



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

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CONSENT
April 13, 2010

Honorable Mayor and
Members of the City Council

Title: Digital Billboard Sign Code Amendment (M09-035)

Location/Council District: Citywide

Recommendation: 1) Review a) a **Resolution** approving the Mitigated Negative Declaration and Mitigation Monitoring Plan; b) an **Ordinance** amending Sections 15.148.815 and 15.148.1170 of the City Code relating to digital billboards on city property, and 2) pass for publication the Ordinance title as required by Sacramento City Charter 32(c) to be adopted April 27, 2010.

Contact: Sandra Yope, Senior Planner, (916) 808-7158; Joy Patterson, Principal Planner, (916) 808-5607

Presenter: Not applicable

Departments: Community Development

Divisions: Current Planning

Organization No: 21001221

Description/Analysis:

Issue: Chapter 15.148 of the City Code contains the City's sign regulations. Currently, Section 15.148.640 prohibits signs that are animated by means of flashing, scintillating, blinking, or traveling lights or by any other means not providing constant illumination. The City has interpreted this prohibition to apply to digital signs, including digital billboards, i.e., billboards that use digital-display technology. Additionally, on October 16, 2007, the Sacramento City Council adopted Ordinance No. 2007-079, which prohibits the construction and operation of new billboards within the City. Ordinance No. 2007-079 also provides, however, that this prohibition does not limit the City's ability to enter into billboard relocation agreements under which new billboards may be constructed in exchange for the permanent removal of existing billboards.

Clear Channel Outdoor (CCO) wishes to construct, maintain, and operate four new digital billboards on city-owned property under a billboard relocation agreement. CCO would construct the proposed new digital billboards under four leases with the City. The leases will address, among other things, the location, design, and height of the digital billboards, and they will also incorporate the mitigation measures identified in the Mitigated Negative Declaration, as appropriate. To allow the CCO proposal to move forward, staff proposes an amendment to Chapter 15.148 that will create a limited exception to the prohibition on digital signs.

The specific changes to Chapter 15.148 will authorize the City Council to approve relocation agreements that allow construction of digital billboards subject to the following requirements, among others: (a) the maximum height of a digital billboard is 85 feet from grade to the top of the message board, i.e., the digital display; (b) a digital billboard must be located on a City-owned parcel that is adjacent to a freeway and within a commercial or industrial zone; (c) a digital billboard may have one or two digital-display faces, both oriented for viewing from the adjacent freeway, and neither larger than 700 square feet each; and (d) the City Council must comply with CEQA before approving the relocation agreement. The changes are placed in Section 15.148.815 and do not change any other provisions of Chapter 15.148.

Policy Considerations: The proposed ordinance is consistent with the City's Strategic Plan goals to expand economic development throughout the city. Limiting the construction of digital billboards to City-owned property will prevent the uncontrolled proliferation of digital billboards throughout the City. Moreover, because the City will own the property on which digital billboards are constructed, the City will be able to control the location, design, and operation of the billboards as well as the content and appearance of the messages displayed. Additionally, the city will be able to assess the use of this new technology while generating additional revenue for municipal purposes.

Committee/Commission Action: The proposed code amendments were presented to the Law and Legislation Committee on April 6, 2010. The Committee had not yet met as of the submission date of this report.

Environmental Considerations: The proposed revisions to the City Code are part of the Digital Billboards project, which has been subject to environmental review pursuant to the California Environmental Quality Act (CEQA).

The Department of Community Development, Environmental Planning Services, prepared an Initial Study for the proposed Digital Billboard project, which includes the proposed revisions to the City Code; the rezoning of one parcel; and the approval of leases authorizing CCO to install and operate four digital billboards on four City-owned parcels. On the basis of the Initial Study, staff concluded that all potentially significant effects of the project could be mitigated to a less-than-significant level, and a Mitigated Negative Declaration (MND) was prepared.

Following CCO's agreement to abide by all proposed mitigation measures, the MND was circulated for public review for a period of thirty days.

Several comments have been received regarding the MND and Initial Study. All comment letters have been included as attachments to this staff report.

The County of Sacramento, Planning and Community Development Department, submitted its comment suggesting that approval of the Project could result in similar requests for such signage in the unincorporated portion of the County. As with the City, the County has the ability to control approvals in its jurisdiction, and with appropriate safeguards no significant environmental effect would result. The County also stated its concern regarding light pollution and traffic safety, issues addressed in detail in the Initial Study.

Comments were received from Caltrans, Outdoor Advertising Division, and the Central Valley Flood Protection Board, commenting on technical requirements within their jurisdiction.

The McKinley East Sacramento Neighborhood Association (MENA) commented via email dated January 2, 2010. The comments from MENA regarding traffic hazards have been addressed in the MND. The comments also address greenhouse gas emissions that could be generated by operation of the billboards. The Master EIR for the 2030 General Plan addressed climate change issues in detail. The Master EIR discussion is located on line beginning on page 8-1 at http://www.sacgp.org/documents/Part2_GPMasterEIR.pdf.

The Master EIR concluded that the greenhouse gas emissions that could be generated by development consistent with the 2030 General Plan would be cumulatively significant and unavoidable. (Page 8-61) Climate change that could result from greenhouse gas emissions is an inherently cumulative impact, and is being addressed by the City through the general plan process and the preparation of the City's Climate Action Plan. The Mitigated Negative Declaration has been revised to include additional discussion regarding energy usage and greenhouse gas emissions that would be associated with the proposed project.

Kaiser Permanente South has approved plans to operate a helipad on the hospital site, and has commented regarding potential effects of the proposed billboard at Mack Road on helipad operations. Staff inquired of the Sacramento Area Council of Governments (SACOG), the local agency with jurisdiction regarding airport operations, and Caltrans Division of Aeronautics. Caltrans reviewed the proposed location, and advised that the proposed billboard location is approximately 725' north of the Kaiser South Hospital Helipad, and would be located outside the approach/departure surface for the Kaiser South Helipad. Caltrans also advised that the proposed billboard would not be an operational issue. (M. Smith, Caltrans Division of Aeronautics, 2/26/2010)

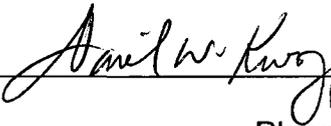
The revised MND and Initial Study have been posted on the Department's web site at <http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/>. None of the above comments or changes affected the substantive issues addressed in the environmental document, and recirculation for public review is not required.

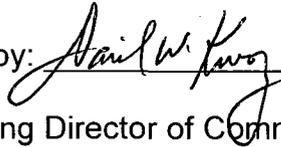
Sustainability Considerations: There are no sustainability considerations applicable to the changes made in the section of Title 15.

Rationale for Recommendation: The proposed code amendment will permit digital billboards to be located on City-owned property subject to the review and approval of a relocation agreement and compliance with CEQA.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: 
David Kwong
Planning Manager

Approved by: 
David Kwong
Acting Director of Community Development

Recommendation Approved:

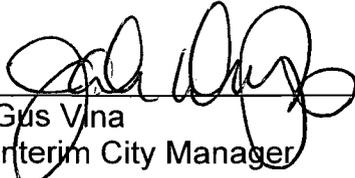

Gus Vina
Interim City Manager

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Mitigated Negative Declaration – Findings – City Council Resolution

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

**ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION
MONITORING PROGRAM FOR THE DIGITAL BILLBOARDS PROJECT**

BACKGROUND

A. On March 25, 2010, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the Digital Billboards Project (Rezone and Relocation Agreement).

B. On April 27, 2010, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) (a), (b), and (c) (publication and mail to owners of property within 500 feet of the Project sites), and received and considered evidence concerning the Digital Billboards Project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

Section 1. The City Council finds as follows:

The Project initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed, and circulated in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the Sacramento Local Environmental Procedures, as follows:

A. On December 3, 2009, a Notice of Intent to Adopt the MND (NOI) dated December 1, 2009, was circulated for public comments for 30 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed Project and to other interested parties and agencies, including owners of property within 500 feet of the boundaries of the proposed Project. The comments of such persons and agencies were sought.

B. On December 3, 2009, the NOI was published in the *Daily Recorder*, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk/Recorder.

Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study and revised initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective, and complete review of the environmental effects of the proposed project.

Section 4. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.

Section 5. The City Council adopts the MND for the Project.

Section 6. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Section 7. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk/Recorder and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to CEQA section 21152(a) and CEQA Guidelines section 15075 .

Section 8. Pursuant to CEQA Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in, and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

Section 9. Exhibit A is a part of this Resolution.

