



2.2

PLANNING AND BUILDING DEPT.

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

PLANNING DIVISION
916-264-5381
FAX 916-264-7046

January 9, 2002

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING TITLE 15.148 OF THE SACRAMENTO CITY CODE RELATING TO RELOCATION OF EXISTING NON-CONFORMING OFFSITE SIGNS (M02-002)

LOCATION: Citywide

RECOMMENDATION:

Staff recommends that the Law and Legislation Committee discuss the policy considerations associated with the proposed offsite sign relocation ordinance and forward their recommendations to the City Council.

CONTACT PERSON: Joy Patterson, Senior Planner, 264-5607

FOR COMMITTEE MEETING OF: January 15, 2002

SUMMARY:

The proposed amendment to the Sacramento City Code would allow for the relocation of existing non-conforming offsite signs, typically billboards, with a relocation agreement approved by the City Council. The Law and Legislation Committee requested that staff review a relocation ordinance adopted by the City of Roseville and bring forward an ordinance to the committee for their review.

BACKGROUND:

Current Offsite Sign Regulations

An offsite sign is defined in the Sacramento City Code as a sign that is not located on the premises of the

business or entity indicated or advertised by the sign. The most common type of offsite sign is a billboard, although the definition also includes poster panels, painted bulletins and other similar advertising displays.

In the City of Sacramento, a new offsite sign is permitted in the Heavy Commercial (C-4), Light Industrial (M-1) or Heavy Industrial (M-2) zones, if it meets the following criteria:

1. Is a detached sign;
2. Is not located nearer than 500 feet to any other offsite sign on the same side of the street;
3. Does not exceed 300 square feet in area (approximately a 12' x 25' billboard);
4. Does not exceed 35 feet in height;
5. Is not permitted in the area bounded by Interstate 5, H Street, 17th Street and Q Street;
6. Must maintain the same front and street sideyard setbacks as are required for a building on the parcel;
7. May not be located on heavy commercial/industrially zoned property if the property is used entirely for residential purposes;
8. May not be located on a parcel where the offsite sign faces the front or side yard of a lot in a residential zone or used for residential purposes and is within 300 feet of the lot;
9. May not be located on a parcel lying between two residential buildings where the buildings are less than 300 feet apart.

The only other zone which permits the limited placement of offsite signs is the General Commercial (C-2) zone. The current regulations pertaining to offsite signs were adopted in 1981 and generally prohibits new offsite signs in the C-2 zone. Existing signs in the C-2 zone established prior to October 1981, however, are allowed to remain. A new sign is permitted in the C-2 zone only if it replaces a "replaceable" offsite sign on the C-2 roster. The new sign must also meet the criteria list above. The height limit in the C-2 zone is 30 feet.

In addition, there are restrictions on offsite signs within 660 feet of a freeway. The City Code indicates that no new or additional offsite signs shall be erected, nor any existing offsite signs shall be altered or relocated within 660 feet of a freeway if the copy of the sign is or would be visible by persons traveling on the freeway.

The state Outdoor Advertising Act (Business and Professions Code Secs. 5200 et seq.), enacted to implement the federal Highway Beautification Act (23 U.S.C. Sec. 131) regulates a broad range of offsite and onsite advertising displays, including offsite signs adjacent to interstate and primary highways and

landscaped freeways. The current sign regulations of the City of Sacramento are generally more restrictive than the state Outdoor Advertising Act. These regulations prohibit signage located within 660 feet of any freeway; they also restrict offsite signage to 300 square feet.

Besides the offsite signs located in the C-2 zone, there are several other existing legal non-conforming signs in the City of Sacramento which were in existence prior to 1981. Most of the pre-existing billboards that are non-conforming have that designation as they exceed the 300 square foot size limit.

Relocation Ordinances

In 1998 the City of Roseville adopted an ordinance that permits existing offsite signs to be relocated subject to a relocation agreement approved by the City Council. The purpose of the ordinance was to give the Council the ability to eliminate a pre-existing offsite sign and allow one or more replacement locations for the sign. A copy of the Roseville Ordinance is attached (Exhibit A). The Law and Legislation Committee requested that staff report back on adopting a similar ordinance for the City of Sacramento.

In researching offsite sign relocation agreements, staff found that few California jurisdictions had such agreements. The Roseville Ordinance had the fewest standards relating to relocation. San Jose and Oakland have relocation agreement provisions which placed restrictions on items such as size of the sign, number of signs, and proof of acceptance from the property owners.

Proposed City of Sacramento Relocation Ordinance

The proposed ordinance presented by staff (Exhibit B) is based in part on the Roseville ordinance, but includes procedural requirements as well as certain minimum or maximum standards, all designed to be consistent with due process and other constitutional requirements as well as to effectuate existing City policy. The proposed amendments would allow for the removal and relocation of existing, non-conforming offsite signs to new and different locations, or the expansion, modification or replacement of existing signage, subject to compliance with certain specified standards and requirements.

Anyone interested in pursuing a relocation agreement would file an application that would be noticed and heard by the Planning Commission with the final decision on the relocation agreement made by the City Council. As part of the application, a recorded agreement between the applicant and the owner of the property from where the sign is proposed to be removed, which establishes the owner's concurrence with the relocation, is required to be submitted.

Signs approved for relocation pursuant to a relocation agreement are to comply with all requirements for offsite signs, except as provided below:

1. The maximum size of the sign shall not exceed 700 square feet (approximately a 14' x 48' billboard);
2. The minimum distance between signs is 250 feet unless prohibited by the Outdoor

Advertising Act (currently the distance is 500 feet);

3. Offsite signs are allowed in the C-4, M-1 and M-2 zones and lawfully existing non-conforming offsite signs in other zones may be expanded, altered or replaced in the same location, subject to compliance with specified standards;
4. The relocation agreement results in the overall reduction and square footage of offsite signs in the City;
5. Signs can only be relocated to a location within 660 feet of a freeway if it results in the net reduction of signs and square footage within 660 feet of the freeway.

If a sign is approved by the City Council for relocation, the existing non-conforming offsite sign must be removed before the sign authorized by the relocation agreement can be installed.

FINANCIAL CONSIDERATIONS:

Potentially significant, depending on the number of applications for relocation agreements received by the City. Should a sign relocation agreement process be adopted, amendments to the fee and charge report shall be proposed to provide for recovery of the costs incurred by staff in processing the sign relocation entitlements. Additionally, to the extent the City enters into an agreement that results in the relocation of non-conforming signage that the City owns, there may be potentially significant compensation or consideration paid to the City.

ENVIRONMENTAL CONSIDERATIONS:

This project is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15061 (b) (1)}.

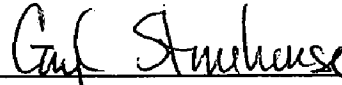
POLICY CONSIDERATIONS:

As noted above, the Roseville Ordinance is brief and requires that each sign relocation is negotiated on a case by case basis. Staff finds that while a relocation ordinance may be beneficial to rid the City of Sacramento of existing offsite signs in undesirable locations or to reduce the overall number of offsite signs in the City, it is recommended that standards and safeguards be included in the ordinance. The proposed ordinance requires that new signs installed under the relocation agreements follow many of the provisions of the existing code, but it also allows for larger signs (maximum 700 square feet), a reduced distance between offsite signs (250 feet) unless prohibited by the Outdoor Advertising Act, and limited relocation of signs in non-industrial zones and within 660 feet of the freeway. The proposed ordinance also recommends that the City Planning Commission review the proposal prior to council action, as the Planning Commission typically reviews signs that deviate from existing sign regulations. The findings included in the proposed ordinance also insure that the relocation agreement will be consistent with City policies and regulations.

ME/WE EFFORTS:

There is no requirement for the purchase of goods or services associated with this item.

Respectfully submitted,



GARYL. STONEHOUSE
Planning Director

RECOMMENDATION APPROVED:



BETTY MASUOKA
Assistant City Manager

Attachments

- Attachment A: City of Roseville Offsite Sign Relocation Ordinance
- Attachment B: Ordinance amending the City Code Relating to Relocation of Existing Non-Conforming Offsite Signs

ATTACHMENT A

Roseville City Code

Section 17.10.200 Signs permitted under off-site relocation agreements.

Chapter 17.10 SIGNS EXEMPT FROM PERMITS

Section 17.10.200 Signs permitted under off-site relocation agreements.

The City Council may enter off-site relocation agreements as provided under *Business and Professions Code* Section 5412 for the purposes of eliminating certain pre-existing off-site signs and allowing one or more stipulated replacement locations. Notwithstanding any other provision of this title, sign(s) allowed under any off-site sign relocation agreement approved by the City Council shall be to the extent possible, consistent with this title, except where expressly permitted by the relocation agreement (Ord. 3220 Section 2, 1998.)

ATTACHMENT B

ORDINANCE NO.

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ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 15.148.815 TO CHAPTER 15.148 OF TITLE 15 OF THE CITY CODE TO PROVIDE FOR THE RELOCATION OF EXISTING NONCONFORMING OFF-SITE SIGNAGE PURSUANT TO RELOCATION AGREEMENTS AS AUTHORIZED BY BUSINESS AND PROFESSIONS CODE SECTION 5412. (M02-002)

Section 1.

Section 15.148.815 is added to Chapter 15.148 of Title 15 of the City Code to read as follows:

Section 15.148.815: Relocation of Offsite Signs Pursuant to Relocation Agreements

- A. Purpose:** The purpose of relocation agreements approved pursuant to this Section is to allow for the removal and relocation of existing, nonconforming, offsite signs to new and different locations, and to enable the substitute of offsite signs meeting modern standards for such existing, nonconforming, offsite signs. For purposes of this Section, relocation includes the removal of existing nonconforming, offsite signage and the construction of new replacement offsite signage or alteration of existing offsite signage, subject to compliance with the requirements of this Section.

- B. Offsite Signs pursuant to Relocation Agreement:** Notwithstanding provisions of this Chapter to the contrary, a new or relocated offsite sign that does not comply with all of the requirements of this Chapter may be allowed pursuant to a relocation agreement approved by the City Council pursuant to this Section, subject to the requirements and procedures set forth below.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

ATTACHMENT B

- C. **Applicability:** Any legal, nonconforming offsite sign may be considered as a candidate for relocation pursuant to a relocation agreement as provided in this section. Such offsite signs may be relocated to a new site or relocated on the present site only in accordance with this section.
- D. **Procedure:** Relocation agreements shall be approved by the City Council. Applications for relocation agreements shall be noticed and heard before the Planning Commission and City Council in the same manner as applications for City Council approved special permits are noticed and heard pursuant to Section 17.212.060 of the City Code.
- E. **Application-Property Owner's Consent:** To the extent the applicant is not the owner of the property on which the nonconforming, offsite sign proposed for relocation is located, or is not the owner of the property to which the nonconforming, offsite sign will be relocated, documentation of the consent of the owner(s) to the application shall be required.
- F. **Requirements for Relocated Offsite Signs:** The offsite sign(s) approved for relocation pursuant to a relocation agreement under this section shall comply with the requirements of this chapter for offsite signs, except as specifically provided below:
- 1) size: The maximum size of an individual offsite sign relocated pursuant to a relocation agreement shall not exceed seven hundred (700) square feet;
 - 2) distance between offsite signs: Except as prohibited by the California Outdoor Advertising Act, and notwithstanding Sec. 15.148.160-B, offsite signs may be located at or greater than two hundred and fifty feet (250') from another offsite sign on the same side of the street; and to the extent an offsite sign is located on one street but is oriented to be viewed from another street, no such sign shall be located nearer than two hundred and fifty feet (250') to any other offsite sign on the same side of the street on which it is

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ORDINANCE NO. _____

DATE ADOPTED: _____

ATTACHMENT B

located or any other offsite sign located on the nearest side of the street to which said sign is oriented;

