance," "no parking," or other incidental service messages, shall be allowed.

6. Freestanding signs larger than 30 square feet for all faces or taller than six feet shall be located a minimum of 50 feet from a lot occupied by a single-family residence. Freestanding signs for special property uses may be constructed to the front property line.

7. In addition to the signage otherwise permitted, one sponsor identification logo sign may be included on a freestanding or wall sign for a special property use. The sponsor identification logo shall not be internally illuminated and shall be limited to a maximum of one square foot per sign face. (Ord. 26142 § 1; passed Oct. 28, 1997; Ord. 25945 § 10; passed Sept. 3, 1996; Ord. 25893 § 91; passed June 4, 1996; Ord. 25853 § 51; passed Feb. 27, 1996; Ord. 25893 § 91; passed June 4, 1996; Ord. 25853 § 51; passed Feb. 27, 1996; Ord. 25085 § 2(III); passed March 31, 1992.)



Req. #6424

SUBSTITUTE ORDINANCE NO. 26101

Sharon Winters
E-mail (3-8-11), Attachment 2
(provided by Doug Schafer 3-8-11)
28 pages

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AN ORDINANCE relating to zoning and general sign regulations, and amending Chapter 13.06 of the Tacoma Municipal Code by amending Section 13.06.551 thereof; and declaring an emergency in the passage of this ordinance to become effective immediately upon publication.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 13.06.551 of the Tacoma Municipal Code is hereby amended to read as follows:

13.06.551 General sign regulations.

A. Administration.

1. It shall be the duty of the Land Use Administrator of the City of Tacoma to interpret and enforce this section. In addition to meeting the provisions of this section of the zoning code, the permits, materials, structural design, construction, inspection, and maintenance requirements for signs must conform with Title 2 of the Tacoma Municipal Code, administered by the Building and Land Use Services Division of the Public Works Department.

2. The Building Official shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the Municipal Code (see Chapter 2.05, Sign Code). In addition, all signs, where appropriate, shall conform to the current National Electrical Code and the National Electrical Safety Code. Exceptions to these regulations may be contained in the Tacoma



1 Landmarks Special Review District regulations, Chapters 1.42 and 13.07 of the
2 Municipal Code.

3 3. All new permanent signs require permits. Permits require full
4 conformance with all City Codes, particularly Titles 2 and 13. Signs not visible
5 from a public right-of-way are not regulated herein, but may require permits
6 pursuant to the provision of Title 2 of the Municipal Code.

7 4. Temporary signs may be displayed in accordance with the
8 applicable sign regulations of the zoning district in which such signs are located
9 and the provisions of subsection O (Nonconforming Signs) of this section. Any
10 person desiring to display a portable readerboard sign shall, prior to the display
11 of such sign, obtain a temporary sign permit from the Public Works Department.
12 Such permit shall be issued by that department upon a showing by the
13 applicant that the portable readerboard sign conforms to the applicable sign
14 regulations of this chapter. The permit issued shall be posted by the permittee
15 in a conspicuous place on the portable readerboard, and shall indicate the date
16 of issue and expiration date. Further, such permit does not obviate the need for
17 compliance with any applicable requirements of the Uniform Building Code, the
18 City's Electrical Code, and any other City ordinance. The application shall be
19 presented on forms and accompanied by information prescribed by the Public
20 Works Department.
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B. Interpretation.

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1. It is the purpose of this subsection to provide a simple and expeditious method for classifying ambiguities and inadvertent limitations in this section and the rules and regulations adopted therein.

2. A request for interpretation of any provision of this section shall be submitted in writing as set forth in Section 13.06.471 of this chapter. Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Land Use Administrator shall receive such further facts and information as are necessary to a meaningful interpretation of the provisions in question.

3. Procedures for subsequent processing and appeals from the ruling of the Land Use Administrator shall be as set forth in Sections 13.06.410 and 13.06.415 of this chapter.

C. Exempt Signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance pursuant to Title 2 of the Municipal Code or any other law or ordinance relating to the same.

1. Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy.



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2. Repainting, maintenance, and repair of existing signs or sign structures, providing work is done on-site and no structural change is made.

3. Signs not visible from the public right-of-way and beyond the boundaries of the lot or parcel.

4. Seasonal decorations for display on private property.

5. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

6. Signs of public service companies indicating danger and aid to service or safety.

7. Non-electric bulletin boards not exceeding 12 square feet in area for each public or charitable or religious institution when the same are located on the premises of said institutions.

8. Signs denoting a building which is under construction, structural alterations, or repair which announce the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others, providing the area of such sign shall not exceed 32 square feet.



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9. Window sign.

10. Political signs as set forth in Title 2 of the Municipal Code.

11. Real estate signs 12 square feet or less.

12. Professional name plates two square feet or less.

13. Changing plex-style faces in existing cabinets, provided work is done on-site without removing sign.

D. Prohibited Signs. The following commercial signs are prohibited, except as may be otherwise provided by this chapter.

1. Signs or sign structures which, by coloring, wording, lighting, location, or design, resemble or conflict with a traffic control sign or device, or which make use of words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse persons traveling on the rights-of-way or which in any way create a traffic hazard.

2. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicular traffic, or which obstruct a clear view of official signs or signals.

3. Signs, temporary or otherwise, which are affixed to a tree, rock, fence, or utility pole.

4. Signs on public property, except when authorized by the appropriate public agency.

5. Signs attached to or placed on any stationary vehicle or trailer so as to be visible from a public right-of-way for the purpose of providing



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advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction.

6. Signs mounted on a roof, except where incorporated into a building to provide an overall finished appearance.

7. All portable signs not securely attached to the ground or a building, including readerboards and A-frames on trailers, except those allowed by the regulations of the appropriate zoning district.

8. Abandoned signs.

E. Special Regulations by Type of Sign. In addition to the general requirements for all signs contained in this section, and the specific requirements for signs in each zone, there are special requirements for the following types of signs:

1. Wall signs.
2. Projecting signs.
3. Freestanding signs.
4. Marquee signs.
5. Under-marquee signs.
6. Canopy and awning signs.



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- 7. Temporary signs.
- 8. Off-premises directional signs.
- 9. Billboards (outdoor advertising sign).

The special requirements for these signs are contained in subsections F through N of this section.

F. Wall Signs. Special regulations governing wall signs are as follows:

- 1. A wall-mounted sign shall not extend more than three feet above the roof line.
- 2. A wall sign shall not extend more than 18 inches from the wall to which it is attached.
- 3. No wall sign shall cover wholly or partially any wall opening nor project beyond the corner of the wall to which it is attached.
- 4. Where a wall sign extends over a public or private walkway, a vertical clearance of eight and one-half feet shall be maintained above such walkway.
- 5. For the purposes of this subsection, any building with an actual or false mansard roof may use such walls or roof for wall sign installation.
- 6. An architectural blade designed primarily for the placement of signs may be erected on top of a wall, parapet, roof, or building face and shall comply with all applicable height limitations. All supporting structure for such signs shall be completely enclosed.



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G. Projecting Signs. Special regulations governing projecting signs are

as follows:

1. No projecting sign shall extend nearer than two feet to the face of the nearest curb line, measured horizontally.

2. The maximum projection permitted for any one sign shall be six and one-half feet or two-thirds of the width of the sidewalk below the location of the projecting sign, whichever is less.

3. A projecting sign shall not rise more than one foot above the roof line.

4. Minimum Clearance. All projecting signs over the public right-of-way shall have a minimum clearance to the ground as follows:

a. Over alleys and driveways, 14-1/2 feet, provided said projection is no more than 12 inches;

b. Over automobile parking lots and other similar areas where vehicles are moved or stored, 14-1/2 feet;

c. Over footpaths, sidewalks, and other spaces accessible to pedestrians, 10 feet;

d. All parts of electric reflector lamps or other illuminating devices extending over the sidewalk space shall be at least 10 feet above the sidewalk, and the projection horizontally over the sidewalk space may not be more than nine feet, but no closer than two feet from the curb line.



1 5. No projecting sign shall be erected in such a position as to
2 completely blanket another projecting sign already in place on either side.

3 6. All projecting signs shall be installed in such a manner that the
4 support structure above a roof, building face, or wall shall be minimally visible.

5 7. Supporting framework for a projecting sign may rise 12 inches
6 above a parapet; however, where there is a space between the edge of the
7 sign and the building face, such framework must be enclosed.

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9 H. Freestanding Signs. Special regulations governing freestanding signs
10 are as follows:

11 1. In order to encourage well-designed signs in a pleasing setting,
12 protect sign poles from damage by vehicles, and to free as much area as
13 possible from pavement as is economically feasible and desirable, landscaping
14 shall be used in conjunction with all freestanding signs (see definition of
15 "landscaping"). Temporary, portable, and real estate signs shall be excluded
16 from this requirement.

