



# City of Sacramento City Council

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**Meeting Date:** 10/25/2011

**Report Type:** Consent

**Title: Ordinance Amendment: Signs for Multi-Family Developments (M11-008) (Passed for Publication on 10-18-11; Published on 10-21-11)**

**Report ID:** 2011-00461

**Location:** Citywide

**Recommendation:** Adopt: 1) a Resolution declaring the item exempt from environmental review; 2) an Ordinance amending the Sign Code (City Code Title 15.148) relating to sign regulations for multi-family developments; and 3) a Resolution setting fees under Title 15.08.050 of the Sacramento City code relating to multi-family signs.

**Contact:** Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department

**Presenter:** Max Fernandez, Director of Community Development, (916) 808-7940, Community Development Department

**Department:** Community Development Dept

**Division:** Planning

**Dept ID:** 21001221

## **Attachments:**

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- 1-Description/Analysis
- 2-Background
- 3-Ordinance
- 4-Resolution
- 5-Resolution

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### **City Attorney Review**

Approved as to Form  
Joseph Cerullo  
10/11/2011 11:14:56 AM

### **City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
10/6/2011 3:41:40 PM

### **Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 10/11/2011 8:14:11 AM



## Description/Analysis

**Issue:** At the City Council meeting on March 15, 2011, Council Member Ashby requested that staff bring forward to the Law and Legislation Committee a discussion on allowing additional signs at apartment complexes. On August 4, 2011, the committee discussed allowing additional signs for apartment complexes—which chapter 15.148 of the City Code (the “Sign Code”) refers to as “multiple family structures”—and directed staff to prepare an ordinance, for the City Council’s review and possible enactment, that amends the Sign Code by adding regulations allowing additional temporary signs.

**Policy Considerations:** The proposed amendment to the Sign Code is consistent with the City’s economic-development goals and the direction of the Law and Legislation Committee.

**Environmental Considerations:** The proposed amendment to the Sign Code is exempt from the California Environmental Quality Act. There is no possibility that enactment of the amendment may have a significant effect on the environment (Cal. Code Regs., tit. 14, §15061(b)(3)), and the activities authorized by the amendment are themselves exempt from the act (*id.* at §15311 [designates on-premise signs as exempt]).

**Sustainability:** There are no sustainability considerations applicable to amending the City Code relating to signs on multiple family structures.

**Commission/Committee Action:** On August 4, 2011, the Law and Legislation Committee discussed allowing additional signs at apartment complexes. By a unanimous vote, the committee directed staff (a) to prepare an ordinance amending the Sign Code by adding regulations that authorize permits for additional signs at apartment complexes, (b) to prepare a resolution amending the fee-and-charge report so it covers the cost of issuing the permits and inspecting the signs, and (c) to forward the ordinance and resolution to the City Council for review and possible approval.

**Rationale for Recommendation:** The amendment to the Sign Code will enable apartment complexes to provide safe and adequate direction to the complexes and will reduce the number of illegal signs by providing clear direction to owners and operators of apartment complexes about the type and number of signs allowed.

**Financial Considerations:** The proposed amendment to the City’s fee-and-charge report will cover the costs of issuing the sign permits and inspecting the signs.

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



## Background

The City of Sacramento's sign regulations are found in Chapter 15.148 of the Sacramento City Code (the "Sign Code"). Under the Sign Code, apartment complexes (which the Sign Code calls "multiple family structures") may have one detached project-identification sign on each street frontage, not to exceed six feet in height or 12 square feet in sign area. If the owner of an apartment complex does not want detached signs, then a 12-square-foot attached sign is permitted on each street frontage.

The Rental Housing Association of Sacramento Valley has expressed concern that the Sign Code currently does not allow for adequate identification of apartment complexes, and it would like its members to have the ability to place temporary signs that would call attention to their complexes when vacant units are available. The association has indicated that its members have a difficult time renting vacant units because potential renters do not know that there are units available or how to get into the complex.

Staff has met with representatives of the rental-housing industry to discuss their needs. Their desire is to have a variety of temporary signs they could use to advertise their complexes. The signs that the industry has in mind—banners, balloons, and portable signs—are considered temporary because (a) they are not permanently affixed to a building or the ground; and (b) an apartment-complex operator may decide not have the signs out 24 hours a day, 7 days a week. Staff took into account their suggestions and reviewed safety and aesthetic concerns raised by allowing the additional signs.

