

### Question 3: How do We Get There From Here?

Once the CWG has a vision (or visions) charted on where billboards should be allowed and what they should look like, we need to find some mechanisms to transition from what is on the ground today towards that vision.

What are the **most effective/appropriate mechanisms** that will enable the community to accomplish:

**(1) a reduction in the total number of billboards in the city**

**(2) removal billboards from areas where it is the highest priority to do so?**

#### The City Code

Since 1997, the City's primary mechanism to reduce the number of billboards has been to require amortization of nonconforming billboards – removal of the structures, at the cost of the owner, without compensation, after a period of time (10 years). CCO sued the City over the amortization provision in the 1997 code which led to the 2010 Settlement Agreement. After community opposition to digital billboards authorized in the Settlement Agreement, the City adopted the 2012 code, which again included a 10-year amortization provision (and other changes). CCO sued the City over the 2012 code, which led to the current Standstill Agreement. Key parameters are summarized in the table below:

<b>1997 Code</b>
<ul style="list-style-type: none"> <li>• 10 year amortization of all non-conforming billboards (by 8.1.07). Thereafter, nonconforming billboards would be required to be removed by owner w/o compensation from city.</li> <li>• Could exchange 2 or more smaller signs to make a conforming sign elsewhere.</li> <li>• Could move nonconforming billboards to conforming locations before end of amortization period.</li> </ul>
<b>The 2010 Settlement Agreement</b>
<ul style="list-style-type: none"> <li>• Remove 54 faces (and related structures), locations identified, and in exchange CCO may build 10 digital BB.</li> <li>• 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).</li> <li>• After all relocation permits traded in, CCO must remove 8 faces in exchange for 1 digital structure.</li> <li>• In addition, CCO will remove 25 faces in the next 5 years regardless, selected at CCO discretion</li> </ul>
<b>2012 Code</b>
<ul style="list-style-type: none"> <li>• Relocation permits (to move nonconforming signs to approved areas) expired 9.1.12. None allowed in future.</li> <li>• Amortization period for <i>existing</i> nonconforming BB ends 3.1.12. BB must be removed thereafter.</li> <li>• <i>Future code changes</i> making BB nonconforming: 10 year amortization to remove BB or make it conforming.</li> </ul>

### Standstill Agreement (2012)

- Litigation dismissed without prejudice.
- 1997 code applies for now, except amortization provisions.
- Parties will confer to find a permanent solution. Focus will be on sign consolidation 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 relocation permits.
- CCO removes 31 specified BB (face and structure)
- CCO performs repair on 18 specified BB.

**The CWG has been created as the first phase of the attempt to find a permanent solution.**

Consistent with the history summarized above, CCO has stated in earlier CWG meetings that they do not believe amortization to be a valid regulatory approach and view it as an impermissible taking of property.

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 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 valuation of billboards to be removed.

Both the City and CCO agree that an alternative to amortization should be found—as stated in the standstill agreement. Specifically, the parties determined to look for some sort of exchange mechanism and recognition of property rights of existing billboards.

### Exchange Mechanisms

Per CCO, what they are most typically seeing in other communities desiring to reduce the number of billboards through a settlement rather than litigation is an exchange of removing static billboards in exchange for being allowed to construct digital billboards. Again, digital billboards are not being requested by CCO here. (See also recent L.A. Times Article – this includes reference to LA and some other cities developing exchange mechanisms around digital billboards.)

***Potential factors....could mix and match and add other factors into one or more exchange options...***

AREA:	<p><b>X</b> Number of faces removed from “High Value Removal Areas” in exchange for <b>Y</b> number of faces being moved to a “Receiving Area”</p> <ul style="list-style-type: none"> <li>• The ratio might be different depending on the “value” to the community and CCO of the Removal Area and Receiving Area.</li> </ul>
SIZE:	<p><b>X</b> number of smaller faces being removed in exchange for a larger face being allowed somewhere else</p> <p style="text-align: center;"><i>OR</i></p> <p><b>X</b> number of smaller faces being allowed in exchange for a larger face being removed</p>

## Homework

Instructions: Complete the 2 tables below, and offer any additional ideas at part 3.