Table of Contents:

Exhibit A: Mitigation Monitoring Program

DIGITAL BILLBOARDS
MITIGATION MONITORING PROGRAM

Mitigation Measure	Monitoring Party	Compliance Milestone / Confirm Compliance
<p>1. <u>TRANSPORTATION / CIRCULATION</u></p> <p>Transportation 1 The operation of digital billboards by the operator within the City of Sacramento shall comply with the following at all times:</p> <ul style="list-style-type: none"> a. No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display; b. The operator shall report its intention of installing, implementing or using any technology that would allow interaction with drivers, vehicles or any device located in vehicles; including, but not limited to a radio frequency identification device, geographic positions system, or other device, in advance of such operation, in the annual report required in Mitigation Measure Transportation 2. <p>Transportation 2 The operator of any digital billboard operated within the City of Sacramento shall submit, within thirty days following June 30 of each year, a written report regarding operation of each digital billboard during the preceding period of July 1 to June 30. The operator may submit a combined report for all such digital billboards operated by such operator within the City limits. The report shall, when appropriate, identify incidents or facts that relate to specific digital billboards. The report shall be submitted to the Director of the Community Development Department, Director of Department of Transportation and the City Attorney, and shall include information relating to the following:</p> <ul style="list-style-type: none"> a. Status of the operator's license as required by California Business and Professions Code §§5300 et seq.; b. Status of the required permit for individual digital billboards, as required by California Business and Professions Code §§5350 et seq.; 	<p>City of Sacramento: Community Development Department; & Department of Transportation;</p>	<p>Provide annual written reports by July 30 each year detailing the information outlined in Mitigation Measure Transportation 2 to the Directors of the City of Sacramento Community Development Department and the Department of Transportation</p>

**DIGITAL BILLBOARDS
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Monitoring Party	Compliance Milestone / Confirm Compliance
<ul style="list-style-type: none"> c. Compliance with the California Outdoor Advertising Act, California Business and Professions Code §§5200 and all regulations adopted pursuant to such Act; d. Compliance with California Vehicle Code §§21466.5 and 21467; e. Compliance with provisions of written agreements between the U.S. Department of Transportation and the California Department of Transportation pursuant to the federal Highway Beautification Act (23 U.S.C. §131); f. Compliance with mitigation measures identified in this Initial Study and in the Mitigated Negative Declaration adopted as part of project approval; g. Each written or oral complaint received by the operator, or conveyed to the operator by any government agency or any other person, regarding operation of digital billboards within the City of Sacramento; h. Each malfunction or failure of a digital billboard approved by the City of Sacramento and operated by the operator within the City of Sacramento, which shall include only those malfunctions or failures that are visible to the naked eye, including reason for the malfunction, duration and confirmation of repair; and i. Operating status of each digital billboard operated by the operator within the City of Sacramento, including estimated date of repair and return to normal operation of any digital billboard identified in the report as not operating in normal mode. 		
<p>2. AESTHETICS See Mitigation Measures Transportation 1 and 2</p>	See Mitigation Measures Transportation 1 and 2	See Mitigation Measures Transportation 1 and 2

DIGITAL BILLBOARDS
MITIGATION MONITORING PROGRAM

Mitigation Measure	Monitoring Party	Compliance Milestone / Confirm Compliance
<p>4. BIOLOGICAL RESOURCES</p> <p>BIO-1 (Location 2-Interstate 5 and Richards Boulevard) The following mitigation measures shall be implemented on the project site:</p> <ul style="list-style-type: none"> a. Fence and flag all areas to be avoided. Provide a minimum setback of at least 20 feet from the dripline of the elderberry plant located at the base of the electrical tower to the south. b. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements. c. Put up signs every 50 feet along the edge of the avoidance areas with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. Signs shall be removed following construction. d. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant. 	<p>City of Sacramento Community Development Department</p>	<p>Measures shall be shown and confirmed on construction plans for Location 2.</p> <p>Prior to issuance of grading and/or building permits.</p>
<p>BIO-2 (Location 2-Interstate 5 and Richards Boulevard) If construction occurs during the breeding season (February 1–August 31), the developer will conduct CDFG-recommended protocol-level surveys within 0.8 kilometer (0.5 mile) of the project area prior to construction as required by the <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> or as required by the CDFG in the future. If no active nests are identified during the survey, no additional mitigation is required.</p> <p>If active nests are found in the vicinity of the construction area, mitigation measures consistent with the <i>Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California</i> will be incorporated in the following manner or as directed by the CDFG.</p>	<p>City of Sacramento Community Development Department</p>	<p>Measures shall be shown and confirmed on construction plans.</p> <p>Provide written report verifying</p>

