

Meeting Date: 9/17/2013

Report Type: Consent

Report ID: 2013-00722

Title: (Pass for Publication) Ordinance Amending Chapter 15.148 of the City Code Relating to Sign Regulation (M07-015)

Location: Citywide

Issue: The owners of Got Muscle Health Club (8280 Folsom Boulevard) have sued the City in federal court, alleging that the City's sign regulations violate their free-speech rights. To moot these allegations, staff recommends that the City Council adopt an ordinance amending sections 15.148.600 (exempt signs), 15.148.670 (other prohibited signs), and 15.148.1170 (definitions) of the Sacramento City Code.

Recommendation: 1) Review an Ordinance amending sections 15.148.600, 15.148.670, and 15.148.1170 of the Sacramento City Code, relating to exempt and prohibited signs; and 2) pass for publication the ordinance title as required by Sacramento City Charter section 32(c), with the Ordinance to be adopted on September 24, 2013.

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

Presenter: None

Department: Community Development Dept

Division:

Dept ID:

Attachments:

1-Description/Analysis

2-Amendatory Ordinance for Phase 1 Sign-Code Revision (Redline)

3-Amendatory Ordinance for Phase 1 Sign-Code Revision

City Attorney Review

Approved as to Form

Joseph Cerullo

9/12/2013 1:07:06 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 9/11/2013 5:03:19 PM

Description/Analysis

Issue Detail: Carl and Elizabeth Fears, the owners of Got Muscle Health Club (8280 Folsom Boulevard), have sued the City in federal court, alleging that the City's sign code violates their free-speech rights. To moot these allegations, staff recommends that the City Council adopt an ordinance amending sections 15.148.600 (exempt signs), 15.148.670 (other prohibited signs), and 15.148.1170 (definitions). These amendments are the first phase of a comprehensive revision of the sign code that staff will be presenting to the City Council next month. The comprehensive revision is needed because most of the provisions in the sign code were enacted in the early 1970s (Ordinance No. 2868, adopted in March 1971) and early 1980s (Ordinance Nos. 81-093, 82-043), and since then there have been a number of developments in federal and state law, both statutory and judicial, that call those provisions into question. Many provisions are also obsolete or technically inaccurate.

The first-phase amendments now before the City Council will delete the prohibition of A-frame signs, which the City has not been enforcing consistently, and will expressly allow the use of A-frame signs to display messages other than general advertising. Staff is not proposing detailed regulations for A-frame signs at this time but will do so next month in the comprehensive revision. The first-phase amendments also eliminate the content-based exemptions that are unconstitutional.

Policy Considerations: Sign regulations preserve and improve the City's appearance; safeguard and enhance property values; protect public and private investment in buildings and open spaces; and promote the public health, safety, and general welfare.

Economic Impacts: None.

Environmental Considerations: Under the CEQA Guidelines, the first-phase amendments qualify as continuing administrative activities that do not constitute a "project." So the first-phase amendments are exempt from CEQA. (Cal. Code Regs., tit. 14, §15378(b)(2).)

Sustainability: There are no sustainability considerations with this report.

Commission/Committee Action: The City Manager has determined that the first-phase amendments are urgent and necessary and should be immediately considered by the City Council.

Rationale for Recommendation: The first-phase amendments are needed to bring certain provisions of the sign code into compliance with constitutional requirements.

Financial Considerations: None.

Emerging Small Business Development (ESBD): There are no ESBD considerations with this report.

ORDINANCE NO. 2013 - _____

Adopted by the Sacramento City Council

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
CHAPTER 15.148 OF THE SACRAMENTO CITY CODE
RELATING TO SIGN REGULATION**

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

SECTION 1. Section 15.148.600 of the Sacramento City Code is amended to read as follows:

15.148.600 Generally.

~~The provisions of this article, including the requirements for permits, shall not apply to the signs specified in this section are exempt from the other provisions of this chapter, and the display nor shall the area of such signs is not to be included in the cumulative display area of signs permitted allowed for any parcel or use:~~

~~A. Directional or Instructional Signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four square feet in area, such as signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature.~~

~~B. Memorial Signs or Tablets. Memorial signs or tablets, names of buildings, and dates of building erection when cut into the surface or façade of a building.~~

~~C. Public Notices. Official notices posted by public officers or employees in the performance of their duties.~~

