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Ted Erkan - Lewis Group, concurred with the staff recommendation although there may be some discussion about SB-74 in the future.

Chair Newberg closed the public hearing.

It was moved by Commissioner Weiske, seconded by Commissioner Haltom, to approve the amendment to Condition to extend the tentative map expiration until February 11, 2011; and Conditions 5 and 6 to allow both public and private streets. Commissioner Weiske stated that all successive maps must be filed on or before February 11, 2011 in Case No. LDC10-00008 (Damonte Ranch Phase V, Village 1 and 2), subject to revised conditions. Commissioner Weiske stated he could make the applicable Findings. The motion carried unanimously.

AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diode) – *This is a request for an amendment of the Reno Municipal Code Title 18, "Annexation and Land Development," Chapter 18.16 "Signs," Article IX "Off-Premise Advertising Displays," and Section 18.24.203 "Definitions of Words, Terms and Phrases," regarding Digital Off-Premise Advertising Displays, together with other matters properly relating thereto.*

Commissioner Haltom disclosed a discussion with Scenic Nevada.

Commissioner Woosley disclosed receiving telephone calls in opposition.

Commissioner Foster disclosed discussions with Scenic Nevada and messages in support, specifically the Chamber of Commerce.

Commissioner Weiske disclosed the receipt of several email and voice mail messages and noted that he had not discussed the issue.

Chair Newberg disclosed discussions with Scenic Nevada and email correspondence and telephone calls on both sides of the issue.

Commissioner Romeo disclosed meeting with Scenic Nevada and telephone discussions on both sides of the issue as well as email and telephone messages.

Commissioner Coffman disclosed meeting with Scenic Nevada and discussions with other interested parties.

John Frankovich - representing Clear Channel, requested that the Planning Commission continue the matter and drew attention to changes to the ordinance, including setbacks, location limitations that could have some effect on the industry. Mr. Frankovich noted that this is a complicated issue and that staff has been asked whether the standards had been analyzed. Mr. Frankovich explained that the continuance of the matter will allow the

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development of additional information to assist the Planning Commission in making an informed decision.

Claudia Hanson - Deputy Director Planning, suggested that she be allowed to provide an overview of the ordinance to the Planning Commission and that the Planning Commission take public comment on the proposal. Ms. Hanson explained that this would allow staff an opportunity to hear the outstanding issues and receive direction from the Planning Commission should the Planning Commission decide to continue the matter.

Marilyn Craig – Deputy City Attorney, commented that it was important that the Planning Commission address the continuance request by either delaying a formal continuance until later in the meeting or moving forward with action to approve, amend or deny the request.

Commissioner Romeo stated that he would support a continuance and pointed out that individuals were present to speak to both sides of the issue. Therefore, he would prefer to hear their comments and then make a motion for continuance.

Commissioner Weiske stated that he would second the motion.

It was moved by Commissioner Romeo, seconded by Commissioner Weiske, to continue the agenda item. The motion carried unanimously.

Ms. Hanson recalled that the Reno City Council had directed planning staff to review LED (Light Emitting Diode) billboards and noted that several staff members had worked on the ordinance over time. Ms. Hanson expressed her appreciation to all staff members for their assistance. Ms. Hanson noted that the draft ordinance had been distributed on October 13, 2009, to the industry and Scenic Nevada for comment. Ms. Hanson explained that staff had received multiple comments in opposition from Scenic Nevada and others and that there are some clarifications to the document. Drawing attention to Page 14 of 80, Ms. Hanson noted that the distance requirement between signs should read 2,000 radial feet rather than 2,000 linear feet. Additionally, setbacks from schools or residential property should be modified for clarification to include something like a 45-degree angle facing from any proposed sign. Page 16 of 80 staff recommends that the language be modified as follows: "5-a-1 to read "Removal of: (a) one existing off-premises advertising display; or (b) two banked off-premises permanent advertising displays. The removed off premises advertising display shall not be replaced or banked. If more than one off-premises advertising display must be removed in order to conform with spacing requirements, the additional off-premises advertising display(s), may be banked." Ms. Hanson noted that after discussion with the CAO (City Attorneys Office) it had been determined that the section regarding banked off-premises signs should read as follows: "... At the end of ten years if the banked off premises permanent advertising display has not been exchanged to construct a new off-premises advertising display, it shall be deemed expired and the previous banked receipt will be available for any applicant to use toward a valid sign permit application." The intent of the

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original language was to reduce the number of banked signs with the deemed expired meaning that anyone with a valid permit can claim one of the banked signs, not just the company that originally banked the sign. Drawing attention to Page 16, Ms. Hanson clarified that Item 6 referred to "permanently disabled" displays. Ms. Hanson then pointed out the areas in which billboard could be constructed once spacing and other standards are met. Ms. Hanson then pointed out that signs such as the Grand Sierra Resort and Internet Auto Sales are considered on-premise rather than off-premises signs and therefore not subject to this particular ordinance.

Ms. Hanson then summarized the various correspondence, articles, petition(s), photographs and other comments (copies on file) received on the matter dating back to 2008.

Ms. Hanson noted that while it had been suggested that a moratorium be placed on digital billboards until the Federal Highway Administration issues their study on the safety issues associated with this type of sign (driver distraction) no moratorium is necessary since electronic billboards are not currently allied in the City. Ms. Hanson pointed out that none of the four digital signs were located in the City of Reno but rather in the City of Sparks and unincorporated Washoe County. In addition to the numerous comments made in opposition to the digital billboard issues, the sign industry has provided articles (copies on file) outlining how electronic digital billboards operate and that previous studies have indicated that there is no safety hazards associated with a digital display.

Chair Newberg thanks Ms. Hanson for her update and opened the public hearing. Chair Newberg asked that speakers not duplicate previous statements.

The following individuals submitted written statements in opposition to the ordinance that were read into the record (copies on file).

Toni Harsh, 8980 Marsh Avenue, Reno.
Penny Roskoski, 4871 Lakeridge Terrace West, Reno.
Diane Ronsheimer, 6675 Evans Creek Drive, Reno.
Warren Ronsheimer, 6675 Evans Creek Drive, Reno.
Catharine D. Sanders, 1638 Glen Oaks Drive, Reno.
Neil Sanders, 1638 Glen Oaks Drive, Reno.
Helene Sasser, 2770 Fairwood Drive, Reno.

Aline Barber spoke in opposition and drew attention to the letter from the International Dark Sky Association seeking a moratorium on digital billboards pending the completion of the Federal Highway Administration study. Ms. Barber then noted the detrimental effects of digital billboards on the region's aesthetics in terms of viewshed, open space and the Sierras. Ms. Barber noted the digital billboards are a national issue and that many jurisdictions had set strict regulations. Therefore, Ms. Barber believes that a moratorium should be established so that the results of the Federal Highways study can be considered.

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Lori Wray submitted a packet of information (copy on file) and explained that this particular amendment, in her opinion, was solely based on industry profits. Throughout the nation communities are banning new traditional billboards with the industry calling the electronic billboards an update. Ms. Wray also believes that a moratorium should be approved and that the approval of any digital billboard should require the removal of one or more billboards for each electronic billboard allowed. For example, Florida has a 10:1 ratio requiring the removal of ten traditional billboards for each digital billboard allowed. Ms. Wray suggested that the City require a 3:1 ratio along with a moratorium until the Federal Highway Administration study is completed.

John Frankovich provided a handout (copy on file) and noted his client's (Clear Channel) concerns about the detrimental effect of the proposed modifications. Mr. Frankovich noted that the City of Sparks already allows digital billboard and that change in separation from lineal to radial will eliminate many signs. Additionally, there is concern about how a sign not owned by the company proposing a digital sign would be addressed. Mr. Frankovich noted that digital signs are not brighter than the traditional billboard and that the viewing angle would be less intrusive with less light pollution than the traditional billboard.

Susan Holshouser – Clear Channel Outdoor, noted that the current criteria calls for a 1,000 foot separation between signs and that the 2,000 foot radial distance will not allow digital upgrades in many locations. Additionally, the industry is seeking an 8-second flip between signs rather than the proposed 15-second flip. Additionally, the 8-second flip will provide a more affordable advertising program. Ms. Holshouser pointed out that the Tri-vision signs already in place use the 8-second flip. Ms. Holshouser noted that Washoe County Sheriff Haley is supportive of the digital billboard as stated in his letter included in the information packets. Other letters of support come from the Secretary of State as well as various charities. Ms. Holshouser noted that two criminals had been caught by working with Secret Witness and that the digital signs can be reprogrammed remotely should Amber Alert be activated. Ms. Holshouser noted that this is new technology and is a better presentation than traditional billboards.

Ms. Hanson asked that member of the public leave their display items or correspondence for incorporation into the public record file.

Daniel Scherer spoke in support of the digital billboard ordinance noting that the City of Reno, in his opinion, needs to support local businesses. Mr. Scherer explained that the digital signs encourage individuals to use local businesses and that the Downtown Events Center also uses a digital display.

Lorraine Scherer commented that outdoor advertising is her livelihood as an employee of Clear Channel Outdoor and that the digital signs generate revenues for the City in a variety of ways and would contribute to the economic health of the region.

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Peter Mack – Clear Channel Outdoor Operations Manager, noted that, in his opinion, the digital displays are more environmentally friendly with less light spillage than traditional signs. Over time the digital signs have reduced power consumption from a high of 400 amps per sign to 100 amps using three phase electrical service. Additionally, digital displays are programmed remotely thus reducing potential harm to employees working 60 feet above grade.

Justin McIlvain noted that he too works for Clear Channel Outdoor and that he has received several testimonial letters two (2) of which he read into the record (copies on file). Mr. McIlvain noted that one was from Marilyn Starlings thanking him for the display of her son's picture on a digital billboard noting that her son had thought no one was taking notice of the sacrifice of service men and women serving in Iraq. A second letter from Don Richter, Founder – Secret Witness, for the public service announcements provided to Northern Nevada that has had profound positive results.

Janet Rash – Clear Channel Outdoor, commented that digital signs are more cost effective due to the absence of paper or production expenses with shorter posting times and flexibility. Additionally, the digital signs are less vulnerable to vandalism and graffiti. Ms. Rash noted that Las Vegas and Clark County (Nevada) have approved the use of digital displays in their ordinances.

Daniel Schulte – YESCO Outdoor, provided a letter to the Planning Commission (copy on file) and stated he was available to answer any questions that may arise.

Chris Wilker expressed his appreciation to the Planning Commission member for their work in what appears to be a somewhat thankless task. However, in his opinion, that the proposed ordinance will violate the citizens' initiative (R-1) passed in November 2000. Mr. Wilker noted that there had been cried of "doom and gloom" from the industry about the loss of jobs and closed businesses if R-1 were approved. However, that scenario has not come to pass. Mr. Wilker recalled the Nevada Supreme Courts decision that allowed the City of Reno to place the question on the ballot in 2000. It is Mr. Wilker's belief that the CAO may have misinterpreted the ordinance as digital billboards are new billboard, which is prohibited under the existing ordinance.

Walter A. Roskosk, Jr., submitted a statement card in opposition, but did not wish to speak.

Charles Fulkerson commented that flashing lights are designed to attract driver's attention on police and other emergency vehicles and that the digital billboards, in his opinion, would distract drivers thereby making this a public safety issue. Mr. Fulkerson commented that the proposal has more to do with the economic gain of the industry that safety and that it is important to protect Nevada from further light pollution.

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Sue Smith drew attention to the Findings that the Planning Commission must make in order to approve the amended ordinance. Ms. Smith explained how, in her opinion those Findings could not be met and pointed out that the City's Master Plan does not discuss billboards. It is Ms. Smith's belief that the City cannot approve digital billboards as they are prohibited under the prohibition of new billboards.

Ms. Hanson noted that the Findings were included on page 6 of the staff's report.

Mark Wray distributed a handout (copy on file) explained that there is currently a law in place that prohibits new billboards. Mr. Wray noted that the letters expressing support for the digital displays are from politicians and that if the intent is to attract individuals to the City of Reno, then it is his believe that billboards are not the proper way. Mr. Wray recalled a previous DVD "Reno – In Our Own Words" that did not include any off premise billboards but rather individuals speaking with the Truckee River, UNR (University of Nevada, Reno) and other scenes throughout the city. It is Mr. Wray's belief that the ordinance being proposed is not about repair or upgrade but is a change in law to allow digital billboards, which are currently prohibited.

Eric Holland submitted copies of an editorial drawing (copy on file) and stated that, in his opinion, a digital billboard is a new billboard and is against the citizen approved initiative. Mr. Holland expressed his appreciation to the Planning Commission for allowing the public to speak on the matter.

Doug Smith – Scenic Nevada, noted concerns about driver distraction waiting for sings to change. Mr. Smith noted that a 2 second distraction is the leading cause of accidents or near accidents and that he believes the matter should be delayed until the Federal Highway Administration completes their study about the effects of digital displays. Mr. Smith noted that the one issue that had not been brought forward was the liability the City might face if this ordinance were adopted.

Marilyn Naylor 1005 Dunbar Drive, Reno, submitted a statement card in opposition but did not wish to speak.

Thelma Matlin, 4755 Bradford Lane, Reno, submitted a written statement in opposition (copy on file) but did not speak.

Marilyn R. Melton spoke in opposition noting her concurrence with previous speakers, specifically Mr. Wilker and Mr. Wray. Ms. Melton noted that the City of Reno now competes nationally for gaming and that the domination of the landscape by billboards would not, in her opinion, attract tourists. Ms. Melton stated that she believes the Planning Commission should focus expanding the quality of life for residents and exploit the welcoming vistas for visitors without the "visual garbage."

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Shevawn Von Tobel commented that she did not wish to be bombarded with more advertising and that she believes there are far more pressing issues that the City should be addressing. It is Ms. Von Tobel's belief that local businesses cannot afford the digital advertising as suggested earlier and that she believes billboards will be a detriment.

Victor Girnus commented that as a graduate of UNR he had decided to stay in the area and had researched the cost of a billboard ad for Great Basin Community Co-op. Mr. Girnus noted that his course study at UNR indicated that the State of Nevada reinvents itself and that it is time for the City to reinvent itself if it wishes to attract creative people. Mr. Girnus noted that if the industry is successful in having this ordinance adopted then it may well seek the ability to have more billboards in other locations.

Barbara Woodward Rainey noted her fascination with the night sky after moving to the region 25 years ago. Ms. Rainey noted that artificial light did not become commonplace until the 20th century and that it remains unclear what effect artificial light has on humans. Ms. Rainey expressed her support for a moratorium until the Federal Highway Administration completes its safety study in 2010.

Gary Day commented that in his opinion the conversion of existing billboard to digital technology was an upgrade not a new billboard as the existing site, and infrastructure would be used. It is Mr. Day's belief that the digital displays will not have any detrimental effect on public safety anymore than having an individual waving a sign or flag at an intersections encouraging motorists to use a specific restaurant or visit a subdivision. Mr. Day noted that digital displays are not animated but rather a static image that changes in "the blink of an eye". Additionally, digital technology being proposed is similar to that of the transition from a standard transmission to an automatic transmission or black and white television to color and more recently high definition. Mr. Day believes that the industry has the right to use technology that others are already using and that there could be legal challenges if that opportunity is denied.

Responding to Commissioner Weiske's inquiry about whether he was in favor or opposition, Mr. Day stated that he was in favor of digital billboards.

Ed Wasserman — Daktronics, Inc., noted that there are hundreds of digital displays nationally and internationally and that there had been multiple studies conducted by the Federal Highway Administration dating back to the 1980's. Mr. Wasserman noted that the studies were inconclusive and that additional studies are planned in 2012 and 2013. Mr. Wassermann explained why, in his opinion a shorter flip cycle (4 to 10 seconds) is preferred over the proposed 15 second standard. Mr. Wasserman explained that he preferred to refer to sign illumination in terms of candela rather than nits and pointed out that a digital billboard in Minnesota may have saved several hundred more lives in that the message to avoid the area in which the bridge collapsed was transmitted almost instantly thus averting what could have been a much larger disaster. Mr. Wasserman noted that a similar

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message during the wildfires in California had advised motorists to avoid a specific freeway that had been closed.

John Hara submitted a handout (copy on file) and explained the digital billboards were not energy efficient and would therefore not enhance the City of Reno's Green Policies. Mr. Hara noted that a single digital billboard consumed as much energy as 49 traditional billboards, 13.9 average homes and 23 Prius automobiles per year.

Ms. Hanson reminded speakers to submit copies of their presentation to the recording clerk for the record.

Michelle Nichols explained that she had written the "Hug Your Kids" book after the loss of her eight year old son and that with the donation of 145 billboards in 28 states and cities such as Chicago, Illinois; Los Angeles, California; Orlando, Florida; and Phoenix, Arizona, she had been successful in bringing the National Hug Your Kid day to fruition in 2008. Ms. Nichols noted that she believes the horseless carriage of yesteryear was also scary and that digital billboards allow charities and others to get the word out quickly. Therefore, Ms. Nichols supports the use of digital billboards.

Dan Webber noted that the Prime Directive of advertising is to capture people's attention. Mr. Webber believes that the Planning Commission can only draw the conclusion that it is not safe when something changes in two or ten seconds. The main issue before the Planning Commission in his opinion is one of public safety and that perhaps the City Council should put an issue on an upcoming ballot about the use of digital billboards.

Dana Allec – Eagle 1, stated the he was supportive of digital billboards and that as a sixth generation Nevadan he believes that workers atop a 60-foot tall sign is also a safety issue. Mr. Allec suggested that digital billboards be allowed to bring in more revenue to the City rather than taking it away.

The meeting recessed at 7:59 p.m. and reconvened at 8:10 p.m.

Peter C. Neumann – representing Scenic Nevada, submitted a written presentation (copy on file) and explained that people come to the region for its natural beauty and that it appears that a majority of voters agreed with Scenic Nevada about the number of billboards in the community. Mr. Neumann noted that a web search of legal challenges resulted in the identification of a number of cases where the billboard industry has file legal challenges against the State of Nevada, and the Cities of Las Vegas and Reno (Nevada). Mr. Neumann noted that Eller Media had sued the City and appealed the subsequent ruling to the Nevada Supreme Court. It is Mr. Neumann's belief that the law is clear in its prohibition of new billboard construction and that the City cannot issue a permit for new construction. Mr. Neumann noted that the Supreme Court had indicated in their decision that the petition and resulting ordinance was legislative in character and articulated a new policy.

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Wes Steessel explained that he had moved to the City of Reno about seven years ago and that the City's slogan should be "The Biggest Little Potholes in the World" as City streets are dilapidated and that the sole purpose of the digital billboard is to encourage individuals to consume products and services they do not necessarily need. Mr. Steessel asked whether any member of the Planning Commission had the courage to put an end to this by making a motion to deny the request.

Chair Newberg closed the public hearing.

In response to Commissioner Romeo's inquiry about the legality of the Planning Commission adopting digital billboard regulations, Ms. Craig opined that the Reno City Planning Commission could make regulations on digital billboards if there were the desire of the Planning Commission.

Ms. Craig further opined that any comments made by the Planning Commission should be in the form of questions or staff direction on the type of information and/or evidence needed to make a decision. Ms. Craig recommended that in the event the matter is to be continued that Chair Newberg reopen the public hearing.

Chair Newberg reopened public hearing.

Ms. Craig noted, in response to Commissioner Romeo's comment about providing direction to staff, that the Planning Commission should phase their comments and direction in general terms so as to avoid the appearance of making a decision at tonight's meeting.

Responding to Commissioner Foster's inquiry about what a "cutout" is, Ms. Hanson explained that the cutout is that which goes beyond the confines of the sign such as the stars and stripes around the main frame of the Peppermill Hotel Casino sign. Ms. Hanson noted that she would research the studies were being conducted by the Federal Highways Administration or NHTSA (National Highway Traffic Safety Administration) and that the tri-vision billboards discussed earlier in the meeting were the three panel rotating billboards currently in use at various locations. The staff recommendation for the digital display is for the sign to change every fifteen seconds.

