

REPORT OF THE TACOMA COMMUNITY WORKING GROUP ON BILLBOARDS

February 2015

(Executive Summary (1-2 PP) Not yet drafted.)

INTRODUCTION

- **Our Mission**

The Tacoma Community Working Group on Billboards (CWG) was convened by Tacoma City Manager T.C. Broadnax in September, 2014, and charged with the following mission:

...[T]to develop at least two viable alternative regulatory approaches for billboards in this community that can be forwarded for review and consideration to the City Planning Commission and City Council.

Specifically, the CWG is being asked to develop regulatory alternatives different from current city code (which is not currently being enforced per an agreement with Clear Channel), in favor of an approach that better balances the interests of all the various stakeholders.

The CWG's mission is not to render an opinion on the current code or deliberate on whether it should or should not be enforced, but rather, to develop alternatives that could, by balancing interests, potentially be a preferable alternative to current code.

Our work is advisory. In his welcoming remarks to us, Mr. Broadnax noted that City desires to resolve the disputes between Clear Channel and the City without further litigation. Mr. Broadnax made clear he expects that at the end of the process, Tacoma will still have billboards, but fewer billboards; remaining billboards will be in more appropriate locations with mitigation of negative impacts.

We were not charged with conducting a public outreach process. Nor were we asked to write "city code." We focused our work on the major parameters of billboard regulation – where billboards can be located, what they can look like (size, height, design, etc.), and how we get there from here. It is important to note that our mission excluded consideration of codes for "on-premise" signage.

Our mission required all CWG members be prepared and willing to compromise. Given the strength of opinions that many of us have regarding billboards, this was not easy. Our discussions were spirited and frank, but respectful. **But** we took seriously the need for compromise, and we believe that our recommendations reflect this. That said, we were not able to reach a recommendation on several items.

We hope this report will serve as the basis for successful negotiations between the City and Clear Channel Outdoors to resolve remaining difference between the parties without further litigation, and help the City shape a new billboard code which better reflects the balance of interests in our community on this challenging issue.

Comment [SW1]: I think it would be a good idea to start the report with 2 things:

1. a restatement of the vote that was taken to conclude our work and send this report to the City Manager. such as:

"The Tacoma Community Working Group on Billboards has reviewed this report and concludes that it accurately and effectively represents the discussions and opinions of CWG members. The CWG acknowledges that it has not been able to reach unanimity, consensus, super-majority, or simple majority support on each and every issue associated with billboards. Specific "option sets" received support from strong pluralities from which the CWG concludes the options themselves are "viable" without endorsing one option over another.

2. an opportunity for CWG members who choose to do so to (literally) sign their name to the final document

Comment [SW2]: No "but" necessary

- **CWG Membership**

Our membership is comprised of residents, businesses and property owners in Tacoma, together with two representatives from Clear Channel Outdoors (Clear Channel) (one of whom lives and works in Tacoma). Clear Channel owns nearly all the billboards in Tacoma. Our 17 members come from diverse backgrounds and brought a very wide range of opinions and perspectives to the table with respect to billboards: we were selected by the City Manager, with input from the City Council, for this very purpose. There are twelve different stakeholder groups represented on the CWG:

- Neighborhood Councils (3 seats)
- Business Districts (1 seat)
- Scenic Tacoma (2 seats)
- Historic Tacoma (1 seat)
- Commercial Real Estate (1 seat)
- City Planning Commission (1 seat)
- Clear Channel Outdoors (2 seats)
- Other Billboard Owners (1 seat)
- Port of Tacoma (1 seat)
- Advertising Industry (1 seat)
- Non-profit organizations (1 seat)
- General Community Members (2 seats)¹

Comment [T3]: We should probably footnote this that the representative also owns property with billboards.

Deleted: o

Comment [T4]: I think we should also footnote this that the non profit agency uses billboards.

¹ [The two General Community members have background or currently works in advertising.](#) A third General Community Representative had to withdraw for personal reasons after 4 meetings.

Deleted: One of the
Deleted: two General Community Representatives has a background in marketing; the other owns a firm that makes "on-premise" signs.

Each CWG member was allowed the opportunity to appoint an alternate (so long as they were residents, business or property owners in the City). There was some shifting in membership over the course of our work, as two members had to depart for personal or professional reasons, but we were fortunate to have strong participation from alternates from early in the process, so this shifting did not create significant problems.

Our work was supported by a team of staff from the City Planning Department who sat at the table with us, helped answer questions and offered observations. We also were supported by an independent facilitator. A full list of our members and the support team is included at **Attachment A**.

- **Our Process**

The CWG met 11 times, for two hours each meeting. Participation by CWG members was very strong—there were few absences. Our limited time together was supplemented by several “homework” items, and the addition of an extra meeting (we had originally planned on 10 meetings). All our meetings were open to the public but there was minimal public attendance. **All our meeting materials, and summaries of each meeting, were posted online.** As noted, we were not charged with conducting a public outreach process, understanding that this will occur as the City moves forward from here.

To begin our deliberations, we adopted a charter to guide our decision making process. It restated our mission slightly, identifying the goal “to identify at least two viable alternative regulatory approaches to billboards different from current city code that better balances the interests of all the various stakeholders.” One important “scoping” item that made our discussions considerably easier was the commitment from Clear Channel at the outset that they do not believe that digital billboards are a necessary component of a solution in Tacoma, and they would not place digital billboards on the table.

Our charter requires that this Report receive support from at least 60% of our members. Further, we identified two levels of support to guide us with respect to specific **conclusions**; a “**consensus**” position from the CWG must receive support from 80% of those voting; a “**recommendation**” level of support must receive approval of at least 60% of those voting.

