



## Staff Report

**TO:** Honorable Mayor and Members of the Town Council  
**FROM:** Sean Rabé, Town Manager  
**DATE:** August 9, 2022  
**RE:** Discussion and Direction to Staff Regarding a LED Sign Near Burger King

### Recommendation

Provide direction to Staff on whether or not Staff should prepare a zoning amendment that would permit a LED sign near Burger King.

### Issue Statement and Discussion

During the June 2022 Council meeting, Council gave direction to Staff to bring back a discussion item for a LED sign to replace the existing entrance sign near Burger King on Taylor Road as shown by the red arrow in the photo below.



Municipal Code Section 13.38.040 regulates prohibited signs in the Town of Loomis and states, in part (underline and bold emphasis added):

*All signs not expressly permitted by this chapter shall be prohibited. Examples of prohibited signs include the following:*

A. *Abandoned signs;*

B. *Animated signs, **including electronic message display signs**, and variable intensity, blinking, or flashing signs, except time and temperature displays (which are not considered signs);*

Thus, according to the Town's current zoning code, the placement of a LED sign would be prohibited.

This is not to say that the Town could not modify the zoning code, of course. Other cities – Colfax, for example – have specific zoning code provisions that allow for this type of signage on city-owned property. Colfax's municipal code is very specific on the location of their allowed digital advertising sign (their's is a freeway billboard-type sign). Should Council direct staff to do so, staff could prepare a zoning amendment similar to what Colfax has in its code (see Attachment A).

Preparing a zoning amendment for this type of use will take some staff time and would require some sort of environmental review, but should not be overly burdensome.

One point of concern Staff should point out, however: while the current location of the sign is in Town right of way, it is also within the right of way for the proposed Doc Barnes Drive extension right of way. Staff has not designed the exact location of where Doc Barnes Drive would be built (if it is built); however, there is a high possibility that if the Town were to build a LED sign at the existing location it would likely need to be moved if/when Doc Barnes was extended.

Staff is available to answer any questions you may have.

#### **CEQA Requirements**

None with the recommended action.

#### **Financial and/or Policy Implications**

Direction to begin preparation of a municipal code amendment would have some impact on Staff, though it wouldn't be overly burdensome. Placing a LED sign is currently not allowed under the municipal code. If the sign were placed at the existing location it will likely conflict with the proposed extension of Doc Barnes Drive.

#### **Attachments**

**A. Colfax Municipal Code Section 17.112.150 - Digital billboard signs.**

## Item 15 Attachment A

### 17.112.150 - Digital billboard signs.

Digital Billboard Signs on City-owned Property. For purposes of this section, (1) a "digital billboard sign" means and refers to an advertising structure (as that term is defined in the California Outdoor Advertising Act - Business & Professions Code, Division 3, Chapter 2) that uses digital-display technology; and (2) "City-owned property" means and refers to any property in which the city is the owner of the majority of the fee title interest, as well as property in which the city has a leasehold, easement, license or other possessory interest.

- A. Notwithstanding any provision of this title to the contrary, the city, on such terms as the planning director may approve in his or her discretion, may: construct, repair, replace and maintain; cause the construction, repair, replacement and/or maintenance of; or issue a permit for the construction, repair, replacement and/or maintenance of, digital billboard signs within city-owned property and visible from Interstate Highway 80 and/or State Highway 174, subject to subsections A.1. through A.5, below. Such terms may include utilizing a relocation agreement, which would allow the removal of a display and construction of a new display to substitute for the display that is removed. A digital billboard sign may be electronic, programmable and/or illuminated and provide for "off-site" advertising (as that term is defined in this chapter). The total number of billboard signs in the city, whether digital or not, may not exceed the number of billboard signs in the city at the time the digital billboard sign ordinance is adopted, without further action of the city council.
1. The city-owned property must be located in a commercial or industrial zone as of the date a permit for a digital billboard sign is issued.
  2. All digital-display faces must be oriented primarily for viewing from the freeway or highway to which it is adjacent.
  3. Notwithstanding any provision to the contrary in this title, the maximum height of a digital billboard sign, measured from grade to the top of the digital-display face, is forty-five (45) feet; and the overall maximum height, measured from grade to the top of the billboard structure, is fifty (50) feet. The planning director may, upon a showing of good cause supported by substantial evidence in the record, grant a variance on the maximum height restriction.
  4. Notwithstanding any provision to the contrary in this Title, a digital billboard sign may have either one or two display faces, and the maximum area of a display face is one thousand two hundred (1,200) square feet. The maximum height of the display face is 25 feet and maximum length of the display face is sixty (60) feet.
  5. A digital billboard sign may display only a still image in each of its display messages. This means that the still image being displayed may not move or present the appearance of motion and may not use flashing, blinking, or traveling lights or any other means not providing constant illumination (except that part necessary to give public service information such as time, date, temperature, weather, or similar information). The digital billboard sign must expose each message display for not less than four seconds, unless a greater amount of time is set forth as a recommendation in the most recent guidance document issued by the Federal Highway Administration on the subject of changeable

electronic variable message signs; in such case, the minimum FHWA standard shall apply. The transition or blank screen time between one display message and the next may not exceed one second, nor shall this transition time be construed as a failure to comply with the constant illumination requirement set forth above.

- B. Notwithstanding any provision of this title to the contrary, an existing sign that is removed and/or relocated in the implementation or exercise of subsection A., above, may include either a legal conforming sign or a legal nonconforming sign; such status shall be determined by the planning director. Any sign approved for relocation must be removed prior to construction or installation of the digital billboard sign that will replace it.
- C. Compliance. In addition to complying with the other requirements of this section, a digital billboard sign must also comply with the requirements of the California Outdoor Advertising Act, Chapter 2 in Division 3 of the California Business and Professions Code ("Act"), including, but not limited to, the restrictions on size, height, intermittent flashing lights, proximity to interstate and primary highways and landscaped freeways, and other regulations set forth in Articles 7 and 8 of the Act. To the extent a conflict arises between this section and the Act, the Act will prevail, except for the FHWA recommendation referenced in subsection A.5., above.
- D. Findings for Approval of a Digital Billboard Sign or Relocation Agreement. A digital billboard sign or relocation agreement may be approved if the planning director makes the following findings:
  - 1. The digital billboard sign or relocation agreement substantially complies with the purpose and requirements of this section;
  - 2. The digital billboard sign or relocation agreement will not interfere with on-site access or circulation or significantly interfere with visibility.

(Ord. No. 519, 8-8-2012)