



City of Tacoma
Planning and Development Services

**Agenda Item
D-3**

To: Planning Commission
From: John Harrington, Development Services Division
Subject: **Billboard Regulations**
Meeting Date: June 3, 2015
Memo Date: May 28, 2015

At the next meeting on June 3, 2015, the Planning Commission will receive a briefing on the proposed code amendments concerning billboards, including background information, the intended approach and the timeline for the project (attached).

The City is exploring amendments to the special billboards regulations in the Tacoma Municipal Code, Section 13.06.521.M. The main objective is to continue to reduce the number of billboards in the City and move billboards which adversely impact neighborhoods, protected districts and land uses to more acceptable areas. This process is part of an effort to successfully end a legal “standstill” agreement between the City of Tacoma and Clear Channel Outdoor (CCO) regarding the City’s efforts to enforce its billboard regulations. CCO is the owner and operator of all but a few of the billboard faces in the City.

The amendment process follows the work of the Billboard Community Working Group (CWG), which made a presentation of regulatory alternatives in March to City Council after several months of meetings. A copy of the CWG Final Report was provided to the Planning Commission in February. The report and relevant information are available on the Planning Services Division’s website at www.cityoftacoma.org/planning (and click on “Billboard Community Working Group”). Based on the CWG recommendations, this proposal may add a significant number of zoning districts where billboards are permitted and modify some of the existing development regulations addressing buffers, dispersion and design characteristics for billboards.

If you have any questions, please contact me at 253-279-8950 or jharring@cityoftacoma.org.

Attachment

c: Peter Huffman, Director



Billboard Regulations

(Proposed Revisions to TMC 13.06.521 General Sign Regulations)

RECENT HISTORY – AND WHERE WE ARE TODAY

(partial excerpt from the CWG Final Report)

Billboard regulations have 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," it was necessary for us to understand how Tacoma, its citizens, billboard owners and advertisers arrived at this point. This section of our report summarizes this context with a brief re-cap of recent history and the current billboard situation in Tacoma.

The City's billboard codes have evolved substantially over time. Whereas we understand from the Planning Department that it is reasonable to assume that nearly all billboards in the City were, at the time they were initially installed, compliant with code, changes over time mean that today, only 3 of the 311 billboard faces in the City comply with code. These 308 billboards are considered "nonconforming" - because they are not consistent with the code.

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, adding provisions that made many more existing billboards nonconforming, and adopting an amortization provision that required nonconforming billboards to be brought into compliance or removed, at the cost of the owner, within 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. Clear Channel has owned nearly all of the billboards in the City since the early 2000s.

When, in 2007, the City sought to enforce the 1997 code amortization provisions, Clear Channel Outdoor sued, leading to a Settlement Agreement in 2010. The Settlement Agreement recognized Clear Channel'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 2011 Code⁴ (also referred to in this Report as "Current Code") which revived the prior 10-year amortization provision as a way to reduce the number of billboards, the 2011 Code also 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, Clear Channel countersued the City over the 2011 Code, which led to the current Standstill Agreement.

Per the Standstill Agreement, the 2011 Code remains in place, but is not enforced: the 1997 code applies, except the amortization provisions are not enforced. Under the 2011 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.

SUMMARY OF TACOMA BILLBOARD REGULATION HISTORY

(partial excerpt from the CWG Final Report)

Table 1: Overview of the Evolution of Billboard Regulations in Tacoma⁶

<i>Item</i>	<i>2011 Code (Current Code)</i>	<i>1997 Code/1988 Code if different</i>
Zones	Billboards (BB) permitted in C-2, M-1, M-2, and PMI zones	Zone names were different. BB permitted in C-1 ⁷ , C-2, C-3, B, M-1, M-2, PMI/ <i>Zone names different; territory approximately the same</i>
Design	Max 2 faces per structure	Not addressed
	Faces must be back to back and within 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 ft. in PMI	Same as current code (PMI used to be M-3)/ 35 ft., except 45 ft. in M-3
Size	300 sq. ft. 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	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 uses/areas (schools, churches, public open space, playgrounds, parks, historic and conservation districts, registered historic properties) 	<ul style="list-style-type: none"> Not within 250/100 ft. of residential district. Not allowed within 250/100 ft. of special use/ areas (same list as under current code) Shoreline setback requirement same as current code (375/150 ft.)

⁶ Information prepared by City Planning Department.

⁷ Minority Statement: CWG member Doug Schafer disputes the Planning Department conclusion that billboards were allowed in C-1.

PROJECT APPROACH

A set of draft amendments to the City’s billboard regulations will be developed through extensive outreach efforts. Based on Council and Planning Commission direction, the CWG report recommendations, on-going feedback from CCO and community meetings with interested Councils and Business District Associations, a set of regulations will be drafted for consideration by the Planning Commission. The Commission will then hold a public hearing and after considering testimony finalize a recommendation to the City Council for their final review and action. At appropriate junctures throughout the review process, periodic updates will also be provided to, and feedback solicited from, the City Council.

The most significant segment of community outreach for this amendment has been completed through the work of the Tacoma Billboards Community Working Group. This group was made up of a wide cross-section of the community, including billboard opponents and members that were favorable to billboards. The group included members of neighborhood and business organizations, CCO and other advertising industry representatives, as well as Historic Tacoma and Scenic Tacoma. This group worked for five months and submitted a final report with recommendations to City Council in February.

Staff plans to continue outreach by consulting with Tacoma Community Council and Cross District Association regarding the recommendations from the CWG and to gather more input about specific perceived good and bad impacts/effects of billboards on neighborhoods and businesses.

TENTATIVE SCHEDULE

(as of May 28, 2015)

Date	Event
March 24	City Council – Resolution No. 39145
May – Sept.	Discussions with Clear Channel
June – Sept.	Community Outreach – Stakeholders, Billboards Community Working Group, Neighborhood Councils, Business District Associations, interested parties
June – August	Planning Commission - Review
August 11	City Council – Study Session
August 15	Standstill Agreement – Existing expires but automatically extends
September 16	Planning Commission – Public Hearing
September	IPS Committee – Status update
October 21	Planning Commission - Recommendation
November 17	City Council – Study Session and Public Hearing
November	IPS Committee – Recommendation
December 1	City Council – First reading of ordinance to adopt amendments
December 8	City Council – Final reading of ordinance to adopt amendments