We began by working to identify the range of interests and values of the CWG members, from which we immediately identified a number of areas of agreement, discussed below under the Recommendations section of this Report. Our first four meetings were otherwise largely dedicated to learning about billboards, and our last seven meetings focused on developing recommendations.

In the “learning” phase of the effort, we heard a presentation from Paula Rees, a citizen activist and long-time billboard opponent, who provided us an array of information and research finding negative impacts from billboards (safety, visual blight, negative impact on property values, etc.); information about the evolution of the advertising industry showing little growth in billboards and limited use by local advertisers; a review of how some other communities have faced similar challenges – particularly around digital proposals; and articles about Clear Channel’s corporate financial situation.

On the other side of the equation, Clear Channel gave a presentation addressing the benefits of billboards, focusing on how local businesses and nonprofits in Tacoma have benefited from them; research which found no driver safety impacts from billboards; the importance of billboards as a sector of the advertising industry; a comparison of the number of billboards in Tacoma versus other major west coast cities; noting that the vast majority of signage in cities is on-premise signage, rather than

Comment [SW5]: Add web link: <http://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=68807>

Also, note that not all documents are currently online. The most recent are from 11/17.

Comment [SW6]: use conclusions instead of “recommendations” given there is a separate distinct meaning for “recommendation level of support”

billboards; and stating Clear Channel’s interest in collaborating with the Tacoma community to find a solution that will reduce impact in neighborhoods, consolidate multiple smaller signs into larger formats, find appropriate areas for billboards in the community, and grandfather remaining signs. As part of the presentation, representatives from the Boys & Girls Club of South Puget Sound and JayRay Advertising spoke briefly to the benefit their agencies and clients have received from advertising through Clear Channel billboards.

We observed that there were many conflicts between the information we heard, but acknowledge that we did hear a full array of perspectives.

We also were briefed by State Dept. of Transportation staff regarding the overlays of federal and state regulation of billboards and how they interact with local billboard regulation. We looked at the potential impact of recent federal legislation, “MAP-21” and how that may affect local authorities’ regulation of billboards.

The City Attorney provided us a background on the history of litigation between Clear Channel and the City over billboards. Planning Department staff presented the current zoning map and provided us with details that distinguish between the various allowed uses in each of the zones. Over the course of the process, staff tracked questions from CWG members that could not be answered in meetings; staff or Clear Channel provided responses to nearly all 45 questions tracked.

Comment [SW7]: how about adding "as summarized below" (and depending on whether or not there is a more detailed appendix...)

At our sixth meeting, we elected co-chairs from among our membership: Tricia DeOme, a member of the Neighborhood Council stakeholder group, and Steve Wamback, who is on the City Planning Commission. They worked with the staff team and facilitator to help shape the remaining meeting agendas.

Our seven meetings dedicated to seeking to develop recommendations involved a combination of presentations from staff, small group discussion, full CWG discussion, voting, and reconsideration of voted outcomes. We heard presentations from Clear Channel as to which city zones were most important to them for placement of new billboards, and why. Tricia and Steve served as “small group facilitators” for several meetings—a challenging task which they ably performed.

Comment [SW8]: serves to served

Comment [SW9]: thanks, but I don't think the editorial comment is necessary in the report :-)

Comment [T10]: Agreed, we can remove this.

As noted, our discussions were spirited and frank, but respectful. We all feel that this experience has allowed us all to better understand the many points of views, concerns and positions around regulation of billboards in the City. Over the course of the deliberations, we had extensive opportunity to share our views and to hear and consider many different ideas. We reached several “consensus” recommendations and several other items received “recommendation” level support. In several cases, however, we were unable to reach recommendation level support. The conclusions in this report are presented in a way to capture these distinctions.

Comment [SW11]: how about "spirited, frank, and respectful"

We divided our search for recommendations into three basic questions, and took each of these up in turn:

1. Where – which zones – should billboards be allowed?

2. **What should billboards look like?** This question encompasses buffers, dispersal, size, height, lighting, and other design issues.
3. **How do we get there from here?**

It is important to understand that these questions are interactive: on the ground, as code is written, they all combine together to allow, or not allow, something to happen. Therefore, it is important not to look at the results of our agreement on the first question in particular without also considering our input on the other questions: to do so would be to misinterpret the results.]

Comment [SW12]: excellent point. I wonder if we should somehow highlight (literally with bold text or all caps)

Comment [T13]: Agreed

RECENT HISTORY – AND WHERE WE ARE TODAY

Billboard regulations has been a highly contentious issue in Tacoma for decades. Although the CWG was expressly "not charged with rendering an opinion on current city codes or deliberating whether that code should be enforced", understanding how Tacoma, its citizens, billboard owners and advertisers arrived at this point is necessary. It is helpful to set the context for our discussions with a very brief recap of recent history and the current billboard situation in Tacoma.]

Comment [SW14]: a transition sentence such as the one in pink might be useful. The following sentence "it is helpful" would need some tweaking

The City first adopted comprehensive billboard regulations in 1988, which sought to limit the number of billboards to those in place in April of that year, ban billboards from all parts of the City excepting Industrial and some commercial zones, and adopt other regulations. That code was significantly revised in 1997, further reducing the maximum number of billboards allowed under code, making many existing billboards nonconforming, and adopting an amortization period for removing nonconforming billboards or bringing them into compliance with code. The amortization provisions required removal of the billboards and billboard structures, at the cost of the owner, after a period of time (10 years). The rationale behind amortization was that the owner of the billboard structure would have been able to fully recoup its capital investment in the structure over the course of a decade.] In 2005, Clear Channel purchased the Tacoma billboard holdings of Ackerley Communications; since that time, they have owned nearly all billboards in the City.

