

Tacoma Billboards Community Working Group – Information Requests as of 12/1/14

#	Request	Date Requested	Status	Date completed
1	Can CCO provide “TAB” traffic data and vacancy rates each of its billboard faces. If not, can someone else in the group provide these? Does the City’s media staff have this information, since the Metropolitan Park District and TPU advertises on billboards?	9/19, 2/23	<i>Response from CCO: We need to bifurcate the issues of TAB data and billboard vacancy rates. First, data from the Traffic Audit Bureau is audience measurement data designed to profile the demography of the motoring public passing in front of a particular billboard. This data is available to any TAB member company for its own use. The only way for this group to access this data would be to become a member of the TAB. Vehicular traffic data is public information and this group could access that information in the same manner as it is accessing our billboard permits. In terms of vacancy rates, Clear Channel Outdoor Holdings, Inc. is a publicly traded company, trading on the NYSE as CCO. As a public company we do not disclose vacancy rates at the market level in our public filing and therefore it would be illegal for us to do so.</i>	10/3
2	What are CCO’s policies/practices concerning sign usage by nonprofit group—donation, discount, which faces are accessible?	9/19	<i>Response from CCO: Clear Channel Outdoor donates space across the country to many non-profit and community organizations. Each branch president is responsible for administering the PSA efforts within their respective markets. We examine each opportunity/request from certified non-profit organizations independently against the value to the community and our available inventory. In Tacoma we have supported many organizations with public service advertising including the South Sound Boys & Girls Club, Tacoma Chamber of Commerce, the Proctor Arts Fair, Sixth Avenue Arts, the Foundation for Tacoma Students, Joint Base Lewis McCord, and the American Heart Association, just to name a few.</i>	10/3
3	How many billboards are nonconforming and for how many years has each been nonconforming?	9/19	310 faces are non-conforming. Staff does not have data on the second question, it would take substantial staff time to generate this information, and it does not appear critical to the CWG mission.	11/17
4	Information on each individual billboard, including: <ul style="list-style-type: none"> • Date permitted 	9/22	Preliminary information available through the interactive map link forwarded to CWG on 9/30, This data is on the billboard inventory on the website.	11/17

	<ul style="list-style-type: none"> • Size • If it is nonconforming, why? • Property Owner • Billboard owner 			
5	Clarify how billboard regulation relates to regulation of on-site signage regulation?	9/22	To be discussed at Meeting 2. Billboards and on-site signage are distinctly different and regulated separately. On-site signage requirements are in TMC 13.06.522. Billboards are not considered on-site signage and are regulated under TMC 13.06.521.M.	11/17
6	What does it mean for a billboard to be “conforming” or “nonconforming” or “legally nonconforming”?	9/22	To be discussed at Meeting 2	
7	What are Fife’s regulations?	9/22	See http://www.codepublishing.com/wa/fife/ Look under sign code.	11/17
8	Provide copy of PPT from 9/22	9/22	presented at Meeting 2	10/6
9	Provide copy of key Tacoma Municipal Code definitions relevant to billboard regulations	9/22	discussed at Meeting 2	10/6
10	Please provide a copy of the Excel spreadsheet that is the source document for the interactive map. That spreadsheet will allow us to more thoroughly analyze the data (e.g., by sorting columns by land use zone, etc.).	10/1	The billboard inventory spreadsheet provides this info, it is posted on the billboard website.	11/17
11	Please ask the City’s GIS cartographer to create a similar map with the billboard information overlying the City's designated land use zones, so we can readily see what land use zone each billboard is located within.	10/1	Completed. Map is up on website.	11/17
12	Provide each CWG member a map with arterials status and zoning and	10/6	This information is on the interactive map on the CWG website.	11/17

