

## Members

Jeremy C. Doty, Chair  
Thomas C. O'Connor, Vice-Chair  
Chris Beale  
Peter Elswick  
Donald Erickson  
Sean Gaffney  
Scott Morris  
Ian Morrison  
Matthew Nutsch

## Community and Economic Development Department

Ryan Petty, Director  
Peter Huffman, Assistant Director  
Charles Solverson, P.E., Building Official

## Public Works and Utilities Representatives

Jim Parvey, City Engineer/Assistant Director, Public Works Department  
Heather Pennington, Resource Planning Manager, Tacoma Water  
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power



# Agenda

## Tacoma Planning Commission

747 Market Street, Room 1036  
Tacoma, WA 98402-3793  
253-591-5365 (phone) / 253-591-2002 (fax)  
[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)

(Agenda also available online at: [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) > "Planning Commission" > "Agenda Packets")

**MEETING:** Regular Meeting

**TIME:** Wednesday, May 4, 2011, 4:00 p.m.

**PLACE:** Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402

### A. CALL TO ORDER

### B. QUORUM CALL

- C. APPROVAL OF MINUTES** – Regular Meeting of February 16, 2011  
Regular Meeting and Public Hearing of March 16, 2011  
Regular Meeting of April 6, 2011

### D. GENERAL BUSINESS

(4:05 p.m.) **1. Billboard Regulations**

Description: Continue to review comments concerning the proposed code revisions for billboards received at the public hearing on March 16, 2011 and through the comment period ending on March 25, 2011 and staff responses

Actions Requested: Discussion, Direction

Support Information: See "Agenda Item GB-1"

Staff Contact: Shirley Schultz, 591-5121, [shirley.schultz@cityoftacoma.org](mailto:shirley.schultz@cityoftacoma.org)

### E. COMMUNICATION ITEMS

1. Resolution No. 38247, April 19, 2011, establishing the City's vision and definition of sustainability and a framework for tracking and reporting on the progress toward achievement of said vision – "Agenda Item C-1"
2. Letter from Jim & Carol Bisceglia, April 25, 2011, regarding Proposed Old Town Neighborhood Historic District – "Agenda Item C-2"



3. Planning Commission Openings – The City Council is seeking interested and qualified citizens to fill three positions on the Planning Commission, representing Council District No. 1 (West End and North End), Development Community, and Public Transportation, for a 3-year term from July 1, 2011 to June 30, 2014. Applications must be submitted to the Mayor’s Office by Friday, June 10, 2011. ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) > “Planning Commission”)
4. 2012 Annual Amendment – The Planning Commission is accepting applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2012. Applications must be submitted by Thursday, June 30, 2011. ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) > “2012 Annual Amendment”)

**F. COMMENTS BY LONG-RANGE PLANNING DIVISION**

**G. COMMENTS BY PLANNING COMMISSION**

**H. ADJOURNMENT**

**Members**

Jeremy C. Doty, Chair  
 Thomas C. O'Connor, Vice-Chair  
 Chris Beale  
 Peter Elswick  
 Donald Erickson  
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 Scott Morris  
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 Matthew Nutsch



# Minutes

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**(For Review/Approval on 5-4-11)**

MEETING: Regular Meeting

TIME: Wednesday, February 16, 2011 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North  
 733 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Chris Beale, Donald Erickson, Sean Gaffney, Scott Morris, Ian Morrison

Members Absent: Thomas O'Connor (Vice-Chair), Peter Elswick, Matthew Nutsch

Staff and Others Present: Donna Stenger, Jana Magoon, Steve Atkinson, Brian Boudet, Cheri Gibbons, Shirley Schultz, Lisa Spadoni, Lihuang Wung (Building and Land Use Services); Josh Diekmann (Public Works); Shelley Kerslake (legal counsel); Tadas Kisielius (Gordon Derr, LLP); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:11 p.m. The minutes for the meeting of January 5, 2011 were approved as submitted. The minutes for the meeting of January 19, 2011 were approved with a spelling correction of the name of Commissioner Beale on page 5.

### **GENERAL BUSINESS**

#### **1. Billboard Regulations**

Ms. Shirley Schultz summarized the discussions to date concerning the proposed revisions to the billboard regulations and provided an overview of the staff report and the draft public review document prepared for the public hearing to be set for March 16, 2011. The proposed amendments would modify the Tacoma Municipal Code, Sections 13.06.520–522, by adding new provisions for permitting digital billboards, modifying definitions, consolidating and relocating the section for retaining or exchanging billboards, and revising provisions for non-conforming off-premise signs.

The Commissioners expressed a number of concerns relating to such matters as:

- The terms of the Settlement Agreement between Clear Channel Outdoor and the City;



- The buffering and size regulations not applicable to the first 10 digital signs;
- That large signs and the associated bright light are inconsistent with the policies encouraging pedestrian friendly neighborhoods;
- That the brightness or light intensity allowed for digital signs are excessively higher than industry standards; and
- That prohibiting tree removal at the time of billboard installation does not necessarily preclude tree removal later.

Discussion ensued. The Commission suggested that the light intensity levels as currently proposed be lowered and tree removal be subject to City review and approval at all times. With said changes incorporated, the Commission authorized the distribution of the proposed code amendments for public review and set March 16, 2011 as the date for a public hearing.

## **2. Master Program for Shoreline Development**

Mr. Stephen Atkinson provided an update on the discussions and presentation that staff and the Department of Ecology had provided at the joint meeting of the City Council's Economic Development Committee and the Environment and Public Works Committee on February 8, 2011. He provided the Planning Commission with the materials that had been discussed at the joint meeting, including a Public Access Primer prepared by Jay Derr of Gordon Derr, LLP. Mr. Tadas Kisielius, a Partner in the firm, presented the primer to the Commission and facilitated the Commissioners' discussion.

Mr. Atkinson followed by reviewing the issues that were discussed at the January 5<sup>th</sup>, January 19<sup>th</sup>, and February 2<sup>nd</sup> Planning Commission meetings. The intent of the review was to ensure that the Commission's guidance was properly captured and understood by staff. The review of issues included:

- General Public Access Requirements (including applicability, waiver criteria, public access preferences, options for meeting access requirements, and protection of private property rights);
- S-7 Schuster Parkway Shoreline District (including intent statement, environment designation, district boundary, permitted uses, and public access); and
- S-8 Thea Foss Waterway Shoreline District (including district boundary, new and existing industrial uses, design guidelines, and mixed use development and interim uses).

The Commission concurred that the proposed revisions were consistent with the direction they had given staff during prior meetings. The Commission raised additional questions about the permit process and ways in which constitutionality concerns can be addressed through the permit and appeal process. Staff reviewed the existing permit process and the opportunities and constraints for addressing these concerns through the existing process.

### **COMMUNICATION ITEMS**

None.

### **COMMENTS BY LONG-RANGE PLANNING DIVISION**

Ms. Donna Stenger distributed to the Commissioners the Public Review Document for the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2011. The document (a.k.a., the “green book”) was prepared for the Planning Commission’s public hearing scheduled for March 2, 2011 and discussion of the matter thereafter.

### **COMMENTS BY PLANNING COMMISSION**

Commissioner Morrison disclosed that he had met with Gary Brackett, Chamber of Commerce, last week, regarding the Shoreline Master Program Update.

### **ADJOURNMENT**

The meeting adjourned at 6:22 p.m.



