REPORT TO COUNCIL
City of Sacramento

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

STAFF REPORT
October 23, 2007

Honorable Mayor and
Members of the City Council

Title: Amendments to the City's Sign Code (City Code Chapter 15.148) Relating to Street Banners and Private Signs on City Property (M07-015)

Location/Council District: Citywide

Recommendation: Provide comment and direction on signage in the City of Sacramento for street banners (banners attached to City-owned utility poles); private signs on City property (traditional public forum); and private signs on City property (other than traditional public forum).

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

Presenters: Joy Patterson, Principal Planner

Department: Development Services, Department of Transportation

Division: Current Planning

Organization No: 4881

Description/Analysis:

Issue: This is the third of five Council workshops to address key issues and provide direction to staff as it prepares an ordinance updating the Sign Code to be consistent with current law and to address new types of signage and new practices of the sign industry.

To assist in amending the Sign Code, the City Attorney's Office has retained outside counsel, Randal Morrison of the law firm Sabine and Morrison. He specializes in the law pertaining to sign regulation, and has prepared sign codes for a number of California jurisdictions, as well as defended numerous challenges to sign codes of local jurisdictions.

At this meeting, staff seeks Council direction on how to address in the Sign Code the following issues: street banners (banners attached to City-owned utility poles); private signs on City property (traditional public forum); and private signs on City property (other than traditional public forum). Attachment 1 summarizes

the relevant law and the options that are available to the Council in addressing the three issues.

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.

Committee/Commission Action: None

Environmental Considerations: None

Rationale for Recommendation: Staff needs direction from the Council regarding the appropriate updates to the Sign Code relating to current sign issues.

Financial Considerations: None

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

Respectfully Submitted by: David W. Kwong
David Kwong
Planning Manager

Approved by: William Thomas
William Thomas
Director of Development Services

Recommendation Approved:

RAY KERRIDGE
for City Manager

Amendments to the City's Sign Code
(City Code Chapter 15.148) (M07-015)

October 23, 2007

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ATTACHMENT 1

Discussion Paper on Sign Issues

1. Street banners (banners attached to City-owned utility poles (lightposts, guy wires)

The City adopted a street banner policy by resolution in 1991, a copy of which is attached as Attachment 2. The policy authorizes the placement of banners in commercial zones in the Central City and in a number of commercial corridors, subject to approval by the Banner Review Committee. The policy restricts the types of banners that may be displayed ("Banners may not be used for commercial advertising or to advertise or promote political messages or issues, parties or candidates, or religious organizations or issues") as well as the types of organizations that may sponsor banners ("Sponsoring organizations must represent or promote cultural or civic events or activities of general public interest"). Based on developments in the law, this policy should be revisited and amended, as appropriate.

Policy options for the City when regulating banners include the following:

OPTION 1: A ban on street banners.

OPTION 2: Street banners reserved for exclusive use by the City.

OPTION 3: Street banners reserved for use by the City and to promote events produced, sponsored or co-sponsored by the City.

OPTION 4: Street banners reserved for use by the City and by private parties who meet defined criteria. (Establishing the criteria for this option may be difficult, since they must be content-neutral, and anyone who meets the criteria must be given equal access to the program.)

Staff recommends Option 4: Street banners reserved for use by the City and by private parties who meet defined criteria. Currently, the City allows banners on City poles for numerous events, anniversaries, that are community oriented or done by private parties. This will allow banners in certain locations based on defined criteria or districts depending on how the code is structured.

2. Private non-commercial signs on City property (traditional public forums-sidewalks, parks, public grounds adjacent to City hall)

The issue is whether to allow non-commercial signs (political, protest, religious) to be posted (*i.e.*, left unattended) on City property or placed in the public right-of-way. The City must allow hand-held protest signs and live, in-person protests and demonstrations on the traditional public forum areas (streets, sidewalks, parks, public grounds

surrounding City Hall). The City could enact reasonable and appropriate time, place and manner restrictions concerning such signage. The City enacted, in 2003, and then repealed, in 2004, reasonable time, place and manner restrictions on signage and other materials carried during parades, rallies and protests.