~~D. Governmental Signs. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.~~

~~E. Real Estate Signs. One real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area, and is removed within seven days after the sale, rental, or lease has been accomplished. Signs that are authorized by California Civil Code section 713~~

and are displayed on private property in a manner that complies with section 15.148.620. One such sign is allowed on a parcel, and the display area of the sign may not exceed six square feet. Such a sign may be indirectly illuminated so long as the intensity and direction of the light does not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. Such a sign may not be indirectly illuminated; may not emit audible sound or any odor or visible matter; and may not be an animated sign or a fixed balloon, digital billboard, flashing sign, moving sign, roof sign, rotating sign, swinging sign, or wind sign.

FB. Flags. Flags that display messages other than general advertising and are displayed on private property in a manner that complies with section 15.148.620. The cumulative display area of all flags on a parcel, calculated by measuring one side of each flag, may not exceed one square foot for every three linear feet of street frontage.

C. A-Frame Signs. Portable signs that are capable of standing without support or attachment and are hinged or designed to fold up for easy moving by hand, but only if used to display messages other than general advertising and only if displayed in a manner that complies with section 15.148.620 and does not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. Such signs are generally known as A-frame signs, sandwich signs, or sandwich-board signs and typically resemble the letter "A" but may also resemble the letters "T" (upright or inverted) or "U" or "H."

D. Small Signs. Unilluminated signs that have a display area not exceeding four square feet, display messages other than general advertising, comply with section 15.148.620, and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all such signs on a parcel may not exceed one square foot for each five linear feet of street frontage. ~~The flags, emblems, or insignias of any nation or political subdivision.~~

G. ~~Symbols or Insignias. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.~~

~~HE.~~ Interior Signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater;

provided however, that no sign shall be exempt hereunder unless it is designed, located and intended to be viewed primarily from inside the premises and not from the public right-of-way. ~~(Note: All illuminated signs, including interior illuminated signs, require electrical permit.)~~

~~F.~~ F. Temporary Signs. Sign that display messages other than general advertising and meet the following criteria are exempt "temporary signs":

~~Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that such signs are posted only during such drive or no more than thirty (30) days before such event and are removed no more than fifteen (15) days after such event.~~

~~J. House Numbers and Name Plates. House numbers and name plates not exceeding two square feet in area for each residential building.~~

~~K. Political and Campaign Signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that such signs are subject to the following regulations:~~

~~1. Such signs may be erected not earlier than ninety (90) days prior to the election and shall be removed within fifteen (15) days following such election.~~

~~21. In any R, A, or OB zone, one or more temporary signs are permitted on a parcel so long as the cumulative display area of all temporary signs on the parcel does of land provided all such signs, in the aggregate, do not exceed 10 ten (10) square feet, and if detached, shall not exceed six feet in height. Such sign shall not be erected in such a manner as to constitute a roof sign.~~

~~32. In any SC, HC, C, or M zone, one or more temporary signs are permitted on a parcel of land provided all suchso long as the cumulative display area of all temporary signs on the parcel does not signs do not, in the aggregate, exceed 50a sign area of fifty (50) square feet. Such signs shall not be erected in such a manner as to constitute a roof sign. Notwithstanding the provisions of this subparagraph, a sign may be placed upon any legally existing sign structure.~~

~~43. No sign shallA temporary sign may not be located within or over the public right-of-way, except as follows: a temporary sign may be placed . This provision shall not be construed to prohibit the placement of~~

~~signs~~ in that area of public right-of-way between the face of the street curb and the street side edge of the sidewalk (commonly referred to as the planting strip or the mowing strip) so long as ~~Nothing in the preceding sentence shall be construed to permit~~ the placement of any the sign complies with section 15.148.620, does not that would violate any provision of ~~Chapter~~ 12.28 of this code relating to obstructions to visibility at intersections, and does not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties.

4. A temporary sign may be staked in the ground; may be tacked, pasted, or otherwise temporarily affixed to legally existing fences, structures, and buildings; and may be taped, painted, or otherwise temporarily affixed to the interior or exterior surfaces of building windows.

