



RESOLUTION NO. 39300

1 A RESOLUTION relating to land use and zoning; setting Tuesday, November 17,
2 2015, as the date for a public hearing on proposed billboard regulations, as
3 recommended by the Planning Commission, and supplemented by a staff
4 alternative for consideration.

4 WHEREAS billboard regulation in the City has historically been a
5 controversial issue, and the City has, in response to public concerns, adopted
6 increasingly strict billboard regulations in recent decades, and
7

8 WHEREAS only three of 311 existing billboard faces within the City conform
9 to current Tacoma Municipal Code (“TMC”) standards, and

10 WHEREAS, in 2012, the City and Clear Channel Outdoor entered into an
11 agreement to forego litigation and to “meet and confer” to determine if a permanent
12 solution to billboards could be reached, and
13

14 WHEREAS, to meet the term of this agreement and satisfy the City’s desire
15 for stakeholder input, a 17-member Tacoma Billboards Community Working
16 Group (“CWG”) was convened in September 2014 and tasked with exploring
17 alternative options for billboard regulation which are different from current City
18 code and could potentially lead to a more balanced, effective approach for
19 addressing billboards in the City, and
20

21 WHEREAS the CWG worked from September 2014 through February 2015
22 and presented its final report to the City Council on March 3, 2015, and

23 WHEREAS, on March 24, 2015, the City Council adopted Resolution
24 No. 39145, acknowledging receipt of the CWG’s Final Report and directing the City
25 Manager to use this work as a foundation from which to continue to work with
26



1 billboard owners, other community stakeholders, and the Planning Commission to
2 develop recommendations for billboard regulation for City Council consideration,
3 and

4 WHEREAS the Planning Commission completed its review and
5 development of the proposed regulations through a public process, including
6 comprehensive reviews in June-July 2015, creating a Billboard Task Force to
7 conduct in-depth analysis in August-September 2015, and conducting a public
8 hearing on October 7, 2015, and

9 WHEREAS the Planning Commission finalized the proposed regulations
10 and made its recommendation to the City Council on October 21, 2015, and

11 WHEREAS City staff has, based on guidance from the CWG and the
12 Planning Commission, and through community input and discussions with billboard
13 owners, identified potential alternatives to the Planning Commission's
14 recommendations that could achieve the community's goals, as presented in the
15 attached Exhibit "A," which is appropriate to consider as part of this process, and

16 WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct
17 a public hearing before enacting any amendments to the Comprehensive Plan and
18 the Land Use Regulatory Code; Now, Therefore,

19
20
21
22 **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

23 Section 1. That a public hearing on the proposed amendments to the
24 Tacoma Municipal Code, relating to proposed billboard regulations, as
25 recommended by the Planning Commission, as well as the staff alternative, as
26 presented in the attached Exhibit "A," shall be held before the City Council in the



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, November 17, 2015, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

PROPOSED STAFF ALTERNATIVE TO PLANNING COMMISSION RECOMMENDATION

Intent:

The Staff alternative is designed to further the community's goals to:

- Ensure a significant reduction in the number of billboards in the City, and particularly the number of nonconforming billboards
- Protect sensitive areas designated by the community, by removing existing billboards from those areas and incentivizing their relocation to more appropriate areas
- Avoid continuing legal disagreements with billboard owners

Overview of the Staff Alternative:

- Create Council authority to enter into a Special Compliance Agreement with billboard owners that could accelerate and ensure a significant reduction in the number of nonconforming billboards in the community and provide an alternative to enforcement of the existing amortization provisions.
- A Special Compliance Agreement would need to be consistent with the intent and policies of the Comprehensive Plan and would need to include commitments for overall reductions and commitments for strategic reductions (addressing community issues such as sensitive zones, over-concentrations, multiple-nonconformities).
- Modifications to the zoning development standards, either within the Code or as a component of the agreement, could be incorporated to facilitate the overall intent.

Key Components:

Some of these key components would be reflected in modifications to the proposed Code amendments and some would be addressed through a proposed Special Compliance Agreement.

Agreed Removals – Overall Total

- 40% overall reduction in nonconforming billboard faces within five years
- Cap the number of freestanding billboard faces at level reflecting a 20% reduction
- Cap to total amount of billboard square footage at 100% of the existing amount



Specific Removals – Within 90 Days

- 1 ○ 100% removal of “junior poster” billboards (72 sq. ft. billboards)
- 2 ○ 100% removal from residential zones (R-2 and R-4)
- 3 ○ 100% removal from RCX – Residential-Commercial Mixed-Use zone
- 4 ○ 100% removal from CONS – Conservation Overlay zone
- 5 ○ 100% removal from C-1 – Neighborhood Commercial zone