Policy options for the City when regulating non-commercial signs on City property (traditional public forums-sidewalks, parks, public grounds adjacent to City Hall) include the following:

OPTION 1: A prohibition on private party non-commercial signs being posted (left) on City property and the public right-of-way.

OPTION 2: Allowing private party non-commercial signs to be posted on City property and the public right-of-way, subject to specified time, place and manner rules that could be loosened during a specified period (e.g., a pre-election period).

If the City does allow private party non-commercial signs on City property, it may not distinguish between different types of non-commercial signs. This applies even if additional display rights are granted for a specified period (e.g., a pre-election period).

Staff recommends Option 1: A prohibition on private party non-commercial signs being posted (left) on City property and the public right-of-way. This will prevent blight and clutter of signs in all public right of ways. Currently we prohibit these type of signs and remove them when they are placed on City property.

3. Private signs on City property (other than traditional public forum)

The issue is whether to allow signs in or on City property that is not considered a traditional public forum, such as park benches, street benches, exterior of city-owned vehicles, fences at parks and recreational facilities. The City has broader discretion in this area. In these areas, unlike most other areas, the City may allow commercial speech on a categorical basis and exclude non-commercial messages entirely. Selective exclusions of non-commercial messages is not permissible. However, in many of these locations, a complete ban on all non-commercial messages is permissible, even if commercial messages are allowed.

Policy options for the City when regulating private signs on City property (other than traditional public forum) include the following:

OPTION 1: A complete ban on all non-commercial and commercial messages.

OPTION 2: A complete ban on all private party non-commercial messages being posted (left) on City property and allowing commercial messages on City property.

OPTION 3: Allow both non-commercial and commercial messages.

Staff recommends Option 2: A prohibition on private party non-commercial signs being posted (left) on City property. This will give the City flexibility as a property owner to put appropriate commercial signage if desired on City owned property.

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DEPARTMENT OF PARKS
AND COMMUNITY SERVICES

ROBERT P THOMAS
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SACRAMENTO ZOO
PARKS AND RECREATION
• NORTH
• SOUTH
• CITY-WIDE

October 29, 1991

CONTINUED
FROM 10-29-91
TO 11-5-91

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Approval of a Citywide Street Banner Policy

NOV 05 1991
OFFICE OF THE CITY CLERK

as amended

LOCATION

Citywide.

SUMMARY

This report provides information on a street banner policy for Sacramento.

STAFF RECOMMENDATION

It is recommended that City Council approve the proposed citywide Street Banner Policy and direct staff to implement the street banner program.

BACKGROUND INFORMATION

In recent years, City staff has received an increasing number of requests from community groups, business associations, and civic event sponsors for permission to install banners on street poles in various commercial corridors throughout Sacramento. Requests are mostly for banners that are decorative in nature or that promote cultural or civic events.

In response to these requests, and in support of a continuing effort to enhance and animate the downtown area and outlying commercial corridors, a "Street Banner Task Force" with representatives from the Departments of Planning, Public Works, Parks and Community Services, the Sacramento Housing and Redevelopment Agency, and the City Manager's Office was formed earlier this year to address this issue and develop a citywide street banner policy (attached as Exhibit A). This proposed policy would serve to provide necessary guidelines and addresses the following concerns relative to street banners:

The Pride of Sacramento

1. Public safety in the installation, display, and removal of banners on street poles;

2. Quality control and the assurance that banner content is of community interest; and

3. That a citywide street banner program would be consistent with current sign ordinances.

Information on street banner programs in other U.S. cities was collected and carefully reviewed and the task force chose San Diego's banner program as a model. Key points covered in the attached street banner policy include:

1. The establishment of a banner review committee to administer the program;

2. Specific commercial corridors for which banners would be appropriate;

3) Application procedures and requirements of organizations sponsoring banner programs;

4. Fee structure, liability and insurance, and

5. Banner content and specifications for size, fabric, hardware, etc.

Taken into consideration was the recovery of City costs in implementation and ongoing management of a street banner program.

