



# REPORT TO COUNCIL City of Sacramento

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

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**PUBLIC HEARING**  
**May 11, 2010**

**Honorable Mayor and  
Members of the City Council**

**Title: Digital Billboard Project and Sign Code Amendment (M09-035 and P09-055)**

**Location/Council District:** **Site 1:** North side of I-80, east of Northgate Blvd and adjacent to the Western Pacific RR line and west of Pell Dr (Highway 80 site)/ District 2  
**Site 2:** North of Business 80 at Fulton Avenue (3630 Fulton Ave)/ District 2  
**Site 3:** West side of HWY 99, S. of Mack Road across from Kaiser Hospital/ District 8  
**Site 4:** West of Interstate 5 at 240 Jibboom St/ District 1

**Recommendation:** Conduct a public hearing and upon conclusion adopt 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; c) an **Ordinance** approving a Rezone of approximately 1.1 gross acres of Agricultural (A) to the Light Industrial (M-1) zone, and publish the ordinance per City Charter 32(d); and d) a **Resolution** approving the Billboard Relocation Agreement to allow for the construction of four new digital billboards on four separate City-owned properties.

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

**Presenter:** Sandra Yope, Senior Planner, (916) 808-7158

**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 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, operate, and maintain 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, and the overall maximum height is 90 feet from grade to the top of the billboard structure; (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 each no larger than 700 square feet; 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.

One of the City sites (Site 1) requires rezoning from Agricultural (A) to Light Industrial (M-1) in order to locate a billboard on the property. Under both Section 15.148.815 and the provisions of the Outdoor Advertising Act (Bus. & Prof. Code §5200 et seq.), the proposed new digital billboards may be located only on commercial- or industrial-zoned property. Additionally, the site has already been identified for rezoning to bring it into conformity with the General Plan, but is being brought forward at this time to facilitate the proposed project.

New billboards that are the subject of a relocation agreement are exempt from Ordinance No. 2007-079, which prohibits the construction and operation of new billboards within the City. Section 15.148.815 allows an applicant to apply for a billboard relocation agreement under which new billboards may be constructed in exchange for the permanent removal of existing billboards, resulting in a net reduction in both the number and total square footage of billboards then lawfully allowed. Under the proposed billboard relocation agreement, a total of 17 existing billboards of different sizes will be removed for the new billboards, resulting in a net reduction of 13 billboards and 2,196 square feet of existing billboard signage. The list of signs proposed for removal is attached to the relocation agreement (Attachment 5).

**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. The use of the relocation agreement will result in a net loss of total billboards and sign face square footage citywide.

The proposed rezone will assist in achieving the goals of promoting development consistent with the General Plan and achieving vertical consistency. All the adjacent properties are zoned Light Industrial (M-1) with the same land use designation. The rezone makes this parcel consistent with the area.

**Committee/Commission Action:** The proposed code amendments were presented to the Law and Legislation Committee on April 6, 2010. The Committee voted unanimously to forward a recommendation of approval to Council. The proposed rezone and relocation agreement were presented to the Planning Commission on March 25, 2010. The commission recommended approval and forward the project to the City Council by a vote of 10 ayes and 1 no. The Commission also added a condition requiring CCO to purchase power for the billboards through SMUD's Solar Shares Program. That program is only for residential uses, however, so the leases will require CCO to purchase power through SMUD's program for commercial uses, "Greenergy."

**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 30 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. Like 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 online beginning on page 8-1 at [http://www.sacgp.org/documents/Part2\\_GPMasterEIR.pdf](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 at its hospital near the proposed location of the billboard at Mack Road and has commented regarding potential effects of the billboard 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 Heliport. 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.

**Findings Regarding Signs to be Relocated:** Subsection G in Section 15.148.815 of the City Code specifies the five findings the City Council must make concerning the signage proposed for relocation under a relocation agreement. Those findings are included in Attachment 5 to this report (Resolution

Adopting Findings of Fact and Approving the Digital Billboard Project Relocation Agreement (Clear Channel Outdoor) (P09-055)). Staff's analysis in support of the findings is set out in Attachment 6 to this report.

**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, rezone, and relocation agreement will permit digital billboards to be located on City-owned property subject to compliance with CEQA.

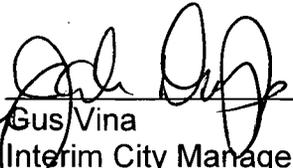
**Financial Considerations:** None.

**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 the Digital Billboards Project (Rezone and Relocation Agreement) and forwarded to the City Council a recommendation to approve the Project.

B. On May 11, 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 that 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.

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Exhibit A: Mitigation Monitoring Program

**DIGITAL BILLBOARDS  
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Monitoring Party	Compliance Milestone / Confirm Compliance
<p><b><u>1. TRANSPORTATION / CIRCULATION</u></b></p> <p><b><u>Transportation 1</u></b> 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"> <li>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;</li> <li>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.</li> </ul> <p><b><u>Transportation 2</u></b> 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"> <li>a. Status of the operator's license as required by California Business and Professions Code §§5300 et seq.;</li> <li>b. Status of the required permit for individual digital billboards, as required by California Business and Professions Code §§5350 et seq.;</li> </ul>	<p align="center">City of Sacramento;  Community Development Department;  &amp;  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"> <li>c. Compliance with the California Outdoor Advertising Act, California Business and Professions Code §§5200 and all regulations adopted pursuant to such Act;</li> <li>d. Compliance with California Vehicle Code §§21466.5 and 21467;</li> <li>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);</li> <li>f. Compliance with mitigation measures identified in this Initial Study and in the Mitigated Negative Declaration adopted as part of project approval;</li> <li>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;</li> <li>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</li> <li>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.</li> </ul>		
<p><b>2. <u>AESTHETICS</u></b> 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>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><b>5. CULTURAL RESOURCES</b></p> <p><b>CR-1 (Location 2-Interstate 5 and Richards Boulevard)</b> 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-interment 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><b>7. HAZARDS</b></p> <p><b>HAZ -1</b> Prior to issuance of a building permit for the sites Location 2 (Interstate 5 and Richards Boulevard) and Location 3 (Rampton 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><b>HAZ-2</b> 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:

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- 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.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**AMENDING TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING  
CODE) BY REZONING CERTAIN REAL PROPERTY  
FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M-1)  
(PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF I-80, EAST  
OF NORTHGATE BLVD AND ADJACENT TO THE WESTERN PACIFIC RR  
LINE AND WEST OF PELL DR  
(P09-055) (APN: 237-0031-036) COUNCIL DISTRICT 2**

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

SECTION 1

Title 17 of the Sacramento City Code (the Zoning Code) is amended by rezoning the property shown in the attached Exhibit A, generally described, known, and referred to as: the property generally located on the north side of I-80, east of Northgate Boulevard and adjacent to the Western Pacific RR Line and west of Pell Drive (APN: 237-0031-036) and consisting of  $\pm$  1.1 gross acres, from Agricultural (A) to Light Industrial (M-1).

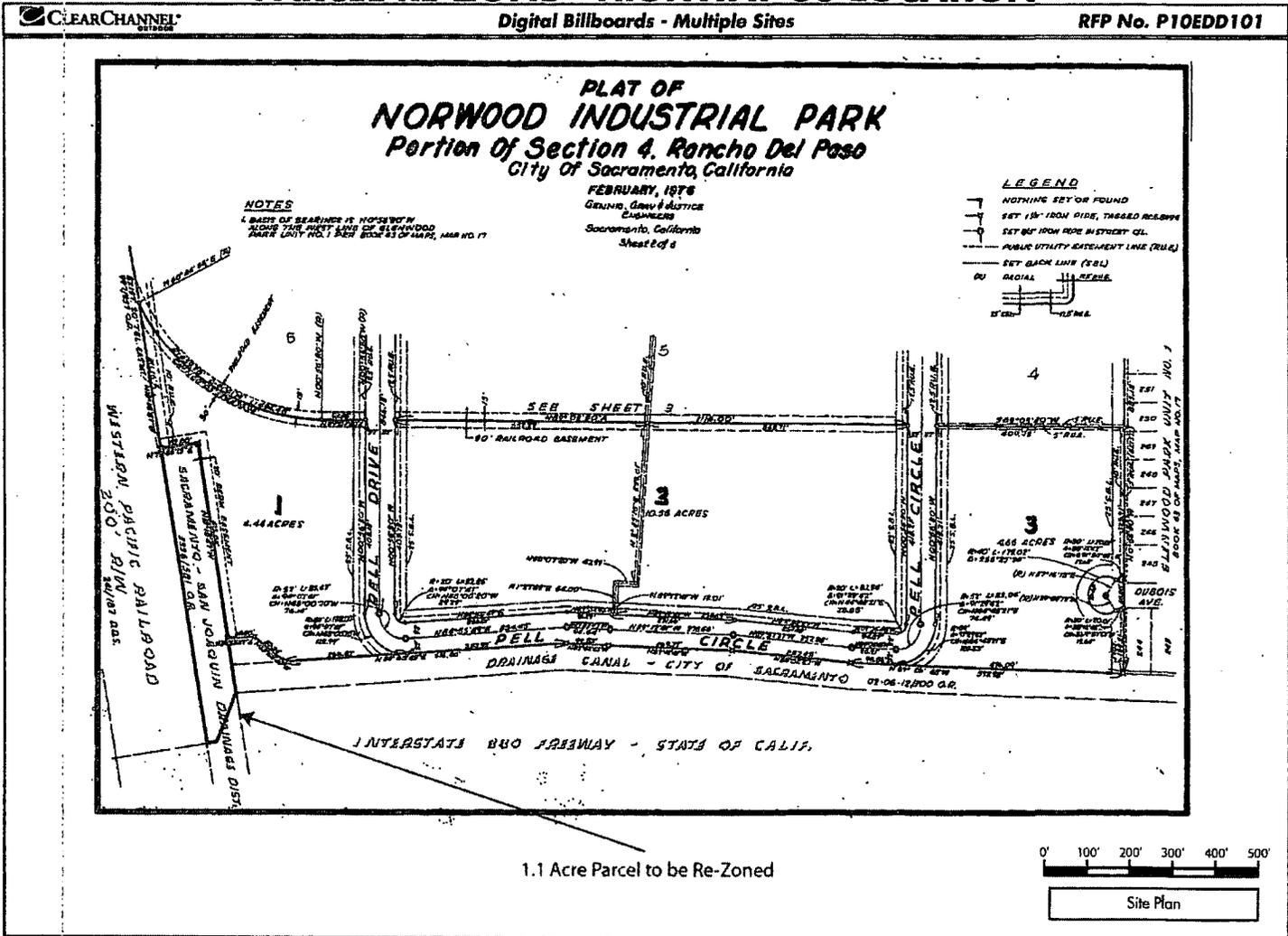
SECTION 2

The rezoning of the property shown in the attached Exhibit A, by the adoption of this Ordinance, will be considered to be in compliance with the requirements for the rezoning of property described in the Zoning Code, as amended, as those procedures have been affected by recent court decisions.

SECTION 3

The City Clerk of the City of Sacramento is directed to amend the official zoning maps, which are part of the Zoning Code, to conform to the provisions of this Ordinance.

**Table of Contents:** Exhibit A: The Highway 80 Rezone Map – 1 Page



Attachment 5: Resolution for Relocation Agreement

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE DIGITAL  
BILLBOARD PROJECT RELOCATION AGREEMENT  
(CLEAR CHANNEL OUTDOOR) (P09-055)**

**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 Billboard Project Relocation Agreement.

B. On May 11, 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 (500 feet), and received and considered evidence concerning the Digital Billboards Relocation Agreement Project.

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

**Section 1.** Based on the verbal and documentary evidence received at the hearing on the Digital Billboards Relocation Agreement Project, the City Council approves the Relocation Agreement as attached in Exhibit A, based on the findings of fact as set forth below.

**Section 2.** Findings of fact:

**A&B. Environmental Determination:** The Mitigated Negative Declaration and Mitigation Monitoring Program for the Project have been adopted by Resolution No. \_\_\_\_\_.

**D. Relocation Agreement:** The Billboard Relocation Agreement for the Project is approved based on the following findings of fact:

1. The new billboards comply with the purpose and requirements of Sacramento City Code Chapter 15.148, including section 15.148.815.

2. The new billboards are compatible with the uses and structures on the new sites and in the surrounding areas, including parks, trails, and other public facilities and amenities.

3. The new billboards will not interfere with onsite access, circulation, or visibility.
4. The new billboards will not create a traffic or safety hazard.
5. The new billboards will not result in any undue or significant increase in visual clutter in the areas surrounding the new sites.

Section 3. Exhibit A is a part of this Resolution.

## **Billboard Relocation Agreement**

### **City of Sacramento and Clear Channel Outdoor**

This agreement, dated May 11, 2010, for purposes of identification, is between the **City of Sacramento** (the "City"), a California municipal corporation; and **Clear Channel Outdoor, Inc.** ("CCO"), a Delaware corporation.

#### **Background**

**A.** 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 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 ("Section 15.148.815") prescribes when and how the City may enter into a relocation agreement.

**B.** CCO desires to construct, maintain, and operate on City-owned land, at CCO's sole expense, four new billboards that use digital-display technology (the "New Billboards"). The first column of **Exhibit A** identifies the City-owned lands on which CCO proposes to locate the New Billboards (the "New Billboard Sites"). CCO proposes to lease the New Billboard Sites from the City under four separate leases that, among other things, will require CCO to permanently remove existing billboards in accordance with Ordinance No. 2007-079, Section 15.148.815, and the Outdoor Advertising Act.<sup>1</sup>

**C.** CCO owns the existing billboards identified in the second column of **Exhibit A**, each of which is located on privately owned land within the City's jurisdiction (the "Existing Billboards"). To fulfill the requirement that CCO remove existing billboards in return for the right to construct, operate, and maintain the New Billboards, CCO applied to the City for a relocation agreement covering the Existing Billboards (Project No. P09-055). Removal of the Existing Billboards will result in a net reduction within the City of both (1) the total number of lawfully permitted offsite signs and (2) the total square footage of lawfully permitted offsite signage, as required by Section 15.148.815.

**D.** In accordance with Section 15.148.815, on March 25, 2010, the City's Planning Commission held a public hearing on CCO's application for a relocation agreement and then forwarded a recommendation of approval to the City Council; and on April 27, 2010, the City Council held a public hearing on the application and approved it based on the findings of fact, and subject to the conditions of approval, set out in Resolution No. 2010-\_\_\_\_\_.

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<sup>1</sup> Chapter 2 (beginning with section 5200) in division 3 of the California Business and Professions Code.

***With these background facts in mind, the City and CCO agree as follows:***

**1. Removal of Existing Billboards.** As part of the consideration for the City's leasing of the New Billboard Sites to CCO for the construction, maintenance, and operation of the New Billboards, and to comply with Ordinance No. 2007-079, Section 15.148.815, and the Outdoor Advertising Act, CCO shall remove the Existing Billboards according to the schedule set forth in the second column of **Exhibit A**.

**2. Waiver of Compensation.** CCO hereby waives and releases all claims for compensation CCO has or may have in the future, against the City or the City's elected officials, officers, employees, and agents, that are related to, or connected with, CCO's removal of the Existing Billboards. This waiver and release includes any claims made or arising under the California Government Claims Act,<sup>2</sup> the Outdoor Advertising Act, the California Constitution, the federal Highway Beautification Act of 1965,<sup>3</sup> or the United States Constitution.

**3. Release of Claims.** CCO unconditionally and forever releases and discharges the City and the City's elected officials, officers, employees, and agents from all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that in any way arise from, or are connected with, CCO's removal of the Existing Billboards. This release and discharge covers all claims, rights, liabilities, demands, obligations, duties, promises, costs, expenses, damages, and other losses or rights of any kind, past, present, and future, whatever the theory of recovery, and whether known or unknown, patent or latent, suspected or unsuspected, fixed or contingent, or matured or unmatured. CCO hereby waives all rights it has or may have in the future under section 1542 of the California Civil Code, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known to him or her must have materially affected his or her settlement with the debtor."

**4. Indemnity.** CCO shall indemnify, defend (upon the City's written request), protect, and hold the City and the City's elected officials, officers, employees, and agents harmless against all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through appeal) that arise in any way from either or both of the following:

- (a) The acts or omissions of CCO or CCO's officers, employees, or agents in removing the Existing Billboards.
- (b) The City's processing and approval of CCO's application for this relocation agreement. CCO's obligation under this Section 4(b) includes all claims by the

<sup>2</sup> Parts 1 through 7 (beginning with section 810) in division 3.6 of title 1 of the California Government Code.

<sup>3</sup> Title 23 United States Code section 131.

owner of property from which an Existing Billboard is removed, including claims based on the California Government Claims Act, the Outdoor Advertising Act, the California Constitution, the federal Highway Beautification Act of 1965, or the United States Constitution.

**5. Miscellaneous.**

- (a) *Notices.* Any notice or other communication under this agreement must be in writing and will be considered properly given and effective only when mailed or delivered in the manner provided by this Section 5(a) to the persons identified below. A mailed notice or other communication will be effective or will be considered to have been given on the third day after it is deposited in the United States Mail (certified mail and return receipt requested), addressed as set forth below, with postage prepaid. A notice or other communication sent in any other manner will be effective or will be considered properly given when actually delivered. Any party may change its address for these purposes by giving written notice of the change to the other party in the manner provided in this section.

*If to the City:*

City of Sacramento  
Economic Development Department  
915 I Street, Third Floor  
Sacramento, California 95814  
Attention:  
Tom Zeidner  
Senior Development Project Manager

*If to CCO:*

Clear Channel Outdoor, Inc.  
1107 9th Street, Suite 500  
Sacramento, California 95814  
Attention:  
David M. McWalters  
Senior Vice President  
Real Estate & Public Affairs

- (b) *Assignment.* A party may not assign or otherwise transfer this agreement or any interest in it without the other party's written consent. An assignment or other transfer made contrary to this Section 5(b) is void.
- (c) *Successors and Assigns.* This agreement binds and inures to the benefit of the successors and assigns of the parties. This Section 5(c) does not constitute the City's consent to any assignment of this agreement or any interest in this agreement.
- (d) *Interpretation.* This agreement is to be interpreted and applied in accordance with California law, without regard to conflict-of-law principles, subject to the following:
- (1) The rule of interpretation in Civil Code section 1654 will not apply.
  - (2) Sections 2, 3, and 4 of this agreement are to be interpreted so as to provide the City and the City's elected officials, officers, employees, and agents with the maximum protection possible against any obligation or liability that in any way arises from, or is connected with, CCO's removal of the Existing Billboards.

- (3) "Includes" and "including" are not restrictive. "Includes" means "includes but not limited to," and "including" means "including but not limited to."
- (4) Exhibit A is part of this agreement.
- (e) *Waiver of Breach.* A party's failure to insist on strict performance of this agreement or to exercise any right or remedy upon the other party's breach of this agreement will not constitute a waiver of the performance, right, or remedy. A party's waiver of the other party's breach of any term or provision in this agreement will not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other term or provision. A waiver is binding only if set forth in writing and signed by the waiving party.
- (f) *Attorney's Fees.* The party prevailing in any litigation concerning this agreement will be entitled to an award by the court of reasonable attorneys' fees and litigation costs through final resolution on appeal in addition to any other relief that may be granted in the litigation. If the City is the prevailing party, then this Section 5(f) will apply whether the City is represented in the litigation by the Office of the City Attorney or by outside counsel.
- (g) *Severability.* If a court with jurisdiction holds any nonmaterial provision of this agreement to be invalid, void, or unenforceable, then the remaining provisions will remain in full force.
- (h) *Counterparts.* The parties may execute this agreement in counterparts, each of which will be considered an original, but all of which will constitute the same agreement.
- (i) *Time of Essence.* Time is of the essence of this agreement.
- (j) *Integration and Modification.* This agreement sets forth the parties' entire understanding regarding the matters addressed. It supersedes all prior or contemporaneous agreements, representations, and negotiations (written, oral, express, or implied) and may be modified only by another written agreement signed by both parties.

(Signature Page Follows)

**City of Sacramento**

**Clear Channel Outdoor, Inc.**

By: \_\_\_\_\_  
Gus Vina  
Interim City Manager  
Dated: May \_\_, 2010

By: \_\_\_\_\_  
David McWalters  
Senior Vice President Real Estate  
Clear Channel Outdoor  
Dated: May \_\_, 2010

Approved as to Form  
Sacramento City Attorney

Approved as to Form  
Remy, Thomas, Moose & Manley

By: \_\_\_\_\_  
Joseph Cerullo Jr.  
Senior Deputy City Attorney

By: \_\_\_\_\_  
Tina Thomas  
Attorneys for Clear Channel Outdoor

Exhibit A To Relocation Agreement: List of Billboards to Be Removed

Exhibit A to Billboard Relocation Agreement  
City of Sacramento and Clear Channel Outdoor, Inc.

New Billboard	Existing Billboards
<p><b>New Billboard 1</b></p> <p><i>General Location:</i> north side of Interstate 80 near Northgate Boulevard</p> <p><i>APNs:</i> 237-0031-036</p> <p><i>General Description:</i> two-sided digital display (14' X 48') that uses light-emitting diodes, is oriented toward Interstate 80, and has an overall height of 90 feet, including a 5-foot-long decorative cap</p> <p><i>Total Display Area:</i> 1344 square feet</p>	<p>CCO shall permanently remove these five Existing Billboards from the indicated locations <i>before</i> CCO begins constructing New Billboard 1:</p> <p><b>Existing Billboard 1-A</b> <i>General Location:</i> west side of Del Paso Boulevard, 100 feet south of Colfax Street <i>APN:</i> 275-0164-019 <i>CCO Location Number:</i> 4068 <i>General Description:</i> one-sided billboard (12' X 25') <i>Total Display Area:</i> 300 square feet</p> <p><b>Existing Billboard 1-B</b> <i>General Location:</i> west side of Del Paso Boulevard, 100 feet south of Edgewater Road <i>APN:</i> 275-0122-008 <i>CCO Location Number:</i> 4067 <i>General Description:</i> one-sided billboard (12' X 25') <i>Total Display Area:</i> 300 square feet</p> <p><b>Existing Billboard 1-C</b> <i>General Location:</i> west side of Power Inn Road, 350 feet north of 20<sup>th</sup> Avenue <i>APN:</i> 061-0113-014 <i>CCO Location Numbers:</i> 4307, 4308 <i>General Description:</i> two-sided billboard (12' X 25') <i>Total Display Area:</i> 600 square feet</p> <p><b>Existing Billboard 1-D</b> <i>General Location:</i> east side of Rio Linda Boulevard, 40 feet south of Alamos Avenue <i>APN:</i> 265-0162-001 <i>CCO Location Number:</i> 4318 <i>General Description:</i> one-sided billboard (12' X 25') <i>Total Display Area:</i> 300 square feet</p> <p><b>Existing Billboard 1-E</b> <i>General Location:</i> east side of Stockton Boulevard, 20 feet north of 13<sup>th</sup> Avenue <i>APN:</i> 015-0242-023 <i>CCO Location Number:</i> 4369 <i>General Description:</i> one-sided billboard (12' X 25') <i>Total Display Area:</i> 300 square feet</p> <hr/> <p><b>Net Reduction in Number of Signs: 4</b> <b>Net Reduction in Number of Display Faces: 4</b> <b>Net Reduction in Display Area: 456 square feet</b></p>

Exhibit A to Billboard Relocation Agreement  
City of Sacramento and Clear Channel Outdoor, Inc.