Responding to Commissioner Foster's inquiry about why an eight second flip is better than a fifteen second flip, Mr. Wasserman noted that the eight second display is believed to be the safest standard from a safety standpoint and that most individuals would not realized that the sign was changing. Mr. Wasserman stated he could provide information to Commissioner Foster.

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Ms. Craig recommended that all additional information be provided to planning staff for distribution to all Planning Commission members so that all member have an opportunity to review and make comment.

Commissioner Weiske expressed his appreciation for the information submitted by all parties at tonight's (November 5, 2009) meeting and asked that staff make sure additional information is provided.

Responding to Commissioner Weiske's comments, Ms. Hanson explained that she had a variety of information that she would share with the Planning Commission and that when she contacted the agency about the study it was indicated that the study would be completed in mid-2010. However, this is the first she knew that there would be additional studies.

Responding to Commissioner Weiske's question about the definition of a "new" sign under the City's ordinance, Ms. Craig opined that it has been interpreted to mean that an existing sign can be rebuilt using new technology and that a new sign would be one that is in addition to those already present in the community. Ms. Craig noted that all billboard were numbered and that the addition of an electronic display on the same structure would not be considered a new sign.

Commissioner Haltom asked how the cap on billboards was arrived at and whether that discussion and subsequent decision was a collaboration of opponents and proponents of billboard.

Ms. Hanson explained that the cap of 278 billboards included the number of billboards located in the City or that have been annexed into the City since the adoption of the ordinance.

Ms. Craig suggested that the Planning Commission may also wish to pose the same questions to Scenic Nevada as well as industry representatives. The banking concept was designed to allow a billboard to be relocated if an immediate location was not identified for one that was being removed.

Mr. Frankovich noted that the cap and banking process had been the result of along collaborative process and that, in his opinion, the phrase "no new billboard" meant that no additional billboard beyond the cap of 278 would be allowed. Mr. Frankovich noted that the ordinance had been amended once since its initial adoption and that a banked billboard cannot be constructed if a location that meets location, spacing and other criteria cannot be met.

Mr. Smith explained that the final ordinance was not what had been envisioned and that the 2000 petition was a last resort to address Scenic Nevada's concerns.

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Commissioner Woosley inquired whether this would apply Citywide and all existing billboards.

Responding to Ms. Hanson's request for clarification, Commissioner Woosley asked whether there had been talk or discussion about allowing billboard in the urban core area of downtown where there is light pollution 24-hours versus other areas, including the freeway.

Ms. Hanson drew attention to the map which indicates the locations in which billboards are permitted as well as those areas when they would specifically be prohibited. Staff does not believe that billboards are appropriate to certain locations, such as the Truckee River Corridor as well as historic areas of the downtown core. Only portions of the I-80 and U. S. Highway 395 corridors would be permitted as well as the South McCarran and South Virginia Street; Moana Lane and South Virginia Street; and Kietzke Lane and South Virginia Street. Ms. Hanson explained that the billboard bank allows the industry to locate a billboard in the allowable areas so long as the proposed billboard meets all other location, zoning and separation/set back requirements.

Responding to Commissioner Haltom's comments about whether higher or lower fees is a consideration when a location is "swapped", Ms. Hanson stated that the proposed location must be zoning and spacing requirements.

Ms. Hanson then responded to Commissioner Coffman's inquiry about the expiration of a billboard, Ms. Hanson explained that staff had believed that the cap on billboards was decreased as they expired. However, legal counsel has opined that the expiration has to do with the company the billboard is assigned to and that once the expiration date has been reached then other billboard companies may exercise a right to relocation the banked billboard if it meets zoning and spacing requirements of City code. Ms. Hanson then noted that one or more billboards may need to be removed to allow a digital board to meet spacing requirement in a location that meets required zoning.

Commissioner Coffman asked that future information include graphs and information about energy consumption as the Planning Commission has been advised that the board use a third less energy as well as testimony indicating much higher energy use.

In response to Commissioner Weiske's inquiry about whether TOD (Transit Oriented Development) Corridor Plans had different billboard restrictions, Ms. Hanson said no.

Chair Newberg called Mr. Wasserman to the podium.

Mr. Wasserman explained that both nits and candela were brightness measurements and that the candela measurement can be taken with a somewhat less expensive piece of equipment. A nit can determine the amount of bleed off by color and is one of the pieces of information that will be provided in the documentation on power consumption.

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Ms. Hanson stated that planning staff would research what studies were being conducted and by whom.

Commissioner Romeo commented that the City is living and growing and that a cap was placed on the total number of billboards in the City not a total ban. Mr. Romeo stated that he would like to see documentation that the eight second flip is the safest and why as well as a comparison with standards in other cities. Commissioner Romeo noted that one of his largest concerns is lighting and that he would like to assure that lighting intensity is decreased during night time hours. Of particular concern to Commissioner Romeo is the potential to put such onerous restrictions on a legal business that it can no longer operate. Commissioner Romeo stated that he could see the Internet Auto Sales sign from his backyard and is perhaps the "most hideous thing" he has seen in the City. Mr. Romeo would also like additional information on the 45-degree angle of the display face.

Responding to Commissioner Coffman's inquiry about where digital billboards can now be placed in the City, Ms. Hanson stated that digital billboards are not allowed under current code. The map identified earlier in the meeting shows where billboards can be placed with a 1:1 exchange ratio.

Commissioner Weiske suggested that part of the presentation by Clear Channel Outdoor that appears to have red and blue squares be included in the information packet.

Ms. Craig reminded Chair Newberg to reopen the public hearing so that additional testimony could be taken if the matter were continued.

Chair Newberg reopened the public hearing.

Commissioner Haltom made a motion to place a permanent moratorium and reject AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diodes). Commissioner Haltom stated he could not make the Findings.

Chair Newberg stated that the motion died due to lack of a second.

In response to Commissioner Foster's inquiry about how long the matter should be continued for, Ms. Hanson stated that the continuance would be more than six (6) months given the amount of research needed. Ms. Hanson emphasized that digital billboards cannot be installed in the City of Reno and that those already in place are located on property owned by Indians or in the City of Sparks.

Commissioner Romeo stated that he believes a six month continuance is not excessive and that it may well take up to nine or more months.

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Commissioner Haltom questioned whether there were more important issues for planning staff to address.

It was moved by Commissioner Romeo, seconded by Commissioner Coffman, to continue the open public hearing in Case No. AT-32-07 (Digital Off-premise Advertising Display, including Light-Emitting Diode) to a no specific date.

Commissioner Weiske stated that he concurred with the continuation to secure additional information and suggested that staff provide periodic updates.

Chair Newberg noted that the update could be included as part of the staff status report heard at all Planning Commission meetings.

Commissioner Romeo concurred with Chair Newberg.

Commissioner Foster noted that while she would prefer to address the matter sooner she is in support of the continuance.

The motion carried: Commissioners Coffman, Foster, Romeo, Weiske, Woosley and Chair Newberg assenting; and Commissioner Haltom dissenting.

VII. TRUCKEE MEADOWS REGIONAL PLANNING LIAISON REPORT *

Commissioner Weiske noted that the Regional Planning Commission (RPC) had acted on and moved several issues forward at their last meeting.

VIII. STAFF ANNOUNCEMENTS * – 1. Report on status of Planning Division projects; 2. Announcement of upcoming training opportunities; 3. Report on status of responses to staff direction received at previous meetings; and 4. Report on actions taken by City Council on previous Planning Commission items.

Claudia Hanson – Deputy Director Planning, noted that a presentation on wind and solar generation would be presented by Jason Geddes at the December 3, 2009, meeting. However, there are no new training opportunities at the moment.

Responding to Commissioner Weiske's inquiry about his previous request for information on reserved parking in otherwise public parking areas, Ms. Hanson stated that she is working with the Planning Commission's legal counsel, Marilyn Craig, to formulate a memorandum on the issue. Ms. Hanson noted that the City Council had upheld recent Planning Commission actions.

IX. COMMISSIONER'S SUGGESTIONS FOR FUTURE AGENDA ITEMS

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Billboards Workshop Draft Minutes

Tuesday, May 24, 2011 – 4:00 p.m.
Community Development Department – 2nd Floor Conference Room
450 Sinclair Street, Reno, Nevada

Staff Present: Claudia Hanson – Planning and Engineering Manager, Vern Kloos, Senior Planner, Marilyn Craig – Deputy City Attorney and Michelle Fournier – Secretary.

Claudia Hanson, Planning and Engineering manager started the meeting at 4:02 p.m.

Ms. Hanson stated that this process since 2007. This item has been to Planning Commission, City Council and back to Planning Commission. She stated that the draft ordinance and copies of the meeting minutes from the May 13, 2009 City Council meeting which includes direction from the Council. In regards to the draft ordinance, there was a question as to whether or not electronic billboards would be allowed in the City of Reno. Once this has been decided, then standards will be reviewed. In regards to the draft ordinance, Ms. Hanson stated that not much was changed except some sections were removed. She highlighted the areas that seem to be the main points of discussion over the last couple of years. Located at the back of the draft ordinance, Ms. Hanson listed questions from the Planning Commission. She also stated that the issue regarding banked receipts and what happens after the 10 year expiration period needs to be discussed.

In response to Jenny Brekhus – Scenic Nevada, regarding the draft Off-Premise Advertising Display (AT-32-07) posted on the City's website under Hot Topics and Current Projects, Ms. Hanson stated that the information that was being handed out at today's meeting is the most accurate.

Ms. Hanson indicated that the areas in the ordinance that are highlighted indicate number have been removed, types of streets, spacing, flip time, brightness, hours of operation. Ms. Hanson asked the attendees if there were any other questions regarding anything in the ordinance that was not highlighted as the main discussion items.

Ms. Brekhus stated that she had a comment. Mr. Brekhus discussed the 2000 vote of the people, the Reno Municipal Code Ordinance and the digital billboard technology and where it stands today. Ms. Brekhus stated that the position Scenic Nevada's is that they are not going to discuss standards, weigh in on illumination, streets, flip time, etc. According to the Scenic Nevada Board, they don't feel that the standards are consistent with the vote of the people. According to Ms. Brekhus, Scenic Nevada does want to participate in the Legislative Policy making activity and initiative but they do not want to offer input on standards that take them further in the continuum than where they feel this should be going. If that involves proposing an ordinance, resolution, or administrative policies that get the City back to where they feel the City needs to be then Scenic Nevada will do that. However, they will not engage in standards on an ordinance they feel gets them farther away from the vote of the people in 2000.

Ms. Hanson asked Ms. Brekhus for clarification of Scenic Nevada's position. In response to Ms. Hanson, Ms. Brekhus stated that they were here to participate in the meeting but only want to speak from generalities as to where they are from the 2000 vote, what is in code now and where this is moving.

Ms. Hanson asked the rest of the participants if they had any further questions. She also stated that Planning Commission has asked for a technical Workshop to discuss the measurement of NITS and explanation of what those terms mean, also an explanation of the safety regulations that are coming from the Feds and any other issues that came up during their meetings.

Ms. Hanson moved on to discuss the Location Criteria and what types of streets the digital billboards would be permitted and prohibited. Leaning towards the arterials (Item 2B) that states "Digital off-premises advertising displays shall be prohibited on minor arterials, collectors and local streets" of the draft ordinance. Per Ms. Hanson, the way that the draft ordinance reads right now, digital billboards would be allowed on major arterials and freeways. Ms. Hanson asked if anyone had any comments.

Aaron West - Clear Channel Outdoor, stated that one of the challenges with this ordinance is that it is written around the idea that, according to Code, there is only one size billboard which is a maximum of 672 square feet, which is the largest one that they have. Something that was contemplated is that you don't typically see as many bulletins on minor arterials and collector streets. Smaller products such as poster projects are typically used areas such as these. So, looking at how the digital ordinance is now structured, it is along the same premise as the current code with an assumption being made that the signs are all the same size. In conversation with some of the Council members regarding their concerns about the billboards and what can be done to clean up some areas. A lot of the issues have to do with the smaller poster units and whether or not they can be swapped out multiple number of posters, or however that works out, basically reducing the number of structures at the end of the day and end up with a newer structure that would work. Mr. West stated that if the City continues with the "one size fits all" perspective, then he suggests leaving the "minor arterial" in the ordinance to give them the flexibility to clean up some of these areas.

Ms. Hanson wanted clarification from Mr. West regarding the exchange rate.

Mr. West stated that according to this version, where it proposes a flat square footage for exchange, he thinks it should be based on a multiplier of the size of the board that is being proposed. Again, the assumption is being made that all signs are 672 square feet. Whereas, he thinks it should be driven by the digital face size that is being proposed. In his opinion, whether the calculation of 3:1 or 6:1, it should be based off of the digital face size.

Ms. Hanson moved on to the section of code stating digital off-premise advertising display shall be no less than a certain amount of lineal feet on either side of the same freeway or street. Ms. Hanson asked for questions or comments for this issue.

Mr. West stated that part of what he was looking to talk about was that Provision B stated that it was pretty redundant with other provisions that were already provided for in 18.16.905(a). He stated that a billboard is a billboard and that digital is a modern way of changing copy. From that standpoint, there should be parameters as to where billboards should go regardless of whether they are static or digital. Mr. West talked about digital off-premises advertising displays

shall not be located in a scenic by-way. He stated that if it was the City's intent to protect scenic by-ways, then it should apply to both static and digital. In his opinion, if the City doesn't want them in Historic or Conservation Districts, then it should apply to both as well. Mr. West suggested that in order to avoid revisiting this, the City should do something dynamic that can grow with the community that identifies zoning districts, major or minor arterials, separations from residential. If you look at 18.16.904 under Permitted and Prohibited Locations, it talks about McCarran Boulevard and the only place signs are permitted is from Talbot Lane to Mill Street and Northtowne to Sutro. If you look at the residential separations that are already in place, that's the only place that they could go anyway. So the idea of calling out specific streets and then drilling down into that type of detail when, if we come up with very clear standards stating that as long as you are certain distance from residential areas and located within these zones, it provides a lot more flexibility as the community grows. You could have an area downtown that is residential but is blighted and someone comes in and mows it over and does commercial and at that point, maybe it's more appropriate to consider some signage.

Ms. Hanson confirmed with Mr. West that he thinks that the traditional type should be the same regarding spacing.

Mr. West asked for clarification in the code regarding spacing. He suggested that 750 feet between static and 1,000 feet between changeable signs or tri-visions. The word that is actually used in Code is "animated" and these are not animated signs as there is no movement that implies that. Mr. West stated that these are static messages and suggested changing the language to "changeable signs".

Lori Wray, Scenic Nevada, asked that if digital billboards are modern ways of copy, then can we leave them up for six months at a time or whatever is the normal period of time? Mr. West advised that it can be anywhere from a week to a year. We are not sending employees up on boards every month or generating vinyl waste going into a landfill. Ms. Hanson will be looking into that. That is on our list from the PC. We are looking into answering how much goes into landfills from the traditional ones and what is the energy draw.

Ms. Wray asked if this is just the modern way and nothing else, if replacing vinyl with light bulbs and air conditioning, where is the energy savings and green impact? We don't want to argue about it, but we don't want it to be left on table as if Scenic Nevada agrees with the statements that are coming out. Ms. Hanson will look back at spacing on the standard ones we have.

Mr. West - as matter of practice, there was a provision that called for 2,000 feet between LEDS and digital billboards, and he wants to clarify that it is 2000 feet and facing the same direction. He would hate to be in a situation where billboards are on opposite sides of the road that are 1,000 feet apart appealing to two different directions of traffic but held to the 2,000 foot standard. He thinks the intent was to have it in line.

Ms. Hanson would like to see and a couple of Council people brought up on 5/13/09 that, if an electronic sign goes up, it would meet the spacing requirements that are in place now so you wouldn't replace an existing non-conforming sign. If they don't currently meet spacing requirements and they were replaced, any new electronic sign would have to meet spacing requirements. You couldn't replace one that is non-conforming that doesn't meet spacing requirements with a new electric one. Mr. West stated that it is an improvement, and just like

any improvement or replacement, it has to comply with new spacing requirements and he believes the industry is on board with that.

Ms. Brekhuis has observed that it seems like the City has a difficult time administering the existing code and keeping an accurate inventory of billboards. She thinks this ordinance applies another layer of administrative activity and concentration. With the reduced staffing level, the City does not have the capacity to do it and doesn't think CD has the capacity or staff to verify or to move forward.

The last billboard survey that Ms. Wray received was in July 2009, almost three years ago. Ms. Hanson advised that we are in the process of contacting all owners of billboards. We are trying to get information from individual owners and catching up with those few. We should have a new survey in the near future.

Ms. Hanson referred to school separation and spacing. Mr. West has seen a lot of digital ordinances around the country and very rarely sees any reference to schools. Ms. Hanson stated that this was brought up by Scenic Nevada at the last hearing with angles, and if visible from classrooms and outdoor recreation areas. Ms. Wray added and also when kids drop off their kids at school and streets they are driving on. Mr. West stated that Clear Channel just entered into an agreement with the school district in Albuquerque, New Mexico where they are installing signs on school district property for purposes of generating revenue for the school district. Mr. Schulte, Yesco, stated that there are several communities across the country which have done that. Mr. West doesn't know if the billboards are that big of a distraction but would hate for an opportunity for school districts to be eliminated by this.

Ms. Hanson had a question about zoning. Mr. Schulte asked that when that came up regarding school districts, how was that worded? Scenic NV brought up that they didn't want it visible or distractions to students if they were sitting in a classroom and being able to see the sign changing. Also included were drop off areas and recreation areas from the campus, but basically distracting students from doing what they are supposed to be doing when they are at school. Mr. Schulte asked if the PC commented and Ms. Hanson replied yes, they did discuss the angles of the signs and the degree. They discussed 45 degree angle from the property, if near school, what angle would it be directed to or away from the school property. The PC decided it was not going to be solved that night and ended the discussion.

Ms. Hanson thinks everyone is in agreement on Historical Conservation Districts and scenic byways.

Mr. West pointed out a technical issue on Item L regarding NDOT approval. An NDOT permit application requires a City of Reno signature so it is a chicken and egg. In the City of Sparks, technically it goes through the planning approval and review and essentially, then it comes back to planning for signature. Ms. Hanson stated that there are other NDOT issues like that. Mr. West stated even if said that it is required where applicable, but it is not applicable in every situation.

Ms. Hanson discussed #3-Section A-Display Criteria. This section was the most detailed one. It would be very difficult to enforce this level of detailed requirement. The main issue would be flip time. Hours of operation keeps coming up from various people. She has seen it in various cities in ordinances where billboards are shut off from midnight - 4:00. It is based on light

intrusion. Ms. Hanson threw in 11:00 - 6:00 because those are the hours of operation required for Special Use Permits. We could put it in a special use permit also for 11:00 - 6:00 in certain areas. That is another option. Mr. West's understanding of the SUP requirement is that it is for a 24 hour operation that is typically associated with a retail center or more importantly with gaming or a food/beverage location that turns into a bar. The idea of a SUP is to let folks know that people may be there late, getting rowdy, making noise, potentially creating issues, etc. These signs don't make noise, create issues or get into fights. These are two totally separate issues. Ms. Hanson advised that on the SUP, in most cases it would be okay, but in certain cases it may not be. In certain areas it may not be because of location or lighting in that certain area. Maybe it would be allowed from 11-6, but we need to look at it on a case by case basis.

Mr. West stated that there are other ways to look at the light intrusion side of it. He believes that NITS is an antiquated system of measuring the output of the sign. The more modern and appropriate means is the foot candle standard. This is recommended by AAA and everyone else. It is in our operating criteria based on .3 foot candles over ambient light so that photo cells that are real time are reading what is going on every couple of minutes with outside light and adjusting the output accordingly. One of the more recent ideas catching on is the use of photo metric plans. We work with lighting professionals and prepare a photo metric plan prior to installation that would provide the necessary assurances so you won't get the light spillage that folks are concerned about.