The result is a proposal that describes a sign package the apartment-complex owners could use for advertising purposes, if desired. A package would include 12 balloons, one portable sign (e.g., an A-frame), and one banner. Currently the Sign Code prohibits all of these signs for multiple family structures. The proposal allows all of these signs by permit, with the permit renewable annually. A small complex (50 or fewer units) could have one package, a medium-sized complex (51 to 100 units) could have up to two packages, and a large complex (over 100 units) could have up to three packages. An ordinance amending the City Code to allow temporary signs for multiple family structures is attached.



## ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

October 25, 2011

### ORDINANCE ADDING SECTION 15.148.885 TO CHAPTER 15.148 OF THE SACRAMENTO CITY CODE, RELATING TO AUTHORIZING CERTAIN SIGNS ON MULTIPLE FAMILY STRUCTURES

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

**SECTION 1.** Section 15.148.885 is hereby added to Chapter 15.148 of the Sacramento City Code, to read as follows:

#### **15.148.885 Signs on Multiple Family Structures.**

- A. Application. This section applies only to multiple family structures.
- B. Classification of Multiple Family Structures; Eligibility for Permits. In addition to the signs permitted under Article III of this chapter, and notwithstanding any provision in this chapter to the contrary, the following types of signs, in the number indicated, are authorized for multiple family structures:
  - 1. “Class-A Structures” have at least 3 but not more than 50 living units and are eligible for a permit authorizing the following signs:
    - a. Up to 12 helium-filled balloons.
    - b. One portable sign.
    - c. One banner.
  - 2. “Class-B Structures” have at least 51 but not more than 100 living units and are eligible for a permit authorizing the following signs:
    - a. Up to 24 helium-filled balloons.
    - b. Up to two portable signs.
    - c. Up to two banners.
  - 3. “Class-C Structures” have more than 100 living units and are eligible for a permit authorizing the following signs:
    - a. Up to 36 helium-filled balloons.
    - b. Up to three portable signs.

- c. Up to three banners.

C. Sign Regulations for Multiple Family Structures.

1. Helium-filled balloons must meet the following criteria:
  - a. When inflated, each balloon must fit within a box that has a height, width, and depth of 15 inches (i.e., 15" x 15" x 15").
  - b. No Mylar balloons.
  - c. No internal illumination.
2. Each portable sign, including supports, must fit within a box with a height of not more than 4 feet, a width of not more than 3 feet, and a depth of not more than 3 feet. A-frame signs are portable signs.
3. Each banner must meet the following criteria:
  - a. Its height must be not more than 4 feet, and its width must be not more than 12 feet.
  - b. It must be securely mounted on a permanent structure that is integral to the multiple family structure, and it must not flap or wave in the wind.
  - c. It must be composed of fire-retardant materials.
4. General.
  - a. Each person who desires to obtain a sign permit for a Class-A, Class-B, or Class-C Structure must submit an application to the City, using the approved form, and must pay any fees that the City Council establishes by resolution to recoup the City's cost of issuing the permits, inspecting the signs after installation, and otherwise administering and enforcing this section.
  - b. Each permit will be valid for one year from the date of issuance.
  - c. If, while a permit is in effect, the permit holder has complied with this section, then the permit holder will be entitled to renew the permit for another year upon payment of the fee in effect at the time of renewal. Otherwise, a permit is not renewable.
  - d. The permit holder shall place and maintain each sign so that the sign is not a hazard to vehicular or pedestrian traffic.

- e. The permit holder shall place and maintain each sign on the private property where the associated multiple family structure is situated. Signs may not be placed in public rights-of-way.
- f. The permit holder shall maintain each sign in good repair.
- g. While a permit is in effect, the permit holder may repair or replace the associated signs without obtaining a new permit.
- h. The City may remove, without prior notice, any sign that does not comply with this section. If the City removes a non-compliant sign, then the City shall send the permit holder, by U.S. Mail, a written notice identifying the reason for removal, the location where the permit holder may retrieve the sign, and the deadline for retrieval (which must be at least 10 days after the notice is deposited in the mail). The City may destroy any signs not retrieved by the deadline stated in the notice, and the permit holder will not be entitled to compensation for the value of signs so destroyed.



