

Item No. 17

Supplemental Material

For City of Sacramento

City Council
Housing Authority
Redevelopment Agency
Economic Development Commission
Sacramento City Financing Authority

Agenda Packet

Submitted: 10/16/07

For the Meeting of: 10/16/07

- Additional Material
- Revised Material

Subject: An Ordinance Adding Provisions to Chapter 15.148 of the City Code Concerning Message Substitution and Location of Noncommercial Messages

Contact Information: Joy Patterson, 808-5607

Please include this supplemental material in your agenda packet. This material will also be published to the City's Intranet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604 B (916) 808-7200.



Late Council Report Approval

Council Meeting Date: 10/16/07

Date Submitted: 10/15/07

Report Subject: AN ORDINANCE ADDING PROVISIONS TO CHAPTER 15.148 OF THE CITY CODE CONCERNING MESSAGE SUBSTITUTION AND LOCATION OF NONCOMMERCIAL MESSAGES (M07-079) (PFP)

Report submitted for review late because: review time, late request of item

This Report must be included as part of this Agenda because:

.....
Department Authorization

DAVID KWONG Planning Mgr
Print Name and Title

City Manager Authorization

This report is approved for inclusion for the above referenced Agenda material.

Must be signed by one of the following.

Ray Kerridge, City Manager _____

Gus Vina, Assistant City Manager _____

Marty Hanneman, Assistant City Manager MH _____

Cassandra Jennings, Assistant City Manager _____

Report Transmittal Form

MEETING DATE: October 16, 2007

2:00 p.m.

6:00 p.m.

Title: AN ORDINANCE ADDING PROVISIONS TO CHAPTER 15.148 OF THE CITY CODE

Presenting to the following Legislative Bodies:

<input checked="" type="checkbox"/> City Council	<input type="checkbox"/> Financing Authority
<input type="checkbox"/> Redevelopment Agency	<input type="checkbox"/> Economic Development Commission
<input type="checkbox"/> Housing Authority	<input type="checkbox"/> Other

Type of Report: (check below)

<input type="checkbox"/> Administrative Matters	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Information
<input type="checkbox"/> Special Presentation	Noticing completed:	<input type="checkbox"/> Regional
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Staff	

Special Requirements: (check below)

<input type="checkbox"/> Majority Vote	<input type="checkbox"/> Color Inserts (30 sets)
<input type="checkbox"/> 2/3 Vote	<input type="checkbox"/> VHS-DVD Presentation
<input type="checkbox"/> Suspend Competitive Bidding	<input type="checkbox"/> PowerPoint Presentation
<input type="checkbox"/> Other	<input type="checkbox"/> Material On File in Clerks Office

Report Review

Fiscal Impact:

Budget Change?

General Fund

Other Fund

Fund Number(s)

Change FTE?

Policy Issues:

Emerging Small Business Development Issues: (ESBD) Note on Report

Environmental Issues: Note on Report

Legal Issues: Note on Report

Other:

Budget Office Review

Yes No Resolution

Yes No Budget Impact

Yes No EB/RB Needed

Budget Office Comments:

Scott Pettigell x 5814.

Other Comments:

Department:	Development Services	Division:	Planning
Report Author/Contact:	Sandra Yope	Phone	808-7158
Report Coordinator	Jason Hunter	Phone:	808-8493

Department Code: For Department Use

*2384
x 8/11*



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Consent
October 16, 2007

Honorable Mayor and
Members of the City Council

Title: AN ORDINANCE ADDING PROVISIONS TO CHAPTER 15.148 OF THE CITY CODE CONCERNING MESSAGE SUBSTITUTION AND LOCATION OF NONCOMMERCIAL MESSAGES (M07-079)

Location/Council District: Citywide

Recommendation: 1) Review an **Ordinance** adding Sections 15.148.025 and 15.148.026 to Title 15 of the Sacramento City Code to establish message substitution provisions and rules regarding location of noncommercial messages in the City's Sign Regulations; and 2) pass for publication the Ordinance title as required by Sacramento City Charter Section 32c and continue to October 23, 2007 for adoption.

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

Presenters: Not applicable

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: The City is in the process of amending its sign regulations and bringing them current with the law and with technology. To assist, the City has retained a consultant, Randal Morrison, of Sabine and Morrison, who specializes in this area of the law. He recommends that pending the adoption of the ordinance amending the sign code, the City should adopt amendments to the current code to address expressly the right to substitute messages and the rights concerning location of noncommercial messages. These amendments are generally required as a matter of the current law on sign regulation and generally reflect the current practices of the City. Both of the amendments will be included in the new sign code scheduled for consideration in Spring, 2008.

Policy Considerations: Revising sections of the City Code associated with signs and their allowed locations is consistent with the City's Strategic Plan areas of Culture and Entertainment, Economic Development, and Enhancing Public Safety.

Environmental Considerations: The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (Section 15061(b)(3).

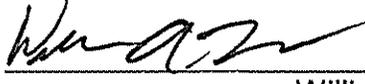
Commission/Committee Action: None

Rationale for Recommendation: Amending the existing Sign Code to be consistent with current practices and current law is appropriate.

Financial Considerations: The recommendations contained in this report do not result in a fiscal impact.

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

Respectfully Submitted by: 
David Kwong
Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:

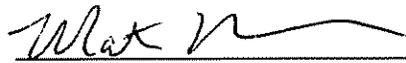
for 
Ray Kerridge
City Manager

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING SECTIONS 15.148.025 and 15.148.026 TO TITLE 15 OF THE SACRAMENTO CITY CODE TO ESTABLISH MESSAGE SUBSTITUTION PROVISIONS IN THE CITY’S SIGN REGULATIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO

SECTION 1

Section 15.148.025 is added to Chapter 15.148 of the Sacramento City Code, to read as follows:

15.148.025 Message substitution.

Subject to the consent of the land owner and the sign owner, a noncommercial message of any type may be substituted, in whole or in part, in place of any commercial message or any other noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This provision does not allow the substitution of an off-site commercial message in place of an on-site commercial message. In addition to message substitution, whenever a parcel has a right to display area which is unused, that area may be used for non-commercial messages on temporary signs, without permits or approvals; it may also be used for display of non-commercial messages on permanent structures, if the structure is properly permitted.

SECTION 2

Section 15.148.026 is added to Chapter 15.148 of the Sacramento City Code, to read as follows:

15.148.026 Location of noncommercial messages.

Throughout this chapter, the on-site/off-site distinction applies only to commercial messages on signs. There is no location criterion for noncommercial messages on signs.