Ms. Wray has been on the NAB for 8 years, and there are complaints other than about the lighting about the billboards being intrusive. People don't know why they are approved and don't know about Special Use Permits.

Ms. Brekhus had a question about the first sentence in A. Is it the City and industry's position that a minimum of 15 seconds...is it not regulated? Mr. West stated we have some concerns about 15 seconds. Ms. Brekhus questioned if it is an unnecessary restriction on speech. Mr. West stated no, not from a speech perspective, but it is an interference with business practices and business models. It is the equivalent of having a restaurant open up and telling them that they can only charge \$6 for a steak sandwich. We work on a national scale and have digitals in 37 markets. We go to national advertisers and say we can without question put your message up in 37 markets and here are the parameters. You will receive an 8 second flip for this time period and these are the impressions. It is more of an interference of the business model.

Mr. West stated that there is actually a memo from the Federal Highway Administration dated September 25, 2007 that actually indicates that digital billboards are in compliance with the Federal Highway Beautification Act. Also, in response to the message duration, it indicates that the duration of each display is generally bet 4 and 10 seconds, but 8 seconds is recommended. Ms. Hanson did see that and Mr. West gave Ms. Hanson a copy.

Ms. Hanson wondered why 8 seconds is recommended, and why not more? Less is obvious, but why not more? Mr. West stated that we often hear about the FHWA and their involvement in this process, and in some cases, we like to refer to them as the experts. Ms. Hanson stated that one Councilperson said that he wanted the flip on digital signs to be between 30 seconds and one minute. Mr. Schulte stated correct me if I'm wrong but NDOT recognizes that the flip time that is allowed at 6 seconds or longer allowed by State. Under our operating parameters, we work at 8 second intervals. Ms. Hanson stated that it is not less safe if it is longer. It is a business model and not a safety issue if it is longer. I would say there is a safety issue if less but not longer.

Mr. West - we can argue that fact also. There is lots of data that support the fact that they are not unsafe regardless. Mr. Schulte stated that we have had trivisions in the existing ordinance since its inception and allowed six second changes supported by the State of Nevada.

Ms. Hanson stated that they require a certain font size on the letters because if you have the small font, people have more difficult time reading. There is one state that had safety concerns if fonts are too small for people to read and people are staring at it too long because they can't figure out what the words say on the bottom. They had a minimum font size. We cannot get into content, but it has to be a good ad that people can actually read.

Mr. West stated that it's a challenge and we have very specific guidelines that we work under. Susan can speak to it more. As one of the leaders in the industry, it has been kind of an education process with our advertisers. They tend to think I have this message up over here and it worked great, and we are going to throw it onto digital, and it is not always apples to apples. There are different standards for requirements, size of lettering, things like that. Whether that is something that needs to be codified or put into operating parameters is open for debate.

Ms. Hanson would be open to suggestions. We don't want to regulate copy in any way, but if you think there is anything that would be appropriate to require certain letter size or contrast or whatever it is, you are the experts on what makes it more readable and what would be the standards that would potentially go into the code. Mr. West can send over creative guidelines on text. Basically, use large text, bold fonts, stick to one message or idea. Be short and sweet and avoid white backgrounds. Ms. Hanson requested a copy of the guidelines.

Regarding the font issue, Ms. Holthouser thinks it would be difficult for the City to regulate, but the reality is that if clients come up with wanting something that is too small, the ad is not going to work with them. What we have been doing with some advertisers is put on single copy and tell the advertisers that this is what it is going to look like. Usually that is the story right there, and they get it and they revise the artwork. They did that for the River Festival that was downtown. They made recommendations that they should make the logo bigger and take away some copy and the client didn't want to do that. They saw it up the first day, and didn't like it. That is the beauty of digital; you can fix it right then.

Mr. Schulte stated that another outside force that they don't have a lot of control over, especially with Clear Channel, is dealing with consistency in national advertisers and multiple markets. They want the same ad consistent ad across the country. They want it to look the same. When I drive through Missouri, Nebraska, Nevada and California, it has got to look the same. We are dealing with ad agencies which can be very insistent because it is their creation. There is some truth to that in terms of consistency of the ad itself. I saw it here and there, and it has an impact because I saw it multiple times.

Mr. West asked what section we are working down through. Ms. Hanson stated that we are going through the points, but if you need to jump to something else, that is fine. Mr. West - Regarding Section 3D, such advertising device will contain a default design that will freeze the device in one position if a malfunction occurs. We were just thinking if you added "or black" after "in one position". Ms. Hanson agreed.

Mr. West stated that in 6 where it has maintenance requirements, because it claims that the advertising display shall contain a discernable message or graphic at all times. We need to have some provision for repairs to be able to essentially be able to shut it down. I think I have some language that I proposed on that. It is ambiguous; it doesn't provide timeframes. Ms. Hanson advised that if you have some wording, that would be okay.

Ms. Craig requested a remedy for that section. If not in compliance and not being repaired and not being maintained, what is the remedy? There is no remedy listed.

Ms. Brekhus asked where they are all deemed conforming and Ms. Hanson responded 86903A.

Ms. Craig asked if anybody had a remedy language they wanted to throw in. Mr. West thinks there are a couple of places in the code where the City needs remedy language. One area that is vague is the inventory. Inventory shall be submitted or what? It does not provide the "or what" or specific timeframes. We are all on board with providing and making sure everyone understands clearly what inventory is and what banked inventory is and providing a little more detail.

Mr. Schulte stated that part of the remedy is in itself controlled by the billboard companies because we have controls that look at this inventory on a weekly basis. But, our biggest controller is our advertiser. If it isn't working, they want a credit and we don't want to give credits. So we want them working as often as possible. So, we are self controlled from a remedy standpoint. But, that doesn't solve your legal issue that you are thinking about, Marilyn. Ms. Hanson stated that it is your best interest to keep them working. Mr. Schulte added and to the customer and community. We put up a lot of public service announcements, and we want to make sure they are displayed properly and equally as the other advertisers are.

Ms. Craig asked for Mr. Schulte to clarify are you saying that we don't need a section on maintenance requirements? Mr. Schulte doesn't think that we do, but I am just saying that there is already a built in remedy, but not a legal remedy. Ms. Craig added you know very well that I am looking at legal, what can we do to you? Mr. Schulte stated that unfortunately, I have run into this in other areas and with other contractors. It is not the guys sitting around this table that you need to worry about. There are some remote operators, not necessarily in this area, who don't keep an eye on their products. I understand your need to protect yourself.

Ms. Hanson asked if there was anything before 4C. Mr. West stated that regarding Item 4 in its entirety, I want to thank Scenic Nevada because they gave a really good example in their PowerPoint presentation. By industry standards, this is a poor example of digital. This is what happens when you regulate the output by NITS and not by foot candles based on ambient light. This was set to a maximum daytime setting, and then it got overcast and it severely affected the ambient light, and what happens is you get a blown board. You have been working on this since 2007, and this is very dynamic since the technology is changing and a lot of new stuff is going on.

Mr. West just brought a copy of a proposed replacement for section 4 that would really just change that standard. Also from an enforcement standpoint, you can get a foot candle measuring device for a couple of hundred dollars where a NIT device is a couple of thousand. A lot of the complaints and consternation has to do with that intrusion of light and if we can control it

relative to the ambient light. Ms. Hanson thinks that PC would like to discuss how signs can actually adjust through the day. Mr. West can bring that in and the necessary technical folks.

Ms. Hanson asked if there was anything else on 4. Lori? Jenny? Then let's move onto 5. At Council, the discussion on the replacement or removal ratio was all over the place. Ms. Hanson had very wide direction from Council. The Mayor wanted to look at the ratio of regular compared to digital. Ms. Sferrazza wanted to take down the ones that don't meet spacing requirements. Ms. Hanson asked if there were any comments on proposed ratios.

Mr. West already expressed concerns about the use of flat square footage and thinks six to one is excessive. Regarding the removal of one existing non-conforming, his concern is if looking at entirely new location, idea is to take one structure down and put up new structure and have a trade in on banked credits. There are a lot of instances where existing structures do meet various requirements for installation of digital and we could do it on structure that is there. Obviously, we would have to be conforming, meeting setbacks and things of that nature. He is hoping to see is the use of existing structures or banked credits to satisfy that requirement.

Mr. West stated that the whole intent of the 2001 vote by Scenic Nevada was to cap the number of boards at that time. Or maybe that wasn't their intent, but it was how everything was interpreted at the end of the day by the time it went to the Supreme Court and came back. It fairly clearly states that we set that number based on what it was and from there it was the intent of the City of Reno to reduce that number going forward. CCO has been very aggressively taking down structures where they need to be taken down and trying to do our part to clean up the areas. At the end of the day, if we have some kind of ratio for banked credits for digital installation, that is the best assurance we can provide that at the end of the day we are going to reduce the overall number of boards. I would say with digital we can be very effective in reducing the overall number of boards in the community and the impact that you guys are worried about. I just think six to one is a little excessive.

Ms. Wray - Features and characteristics are different. I don't understand the last statement about the bank and I don't see how that is reducing the number of signs on the street by taking credits out of the bank. Mr. West - At the end of the day, as long as the bank receipt is sitting there, it has the potential of becoming a sign within the community, and my understanding is that you are trying to reduce the overall number of signs. And, if through this mechanism, if we can provide a more efficient, more modern product and reduce the overall liability, it seems like it would be a win for both sides.

Ms. Wray stated that the vote was about putting a ban on it, and then having attrition when the billboard comes down so it does not go into the bank. It just never existed again. So eventually we would get fewer and fewer billboards. I don't see his approach reducing the number of signs. Mr. West stated that the legal interpretation he read puts a cap in place with the bank credit system based on wording of the ballot question. We are not going to re-open what happened in 2000/2001.

Ms. Hanson - one item that we can bring in is what happens after the 10 years? Code says that the bank receipt is effective for 10 years, and I have discussed this with people from the sign industry and Scenic Nevada. And from what I gather, it is everybody's understanding, that it goes away after 10 years.

Ms. Craig will write a legal interpretation because she believes miscommunication has occurred on all of this. Council can change how it stands now. Ms. Hanson agreed. Ms. Craig stated that because I don't know what I think right now, if you want some adjustments, you guys can talk about that and how you want to proceed from there. Ms. Hanson stated that we will come up with a recommendation and will need that interpretation before we come to an ultimate recommendation on the exchange rate because that will make a difference on the exchange rate. If a banked receipt is nine years old and in the 10th year it goes away or becomes a free agent, for lack of a better term, then that is going to change.

Ms. Craig stated that she can appreciate that. She thinks we have gone beyond that in resolving the legal interpretations and issues as we have worked through that. So, Ms. Craig just needs to write that out and work through that and make sure everyone has the same understanding. Ms. Wray added she would enjoy talking rather than just in generalities. Outside of planning and zoning regulations, what is the government's responsibility to implement? We are also listening very carefully to the non-conformance issues, what is non-conforming and who is in non-conformance. She would like to touch on those two issues. Ms. Craig stated that we will keep it to what happens at the end of 10 years and then proceed in that fashion. There are a myriad of questions and thousands of legal questions.

Ms. Hanson thinks those are the main issues of the draft ordinance. She just wanted to touch on those issues so we are all focused on the same issues. The question that PC came up with was who is conducting the safety study and Ms. Hanson has that. The other question was who negotiated the original ordinance and Ms. Hanson advised that we can have that. Ms. Craig recalled that it was a major discussion that went on for some period of time and she remembers considerable participation.

Ms. Brekhus asked for clarification on whether the Supreme Court ruled on the ordinance or the initiative. She believes they just ruled on the validity of the initiative itself, not on the City's implementation of it. Mr. West believes that Ms. Brekhus is correct and then that language was used in various forms. Ms. Craig asked how the City interprets the language if it is ambiguous. She doesn't think there are any settlement agreements. The Supreme Court spoke and Council made its decision. Obviously, there were disagreements and everyone had a chance to persuade Council. Ms. Hanson can track down how the ordinance was written, but is not sure if it was a working group, City staff or PC, but we can do the research on that.

Ms. Hanson stated that we discussed before the comparison of energy used for electronic signs versus traditional signs. I would appreciate any information either side has for me on the amount of electricity used on electronic signs, and then materials that would be put into landfills, and the balance of the energy efficiencies of those items. Mr. West sought that information, but unfortunately the power consumption is proprietary by the manufacturers, at least Yesco and Techtronics. They won't share that information. I can tell you that it is becoming amazingly efficient. There are numerous claims by their opponents that billboards consume power equivalent to 14 houses. All this stuff is dynamic, and it is very old and antiquated information. Four years ago, when digital billboards were installed, a 400 amp meter service was required, which was the equivalent of 2 homes. The newer units are down to 80 amps, considerably less than one house to power that unit. Since we are paying that power bill, it is in our best interests to become more efficient and to reduce those bills. That is the best reference I can give you, but I think it is substantial.

Ms. Wray has some current information that an LED expert gave them, and she thinks the information is available on the website.

Mr. West stated that we have gone from 400 amps to 80 amps. Ms. Hanson will check with our environmental specialist on staff and see if he has any information. Mr. Hara asked if you guys get a power bill, wouldn't you know the power usage? That should be easy to figure out. Mr. West replied that he wishes it was that easy. There are multiple boards linked together on one bill. We have static and digital on one bill, and we are not getting a bill for just that one unit.

Ms. Hanson has covered everything that was brought up in past meetings, with PC, Council and these meetings. Are there any questions at this time? Our next step is to have a more technical and educational workshop with PC probably toward the end of summer to give them a background and some data to make them more knowledgeable on the topic in general.

Mr. Hara had one question as to the rationale for Point 3 – foot candles over ambient. Mr. West advised that it is essentially what has been developed in the industry as an industry standard.

Ms. Craig asked if there are signs around town, not necessarily billboards, on premises that are brighter than that? There are those that tend to stand out. Mr. West stated that there are a considerable amount of them. Unfortunately, he doesn't believe there is a luminescence standard within the on premise code and that can be a challenge. Ms. Hanson confirmed that there is not a luminescence standard yet.

Ms. Brekhus asked if the on premise ordinance in on the work program and if we would tackle that after this is tackled. Ms. Hanson stated that it is on the work program, but these are two separate issues that we have been asked to keep separate.

Ms. Hanson stated that the technical workshop is open to the public.

Ms. Hanson stated that the issues that we will be presenting to PC are known, so if you have any information that you want to share with us, please feel free to send that in, and we will put together some sort of presentation.

The meeting was adjourned at 5:10 p.m.

RENO CITY PLANNING COMMISSION

Members:	Voice Mail	
Kevin Weiske, Chair	326-8859	Patrick Egan.....326-8858
Dennis Romeo, Vice Chair	326-8863	Max Haltom.....326-8861
Doug D. Coffman.....	326-8864	Dagny Stapleton326-8860
		Jason Woosley326-8862

WORKSHOP

Tuesday, September 20, 2011

5:00 p.m.

City Council Chambers
Reno City Hall
1 East First Street, Reno, Nevada

This Agenda is posted at Reno City Hall, 1 East First Street, City of Reno Community Development Building, 450 Sinclair Street, Evelyn Mount Northeast Community Center, 1301 Valley Road, and Washoe County Library Downtown Branch, 350 South Center Street. Further, in compliance with NRS 241.020, this notice has been posted on the official website for the City of Reno, <http://www.reno.gov>.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend meetings. If you should require special arrangements for the meeting, please contact our offices at 334-2576 prior to the date of the meeting.

Any action taken by the Planning Commission on a tentative map, special use permit, variance or skyway is final unless appealed. Any person aggrieved by the decision may file an appeal. Each person/entity must make his/her/its own appeal. Appeals must be filed with the City Clerk within 10 days of the Planning Commission hearing by submitting the appropriate form and fee. All other matters will be forwarded to the City Council with the Planning Commission recommendation.

Staff reports will be available for review the Friday prior to the public hearing at <http://www.reno.gov>.

The City of Reno Planning Commission's By-laws are available at <http://www.reno.gov/Index.aspx?page=940>. The bylaws provide information regarding procedures before the Planning Commission.

Public comment, whether on action items or general public comment, is limited no more than three (3) minutes. Each member of the public is provided one Public Comment opportunity on any individual action item, including public hearings, and one opportunity for general public comment. The public may comment by submitting a "Request to Speak" form to the Secretary.

If a Public Comment is related to an action item, please identify the action item by number on the Request to Speak form.

If you are commenting on an action item, you may choose to comment either at the beginning of the Agenda during Item III, Public Comment, or at the time the action item is heard. To select public comment at the time that an action item is heard, such selection must be indicated on the Request to Speak form.

NOTE: Agenda items may be taken out of order. The time listed next to a specific agenda item indicates that the specific item will not be heard before that time – it does not indicate the time schedule of any other items. The public body may combine two or more Agenda items for consideration. Also, the

Planning Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. PUBLIC COMMENT - This item is for either general public comment or for public comment on an action item. If commenting on an action item, please place the Agenda Item number on the Request to Speak form.
- IV. DISCUSSION OF GENERAL ELECTION, QUESTION R-1 OF NOVEMBER, 2000 RELATING TO BILLBOARDS.
- V. EXPLANATION AND DISCUSSION REGARDING EXISTING OFF-PREMISE ADVERTISING DISPLAY ORDINANCE AND POSSIBLE SECTIONS TO BE AMENDED.
- VI. PRESENTATION AND DISCUSSION FROM SCENIC NEVADA ON HOW TECHNOLOGY HAS REVOLUTIONIZED THE SIGN INDUSTRY SINCE VOTERS RESTRICTED NEW BILLBOARDS IN THE CITY OF RENO IN 2000 AND THE NEED FOR DETERMINING COMMUNITY PREFERENCES REGARDING SIGNAGE, ALONG WITH A PRESENTATION ON THE IMPACTS OF ELECTRONIC BILLBOARDS ON DRIVER DISTRACTION; AND INFORMATION ON DIGITAL SIGNS AND ENERGY USAGE.
- VII. EXPLANATION AND DISCUSSION REGARDING TECHNICAL ASPECTS OF ELECTRONIC BILLBOARDS INCLUDING BUT NOT LIMITED TO LIGHTING STANDARDS, SPACING, FLIP TIMES, AND SAFETY STUDIES.
- VIII. PUBLIC COMMENT – This public comment item is to allow the public to provide general public comment and not for comment on individual action items contained on this Agenda.
- IX. ADJOURNMENT (For Possible Action)

IF THE MEETING GOES BEYOND 8:00 P.M., THE PLANNING COMMISSION MAY POSTPONE REMAINING ITEMS.

Reno City Planning Commission



WORKSHOP

MINUTES

Tuesday, September 20, 2011 ~ 5:00 p.m.

Reno City Hall – Council Chambers

One East First Street, Reno, Nevada

MEMBERS

Kevin Weiske, Chair
Dennis Romeo, Vice-Chair
Doug Coffman
Patrick Egan
Max Haltom
Dagny Stapleton
Jason Woosley

I. PLEDGE OF ALLEGIANCE

Chair Weiske led the Pledge of Allegiance.

II. ROLL CALL

Chair Weiske called the meeting to order at 5:03 p.m. A quorum was established

PRESENT: Doug Coffman, Patrick Egan, Max Haltom, Dennis Romeo, Dagny Stapleton, Kevin Weiske and Jason Woosley.

ABSENT: None.

Marilyn Craig – Deputy City Attorney, was also present.

Chair Weiske stated the purpose of this workshop is for the Planning Commission and the City of Reno Planning Staff to gather information regarding the future of electronic billboards in the City of Reno. It is not to make a recommendation to the City Council or to take a vote. It is not to discuss on-site building or property signage.

III. PUBLIC COMMENT - This item is for either general public comment or for public comment on an action item. If commenting on an action item, please place the Agenda Item number on the Request to Speak form.