**Members**

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**(For Review/Approval on 5-4-11)**

**MEETING:** Regular Meeting & Public Meeting

**TIME:** Wednesday, March 16, 2011 4:00 p.m.

**PLACE:** Council Chambers, Tacoma Municipal Building, 1<sup>st</sup> Floor  
 747 Market Street, Tacoma, WA 98402

**Members Present:** Jeremy Doty (Chair), Thomas O'Connor (Vice-Chair), Chris Beale, Peter Elswick, Donald Erickson, Sean Gaffney, Scott Morris

**Members Absent:** Matthew Nutsch, Ian Morrison

**Staff and Others Present:** Donna Stenger, Jana Magoon, Steve Atkinson, Brian Boudet, Cheri Gibbons, Ian Munce, Shirley Schultz, Diane Wiatr, Lihuang Wung (Building and Land Use Services); Shelley Kerslake (legal counsel); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:10 p.m. Chair Doty suspended the rules and switched the order of the General Business items as appeared on the agenda and considered the "Master Program for Shoreline Development" first.

### **GENERAL BUSINESS**

#### **1. Master Program for Shoreline Development**

Mr. Stephen Atkinson facilitated the Planning Commission's review and discussion of three topics relating to nonconforming uses and structures, log rafting and storage, and the designation of Wetlands of Local Significance.

Mr. Atkinson discussed public comments expressing concern that nonconforming status can affect a business' ability to rebuild, add to cost of doing business and limit future economic use of the property. There also are concerns for safety when allowing nonconforming uses and structures to rebuild in unstable areas and concerns of constitutional takings when conformance cannot occur. The City's approach for addressing these concerns was to define nonconforming uses and structures, apply restrictions where appropriate but avoid using "nonconforming" classifications, and maintain consistency with the zoning code. Mr. Atkinson presented recent



guidance from the Department of Ecology Shoreline Handbook and several policy options that had been developed in accordance with the approach. Discussion ensued. The Commissioners indicated a general preference for the policy direction that would declare all structures to be conforming but to keep in place a threshold, over which a rebuilt structure would have to conform to the code, and to let the use aspect drive the restrictions. The Commissioners expressed concern about classifying uses as conforming in name, while applying nonconforming standards. The Commissioners also suggested language deletions where standards were duplicative.

Regarding log rafting and storage, Mr. Atkinson indicated that the proposed development regulations would allow said operations and facilities in the S-10 Port Industrial Area Shoreline District and adjacent waters, and would include development standards to achieve no net loss of ecological functions, such as: siting the use to avoid grounding and impacts to the nearshore; prioritizing long-term, permanent storage of logs to occur in upland locations; providing appropriate stormwater facilities; prohibiting the free fall of logs into the water; and the development of a management plan to address ongoing impacts from accumulation of debris. The Commissioners concurred with these additions.

Regarding the designation of Wetlands of Local Significance, Mr. Atkinson indicated that Wapato Lake is currently the only wetland designated as a Wetland of Local Significance within shoreline jurisdiction and that the designation includes a 300-ft wetland buffer. He pointed out that due to requirements that local jurisdictions incorporate all associated wetlands and their buffers into shoreline jurisdiction, a 300-ft buffer would expand shoreline review and permitting beyond the standard 200-ft shoreline jurisdiction area, which would bring additional developed properties particularly along Alaska Street under the purview of the Shoreline Management Act and the Master Program. Staff proposed that the designation of Wapato Lake as a local Wetland of Significance be maintained, but reduce the buffer to 200 feet and define Alaska Street as the buffer edge on the west side. The Commissioners concurred.

## **PUBLIC HEARING**

### **1. Billboard Regulations**

At approximately 5:05 p.m., Chair Doty called to order the public hearing on the proposed code revisions pertaining to billboards. He explained the public hearing procedures, stated that written comments will be accepted through Friday, March 25, 2011, and called for staff presentation.

Ms. Shirley Schultz, Building and Land Use, gave a brief overview of the proposed revisions and the process followed to develop the proposed changes to the billboard regulations. There was a correction on the staff report of Exhibit 2 concerning the number and some of the locations of billboards to be removed and there were corrections to some of the language in the staff report and accompanying exhibits. No changes had been made to the public review draft of the proposed code amendments. Ms. Shelley Kerlake, attorney for the City on this issue, briefly reviewed the history of billboard regulation and the lawsuit resulting from the 1997 amortization clause, and the decision to enter into a Settlement Agreement. She discussed the intended outcome of the agreement and noted that it would result in a significant reduction in the number of billboards within the city should the agreement be fully implemented. She described the Settlement Agreement with Clear Channel, noting that there were some items purposely left vague in the agreement and it was up to the determination of the Planning Commission to make



recommendations to the City Council on how to address these items. She noted that the full execution of the Settlement Agreement would not take place until after code changes are adopted by the City Council. She clarified that the public hearing is about the draft code revisions, not the lawsuit. She explained that the Commission has the prerogative to forward a recommendation that is inconsistent with the agreement, at which point the City Council will weigh the costs and benefits of that action.

The Commissioners asked for clarification on the size of digital billboards that Clear Channel could put up under the terms of the Agreement. It was clarified that the first ten are intended to be up to 672 square feet. Ms. Kerlake confirmed that the maximum of 300 square feet proposed in the draft code for digital billboards after the first ten did not appear to be a critical point for Clear Channel.

Chair Doty called for testimony. The following citizens provided comments:

**(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.

Chair Doty concluded by thanking everyone for their comments and stated that all written comments will be considered until March 25, 2011 and that all comments will be duly considered. The public hearing was closed at approximately 6:37 p.m.

**GENERAL BUSINESS (resumed)**

**2. 2011 Annual Amendment – Review of Testimony**

Ms. Donna Stenger provided an overview of the public testimony received at the Commission's public hearing on March 2, 2011, concerning the 2011 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code. Twenty people testified at the hearing and 25 pieces of written comments were received through Mach 11, 2011. Most of the comments were concerning the Historic Preservation Plan and Code and the Intensity and zoning change at S. 49<sup>th</sup> and Pine Streets. Ms. Stenger distributed a document that compiled all the comments received and stated that the Commission is scheduled to review the comments and the corresponding staff responses at the meeting on April 6, 2011.

**COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following:

1. E-mail from Maryanne Bell on March 3, 2011, concerning the proposed Old Town Historic Overlay District

## **COMMENTS BY LONG-RANGE PLANNING DIVISION**

Mr. Brian Boudet stated that some of the Commissioners had received an inquiry about allowing chickens in the urban environment. He indicated that this matter is not referenced in the current Land Use Regulatory Code (Title 13 of the Tacoma Municipal Code) and not under the Planning Commission's purview. The matter is governed in Title 5 Health and Sanitation and under the purview of the Health Department. Chickens are allowed but must be kept at least 50 feet away from the neighboring residences or upon written consent of the surrounding residential owners that are within 50 feet of where the chickens are kept and such consent is filed with the City Clerk.

## **COMMENTS BY PLANNING COMMISSION**

The Commission discussed the public testimony and the proposed billboard amendments further. A key question was whether or not the City Council made an agreement that is contrary to adopted regulations and policy, and, if so, what the Commission's responsibility was to act in that situation. Mr. Boudet went over what is written in the Code regarding the allowance of billboards in the City and stated that he will return with more information as to what is in the Comprehensive Plan regarding billboards. Chair Doty expressed how well informed and knowledgeable the presenters were. The Commissioners also noted that a lot of people care and are concerned about passage of the billboard amendment.

Another concern was raised regarding whether or not an agreement with a specific company was giving them an unfair advantage, and, conversely, whether other companies could try to enter the digital billboard market. Further information will be provided in response to this concern. Ms. Stenger stressed several times that new billboards are currently prohibited. The existing code allows existing billboards to be relocated but only within four zoning districts (C-2, M-1, M-2 and PMI) and only if they met the dispersal and buffering requirements. She noted that very few boards had been relocated since this provision went into effect. There will be further discussion of these issues at the next meeting on April 6, 2011.