New Billboard	Existing Billboards
<p><b>New Billboard 2</b>  <i>General Location:</i> Business 80 and Fulton Avenue                      (3630 Fulton Avenue)  <i>APN:</i> 254-0310-002  <i>General Description:</i> two-sided digital display (14' X 48') that uses light-emitting diodes, is oriented toward Interstate 80, and has an overall height of 65 feet  <i>Total Display Area:</i> 1344 square feet</p>	<p><b>CCO shall permanently remove these five Existing Billboards from the indicated locations before CCO begins constructing New Billboard 2:</b></p> <p><b>Existing Billboard 2-A</b>  <i>General Location:</i> Rio Linda Boulevard, 176 feet south of Plaza Avenue  <i>APN:</i> 263-0251-002  <i>CCO Location Number:</i> 4322  <i>General Description:</i> one-sided billboard (12' X 25')  <i>Total Display Area:</i> 300 square feet</p> <p><b>Existing Billboard 2-B</b>  <i>General Location:</i> south side of Marconi Avenue, 55 feet east of Albatross Way  <i>APN:</i> 266-0153-016  <i>CCO Location Number:</i> 4272  <i>General Description:</i> one-sided billboard (12' X 25')  <i>Total Display Area:</i> 300 square feet</p> <p><b>Existing Billboard 2-C</b>  <i>General Location:</i> west side of Del Paso Boulevard, 50 feet south of Gibson Street  <i>APN:</i> 275-0088-003  <i>CCO Location Numbers:</i> 4060, 4061  <i>General Description:</i> two-sided billboard (12' X 25')  <i>Total Display Area:</i> 600 square feet</p> <p><b>Existing Billboard 2-D</b>  <i>General Location:</i> east side of Del Paso Boulevard, 60 feet south of Globe Avenue  <i>APN:</i> 275-0162-001  <i>CCO Location Number:</i> 4070  <i>General Description:</i> one-sided billboard (12' X 25')  <i>Total Display Area:</i> 300 square feet</p> <p><b>Existing Billboard 2-E</b>  <i>General Location:</i> north side of Broadway, 50 feet west of 9<sup>th</sup> Street  <i>APN:</i> 009-0241-004  <i>CCO Location Numbers:</i> 4029, 4030  <i>Caltrans Permit Number:</i> 28397  <i>General Description:</i> two-sided billboard (12' X 25')  <i>Total Display Area:</i> 600 square feet</p> <hr/> <p><b>Net Reduction in Number of Signs: 4</b>  <b>Net Reduction in Number of Display Faces: 5</b>  <b>Net Reduction in Display Area: 756 square feet</b></p>

Exhibit A to Billboard Relocation Agreement  
City of Sacramento and Clear Channel Outdoor, Inc.

New Billboard	Existing Billboards
<p><b>New Billboard 3</b>  <i>General Location:</i> west side of Highway 99, south of Mack Road  <i>APN:</i> 117-0170-067  <i>General Description:</i> two-sided digital display (14' X 48') that uses light-emitting diodes, is oriented toward Interstate 80, and has an overall height of 50 feet, including a 5-foot-long decorative cap  <i>Total Display Area:</i> 1344 square feet</p>	<p><b>CCO shall permanently remove these four Existing Billboards from the indicated locations before CCO begins constructing New Billboard 3:</b></p> <p><b>Existing Billboard 3-A</b>  <i>General Location:</i> west side of 24<sup>th</sup> Street, 150 feet north of Florin Road  <i>APN:</i> 035-0334-002  <i>CCO Location Number:</i> 4435  <i>General Description:</i> one-sided billboard (12' X 25')  <i>Total Display Area:</i> 300 square feet</p> <p><b>Existing Billboard 3-B</b>  <i>General Location:</i> north side of Mack Road, 370 feet west of La Mancha Way  <i>APN:</i> 118-0133-009  <i>CCO Location Numbers:</i> 4263, 4264  <i>General Description:</i> two-sided billboard (12' X 25')  <i>Total Display Area:</i> 600 square feet</p> <p><b>Existing Billboard 3-C</b>  <i>General Location:</i> south side of Florin Road, 770 feet east of 24<sup>th</sup> Street  <i>APN:</i> 049-0021-044  <i>CCO Location Numbers:</i> 4115, 4116  <i>General Description:</i> two-sided billboard (12' X 25')  <i>Total Display Area:</i> 600 square feet</p> <p><b>Existing Billboard 3-B</b>  <i>General Location:</i> east side of 24<sup>th</sup> Street, 300 feet north of 26<sup>th</sup> Avenue  <i>APN:</i> 019-0141-001  <i>CCO Location Numbers:</i> 4433, 4434  <i>General Description:</i> two-sided billboard (12' X 25')  <i>Total Display Area:</i> 600 square feet</p> <hr/> <p><b>Net Reduction in Number of Signs: 3</b>  <b>Net Reduction in Number of Display Faces: 5</b>  <b>Net Reduction in Display Area: 756 square feet</b></p>

Exhibit A to Billboard Relocation Agreement  
City of Sacramento and Clear Channel Outdoor, Inc.

New Billboard	Existing Billboards
<p><b>New Billboard 4</b>  <i>General Location:</i> west of Interstate 5 and Richards Boulevard (240 Jibboom Street)  <i>APN:</i> 001-0190-015  <i>General Description:</i> two-sided digital display (14' X 48') that uses light-emitting diodes, is oriented toward Interstate 5, and has an overall height of 70 feet, including a 5-foot-long decorative cap  <i>Total Display Area:</i> 1344 square feet</p>	<p><b>CCO shall permanently remove these three Existing Billboards from the indicated locations before CCO begins constructing New Billboard 4:</b></p> <p><b>Existing Billboard 4-A</b>  <i>General Location:</i> Highway 160 at the American River  <i>APN:</i> 001-0102-008  <i>CCO Location Numbers:</i> 2715, 2320  <i>Caltrans Permit Number:</i> 7039  <i>General Description:</i> one-sided billboard (14' X 48')  <i>Total Display Area:</i> 672 square feet</p> <p><b>Existing Billboard 4-B</b>  <i>General Location:</i> Richards Boulevard, 300 feet west of 6<sup>th</sup> Street  <i>APN:</i> 001-0210-047  <i>CCO Location Numbers:</i> 4515, 4316  <i>General Description:</i> two-sided billboard (12' X 25')  <i>Total Display Area:</i> 600 square feet</p> <p><b>Existing Billboard 4-C</b>  <i>General Location:</i> west side of 16<sup>th</sup> Street, 100 feet north of D Street  <i>APN:</i> 002-0092-012  <i>CCO Location Number:</i> 4424  <i>General Description:</i> one-sided billboard (12' X 25')  <i>Total Display Area:</i> 300 square feet</p> <hr/> <p><b>Net Reduction in Number of Signs: 2</b>  <b>Net Reduction in Number of Display Faces: 2</b>  <b>Net Reduction in Display Area: 228 square feet</b></p>

<b>Total Net Reduction Citywide in Number of Signs:</b>	<b>13 signs</b>
<b>Total Net Reduction Citywide in Number of Display Faces:</b>	<b>16 faces</b>
<b>Total Net Reduction Citywide in Display Area:</b>	<b>2,196 square feet</b>

Attachment 6: Findings of Fact for Relocation Agreement

**Analysis Supporting Findings of Fact Concerning Signs to be Relocated under Relocation Agreement with Clear Channel Outdoor**

**1. The new digital billboards comply with the purpose and requirements of Chapter 15.148 in the City Code, including Section 15.148.815.**

Under section 5412 of the Business and Professions Code, “[i]t is a policy of this state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds while allowing the continued maintenance of private investment and a medium of public communication.” Section 15.148.815 of the City Code implements the policy set forth in section 5412. it provides in Subsection A that “[t]he purpose of relocation agreements . . . is to allow for the removal and relocation of existing, nonconforming, offsite signs to new and different locations, and to enable the substitute of offsite signs meeting modern standards for such existing, nonconforming, offsite signs. . . . [R]elocation includes the removal of existing nonconforming, offsite signage and the construction of new replacement offsite signage or alteration of existing offsite signage . . . .” Subsection C provides that “[a]ny legal, nonconforming offsite sign may be considered as a candidate for relocation pursuant to a relocation agreement as provided in this section. Such offsite signs may be relocated to a new site or relocated on the present site only in accordance with this section.”

If approved, the proposed amendments to the City Code will authorize limited use of relocation agreements for the construction of digital billboards on certain City-owned lands. The proposed amendments will also provide that “[n]otwithstanding any provision to the contrary in [Section 15.148.815], 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.”

The proposed Project, if approved, will authorize CCO to construct, operate, and maintain four digital billboards at the following City-owned locations: (1) Interstate 80 at Northgate Boulevard; (2) Interstate 5 at Richards Boulevard; (3) Business 80 at Fulton Avenue (Rapton Honda); and (4) Highway 99 at Mack Road. The Project also includes a relocation agreement that will result in CCO’s removing 13 existing sign structures and eliminating 2,196 square feet of total sign area.

The Project complies with the purpose and requirements of the City Code sections that govern billboards, as those sections will be amended.

**2. The new billboards are compatible with the uses and structures on the new sites and in the surrounding areas, including parks, trails, and other public facilities and amenities.**

The four locations proposed for digital billboards are located along major freeways within the City limits, and the areas surrounding each location have been urbanized

since the 1930's with commercial and residential uses. These four locations are compatible with the surrounding urban uses and structures. Moreover, the construction and operation of four digital billboards would not result in inconsistencies or conflicts with the City's adopted land use strategies or policies (see, e.g., Sacramento 2030 General Plan, Policies LU 7.2.5 and LU 8.1.11, set forth in the Initial Study at pp. 19-20.)

- **Location 1** at I-80/Northgate consists of a gravel surface and piles of debris surrounding land regularly maintained by the Department of Utilities in the continued operation of Sump 157. (Initial Study, p. 39.) Railroad tracks and the levees for the Natomas East Main Drainage Canal are located to the west; vacant commercially zoned land is to the east. (Initial Study, p. 11.)
- **Location 2** at I-5/Richards Boulevard consists of vacant land with sparse annual grass. It is located on the west side of Jibboom Street and adjoins the site of the PG&E Powerhouse to the South. The Sacramento River and an abandoned water intake structure are approximately 500 feet to the west, the Best Western Inn to the north, and Jibboom Street and I-5 to the east. (Initial Study, p. 11.)
- **Location 3** at Business 80/Fulton (the site of Rapton Honda) is developed and consists of a concrete and asphalt-paved parking area. A golf course is located to the east, Rapton Honda to the north, and Business 80 and commercial businesses across the freeway to the south. (Initial Study, p. 11.) The proposed digital billboard at Location 3 will not conflict with views of the golf course during the day, and nighttime lighting of the sign will not conflict with use of the golf course. (Initial Study, p. 33.)
- **Location 4** at Highway 99/Mack Road consists of an approximate 1.13 acre "island" of vacant land surrounded by Bruceville Road, the Bruceville southbound on-ramp at Highway 99, and Highway 99. This location is highly disturbed and appears to be used as maintained drainage area within the developed urban area along Highway 99. (Initial Study, p. 40.) Commercial uses are located to the northwest, Highway 99 and commercial use to the northeast, and hospital uses to the south. (Initial Study, p. 12.)

Location 2 is approximately 500 feet east of the Sacramento River, and approximately 1,300 feet southwest of the confluence of the Sacramento and American Rivers. The north-oriented face of the digital billboard will face the I-5/Richards interchange and will not affect views of the Sacramento River from the freeway. The south-oriented face of the digital billboard will face the Jibboom Street connection to the I Street Bridge and be visible from the bridge. The billboard may also be visible from points south on the river but will not be inconsistent with the other urban features in the downtown area. (Initial Study, 31.)

The Project will not alter the characteristics of the landscape (i.e., change it from rural to urban, from natural to developed, or from scenic to blighted) in any of the proposed locations. (Initial Study, p. 31.) The digital billboards will be compatible with the

surrounding uses, which generally include vacant or paved areas in developed urban areas within the vicinity of a major freeway. 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 will enable the city to ensure that the design of each digital billboard is harmonious with the surrounding area and improve the appearance of the City.

**3. The new billboards will not interfere with onsite access, circulation, or visibility.**

The construction and operation of the digital billboards will not result in any increase in vehicle trips, and operation of the billboards will be subject to regulations regarding timing of displays and other features that might otherwise result in driver distraction or obstruct visibility. The new billboards would not interfere with circulation or visibility. (Initial Study, p. 23.) The proposed billboard locations are located in vacant or paved areas and constructing the billboards on them will not interfere with access to any existing uses. Location 3 at Business 80/Fulton (Rapton Honda) will serve the Rapton Honda auto dealership located at the former trap shooting range adjacent to Business 80 but will not adversely impact access to the dealership.

In addition, 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 will enable the city to avoid potential hazards to motorists and pedestrians.

**4. The new billboards will not create a traffic or safety hazard.**

**a. Kaiser South Helipad.**

The digital billboard proposed for Location 4 will be approximately 725 feet north of the Kaiser South Hospital Helipad. It will be approximately 45' high and oriented towards traffic on Highway 99 at the following GPS location: Latitude: 38°28'18.36"N, Longitude: 121°25'14.89"W. In response to a question about the proposed digital billboard's affects on aircraft that use the helipad at the Kaiser South Sacramento facility, the City contacted Aviation Safety Officer Michael Smith at the Caltrans Division of Aeronautics. Based on the information supplied by the City and CCO, Caltrans concluded that the proposed electronic billboard will be outside the approach/departure surface for the Kaiser South Helipad. Moreover, based on a conversation between Caltrans and a helicopter operator experienced with landing and departing from heliports throughout the state, Mr. Smith concluded that the proposed billboard does not appear to pose an operational issue for helicopters traveling to and from the Kaiser South facility.

**b. Traffic Safety along Freeways.**

As noted, the Project, if approved, will authorize CCO to construct, operate, and maintain four digital billboards along freeways within the City limits. The billboards

would be visible from each freeway. Digital billboards employ LED technology and allow for periodic changes in display. The capability of digital billboards to present changing images has raised concerns regarding traffic safety. The primary concern has been effects on driver attention, but concerns have also been raised regarding the potential for digital billboards to produce light of such intensity or direction that it could interfere with driver vision.

Digital billboards are subject to regulations promulgated by the Federal Highway Administration ("FHWA") and various California State agencies. These regulations regulate sign location and brightness to ensure that digital billboards will not be located so as to create hazards because of lighting conditions. Digital billboards are equipped with sensors that modify the brightness of the signs in response to ambient lighting conditions, thus ensuring that the signs' brightness during the evening, at night, and at dawn does not present a traffic hazard. Each of the relevant regulations is summarized below.

- The FHWA's agreement with the State of California includes specific provisions regarding the brightness of signage:

"Signs shall not be placed with illumination that interferes with the effectiveness of, or obscures any official traffic sign, device or signal; shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather or similar information); shall not cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance as to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle."

(Agreement for Carrying Out National Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-aid Primary System (February 15, 1968) ¶III.E, page 8.)

- The FHWA issued two memoranda, dated July 17, 1996, and September 25, 2007, to address, among other things, off-premises commercial electronic variable message signs, or CEVMS. The 2007 memorandum identified ranges of acceptability relating to "intermittent" or "flashing" or "moving" signs as used in state agreements.
- The state of California has adopted the Outdoor Advertising Act (Bus. & Prof. Code, § 5200 et seq.) and regulations implementing the act's provisions (Cal. Code Regs., tit. 4, div. 6, § 2240 et seq.). These include provisions that deal specifically with "message centers," which are defined as "an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds." (Bus. & Prof. Code, § 5216.4.) The Outdoor Advertising Act further provides that message centers compliant with its requirements are not considered flashing, intermittent, or moving light so long as the illumination and messages displayed on them do not change more than once every four seconds; in addition, a

message center may not be placed within 1,000 feet of another message center on the same side of the highway. (*Id.* at § 5405, subd. (d)(1))

- The California Vehicle Code regulates the brightness of billboard lighting. Vehicle Code section 21466.5, which identifies the applicable standard, may be enforced by Caltrans, the California Highway Patrol, or local authorities. Vehicle Code section 21467 provides that each prohibited sign, signal, device, or light is a public nuisance and may be removed without notice by Caltrans, the California Highway Patrol, or local authorities.
- Caltrans requires that any person engaged in the outdoor-advertising business must obtain a license from Caltrans and pay the required fee. (Bus. & Prof. Code, § 5300) The Outdoor Advertising Act also prohibits anyone from placing any advertising display in areas subject to Caltrans authority without having a written permit from Caltrans. (*Id.* at § 5350)

(See Initial Study, pp. 23-24.)

As digital billboard technology has developed, some have questioned whether digital billboards themselves, regardless of compliance with the above operating restrictions, present a distraction to drivers and thereby create conditions that could lead to accidents. FHWA has monitored the issue closely and recently released a report updating its view of the issues and research. The report is entitled "The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update." (Publication No. FHWA-HRT-09-018, February 2009; the "FHWA Report.")

The FHWA Report addressed whether operation of a CEVMS along the roadway is associated with a reduction of driving safety for the public. The report identified three fundamental methods for answering this question: (1) whether there is an increase in crash rates in the vicinity of CEVMS; (2) whether there is an increase in near-crashes, sudden braking, sharp swerving, and other such behaviors in the vicinity of CEVMS; and (3) whether there are excessive eye glances away from the roadway in the vicinity of CEVMS.

The report discusses existing literature and reports of studies, key factors, and measures relating to CEVMS and their effects on traffic, and it recommends a study approach. The report confirmed that there have been no definitive conclusions about the presence or strength of adverse safety impacts from CEVMS. Similarly, a study performed under the National Cooperative Highway Research Program concluded that digital billboards should be regulated as a means of protecting the public interest.

Restrictions on digital billboards contained within the Outdoor Advertising Act and enforced by Caltrans regulate many of the conditions that have been identified as relevant to traffic safety. Caltrans regulates the location of each proposed digital billboard through its application process, and the distance between such signs is also regulated. In addition, the Outdoor Advertising Act regulates brightness displays. The proposed City Code amendments likewise will regulate the display time and display

interval of messages as well as the dimensions of the digital billboards. The Outdoor Advertising Act, the Vehicle Code, and the City Code prohibit digital billboards from displaying flashing lights or images.

On occasion, outdoor advertising has used sequential advertising, which connects the message on one sign to the message on a subsequent sign or signs. Message sequencing occurs when a single thought, idea, concept, message, or advertisement is divided into segments and presented over two or more successive displays. This could pose a risk of drawing attention of a driver for an extended period of time, thus creating an unsafe distraction. The digital billboards that would be approved as part of this project would, however, be located at such distances from each other that sequencing would not be practical. Limitations on sign duration that would be implemented (i.e., minimum exposure of eight seconds) reduce the likelihood that related messages could be effectively communicated or result in any substantial safety hazard.

Another area of concern is the potential development of interactive signs that would be capable of communicating with vehicles or passengers. Although digital billboards are currently not capable of such communication, the future development of this technology would have unknown consequences and should be identified by the operator before any implementation. Mitigation measures identified in the Initial Study would require notice to the City if such features are proposed; the measures also confirm prohibitions on visual effects.

(See Initial Study, pp. 25-26.)

Based upon the above data, the analysis in the Initial Study, and the mitigation measures that will be implemented as part of the Project, the proposed digital billboards, if approved, constructed, and operated, will comply with restrictions regarding location, intensity of light, and light trespass, especially those set out in the Outdoor Advertising Act and those Caltrans enforces under agreements with the U.S. Department of Transportation. Moreover, the Project must comply with the mitigation measures identified in the Initial Study, and compliance will ensure that the Project does not create a traffic or safety hazard. (Initial Study, p. 26.)

Finally, 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 will enable the city to avoid potential hazards to motorists and pedestrians.

**5. The new billboards will not result in any undue or significant increase in visual clutter in the areas surrounding the new billboards.**

No buildings are proposed as part of the Project.

The City has considered whether the billboards will adversely affect the physical and visual character of the areas surrounding the proposed billboard locations and has determined that the new billboards will not result in any significant increase in visual

clutter. In fact, visual clutter may be reduced because of the relocation agreement that is part of the Project. The relocation agreement will require CCO to remove 13 existing billboards, so the Project will yield a net reduction in the number of billboards within the City. The removal of existing traditional billboards will have a beneficial aesthetic effect. (Initial Study, p. 31.)

Each of the proposed billboard locations is located along a freeway within the City limits. Each location is either committed to commercial uses or to City utility activities.

