

## City Council Report

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**File ID:** 2018-01544

November 20, 2018

**Consent Item 12**

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**Title:** Adoption of Curbside Electric Vehicle (EV) Charging Design Guidance

**Location:** Citywide

**Recommendation:** Adopt a Resolution: 1) approving design guidelines for digital electric vehicle (EV) sponsorship signs on EV charging stations in the City's rights-of-way; and 2) authorizing the City Manager or his designee to execute Display Agreements on the City's behalf.

**Contact:** Jennifer Venema, Sustainability Manager, (916) 808-1859, Lucinda Willcox, Program Manager, (916) 808-5052, Department of Public Works; Bruce Monighan, Urban Design Manager; Evan Compton, Principal Planner, (916) 808-5260, Community Development Department

**Presenter:** None

**Attachments:**

- 1-Description/Analysis
- 2-Design Guidelines for Digital EV Sponsorship Signs
- 3-Resolution

## Description/Analysis

**Issue Detail:** As part of the implementation of the City's Electric Vehicle Strategy, staff is developing a pilot program for permitting EV charging infrastructure in the public right-of-way along City streets, or "curbside." City staff has been developing draft guidelines with input from stakeholders and vendors.

City staff will issue a request for proposals (RFP) for vendor participation in a pilot to construct, operate, and maintain EV chargers in the right-of-way. The RFP will request a phased approach to deploy up to 15 curbside EV chargers in the first phase, to be followed by opportunity for scaling if the pilot is successful.

To allow a proposed business model for EV charging that relies on sponsorship signage on electric vehicle chargers in the public right-of-way, City Council approved a sign code amendment on July 3, 2018. City Code § 15.148.600 (Ordinance No. 2018-0026) exempts EV providers from sign code constraints in installing sponsorship signage in the right-of-way if the EV charging is provided to the public without charge or at substantially subsidized rates. The City Council will still be required to adopt design guidelines for digital displays before this can be implemented. As proposed, the Urban Design Manager would review any proposed digital displays through the pilot for design and location as part of the required City agreement and encroachment permit review process. Sponsorship signs on EV chargers would only be allowed to identify the charging provider and the financial sponsor or sponsors of the station. The recommended design guidelines for digital displays are included in Attachment 2. The City Manager or designee would be authorized to enter into agreements with EV charging providers for digital sponsorship displays that meet the City's guidelines, as indicated in the recommended resolution in Attachment 3. In addition, staff has developed more general policy guidance for the pilot program that addresses issues such as eligible parking spaces, site design, and eligible technologies.

The general curbside charging program policy guidance is available for reference on the City's website. This draft will serve as a foundation for the forthcoming request for proposals. The guidance available online would apply to EV chargers in the right-of-way with or without sponsorship signage.

**Policy Considerations:** The recommendation in this report is consistent with the goals and actions established in the City's EV Strategy (Motion No. 2017-0374) by allowing a new type of EV charging business model to occur in the right-of-way. By allowing a new EV business model, the City is increasing opportunities for private investment in EV infrastructure.

Guidelines for digital sponsorship signs associated with EV chargers will promote EV adoption while safeguarding the pedestrian and vehicular experience in the right-of-way. The intent of design guidelines is to preserve and improve the appearance of the City as a place in which to live; safeguard and enhance property values; protect public and private investment in buildings and open spaces; and promote the public health, safety, and general welfare.

**Environmental Considerations:** The recommendation in this report consists of an administrative activity such as general policy making and is not a project under the California Environmental Quality Act (CEQA), Guidelines Section 15378(b)(2).

**Sustainability:** EV technologies and programs implement adopted City Council sustainability policies. The City’s 2012 Climate Action Plan includes EV strategies to help achieve community-wide greenhouse gas (GHG) emissions targets. The transportation sector accounts for 48% of community-wide greenhouse gas emissions, the largest single sector in the community. Electrification of the transportation sector leads to reductions in petroleum use, both reducing greenhouse gas emissions and improving local air quality.

**Commission/Committee Action:** None

**Rationale for Recommendation:** Investments in EV infrastructure can be costly, with a need for financial return when installed by private investors. The recommendation would provide guidance to allow digital displays that offset the costs of EV charging in the right-of-way and provide subsidized charging to customers, while addressing design considerations to maintain desired quality and experience.

With adoption of the EV Strategy, staff was asked to review opportunities to allow a pilot for an EV charging business model that uses advertising or sponsorship to offset costs so charging can be made available at no cost to the user. Allowing sponsorship for EV charging stations would enable the operator to provide EV charging as a free service or at greatly reduced rates, with the costs of electricity paid by the sponsorship itself. This approach can expand EV charging availability and visibility, supporting the City’s EV goals.

