

ORDINANCE NO. 2005-021

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF MAR 15 2005

AN ORDINANCE AMENDING CHAPTER
15.152 OF THE SACRAMENTO CITY CODE,
RELATING TO THE OLD SACRAMENTO
SPECIAL SIGN DISTRICT

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

SECTION 1.

Chapter 15.152 of the Sacramento City Code is amended to read as follows:

CHAPTER 15.152 OLD SACRAMENTO SPECIAL SIGN DISTRICT

15.152.010 Creation and purpose.

The Old Sacramento special sign district ("OSSSD") is created pursuant to Section 15.148.940 of this title. The purpose of the sign regulations set forth in this chapter shall be to preserve and maintain the historic ambience of Old Sacramento Historic District ("OSHD"), a National Historic Landmark District. These regulations will allow the OSHD to recapture the physical environment as it appeared during the third quarter of the 19th century (1849 to 1875). Because OSHD relies on its historic design theme and physical beauty to attract commerce and tourism, aesthetic considerations and authenticity are essential to the economic welfare and future economic vitality of the OSHD. Therefore, it is the intent of the City through this ordinance to protect and enhance the City's character and its economic base

FOR CITY CLERK USE ONLY

ORDINANCE NO. 2005-021

DATE ADOPTED: MAR 15 2005

through the provisions of appropriate and aesthetically attractive signage in the OSSSD. Detailed design guidelines for signs in the OSSSD consistent with the provisions and purposes of this ordinance shall be adopted, and may be from time to time amended, by resolution of the city council.

15.152.020 Definitions.

For the purpose of this chapter:

A. "Director of Convention, Culture and Leisure" shall mean the administrator of the Department of Convention, Culture, and Leisure (CC&L) for the City of Sacramento, or his or her designee.

B. "Director of Planning" shall mean the administrator of Planning for the Department of Development Services within the City of Sacramento, or his or her designee.

C. "Door Display" shall mean merchandise of the type sold on the premises displayed on or around a door that opens to the sidewalk.

D. "Guidelines" shall mean the Sign Designer and Fabricator's Edition of a document entitled "A Guideline for Signs: Old Sacramento Historic District," approved by the city council, as amended from time to time.

E. "Historic Sign" means a sign, or reproduction thereof, that was located on a specific building or structure, including permanently moored vessels, within Old Sacramento Historic District during all or part of the period from 1849 to 1875, is listed as an historic sign in Appendix C of the Guidelines, and is displayed in its original historic location.

F. "History Manager" shall mean the manager of Sacramento Archives & Museum Collection or his or her designee.

G. Old Sacramento Historic District ("OSHD") shall mean the area bounded on the south by the center line of Capitol Mall and Tower Bridge, on the north by the southerly right-of-way line of the I Street bridge ramp and I Street Bridge, on the east by the westerly right-of-way line of Interstate Freeway Route 5, and on the west by the centerline of the Sacramento River.

H. "Sidewalk" shall mean the City-owned public access boardwalk or paved area

FOR CITY CLERK USE ONLY

2005-021

ORDINANCE NO. _____

MAR 15 2005

DATE ADOPTED: _____

outside of a building within the City right-of-way.

I. "Sign" shall mean any announcement, banner, billboard, declaration, design, directional indicator, display, flag, illustration, image, insignia, light, message, object, poster, space, surface, symbol or thing used for identification, for designation, for exterior decoration, for advertisement, or for promotion of any person, entity, business, service, product, whether painted, attached, erected or otherwise maintained on or near any premises, whether or not containing any words, letters, numerals, emblems, figures, trade names or trademarks, and shall include all necessary appurtenances to a sign, including, but not limited to support structures, hardware, flagpoles and lighting, that is:

- (1) Visible from any public area, street, thoroughfare, sidewalk, exterior walkway or waterway within the bounds of Old Sacramento Historic District; and
- (2) If located within a building or structure, including permanently moored vessels, is less than six inches from the interior surface of any street or alley frontage wall, window, or door of the building or structure.

I. "Town Manager" shall mean the administrator of Old Sacramento Management (OSM), a division of CC&L that serves as centralized management for OSHD.