None.

Chair Weiske asked if there was a common spokesman for the billboard industry.

Aaron West – Clear Channel Outdoor, stated that he would be speaking on Item No. VII of the agenda and would be the only one presenting.

Lori Wray – Scenic Nevada, stated that Chris Wicker and Mark Wray would be speaking on behalf of Scenic Nevada.

Chair Weiske stated that he would allow 30 minutes from each group to make their presentations combined or individual. Public Comments will be allowed after the break. The general public will be allowed 3 minutes each for their comments. The meeting will be stopped at 8:00 p.m. Another meeting will be scheduled if more time is needed.

IV. DISCUSSION OF GENERAL ELECTION, QUESTION R-1 OF NOVEMBER, 2000 RELATING TO BILLBOARDS.

Marilyn Craig, Deputy City Attorney, explained that there is litigation regarding billboards. Ms. Craig explained that in 2000 the initiative for billboards stated "that the construction of new, off-premises advertising displays/billboards is prohibited and the City of Reno may not issue permits for their construction." Subsequent to that time, there was a challenge to the initiative as to whether it was an appropriate topic for an initiative that ultimately went to the Supreme Court. The Supreme Court decided that it was an appropriate topic for the initiative and thereafter was codified into our code. Subsequent to that time, City Council allowed billboards to be banked, removed from a physical location and then put into a virtual location called a bank and moved to a new physical location. The same billboard in original position. That was essentially the code in 2000 for off premises advertising displays and billboards. As you know, a new sign code was adopted as of September 14th of this year.

Chair Weiske – we will go through the presentations and write down any questions and then at the end, we will bring those back to the Planning Commission and go through the list individually.

V. EXPLANATION AND DISCUSSION REGARDING EXISTING OFF-PREMISE ADVERTISING DISPLAY ORDINANCE AND POSSIBLE SECTIONS TO BE AMENDED.

Ms. Hanson will give a brief overview of why we are here and what we want you to think about until we bring back an ordinance. In 2009 staff received direction to bring through an ordinance through processes that considers allowing electronic billboards in the City of Reno. Currently they are not allowed within the City of Reno. There are some around town. The Indian Colony and Sparks do allow them. Washoe County does not allow them.

In 18.16.905(a) it states that "all lighting should be directed toward the off premise advertising display". It couldn't have the LED type of lighting. As Chairman Weiske stated, we are looking at off premise advertising and not on premise advertising. If you have questions about The Wild Orchid, Atlantis, Peppermill and car dealers on Kietzke, they are on premise signs.

Ms. Hanson has been going over some questions over last couple of months. There are 234 standing billboards and approx 50 in the bank. There is still one owner that we are debating, and we are finishing the inventory, so it might change by one. We have existing billboard ordinance 18.16.901 and we have copies outside. This portion of title 18 relates to off premises advertising. This is the section we are amending. We have added in portions amended by Council on Sept 14th.

Before you are minutes from the 2009 City Council meeting with discussion the last time this went to City Council regarding electronic billboards and their direction to staff. We were told to bring an ordinance back through the process addressing locations, exchange ratios and dark sky areas. Items to think about:

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Do we want electronic billboards? Yes or no? If yes, then we need to go further into the ordinance to determine how to regulate.

Where and where do we not want to have electronic billboards? There are a number of theories. Some people think we shouldn't go into downtown and others think since downtown is the 24 hour portion of town, we should put them downtown.

South Virginia Street – this is where most people expect to see them or do we relocate them someplace else? Others believe S. Virginia is too cluttered as it is.

Are the two highways, 395 and 80, appropriate?

There is the distraction issue near the Spaghetti Bowl.

Should we have them in more remote darker areas to the south and the west and Verdi and Mogul? There are very limited signs there, just Terribles and Boomtown have on premise signs but there is not much lighting out there.

How about the North Valleys and the Reno Stead corridor joint plan? We did not allow billboards in the past, because Washoe County didn't allow them. That was changed with the last update of the plan, and they are now allowed in the joint plan area.

Dark skies areas – we don't know if they have dedicated ones. There are some neighborhoods that have dedicated themselves as dark sky areas. Where would you want them to relocate – where lighting is now or it is not now. That is a consideration.

Spacing is also an issue we want you to consider. On standard billboards, 750 feet is standard. Tri vision or animated is 1000 feet spacing from each other, but would 2000 feet be more appropriate?

How many electronic billboards should we allow? Should there be a cap or ratio to other billboards or population per square miles or miles of freeway? Do we want a cap? Do we want a specific number of them and the reason for that number?

The exchange rate has been a hot topic. If a company puts up an electronic billboard, what would they give up? They currently have to take down one or have one in the bank to exchange before putting up new one. How many would they give up to obtain an electronic billboard? Five, eight and ten were the options of what the exchange rates could be.

Should it be a standing billboard or a banked billboard to obtain the right to put up an electronic billboard?

The flip time is how long a message stays up. The minimum industry standard is 8-10 seconds, and it needs to flip immediately with no blending of messages. How long does each message appear on the screen? We are looking at various ordinances across the country. Eight to ten seconds is the standard but it is up to 20 minutes in Bloomington, MN. In Lincoln, Nebraska, they have a 10 second minimum, but they are turned off at midnight and turned back on at 5 am. Any of these options we can look into.

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These are the key issues and topics. Listen to the following presentations and review the ordinances. You can bring back issues at future meetings for more discussion and direction.

VI. PRESENTATION AND DISCUSSION FROM SCENIC NEVADA ON HOW TECHNOLOGY HAS REVOLUTIONIZED THE SIGN INDUSTRY SINCE VOTERS RESTRICTED NEW BILLBOARDS IN THE CITY OF RENO IN 2000 AND THE NEED FOR DETERMINING COMMUNITY PREFERENCES REGARDING SIGNAGE, ALONG WITH A PRESENTATION ON THE IMPACTS OF ELECTRONIC BILLBOARDS ON DRIVER DISTRACTION; AND INFORMATION ON DIGITAL SIGNS AND ENERGY USAGE.

Chair Weiske: Scenic Nevada will have 30 minutes as a whole.

Chris Wicker will be speaking on behalf of Scenic Nevada. He will address primarily the ordinance that was passed as a result of the ballot question. In 2000 citizens came to the Planning Commission and made a strong case. The way things stood, billboards were out of control in the City Of Reno along new highways and blocking wonderful scenic views. Many people considered them a blight on our community and that they took away the beauty of the city, particularly with Reno being a tourist city, and they added clutter to the landscape and driver distraction.

Mr. Wicker added that the Planning Commission did not pay attention to the concerns of citizens, so their concerns were taken to the City Council, who did not pay attention to the concerns of the citizens at that time. So, the citizens of Reno put forth a ballot question to limit billboards in this community which was challenged vigorously by the billboard industry. They tried to circulate a deceptive competing ballot question, but it was withdrawn. The ballot question went to election. The billboard industry outspent Citizens for Scenic Reno something to the order of a couple hundred thousand dollars to a thousand dollars. The ballot question won by a significant majority with the citizens of Reno.

This was Passed and subsequently enacted into law of the City of Reno: "The construction of new off premise advertising displays/billboards is prohibited and the City of Reno may not issue permits for their construction.

After ballot questions survived the courts and the Nevada Supreme Court upheld its validity as a ballot question, it was required by law and enacted as an ordinance by the City of Reno 18.16.902(a). After it became law of the City of Reno, the City Council went about subverting the will of the voters. One instance was relocation of billboards, so the City Council enacted an inconsistent ordinance and allowed the billboard companies to relocate billboards. For example, there is a billboard on old Highway 40 and they were permitted to relocate that billboard say on new sections of Highway 395 as long as the maximum number of billboards did not increase.

Going back to the language of the ballot issue passed by the citizens "Construction of new off premises advertising displays/billboards is prohibited". It is difficult to explain to anybody

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when someone asks about construction of new billboards going up behind my business when there was a ballot question prohibiting construction of off premises advertising displays/billboards. That is the relocation policy enacted by City Council. If the Scenic Nevada group had funds, we would have taken it to court at that time, but we don't have unlimited funds as the billboard industry seems to have.

Marilyn mentioned that these billboards would be relocated and the same billboard reconstructed somewhere else. With all due respect, that is not true. A new billboard is constructed at the new location. You have all seen the new billboards go up with sturdy single pillar steel structures that require a structural permit and a permit from the City of Reno. They were put in place where no billboards were ever put before. It is a clear violation of the ordinance.

Digital billboards were prohibited because it requires lighting of sign to be oriented toward the display. The more important restriction on the construction of billboards is back in the ballot question "Construction of new off premises advertising displays/billboards is prohibited and the City may not issue permits for their construction".

If somebody comes before this board and asks to construct a digital billboard, and they are going to tear down an existing billboard and construct a digital billboard, how is that not a new off premises advertising display? It becomes a completely different type of advertising display which defies logic and the English language. City ordinance 18.16.902(a) absolutely prohibits construction of digital billboards. If the Planning Commission was to devise an ordinance that would allow construction of digital billboards, setting forth all of the different conditions, such as flip times, lumens of light, exchange rate and size of display, that is going to be a new off premises advertising display/billboard, and that is prohibited by Reno city ordinances.

I am here to ask you and give you my opinion that digital billboards should be a non starter unless you change the ordinance that was enacted by the City of Reno. If you are going to do that, the Planning Commission should be honest, and say well this is a new time and we are going to go against the will of the voters and enact a new ordinance and throw out the one passed by the citizens in 2000. The City Council should take the same bull by the horns. I think it is a travesty for the Planning Commission or the City Council to try to pretend that digital billboards are not new off premise advertising displays/billboards because they are prohibited under current law by ordinance as voted by the citizens of Reno.

Mark Wray, attorney by profession in Reno, spoke next. He is a civil business lawyer and also a member of Scenic Nevada. He has attended workshops with billboard industry reps and Scenic Nevada and others. Questions by city staff by Ms. Hanson was series of questions, such as do we want electronic billboards, where, spacing, caps, exchange rates, standing or banked ones that get exchanged, flip time? Her first question is the controlling one, "Do we want electronic billboards"? Who is we? You know what the voters want – no new billboards. They said it in their ordinance.

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You have material in your packet which includes a more recent poll in which the question was asked as you may know, except for land designated to Native Americans, digital billboards are not allowed in the Reno City limits. The City of Reno is considering changing the law to allow new construction of digital billboards. Do you think the City of Reno should change the law and allow billboards in the City of Reno? A scientific poll was done. 600 people were polled with 28% yes, 55% no and 17% not sure. The attitude of the people who live in Reno has not changed. Not only the existing law but the ordinance has not changed.

We are now talking about a quantum leap. We are not talking about a board that displays an advertisement for a month or so. We are talking about multiple advertisements in a repeating fashion, digitally emblazoning. You have seen what they are like, and I hope you have seen our presentation. They are bright and intrusive, and the fact is that they use so much energy. New billboards are a whole new type of billboard. I amplify the comments made by Mr. Wicker and say that this is way beyond what the people of Reno would have allowed if they knew the new billboards were not only not going to be the kind we had before but the kind proposed now. In the poll of 600 respondents, the clearest question is "if you were looking outside your window from your home or workplace, would you object to seeing a digital billboard"? 66% said yes, 28% said no and 6% were not sure.

People in the billboard industry have to recognize that they don't want a billboard in their block or in front of their business blocking their view. They don't want that any more than you do. The billboard industry says it is economics and I don't care what the people want. Nobody wants them in front of them, even people in the billboard industry.

We also submitted a petition from many people. We set up a booth about whether they believed the ordinance that prohibited off premise advertising displays/billboards should continue to be prohibited? 350 signatures were collected in a few hours. The answer has to be no.

On this ballot question where it says "construction of new off premises advertising displays/billboards is prohibited and the City may not issue permits, that is in the conjunctive. Not only is the construction prohibited, but the issuance of permits is also prohibited. Voters wanted to say we can't even consider issuing a permit. There has been litigation involving billboards that went to the Supreme Court, and the law remains the same. Mr. Wray doesn't see any reason why it should be changed. The Planning Commission should follow the law that exists that people said should be the law. Sparks and the Native American tribe allow them, but they don't have that law.

Issues about where they should be, spacing, how many, exchange rate, flip time, all of those questions are questions that should not be addressed. By addressing those questions, you are saying you have gotten past the law.

Chair Weiske requested that Ms. Fournier jot down 14 minutes and 56 seconds in case Scenic Nevada would like rebuttal time. We will do the same for Clear Channel.

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VII. EXPLANATION AND DISCUSSION REGARDING TECHNICAL ASPECTS OF ELECTRONIC BILLBOARDS INCLUDING BUT NOT LIMITED TO LIGHTING STANDARDS, SPACING, FLIP TIMES, AND SAFETY STUDIES.

Next on our agenda are the technical aspects from the billboard industry. You will have 30 minutes

Aaron West, Clear Channel Outdoor, spoke next. Ms. Fournier restarted the clock. We heard about the absolute wording of the ballot question and how it related to possible injustices against everyone based on how they are interpreted and implemented into the ordinance. Ballot questions are tricky. They are an initiative question. As function of preparing an initiative, proponents of the initiative drafted the following arguments for passage and this argument was exactly what was used by the City Attorney's office to provide information to the City Council whether they should go forward in the manner as they did.

"There are 278 off premise billboards existing in the City. This initiative petition prohibits any increase in the present number of billboards. This initiative does not ban existing billboards, but it does place a cap on their numbers. The voters' approval of the initiative would therefore have no significant affect on the current level of business on the billboard industry in the City of Reno. The logic for the City Attorney's office going forward was that the argument for passage speaks in terms of a cap on the number of billboards, the actual number of billboards is provided in the argument, speaks to stopping the growth of new billboards and that the initiative will provide that an increased number of billboards will be prohibited and not that it is anticipated that the number will decrease. It further states that passage will have no significant affect on the current level of business of the billboard industry. The meaning of new billboard would not relate to location of the billboard.

Regarding public opinion polls, I have never seen a poll that didn't provide the results of the person paying for the poll. When the RGJ ran a story about the Scenic Nevada poll and offered their own online version, the results came back very different and over 64% were in favor of digital billboards.

What are digital billboards? They are changeable message displays and nothing new. They are currently allowed under the City of Reno sign ordinance and in place throughout the community. They are Trivisions, a mechanical system that alternates through three separate and distinct messages at eight second intervals. They are just modernization of this technology. There are many misconceptions and false impressions about digital billboards and many do not make the distinction between them and on premises signage. They think digital billboards have animation, flashing lights, rolling texts, when in fact they are static messages with no movement, no motion and no video.

Are they legal? There was a memo from the FHA in 2007 clarifying they are not a violation of the Lady Bird Johnson Act. There was operating criteria in this memo about the duration of messages and eight seconds was recommended.

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This is not something unique to our area. There are 37 markets for Clear Channel with 650 locations nationwide. This is a modern way of changing copy. Currently a plastic vinyl wrap is printed on and there you go. The conversion to LED face eliminates land fill waste because those signs that are pulled down have to go somewhere. We are reducing vehicle use because we no longer have to send people out in their trucks and there is no climbing which increases safety. All changes are done via satellite link. LED technology for digital billboards consists of groupings of LEDs essentially size of pencil erasers in colors of blue, red and green. They are in rows, and there are louvers that reduce sky glow and light trespass. There are louvers over each row of LEDs, shielding that light that could venture up. LEDs are manufactured with refracting lens at the end of the diode focusing on the light into a directed beam. The focal point is 300 feet in front of the LED board. If you go 200 feet out in front of board and step out 20 feet, there is no impact on the ambient light.

Dimming capabilities of digital billboards is huge. The units installed in our community feature dimming capabilities. The data is fed to software and the brightness actually changes throughout the day and night. During midday, the bright sunlight display must operate at higher output level just to be able to be read. At 10 PM it is running at about 10% of capacity. This is the standard by the OAAA, our national industry association, and Clear Channel standards.

We use the nit standard or foot candle. Nits measure the maximum output at any one time. I feel the foot standard is much more applicable as interested in output of sign relative to ambient light. The lighting standards will not measure more than 0.3 foot candles over ambient light. At 250 feet, you should not exceed 0.3 foot candles over ambient light. Boards adjust within seconds.

Regarding the concerns of our opponents, Aaron showed a video to clarify. It included different locations and dates and distance from the camera. The video was shown again with lights off in chambers. One was at night with dimming capabilities. Left is the vinyl and right is the digital. It was a static message and the flips are so fast that you don't even recognize them. Then, at night time, it shows the affects of the dimming capabilities.

Another concern of opponents was traffic safety. Opponents would have you believe that billboards and especially digital billboards are a huge distraction. We should focus on those that lead to accidents. Use of phones while driving leads to accidents and thus that use has been regulated. We knew the information had to be unbiased information and above reproach, so five studies were done. The outdoor industry had no input on how the information was compiled. Accident data was documented and more than 160,000 accident records and approx. 69 digital billboard faces were analyzed. Study was done over course of time, 2007 through 2011, and the results were the same. They took sections of roads that had digitals installed and took accident data for three years prior to installation and 3 years after installation. Conclusion of every one of the evaluations was that there was no statistically significant relationship between accidents and digital billboards. They are safety neutral.

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Unfortunately, the energy consumption is a function of proprietary information. The LED is a modernization. It is no different than going from a rotary phone compared to a mini computer in our pockets now. They have made amazing strides in efficiency. Yesco announced that digital billboards use one fourth of the power required just 6 years ago, and they anticipate another 25% decrease in 2011. The latest digital billboards only require a 60 amp power service whereas the average home runs on a 200 amp power service.

What we can do for you? Digital billboards are used for emergency messaging during natural disasters. This is an image in Oakland in response to the Japan earthquake. The content is relayed via satellite, so it is relayed in minutes and not days. In Tuscaloosa after a tornado destroyed the city, we immediately put messaging up on how to contact FEMA. They are such effective tools that Homeland Security directed FEMA to use digital billboards whenever possible.

Clear Channel Outdoors is committed to working with the regional Emergency Operations Center at the joint dispatch center so any situation of regional significance is routed through the REOC. If there is a situation, such as a flood downtown or a fire that closed down Geiger Grade, we let the public know how to avoid an area or what routes to take to stay out of harms way, and we are working to implement that right now. We still do have several initiatives that we work with daily, such as the Amber Alert, where they provide preemption of existing advertising. In order for Amber alert to be issued, we have to have certain pieces of information, such as names and vehicle descriptions. We work with local jurisdictions and get the message out there and help track down missing persons. Clear Channel will work with local jurisdictions and get the information.

Catching criminals — they have had tremendous success through a partnership with the FBI and recently the northeast rapist was caught within three weeks of digital billboards going up. An FBI spokesman stated that electronic billboard messages outpace the internet and rivals America's Most Wanted in catching criminals. They are so successful that they received the FBI Director's Reward for Excellence in Catching Criminals.

That is what Clear Channel can bring to the community. If the goal is to reduce the number of billboards, then digital billboards are the best bet. I hope you will consider the offer from the industry to remove three conventional faces for each digital installed.

Mr. Weiske requested Ms. Fournier to put 10 minutes and 30 seconds on her notepad for Clear Channel. Mr. Weiske asked if Mr. Wray or Mr. Wicker would like to use their rebuttal time. Ms. Fournier put their remaining time up.

Chris Wicker of Scenic Nevada was pleased to see Mr. West did not try to claim that construction of dig billboard is not construction of a new billboard because it obviously is. Also, I am glad that he did not claim that they would not need a permit issued by the City of Reno for construction of new digital billboards.

What he did say is in the past the City has justified circumventing voters choices by pointing to one sentence in the arguments for passages that this initiative places a cap on billboards.

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Yes, it does place a cap on billboards, but you have to look at the language of the initiative because the language of the initiative is the law, not the arguments for or against passage. Scenic Nevada never dreamed that the City Council would come up with a relocation plan to circumvent the will of the voters.

