



13 February 2008

Jessica King
David Lloyd
(City of Austin Address)

RE: Resolution No. 20071108-128

Ms. King and Mr. Lloyd:

Scenic Austin appreciates the opportunity to participate in the Stakeholder TF formed by Councilmember Martinez, and to offer input through the vehicle of the task force and additional public testimony.

We have been compiling our recommendations regarding Resolution No. 20071108-128, as requested. While we believe that this resolution addresses three very separate issues, we have organized our comments to correspond to the three major categories in the Resolution, and are responding here to the Resolution as passed by Council. Please note that the one thing on which all Stakeholders agreed is that these three broad categories each contain very different problems and should be further considered **separately**:

1) BILLBOARDS

We propose that the entire subject of billboards and Scenic Roadways is so complex and important to the future of the City that this topic should be handled over a longer period of time so that all implications of any changes are fully understood.

- a. *"Allow signs on limited commercial corridors within the Scenic Roadway Sign Districts."*

The Scenic Roadway ordinance was created to protect roads of particular scenic, historic or tourist value from a proliferation of signage. We believe strongly that commercial usage does not eliminate the scenic value of a roadway. However, we understand that many roadways were added to the Scenic Roadway list in hopes that certain goals would eventually be met.

It is our position that, if the issue is that some of these roadways are indeed no longer desirable historical, scenic, or tourist destinations or travel routes, their position on the Scenic Roadway list should be re-evaluated. We do not, however, support creating alternate designations or classes of scenic roadways to permit the relocation of billboards. A roadway should be designated "Scenic" or not. If "Scenic," the presence of billboards would create an unfair imposition on the businesses along those roadways in that they would be restricted by the Scenic designation while the billboards are not. Therefore, we suggest that further discussion should eliminate the idea of relocating signs to Scenic Roadways and focus more on addressing the issue of whether the



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roadways on the Scenic list should be revisited to evaluate whether or not it is appropriate for them to remain classified as such.

- d. *"Clarify and establish penalties for §25-10-152(B)(6)(b) that removes the right to replace a billboard sign once it is removed"*

We are aware that there have been two instances where relocated billboards were replaced on the original sites. We are concerned that, with the ordinance as written, this may be an unintended consequence. Our meeting with Mr. Billy Reagan confirmed that his interpretation of the ordinance made this particular situation possible and potentially even legal.

The combination of the billboard replacement and the billboard relocation provisions provide an opportunity for two sign owners to exist on the same property. During the late 90's, a practice known as "Sign Rustling" came into popularity and was supported at the time by the City Council with the drafting of the Billboard Replacement provisions. "Sign Rustling" is when a (generally smaller) billboard company negotiates a new lease with the land owner, effective after the original billboard's lease is ended.

Under current ordinance, if a lease is not renewed on a property, it is likely that the billboard owner will relocate that sign to another property. However, if the property owner signs a new lease with someone else before being notified of the billboard owner's intent to relocate, two sign owners exist for the same property, both with the potential opportunity to relocate.

As we have stated on numerous occasions, Scenic Austin is not in favor of either of these policies. No other city in the state allows for signs to be replaced or relocated. Allowing either removes the only proven effective method of reducing billboards in Austin: attrition.

- e. *"Allow signs to be relocated to commercial corridor sign districts without regard to the size of the sign."*

The current relocation ordinance allows for signs up to 672 square feet, which is a sign with the approximate dimensions of 20' x 34'. We believe that signs of this size are inappropriate along our interior commercial corridors, and recommend that this be removed from consideration.

The term "commercial corridor" includes nearly all of our major roadways, and the residential adjacency provisions in the Relocation ordinance only require billboards be placed 500 feet from a residential *structure* in a residentially-zoned district. This means that currently vacant, residentially zoned properties may have a billboard at its property line, and provides no protection for residential areas in the ETJ, where there is no zoning. A billboard of the size proposed is nearly the width of a two-lane roadway, and



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it can be argued that, at that size, the 500 foot residential adjacency requirement may not be enough.

When the ordinance was originally discussed, the goal was to remove signs from very targeted areas to “more appropriate” areas. Since then, the areas from which the billboards may be moved has grown to encompass a large portion of the central city to nearly any other place within that same area. We believe that the spirit of the ordinance has been compromised, and that this ordinance will continue to provide unintended consequences.

- i. *“Allow the face size of newly-relocated signs to be as large as the total aggregate square footage of face size of all signs removed as a part of the application.”*

We have been told that the poster-sized advertisements attached to billboard support structures (most commonly seen on Austin’s east side) are illegal signs. We suggest that this language be changed to: *“Allow the face size of newly-relocated signs to be as large as the total aggregate square footage of face size of all **legal, non-conforming** signs removed...”*, to ensure that these illegal signs are not included in the aggregate.

2) MOBILE BILLBOARDS

- b. *“Prohibit truck-mounted and car-mounted ads within the full-purpose City limits...”*

We applaud the City’s desire to ban the mobile billboard industry in Austin, and we believe that this item should go ahead with speed, and separate from the Billboard issues. However, we are concerned that the exclusion of pedi-cab or bicycle-pulled advertising may be a mistake. We propose that all mobile billboards be prohibited in Austin and its ETJ.

3) FEES FOR TAXI ADVERTISING

- c. *“Impose registration requirements upon taxies that advertise unrelated businesses.”*

Scenic Austin believes the city should consider expanding the registration requirements to all businesses regulated by the transportation code, including charter bus and pedi-cab services. Our experience shows that targeting specific industries when there are clearly several engaged in the same practice may lead to litigation.



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We appreciate being invited to participate in this exercise. Our hope is that our leadership considers our suggestions, and makes decisions based on long-term planning instead of reviewing this resolution as a stop-gap for current problems.

We believe that Austin is a world-class city, and its signage policies should reflect same pride and forward-thinking strategy that our Urban Design Standards, Mueller Redevelopment, TOD planning and Downtown Planning embody.

Sincerely,

Girard Kinney
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Kate Meehan
Staff
Scenic Austin

CC:
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Mayor Pro-Tem Betty Dunkerley
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