17
18 2. No freestanding sign shall project over a public right-of-way
19 unless an adjacent structure or sign is built out to or over the property line that
20 blocks visibility to a freestanding sign on the adjoining property; then such
21 freestanding sign may be located so that the sign structure is on private
22 property and the sign cabinet may project over the right-of-way, subject to all
23 the provisions regulating projecting signs which project over rights-of-way.
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I. Marquee Signs. Special regulations governing marquees are as follows:

1. Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height, and material, be considered a part of and shall meet the requirements for a marquee as specified in the Uniform Building Code.

J. Under-Marquee Signs. Special regulations governing under-marquee signs are as follows:

1. Signs may be located under a marquee if a vertical clearance of 10 feet is maintained between the sign and the grade below.

2. Under-marquee signs shall be limited to a maximum vertical height of 12 inches and a maximum sign area of seven square feet.

K. Canopy and Awning Signs. Special regulations governing canopy and awning signs are as follows:

1. Signs are permitted along the faces and edges of canopies and awnings; provided they are printed, marked, stamped, or otherwise impressed upon the awning in a professional manner.

2. A sign below a fixed rain protection feature, such as a canopy or awning, may project the full width of such feature. Such a sign must clear the sidewalk by a minimum of 10 feet, not exceed seven square feet in area, and be placed at a right angle to the sidewalk. Awnings and canopies may extend over public property not more than seven feet from the face of a supporting



1 building, but no portion shall extend nearer than two feet to the face of the
2 nearest curb line, measured horizontally.

3 3. Signs designed as an integral part of a canopy or awning and
4 located along the face or edge may be illuminated.

5 4. Signs located on canopies and awnings shall designate only
6 the name of the business and/or the place and kind of business. A decorative
7 design and/or the emblem or initials of the business occupying the premises
8 may be placed flat on the main portions of the canopy or awning.
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10 L. Temporary Signs. Special regulations governing temporary signs are
11 as follows:

12 1. The duration of display of a temporary sign shall not exceed six
13 months in any 12-month period, unless otherwise noted.

14 2. No flashing temporary signs of any type shall be permitted;
15 however, internally illuminated signs, i.e., portable readerboards, shall be
16 permitted provided that they conform to the current National Electrical Code
17 and the National Electrical Safety Code.
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19 3. All temporary signs must be located on private property.

20 4. All temporary signs shall be securely fastened and positioned
21 in place so as not to constitute a hazard to pedestrians or motorists.
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23 5. No temporary sign shall project over or into a public right-of-
24 way or property except properly authorized banners over streets (see Title 9 of
25 the Municipal Code).
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6. All temporary signs shall meet vehicular sight distance requirements established by the Traffic Engineer.

7. The regulations governing the size, number, and type of temporary signs are located in the respective zoning district regulations.

M. Off-Premises Directional Signs. Special regulations governing off-premises directional signs are as follows:

1. Off-premises directional signs shall be limited to a maximum of 25 square feet in area and 20 feet in height.

2. Off-premises directional signs shall contain only the name of the principal use and directions to the use in permanent lettering.

3. Off-premises directional signs shall be placed on or over private property, except that business district identification signs may be located and comply with the applicable requirements of Title 9 of the Municipal Code.

4. Off-premises directional signs are permitted when on-premises signs are inadequate to identify the location of a business.

5. No more than three such signs are permitted, and only one from each direction of travel.

~~N. Billboards (Outdoor Advertising Signs). Billboards shall not be allowed in any zoning district of the City of Tacoma, and this section shall remain effective until July 22, 1997, or until such time new billboard regulations are adopted by the City and in effect.~~



1 N. Billboards (Outdoor Advertising Signs). Special regulations governing
2 billboards are as follows:

3 1. a. Any person, firm, or corporation who maintains billboard
4 structures and faces within the City of Tacoma shall be authorized to maintain
5 only that number of billboard structures and faces that they maintained on
6 April 12, 1988, except for transfers permitted in subsection 1.c hereof. A
7 person who maintains any such billboard structures and faces may thereafter
8 relocate a billboard face or structure to a new location as otherwise authorized
9 by this section. No other billboards shall be authorized, and there shall be no
10 greater total number of billboard structures and faces within the City than the
11 number that were in existence on April 12, 1988. That number of structures
12 and faces shall include those for which permit applications had been filed prior
13 to April 13, 1988. As unincorporated areas are annexed to the City of Tacoma,
14 the total number of billboard structures and faces in that area will constitute an
15 addition to the number authorized in the City of Tacoma.

16 b. Upon removal of an existing billboard face or structure, a
17 relocation permit shall be issued authorizing relocation of the face to a new site.
18 There shall be no time limit on the billboard owner's eligibility to utilize such
19 relocation permits. In the event that a billboard owner wishes to remove a
20 billboard and does not have immediate plans for replacement at a new location,
21 an inactive relocation permit shall be issued. There shall be no time limit on the
22 activation of the inactive permit and such permits are transferable. The
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1 application for a relocation permit shall include an accurate site plan and vicinity
2 map of the billboard face or structure to be removed, as well as a site plan and
3 vicinity map for the new location. Site plans and vicinity maps shall include
4 sufficient information to determine compliance with the regulations of this
5 chapter. The above provisions shall not apply to billboards whose permit
6 applications were applied for prior to April 13, 1988, and not erected, unless the
7 applicants/owners agree within 60 days to have such billboards subject to all
8 the provisions of this chapter.

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10 c. Relocation permits shall be transferable upon the
11 billboard owner's written permission.

12 d. In no case shall the number of billboard faces or
13 structures increase, and the square footage of billboard sign area to be
14 relocated shall be equal to or less than the square footage of billboard sign
15 area to be removed. Removal of a billboard structure shall also require the
16 issuance of a demolition permit, and removal of billboard faces and structures
17 shall be completed prior to the installation of relocated billboard faces or
18 structures. The billboard owner shall have the right to accumulate the amount
19 of square footage to be allowed, at the owner's discretion, to new sign faces
20 and structures permitted under this chapter.

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23 2. All billboards shall be maintained in good repair in compliance
24 with all applicable building code requirements. The exposed area of backs of
25 billboards must be covered to present an attractive and finished appearance.
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3. Each sign structure must at all times include a facing of proper dimensions to conceal back bracing and framework of structural members. During periods of repair, alteration, or copy change, such facing may be removed for a maximum period of 48 consecutive hours.

4. a. Not more than a total of four billboard faces attached to not more than two support structures shall be permitted on both sides of a street within any distance of 1,000 feet measured laterally along the right-of-way, with a minimum of 100 feet between such structures.

b. There shall be at least 300 linear feet of land which is properly zoned which permits billboards on one side of the street in order to erect one billboard structure on that side of the street. There shall be at least 600 linear feet of land which is properly zoned which permits billboards on one side of the street in order to erect more than one billboard structure on that side of the street.

c. The property on the opposite side of the street from the proposed billboard location must also be properly zoned to permit billboards.

5. The maximum area of any one sign shall be 300 square feet, with a maximum vertical sign face dimension of 12.5 feet and maximum length of 25 feet, inclusive of any border and trim but excluding the base or apron, supports, and other structural members; provided, that cut-outs and extensions may add up to 20 percent of additional sign area.



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6. Indirect or internal lighting shall be the only allowable means of illumination. No flashing signs shall be permitted.

7. No billboard shall be located on, in, or within 250 feet of:

- a. a residential district; or
- b. any publicly owned open space, playground, park, or recreational property as recognized in the adopted "Recreation and Open Space Facilities Plan" as amended; or
- c. any church or school; or
- d. any designated historic district, whether on the Federal, state, or local register of historic properties.

8. No billboard shall be located on, in, or within 375 feet of any shoreline district.

9. Rooftop (billboard) signs are prohibited.

10. The maximum height of all billboard signs shall be 30 feet, except in the M-3 Industrial zoning, where the maximum height shall be 45 feet. For the purpose of this section, height shall be the distance to the top of the normal display face from the main traveled way of the road from which the sign is to be viewed.

11. Billboard signs which advertise a business, event, or person located on the same premises as the billboard sign shall be considered an on-premises sign and must meet all criteria for the location of on-premises signs.



1 O. Nonconforming Signs. It is the intent of this subsection to allow the
2 continued existence of legal nonconforming signs, subject, however, to the
3 following restrictions:

4 1. No sign that had previously been erected in violation of any
5 City Code shall, by virtue of the adoption of this section, become a legal
6 nonconforming sign.