5. A temporary sign may not be illuminated, may not be a roof sign, may not exceed six feet in height, and may not be displayed on the same parcel more than 180 days in a calendar year. (Prior code § 3.07.140)

SECTION 2. Section 15.148.670 of the Sacramento City Code is amended to read as follows:

15.148.670 Other prohibited signs.

Except as otherwise provided in Article IX of this chapter, the following signs are prohibited:

- A. Signs ~~which that~~ are located on or project over the roof of a building or structure;
- B. Canvas signs and canvas banners;
- ~~C. Flags, other than those of any nation, state or political subdivision;~~
- ~~D.~~ Pennants, streamers, bunting, and wind signs;
- ~~E.~~ "A" frame and portable signs of any nature;
- ~~F.~~ Sidewalk clocks;
- ~~G.~~ Statues, real or simulated, utilized for advertising purposes.

SECTION 3. Section 15.148.1170 of the Sacramento City Code is amended by adding the following definitions:

“Display area” means the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which the sign is placed. Where a sign has two or more display faces, the area of all faces will be included in determining the area of the sign, except that only one face of a double-faced sign will be considered in determining the display area, provided that both faces are parallel and the distance between faces does not exceed 2 feet. Further, where a sign consists only of individual letters, numerals, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where the individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign will be the sum of the areas of the squares or rectangles surrounding each individual sign component.

“General advertising” means the enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising.

Ayes:
Noes:
Abstain:
Absent:

MAYOR

Attest:

City Clerk
Passed for Publication
Published:
Effective:

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Adopted by the Sacramento City Council

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15.148.600 Generally.

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A. Real Estate Signs. Signs that are authorized by California Civil Code section 713 and are displayed on private property in a manner that complies with section 15.148.620. One such sign is allowed on a parcel, and the display area of the sign may not exceed six square feet. Such a sign may be indirectly illuminated so long as the intensity and direction of the light does not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. Such a sign may not be indirectly illuminated; may not emit audible sound or any odor or visible matter; and may not be an animated sign or a fixed balloon, digital billboard, flashing sign, moving sign, roof sign, rotating sign, swinging sign, or wind sign.

B. Flags. Flags that display messages other than general advertising and are displayed on private property in a manner that complies with section 15.148.620. The cumulative display area of all flags on a parcel, calculated by measuring one side of each flag, may not exceed one square foot for every three linear feet of street frontage.

C. A-Frame Signs. Portable signs that are capable of standing without support or attachment and are hinged or designed to fold up for easy moving by hand, but only if used to display messages other than general advertising and only if displayed in a manner that complies with section 15.148.620 and does not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. Such signs are generally known as A-frame signs, sandwich signs, or sandwich-board signs

and typically resemble the letter "A" but may also resemble the letters "T" (upright or inverted) or "U" or "H."

D. Small Signs. Unilluminated signs that have a display area not exceeding four square feet, display messages other than general advertising, comply with section 15.148.620, and do not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. The cumulative display area of all such signs on a parcel may not exceed one square foot for each five linear feet of street frontage.

E. Interior Signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater; provided however, that no sign shall be exempt hereunder unless it is designed, located and intended to be viewed primarily from inside the premises and not from the public right-of-way. All illuminated signs, including interior illuminated signs, require electrical permit.

F. Temporary Signs. Sign that display messages other than general advertising and meet the following criteria are exempt "temporary signs":

1. In any R, A, or OB zone, temporary signs are permitted on a parcel so long as the cumulative display area of all temporary signs on the parcel does not exceed 10 square feet.

2. In any SC, HC, C, or M zone, temporary signs are permitted on a parcel so long as the cumulative display area of all temporary signs on the parcel does not exceed 50 square feet.

3. A temporary sign may not be located within or over the public right-of-way, except as follows: a temporary sign may be placed in that area of public right-of-way between the face of the street curb and the street side edge of the sidewalk (commonly referred to as the planting strip or the mowing strip) so long as the placement of the sign complies with section 15.148.620, does not violate any provision of chapter 12.28 of this code relating to obstructions to visibility at intersections, and does not constitute a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties.

4. A temporary sign may be staked in the ground; may be tacked, pasted, or otherwise temporarily affixed to legally existing fences, structures, and buildings; and may be taped, painted, or otherwise temporarily affixed to the interior or exterior surfaces of building windows.

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Adopted by the City of Sacramento City Council on _____, 2013,
by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk
Passed for Publication
Published:
Effective: