

# City of Sacramento

## Legislation Text

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File #: 2019-01377, Version: 1

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**Title:**

**(Pass for Publication) Ordinance Amending City Code Chapter 15.148 to Create a Special Sign District for the Entertainment and Sports Center Area (M14-004)**

File ID: 2019-01377

**Location:** District 4, area generally bounded by 3<sup>rd</sup>, 7<sup>th</sup>, J, and L Streets

**Recommendation:**

1) Review an Ordinance deleting Sacramento City Code section 15.148.191, adding a new section 15.148.191, and amending sections 15.148.680 and 15.148.1170, all relating to signs; 2) revise the penalty provision of the Ordinance; and 3) pass for publication the ordinance title under City Charter section 32(c), for consideration on October 22, 2019.

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**Presenter:** N/A

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Ordinance (Redline)
- 4-Ordinance (Clean)

**Description/Analysis**

**Issue Detail:** The proposed ordinance deletes City Code section 15.148.191 (Plaza District) and replaces it with a new section 15.148.191 (Entertainment and Sports Center Sign District) allowing creative and unique signage that will activate, brighten, and add interest to the Entertainment and Sports Center (the “**ESC**”). The City’s sign regulations, set forth in Sacramento City Code chapter 15.148, currently do not allow the following sign types within the Central Business District (C-3) zone:

- Aerial view
- Rooftop
- Freeway edge
- Detached signs
- Digital signs attached to buildings
- Large format wall signs
- Projected images
- Signs displaying general advertising
- Various temporary signs

The proposed ordinance amends section 15.148.191 to allow those sign types within the new ESC sign district,” which covers nine city blocks within the Central Business District Special Planning District (**CBD-SPD**)-essentially, the area around Golden 1 Center (“**G1C**”) and Downtown Commons (“**DOCO**”). As an overlay to the underlying CBD-SPD sign zone, section 15.148.191 will allow signs that create an additional level of interest, excitement, and energy not seen before within the CBD-SPD. Section 15.148.191 does this by-

- allowing the sign types listed above;
- retaining sign types that were allowed in the former “Plaza District,” thus building on the City’s experience there;
- regulating the dimensions and display areas of signs in the ESC sign district;
- requiring site plan and design review for all non-exempt sign types;
- requiring that sign permits for digital displays be approved through a director-level review, with the director’s decision appealable to the appropriate commission;
- allowing signs to wrap corners of buildings in a complementary architectural fashion; and
- providing for unusual sign types such as sidewalk pavement signs, inflatables, and projected images.

The ESC sign district (see table 1 for properties within the district) is divided into horizontal zones (see figure 1) and vertical levels (see figure 2), which is a common industry practice for these types of districts. The horizontal zones consist of zone A (red), which is the most intense signage area, and zone B (blue), which bridges zone A to the sign regulations for the CBD-SPD. Zone A, the heart of the district, begins at all major points of entry to the G1C and DOCO and funnels pedestrians into the central plaza and G1C’s grand entry. Zone B serves as a buffer for surrounding properties by incrementally increasing the number and vibrancy of signs as pedestrians enter the ESC sign district.

There are three vertical levels:

- *Level 1 (0’-20’)*. This is the main pedestrian experience, where new sign types are allowed, such as pavement signage, inflatables, digital signs, and signs that wrap building corners in unique three-dimensional manners. All signs allowed in the former Plaza District, such as kiosks, monument signs, and entrance signage, are also allowed in Level 1.
- *Level 2 (20’-75’)*. This is where most advertising will be displayed. It allows for large-scale signage, digital signs, murals, and freeway-edge signs; reflects the typical street-wall height of downtown buildings; and provides a signage canvas that can visually reach outside the

pedestrian realm.