7 2. No nonconforming sign shall be changed, expanded, or altered
8 in any manner which would increase the degree of its nonconformity, or be
9 structurally altered to prolong its useful life, or be moved in whole or in part to
10 any other location where it would remain nonconforming. For purposes of this
11 subsection, normal maintenance and repair, including painting, cleaning, or
12 replacing damaged parts of a sign, shall not be considered a structural
13 alteration.
14

15 3. Any sign which is discontinued for a period of 90 consecutive
16 days, regardless of any intent to resume or not to abandon such use, shall be
17 presumed to be abandoned and shall not thereafter be reestablished except in
18 full compliance with this chapter. Any period of such discontinuance caused by
19 government actions, strikes, material shortages, acts of God, and without any
20 contributing fault by the sign user, shall not be considered in calculating the
21 length of discontinuance for purposes of this section.
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23 4. Any nonconforming sign damaged or destroyed, by any means,
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to the extent of one-half of its replacement cost new shall be terminated and shall not be restored.

5. All existing signs within the City of Tacoma which are not in compliance with the requirements of this section upon the effective date of this chapter are considered to be non-conforming signs. Non-conforming signs shall be made to conform with the requirements of this section under the following circumstances:

a. When any new sign for which a sign permit is required by this section is proposed to be installed on a premises upon which is located a non-conforming billboard, the billboard shall be removed or brought into conformance with this section for each new sign installed for a particular business.

b. Whenever a building, or portion there of, upon which is located a non-conforming rooftop (billboard) sign, is proposed to be expanded or remodeled, all non-conforming rooftop billboard signs located on that portion of the building being remodeled or expanded shall be removed or brought into compliance with this section if such expansion or remodel adds to the building the lesser of :

1. 20 percent or more of the gross floor area of the existing building;
2. 1,000 square feet gross floor area; and



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3. a value for the new construction or remodeling greater than or equal to 50 percent of the assessed value of the existing building.

c. Whenever any modification is to be made to the structure, frame, or support of any non-conforming billboard sign, such non-conforming billboard sign shall be removed or brought into conformance with this section.

d. Whenever the facade of a building upon which is located a non-conforming billboard wall sign is remodeled or renovated, all non-conforming billboard wall signs located on the portion of the facade being renovated shall be brought into conformance with this section.

6. Amortization. All legal nonconforming billboard signs shall be discontinued and removed or made conforming within ten years from the effective date of this section, on or before August 1, 2007, and all billboard signs which are made nonconforming by a subsequent amendment to this section shall be discontinued and removed or made conforming within ten years after the date of such amendment (collectively the "amortization period"). Upon the expiration of the amortization period, the billboard sign shall be brought into conformance with this section, with a permit obtained, or be removed. Nonconforming billboard signs that are removed prior to the end of the amortization period shall be given an inactive relocation permit pursuant to Section 13.06.551.N.1.b. of the Tacoma Municipal Code.



1 P. Special Exceptions. The Land Use Administrator may authorize an
2 exception to the regulations for the size, number, type, location and height of
3 on-premises signs as herein set forth, subject to the following standards and
4 criteria and the applicable procedures set forth in Section 13.06.404:

5 1. Review Criteria. The Land Use Administrator may approve a
6 special sign exception for one or more of the following reasons:

7 a. The proposed sign plan indicates an exceptional effort to
8 create visual harmony between the signs, structures and other features of the
9 property through the use of a consistent design theme.

11 b. The proposed sign plan will preserve a desirable existing
12 design or siting pattern for signs in an area.

13 c. The proposed sign plan will minimize view obstruction or
14 preserve views of historically or architecturally significant structures.

16 d. In the case of a planned shopping center approved
17 pursuant to Section 13.06.275 of this chapter, or a shopping center or mixed-
18 use center subject to Section 13.06.285 of this chapter, the proposed sign plan
19 provides an integrated sign program consistent with the overall approved site
20 plan for the center.

22 e. In the case of a planned shopping center approved
23 pursuant to Section 13.06.275 of this chapter, or a shopping center or mixed-
24 use center subject to Section 13.06.285 of this chapter, the exception is
25 warranted because of the physical characteristics of the center, such as size,
26



1 shape, or topography, or because of the location of signs in existence on the
2 date of passage of this section.

3 2. Submittal Requirement. As part of any application for a special
4 sign exception, the following information shall be submitted:

5 a. A narrative describing how the proposal is consistent
6 with the criteria listed above.

7 b. A colored rendering or drawing, to scale, showing the
8 proposed signs and how they relate to development in the area and on the
9 subject property.
10

11 Section 2. For the reasons stated in the moratorium ordinance on
12 billboards, Ordinance No. 25933, the proliferation of billboards within the City
13 has adversely impacted the health, safety, aesthetics, and general quality of life
14 in the City. Because the time limit on the moratorium will soon end, it is in the
15 best interest of the public health, safety, and general welfare of the Citizens of
16 Tacoma that this substitute ordinance take effect immediately. For the
17 foregoing reasons, an emergency is hereby declared to exist, making
18 necessary the immediate passage of this substitute ordinance and its taking
19 effect immediately upon publication.
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22 Section 3. Severability. If any section, sentence, clause, or phrase of
23 this ordinance should be held to be invalid or unconstitutional by a court of
24 competent jurisdiction, such invalidity or unconstitutionality shall not affect the
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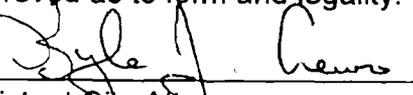


1 validity or constitutionality of any other section, sentence, clause, or phrase or
2 this ordinance.

3 Passed JUL 22 1997 
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Mayor

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6 Attest: City Clerk

7 Approved as to form and legality:
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9 Assistant City Attorney

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REQUEST FOR ORDINANCE OR RESOLUTION

CITY CLERK USE

Request #:	6424
Ordinance #:	28101
Resolution #:	

1. DATE: June 17, 1997

2. REQUESTING DEPARTMENT/DIVISION/PROGRAM Planning and Development Services/Planning and Neighborhoods/Billboard Regulations	3. CONTACT PERSON (for questions): Robin Meyer	PHONE/EXTENSION 5375
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4. PREPARATION OF ORDINANCE IS REQUESTED FOR THE CITY COUNCIL MEETING OF TUESDAY JULY 8, 1997.

5. SUMMARY TITLE/RECOMMENDATION: (A concise sentence, as it will appear on the Council Agenda)

This is an Ordinance that will modify of the Tacoma Municipal Code, Regarding Sign Regulations for Billboards by changing the Size, location, height and Proximity to one another and modify the Non-conforming Use section of the Code to require property owners to have nonconforming billboards or signs removed on a one-to-one basis as a condition of receiving a building permit for a new sign or to remodel the property.

6. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

On June 4, 1996, the City Council directed the Planning Commission to review the City's regulations governing billboards and to consider amendments to Chapter 13.06 of the Tacoma Municipal Code (TMC), "Zoning," to prohibit billboards in all Zoning Districts in the City, and to study the removal of existing billboards with the establishment of an amortization period or other legal means. After redirection from the City Council at a September 20, 1996 Joint Council and Planning Commission Study Session the Planning Commission developed alternatives to banning billboards and held a Public Hearing on May 7, 1997. The proposed regulations reflect the Planning Commission's recommendation to the City Council.

7. FINANCIAL IMPACT: (Future impact on the budget.)

\$ 0.00

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Proposed Change to the Municipal Code	PDS/Planning and Neighborhoods Div.
Planning Commission Public Hearing Staff Report and Recommendation	PDS/Planning and Neighborhoods Div.
Official File for Development of Billboard Reg.	PDS/Planning and Neighborhoods Div.

9. FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
NA	\$0.00	\$0.00	\$0.00	\$0.00

If an expenditure, is it budgeted? Yes No Where? Org # Acct #

67

 Department Director/Utility Division Approval	Approved as to Availability of Funds Director of Finance	 for Manager/Director Utilities Approval
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1 N. Billboards (Outdoor Advertising Signs). Special regulations governing billboards are as
2 follows:

3 1.a. Any person, firm, or corporation who maintains billboard structures and faces within the City
4 of Tacoma shall be authorized to maintain only that number of billboard structures and faces that
5 they maintained on April 12, 1988, except for transfers permitted in subsection 1.c hereof. A
6 person who maintains any such billboard structures and faces may thereafter relocate a billboard
7 face or structure to a new location as otherwise authorized by this section. No other billboards
8 shall be authorized, and there shall be no greater total number of billboard structures and faces
9 within the City than the number that were in existence on April 12, 1988. That number of
10 structures and faces shall include those for which permit applications had been filed prior to
11 April 13, 1988. As unincorporated areas are annexed to the City of Tacoma, the total number of
12 billboard structures and faces in that area will constitute an addition to the number authorized in
13 the City of Tacoma.