**RESOLUTION NO. 2011-**

Adopted by the Sacramento City Council

October 25, 2011

**ESTABLISHING PERMIT FEES FOR SIGNS ON  
MULTIPLE FAMILY STRUCTURES**

**BACKGROUND**

- A. On October 25, 2011, the City Council enacted Ordinance No. 2011-\_\_\_\_, thereby adding Section 15.148.885 to the Sacramento City Code. Section 15.148.885 authorizes temporary permits for specified signs on multiple family structures and requires payment of fees to cover the City’s cost to issue the permits and inspect the signs.
- B. The proposed fees for permits issued under Section 125.148.885 are set forth in Exhibit A.
- C. The amount of the proposed fees is no more than necessary to cover the City’s reasonable costs to issue the permits, inspect the sign locations, and otherwise administer and enforce Section 15.148.885. In addition, the manner in which those costs are allocated to the permittees bears a reasonable relationship to each permittee’s burdens on, or benefits received from, the City.

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

- Section 1. The City of Sacramento Fee and Charge Report, Community Development Department, is hereby amended, as set forth in Exhibit A to establish the fees authorized by Section 15.148.885 of the Sacramento City Code.
- Section 2. Exhibit A is part of this resolution

## Exhibit A

**Fee Name:** Temporary Permits for Signs on Multiple Family Structures (Sacramento City Code Section 15.148.885)

**Current Fee:** None

**Proposed Fees:**

**Issuance of Sign Permit for Multiple Family Structures**

Class-A Structures . . . . .	\$280
Class-B Structures . . . . .	\$385
Class-C Structures . . . . .	\$490

**Annual Renewal of Sign Permit for Multiple Family Structures**

Class-A, Class-B, and Class-C Structures . . . . .	\$ 70
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**Justification:** The fees recover 100% of estimated costs for a streamlined permit process that includes review of the permit application at the public counter, permit administration, and site inspection, all at the department’s hourly rate of \$140. It is estimated that staff time for a permit covering a Class-A Structure (i.e., an apartment complex with at least 3 but not more than 50 units) would take 1 hour in the office and 1 hour for site inspection; that staff time for a permit covering a Class-B Structure (a complex with at least 51 but not more than 100 units) would be 1.25 hours in the office and 1.5 hours for site inspection; and that staff time for a permit covering Class-C Structures (a complex with 100 or more units) would be 1.5 hours in the office and 2 hours for site inspection. The annual renewal fee for Class-A, Class-B, and Class-C Structures is based on estimated staff time of 30 minutes for processing the renewal application in the office and does not include time for a site inspection.

**Proposition 26:** These fees are not “taxes” under section 1, subdivision (e), in article XIII C of the California Constitution, as they are within the exception set out in subdivision (e)(3) of that section. The fees recoup not more than 100% of the Department’s actual cost of issuing the permits and inspecting the sites of the signs. No fee waivers are provided, and the Department’s costs are allocated equally to the persons who apply for permits and permit renewals.

## **RESOLUTION NO. 2011-**

Adopted by the Sacramento City Council

October 25, 2011

### **DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (SIGNS FOR MULTI-FAMILY DEVELOPMENTS (M11-008))**

#### **BACKGROUND**

At its regular meeting on October 25, 2011, the City Council received and considered evidence concerning an ordinance that amends the Sacramento City Code by adding section 15.148.885, relating to signs for multiple-family structures (the “**Project**”).

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

**Section 1.** Based on the determination and recommendation of the City’s Environmental Planning Services Manager and on the oral and documentary evidence received during the meeting at which the City Council considered the Project, the City Council finds that the Project is exempt from the California Environmental Quality Act (“**CEQA**”), as follows:

- (a) There is no possibility that enactment of the ordinance may have a significant effect on the environment. (Cal. Code Regs., tit. 14, §15061(b)(3).)
- (b) The activities authorized by the ordinance are on-premises signs and are themselves exempt from CEQA as a class of accessory structures. (Cal. Code Regs., tit. 14, §15311.)