## **ADJOURNMENT**

The meeting adjourned at 7:10 p.m.



**Members**

Jeremy C. Doty, Chair  
 Thomas C. O'Connor, Vice-Chair  
 Chris Beale  
 Peter Elswick  
 Donald Erickson  
 Sean Gaffney  
 Scott Morris  
 Ian Morrison  
 Matthew Nutsch



# Minutes

## Tacoma Planning Commission

**Community and Economic Development Department**

Ryan Petty, Director  
 Peter Huffman, Assistant Director  
 Charles Solverson, P.E., Building Official

**Public Works and Utilities Representatives**

Jim Parvey, City Engineer/Assistant Director, Public Works Department  
 Heather Pennington, Water Distribution Engineering Manager, Tacoma Water  
 Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power

747 Market Street, Room 1036  
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[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)

**(For Review/Approval on 5-4-11)**

MEETING: Regular Meeting

TIME: Wednesday, April 6, 2011, 2011, 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North  
 733 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Chris Beale, Peter Elswick, Donald Erickson, Sean Gaffney, Matthew Nutsch, Ian Morrison

Members Absent: Thomas O'Connor (Vice-Chair), Scott Morris

Staff Present: Steve Atkinson, Elliott Barnett, Brian Boudet, Jana Magoon, Shirley Schultz, Reuben McKnight, Lihuang Wung, Chelsea Levy, Cheri Gibbons, Karla Kluge, Lisa Spadoni, Noah Yacker (Building and Land Use Services); Joshua Diekmann (Public Works); Tadas Kisielius (Gordon Derr, LLP); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:02 p.m. The minutes for the meeting on February 2, 2011 and for the meeting and public hearing on March 2, 2011 were approved as submitted.

**GENERAL BUSINESS****1. Billboard Regulations**

Ms. Shirley Schultz provided an overview of testimony received at the March 16, 2011 public hearing and through the comment period ending on March 25, concerning the proposed code revisions for billboards. She distributed to the Commissioners the public comments that were compiled in two volumes. She stated that there were over 350 people that had some type of input on this amendment and that the public is overwhelmingly (approximately 95%) opposed to having digital billboards in the City.

The Commissioners voiced questions and concerns about what were the expectations of the City Council and the Mayor in finalizing this proposed amendment to the billboard regulations. The main concern asked was "what role does the Council see the Commissioners performing in reaching a final recommendation?" There was also some concern expressed as to not having



enough information on how other cities addressed the issue of digital billboards for the Commission to make a determination. A number of Commissioners stated that the digital billboard question is such new technology that there needs to be more investigation made before making any recommendations. Others expressed concerns that the settlement agreement with Clear Channel is still a sticking point. Mr. Brian Boudet explained that all the facets involved in changing the existing billboard regulations and eventually giving a final recommendation to the Council could be considered by the Commissioners. He stressed that all of the issues the Commissioners had expressed concerns about were valid responses that could be conveyed to the Council.

Ms. Schultz indicated that the Commission is scheduled on April 20 to review the public comments in greater detail as well as staff responses to the comments. The Commission will continue the review on May 4 and is scheduled to make a recommendation to the City Council at the May 18 meeting.

## **2. Master Program for Shoreline Development**

Mr. Stephen Atkinson, Long Range Planner, and Tadas Kisielius, a Partner in the firm of GordonDerr, LLP, presented the changes that have been made to public access requirements in the draft Tacoma Shoreline Master Program (TSMP) that was released in September 2010.

Mr. Atkinson reviewed the additions that were made as a result of past comments and queries from the Commission. Most of the discussion focused on the constitutionality issues that need to be included in the amendment. He also went over the permitting process for a Shoreline Development Permit and the appeal process and the City staff that are involved in this process. He is proposing that the process be more streamlined. Mr. Atkinson noted that the Hearings Examiner and Shoreline Hearings Board (SHB) appeals are duplicative. By appealing directly to the SHB, the appeal process would proceed more quickly to Superior Court where appeals on constitutionality grounds can be directly addressed. Mr. Atkinson covered additions that have made in regard to restoration process and buffer regulation for some of the City's waterways to provide flexibility for site specific buffers where restoration projects might inadvertently cause harm to adjacent properties. Some new language was added to the draft to address mitigation banks. He stated that there really are no major changes, but only moving of Code language in to groups that are more related.

The Commissioners questioned why the fee-in-lieu provision for public access was deleted from the draft. Discussion ensued, and the Commissioners felt that the fee-in-lieu should be added to the draft but reframed so that it would only be an option where on site access could not be provided. Mr. Atkinson concluded with some additional changes that he had made as far as elimination of sign code standards in the shoreline, moorage facilities, district boundaries, use and development table, changes for permitted uses to Hylebos Creek, and other types of transportation facilities.

The Commissioners asked questions regarding inclusion of a section of natural designations. Mr. Atkinson explained the "why and wherefores" for inclusion or exclusion of natural designations. There were also questions regarding over-water residences. Ms. Kim Van Zwahlenburg from the Department of Ecology discussed the impacts associated with over-water residential uses. The Commissioners asked for clarification on language that says "should" and "shall" in certain instances. Mr. Atkinson explained that the definitions are consistent with the Washington Administrative Code and that in some cases the definitions are different than are

otherwise used under the Growth Management Act (GMA) or under Tacoma Municipal Code 13.06. There were also questions regarding the preference given to single-family residential development under GMA and whether that could also be granted to multifamily residential development.

Mr. Atkinson concluded by stating that staff will present a final draft TSMP at the next meeting on April 20 for the Commissioners' review and the Commission will be requested to authorize the public distribution of the document and set a date for a public hearing.

### **3. 2011 Annual Amendment**

Mr. Brian Boudet presented the Summary of Public Comments and Staff Responses Report which summarized the public comments received in March 2011 and provided a staff response or recommendation as appropriate, concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2011. He indicated that, of the 8 applications in the Annual Amendment Package, #2011-04 (Water Level of Service), #2011-05 (Transportation Element), #2011-08 (Regulatory Code Refinements) and #2011-09 (SEPA Regulations) did not receive any comment. No changes are proposed to these applications as submitted for public review during the public hearing process, except that #2011-08 will incorporate supplemental clarifications as presented in the Commission's agenda packet, Mr. Boudet stated. The Commissioners concurred.

For #2011-01 (49<sup>th</sup> Street & Pine Intensity and Zoning Change), Mr. Boudet indicated that public comments were primarily concerning the potential for increased traffic and the lack of recreational facilities serving the new growth in the area. He reviewed the corresponding staff responses and analysis as documented in the report and facilitated the Commissioners' discussion. Mr. Boudet stated that staff would not recommend any change to the application, to which the Commissioners had no objection.

For #2011-06 (Regional Centers and Safety-Oriented Design), Mr. Boudet noted that comments were generally supportive of the proposed safety-oriented design policies but mixed regarding the proposal to adopt the Downtown Regional Growth Center as part of the Comprehensive Plan. Staff proposed no change to the application. The Commissioners concurred.

For #2011-07 (Parks Zoning and Permitting), Mr. Elliott Barnett reported that public comments were supportive, with some concerns and suggestions relating to landscaping exemptions for school playgrounds, readerboard signs for schools and churches, and siting of portables on school properties. Staff recommends extending, to schools and churches, the proposed change to allow parks one additional free-standing sign, 30 square feet in area, on each additional street frontage. Staff also recommends several technical and minor policy changes, as documented in the report. The Commissioners concurred.