**Financial Considerations:** Parking permit fees for dedicated public-use EV charging spaces were established in Resolution 2018-0313, as follows. Any vendor selected through the pilot program would be required to comply with the fees adopted by City Council.

Annual Parking Meter Fees	Metered Parking Space	Time Zone Parking Space
Dedicated Public-Use EV Charging Space	\$932	\$360

**Local Business Enterprise (LBE):** Not applicable.

**Background:** The City Council adopted the Electric Vehicle (EV) Strategy on December 12, 2017. A key implementation measure is to develop a pilot program for permitting EV charging infrastructure in the public right-of-way along City streets, or “curbside.” This is a newly emerging type of approach that has not yet been widely implemented, and there are several different public and private business models that have been proposed.

The purpose of the curbside charging pilot is to learn the most impactful methods to effectively accelerate EV adoption using the right-of-way. A pilot approach allows the City to meet multiple objectives:

- Test multiple technologies and business models
- Target new users in a broader market by using curbside charging
- Determine feasible options that minimize City investment and liability

Working with various stakeholders and vendors, City staff has developed guidelines for curbside charging and established rates for dedicated EV charging spaces. To allow a proposed business model for EV charging that relies on sponsorship signage, City Council approved a sign code exemption on July 3, 2018 in City Code § 15.148.600.G (Ordinance No. 2018-0026). Among other things, § 15.148.600.G requires that each provider who desires to install digital sponsorship displays in the City’s rights-of-way must enter into a written agreement with the City that specifies the requirements, conditions, and restrictions applicable to the displays. With approved design guidelines for digital displays, the Urban Design Manager and Department of Public Works would review any proposed digital displays through the pilot for design and location as part of the required City agreement and encroachment permit review process. This recommendation also would authorize the City Manager or designee to enter into agreements for digital sponsorship signage when in compliance with the proposed guidelines.

The recommended design guidelines for digital displays are included in Attachment 2.

With approval of these design guidelines, staff will release the RFP for charging in the city right-of-way to identify the types of business models, technologies, and locations where there is current interest, and will select those that best meet the pilot’s objectives. Any selected vendor will need an agreement with the City and revocable encroachment permit. The City would work any successful vendor to identify appropriate locations and considerations for each site. The City’s agreement with the vendor would also identify performance metrics the vendor must submit to the City during the first phase, in order to inform the approach for phase two. Later this year City staff will also return to City Council with a new parking ordinance to allow enforcement of designated on-street parking spaces for EVs.

# GUIDELINES FOR DIGITAL DISPLAYS ON EV-CHARGING STATIONS IN THE PUBLIC RIGHT-OF-WAY

## Background and Purpose

The City has established a program to promote and facilitate the public's use of electric vehicles (“EVs”) by contracting with public and private companies that will install EV-charging stations in the City's rights-of-way and provide EV charging to the public without charge or at substantially subsidized rates (“Providers”). To attract Providers, the City will allow them to install, on the EV-charging stations, signs that identify the Provider and the financial sponsor or sponsors of the stations.

As a further inducement, the City will allow a Provider to install identification signs that use “**digital displays**”—i.e., signs that display still images using grid lights, cathode-ray projections, light-emitting diodes (LEDs), plasma screens, liquid-crystal displays (LCDs), fiber optics, or other electronic media or functionally equivalent technology—but only if the Provider and the digital displays comply with City Code § 15.148.600.G.2.b and these guidelines.

Among other things, § 15.148.600.G.2.b requires that each Provider who desires to install digital displays in the City's rights-of-way must enter into a written agreement with the City that specifies the requirements, conditions, and restrictions applicable to the displays (“**Display Agreement**”).

## Guidelines

1. A Provider may not apply for or be issued encroachment permits for an EV-charging station that will include digital displays unless the City and the Provider have entered into a Display Agreement for station. Any encroachment permit issued before the City and the Provider enter into a Display Agreement is voidable at the City's discretion.
2. Each EV-charging station in the right-of-way may have up to two digital displays, each with a display area not exceeding eight square feet.
3. Only one EV-charging station with digital displays is allowed per block unless the City determines, in its sole discretion, that more than one station per block is consistent with the character, land uses, and density of the surrounding area.
4. Providers who install digital displays on EV-charging stations must comply with the following to avoid negatively affecting sensitive uses, such as residences:
  - 4.1 Before applying to the City for an encroachment permit covering the station, provide notice of the proposed digital displays to potentially affected residents and property owners and to business and neighborhood organizations, as required by the Display Agreement.