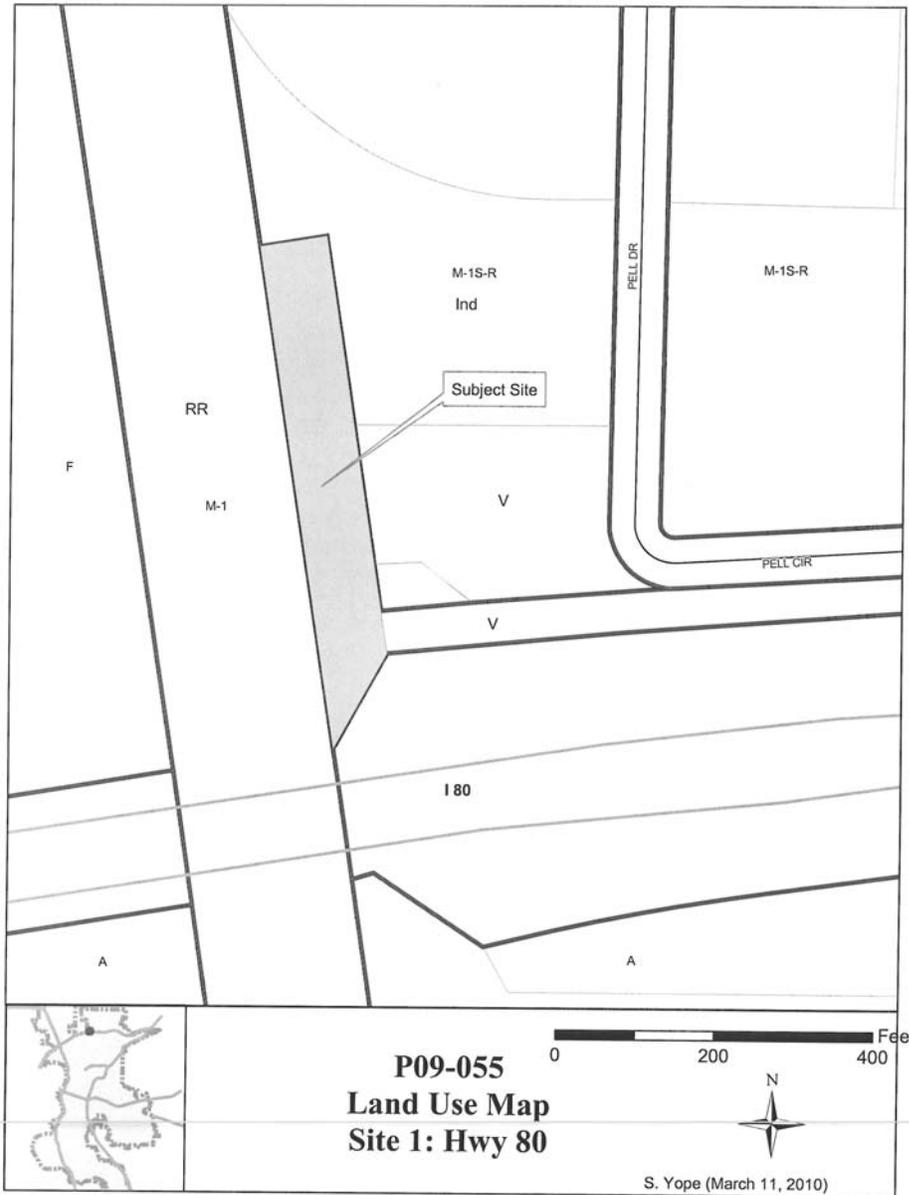
The proposed location on Interstate 5 at Richards Boulevard is on Jibboom Street adjacent to the PB&E Powerhouse. The visual experience along Jibboom Street is dominated by the freeway on the east side, a variety of commercial and motel uses on the north, and the water intake feature and park further west. The digital billboard itself will be approximately 85 feet high. The digital displays will be oriented toward freeway traffic and will be unobtrusive for those traveling on Jibboom Street or visiting the commercial enterprises along Jibboom Street. (Initial Study, p. 33.)

The proposed billboard on I-80 at Northgate Boulevard will be installed on a location that is isolated from residences and commercial uses. There will be no adverse effects on the character of the location or its surrounding properties. (Initial Study, p. 33.)

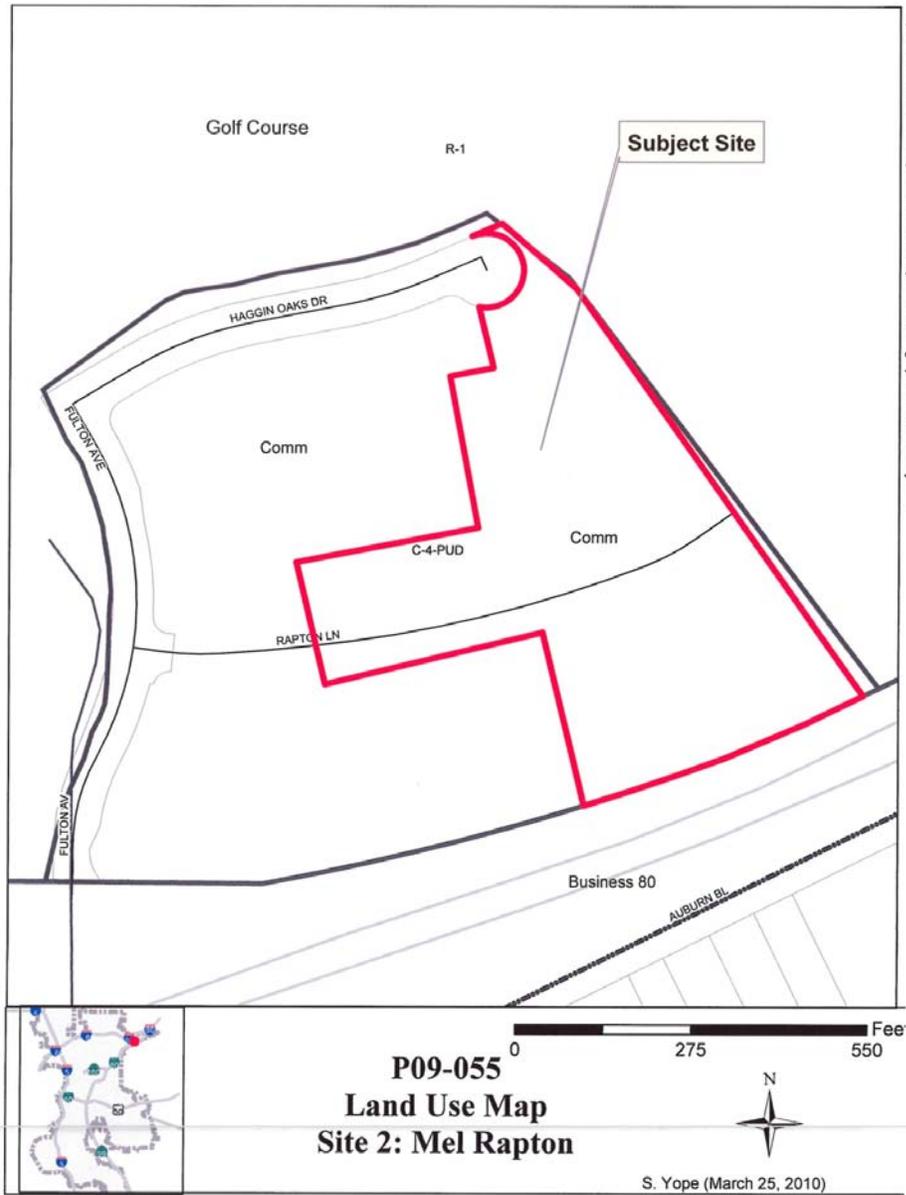
The billboard proposed for Business 80 at Fulton Avenue, the site of Raption Honda, will be consistent with the existing visual character of the dealership, which is brightly lit. It will also be consistent with the existing visual character of the freeway and the existing businesses along the opposite site of the freeway. The digital billboard will not conflict with views of the golf course during the day, and lighting of the sign at night will not pose any potential conflict with the use of the golf course. (Initial Study, p. 33.)

The new billboards at the proposed locations will not result in any increase in visual clutter in areas surrounding the billboards. 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 will enable the city to reduce visual clutter that results from excessive and confusing sign displays.

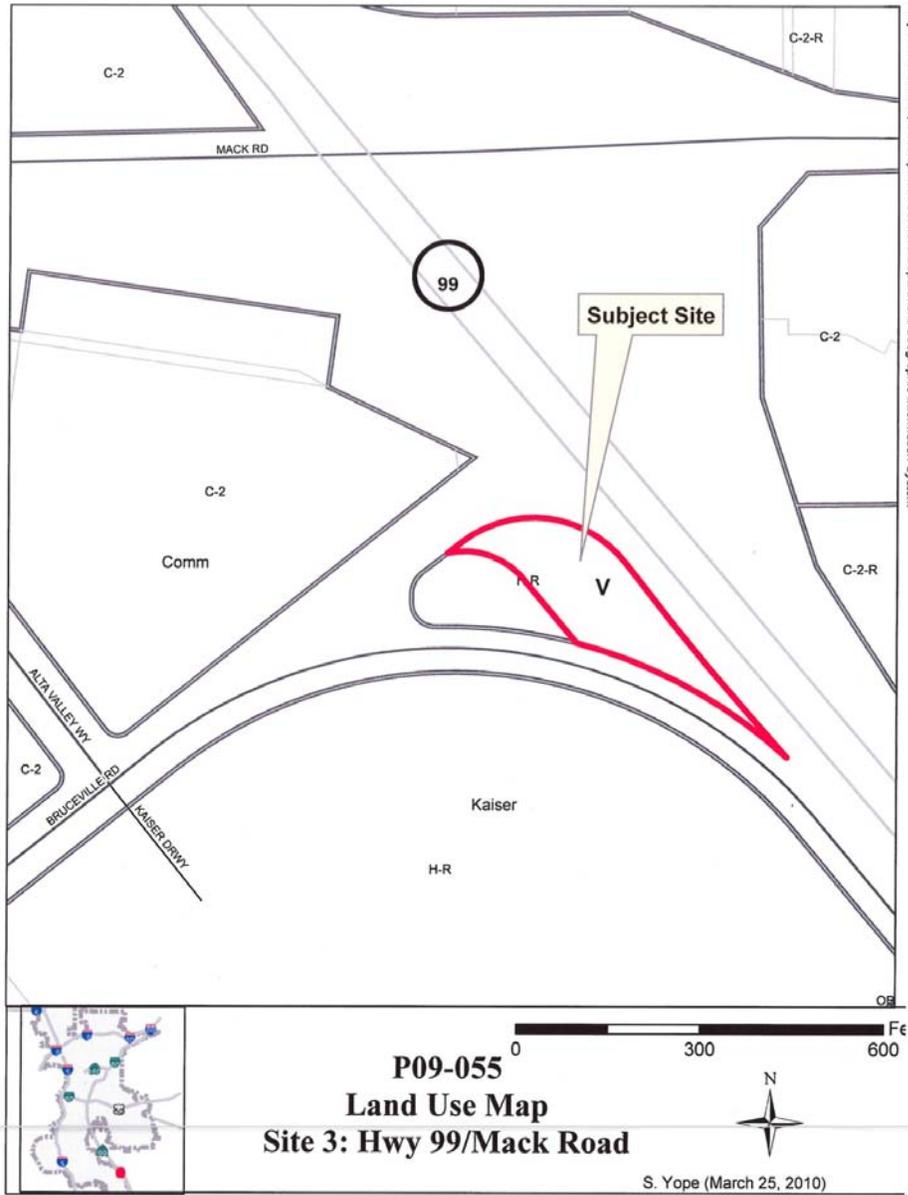
Attachment 7: Land Use Map-Site 1-Hwy 80



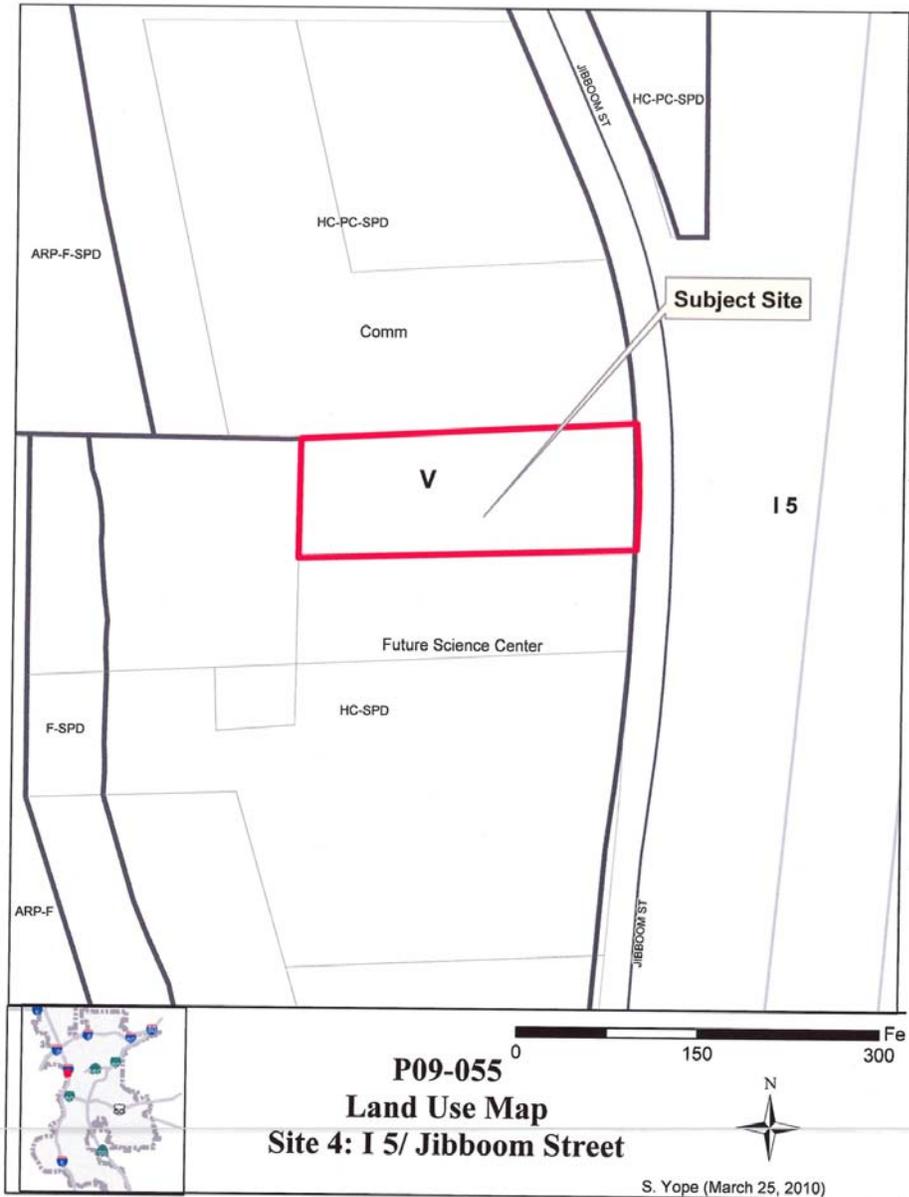
Attachment 7: Land Use Map-Site 2- Mel Rapton



Attachment 7: Land Use Map-Site 3- Hwy 99/Mack Road



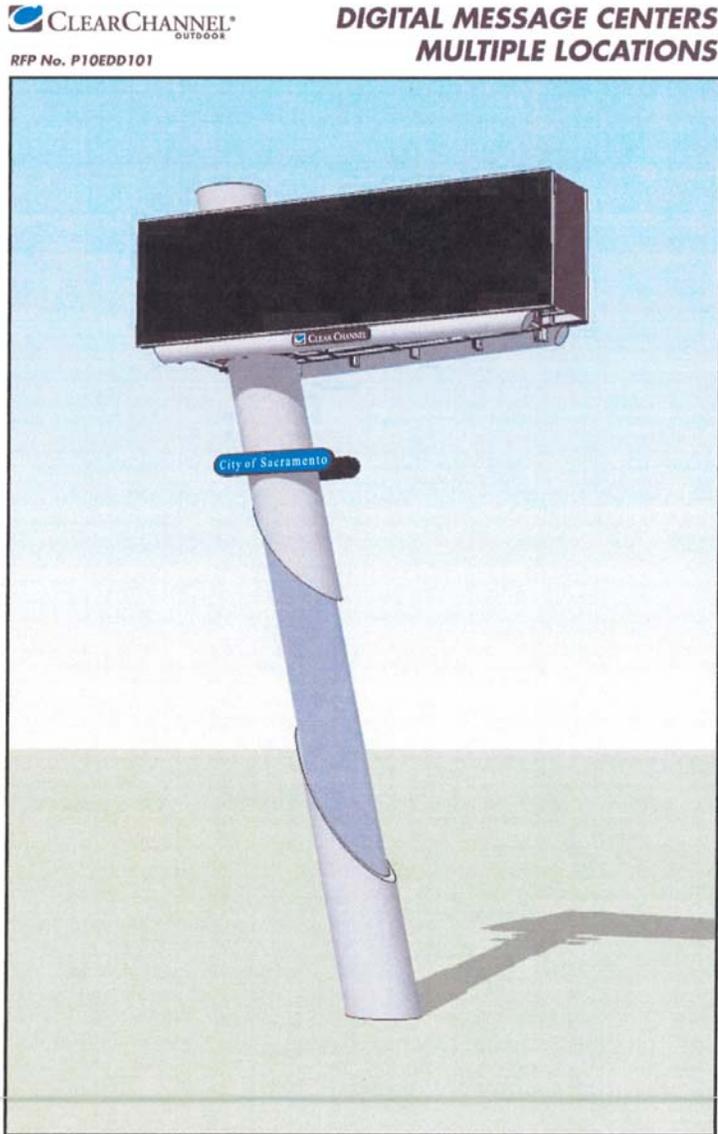
Attachment 7: Land Use Map-Site 4- I5/Jibboom Street



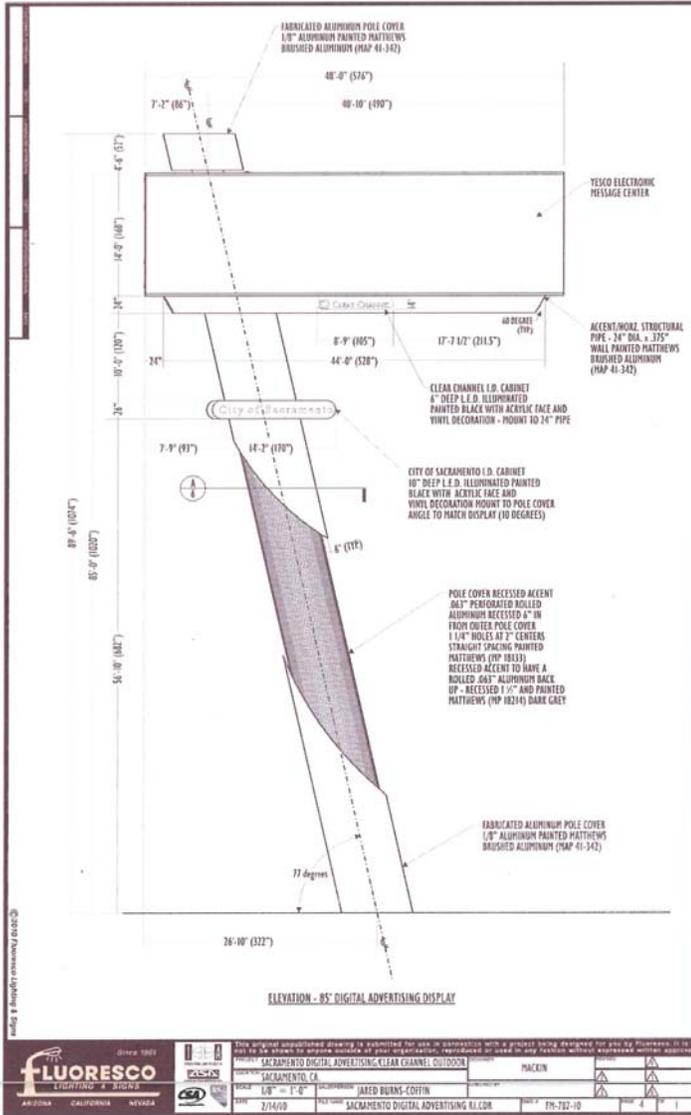
Digital Billboard Project and Sign Code Amendment  
(M09-035 and P09-055)

May 11, 2010

Attachment 8: Elevation for Sites 1, 3, and 4



Attachment 8: Elevation for Sites 1, 3, and 4

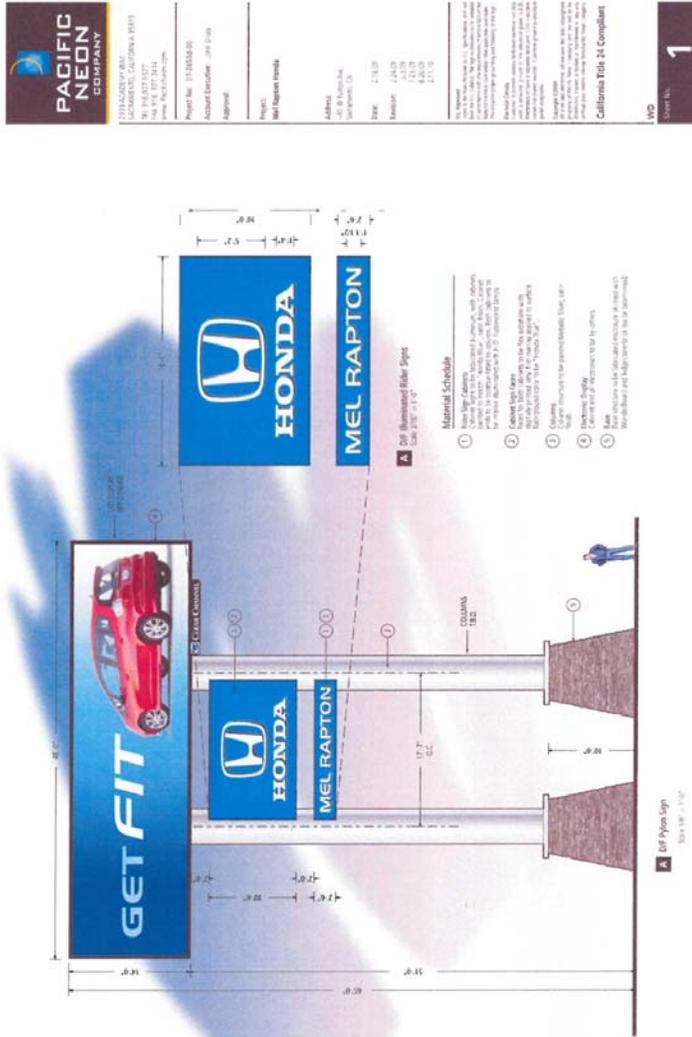




Digital Billboard Project and Sign Code Amendment  
(M09-035 and P09-055)