For #2011-02 (Historic Preservation Plan and Code revisions), Mr. Reuben McKnight, Historic Preservation Officer, stated that public comments were mostly supportive of adopting the new Historic Preservation Plan and continuing to expand the City's historic preservation program. A lot of comments were pertaining to conservation districts and were provided by residents from the West Slope neighborhood. The issues reflected in public comments ranged from design review trumping the zoning code, administrative design guidelines, and determination of economic hardship, to the applicability of parking exemption, transfer of development rights, and the creation of a "West Slope Conservation District." Mr. McKnight noted that at this time, the

merits of a “West Slope Conservation District” are not under consideration by the Planning Commission. He also indicated that, in response to the various comments, staff is recommending some changes, as documented in the report, which will be incorporated in the final versions of the proposed Historic Preservation Plan and the proposed Code Revisions for the Commissioners’ review at the next meeting on April 20. The Commissioners concurred.

### **COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following:

1. E-mail from Heidi Stephens, March 24, 2011, regarding Gray Middle School and Barlow Annex in South Tacoma
2. Petitions in Opposition to Old Tacoma Residential Historic District Designation, from Homeowners Committee Opposed to Historic Designation, March 25, 2011
3. E-mail from Pierce Transit, March 29, 2011, regarding Pierce Transit Reduction Plan and Public Hearings in April

### **COMMENTS BY LONG-RANGE PLANNING DIVISION**

Mr. Barnett reported on the well-attended public workshop held on March 31, 2011, regarding the future of the Bayside Trails and Schuster Parkway slope open space area. He described the scope of work and the project timeline for the Bayside Trails, and facilitated the Commissioners’ discussion. The Commissioners showed enthusiasm for developing and improving the trails and had many suggestions and comments for Mr. Barnett.

Mr. Boudet reported on a community meeting held on April 5, 2011, regarding Traffic Calming on Park Avenue. Facilitated by City staff, the meeting was to solicit citizens’ comments on the proposed prioritization of S. Park Avenue from 96<sup>th</sup> to 40<sup>th</sup> for future funding, as part of the implementation of the Mobility Master Plan.

Mr. Boudet provided a status report of the proposed Wedge Neighborhood Historic Special Review Overlay District, for which the City Council held a public hearing in July 2010 based on the Planning Commission’s recommendations. The Council held a study session on April 5, 2011 and is in the process of developing an ordinance to be considered for adoption in May 2011.

### **COMMENTS BY PLANNING COMMISSION**

None.

### **ADJOURNMENT**

The meeting adjourned at 6:51 p.m.



**City of Tacoma**  
**Community and Economic Development Department**

TO: Planning Commission  
FROM: Shirley Schultz, Principal Planner, Current Planning Division  
SUBJECT: Billboard regulations  
DATE: April 28, 2011

At the next meeting on May 4, 2011, the Planning Commission will continue its review of the proposed amendments to the *Tacoma Municipal Code* pertaining to billboard regulations, public testimony and possible modifications.

Attached are four documents for discussion at the meeting:

1. Additional information on Special Receiving Areas to supplement the materials from the January 5, 2011, Commission meeting
2. Special Receiving Areas – Potential options to revise draft code
3. Additional information on lighting and image standards
4. Some proposed revisions to the public review draft code based on previous Commission and staff discussions

Staff will review the attached materials and is seeking direction from the Commission concerning additional revisions to the draft regulations pertaining to the receiving areas, lighting, image time and other issues.

The Commission is scheduled to complete its review and make recommendations to the City Council at your meeting on May 18, 2011.

If you have any questions or requests please contact Shirley Schultz at 591-5121 or [shirley.schultz@cityoftacoma.org](mailto:shirley.schultz@cityoftacoma.org).

Attachments

c: Peter Huffman, Assistant Director



## Additional Details on Special Receiving Areas

April 28, 2011

	Special Receiving Area Description	Mixed Use District?	Pedestrian Street?	Residentially-Zoned?
1	Portland Avenue and Puyallup Avenue. 600 feet to the north, south, east and west of the center point of the intersection of Portland and Puyallup Avenues.	No	No	No
2	Puyallup Avenue. Along Puyallup Avenue from the midpoint of the intersection of Puyallup Avenue and D Street to the midpoint of the intersection of Puyallup Avenue and L Street.	Partial UCX-TD	Designated Puyallup Ave	No
3	Pacific Avenue. Pacific Avenue from the midpoint of the intersection of Pacific Avenue and S. 23 <sup>rd</sup> Street to the midpoint of Pacific Avenue and S. 30 <sup>th</sup> Street.	Yes Downtown	No	No
4	6 <sup>th</sup> Avenue and Division Avenue. From the midpoint of the intersection of 6 <sup>th</sup> Avenue and Division, 600 feet northeast on Division Avenue, 525 feet to the west on 6 <sup>th</sup> Avenue, east on 6 <sup>th</sup> Avenue to N. Grant Street and 300 feet north and south on S. Sprague Avenue.	Partial NCX 6 <sup>th</sup> Ave	Core 6 <sup>th</sup> Ave	Partial R-2SRD HMR-SRD
5	6 <sup>th</sup> Avenue and Junett Street. 150 feet to the east and west of the midpoint of the intersection of 6 <sup>th</sup> Avenue and Junett Street.	Yes NCX 6 <sup>th</sup> Ave	Core 6 <sup>th</sup> Ave	No
6	6 <sup>th</sup> Avenue and Union Avenue. 150 feet in all directions from the midpoint of the intersection of 6 <sup>th</sup> Avenue and Union Avenue.	No	No	No
7	6 <sup>th</sup> Avenue between S. Pearl Street to the east and S. Mildred Street to the west. From the midpoint of the intersection of 6 <sup>th</sup> Avenue and S. Pearl Street to the midpoint of 6 <sup>th</sup> Avenue and S. Mildred Street.	No	No	No
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.	Partial CCX Allenmore	Core Union Ave	Partial R4-L
9	S. Union Avenue and Center Street. 150 feet to the north, east and west of the midpoint of the intersection of S. Union and Center Street and 300 feet south of said intersection on S. Union Avenue.	No	No	No
10	S. Union Avenue. 300 feet in all directions from the midpoint of the intersection of S. Pine Street and Center Street.	No	No	No
11	S. 38 <sup>th</sup> Street and S. Pine Street. 450 feet east and west from the midpoint of the intersection of S. 38 <sup>th</sup> Street and S. Pine Street and 300 feet north and south from the midpoint of said intersection.	Yes UCX Tacoma Mall	No	No

**Planning Commission**

April 28, 2011

Page 2 of 2

	<b>Special Receiving Area Description</b>	<b>Mixed Use District?</b>	<b>Pedestrian Street?</b>	<b>Residentially-Zoned?</b>
12	S. Tacoma Way and S. Pine Street. 450 feet in all directions from the midpoint of the intersection of S. Tacoma Way and S. Pine Street.	No	No	No
13	Steele Street and S. 38 <sup>th</sup> Street. 150 feet from the midpoint of the intersection of Steele Street and N. 38 <sup>th</sup> , to the north on S. Idaho Street, 450 feet from said midpoint to the east and west on S. 38 <sup>th</sup> Street, all of S. Steele Street and the north portion of Tacoma Mall Boulevard from Steele Street on the west and 375 feet east of S. State Street.	Yes UCX Tacoma Mall	Primary Steele St	No
14	West End of S. 56 <sup>th</sup> Street. South 56 <sup>th</sup> Street between the midpoint of the intersection of S. 56 <sup>th</sup> and S. Tyler to the midpoint of the intersection of S. 56 <sup>th</sup> and Burlington Way to the East.	No	No	No
15	S. 56 <sup>th</sup> Street and S. Tacoma Way. 300 feet in all directions from the midpoint of the intersection of S. 56 <sup>th</sup> Street and S. Tacoma Way.	Yes NCX/CIX South 56 <sup>th</sup>	Designated 56 <sup>th</sup> /Core South Tacoma Way	No
16	S. 74 <sup>th</sup> Street and S. Tacoma Way. 450 feet in all directions from the midpoint of the intersection of S. 74 <sup>th</sup> Street and S. Tacoma Way.	No	No	Partial R-2 and R-3
17	S. 74 <sup>th</sup> Street and S. Tacoma Mall Boulevard. S. 74 <sup>th</sup> Street between the midpoint of the intersection of S. 74 <sup>th</sup> and S. Wapato Street, and the midpoint of the intersection of S. 74 <sup>th</sup> and S. Tacoma Mall Boulevard.	No	No	Partial R-4L and R-2
18	S. 72 <sup>nd</sup> Street and S. Hosmer Street. That portion of S. 72 <sup>nd</sup> Street between I-5 and the midpoint of the intersection of S. 72 <sup>nd</sup> and S. Alaska Street and S. Hosmer Street 300 feet south of S. 72 <sup>nd</sup> Street and the midpoint of the intersection of S. Hosmer and S. 72 <sup>nd</sup> .	No	No	Partial R-2



**Special Receiving Areas  
Potential Options to Revise Draft Code**

April 28, 2011

These options are meant as examples only and the Planning Commission may choose a combination of the three, or none of them. These options were developed to address the comments and concerns about receiving areas.

Option 1	Option 2	Option 3
All Special Receiving Areas remain	No Special Receiving Areas within or adjacent to mixed-use districts*	No Special Receiving Areas, but digital boards would be allowed in C-2, M-1, M-2, and PMI, subject to standards.
Limit of one digital billboard structure (maximum of 2 faces) within a Special Receiving Area	Limit of one digital billboard structure (maximum of 2 faces) within a Special Receiving Area	Billboards would need to meet dispersal and buffering requirements within the allowed zones.
Size is limited to 300 square feet	Size is limited to 300 square feet	Size is limited to 300 square feet
Digital billboard must be a replacement of a standard billboard, or must meet dispersal if there is no billboard there currently	Digital billboard must meet dispersal requirements	Digital billboard must be a replacement billboard and must meet dispersal and buffering requirements
Exchange ratio would remain the same - the replaced billboard could be credited toward other digital billboards	Exchange ratio would remain the same - the replaced billboard could be credited toward other digital billboards	Exchange ratio would remain the same - the replaced billboard could be credited toward other digital billboards
Special Receiving Areas expire 5 years from date of passage of the ordinance	Special Receiving Areas expire 5 years from date of passage of the ordinance	The first 54 removals and the 25 additional would no longer be required since these are tied to the special receiving areas in the Settlement Agreement

*\*In this case 8 of the 18 special receiving areas would be removed from the list of potential locations for digital billboards. In the alternative, Special Receiving Areas in or partially in the NCX zoning district could be eliminated; those in CCX (3), UCX (2) and Downtown (1) (and not a pedestrian street) could remain, as uses in these districts are community-sized and scaled, and are similar to the types of development found C-2 zoning district.*



## **Additional Information on Lighting and Image Standards**

April 28, 2011

Following is additional information regarding lighting standards for digital billboards, including brightness levels and static image time. Staff has primarily relied upon two documents which were supplied to the Planning Commission in Volume II of the public testimony. The first is "Illuminating the Issues: Digital Signage and Philadelphia's Green Future" (the "Philadelphia Report") beginning on page 156. This report discusses digital billboards in lay terms as it pertains to their placement in one jurisdiction.

The second document is "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" prepared by Jerry Wachtel (the "Wachtel study"). This study contains a literature review, a discussion of human factors and driver distraction, a summary of some jurisdictions' regulations, recommendations for regulation, and emerging technologies.

### **Lighting Levels and Brightness**

Attached is page 162 of Volume II of the public testimony, a portion of the Philadelphia Report which provides a summary of different brightness standards. The current draft billboard code specifies lighting levels in two ways. First, the code proposes the Outdoor Advertising Association of America's (OAAA) standard of a limit of 0.3 footcandles over ambient light at specified distances for specified signs. Both the Philadelphia Report and the Wachtel study point out the weaknesses of this measurement in that it measures light cast from the sign onto the surrounding area, rather than measuring the actual perceived brightness of the sign, which is a key factor in both readability of the sign and distraction. However, the footcandle measurement is a good way to measure light trespass (since it measures the light cast upon an object) and it is an inexpensive and easily-understood measurement (since it can be taken at ground level with inexpensive equipment).

In addition, the current draft code specifies limits on the luminance of a digital billboard, that is, the brightness of the sign itself. This measurement is taken close to the face of a sign. The sign can be set in the factory to a maximum brightness, which adjusts up or down depending on the surrounding conditions (i.e., daytime versus nighttime). The current code draft sets a daytime limit of 5,000 nits (or candelas per square meter) and a nighttime limit of 500 nits. These numbers were based upon other jurisdictions' adopted standards for digital signs.

Differing bodies have differing recommendations for maximum brightness levels, especially at night. Neither the Wachtel study nor the Philadelphia Report lay out recommendations for sign brightness, though they do recommend measurement in nits. Standard illuminated billboards are around 124 nits at nighttime. The Illuminating Engineering Society of North America recommends maximum levels of 125 nits at nighttime. The Planning Commission may wish to discuss a lower nighttime brightness level, perhaps a measurement between that currently in the draft and that of a standard billboard. According to the Philadelphia Report, a level of approximately 350 nits should be roughly equivalent in measure to the 0.3 footcandle limitation on illuminance.

Should the City receive a complaint about brightness, code enforcement staff would respond. Additional training will be required for code enforcement staff regarding appropriate measurement technologies and techniques for both footcandle and nits measurement. Measurement tools would also be needed. Currently the draft code specifies the distances from which the footcandle measurement would be taken; measurement would be taken at any point

at that radius and at any time of day. Luminance (nits) would be measured at or near the face of the sign, depending on the particular equipment and specifications. This might require access to the sign structure and would be conducted on a less frequent basis than the other measurement.

However, there are some mechanisms that could be put in place to better ensure that billboards are operated consistent with the City's adopted standards and to reduce the potential for significant impacts on code enforcement staff. The public review draft code included a requirement that luminance (brightness) be factory set and the owner of a digital billboard be required to show that the sign had been set to meet the luminance standards, as well as certify through an independent inspection that the sign did not exceed that level upon installation. Additionally, staff will be discussing with the Commission a potential additional standard to require yearly reports certifying that digital billboards remain within acceptable brightness levels.

### **Static Image Time**

As pointed out in the Wachtel study (page 380 of Volume II of the public testimony), there is no standard for static image time. The jurisdictions that were researched ranged from 4 seconds to over a minute per message displayed. The Federal Highway Administration recommends a minimum of 8 seconds per message displayed. The current draft code also requires a minimum display time of 8 seconds.

Suggestions have been made to increase the static image time, or to base the static image time upon the speed of the adjacent roadway. It should be noted that the special receiving areas are primarily near intersections, meaning that a large number of passersby will be slowing or stopped at the intersection. Also, because of the traffic counts that merit placement of a digital billboard, it's likely that the signs would be located on arterial streets. For the most part, the speed limit on these streets is 30 or 35 miles per hour.

Using the equation in the Wachtel study (page 381 of Volume II of the public testimony), some example calculations can be made.