15.152.030 Applicable provisions.

A. Signs within OSHD shall comply with all provisions of Chapter 15.148 of this code unless the Director of Convention, Culture and Leisure determines that any provision is inconsistent with, or less stringent than, the guidelines or this chapter; provided, however, that the following provisions are inapplicable to signs within OSHD: Sections 15.148.030, 15.148.100--15.148.230, 15.148.250--15.148.380, 15.148.400--15.148.450, 15.148.480, 15.148.490, 15.148.560, 15.148.580, 15.148.600, 15.148.650, 15.148.670, 15.148.680, 15.148.780--15.148.810, 15.148.840--15.148.890, 15.148.910, 15.148.990--15.148.1030, and 15.148.1070--15.148.1130 of this title.

B. In the event of any inconsistency between a provision in this chapter and the guidelines, this chapter shall control.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

2005-021

DATE ADOPTED: _____

MAR 15 2005

15.152.040 No permit required.

The following signs may be erected, modified or maintained within OSHD without the permit required by Section 15.152.050 of this chapter.

A. Signs exclusively designed to communicate whether or when a business establishment is open or closed; provided that:

1. The sign does not exceed one square foot in area; and
2. The sign is located in the interior of the building premises.

B. Signs identifying burglar alarms, memberships, awards, and parking validations, provided that:

1. Each sign does not exceed one square foot in area; and
2. A business may display only one sign for each of the foregoing categories.

C. Signs exclusively consisting of figures designating the street address of a location, provided that the design of the sign is consistent with Section V (B) of the Guidelines entitled "Street Addresses";

D. Signs that are, or substantially replicate, the menu offered in an onsite restaurant; provided that the sign is enclosed in a glassed-in case of historic character, approved in advance by the History Manager; with no more than one case to be permitted per historic facade.

E. Real estate signs, provided that:

1. Only one sign may be located on the ground level, and one above balcony level, on a lot or parcel; and no sign shall be attached to the first floor balcony; and
2. The area of each sign does not exceed six square feet; and
3. The design of each sign shall be black ink on white board; and
4. The sign is removed within seven days after the sale, rental, or lease solicited has been accomplished.

F. Political or campaign signs on behalf of candidates for public office or measures on election ballots, provided that each such sign:

1. Is not erected earlier than ninety days prior to the election and is removed within fifteen days after the election; and

FOR CITY CLERK USE ONLY

2005-021

ORDINANCE NO. _____

DATE ADOPTED: _____

MAR 15 2005

2. Does not exceed six square feet in area.

G. Temporary signs informing the public of events held by nonprofit civic, philanthropic, educational or religious organizations, provided that each such sign:

1. Does not in any way advertise a business or a product; and
2. Is not erected earlier than thirty (30) days prior to the event and is removed within three days after the event; and
3. Does not exceed six square feet in area if the event will occur outside OSHD, or does not exceed twenty-five square feet if the event will occur within OSHD.

H. Governmental signs, such as traffic control signs, street signs, danger signs, railroad crossing signs, service signs, and official notices, provided that each sign was posted or erected by public officers or employees in the performance of their governmental duties.

I. Historic Signs as defined in Section 15.152.020 of this chapter.

J. Official, or previously official, flags of the State of California, or the United States.

K. Historical plaques or markers designed to inform the public about the historical or architectural significance of a building or object, provided that each such sign shall have been authorized by the History Manager and is maintained in the form authorized.

L. Any sign located in the modern-use commercial sign zone described in the Guidelines, expressly approved by the Sacramento Housing and Redevelopment Agency or the city's Museum and History Division prior to the effective date of the ordinance codified in this chapter and for which a permit was issued by the building division, and which permit was valid on the effective date of the ordinance codified in this chapter; provided, however, that such sign shall be maintained exactly in the form and location approved, that an identification tag issued by the Director of Planning or a painted permit number is attached to such sign in a location specified by the History Manager; and provided further that any such sign removed from display for thirty (30) days or more shall not be returned to display except with the permit required by Section 15.152.050 of this chapter.

M. Religious symbols, plaques or identification emblems of religious orders, provided that:

FOR CITY CLERK USE ONLY

2005-021

ORDINANCE NO. _____

DATE ADOPTED: _____

MAR 15 2005

1. No such symbol or identification emblem shall exceed four square feet in area; and
2. All such symbols, plaques and identification emblems shall be placed flat against a building.