Comment [SW15]: I think we need something on amortization here... not much, just a little.

Comment [SW16]: two "e"s in Ackerley

When, in 2007, the City sought to enforce the 1997 code amortization provisions, Clear Channel Outdoors sued, leading to a Settlement Agreement in 2010. The 2010 Settlement Agreement recognized CCO's vested rights in its conforming and legally nonconforming signs and relocation permits and included an exchange program that would allow digital billboards. After community opposition to digital billboards, the City did not pass a digital ordinance as contemplated by the Settlement Agreement, but instead passed the 2012 code, which revived the prior 10-year amortization provision as a way to reduce the number of billboards, banned digital billboards, expanded buffer and dispersal requirements, and instituted a number of design requirements. The City then filed a declaratory judgment action asking the Court to declare that the Settlement Agreement was not binding. In response, CCO countersued the City over the 2012 code, which led to the current Standstill Agreement.

Per the Standstill Agreement, the 2012 code remains in place, but is not enforced: the 1997 code applies, except the amortization provisions are not enforced. Under the 2012 code, all but three of the current 311 billboard faces in the City are nonconforming, most for multiple reasons. Nearly ninety

percent of the billboards do not comply with the buffer requirements in the current code. The evolution of these various codes and the litigation are summarized at **Tables 1 and 2**.

A word should be said about the amortization issue, which has been a focus for the litigation and was the subject of some contention in our discussions. The City Attorney made clear to us that the City believes that amortization is a valid regulatory approach (having included it in the 1997 and 2012 codes); however, the City expects that if the code retains an amortization provision and the City seeks to enforce it, then, based on history, there will continue to be legal challenges from CCO on the validity of this approach and/or the amount of compensation owed CCO. CCO disagrees with the City's legal position. Both the City and CCO agree that an alternative to amortization should be found—as contemplated in the 2012 Standstill Agreement. Specifically, the parties agreed in that agreement to look for some sort of exchange mechanism and recognition of property rights of existing billboards.

Since the CWG itself approved a charter which called for "alternative regulatory approaches different from current city code", the question as to whether or not amortization should, or should not, be included in regulation is moot for purposes of this report. A few of the CWG members believe that the City should again pursue amortization to secure removal of billboards. Some believe that this is the beginning and end of the discussion since seventeen years have passed since 1997 and that 308 billboard faces are no longer "legal and non-conforming", but illegal and subject to immediate removal. Others believe that either the City's legal position is untenable or that amortization is not a valid or appropriate mechanism. Our report recognizes this significant difference of opinion. **Votes for or against this report do not, in any way, signify support or opposition to the issue of amortization. CWG members who vote to endorse this report may continue to simultaneously endorse amortization, and vice versa.**]

Over the course of the past several years, the billboard "face" count in the City has in fact come down substantially. City records indicate that in 2007, there were 422 billboard faces in Tacoma. Today, there are 311 billboard faces—a 26.3% reduction. Clear Channel has removed all of the billboards specified in the Settlement Agreement and Standstill Agreement, and an additional 36 billboard faces.]

Where are the remaining billboards? They are present in most land-use zones, primarily along major arterials and state highways. Approximately one third of them are in zones that have, essentially since 1988, prohibited billboards. The billboard count *by zone* today in Tacoma is presented at **Attachment B**.

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Comment [SW17]: Something like the additions in pink may both further explain amortization, the history, and the challenge, and may also allow the final report to gather additional support

Comment [T18]: Agree this a necessary addition and maybe should be included in the conclusions and the executive summary.

Comment [T19]: Per my email I sent about the list of removed billboards. Has the City confirmed their removal. If not, I am not sure if we should include the additional 36 removed in the report until they have been confirmed.

Table 1: Evolution of Billboard Regulations in Tacoma²

Item	Current Code	1997 Code/1988 Code if different
Zones	Billboards (BB) permitted in C-1, C-2, M-1, M-2, PMI zones	Permitted in C-1, C-2, C-3, B, M-2, M-1, PMI/ <i>Zone names were different; territory covered approximately the same</i>
Design	2 faces per structure, max	Not addressed
	Faces must be back to back w/in 5 degrees of perpendicular with road.	Not addressed
	No offset or cantilevered construction of structure	Not addressed
	May not project above adjacent building	Not addressed
	No rooftop construction	Same as current code
	Must have facing to cover back bracing and framework	Same as current code.
	Max 10 foot setback from street	Not addressed
No new BB if existing on-site pole sign	Not addressed	
Landscaping	<ul style="list-style-type: none"> Screen base of support from pedestrian view. Alteration of street trees requires prior city approval 	Not addressed
Lighting	<ul style="list-style-type: none"> Must be directed toward sign and use cut-off shield. Internal illumination prohibited. 	Indirect or internal lighting only, no flashing signs
Digital Signs	Prohibited	Not addressed
Height	30 ft. , except 45 feet in PMI	Same as current code (PMI used to be M-3)/ 35 ft., except 45 ft. in M-3
Size	300 sf max. (no "Premier" or "Bulletin" sizes allowed). Cut outs and extensions may add 20%	<ul style="list-style-type: none"> Same as current code/672 sq. ft. max with face max of 25 ft. tall and 50 ft. wide Faces over 300 sq. ft. must locate on arterials with 2 lanes going each way.
Dispersal	<ul style="list-style-type: none"> 500 ft. minimum between BB structures 	<ul style="list-style-type: none"> Minimum of 100 feet between BB structures. Max 4 faces on 2 structures within 1000/660 ft. Must have 300 ft. of proper zone to locate BB on that side of street, 600 ft. for second BB. Property across street must also be zoned to permit BB.
Buffering	No billboard within 500 ft. of: <ul style="list-style-type: none"> residential, mixed use or shoreline districts. special use areas (schools, churches, public open space, playgrounds, parks, historic and conservation districts, registered historic properties) 	<ul style="list-style-type: none"> Not w/in 250/100 ft. of residential district. Not allowed w/in 250/100 ft. of special use areas (same list as under current code) Shoreline setback requirement same as current code (375/150 ft.)