I suspect some of you are familiar with the ballot process, where you have arguments for and against passage and reply by the proponents and reply by the opponents. Reply by opponents is put together by the billboard industry. These are the words of the billboard industry. "proponents of this initiative are incorrect when they state that the initiative will merely place a cap on the number of billboards allowed in the City of Reno. The wording on this initiative specifically prohibits building permits for any new billboards". So back then the billboard industry realized what this initiative does. Now that they have this relocation policy approved by the City of Reno and now that they are before you asking for new digital billboards, they ignore how they originally interpreted what the ballot language said. It is not subject to interpretation. Mr. Wicker doesn't think you can get any clearer than what the initiative says. No new billboards and no permits for their construction.

Mark Wray wanted to address democracy and the reference by Mr. West. He said what our opponents say about this and that. Our opponents are the citizens of Reno. As a lawyer, I deal with law all the time and accept law because legislature has passed it or people adopted an initiative. Regardless whether position, voted for or against, I accept that people voted on it. The question raised here was "Are the people smart enough to know what the initiative meant? Once law is the law, it is the law. The Poll that the billboard industry refers to in the RGJ was one of those polls that you click the button whether you are for or against it. As the poll went on, we noticed a strange thing that happened. In the very early hours before dawn in Reno, a large number of votes came from nowhere and the vote switched from 2/3 against billboards to being in favor of billboards. All of a sudden, there was unscientific flood of votes. We are not saying anyone is directly responsible for trying to influence vote, but when you have that sort of thing going on, that happens.

When people are viewing outside their homes or offices, they are still saying no new billboards.

Mr. Weiske asked if Mr. West would like rebut. Mr. Weiske asked Ms. Fournier to reset the clock for Mr. West's rebuttal.

Mr. West would like to address not arguing the point on the new billboards. We haven't jumped into that. They consider these to be conversions of existing structures and not new permits. The billboard face is actually personal property and not permitted. The structure itself is the permitted item. A permit is not required to change the display, but maybe an electric permit is required to wire the board. They are still willing to work with the City to reduce the overall number of boards in the community. South Virginia was brought up and multiple structures that create a cluttered effect. This could be an opportunity to do something about that. We do have a business to run. Out of the goodness of our hearts, we cannot mow down 10 structures, but if we could mow down 10 and put up two or convert to digital, then I think it is a win for the City. We can come to the table with offers to make

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this right and look forward to discussing more of that in detail, but there is a tremendous community benefit and we can build on that.

Mr. Weiske closed the meeting to take a 10 minute break and to re-adjourn at 6:25.

We will leave it open and just take a break.

Upon return to the meeting, Mr. Weiske asked for disclosures from the Commissioners.

Commissioner Coffman has received numerous emails on this topic.

Chairman Weiske added the same with me.

Vice Chair Romeo has had numerous emails also and met with Scenic Nevada for coffee and met with Clean Channel also.

Commissioner Stapleton has received numerous emails.

Commissioner Egan has received numerous emails

Commissioner Haltom has received numerous emails and met with the Clear Channel rep.

Chairman Weiske advised that there is an agenda item which is public comment. He would like to hold public comment until the very end for general public comments from anybody who would still like to speak. Right now going to ask anybody here in the audience who would like to speak in favor of and in opposition to add additional information to presentations heard to fill out a request to speak form and to make their way up to the microphone after introducing yourself and speaking and then drop your card off to Ms. Fournier.

VIII. PUBLIC COMMENT – This public comment item is to allow the public to provide general public comment and not for comment on individual action items contained on this Agenda.

Chairman Weiske opened the meeting to public comment. Hearing and seeing none, Chairman Weiske closed that part of the public comment. He brought it back to the Planning Commission for questions of any of the presenters we have heard from this evening including staff and legal.

Commissioner Coffman asked Ms. Hanson "what is the Sparks ordinance"? Ms. Hanson tried to get to their webpage earlier but couldn't access their ordinance but will get that to you. Commissioner Coffman felt that we received the Reader's Digest version of the ordinance and requested the total ballot question. Ms. Hanson will get that wording.

Commissioner Coffman asked Mr. Wray about the poll. Mr. Wray responded that it was a survey. It was a Scenic Nevada Reno billboard survey and the were done by MJ Ross Group that does surveys. There is a couple page summary of what the survey was like, and it has demographics and percentages of responses, and that is what he is quoting from. If it is not in the packet, Mr. Wray can make more copies.

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Vice Chair Romeo asked Mr. Wray "is it the position of Scenic Nevada that it is an all or nothing proposition"? There is no leeway and no room for negotiation? Is there some room to negotiate because I know when I had coffee it seemed like there was some willingness to do some talking.

Mr. Wray – I speak as a member and not as an attorney for Scenic Nevada. Yes, it is an all or nothing proposition. The law is the law, just exactly what you said.

Mr. Romeo asked Mr. West if the proposal from the industry is a 3 to 1 ratio for digital to conventional for retirement. I have an email from a former commissioner that there should be a start on the reduction, and I am looking at the number of banked boards and my question is how many advertisements can you put on a digital board with the best control technology? Mr. West answered eight spots. Recognizing if you have an advertiser who is only getting one eighth of the time, they are not willing to spend the same money.

Vice Chair Romeo asked if there would be a willingness on the part of the industry to negotiate different numbers on that ratio? Is 3 to 1 that the first step of the bargaining process? Mr. West answered yes.

Vice Chair Romeo asked what would be a reasonable flip time for the industry?

Mr. West – the Federal Highway Administration recommends an eight second flip. Other side is from a business model perspective where we have 37 jurisdictions, 650 faces. When national sales folks go into a Pepsi and say we can take you into these markets and so many flips in so many days, it really starts to mess with the business model and I think it is minutia and don't think you want to get into legislating business. Mr. West will fall back on the FHA recommendation of eight seconds.

Vice Chair Romeo asked how far a car travels at 8 seconds at 65 MPH and would it be the same for interstate highway systems as for downtown? Vice Chair Romeo requested that Mr. West come back with that information.

Mr. West - if there were different results from crash test information that indicated electronic billboards were a distraction, they might have rethought if there was accident impact due to the billboards. There is zero negative impact so didn't cause them to look at that. Every situation is different and every board has a distinct read, where it sits, what other obstructions are in the way. There are several signs where NDOT signage is in the way, and they get excited if they can see 2 or 3 flips.

Vice Chair Romeo asked if there would be a willingness from the industry to give up some of the banked boards to go with ratio somewhere between 3 and 8.

Mr. West – because of the way the code is currently structured, it is all based on the banked so what he would propose is that whatever number that is times the square footage of structure to be put up and not just the number of faces. He doesn't want a situation where someone has five poster units and wants to put up a bulletin. The square footage side of it needs to be clarified.

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Vice Chair Romeo asked if 4 or 5 smaller boards could be used to replace one larger board.

Mr. West – what happens if you take down one board? The code already clarifies that. If five banked receipts are required for square footage, then it implies that if you don't have banked receipts that you are going to take down a board and create a banked receipt and then use the banked receipt to satisfy that requirement.

Vice Chair Romeo – the argument for passage in the 2000 initiative was the number of boards was 278. The number he is now hearing is 234 existing and 50 in the bank. Ms. Hanson responded that it is different because of annexations. Mr. West can provide numbers on Sparks code. It provides for construction of billboards within industrial zones, with 1500 spacing between boards and 35 foot maximum height. Only caveat that allows digital in Sparks is the one sentence in the code that says the light shall shine onto the face.

Commissioner Woosley – It was brought up earlier new construction versus existing. You are just re facing an existing structure, so wouldn't you have to pull a permit to convert from vinyl to digital?

Ms. Hanson – it would be considered the same board. If switching from vinyl to electronic, it would still be the same structure. The electrical and support would be different. You would need a permit to adjust the existing structure.

Commissioner Woosley asked what is the industry recommending on the exchange rate? Ms. Hanson would like to revisit all aspects of it, but in previous drafts, there have been anywhere from the five to ten range from old draft ordinances.

Commissioner Woosley – asked Scenic Nevada about new construction of billboards and not wanting to look out your window at new billboards that weren't previously there. What is your stance if the same structure was converting to digital billboards?

Mr. Wicker – The structure would not be the same. Digital is frequently a lot heavier because of electronics. If it is the same foundation but build a new structure, how can face not be part of the billboard? Ordinance says itself "construction of new off premises advertising displays/billboards". If changing the billboard, how can you say it is not a new billboard? There are several things at work. If you are looking out your window and there is a billboard there already and they take it down and build a digital billboard, you still see a billboard out your window. I don't think that addresses the issue under the law if that is a new billboard for which you need to pull a permit. The ordinance as passed by the people of the City of Reno doesn't limit it to special use permit, construction permit, or electrical permit or business permit. It says no permits.

Commissioner Woosley asked Ms. Craig what is the intent of the law and are we getting too close to litigation? Ms. Craig replied that if you are asking Scenic Nevada, unless actually a member of it, they may have difficult time telling you what the intent was. We don't know

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the intent of the people who voted for it, but I think you can ask the question of Scenic Nevada. Commissioner Woosley will hold that question.

Commissioner Woosley asked Mr. West if he agreed with Scenic Nevada that you would have to completely redo the structure to put up a digital billboard going back to exchange or construction or repurpose of existing billboard at an existing location. Mr. West replied that there are several situations where structures are suitable for installation for an LED face. To clarify, the industry perspective is this. Once you have a structure, whether it is a bulletin face or two poster faces or an LED face, those are the personal property side of it. I can appreciate where the City wants to get the revenue from building permits from installing that LED. There can be some minor modifications, but three months later, if we decide that business model is not working and we pull off faces and go back to bulletin faces, we are not going to get a refund.

As far as our opponents take on it, for 10 years Clear Channel Outdoor has been working under the current criteria. Within that 10 years, we have actually removed and relocated 36 structures, with new permits, new sites, new structures, under the current system. Where have they been over the past 10 years fighting these new structures and just now coming up as it relates to digital? The benefit of the system as it exists is you were comprehensive to say where you are willing to accept billboards. We know we don't want them in certain areas, such as at McCarran and Caughlin Ranch. We don't want them in certain sections of town. The code is very clear where they are allowed and what circumstances such as zoning and spacing requirements. The benefit to the community is that by allowing for relocation, we have a structure that doesn't currently comply with the code as it is written, but we can take that one down and go to another location where it does comply and relocate it there.

Commissioner Stapleton asked in terms of the current language in the ordinance, it says that lights should only shine onto the face, and this prohibits digital billboards because they are lit from behind? Ms. Hanson replied yes, that is correct.

Commissioner Egan asked Mr. West how many of the 284 billboards Clear Channel has control over and Mr. West replied that they have control over all of them. Typically billboard companies have a land lease in place for the site and then the structure is built and fully owned by the billboard company.

Commissioner Egan asked Mr. West if you were able to take 3 or 5 banked billboards and put up a dig billboard, would that require the consent of the land owner of that property? Mr. West's responded that our lease language is vague enough to allow for it, however, we prefer to have an ounce of caution and rewrite those leases and specifically include the language to allow for digital.

Commissioner Egan -- you are familiar with Sparks city code and language. The lights facing the image, wasn't that the one discrepancy? Is there anything in the ordinances that discusses the issuance of permits? Mr. West is not aware of any in Sparks. He hasn't run into a situation in Sparks where we have just swapped out a face. There are times when a

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structure is not suitable for retrofit and we build a new structure. It has been the latter and we have paid full permit fees to the City of Sparks. They are pretty significant.

Commissioner Haltom wanted to know the expression for selling advertising space as far as the number of impressions or viewings. Mr. West informed him that they are actually switching to a new standard called izons, based on DCS which takes into account primarily traffic counts and looks at the number of cars going by and they have some formula.

Mr. Haltom asked if there are two identical campaigns on two identical billboards, the price might vary depending on the number of izons and where is the izon data coming from? Clear Channel Outdoor's corporate office brings in consultants that go into different markets and evaluate that. And usually if we do a new structure that needs to be added into inventory, they ask for traffic counts. The analysis is site specific.

Commissioner Haltom asked staff in the future to provide areas where electronic billboards might be considered and he requested traffic counts or izons for these different locations, be it 395 or South Virginia or 4th and Mayberry. If that is a standard and that information is available, he thinks that would be an interesting piece of data for discussing exchange rates. Ms. Hanson may have some existing counts or may look at the capacity of streets.

Commissioner Haltom was wondering if there might be something more consistent that we could rely on instead of pulling data out of thin air and throwing out numbers, 3, 5, 8, 10 exchange rates in the areas that Claudia mentioned earlier.

Commissioner Haltom advised Commissioner Mr. Romeo that you would travel 762.67 feet in 8 seconds at 65 MPH.

Commissioner Coffman asked how long some of the structures have been up in Reno. According to Mr. West, he can go back to some leases in their files that date back to the 50s. Commissioner Coffman asked if there is a safety issue with some of these structures? Mr. West had shown slides with hurricanes where the structure withstood the wind. What is the advantage or is there an advantage of changing out a billboard from a two pole structure to one pole? What do they put up today? That's where Mr. West gets nervous. Ideally we would remove the existing structures that are less sightly and are lacking. We have a lot more flexible design to current codes that we can guarantee will sit there for next 30 years without issues.

Commissioner Coffman asked if there is a safety issue due to the weight of LED vs. the current billboards, and Mr. West advised him that we still have to go through all the structural engineering to make sure it works. Ms. Hanson advised that mono poles are required by new codes. If updating structures, it needs to become a single pole, which is required by code.

Mr. West advised Chairman Weiske that the billboards where the face is in multiple pieces and it rotates and has two or three faces is called trivision. There are six in Reno.

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From an ordinance perspective, they are referred to as changeable or animated and per Ms. Hanson that is the correct language and there are six in the inventory. They rotate at eight second flips and can handle three messages and are allowed within the code. There is no exchange on a three to one. They are considered single face. Ms. Hanson added that the only difference is the spacing requirement on those which is 1000 instead of 750.

Chairman Weiske asked Mr. Wray as far as being a member of Scenic Nevada, is their position that this is an all or nothing proposition? But with new ordinance, if there was a way to start permanently reducing the number of billboards by allowing an LED lit sign, wouldn't that help the community by reducing the number of signs permanently?

Mr. Wray – whatever we enact if there were less billboards, would we be happy? The City of Reno defended itself through Marilyn Craig and we were not the primary party, that is why we believe the intent of the ordinance is that billboards will disappear over time and we will have less of them. It was not to replace them and therefore have a static number or a certain number. We want none more. Once they go away, they go away. That's what this law is about. No permits for any more new construction of billboards. It's construction and it's new.

Chairman Weiske stated that if a new billboard stands up for another 50 years, we have a billboard for another 50 years. But, if billboard operator wanted to come in and do an LED sign and was willing to give up 10 never to be built again, wouldn't that reduce the number quicker? Mr. Wray answered that it would reduce that number during that period of time while they didn't build more because we are trading one for three, but what you are basically asking people to agree to is to let them violate the law because this violation will make up for another one. That is contrary to my way of thinking. People said no new billboards. If your billboard is replaced because it is non-conforming, and there are many on South Virginia by my office, it should go away because the lease was lost or whatever and it should not be replaced at another location. What you are saying is that we can get rid of some by putting up new ones, and I am saying it violates the law to put up new one. And you are saying yes it does, it violates the law, but we are doing something better because of it. I don't think that justification works. If the goal was to have less and to replace them, the law would have said something different. That is my opinion, and I haven't asked Chris Wicker what he thinks about that. As a member, that's what our association believes the law says clearly. No new permits. How can you construe that any other way, Mr. Chairman? Any new permit violates the law.

Chairman Weiske – there are currently 284 and those 284 could remain for another 50 years or until they blow down or until a lease is gone or something kicks in to take it down. Mr. Wray added that we lost 50.

Chairman Weiske added that they are banked, so let's not talk about the banked ones. Let's not go there. Let's deal with 234 of them. If there was a way to reduce that number permanently and never to go back to it, wouldn't that be better for this community because we would have less in the air? Mr. Wray - yes, because less billboards are better. It's not our position that it is the thing to do for public policy reasons and it's the law. Chairman

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added that he respects that, but he won't take one side of your statement without using the other side. I promise because I understand what you are saying.

Mr. Wray – I appeared to you all talking about billboards at specific sites. Remember the ones at the Spaghetti Bowl about 100 feet tall and Interstate 80 where they were filling in drainage way and putting in a new development for commercial, and the developer agreed to no new billboards. We have fought many battles over billboards over the past 10 years, and meanwhile, billboards have been disappearing. We are happy to see that. We don't want to see a new law coming in that allows all the billboards that can be built by this industry to the number they say it can be.

Chairman Weiske asked Mr. Wray when a law is voted on or an ordinance is enacted, over period of time, is it ever modified? Mr. Wray stated that once it is on the books, it becomes a law that is subject to being amended by the City Council, and I admit that laws do get changed over time. This is an example of a change in the law. The City Council has to say to the people in the community we understand what you want, but we are going to change the law. That's what has to happen. I think that's what should be understood.

Chairman Weiske – before moving on, I would like to say thank you to everyone who has addressed us this evening, staff, legal, the general public, the emails that I got, and I got a lot of them over the last week. I felt they were quality emails, respectful emails just the same as our testimony this evening. What is taking place tonight is information gathering so we can make a better decision and start to gain an opinion on how this issue before us will be dealt with in the very near future. Without the information and time that everybody has put into this right now, we wouldn't be able to make a quality decision down the road.

Staff has not put together a draft ordinance at this time, although that is what City Council has asked them to do. This is part of that process. This will be coming to the Planning Commission before long to make a recommendation and take a vote to City Council. That date has not been set yet and I know you will stay up on your emails and agendas. Conversation and emails between now and then are wonderful. If you hear something different or new information out there, send it to us. It is important because that will help us create our opinion down the road once a new draft ordinance is brought before the Planning Commission. Thank you everybody who has participated up to this point.

Ms. Hanson asked that Chairman Weiske add discussion for these items to the next agenda where we can bring back more information. Chairman Weiske asked staff to put this on our next Planning Commission agenda for October 5 so that can continue conversation and have an update of where we are. If commissioners feel we should have another workshop after and have time to digest what was brought before us tonight, let's have that discussion with me and Claudia and staff. We will talk about it as a group at our open meeting on October 5th or to re-agendize something or update of staff when we can look for the draft ordinance. Ms. Hanson will put that on the 5th agenda.

Chairman Weiske moved onto Item 8 – public comment. This item allows the public to provide general public comment and not for comment on individual action items contained

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on this agenda. Is there anybody here that would like to speak anymore this evening? I have four requests to speak forms or public comment forms and they are all in opposition. They have some handwritten comments on them but no one wants to speak tonight.

Ms. Craig asked that those comments and names be read into the record.

Vice Chair Romeo read the public comment forms as follows:

Sue Smith does not wish to make a statement, but is in opposition. She is opposed to the proliferation of billboards. They are garbage on a stick and they decrease our scenic beauty.

Lori Wray does not wish to speak, but is in opposition. She is opposed to digital billboards. They are ugly, intrusive, distracting and a blight on our neighborhood and also are not permitted under law.

John Harrah does not wish to make a statement, but is in opposition. Digital billboards represent new construction and are simply against the existing law already in place. Talking about criteria and ratio for digital billboards vs. standard billboards should not even be a point of discussion and should be reconsidered in the context of the existing law.

John Walker does not wish to make a statement, but is in opposition. Voting is voting, and the law is the law. The judicial review has been concluded. The rights of the voters have been withheld, yet we are here today. Why is that?

Chairman Weiske closed public comment.

IX. ADJOURNMENT (For Possible Action)

Chair Weiske adjourned the meeting at 7:13 p.m.

**AS APPROVED BY THE RENO CITY PLANNING COMMISSION IN SESSION ON
NOVEMBER 2, 2011.**

Reno City Planning Commission



WORKSHOP

MINUTES

Tuesday, September 20, 2011 ~ 5:00 p.m.