- 4.2 When the City notifies the Provider of any negative effects from a digital display—such as glare, vandalism, noise, or equipment malfunction—the Provider must promptly eliminate or mitigate the negative effects to the City’s satisfaction. If the Provider fails to do so within 30 days after receiving notice of the negative effects, then the City may give the Provider a written notice stating that the City proposes to terminate the Display Agreement for the digital display, explaining the reasons for the proposed termination, and advising the Provider that it has 15 days to respond to the notice. If the Provider does not timely respond, or if the Provider responds but the City determines, after considering the response, that termination is appropriate, then the City may notify the Provider in writing that the Display Agreement is terminated. Upon receiving notice of termination, the Provider must promptly deactivate and remove the digital display.
  - 4.3 When an encroachment permit is issued for an EV-charging station that will include digital displays, the Provider must provide the residents, property owners, and organizations that were notified under § 4.1 with an ongoing phone number and email address for registering any concerns or complaints about the digital displays during construction and after installation. The EV-charging stations must also display this information.
5. Operation of digital displays.
    - 5.1 A digital display must be permanently attached to the EV-charging station, integral to the station’s structure, and compatible with the station’s design.
    - 5.2 A digital display must meet the following operating criteria:
      - (A) It must NOT display general advertising. It may display only sponsor messages and government messages. “Sponsor messages” identify the Provider or the financial sponsor or sponsors of the subsidized EV-charging station and EV-charging services by displaying names, logos, web addresses, QR codes, phone numbers, and social-media contacts. “General advertising” is defined in City Code § 15.148.1170.
      - (B) It must not have any animation.
      - (C) Changing messages must use either an instant transition between messages or a fading transition with a transition time between messages of not less than 1 second and not more than 2 seconds.
      - (D) It must not go blank during a transition between messages.
      - (E) Messages must remain on the digital-display screen at least 8 seconds.
      - (F) It must not use a pixel pitch greater than 12 mm.
      - (G) It must be equipped with a sensor or other device that automatically adjusts the brightness of the display according to changes in ambient

lighting to comply with a brightness limitation of 0.3 foot-candles above ambient lighting. It must transition smoothly at a consistent rate from the allowed daytime brightness to the allowed nighttime brightness levels, beginning approximately 45 minutes before sunset and ending approximately 45 minutes after sunset. Upon the request of the public works director or his or her designee, the digital display owner must, at the owner's expense, have a City-approved testing agency measure the brightness of a digital display and adjust the brightness to comply with these brightness standards.

- (H) If installed on EV-charging stations in areas with residential uses or other sensitive uses such as assisted living facilities, hospitals, schools, or other uses that the City may identify during the process of developing a Display Agreement with the Provider, the digital display must comply with any additional standards the City establishes—such as mandatory dimming periods, restricted screen orientation, and screening—to avoid negatively affecting those uses.

5.3 Based on new or updated information or studies, the City Council may amend these guidelines by adding new requirements to mitigate effects on the visual environment or on residential properties or other sensitive receptors; to reduce driver distractions or other hazards to traffic; or to otherwise protect and promote the public health, safety, and welfare.

5.4 Each proposal for digital displays on EV-charging stations will also be reviewed during the approval process for an encroachment permit by either the design director (defined in City Code § 17.108.050) or the preservation director (defined in City Code § 17.108.170), as appropriate. When deciding whether to approve the plans and specifications for digital displays on EV-charging stations, the design director or preservation director will not consider the content or graphic design of messages other than to determine legality under federal or state law.

**RESOLUTION NO. \_\_\_\_\_**

Adopted by the Sacramento City Council

\_\_\_\_\_, 2018

**APPROVING GUIDELINES FOR DIGITAL DISPLAYS ON EV-CHARGING STATIONS  
IN THE PUBLIC RIGHT-OF-WAY AND AUTHORIZING THE CITY MANAGER OR HIS  
DESIGNEE TO ENTER INTO AGREEMENTS CONCERNING SUCH DIGITAL  
DISPLAYS**

**BACKGROUND:**

- A. The City Council has established a program to promote and facilitate the public's use of electric vehicles ("**EVs**") by contracting with public and private companies that will install EV-charging stations in the City's rights-of-way and provide EV charging to the public without charge or at substantially subsidized rates ("**Providers**").
- B. To attract Providers, the City will allow them to install, on the EV-charging stations, signs that identify the Provider and the financial sponsor or sponsors of the stations. And, as a further inducement, the City will allow a Provider to install identification signs that use digital displays, but only if the Provider and the digital displays comply with City Code § 15.148.600.G and the guidelines attached to this resolution as Exhibit A. Among other things, § 15.148.600.G requires that each Provider who desires to install digital displays in the City's rights-of-way must enter into a written agreement with the City that specifies the requirements, conditions, and restrictions applicable to the displays (a "**Display Agreement**").

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

- Section 1. The City Council hereby approves the guidelines attached to this resolution as Exhibit A.
- Section 2. The City Council hereby authorizes the City Manager or his designee to sign Display Agreements on the City's behalf.
- Section 3. This resolution takes effect when adopted.