Comment [T20]: Billboards are not permitted in C-1 per the current code
Deleted: C

² Information prepared by City Planning Department.

Table 2: Enforcement Mechanisms in Code and Related Litigation

<p>1997 Code</p>
<ul style="list-style-type: none"> • 10 year amortization of all non-conforming billboards (by 8.1.07) added. Thereafter, nonconforming billboards would be required to be removed by owner w/o compensation from City. • Could exchange 2 or more smaller signs to make a conforming sign elsewhere. • Could move non-conforming billboards to conforming locations before end of amortization period.
<p>The 2010 Settlement Agreement</p>
<ul style="list-style-type: none"> • Remove 54 faces (and related structures), locations identified, and in exchange CCO may build 10 digital BB. • Thereafter, for every 1 digital billboard, CCO will relinquish/move 15 other permits and/or faces (at least 5 faces must be removed for each sign). • After all relocation permits traded in, CCO must remove 8 faces in exchange for 1 digital structure. • In addition, CCO will remove 25 faces in the next 5 years regardless, selected at CCO discretion.
<p>2012 Code</p>
<ul style="list-style-type: none"> • Relocation permits (to move non-conforming signs to approved areas) expired 9.1.12. None allowed in future. • Amortization period for <i>existing</i> non-conforming BB ends 3.1.12. BB must be removed thereafter without compensation. • <i>Future code changes</i> making BB non-conforming: 10 year amortization to remove BB or make it conforming.
<p>Standstill Agreement (2012)</p>
<ul style="list-style-type: none"> • Litigation dismissed without prejudice. • 1997 code applies for now, except amortization provisions. • Parties will confer to find a permanent solution. Focus will be on <u>sign consolidation</u> to remove specific signs in exchange for bulletin sized static BB in mutually agreeable areas, and vested rights for existing BB. • Lawsuit may be reinstated if issues not resolved by deadline of August 15, 2014. Deadline subsequently extended by the parties for 1- year --- through August 15, 2015. • CCO relinquishes all 183 relocation permits. • CCO removes 31 specified BB faces (including structures). These removed billboards count towards any consolidation plan ultimately executed between the City and CCO to resolve the lawsuit. • CCO performs repair on 18 specified BB. <p>The CWG has been created as the first phase of the attempt to find a “consolidation plan” acceptable to both parties.</p>

RECOMMENDATIONS

This section of the Report presents our recommendations and describes the process used to reach an agreement – or not. As noted, we agreed in our CWG Charter to have two levels of **recommendation** – **consensus** (80% of the CWG members voting support the item), and **recommendation** (60% of the CWG members voting support the item). These distinctions are noted throughout the report.

Code items are interactive, in the sense that they are deployed in combination. Our deliberations took each issue up individually. Thus, while we may have consensus on placing billboards in certain zones, that agreement is *subject to other code conditions* – buffers, height, size, dispersal, etc. (thus, it is not correct to conclude that the CWG supports a “no holds barred” approach in “billboards allowed zones.” In fact, the CWG found it very difficult to reach agreement on those other code conditions.)

For example, we do not have a recommendation on a specific buffer or dispersal requirement for any zone; instead, we present “*aggregated votes*” on those issues: *60% or more CWG members agreed on “X or less.”* On size or height limitations, we have only 1 recommendation out of eight votes taken. In sum, for any “billboards allowed” zone, we were in many cases unable to reach a recommendation level of agreement on the other specific terms necessary to craft code: different members had very different opinions on how billboards should be allowed to be placed in “billboards allowed zones.”

The nature of the discussions and results are presented in the body of the report. These results are then combined in a single matrix at **Attachment C** and presented as a set of **3 different options**:

- **Option “A”** includes the items that received either Consensus Level support, Recommendation Level Support, or 60% “aggregated vote” level of support. For each aggregated vote (AV) it is important to understand that some of the 60% of members whose votes are aggregated in fact voted for smaller buffers or dispersal than the threshold number presented.
- **Option B** – alternatives typically receiving support from less than 50% of CWG members – generally reflecting the views of representatives from the Neighborhood Councils, Scenic Tacoma and Historic Tacoma.
- **Option C** – again, alternatives typically receiving support from less than 50% of CWG members, generally reflecting the views of billboard owners and CWG members favorable towards the siting of billboards and easing of billboard regulatory requirements.

- **Common Interests and Values**

We began with the search for common interests and values. Based on a survey and follow up discussion of the CWG, these are presented in **Table 3**.

Comment [SW21]: I have few comments on this section since it was already heavily influenced in its structure by comments I made in recent phone calls.

Comment [T22]: Per Steve’s other question, this should be labeled something else not to be confused with Recommendation (60%) or change the Recommendation (60%) verbiage or everytime you say recommendation you add 60% (like above) and everytime you say consensus your say (80%)

Comment [SW23]: support? conclusion?