14 b. Upon removal of an existing billboard face or structure, a relocation permit shall be issued
15 authorizing relocation of the face to a new site. There shall be no time limit on the billboard
16 owner's eligibility to utilize such relocation permits. In the event that a billboard owner wishes to
17 remove a billboard and does not have immediate plans for replacement at a new location, an
18 inactive relocation permit shall be issued. There shall be no time limit on the activation of the
19 inactive permit and such permits are transferable. The application for a relocation permit shall
20 include an accurate site plan and vicinity map of the billboard face or structure to be removed, as
21 well as a site plan and vicinity map for the new location. Site plans and vicinity maps shall
22 include sufficient information to determine compliance with the regulations of this chapter. The
23 above provisions shall not apply to billboards whose permit applications were applied for prior to
24 April 13, 1988, and not erected, unless the applicants/owners agree within 60 days to have such
25 billboards subject to all the provisions of this ordinance.

26 c. Relocation permits shall be transferable upon the billboard owner's written permission.

27 d. In no case shall the number of billboard faces or structures increase, and the square footage of
28 billboard sign area to be relocated shall be equal to or less than the square footage of billboard
29 sign area to be removed. Removal of a billboard structure shall also require the issuance of a
30 demolition permit, and removal of billboard faces and structures shall be completed prior to the
31 installation of relocated billboard faces or structures. The billboard owner shall have the right to
32 accumulate the amount of square footage to be allowed, at the owner's discretion, to new sign
33 faces and structures permitted under this chapter.

34 2. All billboards shall be maintained in good repair in compliance with all applicable building
35 code requirements. The exposed area of backs of billboards must be covered to present an
36 attractive and finished appearance.

37 3. Each sign structure must at all times include a facing of proper dimensions to conceal back
38 bracing and framework of structural members. During periods of repair, alteration, or copy
39 change, such facing may be removed for a maximum period of 48 consecutive hours.

40 4.a. Not more than a total of four billboard faces shall be permitted on both sides of a street
41 within any distance of ~~660~~ 1000 feet measured laterally along the right-of-way, with a minimum
42 of 100 feet between such structures,

43 b. There shall be at least 300 feet of zoning which permits billboards on one side of the street in
44 order to erect one billboard structure on that side of the street. There shall be at least 600 feet of
45 zoning which permits billboards on one side of the street in order to erect more than one
46 billboard structure on that side of the street.

47 c. The property on the opposite side of the street from the proposed billboard location must also
48 be properly zoned to permit billboards.

- 1 5. The maximum area of any one sign shall be ~~672~~ 300 square feet, with a maximum **vertical**
2 **sign face dimension of height of 25** ~~25~~ 12.5 feet and maximum length of ~~50~~ 25 feet, inclusive of
3 any border and trim but excluding the base or apron, supports, and other structural members;
4 provided, that cut-outs and extensions may add up to 20 percent of additional sign area.
- 5 6. Indirect or internal lighting shall be the only allowable means of illumination. No flashing
6 signs shall be permitted.
- 7 7. No billboard shall be located on, in, or within ~~400~~ 250 feet of:
8 a. A residential district; or
9 b. Any publicly owned open space, playground, park, or recreational property as recognized in
10 the adopted "Recreation and Open Space Facilities Plan" as amended; or
11 c. Any church or school; or
12 d. Any designated historic district, whether on the Federal, State, or local register of historic
13 properties.
- 14 8. No billboard shall be located on, in, or within ~~150~~ 375 feet of any shoreline district.
- 15 9. Rooftop **(billboard) signs are** ~~construction is~~ prohibited.
- 16 10. The maximum height of all billboard signs shall be ~~35~~ 30 feet, except in the M-3 **Industrial**
17 ~~zoning of the Port Industrial Area~~, where the maximum height shall be 45 feet. For the purpose
18 of this section, height shall be the distance to the top of the normal display face from the main
19 traveled way of the road from which the sign is to be viewed.
- 20 11. Sign faces larger than 300 square feet may only be located on roads with at least two full-
21 time lanes of traffic moving in each direction, or in the case of one-way streets, at least three full-
22 time lanes of traffic.
- 23 12. Billboard signs which advertise a business, event, or person located on the same premises as
24 the billboard sign shall be considered an on-premises sign and must meet all criteria for the
25 location of on-premises signs.

Section 13.06.551

O. Nonconforming Signs. It is the intent of this subsection to allow the continued existence of legal nonconforming signs, subject, however, to the following restrictions:

1. No sign that had previously been erected in violation of any City code shall, by virtue of the adoption of this section, become a legal nonconforming sign.
 2. No nonconforming sign shall be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming. For purposes of this subsection, normal maintenance and repair, including painting, cleaning, or replacing damaged parts of a sign, shall not be considered a structural alteration.
 3. Any sign which is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this chapter. Any period of such discontinuance caused by government actions, strikes, material shortages, acts of God, and without any contributing fault by the sign user, shall not be considered in calculating the length of discontinuance for purposes of this section.
 4. Any nonconforming sign damaged or destroyed, by any means, to the extent of one-half of its replacement cost new shall be terminated and shall not be restored.
 5. All existing signs within the City of Tacoma which are not in compliance with the requirements of this Section upon the effective date of this Ordinance are considered to be non-conforming signs. Non-conforming signs shall be made to conform with the requirements of this Section under the following circumstances:
 - a. When any new sign for which a sign permit is required by this Section is proposed to be installed on a premises upon which is located a non-conforming sign or signs, one non-conforming sign shall be removed or brought into conformance with this Section for each new sign installed for a particular business.
 - b. Whenever a building, or portion thereof, upon which is located a non-conforming roof sign, is proposed to be expanded or remodeled, all non-conforming roof signs located on that portion of the building being remodeled or expanded shall be removed or brought into compliance with this Section if such expansion or remodel adds to the building the lesser of :
 1. ten (10) percent or more of the gross floor area of the existing building
 2. 1,000 square feet gross floor area
 3. a value for the new construction or remodeling greater than or equal to ten (10) percent of the assessed value of the existing building.
 - c. Whenever any modification is to be made to the structure, frame or support of any non-conforming sign, such non-conforming sign shall be removed or brought into conformance with this Ordinance. Adding a new sign face to a nonconforming sign which does not modify the shape, size or any structural element of a non-conforming sign shall be permitted.
- Whenever the facade of a building upon which is located a non-conforming wall sign or nonconforming projecting sign is remodeled or renovated, all non-conforming wall signs located on the portion of the facade being renovated shall be brought into conformance with this Section.

Ordinance No. 28101

First Reading of Ordinance: ~~JUL 08 1997~~

Final Reading of Ordinance: ~~JUL 22 1997~~

Passed: JUL 22 1997

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Baarsma	✓			
Mr. Crowley	✓			
Mr. De Forrest		✓		
Mr. Evans	✓			
Mr. Kirby	✓			
Dr. McGavick	✓			
Mr. Miller	✓			
Dr. Silas	✓			
Mayor Ebersole	✓			

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Baarsma				
Mr. Crowley				
Mr. De Forrest				
Mr. Evans				
Mr. Kirby				
Dr. McGavick				
Mr. Miller				
Dr. Silas				
Mayor Ebersole				

July 24, 1997

AFFIDAVIT OF PUBLICATION

THE CITY OF TACOMA

To **TACOMA DAILY INDEX** Dr.

STATE OF WASHINGTON }
COUNTY OF PIERCE } ss.

Adv. as per attached

63 3/4 inches once

at: \$ 12.00 Amt. \$ 765.00

SUBSTITUTE ORDINANCE NO. 26101
#6424

AN ORDINANCE relating to zoning and general sign regulations, and amending Chapter 13.06 of the Tacoma Municipal Code by amending Section 13.06.551 thereof; and declaring an emergency in the passage of this ordinance to become effective immediately upon publication.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 13.06.551 of the Tacoma Municipal Code is hereby amended to read as follows:

13.06.551 General sign regulations.

A. Administration.

1. It shall be the duty of the Land Use Administrator of the City of Tacoma to interpret and enforce this section. In addition to meeting the provisions of this section of the zoning code, the permits, materials, structural design, construction, inspection, and maintenance requirements for signs must conform with Title 2 of the Tacoma Municipal Code, administered by the Building and Land Use Services Division of the Public Works Department.

2. The Building Official shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the Municipal Code (see Chapter 2.05, Sign Code). In addition, all signs, where appropriate, shall conform to the current National Electrical Code and the National Electrical Safety Code. Exceptions to these regulations may be contained in the Tacoma Landmarks Special Review District regulations, Chapters 1.42 and 13.07 of the Municipal Code.

3. All new permanent signs require permits. Permits require full conformance with all City Codes, particularly Titles 2 and 13. Signs not visible from a public right-of-way are not regulated herein, but may require permits pursuant to the provision of Title 2 of the Municipal Code.

4. Temporary signs may be displayed in accordance with the applicable sign regulations of the zoning district in which such signs are located and the provisions of subsection O (Nonconforming Signs) of this section. Any person desiring to display a portable readerboard sign shall, prior to the display of such sign, obtain a temporary sign permit from the Public Works Department. Such permit shall be issued by that department upon a showing by the applicant that the portable readerboard sign conforms to the applicable sign regulations of this chapter. The permit issued shall be posted by the permittee in a conspicuous place on the portable readerboard, and shall indicate the date of issue and expiration date. Further, such permit does not obviate the need for compliance with any applicable requirements of the Uniform Building Code, the City's Electrical Code, and any other City ordinance. The application shall be presented on forms and accompanied by information prescribed by the Public Works Department.

B. Interpretation.

1. It is the purpose of this subsection to provide a simple and expeditious method for classifying ambiguities and inadvertent limitations in this section and the rules and regulations adopted therein.

2. A request for interpretation of any provision of this section shall be submitted in writing as set forth in Section 13.06.471 of this chapter. Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Land Use Administrator shall receive such further facts and information as are necessary to a meaningful interpretation of the provisions in question.

3. Procedures for subsequent processing and appeals from the ruling of the Land Use Administrator shall be as set forth in Sections 13.06.410 and 13.06.415 of this chapter.

M. B. SKIDMORE, being first duly sworn on oath deposes and says: that he is the Business Manager and Publisher of the

"TACOMA DAILY INDEX, INC."

a daily legal newspaper. That said newspaper is a legal newspaper, which, pursuant to the provisions of Chapter 213 of the 1941 Session Laws of the State of Washington, has been approved as a legal newspaper by order of the Superior Court of the State of Washington in and for Pierce County, entered on June 12, 1941, in Cause No. 84921, entitled "In the matter of the application and qualification of Tacoma Daily Index as a legal newspaper." That said newspaper has been published regularly and continually, at least once a week, in the English language, as a newspaper of general circulation in the city of Tacoma, Pierce County, Washington, the city where the same was published at the time of said application for approval, for at least six months prior to the date of such application and it is now and during all of said time was so printed, either in whole or in part, in an office maintained at the aforesaid place of publication, and the same is now and ever since said date has been so published. That the advertisement, of which the attached is a printed copy as published, was published in said newspaper once each

_____ day _____ for _____ 1 day _____

as follows: July 24, 1997

That said newspaper was generally circulated all of said time, and that said advertisement was published in the newspaper proper and not in supplement form,

Subscribed and sworn to before me on July 24, 1997

Robert C. Skidmore
ROBERT C. SKIDMORE Notary Public in and for the State of Washington,
STATE OF WASHINGTON Residing at Tacoma, Pierce County, Washington.
NOTARY PUBLIC
My Commission Expires 8-23-97

AP-1

Court of Appeals of Washington,
 Division 1.
 Harry HORAN and David Rhodes, Respondents,
 v.
 CITY OF FEDERAL WAY, Appellant.

No. 48432-0-I.
 Feb. 4, 2002.

ELLINGTON, J.

The Scenic Vistas Act, RCW 47.42, requires a local municipality to pay compensation before it can require removal of commercial signs near highways. The City of Federal Way therefore cannot order Harry Horan and David Rhodes to remove their signs when compensation has not been determined. We affirm.

****368 FACTS**

RCW 47.42, the Scenic Vistas Act, applies to signs adjacent to state highways,^{FN1} and provides that “[j]ust compensation shall be paid upon the removal of any existing sign pursuant to the provisions of any resolution or ordinance of any county, city, or town.”^{FN2} In 1990, the City of *207 Federal Way enacted uniform requirements for the appearance, size, and placement of all commercial signs and billboards in the city. The ordinance provided a five-year “amortization” period for non-conforming signs. The ordinance further provided that its requirements did not apply if removal “would require the City to pay compensation under RCW Chapter 47.42.”^{FN3} In 1995, Federal Way extended the amortization period for an additional five years, and provided that “[t]he City may elect not to apply any provisions of this Section 22-335 if the removal of a sign would require the city to pay compensation under any federal, state or other law, including RCW ch. 47.42.”^{FN4}

FN1. See RCW 47.42.010.

FN2. RCW 47.42.107(1).

FN3. City of Federal Way Ordinance No. 90-43 exhibit A, ch. 165.35 § 5(e) (1990); Clerk's Papers at 139.

FN4. City of Federal Way Ordinance No. 95-235 § 3 (1995) (amending Article IV of the Federal Way City Code, Section 22-335(I)); Clerk's Papers at 152.

Harry Horan and David Rhodes own commercial signs in Federal Way situated adjacent to a state highway. In 1996, Horan and Rhodes received notices from Federal Way that their signs did not conform to the ordinance and must be removed by 2000. The notices made no mention of compensation.

In July of 2000, Federal Way issued notices of violation ordering Horan and Rhodes to bring their signs into compliance or remove them.^{FN5} Horan and Rhodes challenged the orders on grounds that RCW 47.42 requires Federal Way to pay compensation for the signs. The hearing examiner upheld the removal orders, and Horan and Rhodes filed a LUPA petition. The superior court reversed the hearing examiner, holding that Federal Way was required to pay compensation under RCW 47.42.

FN5. These notices of violation and orders directing compliance are not in the record. However, it appears from the hearing examiner's decisions and the parties' briefs that compliance was required within about 14 days.

***208 DISCUSSION**

We must first decide whether, as the City argues, Horan and Rhodes' LUPA challenge is untimely under *Wenatchee Sportsmen Ass'n v. Chelan County*.^{FN6} In that case, Chelan County enacted a site-specific rezoning, allowing urban growth outside its interim urban growth area. Nearly two years later, the County approved a plat application for development in the rezoned area. The Wenatchee Sportsmen

Association argued the development project violated the Growth Management Act, RCW 36.70A. The Supreme Court held that because the site-specific rezone was a project permit under RCW 36.70B.020(4), it was a “land use decision” subject to a LUPA challenge.^{FN7} The challenge brought after approval of the development plan was therefore really an untimely challenge to the rezone itself, and was precluded by the LUPA statute of limitation.^{FN8}

FN6. 141 Wash.2d 169, 4 P.3d 123 (2000).

FN7. *Wenatchee Sportsmen*, 141 Wash.2d at 181 n. 2, 4 P.3d 123.

FN8. *Wenatchee Sportsmen*, 141 Wash.2d at 181-82, 4 P.3d 123.

Federal Way contends Horan and Rhodes' LUPA challenge to the removal orders is similarly untimely. Under LUPA, an aggrieved party has 21 days to file a petition challenging a land use decision.^{FN9} Federal Way contends this limitation period was triggered by (1) enactment of the amended ordinance in 1995; (2) various communications from the City; (3) notices sent in 1995 and 1996 informing Horan and Rhodes that “the Amended Ordinance required them to remove their nonconforming signs by the year ****369 2000,****”^{FN10} and/or (4) the extensive media coverage of the 1995 amortization period extension. We reject the City's arguments.

FN9. RCW 36.70C.040(3).

FN10. Appellant's Opening Brief at 12.

[1] First, Federal Way enacted the amended ordinance on June 6, 1995, before LUPA's July 23, 1995 effective date, ***209** so the LUPA 21-day limitation period does not apply.^{FN11} Second, LUPA's deadline is triggered only by a “land use decision,”^{FN12} which is a “final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination.”^{FN13} Federal Way contends the final determination is the enact-

ment of its sign ordinance (or, at the latest, the 1996 notices).^{FN14} But Federal Way ignores the fact that **the 1995 ordinance gave the City discretion regarding enforcement-in other words, Federal Way could choose whether or not to enforce the ordinance if it would owe compensation under the Scenic Vistas Act. The enactment of the ordinance therefore was not a final determination.**

FN11. Before the Legislature enacted LUPA, an aggrieved party in a land use proceeding could appeal the decision through a writ of review. The limitation period for most challenges to land use decisions was 30 days. *Brutsche v. Kent*, 78 Wash.App. 370, 380, 898 P.2d 319 (1995). These limitation periods were triggered by “the municipality's or agency's final decision.” *Brutsche*, 78 Wash.App. at 380, 898 P.2d 319.

FN12. RCW 36.70C.040.

FN13. RCW 36.70C.020(1).