DIGITAL BILLBOARDS
MITIGATION MONITORING PROGRAM

Mitigation Measure	Monitoring Party	Compliance Milestone / Confirm Compliance
<p>a. If an active nest is found, no intensive new disturbances (e.g., construction activities that create sudden loud noises or vibrations) or other project-related activities that may cause nest abandonment or forced fledging, can be initiated within 200 yards (buffer zone) of an active nest between March 1 and September 15. The size of the buffer area may be adjusted if a qualified biologist and the CDFG determine it would not be likely to have adverse effects on the hawks. No project activity will commence within the buffer area until a qualified biologist confirms that the nest is no longer active.</p> <p>b. If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project proponent) by a qualified biologist will be required to determine if the nest is abandoned. If the nest is abandoned and if the nestlings are still alive, the project proponent will fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).</p> <p>Routine disturbances, such as routine maintenance activities within 0.4 kilometer (0.25 mile) of an active nest, will not be prohibited unless consultation with the CDFG determines that these activities will affect the active nest.</p>		<p>compliance with BIO -2 for Location 2</p> <p>Prior to issuance of grading and/or building permits</p>
<p>5. CULTURAL RESOURCES</p> <p>CR-1 (Location 2-Interstate 5 and Richards Boulevard) For the proposed billboard sites located within archaeologically sensitive areas, as shown in the General Plan MEIR, Figure 6.4-1, the developer shall have test bores conducted by a qualified archaeologist in the location and to depth of the proposed excavation (drilling of the foundation holes). The archaeologist shall assess the significance of any finds in the test bores. The archaeologist shall coordinate the testing and provide written findings to the City's Preservation Director. If the find is determined to be significant by the archaeologist and the Preservation Director, the archaeologist and the Preservation Director shall coordinate to determine the appropriate course of action to be undertaken prior to initiation of construction.</p>	<p>City of Sacramento</p> <p>Community Development Department</p>	<p>Measures shall be shown and confirmed on construction plans.</p> <p>Provide a written report of the findings of testing to the</p>

DIGITAL BILLBOARDS
MITIGATION MONITORING PROGRAM

Mitigation Measure	Monitoring Party	Compliance Milestone / Confirm Compliance
<p>the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>		
<p>7. HAZARDS</p> <p>HAZ -1 Prior to issuance of a building permit for the sites Location 2 (Interstate 5 and Richards Boulevard) and Location 3 (Raptan Honda), the contractor shall submit a written report that either provides evidence that construction activities will not cause a release of contaminated soils or expose construction workers to contaminated soils prior to issuance of building or grading permits, or identifies the status of soils, plans for avoidance or remediation and the local or state agency that will have jurisdiction over site remediation.</p> <p>HAZ-2 The contractor shall comply with all requirements of the deed restrictions for the sites and coordinate with the applicable regulatory agencies overseeing the Operation and Maintenance Agreements for the affected sites.</p>	<p>City of Sacramento Community Development Department</p>	<p>Measures shall be shown and confirmed on construction plans.</p> <p>Provide written report verifying measures identified in HAZ – 1 for Location 3.</p> <p>Prior to issuance of any grading or building permit.</p>

ORDINANCE NO. 2010-__

Adopted by the City of Sacramento

_____, 2010

AMENDING SECTIONS 15.148.815 AND 15.148.1170 OF THE SACRAMENTO CITY CODE, RELATING TO DIGITAL BILLBOARDS ON CITY-OWNED LANDS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. The City Council finds as follows:

- A. On October 16, 2007, the City Council adopted Ordinance No. 2007-079, which prohibits the construction of new billboards. In support of the prohibition, the City Council found that billboards can cause long-lasting aesthetic harm and produce visual clutter that distracts from the attractiveness of the City. The prohibition has no automatic expiration date and remains in effect until repealed or superseded.
- B. Ordinance No. 2007-079 provides a limited exception to the prohibition, as it retains the City's ability to enter into relocation agreements under which new billboards may be constructed in exchange for the permanent removal of existing billboards. Section 15.148.815 of the Sacramento City Code prescribes when and how the City may enter into a relocation agreement.
- C. Section 15.148.640 of the Sacramento City Code prohibits signs that are animated by means of flashing, scintillating, blinking, or traveling lights or by any other means not providing constant illumination. The City has interpreted this prohibition to cover signs illuminated by light-emitting diodes, or LED's, which could include digital billboards, i.e., billboards that use digital-display technology.
- D. Together, Ordinance No. 2007-079 and Section 15.148.640 of the Sacramento City Code prohibit the construction of digital billboards within the City. The City Council desires to authorize the limited use of relocation agreements for the construction of digital billboards on certain City-owned lands. Limiting the construction of digital billboards to City-owned property will prevent the uncontrolled proliferation of digital billboards throughout the City. Moreover, because the City will own the property on which digital billboards are constructed, the City will be able to control the location, design, and operation of the billboards as well as the content and appearance of the messages displayed. This control, together with the mandatory use of relocation agreements, will enable the City to (1) avoid potential hazards to motorists and pedestrians, (2) ensure that the design of each digital billboard is harmonious with the surrounding area, (3) reduce visual clutter that results from excessive and confusing sign displays, and (4) improve the appearance of the City. At the same time, the City will be able to assess the use of this new technology while generating additional revenue for municipal purposes.

SECTION 2. Subsection F.6 in Section 15.148.815 of the Sacramento City Code is amended to read as follows:

6. ~~Consistency with Outdoor Advertising Act. In addition to the other requirements set forth above, the relocated offsite sign shall comply with the requirements of the Outdoor Advertising Act, California Business and Professions Code Secs. 5200 et seq., including but not limited to the restrictions on size, height, proximity to interstate and primary highways and landscaped freeways and other regulations set forth in Article 7 (Business and Professions Code Secs. 5400-5419) and Article 8 (Business and Professions Code Secs. 5440-5443.5). To the extent of any conflict between the provisions of this Section and the provisions of the Outdoor Advertising Act, the Outdoor Advertising Act shall prevail.~~ Digital Billboards on City Land. Notwithstanding Section 15.148.640, the city council may approve one or more relocation agreements that authorize the construction of digital billboards on city-owned property adjacent to a freeway, subject to the following additional provisions:
 - a. Notwithstanding Subsection F.3 of this section, the city-owned property may be located in any commercial or industrial zone.
 - b. All digital-display faces must be oriented primarily for viewing from the adjacent freeway.
 - c. Notwithstanding any provision to the contrary in this chapter, the maximum height of a digital billboard, measured from grade to the top of the digital-display face, is 85 feet; and the overall maximum height, measured from grade to the top of the billboard structure, is 90 feet.
 - d. Notwithstanding any provision to the contrary in this chapter, a digital billboard may have either one or two display faces, and the maximum area of a display face is seven hundred (700) square feet.
 - e. Notwithstanding any provision to the contrary in this section, an existing offsite sign that is removed and relocated under a relocation agreement that authorizes the construction of a digital billboard may be either a legal conforming sign or a legal nonconforming sign.
 - f. A digital billboard may display only a series of still images, each of which is displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one second.
 - g. The city must comply with the California Environmental Quality Act before approving a relocation agreement that authorizes a digital billboard.

SECTION 3. Section 15.148.815 of the Sacramento City Code is amended by adding Subsection F.7, to read as follows:

7. Consistency with Outdoor Advertising Act. In addition to complying with the other requirements set forth in this section, the relocated offsite sign must also comply with the requirements of the Outdoor Advertising Act, chapter 2 in division 3 of the California Business and Professions Code, including but not limited to the restrictions on size, height, proximity to interstate and primary highways and landscaped freeways, and other regulations set forth in articles 7 and 8 of the act. To the extent any conflict arises between this section and the Outdoor Advertising Act, the Outdoor Advertising Act will prevail.

SECTION 4. Section 15.148.1170 of the Sacramento City Code is amended by adding the following definition:

“Digital billboard” means a billboard or other off-site sign that uses digital-display technology.

SECTION 5. Except as specifically amended by Sections 2, 3, and 4 of this ordinance, Sections 15.148.815 and 15.148.1170 of the Sacramento City Code remain unchanged and in full effect.

ORDINANCE NO. 2010-__

Adopted by the City of Sacramento

_____, 2010

AMENDING SECTIONS 15.148.815 AND 15.148.1170 OF THE SACRAMENTO CITY CODE, RELATING TO DIGITAL BILLBOARDS ON CITY-OWNED LANDS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. The City Council finds as follows:

- A. On October 16, 2007, the City Council adopted Ordinance No. 2007-079, which prohibits the construction of new billboards. In support of the prohibition, the City Council found that billboards can cause long-lasting aesthetic harm and produce visual clutter that distracts from the attractiveness of the City. The prohibition has no automatic expiration date and remains in effect until repealed or superseded.
- B. Ordinance No. 2007-079 provides a limited exception to the prohibition, as it retains the City's ability to enter into relocation agreements under which new billboards may be constructed in exchange for the permanent removal of existing billboards. Section 15.148.815 of the Sacramento City Code prescribes when and how the City may enter into a relocation agreement.
- C. Section 15.148.640 of the Sacramento City Code prohibits signs that are animated by means of flashing, scintillating, blinking, or traveling lights or by any other means not providing constant illumination. The City has interpreted this prohibition to cover signs illuminated by light-emitting diodes, or LED's, which could include digital billboards, i.e., billboards that use digital-display technology.
- D. Together, Ordinance No. 2007-079 and Section 15.148.640 of the Sacramento City Code prohibit the construction of digital billboards within the City. The City Council desires to authorize the limited use of relocation agreements for the construction of digital billboards on certain City-owned lands. Limiting the construction of digital billboards to City-owned property will prevent the uncontrolled proliferation of digital billboards throughout the City. Moreover, because the City will own the property on which digital billboards are constructed, the City will be able to control the location, design, and operation of the billboards as well as the content and appearance of the messages displayed. This control, together with the mandatory use of relocation agreements, will enable the City to (1) avoid potential hazards to motorists and pedestrians, (2) ensure that the design of each digital billboard is harmonious with the surrounding area, (3) reduce visual clutter that results from excessive and confusing sign displays, and (4) improve the appearance of the City. At the same

time, the City will be able to assess the use of this new technology while generating additional revenue for municipal purposes.

SECTION 2. Subsection F.6 in Section 15.148.815 of the Sacramento City Code is amended to read as follows:

6. Digital Billboards on City Land. Notwithstanding Section 15.148.640, the city council may approve one or more relocation agreements that authorize the construction of digital billboards on city-owned property adjacent to a freeway, subject to the following additional provisions:
 - a. Notwithstanding Subsection F.3 of this section, the city-owned property may be located in any commercial or industrial zone.
 - b. All digital-display faces must be oriented primarily for viewing from the adjacent freeway.
 - c. Notwithstanding any provision to the contrary in this chapter, the maximum height of a digital billboard, measured from grade to the top of the digital-display face, is 85 feet; and the overall maximum height, measured from grade to the top of the billboard structure, is 90 feet.
 - d. Notwithstanding any provision to the contrary in this chapter, a digital billboard may have either one or two display faces, and the maximum area of a display face is seven hundred (700) square feet.
 - e. Notwithstanding any provision to the contrary in this section, an existing offsite sign that is removed and relocated under a relocation agreement that authorizes the construction of a digital billboard may be either a legal conforming sign or a legal nonconforming sign.
 - f. A digital billboard may display only a series of still images, each of which is displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one second.
 - g. The city must comply with the California Environmental Quality Act before approving a relocation agreement that authorizes a digital billboard.

SECTION 3. Section 15.148.815 of the Sacramento City Code is amended by adding Subsection F.7, to read as follows:

7. Consistency with Outdoor Advertising Act. In addition to complying with the other requirements set forth in this section, the relocated offsite sign must also comply with the requirements of the Outdoor Advertising Act, chapter 2 in division 3 of the

California Business and Professions Code, including but not limited to the restrictions on size, height, proximity to interstate and primary highways and landscaped freeways, and other regulations set forth in articles 7 and 8 of the act. To the extent any conflict arises between this section and the Outdoor Advertising Act, the Outdoor Advertising Act will prevail.

SECTION 4. Section 15.148.1170 of the Sacramento City Code is amended by adding the following definition:

“Digital billboard” means a billboard or other off-site sign that uses digital-display technology.

SECTION 5. Except as specifically amended by Sections 2, 3, and 4 of this ordinance, Sections 15.148.815 and 15.148.1170 of the Sacramento City Code remain unchanged and in full effect.