Comment [SW24]: good point!

Comment [SW25]: here is where I think we need a more detailed definition of “aggregated votes” with a table and example... we need to report that the aggregation started with counting votes from the least restrictive option presented and included votes attached to subsequently more restrictive conditions until a range of conditions with 60% support could be identified.

I guess we should also clarify that the “aggregated votes” are therefore presented as more for information than anything else.

Comment [SW26]: isn’t this the “body of the report”?

Table 3: Shared CWG Interests and Values

<p>Shared Interests and Values: <i>Consensus Level</i></p> <ul style="list-style-type: none"> • Being able to enjoy views of the water and/or mountains from my home (100%) • Establishing a regulatory framework for billboards that balances interests of all stakeholder groups (80%) • Having a clear set of billboard regulations so that everyone understands the rules (80%) • Providing a pleasant, attractive City environment. (80%)
<p>Shared Interests and Values: <i>Recommendation Level</i></p> <ul style="list-style-type: none"> • Promoting a positive business climate (60%) • Reducing safety risks from billboards (60%) • Helping the City avoid costly litigation (60%) • Having attractive streetscapes (60%) • Curtailing over regulation (60%) • Ensuring regulatory costs paid for by those being regulated (60%)

It was helpful for us to be able to identify that there are in fact shared values across CWG members with very diverse backgrounds. Basically, this exercise helped us build a foundation of understanding from which to proceed.

• **Question 1: Where – Which Zones -- Should Billboard Be Allowed?**

We began our work by starting with the most basic question: *in which zones of the City should billboards potentially be allowed?* The current code (adopted in 2012, not now being enforced per the Standstill Agreement), is similar to the 1997 code and 1988 code before it: it allows billboards solely in **Industrial Zones (M-1, M-2, PMI)** and some **Commercial Zones (specifically, C-2)**.³ Some 62% of existing billboards are in these four zones.

Comment [T27]: Only C-1

We divided up into two smaller discussion groups for this issue. Each subgroup included a broad range of stakeholder interests on the CWG – from strong billboard opponents to Clear Channel representatives. (Mathematical precision in composing the subgroups was not possible, with 17 members and many stakeholder groups having only one representative). We worked from staff information as to the current billboard count in each zone, and results of a homework exercise where

³ See Attachment B for a summary description of these zones and Table 1 for how code has changed over time.

each CWG member was able to vote on whether they thought it was potentially appropriate to allow billboards in each City land use zone and overlay district. After discussion in the small groups, we again voted. The results between the two subgroups were nearly identical and are presented in **Tables 3, 4 and 5** below.

The CWG recommendations would expand the number of allowable zones for billboards in the City from four (4) to eleven (11) – *subject to other code conditions being acceptable. A number of CWG members noted that there would not be support for the additional zones if the buffer, dispersal, and sign size and type conditions were not conservative.*

Comment [T28]: I think this needs to be more clear.

The CWG also identified a set of zones where it is a priority to **remove** existing billboards. For the few zones where the CWG does **not** have a recommendation, alternatives are presented in the Recommendations Matrix (**Attachment C**) under Options B and C.

If the CWG recommendations were adopted, about 78% of the billboards would be in “Billboards Allowed” zones. **However, other code requirements are also critically important.** Even if the CWG recommendations on zones are adopted into code, this action alone will have little or no impact on the situation: *308 of 311 billboards would remain nonconforming for other reasons* – those other reasons are focus of the next section of this Report.

**Table 3:
Zones Where it is a Priority to Remove Billboards and Ensure No New Billboards are Installed**

C/R*	Zone	Current Billboard Face Count	Notes
C	All “R” Residential Districts	3	2 in R-2; 1 in R-4
C	SD -- All Shoreline districts	4	
C	RCK (Residential mixed use)	1	
C	VSD View Sensitive Overlay District	0	
C	HIST Historical Special Review Overlay District	0	
C	NRX Neighborhood Residential Mixed-Use	0	
C	URX Urban Residential Mixed Use District	0	
R	DR (Downtown Residential)	10	This is a High priority area for CCO to locate new billboards
R	CONS Conservation Overlay District	5	
R	HMX Hospital Medical Mixed Use District	0	
	Total Current Billboard Face Count in these Zones	23	

*“C” denotes a **consensus item**; “R” denotes **recommendation** level support. On this table, the results from the two discussion groups are combined into a single support level, based on reported votes.

Table 4: Zones Where Billboards Should Be Allowed

Tier 1: Zones where there is consensus from CWG to allow Billboards				
C/R*	Zone	Current Billboard Face Count	Notes	
C/C	C-2 General Community Commercial District	103	Consistent with current code.	
C/C	M-1 Light Industrial District	52	Consistent with current code.	
C/C	M-2 Heavy Industrial District	29	Consistent with current code.	
C/C	PMI Port Maritime and Industrial District	10	Consistent with current code.	
C/C	PDB Planned Development Business District	0		
C/C	UCX Urban Center Mixed Use District	2	Consensus support subject to other code requirements	
C/C	CIX Commercial Industrial Mixed Use District	4	Consensus support subject to other code requirements	
Total billboard faces in Tier 1 zones:		200		
Tier 2: Zones where there is <u>recommendation level support</u> to allow billboards (for these zones, 1 discussion group supported billboards at a consensus level, but the other was at a recommendation level; in the WR zone, both groups were at recommendation level)				
C/R	DCC Downtown Commercial Core	5	Priority for Clear Channel to place billboards in this zone. Consensus support subject to other code requirements	
C/R	DMU Downtown Mixed Use District	5	Consensus support subject to other code requirements	
C/R	CCX Community Commercial Mixed-Use District	14	Consensus support subject to other code requirements	
R/R	WR Warehouse Residential	18	Priority for Clear Channel to place billboards in this zone. Consensus support subject to other code requirements	

	Total billboard faces in Tier 2 zones	42	
	Combined total billboard faces, Tiers 1 and 2:	242	

*"C" denotes a consensus item; "R" denotes recommendation level support. On this table, the results from the two discussion groups are both presented. E.g., "C/C" means both groups had consensus level support; C/R means one group had consensus agreement, the other only recommendation level agreement.

Table 5:
Zones Where There is No CWG Recommendation on Whether Billboards Should be Allowed

Zone	Current Billboard Face Count	Notes
C-1 General Neighborhood Commercial	4	One subgroup was in unanimous agreement that there should be no new billboards here and preferred to remove them. Clear Channel indicated this is a <i>low-priority area</i> for them. The other subgroup would allow billboards in these areas, subject to consideration for residential impacts.
T Transitional District	10	One subgroup would allow billboards in this zone, the other was strongly divided for and against.
NCX Neighborhood Commercial Mixed-Use	37	Priority area for Clear Channel to place billboards. Both subgroups were deeply divided on whether billboards should be allowed in this zone.
Total	51	
<p>Additional notes: Overlay districts that, as the name suggests, overlap existing zones. For two of these, the CWG determined that the overlay classification was not relevant to billboards and that the billboards should be allowed, or not, based on <u>underlying zoning</u>. These two districts are:</p> <p>ST-M/IC South Tacoma Manufacturing/ Industrial Center Overlay District</p> <p>STGPD South Tacoma Groundwater Protection District</p>		

Comment [T29]: This seems weird in this table. We all agreed that these overlays should refer to underlying zoning and this table is about disagreement. Maybe put it before the tables in the text.

Comment [T30]: I think we should make a note that the results sometimes do not match (for example industrial buffer from residential is 100-feet, but the from other mixed us it is 250-feet. then include the results from meeting 11 about the general priority (residential, mixed use, commercial, etc). we should also discuss that the voting was done by raising hands with little discussion because of time. That if the group members had time to engage in more robust debate the outcome may have been different. Which is why you are presenting the multiple options

- **Question 2: What Should Billboards Look Like? (Buffers, Dispersal Size, Height, Lighting, Design Issues)**

As noted, only 3 of the 311 billboard faces in the City meet current code. According to City staff analysis, the main reasons that billboards do not conform to current code are because of buffer, dispersal, size, height and other design code requirements. And, most billboards are nonconforming for

multiple reasons. **Table 6** summarizes staff research on this issue (See **Attachment C** for an expanded table).

Table 6:
Non-Conforming Billboard Faces – Percentages Failing Various Types of Code Provisions, Excluding Zoning District

Type of Code Provision	Percentage of Billboards Failing to Meet This Type of Code Provision
Buffers	85%
Design (other than size, height, lighting)	71%
Dispersal	65%
Height (over 30 ft.)	47%
Size	10%
Maintenance (rust, no backing, graffiti)	23%

Comment [T31]: I don't see this in the billboard table except of "not backing". Rust and graffiti are temporary and unless the City has done a survey of all the billboards the week before this report, we should just say no backing.

In other words, making "space" for billboards in Tacoma's code requires an adjustment of these types of provisions. Simply amending the list of allowable "zones" is necessary, but not sufficient, to make a noticeable change in the outcome.

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The CWG grappled with how these provisions may be changed and found it challenging to reach consensus. The issues were divided up and a range of options were considered for each. Votes were tallied, discussed and amended. For simplicity, the zones -- "**Billboards Allowed**" Zones -- were divided up into their four general categories. Design issues were taken up by these categories.

Table 7:
CWG Recommended "Billboards Allowed" Zones, by Land Use Category

<u>Industrial Zones</u> M-1, M2, PMI	<u>Mixed Use Zones</u> CCX, UCX, CIX
<u>Commercial Zones</u> C-2, PDB	<u>Downtown Zones</u> DCC, DMU, WR

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In each of the four "Billboards Allowed" categories, the CWG members discussed and voted on a series of questions, summarized in **Table 8**.

Table 8: "Question 2 Exercise" Issues

<p>Buffers What is the minimum size of a buffer that CWG members would support between billboards in each "Billboards Allowed" category and other zones/uses, specifically:</p> <ul style="list-style-type: none"> • R-Zones • Other "No Billboard Zones" (DR, RCX, NRX, URX, HMX, Shoreline Zones; and VSD, HIST and CONS overlay zones)

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- **Special Uses.** In current code, these include: schools, churches, public open space, playgrounds, parks, historic and conservation districts, registered historic properties.
- In each case, **buffers of 500 ft., 300 ft., 250 ft. 100 ft. 50 ft. and 0 ft.** were considered.

Dispersion

How much distance should be required between billboards in each zone category of zones?

- Dispersion requirements of **500 ft. 400 ft., 300 ft., 200 ft., 100 ft., 50 ft. and 0 ft.** were considered
- **Would smaller dispersion requirements be acceptable if billboards were not allowed within 300 ft. of an intersection?**

Lighting

In this category, the group considered a proposal from a CWG member (not a Clear Channel representative): *Allow regulated digital billboards in "Billboard Allowed" Zones, so long as the display doesn't flash or spin and brightness is controlled to something less than that allowed for static billboards.*

Size

What is the maximum size of billboard that should be allowed in each "Billboards Allowed" category? Options considered included **300 sq. ft.** (current code, roughly consistent with what the billboard industry refers to as "Poster size"); **378 sq. ft.** ("Premier Size"), and **672 sq. ft.** ("Bulletin Size").