<b>Viewing Distance (feet)</b>	<b>Speed Limit (mph)</b>	<b>Visibility Time (seconds)</b>
500	30	11.4
500	35	9.7
800	30	18.2
800	35	15.6

This calculation is meant to minimize the possibility that a driver going a certain speed would actually see a message change. This assumes a billboard will have changed immediately before the driver can see the billboard, and that it does not change again until after the car has passed. This also assumes constant speed and no stop at an intersection – which might not be likely within the City's receiving areas – but the calculation nevertheless provides some interesting comparisons.

While changing the static image time to relate to the adjacent roadway is technologically feasible, it may prove difficult to monitor and enforce. Therefore, the Planning Commission may deem it appropriate to choose one standard time for any digital billboard in the City using average cases.

## Observed and Recommended Levels of Brightness

Information Source	Product type	Luminance (surface brightness)
(C.Luginbuhl study)	Typical Ambient Roadway Illumination	1 Nit
(C. Luginbuhl study)	Typical Floodlit Billboard	approximately 100 Nits
Digital Billboards: New Regulations for New Technology by Drew Carhart	Traditionally lit static billboards	98% were under 150 Nits, 83% were under 100 Nits (Arizona Study); 124 Nits average (New York Study)
IESNA recommendations	Recommendations for Digital Billboard Luminance	250 Nits (day), 125 Nits (night)
Outdoor Advertising Association of America (Ian Lewin Study)	Recommendations for Digital Billboard Luminance	300-350 Nits suggested (study based on light trespass readings)
Hewlett-Packard (Specifications)	47" LCD Digital Signage Display	500 Nits
Corn Digital (Specifications)	32" & 42" LCD Posters	500 Nits (32") 700 Nits (42")
Carhart study	Daytime sky (sunny)	5,000-7,000 Nits
Virginia Tech Transportation Inst.	The Sun	6,500 Nits
Senzen Top Technology Co., Ltd (specifications)	seires PH12 (14'x48' full-color LED billboard	8,000+ Nits
EraLED (Specifications)	Series P20 full-color LED billboard (assorted sizes)	8,500 Nits
ProVIDEO Billboard Panels (specifications)	Series 1515-4, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 1248, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 2040-5, 14'x48' full-color LED billboard	11,000+ Nits

### Limiting Sign Brightness

Proposed limits on sign brightness have caused much debate. Research provided by the Illuminating Engineering Society of North America (IESNA) states that drivers should be subjected to points of brightness no greater than 40 times the average brightness level of their general surroundings; this proportion is known as the contrast ratio. "As roadway lighting and automobile headlights provide ambient nighttime lighting levels of about one nit, this implies signage should appear no brighter than about 40 nits" (Luginbuhl, 2010, p.1). Surprisingly, the IESNA's own recommendations for signage luminance suggest limits between 250-1400 nits---greatly exceeding their stated maximum contrast ratio of 40:1.

The OAAA, has deemed 300-350 nits an acceptable level of night brightness. However, their guidance is based on the use of the IEEE standard for light trespass (IESNA-TM-11-00), when, for reasons of traffic safety and glare in drivers' eyes, it should have been based on IEEE's standard for roadway sign lighting (IESNA RP-19-01).

Traditionally floodlit static billboards rarely exceed 100 nits; experts on both driver distraction and light pollution recommended that, as a means of compromise, the new technologies should not exceed this value. In many areas, including Philadelphia, brightness levels are currently unregulated, and many manufacturers publicize their signs' capabilities to reach up to 11,000 nits.



## Proposed Code Clarifications

April 28, 2011

Based on the discussion at the April 20 meeting about Commission and staff-recommended clarifications and modifications, the following list provides additional details and specific language regarding many of those proposed changes.

### Timing of Billboard Removals and Permit Issuance *(for standard billboards)*

#### Provision as included in the public review draft:

Exchange of standard billboard faces. Upon removal, to be confirmed by a site inspection, of an existing standard billboard face, a building permit shall be issued authorizing construction of a billboard face at a new site. Building permits shall not be extended beyond their normal expiration date.

#### Proposed clarification of permit issuance and removal timing:

- Modifies timing to provide that existing billboards are not required to be removed until a permit is issued for a new billboard, but also that the new billboard cannot be installed until the billboard being exchanged is fully removed.
- This is similar to the proposed language for digital billboards

Exchange of standard billboard faces. A permit for a standard billboard may be issued with the condition that construction may begin upon removal, to be confirmed by a site inspection, of an existing standard billboard face or relinquishment of an existing relocation permit. Building permits shall not be extended beyond their normal expiration date.

### Historic District Buffering

#### Proposed clarification that, in addition to historic districts, buffering applies to conservation districts:

- Proposed changes to original draft language are highlighted

Buffering – sensitive uses. No billboard shall be located on, in, or within 250 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 Comprehensive Plan, as amended;
- c. Any church or school; or
- d. Any designated historic or conservation district whether on the federal, state, or local register of historic places.

## Priorities for Removal

### Provision as included in the public review draft:

Removal priorities. The removed billboards shall be those which are nonconforming to the buffering standards in subsections 9 and 10, below. If no billboards remain nonconforming to buffering standards, the billboards to be removed shall be those which are nonconforming to the dispersal standards from the new billboard as set forth in subsection 7, below. If the new billboard meets dispersal standards, the billboards to be removed shall be at the discretion of the owner and may be located anywhere in the City.

### Proposed clarification of draft removal priorities:

- In response to Commission concerns about first ensuring a geographic relationship between billboards being installed and those being removed
- The revised language provides that billboards located within close proximity to the proposed digital billboard (within 500 feet) are required to be removed first, followed by the Commission's expressed prioritization of buffered areas/uses

After removing any billboards necessary to meet the applicable dispersion standards, any additional billboards required to be removed in exchange for a new billboard should be in the following order of prioritization:

1. Those within the specified buffer of residential districts
2. Those within the specified buffer of publicly-owned open spaces, playgrounds, parks or recreational property
3. Those within the specified buffer of a church or school
4. Those within the specified buffer of a designated historic district
5. Those within the specified buffer of a shoreline district

## Emergency Communication/Amber Alerts

### Proposed *additional* requirement for emergency communication agreement:

Prior to final approval of any digital billboard, the billboard's owner shall have in place an agreement with the City of Tacoma regarding the reasonable use of such digital billboard for the purposes of public service announcements and emergency communications, such as "Amber Alerts" or alerts concerning natural disasters and other significant public safety concerns. The agreement shall specify partner agencies to which such access shall be allowed, protocols for agencies' use of the digital billboards, and parameters for incorporating the public service and emergency messages within the standard advertising rotation. Such an agreement shall remain in effect until such time as the digital billboard is removed.

## Potential lighting interference

### Proposed *additional* provision to ensure light from digital billboards isn't directed upward:

- Concern expressed by Joint Base Lewis-McChord and some members of public

Lighting from digital billboards shall not be directed skyward such that it would create any hazard for aircraft.



## Brightness/Confirmation/Enforcement

### Provision already included in the public review draft:

Prior to final inspection approval, the applicant shall provide proof that all lighting levels and specifications in this section have been field-verified by a special inspector.