FN14. Federal Way does not explain how communications or media coverage can constitute a final determination under LUPA.

[2] As for the 1996 notices, they constituted at most a final determination that Federal Way intended to enforce the ordinance, not that it would do so without paying compensation required by the statute. The challenge here is not to the ordinance nor to Federal Way's right to set size limits. Respondents challenge only the City's attempt to avoid payment of the compensation due under the statute, which did not occur until the removal notice in 2000. Neither the 1996 notices nor the enactment of the ordinance were land use decisions subject to LUPA review. The LUPA statute of limitation does not preclude the Respondents' claims.

[3] Federal Way's argument that the enactment of the ordinance triggered the LUPA limitation

period under *Wenatchee Sportsmen* also fails because there is no conflict between the statute and the ordinance. The ordinance allows Federal Way to order removal of non-complying signs after a ten-year amortization period:

***210** Amortization. All legal nonconforming signs shall be discontinued and removed or made conforming within ten (10) years from the effective date of this code, on or before February 28, 2000, and all signs which are made nonconforming by a subsequent amendment to this code shall be discontinued and removed or made conforming within five (5) years after the date of such amendment (collectively the "Amortization Period"). Upon the expiration of the Amortization Period, the sign shall be brought into conformance with this code, with a permit obtained, or be removed.^{FN15}

FN15. City of Federal Way Ordinance No. 95-235 § 3 (amending Article IV of the Federal Way City Code, Section 22-335(E)) (1995); Clerk's Papers at 149.

Nothing in the ordinance states that amortization is the sole method of compensation for sign removal,^{FN16} or that Federal Way can order sign removal before paying compensation as required by RCW 47.42. Indeed, the ordinance contemplates compliance with RCW 47.42 ("The City may elect not to apply ****370** any provisions of this Section 22-335 if the removal of a sign would require the city to pay compensation under ... RCW ch. 47.42."^{FN17}). Horan and Rhodes therefore had no reason to challenge the ordinance when it was enacted. Nor did they have reason to challenge the 1996 notices, since nothing in those notices stated Federal Way intended to withhold compensation. Only the July 2000 removal order revealed that intent. Respondents' challenge to the removal order was timely.

FN16. Federal Way argues the following legislative finding demonstrates the city

council intended for amortization to be the sole method of compensation:

A ten (10) year amortization period for the removal of billboards and other non-conforming signs ... is sufficient to ease the economic impact of such removal on businesspersons with substantial investment in signs in existence on the date of the adoption of this code and will allow such signs to be amortized in their value.

City of Federal Way Ordinance No. 95-235 § 1(7) (1995); Clerk's Papers at 146. Federal Way reads too much into the finding. It simply states that amortization is sufficient to ease the impact of removal, not that amortization is deemed sufficient to completely offset the impact of removal.

FN17. City of Federal Way Ordinance No. 95-235 § 3 (1995) (amending Article IV of the Federal Way City Code, Section 22-335(I)); Clerk's Papers at 152.

[4] Section 107 of the Scenic Vistas Act, RCW 47.42, governs compensation for signs removed under local ***211** authority, including those removed pursuant to city ordinances.^{FN18} Compensation under this provision is to be paid in the same manner as compensation for signs removed under state authority.^{FN19} RCW 47.42.103 specifies this procedure:

FN18. RCW 47.42.107(1).

FN19. RCW 47.42.107(2). RCW 47.42.102 governs compensation for signs removed under state authority:

(1) Except as otherwise provided in subsection (3) of this section, just compensation shall be paid upon the removal of any sign (pursuant to the provisions of chapter 47.42 RCW), lawfully erected under state law, which is visible from the

main traveled way of the interstate system or the primary system.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(1) Compensation as required by RCW 47.42.102 shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the department may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid....

(2) If compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon, the department may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

Here, there is no agreement about compensation, there has been no judicial determination of compensation, and no payment into the court registry. Consequently, there is no way to disburse funds upon removal as required by the statute.^{FN20} The removal order therefore cannot be enforced *212 until these procedures are followed. As the hearing examiner concluded, Horan and Rhodes'

signs violated the Federal Way sign ordinance.^{FN21} But as the superior court held, RCW 47.42 precludes removal before compensation is determined.^{FN22}

FN20. The parties have not adequately briefed whether amortization is sufficient compensation, and we express no opinion on the issue.

FN21. Horan and Rhodes did not contend otherwise. They had the burden to prove by a preponderance of the evidence that their signs complied with the ordinance. Federal Way City Code § 1-19(D)(5). The hearing examiner found that Horan and Rhodes presented no such evidence, that they never argued their signs were in compliance, but rather relied simply on their challenge to the ordinance. These unchallenged findings are verities on appeal. *Stuewe v. Dep't of Revenue*, 98 Wash.App. 947, 950, 991 P.2d 634, review denied, 141 Wash.2d 1015, 10 P.3d 1072 (2000).

FN22. Horan and Rhodes are not entitled to attorney fees. See *Schofield v. Spokane County*, 96 Wash.App. 581, 590, 980 P.2d 277 (1999).

The superior court's reversal and remand are affirmed.

APPLEWICK and KENNEDY, JJ., concur.

Wash.App. Div. 1, 2002.
Horan v. City of Federal Way
110 Wash.App. 204, 39 P.3d 366

END OF DOCUMENT

244.	Winters, Sharon (3)	<p>From: Sharon Winters [mailto:swinters@nventure.com] Sent: Monday, March 14, 2011 9:13 PM To: pelswick@windermere.com; smgaffney@earthlink.net; cbeale@ci.puyallup.wa.us; mnutsch@hotmail.com; jdoty@bcradesign.com; tom@oconnorandassociates.net; Morrison.ian.s@gmail.com; smorris@piercetransit.org; Knute000@sprynet.com Cc: Wung, Lihuang; Planning; phuffman@cityoftacoma.org; Petty, Ryan; McKnight, Reuben Subject: Proposed sign ordinance amendments & settlement agreement with Clear Channel</p> <p>March 14, 2011</p> <p>Planning Commission City of Tacoma 747 Market Street, Room 1036 Tacoma, WA 98402</p> <p style="text-align: center;">Re: Proposed sign code amendments</p> <p>Dear Planning Commissioners:</p> <p>16 major cities including San Francisco, Denver and Austin and four states have banned digital billboards for reasons outlined in this article from the Planning Commissioners Journal. Last summer, as the result of a proposed settlement agreement (PSA) with Clear Channel, Tacoma agreed to accept as many as 38 digital electronic billboards in exchange for the company removing 253 existing traditional & mostly smaller billboards scattered around the city. We are deeply concerned about the PSA and proposed ordinance language which reflects the terms of that agreement.</p> <p>As part of the PSA, <i>at least</i> ten new billboards will be exempt from current size limitations and will be jumbo billboards up to 672 square feet in area per display face (typically 14' x 48') or more than twice the size of the more common traditional front-lit billboards in the city. Beyond the first ten, according to the PSA, Clear Channel can erect an additional jumbo billboard after giving up "a combination of 15 relocation permits and existing faces, of which at least five must be removals of existing faces." A number of these jumbo digital billboards, commonly referred to as "bulletin boards," are proposed to be sited along community collector streets in our neighborhoods.</p> <p>The proposed Sign Ordinance Amendments are before the Planning Commission, but we believe that the terms of the PSA, upon which the amendments are based, are untenable: jumbo digital billboards are unsuitable for our neighborhoods because of their scale and visual intrusiveness. We are concerned about safety issues, energy consumption, and the PSA's failure to address the context within which the jumbo billboards will be placed. These jumbo electronic billboards are especially untenable in parts of the city which retain rich, historically significant, architectural character.</p> <p>We believe that both the Sign Ordinance Amendments and the proposed settlement agreement should be reviewed by the Planning Commission, specifically addressing the number, size, brightness, hours of operation, and locations of the jumbo digital billboards and, indeed, whether digital billboards should even be permitted within Tacoma city limits. Standards should restrict the placement of new billboards within at least 250 feet of residential areas, public parks, schools, churches, other public places, and sites and neighborhoods listed on Tacoma's Register of Historic Places. Electronic or traditional, we support size restrictions on all billboards</p>
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with a maximum of 300 square feet.

We are also concerned about the lack of public process and inattention to existing land use policies. The Planning Commission should have been involved in review of the proposed settlement agreement. The proposed settlement agreement was not included on advance agendas for the July 2010 City Council meeting where it was approved, thus received little public comment at the time, and remains unsigned by Clear Channel. These jumbo billboards appear to conflict with existing Comp Plan land use policies for mixed-use districts. The Comp Plan states outright that billboards should be prohibited in the city's shoreline districts and freestanding signs should be prohibited in the Tacoma Dome Urban Center Mixed-Use district, for example. Land-use policies for most mixed-use districts call out signage that is both high quality and pedestrian-oriented. Digital electronic billboards and billboards larger than 300 square feet simply don't work within the scale and massing of our neighborhoods and arterials.