Height

What is the maximum height of billboards (including structure) that should be allowed in each "Billboards Allowed Category"? Options considered include **30 ft.** (current code); **35 ft.** (prior code); and **greater than 35 ft.** (only permitted under current code in the PMI zone).

Design

Which of the several design code factors, not in any category above, should be retained in code, and which should be removed from code? These are varied requirements, for example, "no more than 2 billboard faces per structure."

Comment [SW32]: since this issue received about zero traction, should it even be included?

Comment [T33]: agreed

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At Meeting 8, the two subgroups discussed design issues at length, and began working on buffers. At Meeting 9, the group was convened as a whole and voted on all the remaining items. Then, at Meeting 10, the group reviewed the voting results, reviewed the City's initial analysis of what these results would mean on the ground. To support this review, City Planning staff developed two different sets of large scale City maps, showing the results of the two main CWG preference sets for buffers and dispersion. The group considered and approved a number of potential adjustments.

Comment [T34]:

The final results are as follows:

- **Buffers:**

Consensus support to reduce all buffers but no consensus or recommendation on a specific level of buffer.

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When looking at *aggregated vote (the level at which 60% of CWG members voted “X or less”)*:

- **R Zone Buffers:** For billboards in *industrial zones* 60% or more of the CWG members voting support buffers of **100 feet or less** from *residential (R) zones*. In *commercial and mixed use “billboards allowed” zones*, 60% support buffers of **250 ft. or less**. In *downtown zones*, the CWG was split between supporting buffers of **300 ft. or more**, or **250 ft. or less** from R-zones (e.g., no recommendation).
- **“No Billboard Zone Buffers”:** For BB in *Industrial zones*, 60 % of the CWG voted to support buffers of **250 ft. or less**; for Billboards in *Mixed Use and Downtown zones*, over 80% supported buffers of **300 ft. or less**. In *Commercial Zones*, 60% supported buffers of **250 ft. or less**.
- **Special Use Buffers:** 60% or more of the CWG members voting supported buffers of **250 feet or less** for Special Uses in *Industrial zones and Downtown zones*, and buffers of **100 ft. or less** in *Mixed Use and Commercial “billboards allowed” zones*.

Comment [T35]: Personally I think we should not just present the AV in the report. We should present all the options instead of having them in the appendix. If we don't do it that way, then we should at least not present the same thing in the text and in a table. Table 9 says the exact same thing as the text above.

Table 9 shows the aggregate votes on buffers – the minimum buffer size at which a 60% vote was reached. Several CWG members voted for smaller buffers in all cases.

Table 9: Minimum Buffers – Aggregated 60% Support Threshold.

Buffer distance from a billboard in zone below to adjacent zone (to right).	R zones	“No billboard Zones” *	Special Uses
Industrial (M-1, M-2, PMI)	100 ft. or less	250 ft. or less	250 ft. or less
Mixed Use (CCX, UCX, CIX)	250 ft. or less	300 ft. or less	100 ft. or less
Commercial Zones (C-2, PDB)	250 ft. or less	250 ft. or less	100 ft. or less
Downtown Zones (DCC, DMU, WR)	300 ft. or less	300 ft. or less	250 ft. or less

*All shoreline districts, DR, RCX, VSD, HIST, CONS, NRX, URX, HMX

Because no agreement level was reached on specific buffers sizes, it is important to look at Options B and C in Attachment C to understand where the various interests coalesced.

Comment [T36]: See note above about bringing the options in the text.

○ **Dispersal:**

There is consensus support to reduce dispersal requirements in all zones, but, as with buffers, there was no consensus on a specific dispersal number.

When looking at *aggregated vote (all those voting for “X or less”)*:

- a. In *Industrial zones*: 80% of the members supported dispersal at **200 ft. or less**.

⁴ Include M-1, M-2, PMI, CCX, UCX, CIX, C-2, PDB, DCC, DMU, WR.

- b. In **Mixed Use zones CCX and UXC** the group is split between dispersal of 300 ft. or more, or 100 ft. or less. (no recommendation), but in the **CIX zone**, there is over 60% support for dispersal of **200 ft. or less**.
- c. In **Commercial zones and downtown zones**, the group is again split, between dispersal of 300 ft. or more or 200 ft. or less. (no recommendation).

Because no agreement level was reached on specific dispersal recommendations, it is important to look at Options B and C in Attachment C to understand where the various interests coalesced.

- o **Sign Size:**

There is **recommendation level** support to **increase** the size of billboards in industrial zones. Other than that, the group was split: **there is no recommendation from the CWG on sign sizes in any zone except industrial zones**. Votes were not aggregated, since the group was so evenly split between 3 options.

- o **Lighting:**

The group **recommends against allowing digital billboards** in the City. (Note: Clear Channel reps did not vote on this issue).

- o **Height:**

The group was split on height. **There is no recommendation from the CWG on the height of billboards in any zone**. Votes were not aggregated, since the group was so evenly split between 3 options.

Table 10 summarizes the outcomes on dispersal, size and height. Again, it is important to review Options B and C in Attachment C to understand where the various interest groups converged on these issues.

Table 10: 60% Aggregate votes reached on dispersal; results on Size and Height

Yellow shaded cells show cases where no recommendation was reached.