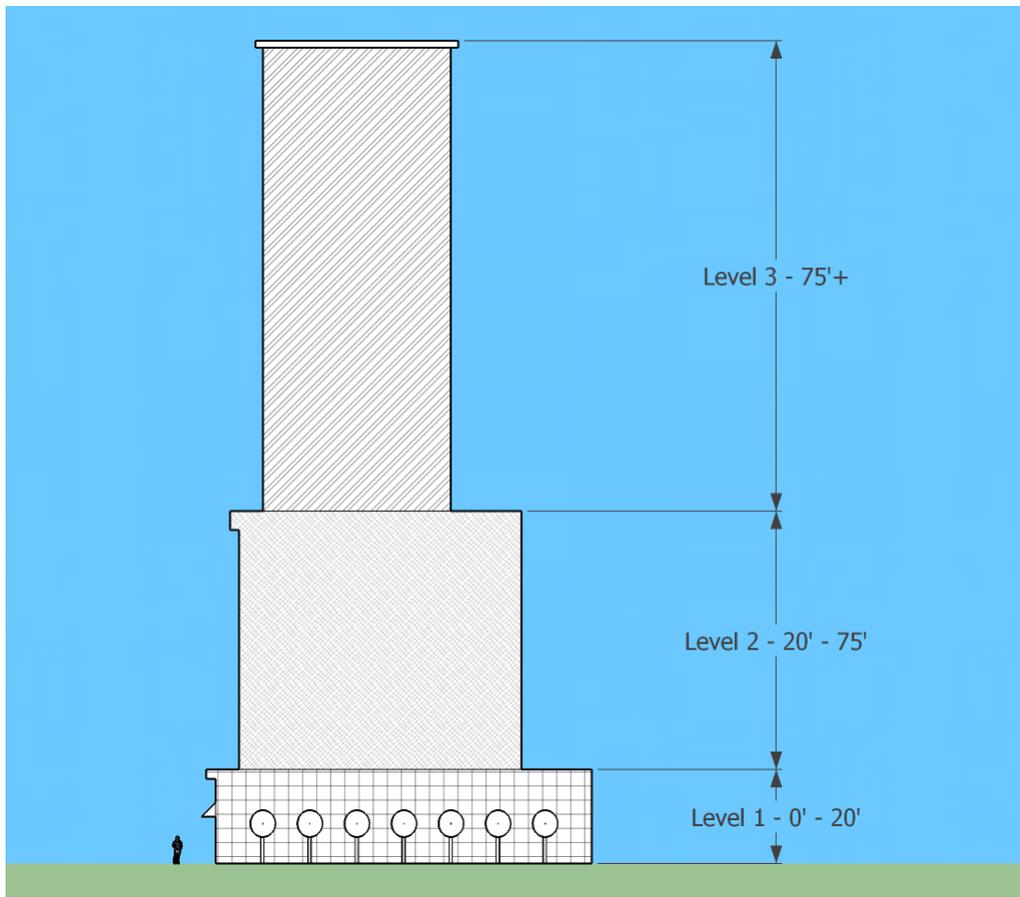
- **Level 3 (75'+).** This is an “accent” zone, which will allow smaller-scale signage and minor continuation of Level 2 signs for a more regional wayfinding approach; signs in Level 3 will make the ESC visible from a distance, thus building further anticipation of patrons traveling to G1C events.

**Figure 1: ESC Sign District - Zones**



Red = Zone A (high traffic area)  
Blue = Zone B (bridge between ESC District and CBD-SPD)

**Figure 2: ESC Sign District - Levels**



The uniqueness of historic buildings requires separate rules to retain their character-defining features and their significance within the ESC sign district. These rules will control the signage allowed on the historic buildings with similar levels of activation and still meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. Furthermore, the ordinance allows for the ability to re-establish previous historic sign types and locations not allowed by the current code, thus providing a portal to experience a previous era re-interpreted with a contemporary style.

Staff has worked with a sign-design consulting firm and a sign economist in developing the ordinance for the proposed ESC sign district. Additionally, staff has conducted extensive research, including the following:

- Interviews with staff and consultants in Kansas City, Phoenix, and Los Angeles
- Interviews with staff of the Legends Entertainment District in Phoenix
- Analysis of the outdoor-advertising market in Sacramento
- Compilation of companies purchasing outdoor advertising in the region

- Analysis of legal issues and implications of recent court decisions regarding signs

Concurrently with this due diligence, over the past five years staff has collaborated with the owners of property at the ESC to strike a balance meeting all parties’ needs and desires for a vibrant sign district that is harmonious with, and complementary to, the existing environment of G1C and DOCO. To this end, the property owners have agreed among themselves to encumber their properties with covenants, conditions, and restrictions (commonly known as CC&Rs) that control signage within the ESC sign district. The culmination of these efforts has led to this ordinance, which equitably balances all interests and commits the property owners to a successful sign district. Because some of the allowed sign types have not been tested on such a large scale, a 15-year sunset provision has been included in the ordinance. This provision will enable the City and owners to evaluate the performance of the ESC sign district and determine whether it should be renewed; it also provides enough time for the owners and the sign companies they contract with to recoup their costs.

<b>Addresses</b>	<b>APNs</b>
1025, 1075, 1101 3rd Street; 1000, 1005, 1006 4th Street; 1010 5th Street; 1012, 1020, 1028, 1118, 1122, 1126, 1128, 1130 7th Street; 300, 330, 414, 422, 428, 500, 660 J Street; 312, 316, 324, 330, 405, 620, 630 K Street; 321, 325, 549, 597, 609, 629 L Street; 500, 615 David J Stern Walk; 555, 601, 621 Capitol Mall	006-0087-043, -044, -045, -047, -048, -049, -050, -052, -054, -055, -057, -068, -069, -070, -071; 006-0091-020, -031, -036, -038; 006-0145-025; 006-0151-020, -021; 006-0370-012, -022, -023, -024, -025, -026, -027, -028, -029, -030, -031, -032, -033, -034, -035, -036, -037, -042, -045, -046, -047, -048

**Policy Considerations:** Sign regulations are used to preserve and improve the appearance of the City as a desirable place in which to live; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; and to promote the public health, safety, and general welfare. Like the restriction of digital signs within the Plaza District and at large-entertainment venues, new section 15.148.191 will prevent the uncontrolled proliferation of digital signs while also promoting new technology to increase the levels of activation and energy of the ESC and the economic vitality of businesses surrounding the ESC.

*General Plan.* The proposed ordinance furthers the following goals in the City’s 2035 General Plan:

**Goal Land Use (LU) 2.4 City of Distinctive and Memorable Places.** Promote community design that produces a distinctive, high-quality built environmental whose forms and character reflect Sacramento’s unique historic, environmental, and architectural context, and create memorable places that enrich community life.

**Policy LU 2.4.1 Unique Sense of Place.** The City shall promote quality site, architectural and

landscape design that incorporates those qualities and characteristics that make Sacramento desirable and memorable including walkable blocks, distinctive parks and open spaces, tree-lined streets, and varied architectural styles.

**Goal LU 5.1 Centers.** Promote the development throughout the City of distinct, well-designed mixed-use centers that are efficiently served by transit, provide higher-density, urban housing opportunities and serve as centers of civic, cultural, and economic life for Sacramento's neighborhoods and the region.

**Policy LU 5.1.3 Cultural and Entertainment Centers.** The City shall actively support the development of cultural, education, and entertainment facilities and events in the city's centers to attract visitors and establish a unique identity for Sacramento.

**Goal Economic Development (ED) 1.1 Business Climate.** Maintain a supportive business climate that increases the City's ability to retain and expand existing businesses and attract business.

**Policy ED 1.1.2 City Image.** The City shall continue to promote Sacramento among its citizens and the wider business community as a livable community and an excellent place to do business.

**Goal Historic and Cultural Resources (HCR) 2.1 Identification and Preservation of Historic and Cultural Resources.** Identify and preserve the City's historic and cultural resources to enrich our sense of place and our understanding of the city's prehistory and history.

**Policy HCR 2.1.11 Compatibility with Historic Context.** The City shall review proposed new development, alterations, and rehabilitation/remodels for compatibility with the surrounding historic context. The City shall pay special attention to the scale, massing, and relationship of proposed new development to surrounding historic resources.

**Goal ED 3.1 Land, Sites, and Opportunity Areas.** Retain, attract, expand, and develop businesses by providing readily available and suitable sites with appropriate zoning and access.

**Policy ED 3.1.10 Civic Amenities.** The City shall support and encourage the development of civic amenities, entertainment venues, and convention opportunities that increase visitation, spending and tourism in Sacramento

*Central City Community Plan.* The proposed ordinance would also further the following goals in the City's Central City Community Plan:

**Policy Central City (CC).LU 1.5 Central Business District.** The City shall improve the physical and social conditions, urban aesthetics, and general safety of the Central Business

District.

**Policy CC.HCR 1.1 Preservation.** The City shall support programs for the preservation of historically and architecturally significant structures which are important to the unique character of the Central City.

*Central City Specific Plan.* The proposed ordinance would also further the following goals in the City's Central City Specific Plan:

**Goal LU.3 Public Realm.** Establish healthy and inviting streetscapes and civic spaces that inspire walking, biking, and social interaction

**Policy LU.3.6 Wayfinding and Branding.** Establish a clear sense of identity and arrival to the Central City and its unique districts by providing a network of attractive and easily visible wayfinding, city branding and district branding signs, kiosks, banners, gateways, and other elements that are at the pedestrian level.

**Goal LU.6 Central Business District.** Reinforce the Central Business District as the City's urban core.

**Policy LU.6.1 Favorable Regulatory Environment.** Maintain a regulatory environment that encourages the City's most intense residential, retail, commercial, entertainment, and office developments in the Central Business District.

**Goal Community Amenities (CA).4 Entertainment and Culture.** Ensure that the Central City's arts, culture, and entertainment scene continues to thrive.

**Policy CA.4.1 Entertainment and Cultural Growth.** Identify locations for growth in the entertainment and cultural realm to allow for compatible entertainment and cultural venues.

**Economic Impacts:** By allowing unusual signage within the ESC sign district, the City will be able to retain and attract retail businesses, expand entertainment options, and maintain the health of this large tax generator.

**Environmental Considerations:** The Master Environmental Impact Report for the 2035 General Plan evaluated the cumulative effects of signage allowed within the City. The proposed ordinance allows on-site digital signs and large illuminated signs within the ESC sign district. It also regulates the brightness of digital displays and the illumination of all signs, ensuring that the signs will not result in nuisance or glare. (See subsections C.7.g.iv, C.7.g.v, C.13.c, and C.13.d of proposed section 15.148.191.) No cumulative effects will result, and no unusual circumstances are present that could result in a significant environmental effect. Each digital display allowed by proposed section

15.148.191 is subject to review and approval by the design director or the preservation director, who will ensure compliance with applicable performance standards. The activity is covered by the common-sense exemption from the California Environmental Quality Act (**CEQA**), which acknowledges that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No new significant effect would result, and no additional review is required by the CEQA. (14 Cal. Code Regs. § 15061(b)(3).)

**Sustainability:** No sustainability considerations apply to the proposed ordinance.

**Commission/Committee Action:** On June 25, 2019, the Preservation Commission reviewed and commented on the general application of various sign types as it related to the three historic properties within the ESC sign district. On September 17, 2019, the Law and Legislation Committee reviewed the draft ordinance creating the ESC sign district and forwarded it to the City Council for consideration.

**Recommended Revision:** After the Law and Legislation Committee reviewed the ordinance, staff determined that fixed penalty amounts in subsection J.3 should be replaced with ranges (e.g., “Up to \$2,500” rather than “\$2,500”). To that end, staff recommends that new section 15.148.191 be amended as follows before the ordinance title is passed for publication:

**First**, by adding new subsection J.2.f, to read as follows:

The city official who determines the amount of the administrative penalty to be imposed in accordance with the table in subsection J.3 shall consider the seriousness of the violation, the responsible party’s efforts to correct the violation, the injury or damage suffered by any member of the public, any violations of the same provision or a similar provision in the previous three years, the city staff time expended investigating or addressing the violation, and the amount of administrative penalties that have been imposed in similar situations. But the city official shall not consider the content of the message displayed on the sign except to the extent consideration of content is needed to comply with federal or state law.

**Second**, by revising the table in subsection J.3 as follows:

DISPLAY AREA OF SIGN IN VIOLATION (square feet)	ADMINISTRATIVE PENALTIES PER DAY OF VIOLATION		
	First Violation	Second Violation	Third Violation and Subsequent Violations
Less than 20	\$500	\$500	\$500
20 to less than 150	Up to \$2,500	Up to \$4,000	Up to \$8,000

150 to less than 300	<u>Up to</u> \$4,000	<u>Up to</u> \$8,000	<u>Up to</u> \$16,000
300 to less than 450	<u>Up to</u> \$6,000	<u>Up to</u> \$12,000	<u>Up to</u> \$24,000
450 to less than 600	<u>Up to</u> \$8,000	<u>Up to</u> \$16,000	<u>Up to</u> \$32,000
600 to less than 750	<u>Up to</u> \$10,000	<u>Up to</u> \$20,000	<u>Up to</u> \$40,000
750 or more	<u>Up to</u> \$12,000	<u>Up to</u> \$24,000	<u>Up to</u> \$48,000

**Rationale for Recommendation:** The ESC is Sacramento’s premier entertainment and sports venue in the heart of downtown. From its inception, the ESC was always anticipated to provide a more energetic and active experience that would use creatively designed signage to enhance that experience. This ordinance allows the ESC to finally express its full capabilities with an exclamation mark by allowing sign types and sizes not found in other areas of the City. The G1C has been a catalytic project for downtown enhancements and development. The inclusion of exciting signage will continue to build upon the past successes and contribute to a dynamic entertainment district.

**Financial Considerations:** Violations of this ordinance will be subject to administrative penalties assessed according to the table in subsection J.3 of new section 15.148.191, with the amount of the penalties determined according to the size of the sign and the days and number of violations. The penalties will be deposited in the Community Development Department’s General Fund (Fund 1001).

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