Reno City Hall – Council Chambers

One East First Street, Reno, Nevada

MEMBERS

Kevin Weiske, Chair
Dennis Romeo, Vice-Chair
Doug Coffman
Patrick Egan
Max Haltom
Dagny Stapleton
Jason Woosley

I. PLEDGE OF ALLEGIANCE

Chair Weiske led the Pledge of Allegiance.

II. ROLL CALL

Chair Weiske called the meeting to order at 5:03 p.m. A quorum was established

PRESENT: Doug Coffman, Patrick Egan, Max Haltom, Dennis Romeo, Dagny Stapleton, Kevin Weiske and Jason Woosley.

ABSENT: None.

Marilyn Craig – Deputy City Attorney, was also present.

Chair Weiske stated the purpose of this workshop is for the Planning Commission and the City of Reno Planning Staff to gather information regarding the future of electronic billboards in the City of Reno. It is not to make a recommendation to the City Council or to take a vote. It is not to discuss on-site building or property signage.

III. PUBLIC COMMENT - This item is for either general public comment or for public comment on an action item. If commenting on an action item, please place the Agenda Item number on the Request to Speak form.

None.

Chair Weiske asked if there was a common spokesman for the billboard industry.

Aaron West – Clear Channel Outdoor, stated that he would be speaking on Item No. VII of the agenda and would be the only one presenting.

Lori Wray – Scenic Nevada, stated that Chris Wicker and Mark Wray would be speaking on behalf of Scenic Nevada.

Chair Weiske stated that he would allow 30 minutes from each group to make their presentations combined or individual. Public Comments will be allowed after the break. The general public will be allowed 3 minutes each for their comments. The meeting will be stopped at 8:00 p.m. Another meeting will be scheduled if more time is needed.

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IV. DISCUSSION OF GENERAL ELECTION, QUESTION R-1 OF NOVEMBER, 2000 RELATING TO BILLBOARDS.

Marilyn Craig, Deputy City Attorney, explained that there is litigation regarding billboards. Ms. Craig explained that in 2000 the initiative for billboards stated "that the construction of new, off-premises advertising displays/billboards is prohibited and the City of Reno may not issue permits for their construction." Subsequent to that time, there was a challenge to the initiative as to whether it was an appropriate topic for an initiative that ultimately went to the Supreme Court. The Supreme Court decided that it was an appropriate topic for the initiative and thereafter was codified into our code. Subsequent to that time, City Council allowed billboards to be banked, removed from a physical location and then put into a virtual location called a bank and moved to a new physical location. The same billboard in original position. That was essentially the code in 2000 for off premises advertising displays and billboards. As you know, a new sign code was adopted as of September 14th of this year.

Chair Weiske – we will go through the presentations and write down any questions and then at the end, we will bring those back to the Planning Commission and go through the list individually.

V. EXPLANATION AND DISCUSSION REGARDING EXISTING OFF-PREMISE ADVERTISING DISPLAY ORDINANCE AND POSSIBLE SECTIONS TO BE AMENDED.

Ms. Hanson will give a brief overview of why we are here and what we want you to think about until we bring back an ordinance. In 2009 staff received direction to bring through an ordinance through processes that considers allowing electronic billboards in the City of Reno. Currently they are not allowed within the City of Reno. There are some around town. The Indian Colony and Sparks do allow them. Washoe County does not allow them.

In 18.16.905(a) it states that "all lighting should be directed toward the off premise advertising display". It couldn't have the LED type of lighting. As Chairman Weiske stated, we are looking at off premise advertising and not on premise advertising. If you have questions about The Wild Orchid, Atlantis, Peppermill and car dealers on Kietzke, they are on premise signs.

Ms. Hanson has been going over some questions over last couple of months. There are 234 standing billboards and approx 50 in the bank. There is still one owner that we are debating, and we are finishing the inventory, so it might change by one. We have existing billboard ordinance 18.16.901 and we have copies outside. This portion of title 18 relates to off premises advertising. This is the section we are amending. We have added in portions amended by Council on Sept 14th.

Before you are minutes from the 2009 City Council meeting with discussion the last time this went to City Council regarding electronic billboards and their direction to staff. We were told to bring an ordinance back through the process addressing locations, exchange ratios and dark sky areas. Items to think about:

Do we want electronic billboards? Yes or no? If yes, then we need to go further into the ordinance to determine how to regulate.

Where and where do we not want to have electronic billboards? There are a number of theories. Some people think we shouldn't go into downtown and others think since downtown is the 24 hour portion of town, we should put them downtown.

South Virginia Street – this is where most people expect to see them or do we relocate them someplace else? Others believe S. Virginia is too cluttered as it is.

Are the two highways, 395 and 80, appropriate?

There is the distraction issue near the Spaghetti Bowl.

Should we have them in more remote darker areas to the south and the west and Verdi and Mogul? There are very limited signs there, just Terribles and Boomtown have on premise signs but there is not much lighting out there.

How about the North Valleys and the Reno Stead corridor joint plan? We did not allow billboards in the past, because Washoe County didn't allow them. That was changed with the last update of the plan, and they are now allowed in the joint plan area.

Dark skies areas – we don't know if they have dedicated ones. There are some neighborhoods that have dedicated themselves as dark sky areas. Where would you want them to relocate – where lighting is now or it is not now. That is a consideration.

Spacing is also an issue we want you to consider. On standard billboards, 750 feet is standard. Tri vision or animated is 1000 feet spacing from each other, but would 2000 feet be more appropriate?

How many electronic billboards should we allow? Should there be a cap or ratio to other billboards or population per square miles or miles of freeway? Do we want a cap? Do we want a specific number of them and the reason for that number?

The exchange rate has been a hot topic. If a company puts up an electronic billboard, what would they give up? They currently have to take down one or have one in the bank to exchange before putting up new one. How many would they give up to obtain an electronic billboard? Five, eight and ten were the options of what the exchange rates could be.

Should it be a standing billboard or a banked billboard to obtain the right to put up an electronic billboard?

The flip time is how long a message stays up. The minimum industry standard is 8-10 seconds, and it needs to flip immediately with no blending of messages. How long does each message appear on the screen? We are looking at various ordinances across the country. Eight to ten seconds is the standard but it is up to 20 minutes in Bloomington, MN. In Lincoln, Nebraska, they have a 10 second minimum, but they are turned off at midnight and turned back on at 5 am. Any of these options we can look into.

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These are the key issues and topics. Listen to the following presentations and review the ordinances. You can bring back issues at future meetings for more discussion and direction.

VI. PRESENTATION AND DISCUSSION FROM SCENIC NEVADA ON HOW TECHNOLOGY HAS REVOLUTIONIZED THE SIGN INDUSTRY SINCE VOTERS RESTRICTED NEW BILLBOARDS IN THE CITY OF RENO IN 2000 AND THE NEED FOR DETERMINING COMMUNITY PREFERENCES REGARDING SIGNAGE, ALONG WITH A PRESENTATION ON THE IMPACTS OF ELECTRONIC BILLBOARDS ON DRIVER DISTRACTION; AND INFORMATION ON DIGITAL SIGNS AND ENERGY USAGE.

Chair Weiske: Scenic Nevada will have 30 minutes as a whole.

Chris Wicker will be speaking on behalf of Scenic Nevada. He will address primarily the ordinance that was passed as a result of the ballot question. In 2000 citizens came to the Planning Commission and made a strong case. The way things stood, billboards were out of control in the City Of Reno along new highways and blocking wonderful scenic views. Many people considered them a blight on our community and that they took away the beauty of the city, particularly with Reno being a tourist city, and they added clutter to the landscape and driver distraction.

Mr. Wicker added that the Planning Commission did not pay attention to the concerns of citizens, so their concerns were taken to the City Council, who did not pay attention to the concerns of the citizens at that time. So, the citizens of Reno put forth a ballot question to limit billboards in this community which was challenged vigorously by the billboard industry. They tried to circulate a deceptive competing ballot question, but it was withdrawn. The ballot question went to election. The billboard industry outspent Citizens for Scenic Reno something to the order of a couple hundred thousand dollars to a thousand dollars. The ballot question won by a significant majority with the citizens of Reno.

This was Passed and subsequently enacted into law of the City of Reno: "The construction of new off premise advertising displays/billboards is prohibited and the City of Reno may not issue permits for their construction.

After ballot questions survived the courts and the Nevada Supreme Court upheld its validity as a ballot question, it was required by law and enacted as an ordinance by the City of Reno 18.16.902(a). After it became law of the City of Reno, the City Council went about subverting the will of the voters. One instance was relocation of billboards, so the City Council enacted an inconsistent ordinance and allowed the billboard companies to relocate billboards. For example, there is a billboard on old Highway 40 and they were permitted to relocate that billboard say on new sections of Highway 395 as long as the maximum number of billboards did not increase.

Going back to the language of the ballot issue passed by the citizens "Construction of new off premises advertising displays/billboards is prohibited". It is difficult to explain to anybody

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when someone asks about construction of new billboards going up behind my business when there was a ballot question prohibiting construction of off premises advertising displays/billboards. That is the relocation policy enacted by City Council. If the Scenic Nevada group had funds, we would have taken it to court at that time, but we don't have unlimited funds as the billboard industry seems to have.

Marilyn mentioned that these billboards would be relocated and the same billboard reconstructed somewhere else. With all due respect, that is not true. A new billboard is constructed at the new location. You have all seen the new billboards go up with sturdy single pillar steel structures that require a structural permit and a permit from the City of Reno. They were put in place where no billboards were ever put before. It is a clear violation of the ordinance.

Digital billboards were prohibited because it requires lighting of sign to be oriented toward the display. The more important restriction on the construction of billboards is back in the ballot question "Construction of new off premises advertising displays/billboards is prohibited and the City may not issue permits for their construction".

If somebody comes before this board and asks to construct a digital billboard, and they are going to tear down an existing billboard and construct a digital billboard, how is that not a new off premises advertising display? It becomes a completely different type of advertising display which defies logic and the English language. City ordinance 18.16.902(a) absolutely prohibits construction of digital billboards. If the Planning Commission was to devise an ordinance that would allow construction of digital billboards, setting forth all of the different conditions, such as flip times, lumens of light, exchange rate and size of display, that is going to be a new off premises advertising display/billboard, and that is prohibited by Reno city ordinances.

I am here to ask you and give you my opinion that digital billboards should be a non starter unless you change the ordinance that was enacted by the City of Reno. If you are going to do that, the Planning Commission should be honest, and say well this is a new time and we are going to go against the will of the voters and enact a new ordinance and throw out the one passed by the citizens in 2000. The City Council should take the same bull by the horns. I think it is a travesty for the Planning Commission or the City Council to try to pretend that digital billboards are not new off premise advertising displays/billboards because they are prohibited under current law by ordinance as voted by the citizens of Reno.

Mark Wray, attorney by profession in Reno, spoke next. He is a civil business lawyer and also a member of Scenic Nevada. He has attended workshops with billboard industry reps and Scenic Nevada and others. Questions by city staff by Ms. Hanson was series of questions, such as do we want electronic billboards, where, spacing, caps, exchange rates, standing or banked ones that get exchanged, flip time? Her first question is the controlling one, "Do we want electronic billboards"? Who is we? You know what the voters want — no new billboards. They said it in their ordinance.

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You have material in your packet which includes a more recent poll in which the question was asked as you may know, except for land designated to Native Americans, digital billboards are not allowed in the Reno City limits. The City of Reno is considering changing the law to allow new construction of digital billboards. Do you think the City of Reno should change the law and allow billboards in the City of Reno? A scientific poll was done. 600 people were polled with 28% yes, 55% no and 17% not sure. The attitude of the people who live in Reno has not changed. Not only the existing law but the ordinance has not changed.

We are now talking about a quantum leap. We are not talking about a board that displays an advertisement for a month or so. We are talking about multiple advertisements in a repeating fashion, digitally emblazoning. You have seen what they are like, and I hope you have seen our presentation. They are bright and intrusive, and the fact is that they use so much energy. New billboards are a whole new type of billboard. I amplify the comments made by Mr. Wicker and say that this is way beyond what the people of Reno would have allowed if they knew the new billboards were not only not going to be the kind we had before but the kind proposed now. In the poll of 600 respondents, the clearest question is "if you were looking outside your window from your home or workplace, would you object to seeing a digital billboard"? 66% said yes, 28% said no and 6% were not sure.

People in the billboard industry have to recognize that they don't want a billboard in their block or in front of their business blocking their view. They don't want that any more than you do. The billboard industry says it is economics and I don't care what the people want. Nobody wants them in front of them, even people in the billboard industry.

We also submitted a petition from many people. We set up a booth about whether they believed the ordinance that prohibited off premise advertising displays/billboards should continue to be prohibited? 350 signatures were collected in a few hours. The answer has to be no.

On this ballot question where it says "construction of new off premises advertising displays/billboards is prohibited and the City may not issue permits, that is in the conjunctive. Not only is the construction prohibited, but the issuance of permits is also prohibited. Voters wanted to say we can't even consider issuing a permit. There has been litigation involving billboards that went to the Supreme Court, and the law remains the same. Mr. Wray doesn't see any reason why it should be changed. The Planning Commission should follow the law that exists that people said should be the law. Sparks and the Native American tribe allow them, but they don't have that law.

Issues about where they should be, spacing, how many, exchange rate, flip time, all of those questions are questions that should not be addressed. By addressing those questions, you are saying you have gotten past the law.

Chair Weiske requested that Ms. Fournier jot down 14 minutes and 56 seconds in case Scenic Nevada would like rebuttal time. We will do the same for Clear Channel.

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VII. EXPLANATION AND DISCUSSION REGARDING TECHNICAL ASPECTS OF ELECTRONIC BILLBOARDS INCLUDING BUT NOT LIMITED TO LIGHTING STANDARDS, SPACING, FLIP TIMES, AND SAFETY STUDIES.

Next on our agenda are the technical aspects from the billboard industry. You will have 30 minutes

Aaron West, Clear Channel Outdoor, spoke next. Ms. Fournier restarted the clock. We heard about the absolute wording of the ballot question and how it related to possible injustices against everyone based on how they are interpreted and implemented into the ordinance. Ballot questions are tricky. They are an initiative question. As function of preparing an initiative, proponents of the initiative drafted the following arguments for passage and this argument was exactly what was used by the City Attorney's office to provide information to the City Council whether they should go forward in the manner as they did.

"There are 278 off premise billboards existing in the City. This initiative petition prohibits any increase in the present number of billboards. This initiative does not ban existing billboards, but it does place a cap on their numbers. The voters' approval of the initiative would therefore have no significant affect on the current level of business on the billboard industry in the City of Reno. The logic for the City Attorney's office going forward was that the argument for passage speaks in terms of a cap on the number of billboards, the actual number of billboards is provided in the argument, speaks to stopping the growth of new billboards and that the initiative will provide that an increased number of billboards will be prohibited and not that it is anticipated that the number will decrease. It further states that passage will have no significant affect on the current level of business of the billboard industry. The meaning of new billboard would not relate to location of the billboard.

Regarding public opinion polls, I have never seen a poll that didn't provide the results of the person paying for the poll. When the RGJ ran a story about the Scenic Nevada poll and offered their own online version, the results came back very different and over 64% were in favor of digital billboards.

What are digital billboards? They are changeable message displays and nothing new. They are currently allowed under the City of Reno sign ordinance and in place throughout the community. They are Trivisions, a mechanical system that alternates through three separate and distinct messages at eight second intervals. They are just modernization of this technology. There are many misconceptions and false impressions about digital billboards and many do not make the distinction between them and on premises signage. They think digital billboards have animation, flashing lights, rolling texts, when in fact they are static messages with no movement, no motion and no video.

Are they legal? There was a memo from the FHA in 2007 clarifying they are not a violation of the Lady Bird Johnson Act. There was operating criteria in this memo about the duration of messages and eight seconds was recommended.

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This is not something unique to our area. There are 37 markets for Clear Channel with 650 locations nationwide. This is a modern way of changing copy. Currently a plastic vinyl wrap is printed on and there you go. The conversion to LED face eliminates land fill waste because those signs that are pulled down have to go somewhere. We are reducing vehicle use because we no longer have to send people out in their trucks and there is no climbing which increases safety. All changes are done via satellite link. LED technology for digital billboards consists of groupings of LEDs essentially size of pencil erasers in colors of blue, red and green. They are in rows, and there are louvers that reduce sky glow and light trespass. There are louvers over each row of LEDs, shielding that light that could venture up. LEDs are manufactured with refracting lens at the end of the diode focusing on the light into a directed beam. The focal point is 300 feet in front of the LED board. If you go 200 feet out in front of board and step out 20 feet, there is no impact on the ambient light.

Dimming capabilities of digital billboards is huge. The units installed in our community feature dimming capabilities. The data is fed to software and the brightness actually changes throughout the day and night. During midday, the bright sunlight display must operate at higher output level just to be able to be read. At 10 PM it is running at about 10% of capacity. This is the standard by the OAAA, our national industry association, and Clear Channel standards.

We use the nit standard or foot candle. Nits measure the maximum output at any one time. I feel the foot standard is much more applicable as interested in output of sign relative to ambient light. The lighting standards will not measure more than 0.3 foot candles over ambient light. At 250 feet, you should not exceed 0.3 foot candles over ambient light. Boards adjust within seconds.

Regarding the concerns of our opponents, Aaron showed a video to clarify. It included different locations and dates and distance from the camera. The video was shown again with lights off in chambers. One was at night with dimming capabilities. Left is the vinyl and right is the digital. It was a static message and the flips are so fast that you don't even recognize them. Then, at night time, it shows the affects of the dimming capabilities.

Another concern of opponents was traffic safety. Opponents would have you believe that billboards and especially digital billboards are a huge distraction. We should focus on those that lead to accidents. Use of phones while driving leads to accidents and thus that use has been regulated. We knew the information had to be unbiased information and above reproach, so five studies were done. The outdoor industry had no input on how the information was compiled. Accident data was documented and more than 160,000 accident records and approx. 69 digital billboard faces were analyzed. Study was done over course of time, 2007 through 2011, and the results were the same. They took sections of roads that had digitals installed and took accident data for three years prior to installation and 3 years after installation. Conclusion of every one of the evaluations was that there was no statistically significant relationship between accidents and digital billboards. They are safety neutral.

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Unfortunately, the energy consumption is a function of proprietary information. The LED is a modernization. It is no different than going from a rotary phone compared to a mini computer in our pockets now. They have made amazing strides in efficiency. Yesco announced that digital billboards use one fourth of the power required just 6 years ago, and they anticipate another 25% decrease in 2011. The latest digital billboards only require a 60 amp power service whereas the average home runs on a 200 amp power service.

What we can do for you? Digital billboards are used for emergency messaging during natural disasters. This is an image in Oakland in response to the Japan earthquake. The content is relayed via satellite, so it is relayed in minutes and not days. In Tuscaloosa after a tornado destroyed the city, we immediately put messaging up on how to contact FEMA. They are such effective tools that Homeland Security directed FEMA to use digital billboards whenever possible.

Clear Channel Outdoors is committed to working with the regional Emergency Operations Center at the joint dispatch center so any situation of regional significance is routed through the REOC. If there is a situation, such as a flood downtown or a fire that closed down Geiger Grade, we let the public know how to avoid an area or what routes to take to stay out of harms way, and we are working to implement that right now. We still do have several initiatives that we work with daily, such as the Amber Alert, where they provide preemption of existing advertising. In order for Amber alert to be issued, we have to have certain pieces of information, such as names and vehicle descriptions. We work with local jurisdictions and get the message out there and help track down missing persons. Clear Channel will work with local jurisdictions and get the information.

