

ORDINANCE NO. 2014-0017

Adopted by the City of Sacramento

May 20, 2014

**AMENDING THE SACRAMENTO CITY CODE BY AMENDING SECTION 15.148.815 AND
ADDING SECTION 15.148.965, RELATING TO DIGITAL BILLBOARDS ON CITY-
OWNED LANDS**

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

SECTION 1. The City Council finds as follows:

- A. On October 16, 2007, the City Council adopted Ordinance No. 2007-079, which prohibits the construction of new billboards. In support of the prohibition, the City Council found that billboards can cause long-lasting aesthetic harm and produce visual clutter that distracts from the attractiveness of the City. The prohibition has no automatic expiration date and remains in effect until repealed or superseded.
- B. Ordinance No. 2007-079 provides a limited exception to the prohibition, as it retains the City's ability to enter into relocation agreements under which new billboards may be constructed in exchange for the permanent removal of legal, nonconforming billboards. Section 15.148.815 of the Sacramento City Code prescribes when and how the City may enter into a relocation agreement.
- C. On May 11, 2010, the City Council adopted Ordinance No. 2010-011, thereby amending Section 15.148.815 to authorize the limited use of relocation agreements for the construction on certain City-owned lands of digital billboards, i.e., billboards that use digital-display technology such as light-emitting diodes, or LEDs.
- D. The City Council desires to amend the Sacramento City Code by amending Section 15.148.815 and adding Section 15.148.965, thereby authorizing the construction and operation of digital billboards on certain City-owned lands under agreements that require either (1) the permanent removal of legal conforming or legal nonconforming billboards or (2) the contribution of funding for the design and construction of a City-owned facility capable of hosting professional major-league sports.

- E. Limiting the construction of digital billboards to specific City-owned properties selected by the City Council in consultation with City staff will avoid the uncontrolled and incoherent proliferation of digital billboards throughout the City. Because the City will own the property on which digital billboards are constructed and operated, and because the digital billboards will be subject to leases and other agreements between the City and the billboard owners, the City will be able to control the number, location, design, and operation of digital billboards as well as the content and appearance of the messages displayed. This control will enable the City to (1) minimize or avoid potentially dangerous distractions to motorists and pedestrians that could result from the unsupervised proliferation of digital billboards; (2) ensure that the design and operation of each digital billboard is harmonious with the surrounding area; (3) avoid the visual clutter that would result from an excessive number of digital billboards (as well as to reduce the total number of billboards in the City, if relocation of existing billboards is required); and (4) maintain or improve the overall appearance of the City. In addition, by authorizing the siting of digital billboards on City-owned property, the City will be able to generate additional revenue for municipal purposes.

SECTION 2. Section 15.148.815 of the Sacramento City Code is amended as follows:

- A. Subsection F.6 is deleted in its entirety.
- B. Subsection F.7 is renumbered as subsection F.6.

SECTION 3. Section 15.148.965 is added to the Sacramento City Code, to read as follows:

15.148.965 Digital Billboards on City Land.

- A. Relocation Agreements. Notwithstanding anything to the contrary in this chapter (including Section 15.148.640) or in any ordinance not codified in this chapter (including Ordinance No. 2007-079), the city council may approve relocation agreements under Section 15.148.815 that authorize the construction and operation of digital billboards on city-owned property adjacent to a freeway, subject to the common provisions in subsection C of this section and the following additional provisions:
1. Notwithstanding subsection F.3 of Section 15.148.815, the city-owned property may be located in any commercial zoning district or industrial zoning district.
 2. Notwithstanding any provision to the contrary in Section 15.148.815, an existing offsite sign that is removed and relocated under a relocation agreement that authorizes the construction and operation of a digital billboard may be either a legal conforming sign or a legal nonconforming sign.

- B. Funding Agreements. Notwithstanding anything to the contrary in this chapter (including Section 15.148.640) or in any ordinance not codified in this chapter (including Ordinance No. 2007-079), the city council may approve agreements that authorize the construction of digital billboards on city-owned property adjacent to a freeway, subject to the common provisions in subsection C of this section and the following additional provisions:
1. The agreement may authorize the construction and operation of up to six digital billboards.
 2. The owner of the digital billboard or billboards authorized by the agreement (or an affiliate of the owner) must agree, among other things, to the following:
 - a. To fund at least 40% of the costs to design and construct a city-owned indoor arena or outdoor stadium that is capable of hosting professional major-league sports and has permanent seating for at least 15,000 persons.
 - b. At no cost to the city, to remove the digital billboard or billboards from the city-owned property at the expiration of the agreement's term, which may not exceed 35 years, and to restore the property to its pre-agreement condition.
 3. No more than six digital billboards may be authorized for each city-owned facility to which contributions are made under subsection B.2.a of this section.
 4. The city council must find that the agreement will confer a substantial public benefit to the city and to the general public, identifying the benefit with reasonable specificity. In addition, the city council must find that each digital billboard identified in the agreement—
 - a. complies with the purpose and requirements of this section and this chapter;
 - b. is compatible with the uses and structures on the city-owned property and in the surrounding area, including parks, trails, and other public facilities and amenities;
 - c. will not interfere with on-site access, circulation, or visibility;
 - d. will not create a traffic or safety hazard;

- e. will not result in any undue or significant increase in visual clutter in the area surrounding the city-owned property.
- 5. The city-owned property must be located in a commercial zoning district or an industrial zoning district.
- C. Common Provisions. All digital billboards authorized by this Section 15.148.965 are subject to the following provisions:
 - 1. Each digital-display face must be oriented primarily for viewing from the adjacent freeway.
 - 2. Notwithstanding any provision to the contrary in this chapter, the maximum height of a digital-billboard structure, measured from grade to the top of the digital-display face, is 85 feet; and the overall maximum height, measured from grade to the top of the billboard structure, is 90 feet.
 - 3. Notwithstanding any provision to the contrary in this chapter, the maximum area of each digital-display face is 700 square feet, and a digital billboard may have either one or two digital-display faces.
 - 4. A digital billboard may display only a series of still images, each of which is displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one second.
 - 5. The owner of the digital billboard must comply with all applicable federal, state, or local laws, including the Highway Beautification Act of 1965 (23 United States Code section 131), the Outdoor Advertising Act (California Business and Professions Code section 5200 and following), and this chapter, when constructing, operating, improving, maintaining, repairing, and removing the digital billboard.
 - 6. The city must comply with the California Environmental Quality Act before approving an agreement that authorizes a digital billboard.

SECTION 4. Except as amended by Sections 2 and 3 of this ordinance, chapter 15.148 of the Sacramento City Code remains unchanged and in full effect.

Adopted by the City of Sacramento City Council on May 20, 2014, by the following vote:

Ayes: Members Ashby, Cohn, Hansen, Pannell, Schenirer, Warren and Mayor Johnson

Noes: Members Fong and McCarty

Abstain: None

Absent: None

Attest:

Shirley A. Concolino

Digitally signed by Shirley A. Concolino
DN: cn=Shirley A. Concolino, o=City of Sacramento, ou=City
Clerk, email=sconcolino@cityofsacramento.org, c=US
Date: 2014.05.22 14:42:58 -07'00'

Shirley Concolino, City Clerk

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