	billboards (11 x 17?)			
13	How many billboards would be conforming if one face was removed?	10/6	There are 6 billboard structures with 3 faces (59, 88, 96, 188, 208, 247 and one with 4 faces (171). All the billboards with more than two faces (listed on the inventory that is on-line) are non-conforming for that reason under current regulations, but every one of these billboards also have other criteria that make them non-conforming. Is this question referring, instead, to removing signs to meet dispersal requirements?	11/17
14	Explain why C-2 zoned for billboards but other adjacent zones – C-1 and T are not zoned for billboards?	10/6	C-1 is a Neighborhood Commercial zone, by design nearer to residential uses. The T zone is also a zone used as a buffer to residential uses, so it is adjacent residential uses and zones. The C-2 zone is also a higher intensity zone, allowing for larger and taller buildings than in the other two, and tends to be on busier arterial streets.	11/17
15	Explain the policy vision supporting the various code amendments over time	10/6	Based on the Council-adopted ordinances, the policy vision was to reduce the overall number of billboards over time with emphasis on removing them from sensitive areas and areas that billboards were seen as causing a significant adverse impact (ie: historic areas and single family residential areas).	11/17
16	Provide information as to the date each billboard became nonconforming	10/6	See Question #3.	11/17
17	What was the City’s game plan when it first adopted amortization provisions in the City Code relative to Billboards?	10/6	The expressed intent was that billboards owners would move or remove the non-complying billboards over a 10-year period. For billboards that could not or did not get moved to a conforming location, the 10-year time period was provided to help compensate billboard owners with 10-years of business revenue versus an immediate removal.	11/17
18	What have other cities done with respect to amortization?	10/6	Staff is still working on this answer.	
19	How many billboards are in the process of being “amortized”?	10/6	Under our current code, the amortization period has ended for all 168 billboard structures that were non-conforming.	11/17
20	Are any of the views expressed in the homework inconsistent with current law?	10/6	Referred to City Attorney	11/17
21	Under current code, are any new billboards allowed without removing	10/6	<i>Answer (provided at 10/6 meeting): No.</i>	10/6

	another billboard?			
22	How many billboard maintenance complaints has the city received and what has been the response?	10/6	<i>Answer (provided at 10/6 meeting): Under the Standstill Agreement, City is not proactively enforcing on billboard maintenance problems. Clear Channel reports that if they receive a complaint, they correct the issue. PDS has not received very many billboard related complaints in the last two years. All enforcement complaints are forwarded from Code Enforcement to Harrington in PDS.</i>	10/6
23	If a billboard has been nonconforming for a number of years, what has the City done about that?	10/6	Prior to the amortization clause put in the regulations in 1997, all non-conforming signs were able to remain in place and continue consistent with requirements of TMC 13.06.630 – Non-conforming uses. In 2007, the City sent enforcement letters to billboard owners and property owners associated with non-conforming signs for which the amortization clause applied. This gave rise to lawsuits, and ultimately, to the process we are now engaged in.	11/17
24	(for Clear Channel): Are you interested in siting new billboards? How effective are billboards and what factors make them more or less effective?	10/6	Answer from Clear Channel: <i>We are interested in siting new billboards if the conditions and locations are attractive. Factors for consideration include quantitative and qualitative measures: location, demand for the area, dispersion in regards to other billboards, size, demographic make-up of the commuters in the area, etc.</i>	November
25	Has the “Standstill Agreement” been implemented/performed?		Yes. The identified billboards have been removed, regulatory alternatives are being pursued and the parties to the lawsuit have not reengaged litigation.	11/17
26	(for Clear Channel): What specific billboards has Clear Channel removed in addition to those required by the “Standstill Agreement”	10/6	Answer from Clear Channel: <i>As of 10/15, Clear Channel has removed 45 additional billboards in the City of Tacoma beyond what was identified in the Standstill Agreement. Demolition permits are required for teardowns and therefore a matter of public record. These can be requested from the City as proof of removal.</i>	10/15
27	(for Clear Channel): Is there a rule of thumb on how much revenue landlords receive for renting space for a billboard structure?		<i>Answer (provided by Clear Channel at 10/6 meeting): There is no rule of thumb regarding how much revenue a land owner should charge to rent space for a billboard structure. The specific information on current agreements between CCO and landowners is proprietary.</i>	10/6
28	How much money did the City spend on the litigation with Clear Channel	10/20	From Elizabeth Pauli: \$171,737.39, to date for outside counsel. This does not include any hearings, trial work or expert witness costs, as we	11/17