Specific Removals and Modifications – Within One Year

- 6 ○ 25% removal from NCX – Neighborhood Commercial Mixed-Use zone
- 7 ○ 40% removal from DR – Downtown Residential zone
- 8 ○ 30% removal of City-identified “high-priority removals”
- 9 ○ 100% removal of remaining rooftop billboards
- 10 ○ 50% size reduction for the sign at NE corner of Center and Union

Specific Removals and Modifications – Within Three Years

- 11 ○ 60% removal from T – Transitional zone
- 12 ○ 34% removal from NCX – Neighborhood Commercial Mixed-Use zone
- 13 ○ 40% removal of City-identified “high priority removals”
- 14 ○ 20% removal within City-identified “high-concentration areas”
 - 15 ● 38th Street (vicinity of 38th & Tacoma Avenue; vicinity of 38th & G Streets)
 - 16 ● Pacific Avenue (46th – 56th Streets; and 81st – 98th Streets)
 - 17 ● South Tacoma Way (vicinity of Pine; and 50th – 67th Streets)
 - 18 ● 6th Avenue (State – Cedar Streets)
 - 19 ● Tyler Street (50th – 56th Streets)
 - 20 ● 56th Street (vicinity of 56th & M Streets)
- 21 ○ All lighted signs brought up to required efficient lighting technology and hours
- 22 ○ All signs upgraded and painted, as needed

Specific Removals – Within Five Years

- 21 ○ 45% removal from NCX – Neighborhood Commercial Mixed-Use zone
- 22 ○ 60% removal of City-identified “high-priority removals”
- 23 ○ 33% removal within each City-identified “high-concentration area”

24
25
26



Amortization

- 1 ○ The existing amortization provisions would be retained
- 2 ○ However, billboard owners who enter into a Special Compliance Agreement
- 3 and operate consistent with that agreement would not be subject to the existing
- 4 amortization provisions

Exchange Program

- 5 ○ New billboards would only be allowed through an Exchange Program, whereby
- 6 new billboards would “spend” credits that were generated by the removal of
- 7 existing billboards
- 8 ○ The Exchange Program would be based on square footage of billboard signs
- 9 ○ The credits would include those generated from the previous removal of
- 10 32 signs (mostly those agreed to be removed as part of the Standstill
- 11 Agreement)
- 12 ○ The Exchange Program would specifically incentivize:
 - 13 • Conversion of freestanding billboards to wall-mounted billboards
 - 14 • Removal of nonconforming billboards
 - 15 • Removals from sensitive zones and areas, identified “high concentration
 - 16 areas” and “high priority removals”

Specific Zoning Provisions

- 17 ○ Open additional zones for new freestanding billboards that are 300 sq. ft. in
- 18 size or less (CIX, UCX, CCX, PDB, NCX*, DR*, and WR*) *zones with * are*
- 19 *capped, see below*
- 20 ○ Allow “bulletin” (672 sq. ft.) freestanding billboards in industrial districts (M-1,
- 21 M-2 and PMI)
- 22 ○ Allow certain existing single-sided “bulletin” billboards to add a “bulletin”
- 23 billboard on the back side
 - 24 • Only after agreed one-year removals are complete
- 25 ○ Provide for “Limited Bulletin Billboard Receiving Areas” along 6 limited arterials
- 26 street segments in the C-2, UCX and CCX zones
 - Tacoma Mall Area (portions of 38th Street, Steele Street, and Tacoma Mall Blvd.)
 - 6th Avenue (between Mildred Street and Orchard Street)
 - James Center (portions of Mildred and South 19th Streets)
 - Tacoma Central (portions of Union Avenue)
 - Tacoma Place (portions of South 72nd Street and Hosmer Street)
 - Westgate (portions of Pearl Street, Westgate Blvd., and North 26th Street)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- Within these areas, provide some reductions to standard buffering requirements
- Two such billboards would be allowed after the agreed one-year removals are complete, with additional ones allowed only after the agreed three-year removals are complete
 - NCX (Neighborhood Commercial Mixed-Use) – Total number of freestanding billboards in this district would be reduced (based on above removals) and then capped at that new level
 - DR (Downtown Residential) – Total number of billboards in this district would be reduced (based on above removals) and then capped at that new level
 - WR (Warehouse Residential) – Total number of freestanding billboards in this district would be reduced (based on above removals) and then capped at that new level
 - Include a 500-foot dispersion requirement for billboards larger than 300 sq. ft. in size
 - Allow 45-foot tall billboards within the PMI (Port/Maritime Industrial) zone
 - Increase the height limit for billboards that are more than 500 feet from no-billboard zones and sensitive areas to 40 feet
 - Reduce buffering from HMX and RCX zones to 150 feet, or 100 feet for signs 30 feet tall or less
 - Provide exemption to buffering standards when the billboard is not visible from the buffered area or other factors provide sufficient protection
 - Allow for small offsets (no more than five feet) for freestanding billboards that are 300 sq. ft. or less
 - Clarify the proposed wall-mounted billboard limitations, to include no more than 50% of the wall area and not covering windows or other openings or significant architectural features
 - Remaining and future billboards would be considered either legal conforming or legal nonconforming