### Proposed *additional* provision regarding annual certification:

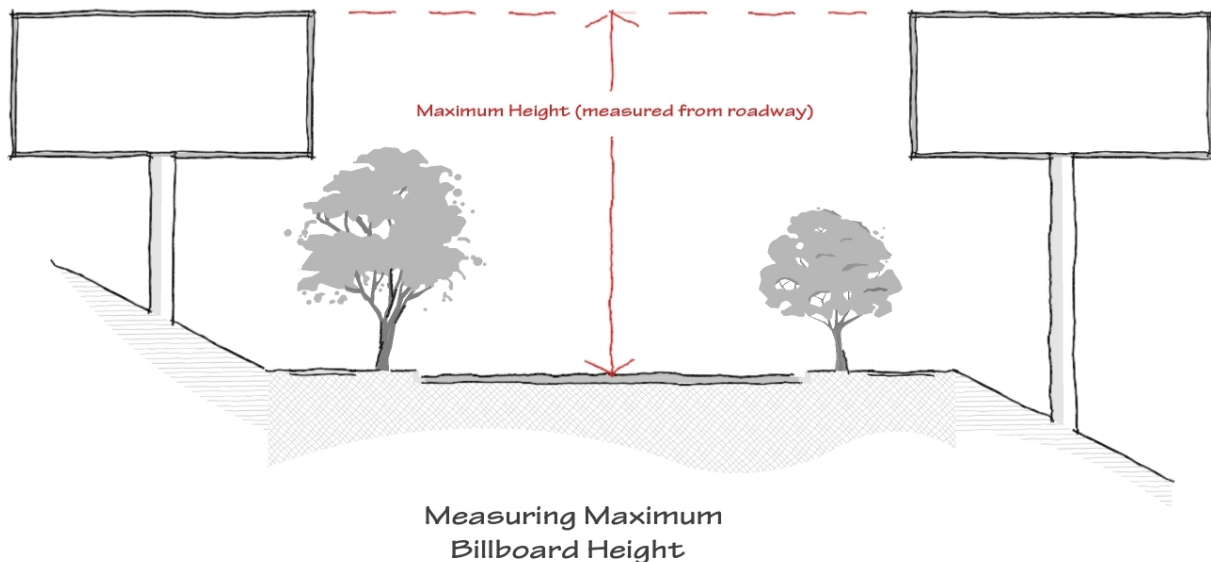
All owners and operators of digital billboards within the City of Tacoma shall be responsible to ensure continued regulatory compliance. They shall provide annual reports to Building and Land Use Services verifying that each digital billboard remains within the brightness limitations established in this Chapter. These annual reports shall be due on June 1 of each year following installation. These verification reports shall be conducted by a private, third-party special inspector, based on and including field measurements at each billboard location, and conducted at the cost of the billboard owner or operator.

## Measuring Height

### Language already included in the public review draft:

Height. The maximum height of all billboard signs shall be 30 feet, except in the PMI District, 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.

### Proposed new graphic to clarify how billboard height is measured:



## Landscaping

### Proposed modification of billboard base landscaping requirement:

- In response to Safety-Oriented Design concerns and recognition that other screening is possible (fences, structures, etc.)
- Proposed changes to original draft language are highlighted

When the base of the billboard support is visible from the adjacent sidewalk and/or street the support shall be surrounded with a 5-foot-wide landscaping buffer composed of shrubs and groundcover not to exceed 36-inches in mature height.

## Wireless Facilities

### Proposed additional language regarding co-location of wireless facilities:

- Ensuring that any proposal to collocate a wireless facility on a billboard structure would be subject to any and all standards and review processes applicable to collocation requests on any other structure

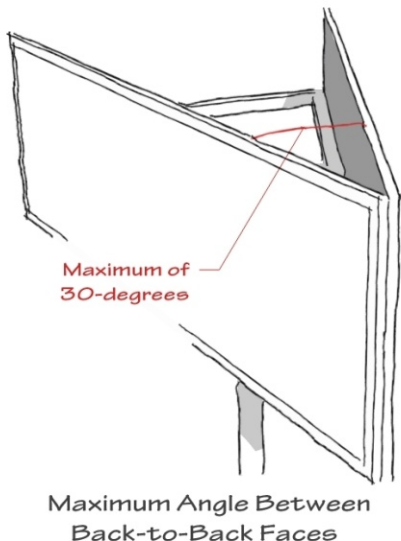
Wireless Collocation. For the purposes of collocation of wireless facilities, billboards shall be considered a structure and shall be subject to the provisions set forth in Section 13.06.545.

## Maximum Billboard Angle

### Language already included in the public review draft:

Billboard faces located on the same structures shall be back-to-back with the two faces at no greater than a 30-degree angle from each other.

### Proposed new graphic to clarify the maximum allowed separation of “back-to-back” billboards:





**RESOLUTION NO. 38247**

1 A RESOLUTION relating to the City's vision and definition of sustainability;  
2 establishing the City's vision and definition of sustainability; and establishing  
3 a framework for the City to track and report on its progress toward  
4 achievement of its vision of sustainability.

5 WHEREAS the City endeavors to be recognized as a "livable and  
6 progressive international city, regarded for the richness of its multicultural  
7 population," and

8 WHEREAS the City realizes that the natural resources essential to the  
9 economic, social, and cultural well-being of its citizens are finite, and

10 WHEREAS the City recognizes its responsibility to improve human  
11 health while supporting a diverse community with equitable access to  
12 opportunities, and

13 WHEREAS the City recognizes the value of cultural contributions, such  
14 as the arts, innovation, heritage, recreation, and the overall value of a high  
15 quality of life for its citizens, and

16 WHEREAS the City recognizes that protection, preservation, and  
17 restoration of local and regional ecological quality is vital for our economic,  
18 social, and cultural well-being, and

19 WHEREAS the City seeks to strengthen its position as a vibrant  
20 economic center and as a destination for investment, thus supporting local  
21 business, and

22 WHEREAS "sustainability" is used by international, national, and local  
23 organizations to mean consideration of environmental, economic, social, and  
24 cultural values in decision making, and  
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WHEREAS Tacoma’s Climate Action Plan seeks “to guide the reduction of greenhouse gases and provide a blueprint to grow our local economy, to make Tacoma more livable and more attractive, to allow our citizens to be healthier, and to advance sustainability for the long term,” and

WHEREAS, on October 31, 2008, the City Council adopted Resolution No. 37631, creating the Office of Sustainability and establishing the Sustainable Tacoma Commission on Climate Change; Now, Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

Section 1. That the City’s vision of sustainability is: (1) Tacoma will achieve exceptional quality of life for every generation and will leave a legacy of stewardship and (2) Tacoma will achieve lasting and equitable prosperity; build a safe, healthy, attractive, and vibrant community; and minimize negative impacts in order to conserve the natural resources that sustain it.

Section 2. That the City’s definition of sustainability is: The City and its citizens meet current needs without compromising the needs of future generations, such that environmental, social, cultural, and economic considerations are balanced and integrated in a day-to-day, decision-making manner.

Section 3. That the City’s vision and definition of sustainability will guide and inform City policy; decision-making by City staff, boards, and commissions; and the legislative decisions of the City Council.

Section 4. That the City will define goals toward achieving its vision and implementing its definition of sustainability and measure and report yearly



1 progress by defining City government and community sustainability indicators,  
 2 such as the energy use consumption of the City government itself; and that the  
 3 City will adopt five- and ten-year targets for each defined sustainability indicator,  
 4 starting in the year 2011.

5 Section 5. That, in addition to its duties regarding implementation of the  
 6 Climate Action Plan, the Sustainable Tacoma Commission on Climate Change  
 7 will be responsible for overseeing, coordinating, communicating, and  
 8 encouraging public involvement regarding sustainability initiatives as are  
 9 consistent with the City's vision and definition of sustainability.  
 10

11 Section 6. That, in addition to implementing the Climate Action Plan, the  
 12 Office of Sustainability will be responsible for researching policies, establishing  
 13 sustainability goals for City government and the community, supporting  
 14 implementation, integrating values, recommending and promoting practices,  
 15 and partnering with government and businesses to advance the City's vision  
 16 and definition of sustainability within the City and the region.  
 17

18 Adopted APR 19 2011

19   
 20 \_\_\_\_\_  
 21 Mayor

21 Attest:

22   
 23 \_\_\_\_\_  
 24 City Clerk

24 Approved as to form:

25   
 26 \_\_\_\_\_  
 Deputy City Attorney



April 25, 2011

Tacoma Community & Economic Development Department  
Landmarks Preservation Commission  
Planning Commission  
Mayor Strickland  
Tacoma City Council Members

Community and Economic Development Department  
Mr. Reuben McKnight  
Historic Preservation Officer  
747 Market Street Room 1036  
Tacoma, WA. 98402  
reuben.mcknight@cityoftacoma.org

Re: Proposed Old Town Neighborhood Historic District.