	Outdoors?		never got that far. City staff time has not been tracked, however Elizabeth's best estimate is that internal legal staff has worked double the hours expended by outside counsel. This also does not include staff resources expended by other departments, including PDS, NCS, and Public Works.	
29	What are federal "TAP" funds and can they be accessed for removal of billboards?	10/20	TAP funds may be used to pay for the removal of billboards. TAP funds for Pierce County and Tacoma are allocated through a competitive process administered by the Puget Sound Regional Council. The last round of funding grants totaled approximately \$17M. The funds were granted almost entirely to bike and pedestrian improvements, no billboard projects. The City has applied for and received TAP grants in the past for trail projects. The funding process is highly competitive.	11/17
30	Can we get a list of property owners leasing space for billboards and identify those who have actually secured business licenses for this activity?	10/20	The billboard inventory has been provided to the City Tax and License Department.	11/17
31	What taxes are paid by billboard owners and billboard landlords?	10/20	Billboard owners pay personal property tax and business and occupation tax. The landowner pays property tax.	11/17
32	Were billboards allowed in zone C-1 in 1988?	10/20 Schafer	The 1988 zoning code includes the C-1 as one of the zones regulating billboards.	11/17
33	Is the CWG really subject to the Open Public Meetings Act or the Public Records Act?	10/22 Schafer	As indicated by the Legal Department, it is the City's intent that the CWG operate consistent with the OPMA and OPRA.	11/17
34	On the billboard spreadsheet chart, explain what "Yes" means in the "Removal Flag" column for a row containing data on a particular billboard face.	11/12 Schafer	At the time this inventory spreadsheet originated (2011), this column reflected billboards that were identified as good candidates for removal per the issues and priorities discussed at that time. No definitive actions were ever taken based upon this designation.	11/17
35	Explain the discrepancy between the City's 2012 billboard count in 2012 and 2007? Please ask Clear to provide the	11/13 Schafer	The Facilitator recommends that we focus on the billboards that are in place today, and what to do about these moving forward; and agrees that it is appropriate that the City and CCO agree on the current	11/17

	current billboard count (size, location) as provided by the City?		inventory number, size and location. The City and CCO are in agreement on the current inventory number, size and location of CCO's billboards. Staff believes that faces were confused with billboard structures. 253 would be more in line with number of structures at the time. 169 billboard structures with 311 faces is the number that city staff and Clear Channel have verified as correct.	
36	Please clarify the status of the 20 billboards in City that are 72 sq. feet in size—are they regulated as billboards? The code says “over 72 feet.”	11/14 Schafer	The code could be clearer. 72 square feet was the target number for the smallest of the billboards. It should have been “equal to or larger than” 72 square feet. This will be corrected.	11/17
37	How many billboards would be conforming if the dispersal requirement were changed?	11/17	Tricia withdrew this question—related information will be presented at Meeting 6.	
38	If the 2007 code were in place, how many BB would be in compliance?	11/17 12/15	Defer for now to see if this / part of this /becomes focus of a likely CWG recommendation J. Harrington will develop a response for review at January 5 meeting	
39	How does the state enforce the 12-air mile limitation on BB advertising?	12/1	CCO says the state does not enforce this.	
40	What percentage of BB have “multiple fails”	12/1		
41	After 1972, did CCO get the required permits from the state?	12/1		
42	How is the BB on N. 26 th legal under state regs?	12/1		
43	How will MAP 21 rules relative to commercial and industrial zones apply to the City's mixed use districts?			