- 3) zoning: Relocated offsite signs shall be allowed in the C-4, M-1 and M-2 zones; provided that lawfully existing, nonconforming offsite signs located in other zones may be altered, modified or replaced in the same location pursuant to a relocation agreement, provided that all of the other provisions of this Section are satisfied.
- 4) reduction in number of signs and square footage: No relocation agreement shall be approved unless the relocation agreement results in: i) a net reduction in the number of offsite signs lawfully permitted; and ii) a net reduction in the total square footage of offsite signage lawfully permitted.
- 5) signs within 660 feet of a freeway: Except as prohibited by the Outdoor Advertising Act, and notwithstanding Section 15.148.850, relocated offsite signs that are visible by persons traveling on a freeway may be located within 660 feet of that freeway; provided that no relocation agreement shall be approved that would result in the relocation of a sign or signs to a location within six hundred and sixty feet (660') of a freeway if the copy of such offsite sign is or would be visible by persons traveling on that freeway unless the agreement would result in: i) a net reduction in the number of signs located within six hundred and sixty feet (660') of that freeway that are visible by persons traveling on that freeway; and ii) a net reduction in the total square footage of offsite signage lawfully allowed within six hundred and sixty feet (660') of a freeway and visible by persons traveling on that freeway.
- 6) consistency with Outdoor Advertising Act: In addition to the other requirements set forth above, the relocated offsite sign shall comply with the requirements of the Outdoor Advertising Act, California Business and Professions Code Secs. 5200 et seq., including but not limited to the restrictions on size, height, proximity to interstate and primary highways and landscaped freeways and other regulations set forth in Article 7 (Business and Professions Code Secs. 5400 -5419) and Article 8 (Business and Professions Code Secs. 5440-5443.5). To the extent of any conflict between the provisions of this Section and the provisions of the Outdoor Advertising

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DATE ADOPTED: _____

ATTACHMENT B

Act, the Outdoor Advertising Act shall prevail.

G. **Findings:** A relocation agreement may be approved if the Council makes the following findings concerning the signage proposed for relocation pursuant to the relocation agreement;

- 1) the relocated signage complies with the purpose and requirements of this Section and this Chapter;
- 2) the relocated signage is compatible with the uses and structures on the site and in the surrounding area;
- 3) the relocated signage will not interfere with onsite access, circulation or visibility;
- 4) the relocated signage will not create a traffic or safety hazard;
- 5) the relocated signage will not result in any undue or significant increase in visual clutter in the area surrounding the new site;

H. **Removal of Existing Offsite Sign:** The offsite sign(s) approved for relocation must be removed from the original site(s) prior to construction or installation of the offsite sign(s) authorized by the relocation agreement.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

CITY OF SACRAMENTO
CITY COUNCIL AGENDA ITEM - TRANSMITTAL FORM

Agenda Items are due to City Manager's Office by 3:00 PM Friday, 2 weeks (11 days) before the Council meeting

FROM

Department: **Planning Department**
Contact Name / Phone #: **BONNIE/264-0168**
COUNCIL MEETING DATE: **January 15, 2002**

REVIEWED BY (Initials):

- 1) Dept Fiscal Officer _____
- 2) Admin/Policy (Budget) _____
- 3) City Clerk _____

SUBJECT *An Ordinance Amending Title 15.148 of the Sacramento City Code relating to Relocation of Existing Non-conforming Off-site Signs (M02-002)*

AGENDA PLACEMENT

Time Needed for Item? _____ minutes
(Factor-in Council questions and discussion)
(Not applicable to Consent Items)

Controversial? No Yes... Why?

- Afternoon Meeting**
- Consent
- Special Presentation
- Public Hearing
- Staff Report
- SHRA
- Regional Issue

- Evening Meeting (Controversial/Public Concern)**
- Special Presentation
- Public Hearing
- Staff Report

- Committee Agenda:**
- Law & Legislative
- P & PE
- Other _____

- Votes Required for Passage:**
- Majority
 - 2/3
 - Suspend Competitive Bidding
 - Other _____

Graphics Display System Needed
(arrange with City Clerk)

FORM COMPLETED BY:

Name _____ Date _____ Phone # _____

FISCAL IMPACT

- Budget Change? \$ _____
- Contract Approval? \$ _____
- Change Order? \$ _____
- Change in FTE? \$ _____
- Supplemental Agreement? \$ _____

POLICY ISSUES

- ESBD ISSUES?**
- Environmental?
- Legal?
- Other? _____

COMMENTS

AL INSTRUCTIONS TO CITY CLERK

>>>Don't forget to review the checklist on back!

July 2000

This cover sheet must be completed and attached to the front of your City Council Agenda Item