REPORT TO COUNCIL
City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
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Consent
October 23, 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: Adopt 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.

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:

_____
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 OFSACRAMENTO

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.