May 11, 2010

Attachment 8: Elevation for Site 2



**PACIFIC NEON COMPANY**

17014 CROWLEY AVE.  
LAKEMONT, CALIFORNIA 95741  
TEL: 916.337.1017  
WWW.PACIFICNEON.COM

Project No: 10-000-00  
Account Executive: John Gray  
Approval:

Project:  
Mel Rapton Honda

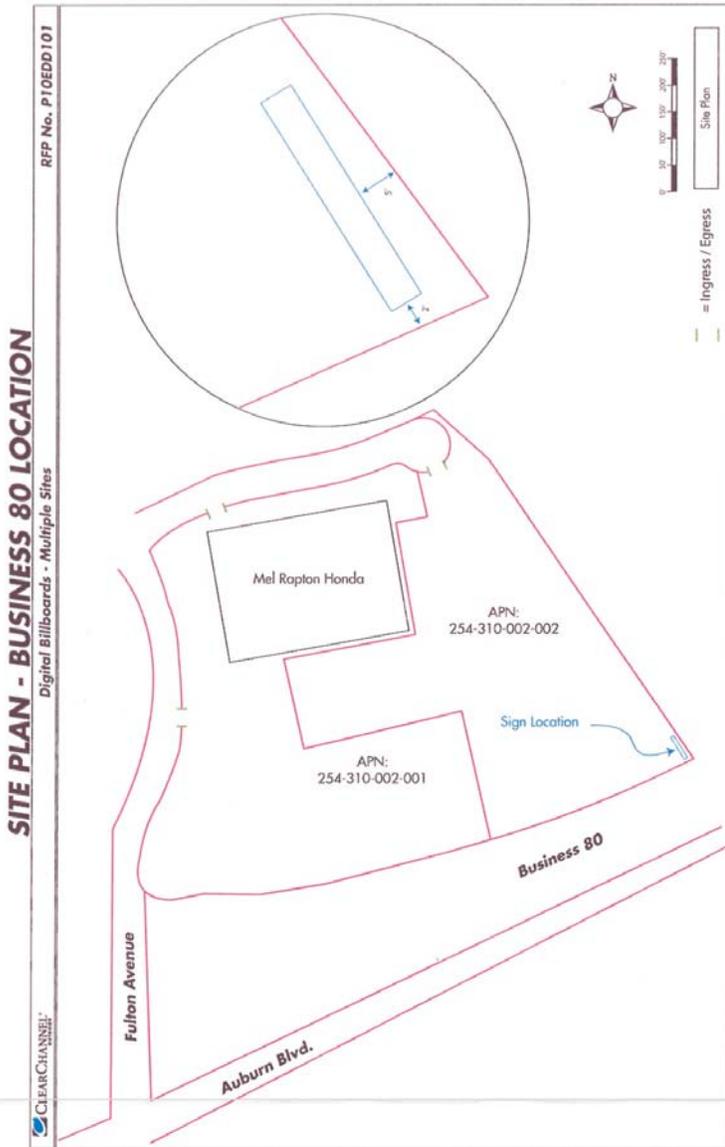
Address:  
17014 Crowley Ave.  
Lakemont, CA  
95741

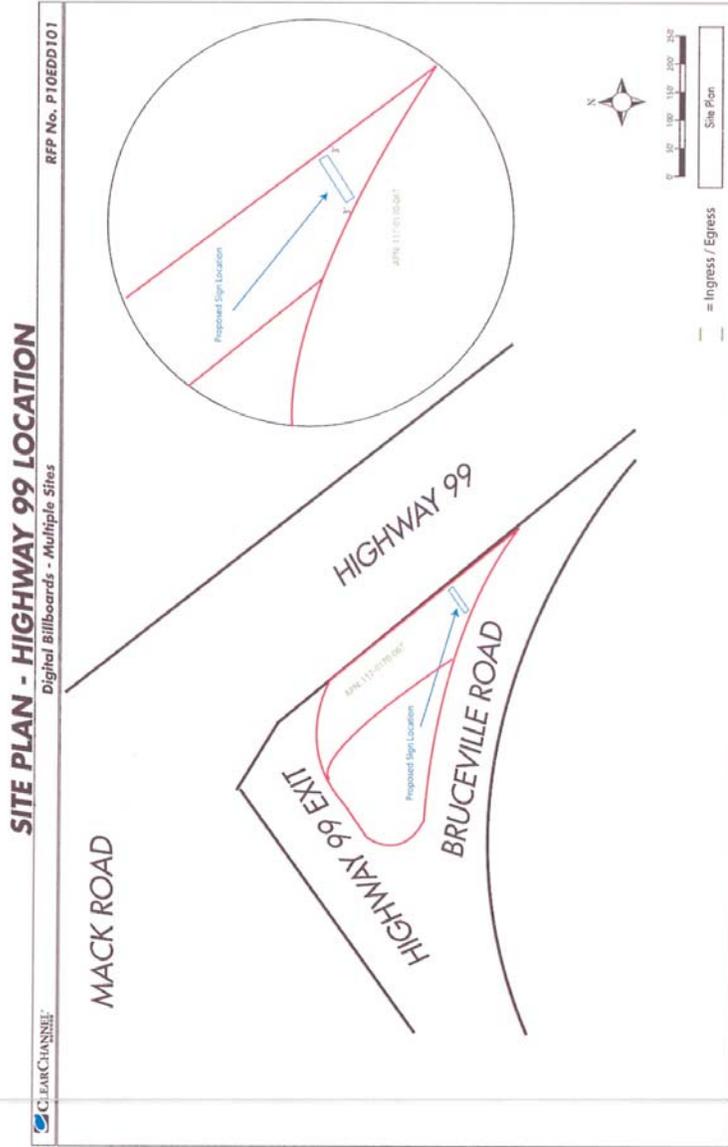
Height: 17' 7"  
Width: 12' 0"  
Depth: 12' 0"  
21' 7"

**California Title 24 Compliant**

1





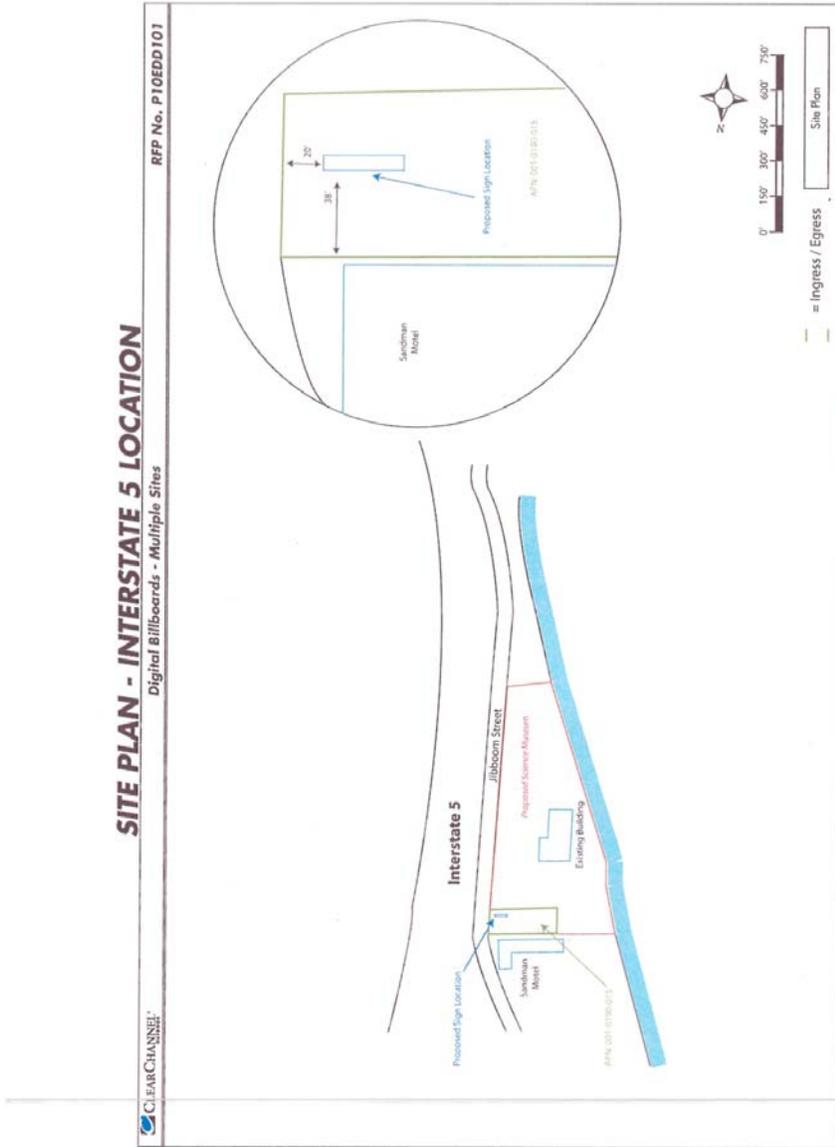


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Digital Billboard Project and Sign Code Amendment  
(M09-035 and P09-055)

May 11, 2010

Attachment 9: Site Plan for Site 4





COMMUNITY DEVELOPMENT  
DEPARTMENT

PLANNING DIVISION

ENVIRONMENTAL PLANNING  
SERVICES  
916-808-5842  
FAX 916-808-1077

## PROPOSED FINAL MITIGATED NEGATIVE DECLARATION

December 3, 2009; Revised March 11, 2010

The City of Sacramento, California, a municipal corporation, does hereby prepare, declare, and publish this Final Proposed Mitigated Negative Declaration for the following described project:

The **Digital Billboards** project consists of City actions that would result in the construction and operation of digital billboard structures on City-owned property along major freeways within the City limits. The project includes an amendment to City Code provisions regulating signage that would allow digital billboards on City-owned parcels; rezoning for one sign location; approval of lease agreements with Clear Channel Outdoor; and construction and operation of four digital billboard structures following issuance of building permits by the City of Sacramento.

Digital billboard structures are proposed for four locations. **Location 1** is near Interstate 80 and Northgate (potential APNs include: 237-0031-036). The site is located immediately adjacent to the north side Interstate 80. Railroad tracks and the levees for the Natomas East Main Drainage Canal are located to the west. **Location 2** is near Interstate 5 and Richards Boulevard (APN: 001-0190-015). The site is located on the west side of Jibboom Street, and adjoins the site of the PG&E Powerhouse to the south. The Sacramento River is located to the west, the Best Western Inn-Sandman to the north, and Jibboom Street and Interstate 5 to the east. **Location 3** is near Business 80 and Fulton (Raption Honda) (APN: 254-0310-002). The site is paved, and is part of the Raption Honda display lot immediately to the north of Business 80. **Location 4** is near Highway 99 and Mack Road (APN: 117-0170-067). The site is used for detention purposes by the City of Sacramento. Highway 99 and commercial uses to the north east, and hospital uses (Kaiser Permanente) to the south.

The Lead Agency is the City of Sacramento. The City of Sacramento, Community Development Department, reviewed the proposed project and, on the basis of the whole record before it, determined that the proposed project is consistent with the land use designation for the project site as set forth in the 2030 General Plan. The City circulated an Initial Study for public comment and review. The Initial Study identified potentially significant environmental effects. A Revised Initial Study has been prepared in response to comments received, and is attached. The City will incorporate all feasible mitigation measures in order to avoid or mitigate the identified effects to a level of insignificance. This Final Proposed Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis. An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Sections 21000, et seq., Public Resources Code of the State of California). The revised discussion in the Initial Study does not constitute significant Initial Study includes revisions that respond to public comments received during the public review period.

This Final Proposed Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Sections 15000 et seq. of the California Code of Regulations), the Sacramento Local Environmental Regulations (Resolution 91-892) adopted by the City of Sacramento, and the Sacramento City Code. A copy of this document and all supportive documentation may be reviewed or obtained at the City of Sacramento, Community Development Department, 300 Richards Boulevard, 3<sup>rd</sup> Floor, Sacramento, CA 95811. The public counter is open from 9:00 am to 4:00 pm; Monday through Friday.

Environmental Services Manager, City of Sacramento,  
California, a municipal corporation

By: \_\_\_\_\_

Date: \_\_\_\_\_

March 11, 2010

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## DIGITAL BILLBOARDS PROJECT

### REVISED INITIAL STUDY; REVISED MARCH 11, 2010

This Initial Study has been prepared by the City of Sacramento, Community Development Department, 300 Richards Boulevard, Third Floor, Sacramento CA 95811, pursuant to Title 14, Section 15070 of the California Code of Regulations; and the Sacramento Local Environmental Regulations (Resolution 91-892) adopted by the City of Sacramento.

**Note regarding revisions:** The Initial Study originally prepared for the project has been revised to respond to comments received during public review of the document, and correction of clerical errors in section numbering. Additional text is shown in underline and deletions are shown in ~~strikethrough~~. Additional discussion in the document is located in the discussion of Air Quality, Section 3.

The Project Description identifies three parcels as potential locations for a digital billboard at Site 1. The APN for the parcel identified as the proposed location is APN 237-0031-036. While this APN is not listed in the description of Site 1, it is identified as one of the three parcels to be considered in Attachment 3. The Initial Study text has been modified to include the correct APN for Site 1.

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#### ORGANIZATION OF THE INITIAL STUDY

This Initial Study is organized into the following sections:

**SECTION I - BACKGROUND:** Provides background information about the project including name, location, sponsor, and the date this Initial Study was completed.

**SECTION II - PROJECT DESCRIPTION:** Includes a detailed description of the Proposed Project.

**SECTION III - ENVIRONMENTAL CHECKLIST AND DISCUSSION:** Contains the Environmental Checklist form together with a discussion of the checklist questions. The Checklist Form is used to determine the following for the proposed project: 1) "Potentially Significant Impacts," which identifies impacts that may have a significant effect on the environment, but for which the level of significance cannot be appropriately determined without further analysis in an Environmental Impact Report (EIR), 2) "Potentially Significant Impacts Unless Mitigated," which identifies impacts that could be mitigated to less than significant with implementation of mitigation measures, and 3) "Less Than Significant Impacts," which identifies impacts that would be less than significant and do not require the implementation of mitigation measures.

**SECTION IV - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** Identifies which environmental factors were determined to have either a "Potentially Significant Impact" or "Potentially Significant Impact Unless Mitigated," as indicated in the Environmental Checklist.

**DIGITAL BILLBOARDS PROJECT**  
INITIAL STUDY

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**SECTION V - DETERMINATION:** Identifies the determination of whether impacts associated with development of the Proposed Project are significant, and what, if any, added environmental documentation may be required.

**REFERENCES CITED:** Identifies documents relied on as part of the analysis in the Initial Study.

## **SECTION I - BACKGROUND**

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**File Number, Project Name:** Digital Billboards Project

**Project Location:** The construction and operation of four digital billboard structures, each with two digital displays, would be approved as part of the project, and relocation agreements would provide for removal of some existing traditional billboards. Each of the proposed sites is located along one of the major freeways within the City of Sacramento. The exact locations are identified in the Project Description. The project includes an amendment to the City Code to change the zoning for one of the sites, amendment to the City Code to allow digital billboards as proposed in the project, master leases with Clear Channel Outdoor relating to each sign, and relocation agreements that provide for removal of some existing traditional billboards.

**Project Applicant:** The City of Sacramento is deemed the applicant for City Code revisions. The billboards that would be approved as part of the project would be constructed and operated by Clear Channel.

David McWalters, Senior Vice President  
Clear Channel  
1107 Ninth Street, Suite 400  
Sacramento, CA 95814  
Tel: (916) 492-1303

**Project Planner:** Tom Zeidner  
Economic Development Department  
City of Sacramento  
915 I Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
(916) 808-1931

**Environmental Planner:** Scott Johnson, Associate Planner  
Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
(916) 808-5842

**Date Initial Study Completed:** December 2, 2009

## **INTRODUCTION**

The Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 1500 *et seq.*). The City of Sacramento is the Lead Agency.

Based on the analysis set forth in this Initial Study, the City has determined that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project. This environmental review examines project effects which are identified as potentially significant effects on the environment and identifies effects which may be substantially reduced or avoided by the adoption of revisions or conditions to the design of project-specific features. The City of Sacramento has concluded that the project would not result in significant impacts, with the implementation of appropriate mitigation measures that have been agreed to by the applicant in advance of public review of the Mitigated Negative Declaration.

This analysis incorporates by reference the general discussion portions of earlier environmental documents (CEQA Guidelines Section 15150(a)). These documents are available for public review at the City of Sacramento, Community Development Department, 915 I Street, Third Floor, Sacramento CA 95811.

- City of Sacramento 2030 General Plan Master Environmental Impact Report (online at [http://www.sacqdp.org/documents/Part2\\_GPMasterEIR.pdf](http://www.sacqdp.org/documents/Part2_GPMasterEIR.pdf) (Chapter 8))

While City Code has not previously allowed digital billboards or other signs utilizing LED technology with moving or scrolling characters, illuminated billboards have historically been allowed within the City limits, and are a part of the landscape along a substantial portion of the major freeway frontages within the City. The proposed project would include removal of some existing traditional billboards and construction and operation of four digital billboard structures on City-owned property. This Initial Study evaluates impacts that could result from project approval. Because the digital billboards that would be approved would not be located in close proximity to each other, and because illuminated billboards are currently allowed, no cumulative effects have been identified for the project.

## **REGULATORY PROVISIONS**

### Federal

The federal Highway Beautification Act of 1965 (23 U.S.C. 131) provides for control of outdoor advertising, including removal of certain types of signs, along the interstate highway system. It requires certain junkyards along Interstate or primary highways to be removed or screened and encourages scenic enhancement and roadside development. The Act is enforced by the Federal Highway Administration (FHWA).

As part of its enforcement effort, the FHWA has entered into agreements regarding the Act with state departments of transportation. The agreements with California are described under the State provisions, below.

State

The California Department of Transportation (Caltrans) is involved in the control of “off-premise” displays along state highways. Such displays advertise products or services of businesses located on property other than the display. Caltrans does not regulate on-premise displays. (Caltrans Landscape Architecture Program, 2008)

Some freeways are classified as “landscaped freeways.” A landscaped freeway is defined as one that is now, or may in the future be, improved by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable maintenance on one or both sides of the freeway. (Government Code §5216). Off-premise displays are not allowed along landscaped freeways except when approved as part of relocation agreements.

The Federal Highway Administration has entered into written agreements with various states as part of the implementation of the Highway Beautification Act. California has entered into two such agreements: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs, displays and devices within 660 feet of the interstate highway right-of-way. The agreements provide that such signs shall be erected only in commercial or industrial zones, and are subject to the following restrictions:

- No signs shall imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;
- No signs shall be erected on rocks or other natural features;
- Signs shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim and supports;
- Signs on the same side of the freeway must be separated by at least 500 feet; and
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that could obstruct or impair the vision of any driver.

California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.) Caltrans enforces the law and regulations. Caltrans requires applicants for new outdoor lighting to demonstrate that the owner of the parcel consents to the placement sign, that the parcel on which the sign would be located is zoned commercial or industrial, and that local building permits are obtained and complied with. A digital billboard is identified as a “message center” in the statute, which is an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds. (Business and Professions Code, Section 5216.4)

The Act prohibits signage along landscaped freeways (§5440). The City has designated all freeways within the City as landscaped freeways. (City Code §15.148.840) Caltrans has interpreted these provisions as allowing new billboards along such freeway segments if a relocation agreement has been approved pursuant to §5412 of the Outdoor Advertising Act.

The Outdoor Advertising Act contains a number of provisions relating to the construction and operation of billboards:

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (§5401);
- No sign shall display any statements or words of an obscene, indecent or immoral character (§5402);
- No sign shall display flashing, intermittent or moving light or lights (§5403(h));
- Signs are restricted from areas within 300 feet of an intersection of highways or of highway and railroad right-of-ways, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway (§5404); and
- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard, or 1,000 feet of another message center display, on the same side of the highway (§5405).

Additional restrictions on outdoor signage are found in the California Vehicle Code. Section 21466.5 prohibits the placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway." Specific standards for measuring light sources are provided. The restrictions may be enforced by Caltrans, the California Highway Patrol or local authorities.

City of Sacramento

The City of Sacramento has enacted Chapter 15.148 of the City Code regulating signs. Section 15.48.160 provides as follows:

- No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination.
- No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

This section has been interpreted by the City as prohibiting signs illuminated by LED lights that scroll or otherwise move, which could include digital billboards. The project includes an amendment to the City Code to allow digital billboards in specific circumstances. Chapter 15.148 includes various provisions regarding offsite signs, and on October 16, 2007, the City Council adopted an ordinance restricting new offsite signs in the City, including billboards. The ordinance does not apply to existing signs, or new signs that are constructed as part of a relocation agreement. (Ordinance No. 2007-079)

**COMMENTS**

**DIGITAL BILLBOARDS PROJECT**  
INITIAL STUDY

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The City is soliciting views of interested persons and agencies on the content of the environmental information presented in this document. Due to the time limits mandated by state law, your response must be sent at the earliest possible date, but no later than the 30-day review period ending **January 4, 2010**. Please send written responses to:

Scott Johnson, Associate Planner  
Community Development Department  
300 Richards Boulevard, Third Floor  
Sacramento, CA 95811  
Direct Line: (916) 808-5842  
SRJohnson@cityofsacramento.org

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## SECTION II - PROJECT DESCRIPTION

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The project includes City actions that would result in the construction and operation of digital billboards within the City limits. The project includes the following:

- Approval of an amendment to the City Code provisions regulating signage that would allow digital billboards on City-owned property;
- Rezoning for the proposed sign location at I-80 and Northgate to meet the state requirement that billboard locations may be located only on parcels zoned for commercial or industrial uses;
- Approval of lease agreements with Clear Channel Outdoor (Clear Channel) that would allow access to City-owned property for the construction and operation of four (4) digital billboard structures on identified parcels, each with two digital displays;
- Approval of relocation agreements by which Clear Channel would agree to remove a specified number of existing traditional billboards for each digital billboard structure installed under the respective lease agreement; and
- Construction and operation of four digital billboard structures following issuance of building permits by the City of Sacramento.