The purpose of this letter is to register our objections and raise concerns to the creation of the historic district being proposed for a portion of “Old Town.” Please include this letter as part of the minutes of the public hearing scheduled for April 27, 2011 and forward an e-mail copy to each addressee. We also want to suggest that setting meeting times to a more convenient time to accommodate people who work should be addressed.

Old Town has already experienced substantial change which has improved the heart of Old Town and enhanced the feeling of an Old Town community. Old Town’s business area, which was omitted from the district, is an example of development that likely would never have happened under a historic district thereby robbing the neighbors of a community of businesses that now form the heart of Old Town’s personality. The loss of jobs and tax revenues due to the lack of this development would be significant. We have a duty to all of Tacoma’s taxpayers to avoid placing roadblocks in the way of business development that offers both jobs and tax revenues.

Encouraging economic development is a benefit to everyone, the business owner, the people the business owner employs, the surrounding business area that enjoys a stronger core of businesses and the surrounding neighbors who find more options for where they are able to shop or dine out. By limiting architectural styles

the community may lose opportunities for new architectural styles and interesting buildings, which would enhance Old Town, bring jobs during and after construction along with additional tax revenues.

What of those more recent property owners who do not share the same history of Old Town with those who want a historic district, are not willing to give up control of their properties and who feel the cost of the burden is too great? Will, those who object, be offered the ability to opt out of the historic district?

Why a historic district? How do citizens unburden themselves of a historic district overlay once in place? What is achieved that cannot be achieved by other means? Does a historic district designation price lower income citizens out of some areas? Generally, historic districts are meant to provide preservation for educational purposes by providing visual reminders of our history and to preserve properties of architectural merit for their value as beautiful objects of art.

Once locked into a historic district the properties there are forever frozen in a time warp that may be very appealing to some, but can over time create a zombie zone of expensive, decaying and unuseable artifacts. How do we know that what we today deem to be important historically will continue to be important to future generations decades from now? Is it possible that future property owners will shun such outdated and antiquated properties? Does preservation focus only on upper end neighborhoods, ignoring “working class” neighborhoods? Do the resulting districts become dominated by more expensive properties that are only available to higher income individuals? Could historic designation delay overdue replacement of worn out housing and building stocks? Allowing historic designations to be used as a vehicle to stop development for the sake of “not in my back yard” is an unwise policy. Existing building codes provide ample protection against unwelcome development.

Those who desire to maintain their properties historic character are free to do so without forcing the economic and bureaucratic burdens of a historic district onto their neighbors. Property owners, who desire to, can maintain their homes in whatever style or period they see fit. If they want others to follow their lead they are welcome to convince them of the wisdom of doing so, but the majority should not have the power to coerce the minority and enforce their historic ideals and economic burdens upon them.

The most prevalent reasons for historic districts appear to be to control development to conform to someone’s opinion of how development should proceed. Granting of such power beyond the reach of the ballot box must not be undertaken without substantial care to prevent abuses. How much economic



development will never be undertaken due to restraints and costs associated with opening a business or buying and maintaining a home in a historic district.

Property values increases are often given as a benefit of forming a historic district. The length of time for which we have data to study would suggest that sixty or seventy years of data would not be conclusive proof of the positive effects of historic districts on property values. I would suggest that the perceived increase of value for historic district properties is only for buyers who desire historic properties while such a designation deters many who find the restrictions and costs associated with such properties to be objectionable.

Those who claim higher values within a historic district should temper those claims with the knowledge that the historic district programs may only achieve those results by selecting and preserving the nicest parts of cities and then by forbidding change they deem undesirable. The other major factor affecting price is the restriction on development that limits the supply of properties in a desirable neighborhood thereby causing price increases due to lower supply. Given this selectivity, we must be careful not to generalize that the district is the reason for a positive correlation between historic district designation and higher property values.

On the other hand, forming a historic district can have the effect of lowering property values as owners and potential buyers see the forming of a district as a takings common to preservation laws where individuals suffer the costly encumbrances for the sake of positive external benefits. The historic external appearance may not have a positive affect on price when the interior conditions of the buildings are below market utility, usability standards or may contain environmental impediments making them financially unfeasible. Other negative possibilities include the acceleration of redevelopment when historic district formations are announced or if it appears that historic districts are too easy to impose, thereby potentially reducing the very stock of historic properties that the proponents were trying to preserve.

Regulation that leads to increased preservation of historic properties may stabilize or increase the stock of properties that are or may become historically significant but, the economic burden is being borne by the property owners not the admirers. Further, simply preserving more historic properties has no connection to the quality of what is being preserved.

If historic districts had been in wide spread use for the past two hundred years, a great deal of the significant historic property stocks that followed would not be available to us today. We would have been preserving the United States as it

was in the late seventeen hundreds when this country was founded. Building materials and processes have been modernized to make homes and buildings safer and more resistant to damage from weather, earthquakes, pests and other hazards. Replicating historical styles involves higher costs for materials and often the building processes are more expensive as well.

Historic Districts put controls on development, renovation and remodeling of properties in excess of lawful building and planning regulations. Citizens must contend with decisions that have no foundation in laws or regulations, but are subject to individual ideas of what is appropriate. A citizen who wishes to appeal must bear the financial burden of seeking justice and face long delays that may cause further damage if the property in questions has sustained damage that exposes it to the elements, such as pests, earthquake, water, wind or storm damage, resulting in further destruction. In this case, the property owner seeking justice carries a double economic burden. First, the cost of seeking justice and second the increased expense of the continued destruction of his property while awaiting justice.

The claim that a historic district property enjoys greater value than a similar property is only true for those few who value old and historically significant buildings. There are still a number of older homes, from the 20's, and later that may have fallen into disrepair but, not every property owner can afford bringing those properties up to some form of historic standard just to save them as a dwelling.

Old Town has long ago seen significant development and is no longer, if it ever was, a homogenous area as evidenced by carving out the commercial areas of Old Town from the proposed historic district. Old Town contains a large number of new and significantly remodeled homes and homes of various vintages as well.

When an unelected commission takes over or impairs the property rights of property owners, they can require any changes to conform to their idea of what a prior period look should be. The cost then is born by the property owner who's only option may be to sell out. Under these circumstance a person's home is no longer their castle.

Every property owner should have the right to choose whether to undertake the regulatory burdens and perceived benefits of being part of a historic district. An option for those who wish historic designation is to apply to have their properties included on either the State or National Historical register without forcing their neighbors to do likewise. Any property owner who believes they have a truly significant historic property can apply for listing to either the state or national

historical register without requiring other property owners to be impacted by their decision. Each is free to accept the burden and benefits of their choices.

The number of architecturally significant properties in Old Town is not sufficient to justify making the entire area a designated historic district. Those who wish to may go forward on their own and request that their individual properties be put on the State or National Register or more simply voluntarily maintain them as historic properties.

The commission would better serve historic properties by narrowing their focus to properties with existing or near term potential for being accepted to the state or national registry and owners desiring to submit their properties. Additionally, the council could offer a “voluntary” historical district so that those who wished to, could volunteer to join the district.

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