N. Seasonal decorative lights displayed by the Old Sacramento Business Improvement Area between November 1 and January 15, provided that the style, location and configuration are approved by the Town Manager. The Business Improvement Area is described as the area beginning at the intersection of the westerly city limits of the City of Sacramento and the center line of the "I" Street Bridge; thence easterly along the center line of the "I" Street Bridge and Viaduct to its intersection with the continuation of the easterly line of Third Street; thence southerly along said easterly line of Third Street to the point of intersection with the northerly line of Capitol Mall; thence westerly along said northerly line of Capitol Mall to the point of intersection with the westerly city limits of the City of Sacramento; thence northerly along said westerly city limits to the point of beginning.

O. Help wanted signs 8 ½ " x 11" or less in size.

15.152.050 Old Sacramento Historic District sign permit.

Except as expressly permitted by Section 15.152.040 of this chapter, it shall be unlawful for any person to erect, maintain, alter, or relocate or direct or order a person in his or her employ to erect, maintain, alter or relocate a sign within OSHD without first obtaining approval of the sign by the History Manager and a permit from the Director of Planning, as provided in Section 15.152.060.

15.152.060 Application and issuance of permit.

A. Application for the permit required by Section 15.152.050 of this chapter shall be made to the Town Manager on a form provided by the Town Manager who shall forward the completed sign application to the History Manager. The application shall include:

1. The name and address of the permit applicant;
2. The name and address of the owner of the land on which the proposed sign will be located;

FOR CITY CLERK USE ONLY

2005-021

ORDINANCE NO. _____

DATE ADOPTED: MAR 15 2005

3. The name and address of the business occupying the land on which the sign will be located;
 4. In the general format depicted in Section VIII.D of the Guidelines:
 - a. A scale drawing of the sign with dimensions.
 - b. A written description, sketch, or photo of the location of the sign on the building façade.
 - c. A detailed written description or sketch of the sign installation hardware.
 - d. A written description or sketch, or photo of the location of the sign on the building façade.
 5. A processing fee in an amount specified by resolution of the city council.
- B. The Director of Planning shall issue the permit required by Section 15.152.050 of this chapter after:
1. The applicant submits a complete application and pays all applicable fees; and
 2. The History Manager determines that the proposed sign is consistent with the provisions of this chapter and with the Guidelines; and
 3. The Director of Planning determines that the proposed sign complies with all applicable laws and regulations of the city other than those regulations contained in this chapter or the Guidelines.
- C. The Director of Planning shall issue an identification tag with each sign permit and the History Manager shall first approve and specify the location on the sign where the tag must be attached. The identification tag must be visible from the sidewalk but shall be in an unobtrusive location.
- D. The person to whom a permit is issued shall notify the Director of Planning within ten (10) days of completion of the work for which the permit was required.
- E. No permit shall be issued for a sign to be located within a street, sidewalk, other public right-of-way, or other public property until a revocable encroachment permit has been issued by the city.

15.152.070 Minor modification application.

Where the applicant seeks to make minor changes in an existing legal sign, the applicant may submit an application for a minor modification permit on a form provided by the Town Manager. The Town Manager shall transmit the application to the History Manager. The History Manager shall issue such permit if he or she determines that:

- A. The proposed alteration will not substantially alter the size, structural design, visual balance and typeface style of the existing legal sign; and

FOR CITY CLERK USE ONLY

ORDINANCE NO. 2005-021

DATE ADOPTED: MAR 15 2005

B. The sign after the proposed modification will be consistent with this chapter and the Guidelines and with all applicable city laws and regulations.

15.152.080 Permit expiration--Suspension--Revocation.

A permit issued pursuant to this chapter shall be subject to the provisions of Section 15.148.060 of this title.

15.152.090 Permit denial.

If the Director of Planning or History Manager determines that an application submitted pursuant to Section 15.152.060 or Section 15.152.070 of this chapter should be denied, the Director of Planning or History Manager shall briefly state the reason(s) for the permit denial in a written decision that shall be sent to the applicant by first-class mail.

15.152.100 Appeals.

A. Any person desiring to challenge a decision of the Director of Planning or the History Manager to deny a permit shall file a written appeal with the Sacramento Commission of History and Science not more than ten (10) days after the date of mailing of the written decision of denial. An appeal shall be accompanied by an appeal fee in an amount specified by resolution of the City Council and shall be submitted on a form provided by the Town Manager.

B. Except as provided in subsection D of this section, the Sacramento Commission of History and Science shall consider appeals filed pursuant to this section.

C. The Sacramento Commission of History and Science shall conduct an informal hearing, not subject to the formal rules of evidence, at which the appellant, the Director of Planning, and the History Manager may present evidence concerning the proposed sign's compliance or failure to comply with the Guidelines and the provisions of this chapter and other applicable regulations. The appellant may present evidence directly or through a representative of the appellant's choice. The Sacramento Commission of History and Science may grant the appeal only upon a finding that the proposed sign complies with Guidelines and the provisions of this chapter and other applicable regulations. The decision of the Sacramento Commission of History and Science shall be final.

D. Appeals of permit denials based on provisions of this title other than this chapter

FOR CITY CLERK USE ONLY

ORDINANCE NO. 2005-021

DATE ADOPTED: MAR 15 2005

shall be governed by Chapter 2.48 of this code.

15.152.110 Variances.

A. When the strict application of the provisions of this chapter would result in unnecessary hardship or is inconsistent with the general purposes of this chapter, a variance may be granted in accordance with the provisions of this section.

B. Except as provided in subsection C of this section, the Sacramento Commission of History and Science shall have the authority to grant variances for signs subject to this chapter. Applications for variances shall be filed with the Town Manager on a form provided by the Town Manager. The variance shall be granted only if the Sacramento Commission of History and Science finds that:

1. There are special circumstances or conditions demonstrated in the application that do not apply generally in OSHD and are not of so typical or recurrent a nature as to make reasonably practicable the amendment of this chapter or the Guidelines; and
2. The aforesaid circumstances or conditions are such that strict application of the provisions of this chapter or the Guidelines would cause unnecessary hardship or would be inconsistent with the purposes of this chapter; and
3. The granting of the variance will not substantially affect the historic or aesthetic quality of the immediate vicinity or OSHD as a whole.

The decision of the Sacramento Commission of History and Science shall be final.

C. The construction codes advisory and appeals board shall have the sole authority to grant variances from the provisions of Article V of Chapter 15.148 of this title. The procedure and standards applicable to Chapter 15.148, Article V variances shall be those set forth in Chapter 15.148, Article XIII of this title.

15.152.120 Prohibited signs.

The following signs are prohibited in OSHD:

A. A sign not displaying an identification tag or painted permit number if required by this chapter.

B. A sign that is not a historic sign, unless such sign is located in the modern-use

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

2005-021

MAR 15 2005

DATE ADOPTED: _____

commercial sign zone described in the Guidelines.

C. A sign that projects into an alley right-of-way.

D. A sign located within a street or sidewalk right-of-way, unless all parts of the sign:

1. Are at least eight feet above the street or sidewalk; and
2. Horizontally project no more than three feet into a street right-of-way; and
3. Do not impede pedestrian flow.

E. A sign, other than a historic sign, primarily designed or oriented to be viewed from a freeway or other street not wholly within OSHD, or from the Sacramento River.

F. A sign supported wholly or partially by chain.

G. A sign with uncapped plywood edge(s).

H. A wooden sign into which a sign message has been carved; provided, however, that a carved wood sign may identify an onsite manufacturer or retailer of such signs if otherwise consistent with the Guidelines.

I. A wooden sign with any surface that is not painted with gloss or semi-gloss paint. Staining and covering with a clear wood finishing product shall not be acceptable. Fluorescent, iridescent and similar paints are prohibited.

J. A sign containing thumbtacks, staples, tape or similar temporary bonding materials.

K. A sign wholly or partially consisting of plastic.

L. Any sign or portion thereof that moves.

M. A sign wholly or partially consisting of glass into which a sign message has been sandblasted or acid-etched, or stained glass, except on the 2nd Street door transoms of the bank exchange building.