### City Code Amendment

The City Code would be amended to allow digital billboards on four City-owned parcels within the City limits. Each of the parcels would be located in the immediate vicinity of a freeway, and each digital billboard would be oriented to freeway traffic. The amendment would establish minimum conditions for the construction and operation of digital billboards, including the following:

1. Maximum height of sign structure on which digital display is located: 85feet from existing grade at base of the sign structure.
2. Maximum number of digital displays on a sign structure: two, facing opposite directions.
3. Maximum size of each face of the digital display: 672 square feet (e.g., 14 feet x 48 feet).
4. Minimum display time for digital-display message: eight seconds.
5. Maximum transition between messages: from one to four seconds.
6. Type of digital-display messages: static messages only; no animation, flashing, scrolling, or video (whether intermittent or full motion).
7. Minimum distance of sign structure from residential uses: 300 feet from base of the sign to a parcel on which a residential use is located.

8. Digital displays must be tied into the National Emergency Network and provide emergency information, including child abduction alerts (i.e., “Amber Alerts”).
9. Each digital billboard must comply with all applicable federal, state, and local laws and regulations, including but not limited to the Highway Beautification Act of 1965 (23 U.S.C. §131), the California Outdoor Advertising Act (Cal. Bus. & Prof. Code, §5200 et seq.), and the California Vehicle Code.
10. One additional, non-digital off-premise sign may be installed on each sign structure. The maximum aggregate surface area for each additional sign is 160 square feet (e.g., 8 feet x 20 feet)

### **Digital Billboard**

A “digital billboard” consists of a display surface no larger than 672 square feet in area that supports an image generated by light emitting diodes (LED), typically of no less than 200 pixels x 704 pixels. Each billboard structure would have two display surfaces facing opposite directions. The proposed digital billboards would have overall heights of between 40 and 85 feet.

The image on the sign is static for a period of time, usually ranging from two to eight seconds. Each pixel consists of three diodes: one red, one blue and one green in a triangular shape in each cluster.

Operational details provided by the applicant include the following:

- Brightness of digital display: Lighting levels on the digital billboard will not exceed 0.3 foot candles over ambient levels, as measured using a foot candle meter at a pre-set distance.
- Power: Central breaker panel with a primary feed of 200 amps at 120/240 single phase or 200 amps at 208Y/120 three phase primary feed for each installation of two (2) LED units; electrical connections would be UL and IEC-approved.
- Signage would be controlled remotely and would have remote maintenance software.
- Light sensors would be installed with each sign to measure ambient light levels and to adjust light intensity to respond to such conditions.

The digital billboards proposed as part of the project would be installed on sign structures to elevate the digital billboard. The overall height, including the digital billboard, would be from approximately 40’ to 85’ above existing grade. One additional off-premise sign in non-digital format may also be installed on each sign structure with size for such signage limited to one sign per digital billboard with a maximum aggregate size of 160 square feet.

### **Construction of Billboards**

The following information regarding the process involved in installing a digital billboard is based on discussions with representatives of Clear Channel, and is the process typically followed. Unusual soil conditions may affect this process, but such conditions are not anticipated due to

the nature of soils usually encountered in the Central Valley. (Pers. comm., Rick Tiedeman, October 29, 2009). The following description of activities has been included here as general project information, and has been used as the basis for evaluating potential impacts for air quality and noise.

The billboard operator will conduct a soil study for the billboard site and provide that information to its structural engineer. The structural engineer will take soil conditions into consideration in designing the sign and supporting structure. Unusual soil conditions could affect the design, and the description below is for the usual conditions encountered. The construction would be subject to the building code, and a building permit would be required for construction activities. The City Building Division, Community Development Department, would review the plans and specifications to ensure that they comply with all building code requirements. Once the Building Division determines this is the case, and the proper fees have been paid, a building permit could be issued.

The construction typically proceeds as described below.

**Day 1:** On the first day at the site, a crew arrives with a drilling rig and drills a hole five feet (5') in diameter and thirty-two feet (32') deep. A trench plate is placed over the hole before the crew leaves the site.

**Day 2:** The column for the sign is delivered to the site. The column is typically 42" in diameter. The column is lifted into place in the foundation hole by a crane, and is maintained in place by I-beams that are welded to the column. A building inspection is required at this point, and the company attempts to arrange for the inspection early enough in the day to allow pouring of concrete on Day 2. Concrete poured is 3,000-pound mix (i.e., concrete that would withstand 3,000 pounds of pressure for 28 days without breaking).

**Day 5:** After the concrete cures for three days, the crew returns to the site. The I-beam welds are ground off and the I-beams removed. The upper structure components are delivered to the site and assembled on the ground by the crew (usually 4-5 persons). The crane returns to the site and lifts the upper structure into place atop the column.

**Electrical service:** Arrangements to extend electrical service to the site are made in advance of the construction activities. If the electrical service is underground a sleeve that will accommodate the electrical service is placed in the concrete foundation. The typical electrical service is 200 amps for single phase, and 100 amps for 3-phase. 3-phase service is typically available only in areas in close proximity to commercial development.

**Sign characteristics:** The wind load for a digital billboard is the same as for other signage of similar size. Digital billboards carry a higher dead load (approximately 10,000 pounds as opposed to 2,000 pounds) than typical lighted signage and this is taken into account by the structural engineer in the design and confirmed as part of the building permit process.

**Schedule:** The operator anticipates using one drilling rig, one crane, and one crew for the multiple sites involved in the project. Crews and equipment would move from one site to another as work progresses.

### **Digital Billboard Locations**

Digital billboards are proposed for four locations. See Attachment 2 for the proposed locations:

- Location 1: Interstate 80 and Northgate
  - APN: 237-0031-003; -004; -010; -036
  - General Plan designation: Employment Center Low Rise
  - Zoning: Agriculture
  - Proposed Zoning: M-1S (Light Industrial)
  - Size of parcel: 2.26-acres Varies
  - Description: The site would be located either at the north end of the access road to Sump 157, and immediately south of the elevated overpass for Interstate 80, or north of the overpass in the same vicinity. Railroad tracks and the levees for the Natomas East Main Drainage Canal are located to the west; vacant commercially zoned land is located to the east. The nearest residential property to the location to the south is located on Morrison Road approximately 850 feet to the south of the site. The nearest residential property to the location north of the overpass is approximately 1,300 feet.
  
- Location 2: Interstate 5 and Richards Boulevard
  - APN: 001-0190-015
  - General Plan designation: Parks and Recreation
  - Zoning: Commercial (Highway Commercial-SPD)
  - Size of parcel: 0.65 acres
  - Description: The site is located on the west side of Jibboom Street, and adjoins the site of the PG&E Powerhouse to the south. The parcel is part of the Robert T. Matsui Waterfront Park. The Sacramento River and an abandoned water intake structure are located approximately 500 feet to the west, the Best Western Inn-Sandman immediately to the north, and Jibboom Street and Interstate 5 to the east.
  
- Location 3: Business 80 and Fulton (Rapton Honda)
  - APN: 254-0310-002
  - General Plan designation: Regional Commercial
  - Zoning: Commercial (C-4-PUD)
  - Size of parcel: 7.63 acres
  - Description: The site is paved, and is part of the Rapton Honda display lot immediately to the north of Business 80. The golf course is located to the east, Rapton Honda to the north, and Business 80 and commercial businesses across the freeway to the south. The nearest residential property is located south of the freeway, approximately 500 feet from the site.
  
- Location 4: Highway 99 and Mack Road
  - APN: 117-0170-067
  - General Plan designation: Suburban Corridor
  - Zoning: Commercial (H-R (Hospital))
  - Size of parcel: 1.13 acres
  - Description: The site is used for detention purposes by the City of Sacramento. Commercial uses are located to the northwest, Highway 99 and commercial uses to the north east, and hospital

uses (Kaiser Permanente) to the south. The nearest residential uses are located to the west and east, approximately 1,300 from the site.

### **Relocation Agreements**

A relocation agreement would be entered into in connection with each approved digital billboard sign that is installed. The relocation agreement would identify each existing traditional billboard that would be removed. A minimum of three existing billboards, each of which encompassing a 12' x 25' advertising display, would be removed as part of each relocation agreement.

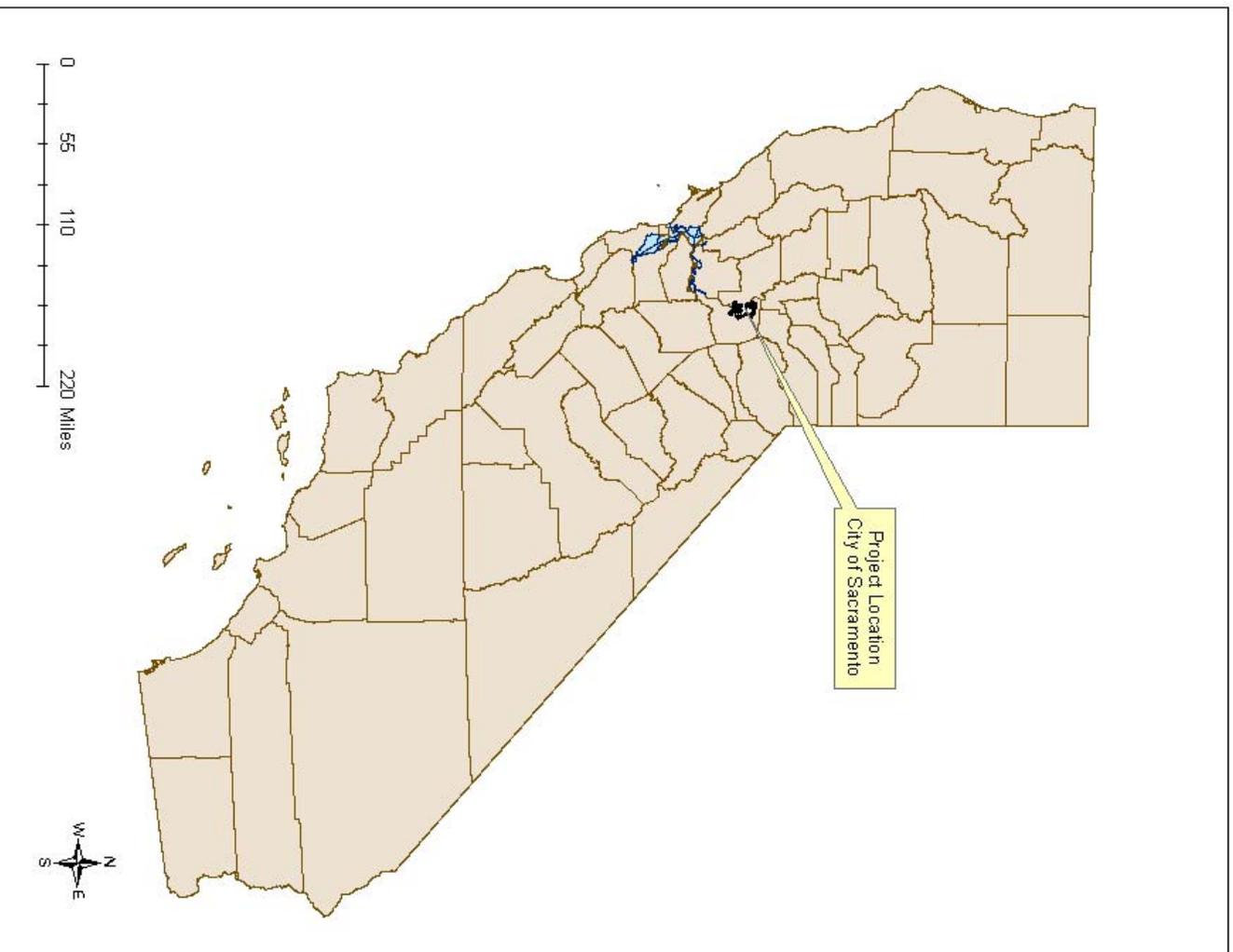
### **Attachments:**

Attachment 1: Project Location

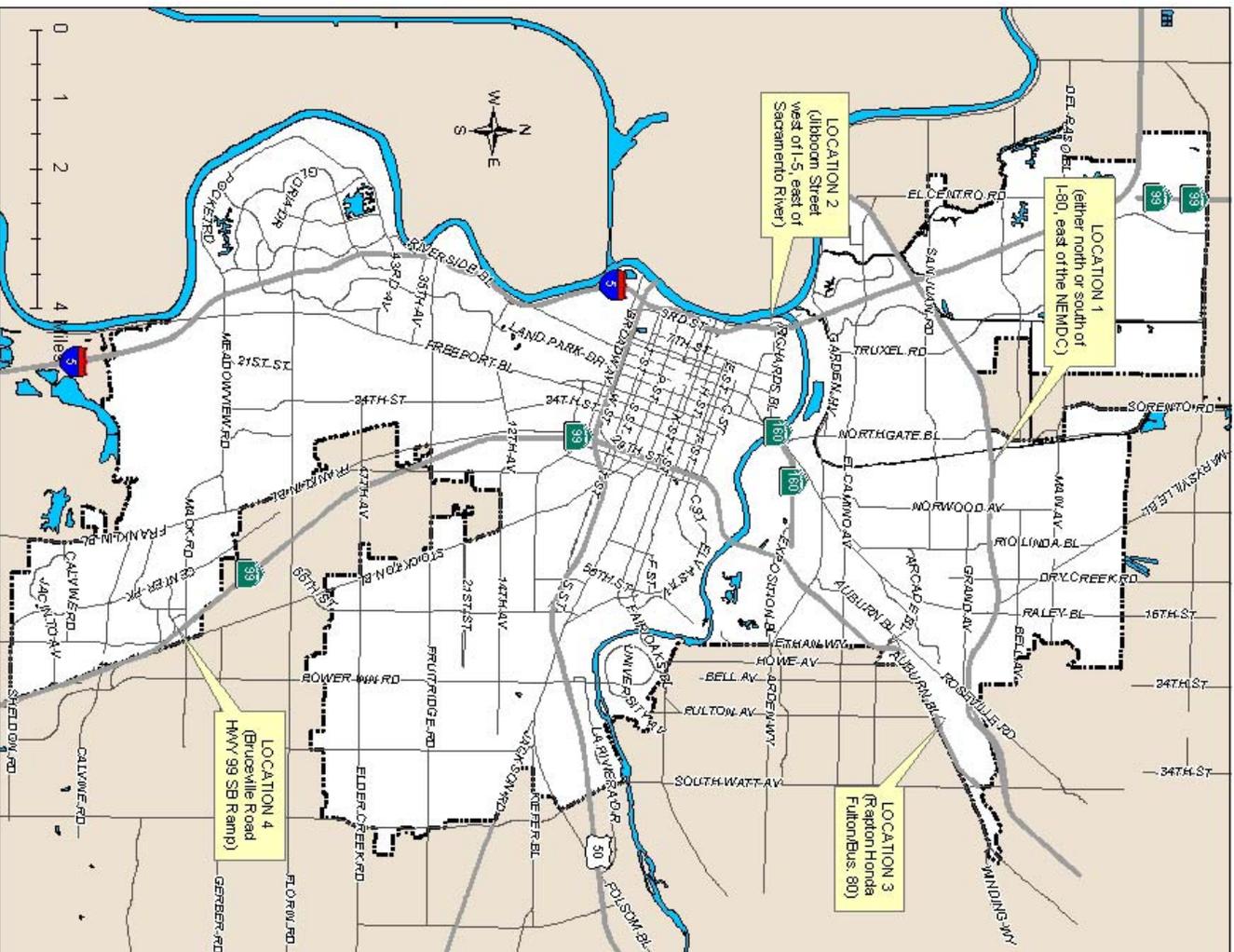
Attachment 2: Proposed Locations

Attachment 3: Site Locations

Attachment 1  
Project Location  
Vicinity Map



Attachment 2  
Digital Billboards  
Proposed Locations



Attachment 3  
Site Location 1



Attachment 3  
Site Location 2



Attachment 3  
Site Location 3



Attachment 3  
Site Location 4



## SECTION III – ENVIRONMENTAL CHECKLIST AND DISCUSSION

### LAND USE, AGRICULTURAL RESOURCES AND POPULATION

#### Introduction

The California Environmental Quality Act (CEQA) requires the Lead Agency to examine the effects of a project on the physical conditions that exist within the area that would be affected by the project. CEQA also requires a discussion of any inconsistency between the proposed project and applicable general plans and regional plans.

An inconsistency between the proposed project and an adopted plan for land use development in a community would not constitute a physical change in the environment. When a project diverges from an adopted plan, however, it may affect planning in the community regarding infrastructure and services, and the new demands generated by the project may result in later physical changes in response to the project.

In the same manner, the fact that a project brings new people or demand for housing to a community does not, by itself, change the physical conditions. An increase in population may, however, generate changes in retail demand or demand for governmental services, and the demand for housing may generate new activity in residential development.

This section of the initial study identifies the applicable land use plans and policies, and discusses any inconsistencies between these plans and the proposed project. Any physical environmental impacts that could result from implementing the proposed project are discussed in the applicable technical section of the Initial Study.

The 2030 General Plan includes policies that may apply to the project, especially as they relate to aesthetics and light and glare. The sites proposed for the construction and installation of digital billboards are located in proximity to major freeways within the City limits. The 2030 General Plan policies as they relate to specific discussion areas are identified and discussed in the applicable section of the Initial Study.

#### Discussion

The sites proposed for digital billboards are located in urbanized portions of the community, and are in close proximity to existing electrical service, which would be the only utility connection required as part of the project. The project would not directly or indirectly induce substantial growth in the project area. No housing units would be displaced or impacted by the proposed project.

Digital billboards are proposed for four locations. The locations are identified in the project description, above.

The following General Plan policies relate to development issues associated with digital billboards:

- LU 7.2.5 Industrial Development Design.** The City shall require that new and renovated industrial properties and structures incorporate high-quality design and maintenance including the following:

- Extensive on-site landscaping and buffers
- Visual screening of areas used for outdoor storage, processing, and other industrial operations
- Consistent architectural treatment of all building elevations
- Consistent and well-designed signage
- Control of on-site lighting, noise, odors, vibrations, toxic materials, truck access, and other factors that may impact adjoining nonindustrial land uses
- Employee amenities, such as outdoor seating for employees

**LU 8.1.11 Joint Development.** The City shall encourage public/private partnerships when developing surplus City properties to enhance the surrounding community and provide a source of revenue to fund improvements to city services or facilities.

The analysis in this Initial Study demonstrates that, with the conditions applicable under current law, the restrictions imposed by the proposed City Code amendment, and the mitigation measures identified in this Initial Study, the construction and operation of four digital billboards would not have a significant effect on the environment. Construction and operation of digital billboards as proposed in the project would not result in inconsistencies or conflicts with the City's adopted land use strategies or policies, nor would the project promote population growth in excess of the development planned in the 2030 General Plan.

## **AGRICULTURAL RESOURCES**

The sites proposed for construction and operation of digital billboards are located along major freeways within the City limits. None of the four specific sites identified supports agricultural uses. The surrounding area has been urbanized since the 1930's with commercial and residential uses. No commercial agricultural operations exist in the project vicinity. One of the affected parcels is zoned as Agriculture, but the site is not in agricultural production, and development of a digital billboard on the parcel would not affect any agricultural activities.

Substantially all of the land area included within the City limits is designated for urban development. The 2030 General Plan adopts an explicit strategy of compliance with the SACOG Blueprint strategy and infill to prevent urban sprawl.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>1. TRANSPORTATION/CIRCULATION</b>			
Would the proposal result in:			
A) Increased vehicle trips or traffic congestion?			X
B) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X	
C) Inadequate emergency access or access to nearby uses?			X
D) Insufficient parking capacity on-site or off-site?			X
E) Hazards or barriers for pedestrians or bicyclists?			X
F) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X
G) Rail, waterborne or air traffic impacts?			X

**ENVIRONMENTAL SETTING**

The sites identified as potential locations for digital billboards are located within the City limits and are in close proximity to a freeway.

The City of Sacramento is traversed by various freeways, along which are located billboards. Many of the billboards are illuminated.

**STANDARDS OF SIGNIFICANCE**

The standards of significance for Transportation utilize policies in the 2030 General Plan, Mobility Element and, when appropriate, standards used by regulatory agencies. For traffic flow on the freeway system, the standards of Caltrans have been used.

Roadway Segments

A significant traffic impact occurs for roadway segments when:

1. The traffic generated by a project degrades peak period Level of Service (LOS) from A,B,C or D (without the project) to E or F (with project); or

2. The LOS (without project) is E or F, and project generated traffic increases the Volume-to-Capacity Ratio (V/C ratio) by 0.02 or more.

#### **INTERSECTIONS**

A significant traffic impact occurs for intersections when:

1. The traffic generated by a project degrades peak period level of service from A, B, C or D (without project) to E or F (with project); or
2. The LOS (without project) is E or F, and project generated traffic increases the peak period average vehicle delay by five seconds or more.

#### **FREEWAY FACILITIES**

Caltrans considers the following to be significant impacts:

- Off-ramps with vehicle queues that extend into the ramp's deceleration area or onto the freeway;
- Project traffic increases that cause any ramp's merge/diverge level of service to be worse than the freeway's level of service;
- Project traffic increases that cause the freeway level of service to deteriorate beyond level of service threshold defined in the Caltrans Route Concept Report for the facility; or
- The expected ramp queue is greater than the storage capacity.

#### **TRANSIT**

Impacts to the transit system are considered significant if the proposed project would:

- Adversely affect public transit operations or
- Fail to adequately provide for access to public transit.

#### **BICYCLE FACILITIES**

Impacts to bicycle facilities are considered significant if the proposed project would:

- Adversely affect bicycle travel, bicycle paths or
- Fail to adequately provide for access by bicycle.

#### **Pedestrian Circulation**

Impacts to pedestrian circulation are considered significant if the proposed project would:

- adversely affect pedestrian travel, pedestrian paths or
- fail to adequately provide for access by pedestrians.

**PARKING**

Impacts to parking are considered significant if the proposed project would eliminate or adversely affect an existing parking facility, interfere with the implementation of a proposed parking facility, or result in an inadequate supply of parking.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTION A: INCREASED VEHICLE TRIPS**

The construction and operation of digital billboards would not result in any increase in vehicle trips. Operation of the signs would be subject to regulations regarding timing of displays and other features that might otherwise result in driver distraction. The impact would be less than significant.