Comments on the attached policy were solicited and incorporated from City and SHRA staff and business associations whose areas of commercial interest are addressed in the policy.

FINANCIAL DATA

No general funds are requested at this time. All costs relative to the fabrication, installation, and removal of street banners would be the responsibility of the organization sponsoring a banner program. The Banner Review Committee would determine a fee structure to recover City costs related to the initial installation of appropriate hardware and the ongoing management of a street banner program.

POLICY CONSIDERATIONS

The establishment of a street banner program is consistent with City Council's endorsement of efforts to enhance and animate the downtown area and other commercial areas in the community. The proposed policy is consistent with the City's sign ordinance.

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MBE/WBE EFFORTS

Every effort will be made to meet the City's MBE/WBE goals when establishing a recommended list of qualified banner fabricators and installers.

Respectfully submitted,

for ROBERT P. THOMAS, Director
Parks and Community Services

Acting Director
Planning

MEL JOHNSON, Director
Public Works

Recommendation Approved:

WALTER J. SLIPE
City Manager

RPT:ja

October 29, 1991
All Districts

Contact Person: Lori Harder, Administrative Analyst - 449-5171

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RESOLUTION NO. 91-887

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION APPROVING A CITYWIDE STREET BANNER POLICY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. A citywide street banner policy is hereby approved as amended:

   a. The Banner Review Committee shall include a representative from the Economic Development Division. In addition, representatives from the Sacramento Downtown District and Business Improvement Districts may participate on the Committee when applications for banners in their respective areas are received.

   b. Street banners will be allowed on street poles located in city parks or adjacent to city parks.

   c. The reservation/performance deposit fee of $1,000 may be waived by the City Manager if in his/her opinion based on guidelines to be developed, there is sufficient evidence the applicant is financially unable to pay the fee, yet is able to adequately guarantee performance as stated on the application.

2. City staff is hereby directed to implement a citywide street banner program.

_____
MAYOR

ATTEST:

_____
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO : _____

DATE ADOPTED: _____

RESOLUTION NO. 91-887 as amended

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION APPROVING A CITYWIDE STREET BANNER POLICY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. A citywide street banner policy is hereby approved.

2. City staff is hereby directed to implement a citywide street banner program.

_____
MAYOR

ATTEST:

_____
CITY CLERK

NOV 05 1991
OFFICE OF THE CITY CLERK
as amended

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: 4

EXHIBIT A

CITY OF SACRAMENTO
STREET BANNER POLICY

I. ADMINISTRATION

A Banner Review Committee shall be established and composed of representatives from the Departments of Planning, Public Works, the Design Review Board and the Sacramento Cultural Arts & Entertainment District. A representative from the Sacramento Housing and Redevelopment Agency shall participate on the Committee when requests are submitted for banners in redevelopment areas. The Committee will hold meetings at the call of the chairperson as necessary.

Upon commencement, the Banner Review Committee shall:

A. Determine a street banner application process and guidelines for applicants;

B. Determine banner permit procedures and a fee structure to recover City costs;

C. Determine specifications for banner size, fabrication, and hardware for each geographic area;

D. Establish an initial list of qualified vendors who can fabricate, install, and/or take down banners to City specifications, and

E. Establish and maintain a calendar of banner applications, installations, and take downs.

II. GEOGRAPHIC AREAS

The following geographic areas will be covered by the street banner policy:

Commercial Zones within the Central City

Arden Way & Exposition Boulevards from I-80 (west) to Ethan Way (east)

Ethan Way from Exposition Boulevard (east) to Hurley Way (west)

Del Paso Boulevard from Globe Avenue (south) to Evergreen Street (North)

Northgate Boulevard from Garden Highway (east) to I-80 (west)

Stockton Boulevard from Riza Avenue (south) to Broadway (north) including Fruitridge Road and Stockton Blvd. corners

Freeport Boulevard from Blair Avenue (south) to Sutterville Road (north)

Florin Road from 24th Street (south) to Franklin Boulevard (north)

Franklin Blvd. from 38th Avenue (south) to 12th Avenue (north)

Additional commercial corriders within the City limits may be included in this policy as determined by the Banner Review Committee.