Catching criminals – they have had tremendous success through a partnership with the FBI and recently the northeast rapist was caught within three weeks of digital billboards going up. An FBI spokesman stated that electronic billboard messages outpace the internet and rivals America's Most Wanted in catching criminals. They are so successful that they received the FBI Director's Reward for Excellence in Catching Criminals.

That is what Clear Channel can bring to the community. If the goal is to reduce the number of billboards, then digital billboards are the best bet. I hope you will consider the offer from the industry to remove three conventional faces for each digital installed.

Mr. Weiske requested Ms. Fournier to put 10 minutes and 30 seconds on her notepad for Clear Channel. Mr. Weiske asked if Mr. Wray or Mr. Wicker would like to use their rebuttal time. Ms. Fournier put their remaining time up.

Chris Wicker of Scenic Nevada was pleased to see Mr. West did not try to claim that construction of dig billboard is not construction of a new billboard because it obviously is. Also, I am glad that he did not claim that they would not need a permit issued by the City of Reno for construction of new digital billboards.

What he did say is in the past the City has justified circumventing voters choices by pointing to one sentence in the arguments for passages that this initiative places a cap on billboards.

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Yes, it does place a cap on billboards, but you have to look at the language of the initiative because the language of the initiative is the law, not the arguments for or against passage. Scenic Nevada never dreamed that the City Council would come up with a relocation plan to circumvent the will of the voters.

I suspect some of you are familiar with the ballot process, where you have arguments for and against passage and reply by the proponents and reply by the opponents. Reply by opponents is put together by the billboard industry. These are the words of the billboard industry "proponents of this initiative are incorrect when they state that the initiative will merely place a cap on the number of billboards allowed in the City of Reno. The wording on this initiative specifically prohibits building permits for any new billboards". So back then the billboard industry realized what this initiative does. Now that they have this relocation policy approved by the City of Reno and now that they are before you asking for new digital billboards, they ignore how they originally interpreted what the ballot language said. It is not subject to interpretation. Mr. Wicker doesn't think you can get any clearer than what the initiative says. No new billboards and no permits for their construction.

Mark Wray wanted to address democracy and the reference by Mr. West. He said what our opponents say about this and that. Our opponents are the citizens of Reno. As a lawyer, I deal with law all the time and accept law because legislature has passed it or people adopted an initiative. Regardless whether position, voted for or against, I accept that people voted on it. The question raised here was "Are the people smart enough to know what the initiative meant? Once law is the law, it is the law. The Poll that the billboard industry refers to in the RGJ was one of those polls that you click the button whether you are for or against it. As the poll went on, we noticed a strange thing that happened. In the very early hours before dawn in Reno, a large number of votes came from nowhere and the vote switched from 2/3 against billboards to being in favor of billboards. All of a sudden, there was unscientific flood of votes. We are not saying anyone is directly responsible for trying to influence vote, but when you have that sort of thing going on, that happens.

When people are viewing outside their homes or offices, they are still saying no new billboards.

Mr. Weiske asked if Mr. West would like rebut. Mr. Weiske asked Ms. Fournier to reset the clock for Mr. West's rebuttal.

Mr. West would like to address not arguing the point on the new billboards. We haven't jumped into that. They consider these to be conversions of existing structures and not new permits. The billboard face is actually personal property and not permitted. The structure itself is the permitted item. A permit is not required to change the display, but maybe an electric permit is required to wire the board. They are still willing to work with the City to reduce the overall number of boards in the community. South Virginia was brought up and multiple structures that create a cluttered effect. This could be an opportunity to do something about that. We do have a business to run. Out of the goodness of our hearts, we cannot mow down 10 structures, but if we could mow down 10 and put up two or convert to digital, then I think it is a win for the City. We can come to the table with offers to make

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this right and look forward to discussing more of that in detail, but there is a tremendous community benefit and we can build on that.

Mr. Weiske closed the meeting to take a 10 minute break and to re-adjoin at 6:25.

We will leave it open and just take a break.

Upon return to the meeting, Mr. Weiske asked for disclosures from the Commissioners.

Commissioner Coffman has received numerous emails on this topic.

Chairman Weiske added the same with me.

Vice Chair Romeo has had numerous emails also and met with Scenic Nevada for coffee and met with Clean Channel also.

Commissioner Stapleton has received numerous emails.

Commissioner Egan has received numerous emails

Commissioner Haltom has received numerous emails and met with the Clear Channel rep.

Chairman Weiske advised that there is an agenda item which is public comment. He would like to hold public comment until the very end for general public comments from anybody who would still like to speak. Right now going to ask anybody here in the audience who would like to speak in favor of and in opposition to add additional information to presentations heard to fill out a request to speak form and to make their way up to the microphone after introducing yourself and speaking and then drop your card off to Ms. Fournier.

VIII. PUBLIC COMMENT – This public comment item is to allow the public to provide general public comment and not for comment on individual action items contained on this Agenda.

Chairman Weiske opened the meeting to public comment. Hearing and seeing none, Chairman Weiske closed that part of the public comment. He brought it back to the Planning Commission for questions of any of the presenters we have heard from this evening including staff and legal.

Commissioner Coffman asked Ms. Hanson "what is the Sparks ordinance"? Ms. Hanson tried to get to their webpage earlier but couldn't access their ordinance but will get that to you. Commissioner Coffman felt that we received the Reader's Digest version of the ordinance and requested the total ballot question. Ms. Hanson will get that wording.

Commissioner Coffman asked Mr. Wray about the poll. Mr. Wray responded that it was a survey. It was a Scenic Nevada Reno billboard survey and the were done by MJ Ross Group that does surveys. There is a couple page summary of what the survey was like, and it has demographics and percentages of responses, and that is what he is quoting from. If it is not in the packet, Mr. Wray can make more copies.

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Vice Chair Romeo asked Mr. Wray "is it the position of Scenic Nevada that it is an all or nothing proposition"? There is no leeway and no room for negotiation? Is there some room to negotiate because I know when I had coffee it seemed like there was some willingness to do some talking.

Mr. Wray — I speak as a member and not as an attorney for Scenic Nevada. Yes, it is an all or nothing proposition. The law is the law, just exactly what you said.

Mr. Romeo asked Mr. West if the proposal from the industry is a 3 to 1 ratio for digital to conventional for retirement. I have an email from a former commissioner that there should be a start on the reduction, and I am looking at the number of banked boards and my question is how many advertisements can you put on a digital board with the best control technology? Mr. West answered eight spots. Recognizing if you have an advertiser who is only getting one eighth of the time, they are not willing to spend the same money. Vice Chair Romeo asked if there would be a willingness on the part of the industry to negotiate different numbers on that ratio? Is 3 to 1 that the first step of the bargaining process? Mr. West answered yes.

Vice Chair Romeo asked what would be a reasonable flip time for the industry?

Mr. West — the Federal Highway Administration recommends an eight second flip. Other side is from a business model perspective where we have 37 jurisdictions, 650 faces. When national sales folks go into a Pepsi and say we can take you into these markets and so many flips in so many days, it really starts to mess with the business model and I think it is minutia and don't think you want to get into legislating business. Mr. West will fall back on the FHA recommendation of eight seconds.

Vice Chair Romeo asked how far a car travels at 8 seconds at 65 MPH and would it be the same for interstate highway systems as for downtown? Vice Chair Romeo requested that Mr. West come back with that information.

Mr. West - if there were different results from crash test information that indicated electronic billboards were a distraction, they might have rethought if there was accident impact due to the billboards. There is zero negative impact so didn't cause them to look at that. Every situation is different and every board has a distinct read, where it sits, what other obstructions are in the way. There are several signs where NDOT signage is in the way, and they get excited if they can see 2 or 3 flips.

Vice Chair Romeo asked if there would be a willingness from the industry to give up some of the banked boards to go with ratio somewhere between 3 and 8.

Mr. West — because of the way the code is currently structured, it is all based on the banked so what he would propose is that whatever number that is times the square footage of structure to be put up and not just the number of faces. He doesn't want a situation where someone has five poster units and wants to put up a bulletin. The square footage side of it needs to be clarified.

Vice Chair Romeo asked if 4 or 5 smaller boards could be used to replace one larger board.

Mr. West – what happens if you take down one board? The code already clarifies that. If five banked receipts are required for square footage, then it implies that if you don't have banked receipts that you are going to take down a board and create a banked receipt and then use the banked receipt to satisfy that requirement.

Vice Chair Romeo – the argument for passage in the 2000 initiative was the number of boards was 278. The number he is now hearing is 234 existing and 50 in the bank. Ms. Hanson responded that it is different because of annexations. Mr. West can provide numbers on Sparks code. It provides for construction of billboards within industrial zones, with 1500 spacing between boards and 35 foot maximum height. Only caveat that allows digital in Sparks is the one sentence in the code that says the light shall shine onto the face.

Commissioner Woosley – It was brought up earlier new construction versus existing. You are just re facing an existing structure, so wouldn't you have to pull a permit to convert from vinyl to digital?

Ms. Hanson – it would be considered the same board. If switching from vinyl to electronic, it would still be the same structure. The electrical and support would be different. You would need a permit to adjust the existing structure.

Commissioner Woosley asked what is the industry recommending on the exchange rate? Ms. Hanson would like to revisit all aspects of it, but in previous drafts, there have been anywhere from the five to ten range from old draft ordinances.

Commissioner Woosley – asked Scenic Nevada about new construction of billboards and not wanting to look out your window at new billboards that weren't previously there. What is your stance if the same structure was converting to digital billboards?

Mr. Wicker – The structure would not be the same. Digital is frequently a lot heavier because of electronics. If it is the same foundation but build a new structure, how can face not be part of the billboard? Ordinance says itself "construction of new off premises advertising displays/billboards". If changing the billboard, how can you say it is not a new billboard? There are several things at work. If you are looking out your window and there is a billboard there already and they take it down and build a digital billboard, you still see a billboard out your window. I don't think that addresses the issue under the law if that is a new billboard for which you need to pull a permit. The ordinance as passed by the people of the City of Reno doesn't limit it to special use permit, construction permit, or electrical permit or business permit. It says no permits.

Commissioner Woosley asked Ms. Craig what is the intent of the law and are we getting too close to litigation? Ms. Craig replied that if you are asking Scenic Nevada, unless actually a member of it, they may have difficult time telling you what the intent was. We don't know

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the intent of the people who voted for it, but I think you can ask the question of Scenic Nevada. Commissioner Woosley will hold that question.

Commissioner Woosley asked Mr. West if he agreed with Scenic Nevada that you would have to completely redo the structure to put up a digital billboard going back to exchange or construction or repurpose of existing billboard at an existing location. Mr. West replied that there are several situations where structures are suitable for installation for an LED face. To clarify, the industry perspective is this. Once you have a structure, whether it is a bulletin face or two poster faces or an LED face, those are the personal property side of it. I can appreciate where the City wants to get the revenue from building permits from installing that LED. There can be some minor modifications, but three months later, if we decide that business model is not working and we pull off faces and go back to bulletin faces, we are not going to get a refund.

As far as our opponents take on it, for 10 years Clear Channel Outdoor has been working under the current criteria. Within that 10 years, we have actually removed and relocated 36 structures, with new permits, new sites, new structures, under the current system. Where have they been over the past 10 years fighting these new structures and just now coming up as it relates to digital? The benefit of the system as it exists is you were comprehensive to say where you are willing to accept billboards. We know we don't want them in certain areas, such as at McCarran and Caughlin Ranch. We don't want them in certain sections of town. The code is very clear where they are allowed and what circumstances such as zoning and spacing requirements. The benefit to the community is that by allowing for relocation, we have a structure that doesn't currently comply with the code as it is written, but we can take that one down and go to another location where it does comply and relocate it there.

Commissioner Stapleton asked in terms of the current language in the ordinance, it says that lights should only shine onto the face, and this prohibits digital billboards because they are lit from behind? Ms. Hanson replied yes, that is correct.

Commissioner Egan asked Mr. West how many of the 284 billboards Clear Channel has control over and Mr. West replied that they have control over all of them. Typically billboard companies have a land lease in place for the site and then the structure is built and fully owned by the billboard company.

Commissioner Egan asked Mr. West if you were able to take 3 or 5 banked billboards and put up a dig billboard, would that require the consent of the land owner of that property? Mr. West's responded that our lease language is vague enough to allow for it, however, we prefer to have an ounce of caution and rewrite those leases and specifically include the language to allow for digital.

Commissioner Egan – you are familiar with Sparks city code and language. The lights facing the image, wasn't that the one discrepancy? Is there anything in the ordinances that discusses the issuance of permits? Mr. West is not aware of any in Sparks. He hasn't run into a situation in Sparks where we have just swapped out a face. There are times when a

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structure is not suitable for retrofit and we build a new structure. It has been the latter and we have paid full permit fees to the City of Sparks. They are pretty significant.

Commissioner Haltom wanted to know the expression for selling advertising space as far as the number of impressions or viewings. Mr. West informed him that they are actually switching to a new standard called izons, based on DCS which takes into account primarily traffic counts and looks at the number of cars going by and they have some formula.

Mr. Haltom asked if there are two identical campaigns on two identical billboards, the price might vary depending on the number of izons and where is the izon data coming from? Clear Channel Outdoor's corporate office brings in consultants that go into different markets and evaluate that. And usually if we do a new structure that needs to be added into inventory, they ask for traffic counts. The analysis is site specific.

Commissioner Haltom asked staff in the future to provide areas where electronic billboards might be considered and he requested traffic counts or izons for these different locations, be it 395 or South Virginia or 4th and Mayberry. If that is a standard and that information is available, he thinks that would be an interesting piece of data for discussing exchange rates. Ms. Hanson may have some existing counts or may look at the capacity of streets.

Commissioner Haltom was wondering if there might be something more consistent that we could rely on instead of pulling data out of thin air and throwing out numbers, 3, 5, 8, 10 exchange rates in the areas that Claudia mentioned earlier.

Commissioner Haltom advised Commissioner Mr. Romeo that you would travel 762.67 feet in 8 seconds at 65 MPH.

Commissioner Coffman asked how long some of the structures have been up in Reno. According to Mr. West, he can go back to some leases in their files that date back to the 50s. Commissioner Coffman asked if there is a safety issue with some of these structures? Mr. West had shown slides with hurricanes where the structure withstood the wind. What is the advantage or is there an advantage of changing out a billboard from a two pole structure to one pole? What do they put up today? That's where Mr. West gets nervous. Ideally we would remove the existing structures that are less sightly and are lacking. We have a lot more flexible design to current codes that we can guarantee will sit there for next 30 years without issues.

Commissioner Coffman asked if there is a safety issue due to the weight of LED vs. the current billboards, and Mr. West advised him that we still have to go through all the structural engineering to make sure it works. Ms. Hanson advised that mono poles are required by new codes. If updating structures, it needs to become a single pole, which is required by code.

Mr. West advised Chairman Weiske that the billboards where the face is in multiple pieces and it rotates and has two or three faces is called trivision. There are six in Reno.

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From an ordinance perspective, they are referred to as changeable or animated and per Ms. Hanson that is the correct language and there are six in the inventory. They rotate at eight second flips and can handle three messages and are allowed within the code. There is no exchange on a three to one. They are considered single face. Ms. Hanson added that the only difference is the spacing requirement on those which is 1000 instead of 750.

Chairman Weiske asked Mr. Wray as far as being a member of Scenic Nevada, is their position that this is an all or nothing proposition? But with new ordinance, if there was a way to start permanently reducing the number of billboards by allowing an LED lit sign, wouldn't that help the community by reducing the number of signs permanently?

Mr. Wray – whatever we enact if there were less billboards, would we be happy? The City of Reno defended itself through Marilyn Craig and we were not the primary party, that is why we believe the intent of the ordinance is that billboards will disappear over time and we will have less of them. It was not to replace them and therefore have a static number or a certain number. We want none more. Once they go away, they go away. That's what this law is about. No permits for any more new construction of billboards. It's construction and it's new.

Chairman Weiske stated that if a new billboard stands up for another 50 years, we have a billboard for another 50 years. But, if billboard operator wanted to come in and do an LED sign and was willing to give up 10 never to be built again, wouldn't that reduce the number quicker? Mr. Wray answered that it would reduce that number during that period of time while they didn't build more because we are trading one for three, but what you are basically asking people to agree to is to let them violate the law because this violation will make up for another one. That is contrary to my way of thinking. People said no new billboards. If your billboard is replaced because it is non-conforming, and there are many on South Virginia by my office, it should go away because the lease was lost or whatever and it should not be replaced at another location. What you are saying is that we can get rid of some by putting up new ones, and I am saying it violates the law to put up new one. And you are saying yes it does, it violates the law, but we are doing something better because of it. I don't think that justification works. If the goal was to have less and to replace them, the law would have said something different. That is my opinion, and I haven't asked Chris Wicker what he thinks about that. As a member, that's what our association believes the law says clearly. No new permits. How can you construe that any other way, Mr. Chairman? Any new permit violates the law.

Chairman Weiske – there are currently 284 and those 284 could remain for another 50 years or until they blow down or until a lease is gone or something kicks in to take it down. Mr. Wray added that we lost 50.

Chairman Weiske added that they are banked, so let's not talk about the banked ones. Let's not go there. Let's deal with 234 of them. If there was a way to reduce that number permanently and never to go back to it, wouldn't that be better for this community because we would have less in the air? Mr. Wray - yes, because less billboards are better. It's not our position that it is the thing to do for public policy reasons and it's the law. Chairman

added that he respects that, but he won't take one side of your statement without using the other side. I promise because I understand what you are saying.

Mr. Wray – I appeared to you all talking about billboards at specific sites. Remember the ones at the Spaghetti Bowl about 100 feet tall and Interstate 80 where they were filling in drainage way and putting in a new development for commercial, and the developer agreed to no new billboards. We have fought many battles over billboards over the past 10 years, and meanwhile, billboards have been disappearing. We are happy to see that. We don't want to see a new law coming in that allows all the billboards that can be built by this industry to the number they say it can be.

Chairman Weiske asked Mr. Wray when a law is voted on or an ordinance is enacted, over period of time, is it ever modified? Mr. Wray stated that once it is on the books, it becomes a law that is subject to being amended by the City Council, and I admit that laws do get changed over time. This is an example of a change in the law. The City Council has to say to the people in the community we understand what you want, but we are going to change the law. That's what has to happen. I think that's what should be understood.

Chairman Weiske – before moving on, I would like to say thank you to everyone who has addressed us this evening, staff, legal, the general public, the emails that I got, and I got a lot of them over the last week. I felt they were quality emails, respectful emails just the same as our testimony this evening. What is taking place tonight is information gathering so we can make a better decision and start to gain an opinion on how this issue before us will be dealt with in the very near future. Without the information and time that everybody has put into this right now, we wouldn't be able to make a quality decision down the road.

Staff has not put together a draft ordinance at this time, although that is what City Council has asked them to do. This is part of that process. This will be coming to the Planning Commission before long to make a recommendation and take a vote to City Council. That date has not been set yet and I know you will stay up on your emails and agendas. Conversation and emails between now and then are wonderful. If you hear something different or new information out there, send it to us. It is important because that will help us create our opinion down the road once a new draft ordinance is brought before the Planning Commission. Thank you everybody who has participated up to this point.

Ms. Hanson asked that Chairman Weiske add discussion for these items to the next agenda where we can bring back more information. Chairman Weiske asked staff to put this on our next Planning Commission agenda for October 5 so that can continue conversation and have an update of where we are. If commissioners feel we should have another workshop after and have time to digest what was brought before us tonight, let's have that discussion with me and Claudia and staff. We will talk about it as a group at our open meeting on October 5th or to re-agendize something or update of staff when we can look for the draft ordinance. Ms. Hanson will put that on the 5th agenda.

Chairman Weiske moved onto Item 8 – public comment. This item allows the public to provide general public comment and not for comment on individual action items contained

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on this agenda. Is there anybody here that would like to speak anymore this evening? I have four requests to speak forms or public comment forms and they are all in opposition. They have some handwritten comments on them but no one wants to speak tonight.