**QUESTION B: HAZARDS**

The project proposes to construct and operate four digital billboard structures along freeways within the City limits. The billboards would be visible from the roadway. Digital billboards employ LED technology and allow for periodic changes in display.

The capability of digital billboards to present changing images has raised concerns regarding the effect of such signage on traffic safety. The primary concern has been effects on driver attention, but concerns have also been raised regarding the potential for such signage to produce light of such intensity or direction that it could interfere with driver vision.

The Federal Highway Administration (FHWA) has addressed signage issues in general, and digital signs in particular. As part of its agreement with various states pursuant to the Highway Beautification Act, for example, it has confirmed that no sign is allowed that imitates or resembles any official traffic sign, and that signs may not be installed in such a manner as to obstruct, or otherwise physically interfere with an official traffic sign, signal, or device, or to obstruct or physically interfere with the vision of drivers in approaching, merging or intersecting traffic. These provisions may be enforced by the FHWA, but the agreement with the State of California also requires Caltrans to enforce these provisions.

The FHWA agreement with California includes specific provisions regarding the brightness of signage:

Signs shall not be placed with illumination that interferes with the effectiveness of, or obscures any official traffic sign, device or signal; shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather or similar information); shall not cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance as to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle. (Agreement dated February 15, 1968, page 8)

The FHWA has responded to the development of signs that present changing messages, either mechanically or digitally, with an interpretation of its agreements with the states pursuant to the Highway Beautification Act. The FHWA discussed "changeable message signs" in a

Memorandum dated July 17, 1996, concluding that a state could reasonably interpret the provisions of its agreement with the FHWA "...to allow changeable message signs...The frequency of message change and limitation in spacing for these signs should be determined by the State."

On September 25, 2007 the FHWA again issued a Memorandum on the subject of off-premises changeable electronic variable message signs, or CEVMS. The Memorandum stated that proposed laws, regulations and procedures that allowed CEVMS subject to acceptable criteria would not violate the prohibition on "intermittent" or "flashing" or "moving" signs as used in the state agreements. The Memorandum identified "ranges of acceptability" relating to such signage, as follows:

- Duration of message: Duration of display is generally between 4 and 10 seconds; 8 seconds is recommended;
- Transition time: Transition between messages is generally between 1 and 4 seconds; 1 to 2 seconds is recommended;
- Brightness: The sign brightness should be adjusted to respond to changes in light levels;
- Spacing: Spacing between the signs should be not less than the minimum specified for other billboards, or greater if deemed required for safety;
- Locations: Location criteria are the same as for other signage, unless it is determined that specific locations are inappropriate.

The Memorandum also referred to other standards that have been found helpful to ensure driver safety. These include a default designed to freeze the display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT (Caltrans) to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video. Manufacturers and operators of digital billboards currently use a full-black screen in the event of a malfunction.

In addition to the provisions of the Highway Beautification Act (23 U.S.C. §131) and the FHWA memoranda discussed above, the state of California has adopted the Outdoor Advertising Act (Business and Professions Code §§5200 et seq.) and regulations implementing its provisions (California Code of Regulations, Title 4, Division 6, §§2240 et seq.). These include provisions that deal specifically with "message centers," which are defined as "...an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds." (§5216.4)

Consistent with the memoranda executed pursuant to the Highway Beautification Act, the Outdoor Advertising Act provides that message center displays that comply with its requirements are not considered flashing, intermittent or moving light. (§5405(d)(1)) The requirements provide that such signs must not display messages that change more than once every four seconds, and that no message center may be placed within 1,000 feet of another message center display on the same side of the highway.

The California Vehicle Code regulates the brightness of billboard lighting. Vehicle Code §21466.5, which identifies the applicable standard, may be enforced by Caltrans, the California

Highway Patrol, or local authorities. Vehicle Code §21467 provides that each prohibited sign, signal, device or light is a public nuisance and may be removed without notice by Caltrans, the California Highway Patrol or local authorities.

Caltrans requires that any person engaged in the outdoor advertising business must obtain a license from Caltrans and pay the required fee. (§5300) No person may place any advertising display in areas subject to Caltrans authority without having a written permit from Caltrans. (§5350)

These provisions of law and regulation effectively regulate sign location and brightness to ensure that digital billboards will not be located in such a manner as to create hazards due to lighting conditions themselves. Digital billboards are equipped with sensors that modify the brightness of the sign in response to ambient lighting conditions, thus ensuring that the brightness of the display in evening, nighttime or dawn conditions does not present a traffic hazard.

As digital billboard technology has developed, the issue has been raised as to whether digital billboards themselves, regardless of compliance with such operating restrictions, present a distraction to drivers and thereby create conditions that could lead to accidents.

The Federal Highway Administration has monitored the issue closely, and recently released its report updating the agency's view of the issues and research. The report is entitled: "The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update." (FHWA Report) (Publication No. FHWA-HRT-09-018, February 2009; <http://www.fhwa.dot.gov/realestate/cevms.pdf>).

The FHWA Report addressed the basic research question of whether operation of a CEVMS along the roadway is associated with a reduction of driving safety for the public. The report identified three fundamental methods for answering this question: (1) whether there is an increase in crash rates in the vicinity of CEVMS, (2) whether there is an increase in near-crashes, sudden braking, sharp swerving and other such behaviors in the vicinity of CEVMS, and (3) whether there are excessive eye glances away from the roadway in the vicinity of CEVMS. (Page 2)

The report discusses existing literature and reports of studies, key factors and measures relating to CEVMS and effects on traffic, and recommends a study approach. An extensive bibliography is included in the report. The report does not purport to provide guidance to states on the control of CEVMS. The report confirmed that there have been no definitive conclusions about the presence or strength of adverse safety impacts from CEVMS. (page 2) Similarly, a study performed under the National Cooperative Highway Research Program (NCHRP), Project 20-7 (256) entitled "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" (NCHRP Report) reviewed existing literature. Both reports agreed that digital billboards should be regulated as a means of protecting the public interest.

Conducting a study to isolate attention to a digital billboard, and to measure and analyze the effects of such attention, is difficult. Not only are roadway conditions unique for each sign location, but there are also a variety of other factors that may contribute to driver inattention, including other roadway signage (including official signage), and other driver activities (such as tuning the radio, talking on the phone, smoking, talking to other passengers).

Various restrictions have been identified in reports that relate to the location and operation of digital billboards that seek to reduce safety concerns. These relate to brightness, message

duration and message change interval, billboard location with regard to official traffic control devices, roadway geometry, vehicle maneuver requirements at interchanges (i.e., lane drops, merges and diverges), and with regard to the specific constraints that should be placed on the placement and operation of such signs. Regulation of operations could include, for example, the time any single message may be displayed, the time of message transition, brightness of the sign and controls that adjust brightness based on the ambient light environment, and design and placement that ensures that the sign does not confuse drivers, or create dangerous glare.

Restrictions on digital billboards contained within the Outdoor Advertising Act and enforced by Caltrans regulate many of the conditions that have been identified as relevant to traffic safety. Caltrans regulates the location of each proposed digital billboard through its application process, and the distance between such signs is also regulated. California statutory provisions regulate brightness of displays. The proposed City Code text amendments would regulate the message display time, message interval, and sign dimensions. Through state law and the Vehicle Code, such signage would be prohibited from displaying flashing lights or images.

Outdoor advertising has, on occasion, utilized sequential advertising, which connects the message on one sign to the message on a subsequent sign or signs. Message sequencing occurs when a single thought, idea, concept, message or advertisement is divided into segments and presented over two or more successive displays. This could pose a risk of drawing attention of a driver for an extended period of time, thus creating an unsafe distraction. The digital billboards that would be approved as part of the project would, however, would be located at such distances from each other that sequencing would not be practical. Limitations on sign duration that would be implemented (i.e., minimum exposure of eight seconds) reduce the likelihood that related messages could be effectively communicated, or result in any substantial safety hazard.

Another area of concern is the potential development of interactive signs that would be capable of communicating with vehicles or passengers. While digital billboards are not presently capable of such one-way or interactive communication, the future development of this technology would have unknown consequences, and should be identified by the operator prior to any implementation. Mitigation Measure Transportation 1, set forth below, would require notice to the City in the event such features are proposed. The mitigation measure also confirms prohibitions on visual effects.

Significant effects could occur if the proposed digital billboards, if approved, constructed and operated, did not comply with restrictions regarding location, intensity of light, light trespass, or other restrictions, especially those enforced by the California Department of Transportation (Caltrans) pursuant to its authority under the agreements between the U.S. Department of Transportation and the Highway Beautification Act, and the Outdoor Advertising Act. Compliance will ensure that effects would be less than significant. Mitigation Measure Transportation 2 would ensure that the City of Sacramento receives accurate information from the operator regarding compliance on an ongoing basis.

With implementation of these mitigation measures, impacts on transportation and traffic safety would be less than significant.

**QUESTIONS C THROUGH G: EMERGENCY ACCESS, PARKING, ALTERNATIVE TRANSPORTATION, RAIL OR WATERBORNE TRAFFIC**

The proposed digital billboards would be located outside travelled portions of the roadway, and would present no obstacles to emergency access. The signs would have the capacity to display

official messages regarding emergencies, and could perform as part of the emergency response system, thus resulting in beneficial impacts.

While one of the proposed sites is located near a rail line, the sign direction and restrictions on light intensity would ensure that no significant effects would occur. The remaining sign locations are not adjacent to any rail line, waterway or airport, and would not result in uses that would generate significant rail, waterborne or air traffic.

No parking demand would result from the proposed project, and the digital billboards would not present any conflict with policies regarding alternative transportation.

#### **MITIGATION MEASURES**

**Transportation 1** The operation of digital billboards by the operator within the City of Sacramento shall comply with the following at all times:

- 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.

**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:

- 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.;
- 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. §1311);
- 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.

#### FINDINGS

Implementation of the mitigation measures identified above would reduce the potential hazard from special visual effects by prohibiting moving and flashing lights, which could distract drivers. The annual report required would provide the City of Sacramento with current information regarding operation of the digital billboards, as well as confirming the operator's compliance with the various regulations that apply to the operation of digital billboards that would be approved by the project. With implementation of the identified mitigation measures, the proposed project would result in less than significant impacts related to transportation.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>2. AESTHETICS, LIGHT AND GLARE</b>			
Would the proposal:			
A) Have a substantial adverse effect on a scenic vista?			X
B) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X
C) Substantially degrade the existing visual character or quality of the site and its surroundings?		X	
D) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X	

**ENVIRONMENTAL AND REGULATORY SETTING**

The City of Sacramento is traversed by various freeways. Freeways are typically highways divided by a median, with two or more lanes in each direction of travel. In some areas freeways are lighted by poles and overhead lamps. In most areas within the City surrounding development generates light that provides ambient light in the vicinity. Headlights from motor vehicles contribute to the ambient light conditions.

Some freeways in the City are landscaped. Such sections of freeways are improved by planting of lawns, trees, shrubs, flowers or other ornamental vegetation on at least one side or on the median of the freeway. None of the freeway segments within the City have been identified as scenic.

The 2030 General Plan includes the following goals and policies that apply to the project:

**LU 6.1.12 Visual and Physical Character.** The City shall promote development patterns and streetscape improvements that transform the visual and physical character of typical automobile-oriented corridors by:

- Enhancing the definition of the corridor by locating buildings at the back of the sidewalk, and establishing a consistent street wall
- Introducing taller buildings that are in scale with the wide, multi-lane street corridors
- Locating off-street parking behind or between buildings (rather than between building and street)
- Reducing visual clutter by regulating the number, size and design quality of signs

- Removing utility poles and under-grounding overhead wires
- Adding street trees *(RDR/MPSP)*

Environmental Resources Element (ER 7, Visual Resources).

**ER 7.1.1 Protect Scenic Views.** The City shall seek to protect views from public places to the Sacramento and American rivers and adjacent greenways, landmarks, and urban views of the downtown skyline and the State Capitol along Capitol Mall. *(RDR)*

**ER 7.1.2 Visually Complementary Development.** The City shall require new development be located and designed to visually complement the natural environment/setting when near the Sacramento and American rivers, and along streams. *(RDR)*

**ER 7.1.4 Standards for New Development.** The City shall seek to ensure that new development does not significantly impact Sacramento's natural and urban landscapes. *(RDR)*

**ER 7.1.5 Lighting.** The City shall minimize obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary. *(RDR)*

**ER 7.1.6 Glare.** The City shall require that new development avoid the creation of incompatible glare through development design features. *(RDR)*

The City Code requires that, in most cases, a permit must be obtained before any person erects a sign in the City. (§15.148.030) Section 15.148.815 regulates relocation of offsite signs, including billboards, with approval of the City Council required of any proposed relocation agreement. One of the required findings for approval is that the relocated sign will not result in any undue or significant increase in visual clutter in the area surrounding the new site. (§15.148.815(G)(5))

On October 16, 2007, the City Council approved Resolution No. 2007-079, thereby imposing restrictions on new offsite signs, including billboards. The City Council found that such signs by their very nature can cause long-lasting aesthetic harm, and produce visual clutter that detracts from the attractiveness of the City. The Resolution prohibited the construction, erection, installation or use of new billboards throughout the entire City, but allowed consideration of relocation agreements consistent with Business and Professions Code §5412, even when the relocation agreement would result in installation of a new sign or signs.

#### **STANDARDS OF SIGNIFICANCE**

**Glare.** Glare is considered to be significant if it would be cast in such a way as to cause public hazard or annoyance for a sustained period of time.

**Light.** Light is considered significant if it would be cast onto oncoming traffic or residential uses.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A AND B: SCENIC VISTAS AND SCENIC RESOURCES**

The proposed project would approve the construction and operation of four digital billboard structures along freeway segments within the City of Sacramento. None of the freeway segments within the City have been identified as scenic, and none of the proposed signs would affect historic properties within a state scenic highway. The impact would be less than significant.

**QUESTIONS C AND D: VISUAL CHARACTER, LIGHT AND GLARE**

The proposed project would allow the construction and operation of four digital billboard structures within the City of Sacramento. The signs would be erected on City-owned property along freeways within the City.

The 2030 General Plan, as noted above, includes several policies that relate to aesthetics and community design. The following comments address these policies to the extent they relate to the proposed project:

**LU 6.1.12 Physical and Visual Character.** No buildings are proposed as part of the project, but visual clutter may be reduced due to the relocation agreements. The relocation agreements included within the project would result in removal of some existing billboards. This would result in a net reduction in the number of billboards. This could, in some cases, achieve an aesthetic benefit if the billboards removed were in aesthetically sensitive areas

**ER 7.1.1 Protect Scenic View.** As discussed below, the proposed digital billboards would not affect scenic views.

**ER 7.1.2 Visually Complimentary Development.** The proposed billboard location on Jibboom Street is approximately 500 feet east of the Sacramento River, and approximately 1,300 feet southwest of the confluence of the Sacramento River and American River. The sign would be oriented to freeway traffic. I-5 at this location runs due north-south, while the Sacramento River runs slightly northeast-southwest. The north face of the digital billboard would face the I-5-Richards Boulevard interchange and would not affect views of the Sacramento River from the freeway. The south face of the digital billboard would face the Jibboom Street connection to the I Street Bridge, and would be visible from the bridge. The billboard could be visible from points south on the river, but would not be inconsistent with the other urban features that are present in the downtown area.

**ER 7.1.4 Standards for New Development** The project would not alter the characteristics of the landscape (i.e., from rural or urban or from natural to developed, or from scenic to blighted) in any of the proposed locations. Each of the locations is in the vicinity of a major freeway within the City limits. See below for additional discussion of specific sites.

**ER 7.1.5 Lighting** This issue is addressed in the discussion below.

**ER 7.1.6 Glare** This issue is addressed in the discussion below.

A number of restrictions have been imposed on digital billboards pursuant to the federal Highway Beautification Act and the California Outdoor Advertising Act. Some of these restrictions were generated primarily by traffic safety concerns, but the restrictions also act as an effective limit on aesthetic concerns, and concerns related to light and glare. See the discussion in Transportation, above.

The issues in this section can be separated into three primary areas, discussed below.

**Would the new billboards create a source of light and glare that could adversely affect day or nighttime views?**

Digital billboards rely on LED technology to display messages on a display screen. Each of the digital billboards proposed as part of the project would have two screens, facing in opposite directions and oriented to vehicle traffic on the adjacent freeway segment. The lighting would be designed to make the message displays visible to passing motorists.

Some traditional billboards have been illuminated, and this is typically accomplished with the installation of stationary incandescent lights regulated by timers. Lighting levels are not subject to adjustment based on ambient conditions. The primary effect of these billboards is related to the brightness of the billboard background as seen from the viewer's perspective.

The brightness of the LED display is subject to adjustment based on ambient conditions. The display, for example, is adjustable, so it may be brighter in the daytime than in darkness, and respond to changes in the ambient light conditions. Restrictions on digital billboards, imposed and enforced by Caltrans, preclude lighting that would be directed at motorists that is so directed or intense that it could blind or confuse drivers, or create conditions that make recognition of the roadway or official signage difficult.

These restrictions have been imposed for traffic safety reasons, and are discussed above in the Transportation section. The resulting controls, however, effectively regulate light and glare to ensure that the operation of any digital billboard does not create a substantial new source of light or glare. The impact would be less than significant.

**Would the signs adversely affect sensitive receptors?**

In the context of air quality or noise analysis, "sensitive receptors" are usually considered persons in special situations that make them particularly vulnerable to environmental effects of a project. These include persons in hospitals, nursing homes and schools. One of the proposed signs could potentially affect such persons.

The sign proposed for Highway 99 and Mack Road would be located adjacent to the Kaiser Permanente-South Sacramento location. The sign would be located along the freeway on the east side of Bruceville Road. The two display panels of the sign would be oriented to vehicle traffic on Highway 99, and would not direct light toward the hospital. In addition, Kaiser has constructed a multi-story parking structure on the west side of Bruceville Road, and this structure would effectively shield other buildings at the site from light emitted by the sign. The impact would be less than significant.

Any impacts on sensitive receptors would be less than significant.

**Would the new billboards substantially degrade the existing visual character or quality of the site and its surroundings?**

Each of the proposed digital billboard sites would be located along a freeway within the City limits. See Project Description, above. As noted, each of the sites proposed is either committed to commercial uses or City utility activities.

The project includes approval of relocation agreements in connection with each digital billboard site. Relocation agreements identify existing traditional billboards that would be removed as part of the construction and operation of a digital billboard. The removal of existing traditional billboards would have a beneficial aesthetic effect.

City staff would review the proposed design as part of lease negotiations with Clear Channel, and design parameters would be imposed by the City.

The proposed location on Interstate 80 and Richards Boulevard is on Jibboom Street adjacent to the PG&E Powerhouse. The visual experience along Jibboom Street is dominated by the freeway on the east side of Jibboom Street, a variety of commercial and motel uses on the north, and the water intake feature and park further west. The digital sign itself would be elevated to a height of approximately 85 feet. The digital displays would be oriented to freeway traffic, and would be unobtrusive for those traveling on Jibboom Street or visiting the commercial enterprises along Jibboom Street.

The proposed digital billboard at I-80 and Northgate would be installed on a site that is isolated from residences and commercial uses. There would be no adverse effect on the visual character of the site or its surrounding properties.

The digital billboard proposed for the Raption Honda site would be consistent with the existing visual character of the existing dealership, which is brightly lit, the freeway and the existing business along the opposite side of the freeway. The sign would not conflict with view of the golf course during daytime hours, and nighttime lighting of the sign would not pose any potential conflict with the golf course use, which occurs only during daylight hours.

The discussion, analysis and conclusions in this Initial Study regarding potential effects on the environment, including discussion of aesthetics, light and glare, are based on compliance with the various conditions stated in the proposed amendments to the City Code, mitigation measures identified in this environmental document, and the provisions of federal and state law. Enforcement of these provisions is assigned to various entities, and in many cases compliance efforts would be undertaken, if at all, following receipt of complaints. The operator of the digital billboards would, over a period of time, be one of the entities with information specific to the operation of the digital billboards, receipt of complaints, and compliance with law and regulations.

Significant effects could occur if the proposed digital billboards, if approved, installed and operated, did not comply with restrictions regarding intensity of light, light trespass, or other restrictions. Compliance with applicable regulations will ensure that effects would be less than significant, and Mitigation Measure Transportation 2, requiring an annual report from the operator, would ensure that the City of Sacramento receives accurate information from the operator regarding compliance.

**MITIGATION MEASURES**

See Mitigation Measures Transportation 1 and 2.

**FINDINGS**

The mitigation measures identified in the Transportation analysis ensure that digital billboards approved and operated as part of the project would comply with applicable regulations, and the mitigation measures identified in this Initial Study. With implementation of Mitigation Measures Transportation 1 and 2, the proposed project would result in less than significant impacts to aesthetics, light and glare.

<p>Issues:</p> <p>3. <u>AIR QUALITY</u></p> <p><i>Would the proposal:</i></p>	<p>Potentially Significant Impact</p>	<p>Potentially Significant Impact Unless Mitigated</p>	<p>Less-than-significant Impact</p>			
<p>A) Violate any air quality standard or contribute to an existing or projected air quality violation?</p>						X
<p>B) Exposure of sensitive receptors to pollutants?</p>						X
<p>C) Alter air movement, moisture, or temperature, or cause any change in climate?</p>						X
<p>D) Create objectionable odors?</p>			X			

**ENVIRONMENTAL SETTING**

The project area is located in the Sacramento Valley Air Basin, which is bounded by the Sierra Nevada on the east and the Coast Range on the west. Prevailing winds in the project area originate primarily from the southwest. These winds are the result of marine breezes coming through the Carquinez Straits. These marine breezes diminish during the winter months, and winds from the north occur more frequently at this time. Air quality within the project area and surrounding region is largely influenced by urban emission sources.

The SVAB is subject to federal, state, and local air quality regulations under the jurisdiction of the Sacramento Metropolitan Air Quality Management District (SMAQMD). The SMAQMD is responsible for implementing emissions standards and other requirements of federal and state

laws. As there are minimal industrial emissions, urban emission sources originate primarily from automobiles. Air quality hazards are caused primarily by carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and ozone, primarily as a result of motor vehicles.

#### **STANDARDS OF SIGNIFICANCE**

The SMAQMD adopted the following thresholds of significance in 2002:

*Ozone and Particulate Matter.* An increase of nitrogen oxides (NOx) above 85 pounds per day for short-term effects (construction) would result in a significant impact. An increase of either ozone precursor, nitrogen oxides (NOx) or reactive organic gases (ROG), above 65 pounds per day for long-term effects (operation) would result in a significant impact (as revised by SMAQMD, March 2002). The threshold of significance for PM<sub>10</sub> is a concentration based threshold equivalent to the California Ambient Air Quality Standard (CAAQS). For PM<sub>10</sub>, a project would have a significant impact if it would emit pollutants at a level equal to or greater than five percent of the CAAQS (50 micrograms/cubic meter for 24 hours) if there were an existing or projected violation; however, if a project is below the ROG and NOx thresholds, it can be assumed that the project is below the PM<sub>10</sub> threshold as well (SMAQMD, 2004).

*Carbon Monoxide.* The pollutant of concern for sensitive receptors is carbon monoxide (CO). Motor vehicle emissions are the dominant source of CO in Sacramento County (SMAQMD, 2004). For purposes of environmental analysis, sensitive receptor locations generally include parks, sidewalks, transit stops, hospitals, rest homes, schools, playgrounds and residences. Commercial buildings are generally not considered sensitive receptors. Carbon monoxide concentrations are considered significant if they exceed the 1-hour state ambient air quality standard of 20.0 parts per million (ppm) or the 8-hour state ambient standard of 9.0 ppm (state ambient air quality standards are more stringent than their federal counterparts).

#### **ANSWERS TO CHECKLIST QUESTIONS**

##### **QUESTION A: AIR QUALITY STANDARDS**

The construction procedure for digital billboards is described above, under Project Summary. Site activities include drilling a hole for the supporting column, construction of the column and pouring of concrete for the foundation, and assembly and installation of the digital billboard. The period of site activity for each sign is approximately one week. Clear Channel would assign one crew to the work of installing the billboards, and the crew and equipment would be engaged on only one site at a time.

Emissions from the described construction activity were calculated using the URBEMIS 2007, Version 9.2.4 program, and following the guidelines of the Sacramento Metropolitan Air Quality Management District (SMAQMD). It is estimated that site activities would generate approximately 21.47 pounds of NOx per day. These emissions fall below the threshold of significance for construction emissions. The SMAQMD Guidelines provide that if a project's NOx emissions from heavy-duty mobile sources are less than significant, as here, then the lead agency may assume that exhaust emissions of other pollutants from operation of equipment and worker commute vehicles are also less than significant.

Based on the analysis of site activities associated with construction of the digital billboards, both construction and operational emissions are less than significant.

**QUESTIONS B AND D: SENSITIVE RECEPTORS, ODORS**

Land uses such as schools, hospitals, residences and convalescent homes are considered to be sensitive to poor air quality. The project's air quality impacts are less than significant, and construction activities at each of the sites would be temporary and of short duration. No substantial emissions or odors would be associated with construction or operation, and no significant impacts would occur.

**QUESTION C: AIR MOVEMENT**

Each of the digital billboards would be installed along existing freeways within the City limits. The operation of digital billboards would not result in the alteration of air movement, moisture, or temperature, or in any change in climate, either locally or regionally beyond what is currently experienced in that area. Any impacts would be considered less than significant.

Digital billboards are powered by electricity, and the production of electricity generates carbon dioxide emissions. Carbon dioxide is a greenhouse gas, and the amount of carbon dioxide in the atmosphere has been linked to global climate change. A full discussion of greenhouse gas emissions and climate change may be found in the Master EIR for the 2030 General Plan. The discussion is located in Chapter 8, and may be reviewed online at [http://www.sacqpb.org/documents/Part2\\_GPMasterEIR.pdf](http://www.sacqpb.org/documents/Part2_GPMasterEIR.pdf). The discussion is incorporated here by reference.

An estimate of the carbon dioxide emissions associated with the operation of digital billboards may be derived from multiplying electricity usage by an emissions factor provided by the local electrical utility providing the electricity, in this case the Sacramento Municipal Utility District (SMUD). SMUD's emission factors take into account the various sources of its electric power, including natural gas, hydroelectric, solar, wind and other energy sources. SMUD's emission factors were approximately 616 lbs./MWh in 2005, and are anticipated to decrease to approximately 550 lbs./MKwh in 2010 and 460 lbs./MKWh by 2020.

The U.S. Green Building Council of Central Texas (Green Building Council) recently produced estimates of carbon emissions for digital billboards. The estimates were published in the form of a PowerPoint presentation that has been circulated on the Internet. The presentation does not include citations to sources of data, nor does it indicate whether the data relate to a one- or two-sided billboard. (The U.S. Green Building Council indicates on its web site that it is a 501(c)(3) non-profit community of leaders working to make green buildings available to everyone within a generation.) The presentation indicated that a digital billboard would use 397,485 kilowatt hours per year of electricity, and equated this to approximately 108 tons of CO<sub>2</sub> emissions per year. The organization equated these emissions to what is typically used in 49 standard billboards, 18 cars or 13 homes.

As explained in the project description, the project proposes to eliminate some existing billboards in the community as part of the installation and operation of the planned digital billboards. The elimination of these billboards would reduce the total additional electricity usage resulting from the project. Electricity usage in digital billboards is used primarily to power the light emitting diodes (LEDs) that result in the images on the billboards. LEDs may be operated at differing intensity levels. Due to the nature of the technology, and regulations that require digital billboards to reduce light intensity in response to ambient conditions, the LEDs in a digital billboard would not operate at full intensity throughout the day. In addition, the LEDs are arranged in "pixels," each of which consists of a cluster of three LEDs (one blue, one green, one red) which represents a point of illumination. Each pixel is programmed to assign each

individual LED in that pixel a level of illumination to achieve the desired overall image on the sign. The number of pixels is also dependent on the pixel pitch (distance between adjacent pixels) and the size of the digital display.

The applicant has provided estimates of electricity usage for a digital billboard of the type proposed in the project, installed within the past two years and located at California State University at Sacramento on U.S. Highway 50. The applicant indicates that a two-sided digital billboard utilizing current technology uses approximately 120,000 kilowatt hours per year of electricity (based upon a monthly average of 10,000 kW), which would result in 33.53 metric tons of CO<sub>2</sub> emissions.

Staff has applied the SMUD carbon emissions estimates to these estimates of electricity usage. The carbon emissions from a sign that uses 397,485 kW hours per year would be approximately 110 metric tons. If a sign used 120,000 kW hours per year, the emissions would be approximately 33.5 metric tons. Using these estimates, operation of four signs could result in a range of 134 (applicant's estimate) to 440 metric tons (U.S. Green Building Council's estimate) of carbon emissions per year. The 2030 General Plan Master EIR estimated total existing CO<sub>2</sub> emissions in the General Plan policy area at 598,965 tons per year, or 543,381 metric tons per year. (Master EIR, Table 8-3)

Discussions of the appropriate response regarding impacts from greenhouse gas emissions often focus on the significance of the contribution of a specific individual project to global emissions, as well as the need for specific and enforceable mitigation. The City of Sacramento has adopted an approach to sustainable development and smart growth that seeks to implement community development policies and programs that encourage pedestrian-friendly, multi-use development that reduces vehicle miles travelled, concentrates growth in opportunity areas, and encourages sustainable and equitable development. The various goals and policies applicable to the project through the 2030 General Plan provide just such a framework, and are effective tools to mitigate the 2030 General Plan's cumulative contribution to climate change through reduction of greenhouse gas emissions.

These goals and policies have been described in the Master EIR as mitigation for such effects. The City is developing a Climate Action Plan for reduction of greenhouse gas emissions, and in February 2010 staff presented Phase 1 of the plan to the City Council relating to Internal operations. Work on the Climate Action Plan for the remainder of the community (Phase 2 of the Climate Action Plan) is continuing.

The Master EIR concluded that greenhouse gas emissions that could be emitted by development that is consistent with the 2030 General Plan would be cumulatively considerable, and were determined to be significant and unavoidable (Errata No. 2, Page 12). The Master EIR includes a full analysis of greenhouse gas emissions and climate change, and adequately addresses these issues.

The proposed signage would comply with Title 24 energy standards, and is the type of urban use that is now present in the community. Digital billboards are currently located at Cal Expo and California State University at Sacramento, and in neighboring communities. The project proposes actions that are generally consistent with the 2030 General Plan and were generally of the type contemplated in the Master EIR. While project approval would result in an increase in electrical usage, and carbon emissions, the 2030 General Plan contemplated new development and emissions, and did not attempt to identify each specific activity that might occur. The project

falls within the ambit of the 2030 General Plan and would not impede the City's ongoing efforts to comply with the 2030 General Plan or AB32.

The installation and operation of four digital billboards as proposed would not have any significant additional environmental effects relating to greenhouse gas emissions or climate change.

**FINDINGS**

The proposed project would result in less than significant impacts to air quality.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>4. BIOLOGICAL RESOURCES</b>			
Would the proposal result in impacts to:			
A) Endangered, threatened or rare species or their habitats (including, but not limited to plants, fish, insects, animals and birds)?		X	
B) Locally designated species (e.g., heritage or City street trees)?			X
C) Wetland habitat (e.g., marsh, riparian and vernal pool)?			X

**ENVIRONMENTAL SETTING**

Each of the proposed sites is located near one of the freeways that intersect the City.

**REGULATORY SETTING**

Definitions of Special-Status Species

Special-status species are those plants and animals that, because of their recognized rarity or vulnerability to various causes of habitat loss or population decline, are recognized in some fashion by federal, state, or other agencies as deserving special consideration. Some of these species receive specific legal protection pursuant to federal or state endangered species legislation. Others lack such legal protection, but have been characterized as "sensitive" on the basis of adopted policies and expertise of state resource agencies or organizations with acknowledged expertise, or policies adopted by local governmental agencies such as counties, cities, and special districts to meet local conservation objectives.

Wetlands and Waters of the United States

The U.S. Army Corps of Engineers (Corps) has primary federal responsibility for administering regulations that concern “waters of the United States,” including wetlands, within the Project Area. The Corps requires that a permit be obtained if a project proposes placing structures within, over, or under navigable waters and/or discharging dredged or fill material into waters of the U.S. below the ordinary high-water mark in non-tidal waters. The Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Services (NMFS), and other state and local regulatory agencies may provide comment on Corps permit applications.

**STANDARDS OF SIGNIFICANCE**

For purposes of this environmental document, an impact would be significant if any of the following conditions or potential thereof, would result with implementation of the proposed project:

- Creation of a potential health hazard, or use, production or disposal of materials that would pose a hazard to plant or animal populations in the area affected;
- Substantial degradation of the quality of the environment, reduction of the habitat, reduction of population below self-sustaining levels of threatened or endangered species of plant or animal;
- Affect other species of special concern to agencies or natural resource organizations (such as regulatory waters and wetlands); or
- Violation of the Heritage Tree Ordinance (City Code 12.64.040).

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTION A: ENDANGERED SPECIES**

Each of the sites identified as a potential location for a digital billboard has been reviewed by staff to identify the presence of habitat for sensitive species, wetlands or heritage or City trees. The following descriptions are based upon visits to the proposed sites conducted by Staff on November 9, 2009.

- Location 1: I-80/Northgate – This site consists of a gravel surface and piles of debris surrounding land regularly maintained by the Utilities Department in the continued operation of SUMP 157. There were no species observed or evidence of habitat that would be affected by the installation of a digital billboard at this location. The site is heavily disturbed.
- Location 2: I-5/Richards Boulevard – This site consists of vacant land with sparse annual grass. There is an elderberry bush located on the parcel to the south of the subject site. The site was semi developed (used as a staging area) during the construction of the City’s Sacramento River Water Intake Structure and consists of fill material. The proposed billboard site is located approximately 500 feet east of the Sacramento River, and Swainson’s hawk nest sites have been documented within the vicinity. If construction occurs during the nesting season, there could be an effect on nesting Swainson’s hawks. Mitigation measures listed below will reduce impacts relating to nesting Swainson’s hawk to a less than significant level. Installation of the digital

billboards will not affect significant foraging habitat and will be installed within the existing urban area.

- Location 3: Business 80/Fulton (Rapton Honda) – This site will serve the Rapton Honda auto dealership located at the former trap shoot range adjacent to Business 80 (State Route 51). This site was evaluated as part of the EIR certified for the development of the auto dealership. The site is developed and consists of a concrete and asphalt paved parking area. Installation a digital billboard at this location will not affect any special status species.

- Location 4: Highway 99/Mack Road – This site consists of an approximate 1.13 acre “island” of vacant land surrounded by Bruceville Road, Bruceville southbound on-ramp to Highway 99, and Highway 99. The site is highly disturbed and appears to be used as maintained drainage area within the developed urban area along Highway 99 and does not consist of valuable habitat for sensitive species.

**QUESTION B: LOCALLY DESIGNATED SPECIES**

There are no locally designated species that will be affected by the proposed digital billboards. All locations identified for the digital billboards consist of vacant land devoid of trees. Impacts to locally designated species would be less than significant.

**QUESTION C: WETLANDS**

None of the proposed project sites contains any wetlands, or conditions that indicate the presence of wetlands or waters of the U.S. The location along Business 80 is within the site evaluated for the Rapton Honda project. As part of that project a wetland delineation was prepared that identified waters of the U.S. within the interior of the site along with a drainage canal. The Rapton Honda dealership has been developed and the site consists of an asphalt concrete paved area serving as an auto storage/display area. Construction and operation of a digital billboard at this location would not affect any waters of the U.S. Other locations as described above are located in areas that have been disturbed and altered either through construction and development for a nearby project or through routine maintenance of nearby facilities. Impacts to these resources would be less than significant.

**MITIGATION MEASURES**

**BIO-1 (Location 2-Interstate 5 and Richards Boulevard)** The following mitigation measures shall be implemented on the project site:

- 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.

**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 *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* or as required by the CDFG in the future. If no active nests are identified during the survey, no additional mitigation is required.

If active nests are found in the vicinity of the construction area, mitigation measures consistent with the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* will be incorporated in the following manner or as directed by the CDFG.

- 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.
- 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 nestings are still alive, the project proponent will fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).
- c. 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.

## FINDINGS

With implementation of the mitigation measures identified above, impacts of the proposed project on biological resources would be less than significant.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>5. CULTURAL RESOURCES</b>			
<i>Would the proposal:</i>			
A) Disturb paleontological resources?		X	
B) Disturb archaeological resources?		X	
C) Affect historical resources?			X
D) Have the potential to cause a physical change which would affect unique ethnic cultural values?			X
E) Restrict existing religious or sacred uses within the potential impact area?			X

**ENVIRONMENTAL SETTING**

Three of the proposed digital billboard sites are not within archeological sensitive areas according to the General Plan MEIR (2030 GP MEIR, Figure 6.4-1). Location 2 (the location near the Sacramento River) is located in areas that have been identified as potentially being archeologically sensitive. No documented archaeological sites have been recorded on or adjacent to the project site.

Location 2 is located northeast of the former PG&E Power Station (River Station B) building that is eligible for listing on the National, California, and Sacramento registers of historic places. The PG&E Power Station was designed by architect Willis Polk and constructed in 1912 (HEC, 1993). Location 2 is also located adjacent to Jibboom Street, which transitions into the Jibboom Street Overhead just south of the project site. The Jibboom Street Overhead, built in 1937, carries Jibboom Street on a steel girder viaduct structure from grade on the north, running parallel to the river, and merging with I Street Viaduct just east of the I Street Bridge, a National, California, and Sacramento Register listed structure. The Jibboom Street Overhead approach is not a contributing element to the National Register of Historic Places listed I Street Bridge (RSP DEIR, P. 6.3-29). The site for Location 2 is about a half mile north of the I Street Bridge.

**STANDARDS OF SIGNIFICANCE**

Cultural resource impacts may be considered significant if the proposed project would result in one or more of the following:

1. Cause a substantial change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5 or

2. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A, B, D, E: PALEONTOLOGICAL AND ARCHAEOLOGICAL RESOURCES, ETHNIC CULTURAL VALUES, RELIGIOUS OR SACRED USES**

Construction activities associated with installing the proposed digital billboards consists of drilling a foundation hole for the sign post structure that is approximately 32 feet deep. As stated above, one of the proposed digital billboard locations (Location 2) is within potential archeological sensitive areas according to Figure 6.4-1 of the General Plan MEIR. Based upon the proposed construction practices and the sensitivity of the sites, there is a possibility that activities during construction could disturb unknown archaeological or paleontological resources beneath the surface. The following mitigation measures will ensure that impacts to cultural resources are less than significant.

**QUESTION C: HISTORICAL RESOURCES**

Location 2 is on the west side of Jibboom Street just north of the PG&E Powerhouse. The PG&E Powerhouse is a designated historical resource. The Powerhouse site is affected by urban development, including Interstate 5 to the east, and the Best Western Motel to the north. The digital billboard would result in additional urban influences on the site, but, with the proposed location of the billboard to be immediately adjacent to the Best Western Motel property and along the Jibboom Street right-of-way, it would not substantially alter the historical resources, and the impact would be less than significant.

**MITIGATION MEASURES**

**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.

**CR-2 (All Locations)** In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work shall be halted, and the City shall consult with a qualified archeologist, at the applicant's cost, to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum

curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.

**CR-3 (All Locations)** If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.

In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

**CR-4 (All Locations)** If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If 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-interment 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.

**FINDINGS**

With the incorporation of the above mitigation measures, the project is determined to have a less than significant impact on cultural resources.

	Potentially Significant	Potentially Significant Impact	Less-than-significant
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Issues:	Impact	Unless Mitigated	Impact
<b>6. ENERGY</b>			
Would the proposal result in impacts to:			
A) Power or natural gas?			X
B) Use non-renewable resources in a wasteful and inefficient manner?			X
C) Substantial increase in demand of existing sources of energy or require the development of new sources of energy?			X

**ENVIRONMENTAL SETTING**

Gas. Gas service is supplied to the City of Sacramento and the project site by Pacific Gas and Electric (PG&E). PG&E gas transmission pipelines are concentrated north of the City of Sacramento. Distribution pipelines are located throughout the City, usually underground along City and County public utility easements (PUEs).

*Electricity.* Electricity is supplied to the City of Sacramento and the project site by the Sacramento Municipal Utility District (SMUD). SMUD operates a variety of hydroelectric, photovoltaic, geothermal and co-generation powerplants. SMUD also purchases power from PG&E and the Western Area Power Administration. Major electrical transmission lines are located in the northeastern portion of the City of Sacramento.

*Underground Service Alert (USA).* The City of Sacramento is a member of the USA one-call program. Under this program, the Contractor is required to notify the USA 48 hours in advance of performing excavation work. The developer has the responsibility for timely removal, relocation, or protection of any existing utility services located on the site of any construction project.

**STANDARDS OF SIGNIFICANCE**

*Gas Service.* A significant environmental impact would result if a project would require PG&E to secure a new gas source beyond their current supplies.

*Electrical Services.* A significant environmental impact would occur if a project resulted in the need for a new electrical source (e.g., hydroelectric and geothermal plants).

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A THROUGH C**

Digital billboards installed and operated as part of the project would use electrical energy, and would be constructed pursuant to current electrical codes, including Title 24. These standards would ensure that electrical energy would be used efficiently. The Master EIR evaluated the cumulative impacts of development as authorized by the 2030 General Plan and concluded that existing programs that encourage energy efficiency would reduce any cumulative effects to a less-than-significant level. (Master EIR, pages 6-11, 87, 88) The underlying question as to whether digital billboards are an effective or desirable use of electrical energy is a policy question that may be considered in the project review process, but any environmental effects are less than significant.

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The proposed project would result in less than significant impacts to energy resources.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>7. HAZARDS</b> <i>Would the proposal involve:</i>			
A) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?		X	
B) Possible interference with an emergency evacuation plan?			X
C) The creation of any health hazard or potential health hazard?		X	
D) Exposure of people to existing sources of potential health hazards?			X
E) Increased fire hazard in areas with flammable brush, grass, or trees?			X

**ENVIRONMENTAL SETTING**

- Location 1: I-80/Northgate – This site consists of land regularly maintained by the Utilities Department in the continued operation of Sump 157. The site consists of a gravel maintenance road area, paved pumping station and drainage canal.
- Location 2: I-5/Richards Boulevard – This site consists of disturbed land north of the PG&E Power Station building (Jibboom Street Building) that the Department of Toxic Substance Control has monitoring authority for clean-up and land use restrictions under case number 34490056 (DTSC, 2009) for the contaminants lead and polynuclear aromatic hydrocarbons (PAHS). The location of the proposed billboard post at this location is north of the area with land use restrictions. The site is undeveloped and consists of seasonal grasses.
- Location 3: Business 80/Fulton (Raption Honda) – This site, is located in proximity to the former Sacramento Trapshooting Club site which contained lead and polynuclear aromatic hydrocarbons (PAHS). A Response Plan was developed and remediation (consolidation and capping) has been completed. Some of the contaminated soil has been moved to the site and capped with clean fill and asphalt. Sacramento County Environmental Management Department is overseeing the Operation and Maintenance Agreement and Deed Restrictions of the site.

- Location 4: Highway 99/Mack Road – This site consists of an approximate 1.13 acre “island” of vacant undeveloped land surrounded by Bruceville Road, Bruceville southbound on-ramp to Highway 99, and Highway 99. The site is developed and maintained as a drainage basin.

## **REGULATORY SETTING**

### Federal Regulations

The principal federal regulatory agency responsible for ensuring the safe use and handling of hazardous materials is EPA. Key federal legislation pertaining to hazardous wastes is described below. Other applicable federal regulations are contained primarily in 29, 40, and 49 CFR.

*Resource Conservation and Recovery Act.* The Resource Conservation and Recovery Act enables EPA to administer a regulatory program that extends from the manufacture of hazardous materials to their disposal, thus regulating the generation, transportation, treatment, storage, and disposal of hazardous waste at all facilities and sites in the nation.

*Comprehensive Environmental Response, Compensation, and Liability Act.* The Comprehensive Environmental Response, Compensation, and Liability Act (also known as Superfund) was passed to facilitate the cleanup of the nation's toxic waste sites. In 1986, the act was amended by the Superfund Amendment and Reauthorization Act Title III (community right-to-know laws). Title III states that past and present owners of land contaminated with hazardous substances can be held liable for the entire cost of the cleanup, even if the material was dumped illegally when the property was under different ownership.

### State Regulations

California regulations are equal to or more stringent than federal regulations. EPA has granted California primary oversight responsibility for administering and enforcing hazardous waste management programs. The Department of Toxic Substance Control (DTSC) has oversight authority of projects located on areas identified with hazardous waste materials. State regulations require planning and management to ensure that hazardous wastes are handled, stored, and disposed of properly to reduce risks to human and environmental health. Several key laws pertaining to hazardous wastes are discussed below.

*Hazardous Materials Release Response Plans and Inventory Act of 1985.* The Hazardous Materials Release Response Plans and Inventory Act, also known as the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Hazardous materials are defined as raw or unused hazardous materials that are part of a process or manufacturing step. They are not considered hazardous waste. Health concerns pertaining to the release of hazardous materials, however, are similar to those relating to hazardous waste.

*Hazardous Waste Control Act.* The Hazardous Waste Control Act created the state hazardous waste management program, which is similar to, but more stringent than, the federal Resource Conservation and Recovery Act program. The act is implemented by regulations contained in 26 CCR, which describes the following required aspects for the proper management of hazardous waste:

- identification and classification;
- generation and transportation;
- design and permitting of recycling, treatment, storage, and disposal facilities;

- treatment standards;
- operation of facilities and staff training; and
- closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and 26 CCR, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the California Department of Toxic Substances Control.

*Emergency Services Act.* Under the Emergency Services Act, the state developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an important part of the plan, administered by the California Office of Emergency Services. The office coordinates the responses of other agencies, including EPA, the California Highway Patrol (CHP), RWQCBs, air quality management districts, and county disaster response offices.

#### **STANDARDS OF SIGNIFICANCE**

For the purposes of this document, an impact is considered significant if the proposed project would:

- expose people (e.g., residents, pedestrians, construction workers) to existing contaminated soil during construction activities;
- expose people (e.g., residents, pedestrians, construction workers) to asbestos-containing materials; or
- expose people (e.g., residents, pedestrians, construction workers) to existing contaminated groundwater during dewatering activities.

#### **ANSWERS TO CHECKLIST QUESTIONS**

##### **QUESTIONS A AND C: ACCIDENT, HEALTH HAZARD**

No hazardous substances or noxious uses would be used or permitted on the billboard sites. Installation of the billboards would require the drilling of the foundation hole five feet in diameter and 32-feet deep. Drilling of this hole would be completed, using standard construction practices, in one day with concrete poured the second day.

As stated above, the location near I-5 and Richards Boulevard is just north of the former PG&E Power Station that is subject to DTSC oversight. The proposed billboard location is north of the parcels containing the clay cap, ensuring the integrity of the cap remains. However, construction activities drilling to approximately 32 feet in depth could encounter and release contaminated soils. Additionally, the site at Location 3 (Rapton Honda) is located in an area that contained lead and PAH contamination. The site was remediated and some of the contaminated soil was moved and capped with clean fill and asphalt at this location. Due to the depth of the drilling, the proposed project could encounter and release contaminated soil during construction activities.

This impact is potentially significant. The mitigation measures identified below would reduce any impact to a less than significant level.

**QUESTION B: EMERGENCY PLANS**

Digital billboards would be located along freeways within the City of Sacramento, and would be tied into the National Emergency Network, would provide information including child abduction alerts, or “Amber Alerts,” and could provide additional information in emergencies. The billboards would contribute to emergency preparedness, and any impact would be less than significant.

**QUESTION D: EXPOSURE TO EXISTING HAZARDS**

Digital billboards are designed to withstand wind forces as required by state law, and are subject to building permit requirements that ensure compliance with applicable building and electrical codes. Soil conditions are identified and considered in the design of such structures. During the installation process of the billboards, holes would be drilled and the excavated soil would be transported offsite. As stated above, the proposed billboard location near I-5 and Richards is located north of the parcels containing the clay cap ensuring the integrity of the cap remains. However, construction activities drilling to approximately 32 feet in depth could encounter and expose workers to contaminated soils.

The site at Location 3 (Rapton Honda) is located in an area that previously contained lead and PAH contamination. The site was remediated and some of the contaminated soil was moved and capped with clean fill and asphalt at this location. Due to the depth of the drilling, the proposed project could encounter and expose construction workers to contaminated soil during construction activities. This impact would be significant without the implementation of the mitigation measures below.

Pursuant to Public Resources Code Section 15072(f)(5) and California Government Code Section 65962.5, no presence of hazardous waste or substances as disclosed on the lists compiled pursuant to Section 65962.5 of the Government Code are known to exist on any of the proposed sites for digital billboards.

**QUESTION E: FIRE HAZARDS**

Billboards installed and operated as part of the project would be constructed in compliance with applicable building and electrical codes, and would not pose a fire hazard. Impacts would be less than significant.

**MITIGATION MEASURES**

**HAZ -1** Prior to issuance of a building permit for the sites Location 2 (Interstate 5 and Richards Boulevard) and Location 3 (Rapton 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.

**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.

**FINDINGS**

The proposed project would result in less than significant impacts regarding hazards.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>8. NOISE</b>			
<i>Would the proposal result in:</i>			
A) Increases in existing noise levels? Short-term Long Term			X X
B) Exposure of people to severe noise levels? Short-term Long Term			X X

**ACOUSTICAL TERMINOLOGY**

Noise may be defined as unwanted sound.

Sound is defined as a pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second) they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second, or Hertz (Hz).

Sound levels are usually measured on a logarithm scale and expressed in decibels (dB) with 0 dB being the threshold of hearing. Decibel levels range from 0 to 140. Typical examples of decibel levels would be a low decibel level of 50 dB for light traffic to a high decibel level of 120 dB for a jet takeoff at 200 feet. The human ear cannot detect changes of less than 3dB.

The perceived loudness of sound depends on many factors, including the sound pressure level, frequency and the sensitivity of the receiver.

The decibel scale can be adjusted for community noise impact assessment to consider the additional sensitivity to different pitches (through the A-weighting mechanism) and to consider the sensitivity during evening and nighttime hours (through the Community Noise Equivalent Level and Day-Night Average). Community noise is commonly described in terms of the "ambient" noise level, which is defined as the all-encompassing noise level associated with a given noise environment, and is measured by the  $L_{eq}$  which is an average, or equivalent, noise level.

The day-night average sound level ( $L_{dn}$ ) represents sound exposure averaged over a 24-hour period.  $L_{dn}$  values are calculated using hourly  $L_{eq}$  values, with the  $L_{eq}$  values for the nighttime period (10:00 P.M.-7:00 A.M.) increased by 10 dB to reflect the greater disturbance potential from nighttime noises. Sounds that occur in the late night and early morning hours are perceived as being louder than the same sound heard during daytime hours.

#### **ENVIRONMENTAL SETTING**

Each of the four sites proposed for digital billboards is located near a freeway within the City limits. Freeways are typified by high traffic volumes and, as a result, relatively high noise levels.

#### **STANDARDS OF SIGNIFICANCE**

Thresholds of significance are those established by the Title 24 standards and by the City's General Plan Noise Policies and the City Noise Ordinance. Noise and vibration impacts resulting from the implementation of the proposed project would be considered significant if they cause any of the following results:

- Exterior noise levels at the proposed project exceeding the upper value of the normally acceptable category for various land uses caused by noise level increases due to the project. (2030 General Plan, Table EC-1, 2009);
- Residential interior noise levels of  $L_{dn}$  45 dB or greater caused by noise level increases due to the project;
- Construction noise levels not in compliance with the City of Sacramento Noise Ordinance;
- Project residential and commercial areas are exposed to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations;
- Historic buildings and archaeological sites are exposed to vibration peak particle velocities greater than 0.25 inches per second due to project construction, highway traffic, and rail operations;
- Project residential and commercial areas are exposed to vibration peak particle velocities greater than 0.5 inches per second due to highway traffic and rail operations; and
- Historic buildings and archaeological sites are exposed to vibration peak particle velocities greater than 0.25 inches per second due to project construction, highway traffic, and rail operations, and
- Occupied existing and project residential and commercial areas are exposed to vibration peak particle velocities greater than 0.5 inches per second due to project construction.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A AND B**

*Short-term Construction Noise Impacts.* Temporary increases in noise levels would occur during construction of the digital billboards. Construction activities would require drilling a hole for the foundation, hauling dirt from the site, pouring the concrete foundation, and activities associated with assembly and construction of the sign. Construction activities would occur during daylight hours, and drilling and construction using large equipment are expected to take no more than one day each.

Noise levels at construction sites can vary from 65 dBA to a maximum of nearly 90 dBA when heavy equipment is used nearby. Construction noise would be intermittent, and noise levels would vary depending on the type of activity involved at any particular time. Construction noise may be audible to nearby residents, but recognition of such noise in a freeway-oriented environment would reduce this impact.

Construction noise is exempt from the City of Sacramento Noise Ordinance, provided that construction is limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. on Sundays. City Code requires that all internal combustion engines in use on the project must be equipped with original manufacturers' silencers or their after market equivalents, in good working order.

Impacts from noise generated by the construction of the billboards are less than significant.

*Long-term Operational Noise Impacts.* Operation of a digital billboard does not produce substantial levels of noise. The long-term noise impact from the proposed project on adjacent uses is less than significant.

**MITIGATION MEASURES**

No mitigation is required.

**FINDINGS**

The proposed project would result in less than significant impacts to the community noise environment.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>9. PUBLIC SERVICES</b>			
Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:			
A) Fire protection?			X
B) Police protection?			X
C) Schools?			X
D) Maintenance of public facilities, including roads?			X
E) Other governmental services?			X

**Environmental Setting**

The proposed locations for billboards are within close proximity to freeways within the City of Sacramento. Public services provided in the freeway areas are typically limited to emergency services relating to traffic and health safety.

**STANDARDS OF SIGNIFICANCE**

For the purposes of this report, an impact would be considered significant if the project resulted in the need for new or altered services related to fire protection, police protection, school facilities, roadway maintenance, or other governmental services.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A THROUGH E**

The construction and operation of digital billboards would not require public services except for cases of emergency. Billboards are constructed subject to state law and building codes, and would not present a substantial source of hazard. A less-than-significant effect on public services would occur.

**MITIGATION MEASURES**

No mitigation is required.

**FINDINGS**

The proposed project would result in less-than-significant impacts to public services.

<p>Issues:</p> <p><b>10. RECREATION</b> <i>Would the proposal:</i></p> <p>A) Increase the demand for neighborhood or regional parks or other recreational facilities?</p> <p>B) Affect existing recreational opportunities?</p>	<p>Potentially Significant Impact</p>	<p>Potentially Significant Impact Unless Mitigated</p>	<p>Less-than-significant Impact</p>
			<p align="center">X</p>
			<p align="center">X</p>

**STANDARDS OF SIGNIFICANCE**

Impacts to recreational resources are considered significant if the proposed project would do either of the following:

- cause or accelerate substantial physical deterioration of existing area parks or recreational facilities; or
- create a need for construction or expansion of recreational facilities beyond what was anticipated in the General or Community Plan.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A AND B**

The project would include the construction and operation of four digital billboards. The project would not result in any increase in demand for recreational services or facilities, and the impact is less than significant.

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The proposed project would result in less-than-significant impacts to recreational resources.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<b>11. SEISMICITY, SOILS, AND GEOLOGY</b>			
Would the proposal result in or expose people to potential impacts involving:			
A) Seismic hazards?			X
B) Erosion, changes in topography or unstable soil conditions?			X
C) Subsidence of land (groundwater pumping or dewatering)?			X
D) Unique geologic or physical features?			X

**ENVIRONMENTAL SETTING**

*Geology and Seismicity.* Chapter 6.5 of the Master EIR for the 2030 General Plan discusses the geology and exposure to seismicity of the Sacramento region. While there are no known faults in the greater Sacramento region, faults in other areas of the state could result in seismic events.

Based upon a review of the General Soil Map for Sacramento County, California from the United State Department of Agriculture, Soil Conservation Service, the proposed locations for the digital billboards have the following soils:

- Location 1: I-80/Northgate – This site consists of Clear Lake (Somewhat poorly drained soils that have a seasonal high water table, are protected by levees, and are very deep or deep over a cemented hardpan (San Joaquin: Moderately well drained soils that are moderately deep over a cemented hardpan).
- Location 2: I-5/Richards Boulevard – This site consists of Sailboat – Scribner – Cosumnes (Somewhat poorly drained and poorly drained soils that have a seasonal high water table and are protected by levees.
- Location 3: Business 80/Fulton (Rapton Honda) – This site has San Joaquin (Moderately well drained soils that are moderately deep over a cemented hardpan.
- Location 4: Highway 99/Mack Road – This site consists of San Joaquin (Moderately well drained soils that are moderately deep over a cemented hardpan.

**STANDARDS OF SIGNIFICANCE**

For the purposes of this analysis, an impact is considered significant if it allows a project to be built that will either introduce geologic or seismic hazards by allowing the construction of the project on such a site without protection against those hazards.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A - D**

The project would allow the construction and operation of four digital billboards along freeways within the City limits. The billboards would require building permits and would be constructed to the current building code standards. These standards include consideration of geologic and seismic conditions. Soil conditions at each of the billboard sites would be identified and considered as part of the design process. The proposed project would not result in the exposure of people to geologic or seismic hazards.

The project would not involve significant changes in topography. No grading would be involved at the billboard sites. Any erosion potential from ground disturbance would be addressed by the requirements of the Sacramento City Code that prevent erosion of soils during construction (Ordinance 15.88.250). This Ordinance requires the project applicant to show erosion and sediment control methods on the improvement plans. These plans also show the methods to control urban runoff pollution from the project site during construction. In addition, the majority of the proposed project site will be built, landscaped, turfed, and paved upon completion of the project, which would help prevent erosion.

Construction of the project may require temporary groundwater pumping as groundwater may be encountered during the drilling of the foundation hole. The hole would be drilled and the following day, the pole structure would be installed and concrete poured to fill the hole. As a result continuous groundwater pumping would not be required or cause subsidence to occur.

There are no recognized unique geologic features or physical features that would be affected by the construction of the proposed project. Therefore, related impacts on area soils and earth conditions would be less than significant.

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The proposed project would result in less than significant impacts to geology, soils and seismicity.

<p>Issues:</p> <p><b>12. UTILITIES</b></p> <p><i>Would the proposal result in the need for new systems or supplies, or substantial alterations to the following utilities:</i></p>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
A) Communication systems?			X
B) Local or regional water supplies?			X
C) Local or regional water treatment or distribution facilities?			X
D) Sewer or septic tanks?			X
E) Storm water drainage?			X
F) Solid waste disposal?			X

**ENVIRONMENTAL SETTING**

The proposed locations for billboards are within close proximity to freeways within the City of Sacramento. Utilities and drainage facilities along freeways are limited, and are present for the limited purpose of serving freeways and freeway-related uses.

**STANDARDS OF SIGNIFICANCE**

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- \* Result in a detriment to microwave, radar, or radio transmissions;
- \* Create an increase in water demand of more than 10 million gallons per day;
- \* Substantially degrade water quality;
- \* Generate more than 500 tons of solid waste per year; or
- \* Generate stormwater that would exceed the capacity of the stormwater system.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTIONS A THROUGH F**

The project would result in the construction and operation of four digital billboards, and the removal of existing billboards as provided in the relocation agreements. Each digital billboard would require electrical service. Providing such service through extension of existing electrical service in the vicinity would not result in any significant effects.

The project would not generate any wastewater or require a supply of potable water.

Construction and operation of the digital billboards would not require other utility services, and would not affect drainage. Installation of the proposed billboards would require coordination with various utility companies via the Underground Service Alert (USA) to prevent conflicts with subterranean pipelines. Any impacts on utility services would be less than significant.

**MITIGATION MEASURES**

No mitigation is required.

**FINDINGS**

The proposed project would result in less-than-significant impacts to utilities.

Issues:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigated	Less-than-significant Impact
<p><b>13. WATER</b> Would the proposal result in or expose people to potential impacts involving:</p> <p>A) Changes in absorption rates, drainage patterns, or the rate and amount of surface/stormwater runoff (e.g. during or after construction; or from material storage areas, vehicle fueling/maintenance areas, waste handling, hazardous materials handling &amp; storage, delivery areas, etc.)?</p> <p>B) Exposure of people or property to water related hazards such as flooding?</p> <p>C) Discharge into surface waters or other alteration of surface water quality that substantially impact temperature, dissolved oxygen or turbidity, beneficial uses of receiving waters or areas that provide water quality benefits, or cause harm to the</p>			<p align="center">X</p> <p align="center">X</p>

	biological integrity of the waters?			X
D)	Changes in flow velocity or volume of stormwater runoff that cause environmental harm or significant increases in erosion of the project site or surrounding areas?			X
E)	Changes in currents, or the course or direction of water movements?			X
F)	Change in the quantity of ground waters, either through direct additions or withdrawal, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?			X
G)	Altered direction or rate of flow of groundwater?			X
H)	Impacts to groundwater quality?			X

**STANDARDS OF SIGNIFICANCE**

*Water Quality.* For purposes of this environmental document, an impact is considered significant if the proposed project would substantially degrade water quality and violate any water quality objectives set by the State Water Resources Control Board, due to increased sediments and other contaminants generated by consumption and/or operation activities.

*Flooding.* For purposes of this environmental document, an impact is considered significant if the proposed project substantially increases exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood.

**ANSWERS TO CHECKLIST QUESTIONS**

**QUESTION A: STORMWATER RUNOFF**

The project involves the construction and operation of four digital billboards. The project would not require service for water, and existing drainage at each site would be maintained, and no increases in stormwater would result.

**QUESTION B: WATER RELATED HAZARDS**

The project does not include construction of any habitable structures.

The project sites are located in one area outside of the 500 year flood plain and the remaining areas within the 500 year floodplain and protected by levees from a 100-year flood. The installation of the digital billboards would not subject people or property to increased flooding risk or expose people to risks from a 100 year flood. The digital billboards could provide warning

notifications if connected to the emergency broadcast network. Impacts from flooding on the proposed project would be less than significant.

**QUESTIONS C, D, AND E: WATER DISCHARGE, FLOW VELOCITY, CHANGES IN COURSE**

Construction related activities, such as drilling a hole for the foundation, and pouring concrete, have the potential to impact water quality. These activities have the potential to increase sediment loads in runoff that would enter the combined sewer system. Fuel, oil, grease, solvents, and other chemicals used in construction activities have the potential to create toxicity problems if allowed to enter a waterway. Construction activities are also a source of various other materials including trash, soap, and sanitary wastes.

Construction activities at each billboard site would be limited to one day devoted to drilling a hole for the foundation and pouring the concrete, and a second day installing the sign. The project improvement plans would be required through the building permit process to comply with the City's Grading, Erosion, and Sediment Control Ordinance (Code 15.88.250). Potential impacts would be minimal, and compliance with City and State regulations would reduce any potential impacts to surface water and drainage to a less-than-significant level.

**QUESTIONS F, G AND H: QUANTITY OF GROUNDWATER, ALTERATION OF FLOW, GROUNDWATER QUALITY**

The proposed project is not expected to involve substantial excavation or trenching that would impact groundwater. The project involves drilling holes 5 feet in diameter with a depth of approximately 32 feet, which could result in groundwater being encountered. In the event that groundwater is encountered and dewatering activities are required, it would be short-term as each site installation is expected to take five days to complete and the hole would be filled with concrete resulting in minimal effects to groundwater. The project could result in a short-term change in groundwater quality. Any dewatering activities associated with the proposed project must comply with the City's General Construction Permit and requirements established by the Central Valley Regional Water Quality Control Board to ensure that such activities would not result in substantial changes in groundwater flow or quality. Therefore, the proposed project would have a less than significant impact on groundwater.

**MITIGATION MEASURES**

No mitigation measures are required.

**FINDINGS**

The proposed project will have a less than significant impact on water resources.

**MANDATORY FINDINGS OF SIGNIFICANCE**

<p>Issues:</p>	<p>Potentially Significant Impact</p>	<p>Potentially Significant Impact Unless Mitigated</p>	<p>Less-than-significant Impact</p>
<p><b>14. MANDATORY FINDINGS OF SIGNIFICANCE</b></p> <p>A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>		<p align="center">X</p>	
<p>B. Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?</p>			<p align="center">X</p>
<p>C. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p>			<p align="center">X</p>
<p>D. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Disturb paleontological resources?</p>		<p align="center">X</p>	

## Answers to Checklist Questions

### Question A

With the implementation of mitigation measures, the project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community. The project would not impact rare or endangered wildlife species, or eliminate important examples of the major periods of California history or prehistory.

### Question B & C

The project will not contribute to any cumulative impacts since the project is consistent with 2030 Sacramento General Plan, and would not create additional impacts over and above those previously identified and evaluated.

### Question D

With implementation of the mitigation measures described in this document, the project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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**SECTION IV - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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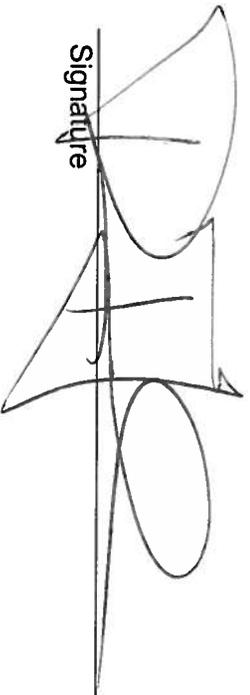
The environmental factors checked below would potentially be affected by this project.

Land Use and Planning	X	Hazards
Population and Housing		Noise
Seismicity, Soils and Geology		Public Services
Water		Utilities and Service Systems
Air Quality	X	Aesthetics
X Transportation/Circulation	X	Cultural Resources
X Biological Resources		Recreation
Energy and Mineral Resources		Mandatory Findings of Significance
None Identified		

**SECTION V - DETERMINATION**

**On the basis of the initial evaluation:**

- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the project-specific mitigation measures described in Section III have been added to the project. A Mitigated Negative Declaration will be prepared.



Signature

Date

March 11, 2010

Tom Buford, Senior Planner  
Printed Name

March 11, 2010

Date of Revised Initial Study

**REFERENCES CITED**

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