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III. PERMITTED BANNERS AND POLES

Only street pole banners will be used for the banner program. Existing street poles in the geographic areas listed in Item II will be used for initial hanging of banners. Requests for the installation of additional poles will be addressed by the Banner Review Committee on a case-by-case basis.

Across street banners are limited to pedestrian malls. Across street banners shall also be permitted in Old Sacramento at the discretion of the City Manager's Office and the Old Sacramento Management Board.

Pennants, streamers and bunting are prohibited (see City of Sacramento Sign Ordinance Section 3.156).

No banners shall be hung in intersections or in such a manner as to obstruct free and clear vision of motor vehicle operators, or that intereferes with or confuses traffic, or that inhibits pedestrian safety in any way.

IV. APPLICATION PROCEDURES

Applications for street banner programs shall be submitted to the Banner Review Committee at least 60 days in advance of banner program and will be considered on a first-come, first-served basis. The Banner Review Committee shall determine a selection criteria should multiple applications be received for banner programs within the same time period.

Sponsoring organizations are to provide information on the event or theme to be promoted, time period of display, banner design, sponsorship, etc. on a City of Sacramento Street Banner application. A proposed design must accompany the application and will be reviewed by the Banner Review Committee for message content, overall design and color.

The Banner Review Committee shall approve or disapprove applications and proposed designs based on banner schedule availability, nature of theme or event, and banner design features.

Sponsoring organizations with approved applications will receive information on qualified vendors who can fabricate, install, and/or take down banners. Approved applicants are responsible for contracting the manufacture, installation and take down of banners. Approved applicants will be held responsible for maintaining a quality, reliable banner program and will be required, at their expense, to replace defective or faulty banners.

V. ELIGIBILITY

Sponsoring organizations must represent or promote cultural or civic events or activities of general public interest.

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VI. BANNER CONTENT

Banners will be allowed that promote civic or cultural events or activities of general public interest, or banners that are decorative or thematic in nature (holidays, seasons, etc.).

Banners may not be used for commercial advertising or to advertise or promote political messages or issues, parties or candidates, or religious organizations or issues.

If desired, identification of a major sponsor may occupy up to 15% of total banner content.

The size of the banner shall be appropriate to the particular geographic area in question.

VII. DURATION OF DISPLAY

Approval for banner programs will be for a period of 30 days. An extension may be granted and will depend upon other banner program commitments.

VIII. PHYSICAL BANNER AND HARDWARE SPECIFICATIONS

The size and quantity of banners shall be determined by the Banner Review Committee depending upon geographic area proposed in application.

Appropriate banner fabrication and hardware for each geographic area shall be determined by the Banner Review Committee.

Physical banner and hardware specifications will be given to applicants and qualified vendors.

IX. ORDERING

The Banner Review Committee shall provide a list of qualified vendors to approved sponsoring organizations. The sponsoring organization is responsible for making contractual arrangements with vendor(s) to fabricate, install and take down banners. Sponsorsing organizations will be held responsible for maintaining a quality, reliable banner program and will be required, at their expense, to replace defective or faulty banners.

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X. COSTS

All costs for banner fabrication, hardware, installation and take down will be paid directly by the sponsoring organization to the appropriate vendor. The Banner Review Committee will not be involved in the billing process.

To confirm reservations, a reservation fee/performance deposit fee of $1,000 will be due to the City of Sacramento no later than 30 days before proposed banner program. This deposit will be refunded upon completion of banner program, less any applicable fees that may be due. This requirement is to ensure compliance and removal of banners within ten (10) days of event or promotion.

XI. INSTALLATION OF BANNERS

The responsibility and liability of installation and take down of banners is that of the sponsoring organization.

XII. LIABILITY

Banners are the property of the sponsoring organization. The City of Sacramento and the Sacramento Housing and Redevelopment Agency are not responsible for the disappearance of or damage to banners from any cause including but not limited to wind, weather, theft, vandalism, fire or acts of God.

XIII. INSURANCE

The sponsoring organization shall obtain a policy of public liability and property damage insurance in which "The City of Sacramento" is named as an additional insured, in an amount not less than one million dollars combined single limit liability and said policy shall be kept in force for the duration of the banner program. Prior to final approval, the sponsoring organization shall deliver to the Banner Review Committee a certificate evidencing such insurance which shall provide thirty (30) days notice to be given to the Banner Review Committee in the event of a cancellation.

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Attachment 3

CITY COUNCIL SIGN WORKSHOP

OCTOBER 30, 2007

TOPICS TO BE ADDRESSED AT TODAY'S WORKSHOP

- PRIVATE SIGNS ON CITY PROPERTY (TRADITIONAL PUBLIC FORUM)
- PRIVATE SIGNS ON CITY PROPERTY (OTHER THAN TRADITIONAL PUBLIC FORUM)
- STREET BANNERS (BANNERS ATTACHED TO CITY-OWNED UTILITY POLES)

PRIVATE NONCOMMERCIAL SIGNS ON CITY PROPERTY (TRADITIONAL PUBLIC FORUMS)

- TRADITIONAL PUBLIC FORUM: PLACES OPEN TO THE PUBLIC WHERE DEMONSTRATIONS, PROTESTS, POLITICAL SPEECH HAVE OCCURRED HISTORICALLY
- SIDEWALKS, PARKS, PUBLIC GROUNDS ADJACENT TO CITY HALL

AVAILABLE OPTIONS

- PROHIBIT PRIVATE NONCOMMERCIAL SIGNS ON CITY PROPERTY AND THE PUBLIC RIGHT OF WAY (ROW)
- ALLOW PRIVATE PARTY NONCOMMERCIAL SIGNS ON CITY PROPERTY AND PUBLIC ROW
- SELECTIVE EXCLUSION OF NONCOMMERCIAL MESSAGES IS NOT PERMISSIBLE

PRIVATE SIGNS ON CITY PROPERTY, OTHER THAN A TRADITIONAL PUBLIC FORUM

- CITY PROPERTY OTHER THAN A TRADITIONAL PUBLIC FORUM INCLUDES THE FOLLOWING:
  - PARK AND STREET BENCHES
  - FENCES IN PARKS AND RECREATIONAL FACILITIES
  - EXTERIOR OF VEHICLES AND BUILDINGS

AVAILABLE OPTIONS

- A COMPLETE BAN ON ALL NONCOMMERCIAL AND COMMERCIAL MESSAGES
- A COMPLETE BAN ON ALL PRIVATE PARTY, NONCOMMERCIAL MESSAGES BUT ALLOWING COMMERCIAL MESSAGES ON CITY PROPERTY

STREET BANNERS

- BANNERS ATTACHED TO CITY-OWNED UTILITY POLES

STREET BANNERS

AVAILABLE OPTIONS

- A BAN ON STREET BANNERS
- STREET BANNERS RESERVED FOR EXCLUSIVE USE BY CITY
- STREET BANNERS RESERVED FOR USE BY CITY AND TO PROMOTE EVENTS PRODUCED, SPONSORED OR CO-SPONSORED BY CITY.
- STREET BANNERS RESERVED FOR USE BY CITY AND BY PRIVATE PARTIES WHO MEET DEFINED CRITERIA
  - CRITERIA MUST BE CONTENT NEUTRAL, AND ANY AND ALL WHO MEET CRITERIA MUST BE GIVEN EQUAL ACCESS)