N. A flagpole in a location where one did not exist between 1849 and 1875.

O. A sign with exposed electrical conduit or direct lighting; provided, however, signs painted on the glass of gas lamp fixtures, as described in the Guidelines, may be

FOR CITY CLERK USE ONLY

2005-021

ORDINANCE NO. _____

DATE ADOPTED: MAR 15 2005

permitted.

P. A sign or non-sign illumination mechanism that contains any of the following:

1. Neon or neon like material.
2. Flashing or non-constant lighting.
3. String lighting.
4. Rope lighting.
5. Spot lighting.
6. Fiber optics, or illumination that is not consistent with the historic period between 1849 and 1875.

Q. Offsite signs, as defined in Section 15.148.1170 of this title.

R. A-frame or any portable sign or podium not being used to identify a valet service provided by the business displaying the sign. Valet service signs must be affixed to a secure support while on display and removed daily when service is not being operated. Valet podiums with attached signage will not be more than 2 x 3 x 4.5 feet and will be located on the boardwalk in such a manner that there is a clear walkway. The design and quality of materials must be consistent with this chapter and the Guidelines.

S. A sign or signs that obstruct more than 20% of any window or door.

T. A neon or illuminated sign within a business directed to outside pedestrians or traffic.

U. A sign that is worn, weathered, not otherwise maintained in original condition or contains graffiti.

V. Any sign or display visible from any public area that has not been approved in accordance with this chapter.

W. Any sign placed on or around a City lamppost.

X. Grand opening signs displayed for more than 30 days.

Y. Any sign containing brand names.

Z. Any sign obstructing the view of a parking meter.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

2005-021

MAR 15 2005

15.152.130 Removal of nonconforming signs.

A. Any sign that was in place on the effective date of this chapter and does not comply with the requirements of this chapter:

1. Shall be removed, at no cost to the city in accordance with the procedure specified in Article X of Chapter 15.148 of this title.
2. If modified, altered, moved, or not maintained as required by Section 15.148.730 after the effective date of this chapter, shall be removed immediately, at no cost to the city, in accordance with the procedure specified in Article X of Chapter 15.148 of this title.

B. Notwithstanding subsection A, the Director of Planning may abate at any time, without prior notice:

1. Any dangerous or defective sign.
2. Any real estate, political, or temporary sign after expiration of the time specified in Section 15.152.040 of this chapter.
3. Any sign located in whole or in part, on or in any public right-of-way or public property that does not have a valid revocable encroachment permit issued pursuant to Title 3 of this code.

15.152.140 Pre-existing sidewalk displays--Certain pre-existing lights.

This chapter shall not apply to any items that were being legally displayed or placed on the sidewalk as of March 1, 1986 or to any lights legally and permanently in place as of March 1, 1986. If the display or placement on the sidewalk of any item or any light was illegal as of March 1, 1986, only because no revocable encroachment permit had been issued, the display or placement shall be deemed legal for purposes of this section if a successful application for revocable encroachment permit was filed within thirty (30) days after March 1, 1986.

15.152.150 Sidewalk and Door Displays

FOR CITY CLERK USE ONLY

2005-021

ORDINANCE NO. _____

DATE ADOPTED: _____

MAR 15 2005

Sidewalk and door displays are permitted upon issuance by the Town Manager and History Manager of a permit for the purpose of displaying the following items only:

- (a) Historic apparel items.
- (b) Items for sale by businesses that, in the opinion of the Town Manager and History Manager, enhance the OSHD ambiance so long as the items are of wood, cloth, and other materials deemed appropriate.
- (c) Temporary or longer term packing and shipping containers as deemed appropriate by the Town Manager and History Manager.

No merchandise shall hang from an open door unless approved by the Town Manager and History Manager. There shall be at least 50% open view through windows of the building façade from bottom of window up to eight feet, excluding doors used for entrance/exit.

Plastic, metal, chrome, and other shiny material will be prohibited.

The Town Manager shall appoint a committee to advise him or her concerning issuance of permits under this section.

DATE PASSED FOR PUBLICATION: 3-8-05
DATE ENACTED: 3-15-05
DATE EFFECTIVE: 4-15-05

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

CITY CLERK

FOR CITY CLERK USE ONLY

2005-021

ORDINANCE NO. _____

DATE ADOPTED: _____ MAR 15 2005