TO: T.C. Broadnax, City Manager
FROM: Peter Huffman, Director, Planning and Development Services
John Harrington, Principal Planner, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Resolution – Setting Public Hearing Date for Billboard Regulations –
November 10, 2015
DATE: November 4, 2015

SUMMARY:

Adopting a resolution on November 10, 2015 to set November 17, 2015 as the date for a public hearing concerning the proposed billboard regulations, as recommended by the Planning Commission, as well as a staff alternative being put forward for consideration.

STRATEGIC POLICY PRIORITY:

The proposed Billboard Regulations fulfill the following strategic policy priorities:

- Strengthen and maintain a strong fiscal management position;
- Foster neighborhood, community, and economic development vitality and sustainability; and
- Encourage and promote an open, effective, results-oriented organization.

BACKGROUND:

Billboard regulation in Tacoma has historically been a controversial issue. The City has, in response to public concerns, adopted increasingly strict billboard regulations in recent decades. Under the current City Code, all but three of the 311 existing billboard faces no longer conform to the code. In 2012, the City and Clear Channel Outdoor entered into an agreement to forego litigation and to “meet and confer” to determine if a permanent solution to billboards could be reached.

To meet the term of this agreement and satisfy the City’s desire for stakeholder input, a 17-member Tacoma Billboards Community Working Group (CWG) was convened in September 2014 and tasked with exploring alternative options for billboard regulation in Tacoma that are different from current City code and could potentially lead to a more balanced, effective approach for addressing billboards in the city. The CWG worked from September 2014 through February 2015 and presented their final report to the City Council on March 3, 2015.

The City Council adopted Resolution No. 39145 on March 24, 2015, acknowledging receipt of the CWG’s Final Report and directing the City Manager to use this work as a foundation from which to continue to work with billboard owners, other community stakeholders, and the Planning Commission to develop recommendations to the City Council for billboard regulation.

The Planning Commission has completed its review and development of the regulations through a public process, including conducting overall reviews in June-July 2015, tasking a Billboard Task Force to conduct an in-depth analysis in August-September 2015, and conducting a public hearing on October 7, 2015. The Commission finalized the proposed regulations and made its recommendation to the City Council on October 21, 2015. Those recommendations were forwarded to the Council as part of the October 29, 2015 Weekly Report.

As discussed with Council in March and at the Infrastructure, Planning and Sustainability Committee in October, City staff have also been working to explore whether other alternative mechanisms are feasible



to achieve the community's basic goals. Based on the principles outlined by the CWG and Planning Commission, and through community input and discussions with billboard owners, staff have identified the potential for an alternative to the Planning Commission's recommendations that is appropriate to consider as part of this public review process. The staff alternative is designed to further the community's goals to:

- Ensure a significant reduction in the number of billboards in the City, particularly the number of nonconforming billboards;
- Protect sensitive areas designated by the community by removing existing billboards from those areas and incentivizing their relocation to more appropriate areas; and
- Avoid continuing legal disagreements with billboard owners.

Key components of the staff alternative are:

- Create Council authority to enter into a Special Compliance Agreement with billboard owners that could accelerate and ensure a significant reduction in the number of nonconforming billboards in the community and provide an alternative to enforcement of the existing amortization provisions;
- A Special Compliance Agreement would need to be consistent with the intent and policies of the Comprehensive Plan and would need to include commitments for overall reductions and commitments for strategic reductions (addressing community issues such as sensitive zones, over-concentrations, and multiple-nonconformities); and
- Modifications to the zoning development standards, either within the code or as a component of the agreement, could be incorporated to facilitate the overall intent.

Pursuant to TMC 13.02, the City Council is required to conduct a public hearing before enacting any amendments to the Comprehensive Plan and the Tacoma Municipal Code.

ISSUE:

Of the 34 pieces of testimony and comments received during the Planning Commission's public hearing process, 10 were generally in favor of billboards and 24 were generally against them. Those in favor noted the opportunity and positive impacts billboard advertising provides for small businesses in the community, and those opposed highlighted the negative impacts to the aesthetics of the community. Most of these people favor amortization and, if necessary, a court battle to enforce removal of signs. Five persons in opposition mentioned digital or electronic billboards, which are not being proposed.

ALTERNATIVES:

The proposal is to consider, through the public review process, both the Planning Commission's recommendations and a staff alternative. Staff will be providing an overview of these alternatives at the Council's study session on November 17, 2015.

RECOMMENDATION:

Set November 17, 2015 as the date for a public hearing on the proposed billboard regulations.

FISCAL IMPACT:

There is no fiscal impact.