### Part 1: Ideas offered to date by CWG members in Homework #1 and #2:

	Proposed Concept	Staff Notes	CWG input: I this would be an effective/appropriate mechanism to consider -- Yes / No / Maybe
1	<b>Swapping out of Boards in forbidden zones</b> should get an instant green light permit from the city with a relocation into o.k. zones. Swap outs should carry a \$2500 fee that goes directly into a “fix potholes” fund as people who see billboards are mainly roadway drivers		
2	<b>CCO should make available ‘run of market’ space available for promoting city features</b> such as the farmers market, ethnic fair, zoo & aquarium, city events—on buses and billboards. 4 faces per month & 10 cards transit a month.	City doesn't own buses; does control street Rights of Way.	
3	Since a lot of Tacoma is on the historical register, <b>it would be great to see it be a billboard free zone.</b> You could <b>grandfather all other billboards</b> in the City as long as they are kept up and not permit an increase in the total number. <b>In return</b> for that, <b>each community</b> defined neighborhood/business district, which I believe we have 15, <b>would receive a beautification art project from Clear Channel.</b> If they can afford to give nonprofits a break in advertising, they can afford to work with each neighborhood/business district on outdoor artwork, not to exceed a certain agreed upon amount.	What about billboards immediately adjacent to historical areas (there are 2)?	
4	<b>Identify the dirty dozen most hated boards, pay a fair market value to the leaseholders and sign companies.</b>	Costly to city.	
5	Create districts where billboards are “OK” and districts where they are “not.” <b>Migrate existing structures into the “OK zones.</b>	Key is how migration is facilitated. Will there be a net decrease in the # of BB?	
6	A “permit” process could police the districts for removal, transplant and re-install duties, provided by	City has a process in place	

	said billboard company/city planning	currently	
7	<b>Allow a potent, thriving core group of billboard locations, for national and local business use, with an overall reduction in overall numbers</b>		
8	<b>Allow the billboard company to identify their “premier” locations and their “marginal” locations</b>		
9	<b>Suggest a 5 year reduction of marginal locations by 15% a year which is a 75% reduction</b>	Without including exchanges for the reduction, this is basically amortization – but on a strict time schedule.	
10	<b>Allow for the creation of new locations within the OK zones.</b> This helps defray the cost of reductions.		
11	<b>Establish stricter guidelines for residential, scenic, and landscape protections, for eventual billboard placements</b>	Landscaping has limited effect on visual impacts of BB; M zones do not now require landscaping. C-2 has landscaping requirements.	

### ***Part 2: Concepts Vetted with Co-Chairs***

<b>#</b>	<b>Concept</b>	<b>CWG Member Rating –</b> 5 – strongly support 4 -- support somewhat 3– I am neutral 2 – oppose somewhat 1 – strongly oppose
<b>1</b>	Develop an <b>exchange ratio</b> whereby a new billboard could be constructed in an acceptable zone (subject to other zoning criteria) only in exchange for the removal of at least 2 billboards in an area that is a <b>high priority for elimination of billboards</b> (areas to be defined in code; sliding scale for replacement ratio depending on value of removal/receiving area )	
<b>2</b>	Another exchange ratio: <b>Allow a 300 sq. ft. /bulletin billboard</b> in an acceptable zone (subject to other zoning criteria) in exchange for <b>removal of 2 smaller billboards</b> in any other area that billboards remain disallowed under new code	
<b>3</b>	Impose <b>higher annual license fees on billboards</b> (per structure or face) in order to <b>fund an account that could be used to offset a portion of the costs of billboard removal</b> to billboard owners.	
<b>4</b>	Same as #3 and <b>also include landlords</b> in the group that could receive	

