



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.