For more information visit the [Central Neighborhood Council's website](#) where Attorney Doug Schafer has compiled all relevant documents and draws conclusions with which we concur. Two other excellent sources are the Illinois Coalition for Responsible Outdoor Lighting (www.illinoislighting.org/billboards.html); and Scenic America (www.scenic.org).

Sincerely,
Sharon Winters
Board President
Historic Tacoma
253.761.9349 swinters@nventure.com
www.historictacoma.org

Cc: Lihuang Wung, Planning Department
Peter Huffman
Ryan Petty
Reuben McKnight

Staff Note:
Attachment to Sharon Winters' e-mail of 3-14-11,
i.e., "[this article](#)" (a web link embedded in the text),
is shown on the next 4 pages

Billboards: The Case for Control

by Edward T. McMahon

Editor's Note: This article is an update of a piece Ed McMahon wrote for us in 1998. We're also pleased to make available to you as a complimentary download, McMahon's companion article on how to regulate billboards. It goes into more detail on various approaches communities can employ to gain control over billboards and their location. Go to: www.plannersweb.com/billboards.pdf.

Come see America the beautiful, if you can. Amber waves of grain? It is more like a ride through the yellow pages: a windshield vista of 50-foot beer cans and towering casino signs.

Many thought billboards were an endangered species in 1965 when Congress passed the Highway Beautification Act. But the law was so riddled with loopholes and enforcement so lax that in recent years, billboard companies have put up thousands of new, bigger, more obtrusive billboards.

In a relatively short time, outdoor advertising has gone from Burma Shave to Blade Runner: from small and folksy to huge and intrusive. We've now entered the era of digital billboards – giant outdoor TV screens wasting energy while degrading the landscape and distracting drivers.

Billboards are the definition of a road-side distraction. Their entire purpose is to take your eyes off the road and put

them on giant outdoor advertisements. Safety is just one of the reasons why many communities have been trying to regulate billboards for decades.

Curbing billboards is not easy, but it can be done. This article lays out the case for billboard control. It discusses the reasons beyond safety for why we need to halt construction of new billboards and strictly regulate those that remain.

1. Billboards are a form of pollution – visual pollution

Over the years, billboards have been described as the “junk mail of the highway,” “litter on a stick,” “visual kudzu,” “urban blight,” and more, but in their simplest form billboards are a form of visual pollution.

Regulating billboards is no different from regulating noxious fumes, sewage discharges, or excessive noise. The U.S. Supreme Court has said: “Pollution is not limited to the air we breathe and the water we drink; it can equally offend the eye and ear.”¹

While the messages on a billboard can be ugly or ordinary, when they are enlarged to the size of a house, placed on poles 50 to 100 feet high, randomly strewn along every street, even covering entire buildings, they become a visual and environmental hazard. Like overly loud noise – strictly regulated in many

communities – billboards thrust a discordant commercial note into our environment. They deprive us of visual access to scenic vistas and create a strident, hectic atmosphere in cities.

2. Billboards are out of place in most locations

Our landscape is one of America's greatest resources. Its value is economic as well as aesthetic, psychological as well as recreational, spiritual as well as physical. Every landscape, rural or urban, has its own kind of beauty and uniqueness. In every kind of landscape billboards are a disturbing alien intrusion. Like empty beer cans in a mountain stream, they simply don't belong because they commercialize, homogenize, and degrade our natural landscape.

Visual clutter may be appropriate in a few limited locations, such as a city's entertainment district (e.g., Times Square or the Las Vegas Strip). In most cases, however, billboards obliterate architectural character and ruin natural beauty. They also undermine community livability and sustainability. Doug Kelbaugh of the University of Michigan School of Architecture put it this way: “If a building, a landscape, or a city is not beautiful, it will not be loved; if it is not loved, it will not be maintained. In short it won't be sustained.”²



Billboards commercialize, homogenize, and degrade the countryside.



Welcome to Anyplace USA!



A tree on public land destroyed to improve the view of a billboard.



Billboards make us a captive audience to advertising.

3. Billboards destroy distinctiveness

Billboards look the same whether they are in Mississippi, Montana, or Malaysia. As a result, billboards homogenize our communities. They help turn unique places into “Anyplace.” In fact, almost nothing will destroy the distinctive character of a place faster than uncontrolled signs and billboards. This has negative economic consequences.

“Community differentiation” is a key concept in economic development today. If you can’t differentiate your community from any other community you have no competitive advantage. Put another way, the image of a community is fundamentally important to its economic well being.³

Every day, people make decisions about where to live, invest, or vacation based on what communities look like. Attractive, well-ordered communities have an advantage over ugly, chaotic ones. Take tourism: the more one community comes to look like every other community, the less reason there is to visit. On the other hand, the more a community does to protect and enhance its distinctive character, whether natural or architectural, the more reason there is to visit.

Billboards destroy distinctiveness and undermine our sense of place while they commercialize our neighborhoods.

1 *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981).

2 Douglas Kelbaugh, “Seven Fallacies in Architectural Culture,” *Journal of Architectural Education* 58:1 (Sept. 2004).

3 For more on this point see my article, “The Place Making Dividend,” *PCJ* #80 (Fall 2010).

4. Billboards are the only form of advertising that you can’t turn off or avoid

There is a vast difference between seeing an ad – even the same ad – in a magazine, newspaper, on television, or on the internet. When you buy a magazine or turn on the television, you exercise freedom of choice. You can easily close the magazine or turn off the television. You can flip the page or turn the channel.

In contrast, you have no power to turn off or throw away a billboard. Twenty-four hours a day, 365 days a year, billboards force advertising on individuals and communities whether they want it or not. Billboards are placed so you can’t avoid seeing them. Try closing your eyes while driving down a road lined with billboards and you’ll wreck your car.⁴

This is how the billboard industry sells space. They tell advertisers billboards give them more “control” over consumers. They claim the ability to “grab your attention” and rub your nose in advertising.

4 A word about safety. A recent report prepared for the National Cooperative Highway Research Program, *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs*, contains an exhaustive review of prior research. Among the report’s findings: “research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations ... demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance.”

5. Billboard companies sell something they don’t own – our field of vision

Courts have long held that billboards do not derive their value from the private land they stand on, but from the public roads they stand next to. Courts call this the “parasite principle” – because billboards feed like a parasite off roads they pay almost nothing to build, use, or maintain.

To understand this, imagine that every billboard in America was turned around so that the message could not be seen from the road. The billboards would suddenly be worthless. Their only value comes from their ability to be seen from public roads. Billboard companies charge advertisers based on the circulation of the road. The higher the traffic count, the higher the ad revenue.

Next time you drive on a toll road lined with billboards, consider how you’re being charged to use the road, while the ad company, typically is not.

continued on next page

Resources



Fighting Billboard Blight: An Action Guide for Citizens and Public Officials (Scenic America, Washington, DC 2000).

Meeting the Sign Regulation Challenge (American Planning Association, Chicago, IL 2006; CD-ROM).

Street Graphics and the Law, by Daniel Mandelker (American Planning Association, Chicago, IL 2004).

Billboards: The Case for Control

continued from previous page

As former California Governor Pat Brown once said: “When a man throws an empty cigarette package from a car, he is liable to a fine, but when a man throws a billboard across a view, he is richly rewarded.”⁵

6. Billboards are ineffective and unnecessary

Billboard companies argue that “people need billboards.” This is completely untrue. There are alternatives to billboards that provide the same information at less cost without degrading our landscape. We have all seen the highway “logo signs” which advertise roadside services such as gas stations, restaurants, hotels, and tourist attractions.

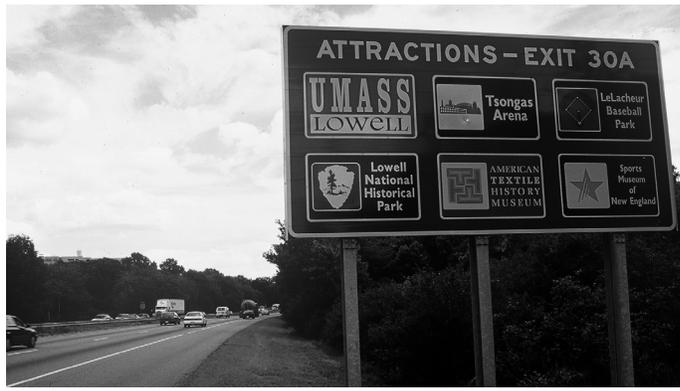
Information on roadside services is also readily available on smart phones, Blackberries, and vehicle information systems. These are far more useful and effective than roadside billboards, particularly when you consider the fact that the vast majority of billboards advertise products or services that have nothing to do with motorist information: beer, cell phones, strip clubs, you name it.⁶

Billboards are also one of the least effective forms of advertising. Billboards represent less than two percent of total advertising in the United States. At best, they are a secondary form of advertising that is used to reinforce ads in other media. The truth is, billboards are so ubiquitous that most people simply tune them out.