	Dispersal (distance between BB)	Size	Height
Industrial (M-1, M-2, PMI)	200 ft. <u>or less</u>	672 sq. ft.	Group is split

Mixed Use (CCX, UXC)	300 ft. <u>or less</u>	Group is split	Group is split
Mixed Use CIX	200 ft. <u>or less</u>	Group is split	Group is split
Commercial Zones (C-2, PDB)	Group is split: 300 ft. <u>or more</u> v. 200 ft. <u>or less.</u>	Group is split	Group is split
Downtown Zones (DCC, DMU, WR)	Group is split: 300 ft. <u>or more</u> v. 200 ft. <u>or less.</u>	Group is split	Group is split

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o Other Design Issues:

The results of CWG deliberations over other design issues are presented in Table 11.

Table 11: CWG Recommendations on Other Design Issues

The CWG reached consensus that City code should <u>retain</u> these requirements:
Billboard faces must be back to back.
No rooftop construction
Must have facing to cover back bracing and framework
The CWG reached consensus that it is <u>not important</u> to retain these requirements:
Faces must be w/in 5 degrees of perpendicular with road.
No offset or cantilevered construction of structure
May not project above adjacent building
Maximum 10 foot setback from street
Screen base of support from pedestrian view. Alteration of street trees requires prior city approval
The CWG is divided (no recommendation) on whether these items are important to retain in code:
2 billboard faces per structure, max
May not install a BB structure or onsite signage structure on a parcel/property where either such type of structure is already present.
Alternate Concepts: The CWG supports the following idea:
Billboards in DCC, DMU, and WR should be wall signs (not freestanding) that do not

Comment [T37]: Please check notes again. I am pretty sure there was not consensus to allow billboards to hang over buildings.

Comment [T38]: Please check these votes again. We had a consensus in our group to make only 2 faces per sign.

Comment [T39]: Group is split for billboards in C1

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block windows or historic architecture features

Comment [T40]: Add "and be limited to the buffer, dispersal, height and size requirements of the zoning"

In sum, while there is strong support to reduce buffers and dispersal, however the CWG is divided on specific levels. The CWG did not reach any recommendations as to size or height of billboards, except to recommend 672 sq. ft. size limits for billboards in industrial zones. The CWG did reach recommendations on several other design code issues. "

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• **What do the options mean on the ground for billboards?**

??? [A couple paragraphs summarizing whatever John's sets of maps show us and how the CWG reacts to this.]

• **Question 3: How do we get "there" from "here"?**

While the work on questions 1 and 2 helps define alternate visions for how billboards may be more appropriately sited and mitigated, the question of transitioning towards that vision is also critical. The City's historical approach – requiring a 10 year amortization of nonconforming billboards – has been perhaps the primary reason for the history of litigation with Clear Channel. For this reason, the Standstill Agreement notes that the focus between the parties moving forwards will be on consolidation of existing billboards into fewer, bulletin size signs, with credit for the removal of signs listed in the Standstill Agreement (which have all been removed by Clear Channel). Consistent with this, the CWG focused on considering types of transition mechanisms *other than amortization*, although a multiple members think a amortization remains the appropriate path.

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[Insert results of Homework as modified by Group discussion at Meeting 10]

Comment [SW41]: I think the best we're going to achieve here are "generally speaking" types of comments. Maybe I'll be proven wrong, but not holding out a lot of hope.

• **Issues Not Addressed by Our Recommendations**

In our limited time together, the CWG was not able to grapple with all issues relevant to adjusting the City's billboard code. A partial list of these includes:

- Pending state regulations on how to implement federal law known as "MAP-21" which may or may not impact the City's ability to regulate billboards along "principal arterials."
- ...
- ...

CONCLUSION

Finding a sustainable middle ground between the interests of the community and Clear Channel has thus far eluded Tacoma. It may again. But we would observe a few things about this challenge.

- A set of shared interests around this issue can serve as guideposts. We were able to identify several such interests.
- A sustainable solution must address the strong desires of the neighborhood representatives and others for removal of billboards from particularly sensitive areas, protect views from residential neighborhoods, mitigate other impacts as practicable, and [ensure the number of billboards and total square footage of billboard faces is reduced from that present today]. {TBD based on homework results}
- A sustainable solution must also afford Clear Channel –and potentially other billboard companies – a reasonable opportunity to continue to operate in the City. There must be locations where billboards can be placed that will be of real economic value to Clear Channel.
- The most contentious issues in our deliberations revolved around a few core issues:
 - The placement of billboards in some of the City’s Mixed Use Zones that have or are intended to have a strong residential component.
 - The size of buffers that should be put in place between Residential, some Mixed Use Zones (residential in nature), special uses and billboards.
 - The amount of dispersal that should be required between billboards.
 - What size signs should be allowed outside of industrial areas.
 - What height signs should be allowed.
- Despite our inability to reach a recommendation on all issues, we believe a sustainable compromise solution is possible if the City and Clear Channel continue forward in the spirit of compromise.

We would be pleased to discuss our recommendations with the City Manager, Council and Planning Commission. We would also welcome the chance to be reconvened in six months to hear about progress in taking our recommendations to the next level of a binding resolution and code revisions.

We thank the City Manager for convening this Community Working Group, and for the opportunity to provide our recommendations to him, the City Council, Planning Commission and the greater Tacoma community. We extend our particular thanks to the staff team from the City for their tremendous assistance throughout this effort.

List of Attachments:

Attachment A: CWG Membership and Support Team

Attachment B: Billboard Count by Zone in Tacoma as of January 2015

Attachment C: CWG Recommendations

Attachment D: Reasons Why Billboards are Nonconforming Under Current Code