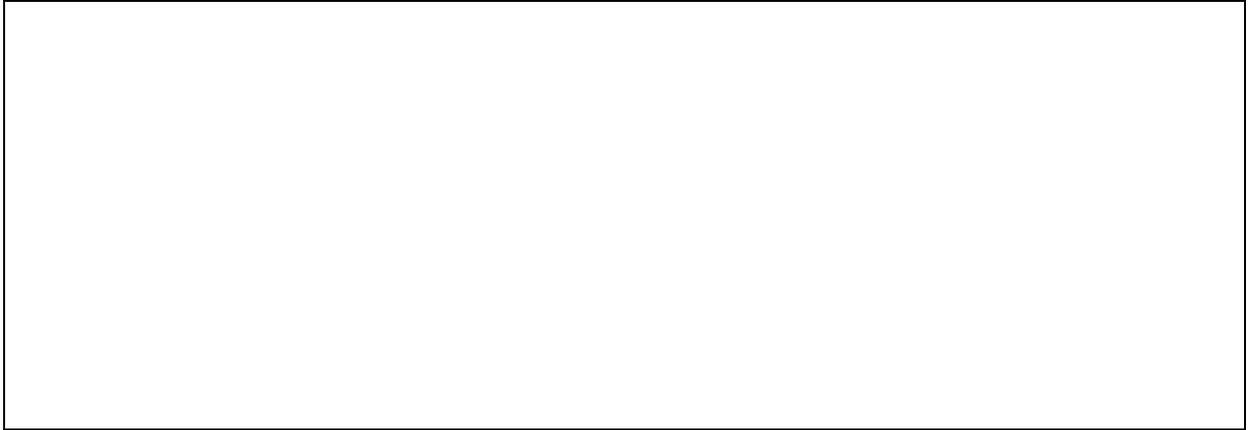
	money from the account – in exchange for an agreement to terminate/not renew a BB lease and to not allow BB on the property in future (\$ available only to landlords in areas where BB remain nonconforming after new code adopted).	
<b>5</b>	To the extent the new code will make some currently <i>non-conforming</i> signs become <i>conforming</i> , qualify the conversion of any sign that has been “nonconforming” for over 10 years by first requiring the removal of another sign that <i>remains “nonconforming”</i> under the new code.	
<b>6</b>	Allow construction of a <b>street kiosk</b> in a “high pedestrian focus zone” in exchange for removal of one or more billboards in such zone	
<b>7</b>	<b>Amend #6</b> to allow the street kiosks to have electronic/digital screens of a limited size (2 x 3 feet?) to maximize the advertising use.	

### Part 3: Other Ideas/Input

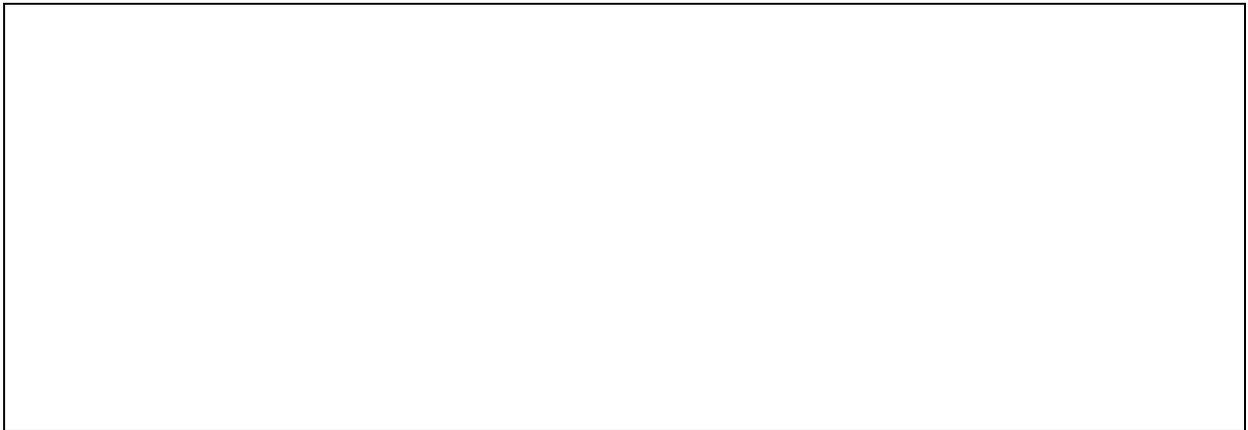
*Other ideas about...*

*Exchange Ratios:*

*Landlord rights:*



***Rights of BB owners to existing structures in nonconforming zones:***



***Other ideas on "how we get there from here"***