Media expert Marshall McLuhan was famous for saying “the medium is the message.” This means that the medium affects us more than the message. Billboards are a downscale medium that blights the countryside, annoys many people, and causes advertising overload.

⁵ Pat Brown, quoted in David Ogilvy, *Ogilvy on Advertising* (Vintage Books 1985).

⁶ The alcohol industry uses outdoor advertising, including billboards, to a much greater extent than other industry groups. See “Alcohol advertising on billboards, transit shelters, and bus benches in inner-city neighborhoods” in *Contemporary Drug Problems* (July 2008).



Logo signs provide motorist information without degrading the landscape.

7. Billboard companies exercise almost no restraint in the placement of outdoor ads

In recent years, billboards have metastasized in every kind of landscape and setting. Billboards now cover up buildings, hover over our neighborhoods, and stare down on homes, schools, churches, parks, and playgrounds. They deface cemeteries and historic districts.

In the countryside there are few areas sufficiently rural or scenic to be safe from billboards – they are even found in World Heritage Areas and along many designated scenic highways. Rami Tambello, founder of an anti-billboard group in Canada, says: “The outdoor advertising industry has a global culture of non-compliance with the law.⁷ Ad companies are erecting illegal bill-



A familiar streetscape in too many communities. Good for property values?

boards all over the world, wherever they can get away with it.”⁸

Today four U.S. states – Alaska, Hawaii, Maine, and Vermont – along with thousands of cities and counties totally prohibit billboards. Many other strictly limit billboards.

Billboard regulation has also gone

international: many European countries, like England, have long prohibited billboards in the countryside. Now billboards are becoming an issue in developing countries. In 2000, Athens, Greece was so thick with billboards that it was difficult to see the city's famous architecture. In preparation for the 2004 Olympics, the city dismantled rooftop billboards to beautify the city and improve its vitality.

In 2007, São Paulo Brazil, the world's ninth largest city, banned billboards and took them all down. Brazilian media called this “a rare victory of the public interest over the private interest, of order over disorder, of aesthetics over ugliness, of cleanliness over trash.”⁹ One of the most important reasons for billboard regulation is because no place in the world will stay scenic and un-commercialized by accident.

8. Billboards are both a cause and a symptom of urban blight

Billboards are a cause of urban blight because they degrade the urban environment, lower property values, and foster contempt for the public realm. They are a symptom of urban blight because one

⁷ As reported by Jim Edwards in “Meet Rami Tabello ...” on bNet, the CBS Interactive Business Network (Apr. 22, 2009).

⁸ Search online and you'll find numerous reports about local efforts to fight illegal billboards. See, e.g., “Court orders 59 billboards taken down” (*Houston Chronicle*, Oct. 21, 2010); “Fines slapped on illegal billboards” (*NY Post*, Apr. 27, 2010); “Billboards Gone Wild” (*L.A. Weekly News*, Apr. 23, 2008).

⁹ See Patrick Burgoyne, “São Paulo: The City That Said No to Advertising” (*Bloomberg Businessweek*, June 18, 2007); available online at: www.businessweek.com (search site for São Paulo).

form of blight breeds another. Graffiti, trash, junk cars, billboards – where you find one you'll usually find the other.

What's more, billboards are disproportionately located in low income neighborhoods. There are no billboards in Beverly Hills, Georgetown, Palm Beach, Scarsdale, or hundreds of other affluent communities. But drive into low-income neighborhoods in Chicago, Los Angeles, Miami, or any other big city and you will see neighborhoods saturated with billboards. As more of the world's population moves into cities, there is a growing need for places of respite from the chaos and clutter of urban life.

9. Billboards are bad for business

Beauty and place making are good for business; ugliness is not. Compare two communities: one with billboards and one without. For example, Montgomery County, Maryland, has no billboards. The nearby city of Baltimore, Maryland has thousands of billboards.

Has Montgomery County been negatively affected? On the contrary, Montgomery County has much lower unemployment, and much higher property values, than Baltimore. In fact, the county with America's lowest unemployment rate – Arlington County, Virginia, has no billboards at all. Lack of billboards does not seem to have deterred economic vitality here or in other communities. Places like Boulder, Colorado; Chapel Hill, North Carolina; Santa Fe, New Mexico; and Marin County, California, have banned billboards and gained national reputations as great places to live and work.

There is ample evidence to support the assertion that billboard regulation helps business.¹⁰ This is why almost all of America's premier vacation destinations tightly control signs. For example, Vermont runs ads touting its lack of billboards. The former head of the Vermont Chamber of Commerce said: "One of our greatest resources is our scenic beauty. Although there was some initial sensitivity that removing billboards might hurt tourism, it has had the opposite effect. Tourism went up for all businesses, large and small."¹¹

10. Digital billboards use huge amounts of energy, contributing to greenhouse gas emissions and global warming

Digital billboards are energy hogs. They use an enormous amount of electricity, especially compared to conventional billboards. Research by the Central Texas chapter of the U.S. Green Building Council found the energy consumption of one digital billboard 49 times that of a conventional billboard.¹² Even the spokesman for a major outdoor advertising firm recently acknowledged that a digital billboard consumes roughly 4,600 kilowatts of electricity per month, compared to 920 kilowatts for the average single-family house.¹³



Digital billboards are energy hogs.

Digital billboards make a mockery of government efforts to "go green." Sustainable communities simply don't allow themselves to be overrun with billboards. At its most basic, "sustainable" means enduring; a sustainable community is a place of enduring value. A community littered with ugly, energy guzzling digital signs is the antithesis of a sustainable community.

¹⁰ See also "Billboard Control is Good For Business," at: www.scenic.org/billboards/background/business.

¹¹ Christopher Barbieri, quoted in testimony of Meg Maguire, former President of Scenic America; see: www.scenic.org/billboards/hba/testimony.

¹² Available at: <http://banbillboardblight.org/?p=340>

¹³ As reported in "Dallas considers opening door to digital billboards," *Dallas Morning News* (Oct. 2, 2010). Department of Energy data for home energy consumption is available at: www.eia.doe.gov. For a good overview of the energy and environmental impacts of digital billboards, see Gregory Young, "Illuminating the Issues," available at: www.publicvoiceforpublicspace.org.

BILLBOARD CONTROL: WHAT WORKS

Billboard control is difficult, but not impossible – and thousands of communities around the world have successfully addressed the billboard problem. The legal tools for effective billboard control do exist; the larger question is how can they be used to best advantage.

In my experience, the simplest thing to do right now is to say, "No more billboards," in other words, to stop the construction of new billboards.

The big mistake many communities make is allowing new billboards in some locations while the industry refuses to take down non-conforming billboards in other locations. This adds insult to injury. With billboards, if things can get worse, they will get worse.

Halting new construction means the number of existing billboards will slowly diminish. It also gives government some leverage in dealing with the industry, especially when you understand that digital signs can generate five times more revenue than conventional signs.

SUMMING UP:

Almost 70 years ago, *Fortune* magazine, observed, "no place on earth is geographically beyond the reach of the hawkers and hucksters." Today commercialism – particularly in the form of outdoor advertising – pervades our world to an extent unimaginable, even several decades ago. It seems now that the hucksters won't be satisfied until every square inch of public space is filled with giant structures festooned with the message "BUY."

Billboards degrade our landscape and our culture. The old fashioned ideals of community, beauty, modesty, and respect for nature stand for nothing in the face of rampant commercialism. Now is the time to stand up and just say no to out of control billboards. ♦

Edward T. McMahon is a Senior Resident Fellow at the Urban Land Institute.

Over the years, McMahon has written more than two dozen articles for the PCJ; see: www.plannersweb.com/mcmahon.html. (The viewpoints expressed are his own).



245.	Wolf, Braden	<p>From: Braden Wolf [mailto:abw@harbornet.com] Sent: Tuesday, March 22, 2011 10:37 AM To: Campbell, Marty Subject: E-mail from the City website</p> <p>About digital billboards: No, no, no - a thousand times no.</p> <p>Braden Wolf 4211 N. 14th St. Tacoma, WA 98406</p>
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******* End of Written Comments *******