Ms. Craig asked that those comments and names be read into the record.

Vice Chair Romeo read the public comment forms as follows:

Sue Smith does not wish to make a statement, but is in opposition. She is opposed to the proliferation of billboards. They are garbage on a stick and they decrease our scenic beauty.

Lori Wray does not wish to speak, but is in opposition. She is opposed to digital billboards. They are ugly, intrusive, distracting and a blight on our neighborhood and also are not permitted under law.

John Harrah does not wish to make a statement, but is in opposition. Digital billboards represent new construction and are simply against the existing law already in place. Talking about criteria and ratio for digital billboards vs. standard billboards should not even be a point of discussion and should be reconsidered in the context of the existing law.

John Walker does not wish to make a statement, but is in opposition. Voting is voting, and the law is the law. The judicial review has been concluded. The rights of the voters have been withheld, yet we are here today. Why is that?

Chairman Weiske closed public comment.

IX. ADJOURNMENT (For Possible Action)

Chair Weiske adjourned the meeting at 7:13 p.m.

**AS APPROVED BY THE RENO CITY PLANNING COMMISSION IN SESSION ON
NOVEMBER 2, 2011.**

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Chair Weiske asked for disclosures.

Commissioners Haltom, Stapleton, Chair Weiske disclosed they received a phone call from the applicant's representative.

Commissioner Woosley disclosed he had a conversation with the applicant's representative.

Commissioner Romeo disclosed he met with the applicant's representative.

Vern Kloos – Senior Planner, concurred with Ms. Lindell's presentation. This is a special use permit focusing on grading, specifically hillside development and cuts and fills. In viewing the slope maps and the grading plans that were contained in the staff report, they exceed the open space requirements for the hillside. A majority of the areas proposed to be graded are less than 30%. One challenge with this site was the lower access road. Because this road was approved with the DRP (Dandini Research Park) facilities Master Plan and is proposed to connect with Sutro Street, they worked closely with the applicant to make sure the road was viable but also addressed the potential view corridor issues with the apartments to the east. Cross sections and photo sims were included in the staff report to show how it would look from those apartments. The conditions related to grading and restoration adequately address those issues. There were a couple of calls received by staff requesting information.

Claudia Hanson – Planning and Engineering Manager, stated that staff appreciates the applicant's willingness to consider redesigning the project to respect the policies that are in place.

Hearing no one wishing to speak Chair Weiske closed the public hearing and asked for discussion or a motion.

It was moved by Commissioner Romeo, seconded by Commissioner Stapleton, to approve the special use permit, subject to conditions and approval of the Project of Regional Significance by the Regional Planning Agency and to include the modifications to Condition No.11. Commissioner Romeo stated he could make the findings. Motion carried unanimously.

TXT12-00007 (On-Premises Sign Amendments) - This is a request for amendments to Reno Municipal Code, Title 18, "Annexation and Land Development," Chapter 18.16, "Signs," as follows: (1) Section 18.16.201, "Regulated On-Premises Signs," to add the word, "or" and correct punctuation; (2) Section 18.16.203, "Exempted On-Premises Permanent Signs," in subsection (1) to correct the Nevada Revised Statute citation with respect to address numbers and residential nameplates and in subsection (5) to add the words, "when located within commercial zones;" (3) Section 18.16.301(a)(8), "On Premise Signs Prohibited," delete "roof signs" and correct punctuation; (4) Section 18.16.502, Temporary On-Premises Signs," delete subsection (a)(1)(b)(2); delete in subsection (a)(1)(d) the words, "Except as provided by this section;" add in subsection (a)(1)(e)(2) the words, "excluding all

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handbills as defined in RMC Chapter 8.24;" add in subsection (a)(2)(a)(1)(2) the word, "and;" substitute in subsection (a)(2)(a)(3) the words, "on Saturdays and Sundays" for the words, "for a maximum of eight days;" delete (a)(2)(c) and the last sentence in (a) or in the alternative, add in subsection (a)(2)(c) the words, "including temporary off-premises advertising displays," and other matters properly relating thereto. **(For Possible Action – Recommendation to City Council)**

Chair Weiske opened the public hearing.

Claudia Hanson – Planning and Engineering Manager, stated this is a follow-up ordinance to the one that was presented to the Planning Commission a couple of months ago. This is bringing back the issue with allowing signs in the public right-of-way. The first option would be removing Section 18.16.502(a)(2)(c), which would not allow the temporary signage in the right-of-way. If this option is chosen, staff recommends two other changes. The first change is to Section 18.16.203(a)(5) to remove "when located within commercial zones..." and also Section 18.16.502(a) to remove the last sentence which reads: "For purposes of this section only, the public right-of-way abutting residentially zoned property shall be considered part of the residentially zoned property. This section is recommended to be removed as it would no longer pertain without Section C.

Hearing no one wishing to speak Chair Weiske closed the public hearing and asked for discussion or a motion.

Marilyn Craig – Deputy City Attorney, stated that Alex Woodley – Code Enforcement Manager, was present but had to leave due to a family emergency.

Based upon compliance with the applicable findings, it was moved by Commissioner Coffman, seconded by Commissioner Egan, to recommend that City Council approve the text amendment by ordinance, with the proposed changes made by Staff to remove Section C.

Commissioner Romeo stated he would like a little more clarification regarding Option No. 1 and what it does or doesn't do.

Ms. Hanson stated that Option No. 1 takes out what was just adopted a couple of months ago. The ordinance that was originally brought forward introduced the idea of allowing temporary signage within the right-of-way. As staff has looked into this further, some concerns and issues were raised with Code Enforcement and Public Works. So this is being brought back to consider removing that portion.

Commissioner Stapleton requested a little history regarding the original ordinance.

Ms. Hanson stated that temporary signs were allowed on sidewalks if the sidewalk was wide enough. Most neighborhoods don't have sidewalks wide enough, so it mostly affected parkways. Ms. Hanson stated that some examples of temporary signage could be for garage sales, lemonade stands, etc. Ms. Hanson stated that temporary signs would still be

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allowed on private property, but no longer on public right-of-way (parkways, sidewalks, excess right-of-way, etc).

Commissioner Stapleton asked what issues came up with Code Enforcement.

Ms. Hanson stated that sidewalks could be blocked, safety issues, enforcement of the signs that were put up, and collection of the signs.

Ms. Craig added another major concern from Code Enforcement regarding the parkways and the idea that the signs would be there for the duration of a day. There would be no opportunity for mowing and maintenance of these areas.

Commissioner Romeo asked about the signs being held by people on street corners for advertising.

Ms. Hanson stated that is considered a mobile sign.

Commissioner Romeo stated it was on-site advertising and wanted to know how it was enforced.

Ms. Hanson stated that it was not regulated through Title 18.

Ms. Craig concurred with Ms. Hanson. If someone were to walk down the street with a sign on a t-shirt, it would not be in violation of the code.

In response to Commissioner Stapleton's question, Ms. Hanson stated this ordinance enforces signs that are on or off-premises.

Commissioner Haltom asked if this would regulate the boot leg signs that real estate agents or new builders put out on the weekends to promote new homes.

Ms. Hanson stated that would be allowed and would be considered temporary on-premise signs. This is referenced in Section 18.16.502(a)(2). There is still temporary off-premise signs allowed in code as well.

Commissioner Romeo wanted to know what the driving factor is for undoing what was done 4 months ago.

Ms. Hanson stated that for this text amendment there are a number of enforcement issues. The blocking sidewalks, blocking parkways, maintenance of the parkways (City owned or private), irrigation in the parkways, mowing of the parkways, or traffic circulation whether it be pedestrian, bicycle, or vehicles.

Commissioner Romeo asked what type of signage this would apply to.

Ms. Hanson stated it could be any temporary sign placed in the right-of-way.

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Commissioner Romeo stated he wasn't comfortable with the changes.

Commissioner Stapleton concurred with Commissioner Romeo. She wondered what the original impetus was for allowing these in the first place. She stated she was in favor of on-premise signs and for people to have them in the public right-of-way in residential neighborhoods.

Commissioner Egan suggested postponing this item as there seems to be some question regarding interpretation. His understanding for the changes to the code has to do with enforcement. One example was if a sandwich board was put up in a right-of-way in front of a residence or business, that the neighboring property no longer has the ability to lay the sign down. One has to get consent from the neighboring property to display. The way the code reads now is not enforceable and that is why certain verbiage is being removed.

Ms. Hanson concurred with Commissioner Egan's statement.

Ms. Craig stated that Code Enforcement had difficulty determining which signs were legal and which were not legal and didn't have the manpower to accommodate the signs that are placed in the right-of-way. They also believed it to be a safety issue. The customers still have the ability to put up signs on private property.

Commissioner Romeo stated that he wasn't convinced this amendment needs to be done. He also stated he would be willing to listen to it again next month when Mr. Woodley is available to explain. He asked for more history and a record of complaints.

Commissioner Coffman stated that all the examples Commissioner Romeo gave were put on private property.

Chair Weiske explained that if you have received permission to place a sign on their property then they aren't prohibited. But by placing a sign in the public right-of-way that blocks the sidewalk or blocks traffic is illegal.

Commissioner Romeo doesn't see the difference between the signs in the right-of-way and the guy holding a sign on a street corner.

Commissioner Weiske stated the difference was one is an unmanned sign and the other is not. He has seen very few sign twirlers not moving off of a sidewalk or pushing people into the street to go around them. They also take their signs with them at the end of their shift. There is a section in code that allows signs from 6:00 a.m. to 9:00 p.m. and regulates the number of days prior to and post an election.

Commissioner Romeo stated he would like to see a staff report indicating why it was changed to begin with.

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Chair Weiske stated there was a motion and a second that needed to be withdrawn or continued to have a vote.

Commissioner Woosley asked where the temporary signage gets triggered and if it was only private property and not right-of-way or was the right-of-way only affected in these specific cases.

Ms. Hanson stated that the temporary signs would be going back to regulating signs only on private property. The City of Reno never addressed signage in the right-of-way in Title 18 before and would go back to not addressing it with these changes. Title 18 and zoning typically only addresses uses and signs on private property.

Commissioner Woosley asked if Code Enforcement would have the right to remove signs in the right-of-way.

Ms. Hanson stated that Code Enforcement would have the authority to remove signs in the right-of-way.

Chair Weiske asked if the Planning Commission would like to take a vote or continue discussion.

Commissioner Stapleton agreed with Commissioner Romeo that this could be an important form of community and grass roots communication and agree that a staff report explaining ways to mitigate some of the reasons why this is not enforceable. Also, she still doesn't understand the background and if a group requested the changes.

Ms. Craig stated there was no particular group that requested the changes to the ordinance.

Commissioner Stapleton asked if this is new language that is being eliminated.

Ms. Hanson concurred and stated that when this ordinance was originally brought forward, after reviewing some of the issues within the sign ordinance there were issues raised by City Council about signage being allowed within the right-of-way. Ms. Hanson stated that Mr. Woodley was at that meeting to address the concerns for enforcement for the reasons that were mentioned earlier. Ms. Hanson stated this was an overall update to the sign code with regards to how it was laid out, how different kinds of sign were regulated, there were sections of code in 18.16 that conflicted with each other, and had not been fully analyzed. Since that ordinance was adopted Staff recognizes that some of these changes are not enforceable.

Ms. Craig stated that local governments are entitled to try out things. If it doesn't work then it can be brought back to be amended. In this case there were several issues brought up by Code Enforcement, Public Works and other departments.

Commissioner Haltom stated that he has heard Mr. Woodley speak on zoning issues several times and has insightful, wise and practical examples to help demonstrate his

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issues. He agrees with Commissioners Romeo and Stapleton and would like to have more understanding as to what happened and why before they move forward on this. At this point, he would have to cast a nay vote to the motion at hand and would encourage the Commission to withdraw the original motion and make a motion to table this until Mr. Woodley can present and provide some more clarification. Additionally, his confusion level regarding this text amendment remains very high as proposed here. He still does not understand the difference as to what is being proposed and what Option No. 1 does to change that.

Ms. Hanson stated that she does have Mr. Woodley's PowerPoint presentation available that might clarify some of the concerns.

Commissioner Romeo stated that he wants to see the staff report from the original request, why it was done, and asked that Mr. Woodley be there to show his presentation.

Commission Coffman stated he rescinded his motion. He stated that there was too much confusion and that Mr. Woodley is the driving force behind this and would like this to be put on the agenda for the November meeting.

Commissioner Egan rescinded his second to the motion.

It was moved by Commissioner Romeo, seconded by Commissioner Stapleton, to extend Case No. TXT12-00007 (On Premise Sign Amendments) to the November, 2011 meeting with the presentation by Alex Woodley and the staff reports on the initial changes to the amendments with copies as to why this was done and is now being undone. Motion carries unanimously.

VII. UPDATE, DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING ELECTRONIC BILLBOARD ORDINANCE. (For Possible Action)

Chair Weiske opened the public hearing.

Claudia Hanson – Planning and Engineering Manager, stated that at the workshop a couple of weeks ago information regarding electronic billboards was presented. This item was agendaized to give the Planning Commission an opportunity to discuss, ask questions, and to voice any ideas that they might have for this draft ordinance.

Mark Wray – 2802 Outlook Drive, Reno, stated he was there primarily due to this item having information and possible action and didn't understand what action would be taken. He stated the Planning Commission already knew his position regarding billboards. In reviewing the DVD of the previous proceedings a couple of weeks ago, there was some clarification needed regarding a survey that was taken asking if the citizens wanted digital billboards. This survey was made up of Reno Gazette Polls which in his opinion are unscientific. The polls showed 72% of the people didn't want them but the other poll showed 62% of the people were in favor. Mr. Wray stated that the survey they took that was provided to the Planning Commission in a packet, was commissioned by a professional

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survey company that concluded that 55% of the people were opposed to digital billboards, which mirrored the 57% vote in 2000. Mr. Wray stated that the question was whether or not people wanted new electronic billboards and the answer was no.

Lori Wray – Scenic Nevada, stated she wanted to talk a little bit about trades, which had a lot of emphasis at the workshop. She stated that Aaron West had talked about a 3:1 trade. Scenic Nevada's position is that trade is not a good idea because you're trading more blight and dangerous driving conditions. She stated that the survey Mr. Wray was talking about also showed 66% of the voters believed that they would not like to see digital billboards outside their home or office window. So, the City of Reno is asking the people to choose which neighborhood to protect from blight and dangerous driving conditions. The second issue she had with trades is how to decide which billboards to bring down. In her opinion, the one that brings in the least amount of revenue is the one that will be brought down. Those bring less revenue because people don't drive by them as often. The net result is that the areas most traveled, is where digital billboards will be seen. Ms. Wray stated there is an unknown tax liability. When local governments widen roads or do any kind of infrastructure, billboards will have to be taken down if they are in the way. The Nevada Supreme Court states that if a billboard is taken down the landowner must be paid for the lease and lost revenue, the billboard industry must be paid for the construction of the billboard, and the billboard industry must be paid for the lost revenue from the ads on the billboard. An example of this is happening on the Moana Lane Widening Project. There are 4 billboards that are affected. One is going to be banked and 3 must be relocated. The cost of removing a standard billboard is approximately \$40,000-\$50,000. It costs approximately \$110,000 to relocate a standard billboard. Ms. Wray states that if the Planning Commission were to recommend digital billboards they are handing the billboard industry a win-win situation by allowing one to be put up guarantees them income no matter what happens in the future. Scenic Nevada feels like they are taking roads hostage, they don't pay for the privileges, and they are guaranteed income from anyone that tries to remove it even if it's for a public road improvement. She states that the digital billboards use too much energy, they will fill up our landfills, causes driver distraction, financial liability, community appearance and natural scenic beauty has to be considered, as well as democracy and the right for their vote to be upheld.

John Hara, stated he wanted to clarify some of the things that Mr. West had pointed out about energy, just because of the fact that billboards and digital billboards with energy usage seems to be a little confusing. Mr. Hara quoted Mr. West as saying "I really wish I could tell you how much energy these consume but unfortunately the consumption is a function of proprietary patent information as it relates to YESCO and Datronics, the primary manufactures of digitals in the country." Mr. Hara stated that digital billboards are not a way for eliminating landfill waste. He stated that was from techno waste is not currently monitored and is not standardized. Mr. Hara stated that per NV Energy the typical residential customer uses 740 kilowatts per month, approximately 9,000 kilowatts annually, in Nevada. Other studies show the average household usage is approximately 11,000 kilowatts per year, while a digital billboard uses approximately 163,000 kilowatts per year which is an actual reading from a billboard in Florida. One digital billboard would equate to 14.8 households nationally or 18.1 households if using the numbers from NV Energy. Mr.

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Hara made reference to another comment by Mr. West which states, "The new technology for digital billboards is that they use one quarter of the power than they did a year ago." Mr. Hara states that is approximately 475,000 kilowatts per year compared to a traditional billboard which uses approximately 7,000 kilowatts per year. According to those numbers one digital billboard would use the same amount of energy as 5.8 traditional billboards or 3.7 households per year. He stated that a larger carbon footprint will be left by going digital. Mr. Hara said the sustainability issue with digital billboards is that it is new technology; however, a lot of the issues with digital billboards have not been solved in terms of recycling and disposing of the waste. A digital billboard has a traditional life span of approximately 100,000 hours. Once the lifespan has been reached, it operates at 50% efficiency from how it was operating before. He states that the City of Reno is committed to the Green Initiative. By moving to digital there really isn't a benefit over and above traditional billboards due to higher energy usage.

Aaron West – Clear Channel, stated that he has never seen a poll that didn't provide results of the person paying for the poll. Mr. West stated they have business partners that recycle up to 90% of the billboards that are being taken out of service and are very efficient from the recycling perspective. There is much less of an impact compared to the traditional vinyl signs that are disposed. Typically one board would generate 6-7 of those a year. Regarding the energy efficiency, he appreciated the information provided by NV Energy regarding actual energy usage. Mr. West provided a statement from their National Industry Organization that reviewed the document that Scenic Nevada prefers to use when attaching LEDs from an energy consumption perspective. The statement read as follows: "The statements in the paper of the energy usage of LED signs are gross exaggerations based on out-of-date information that does not take into account the dramatic gains in energy efficiency of newer models. Digital billboards use 1/4 of the power required just 6 years ago. One manufacturer expects another decrease of 25% in power consumption in the next year." From a safety perspective, they have traffic accident data going back 8 years prior and 8 years since the installation of digital billboards that show there was no appreciable increase in traffic accidents. They have six studies over great spans of time, in all different locations using highways and surface streets that show no implication for accidents.

Chair Weiske closed the public hearing and asked for comments.

Commissioner Romeo wanted to know what happened to the billboards that were removed when the train trench was done.

Ms. Hanson stated that some were relocated and some were banked but she didn't have specific numbers available.

Commissioner Romeo wanted to know if the City of Reno received a copy of the study done by the National Transportation Safety Board regarding the flip times.

Ms. Hanson stated that last report she received was inconclusive on a recommendation for what the flip times should be.

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Mr. West stated there isn't a study available that dictates the flip times. A memo was issued by the Federal Highway Administration through the U.S. Department of Transportation on September 25, 2007, that clarified to local and state governments that the implementation of LEDs did not violate Ladybird Johnson Act and were allowed. In that memo they provided recommendation for duration of message generally between 4-10 seconds, 8 seconds is recommended. For transition time 1-2 seconds is recommended.

Commissioner Romeo wanted to know what the exchange rate would be, including banked boards, for a digital message center.

Mr. West stated that originally 3 billboards were proposed for 1 digital billboard. Given opportunities and flexibility within the code, and the right circumstances and consideration in other areas, the number could possibly go up to 5 billboards.

Commissioner Romeo wanted to know if there were 300 billboards in the inventory were converted to digital, the industry would be happy with 60 digital billboards with the same square footage.

Mr. West stated that the numbers for the billboard inventory doesn't include the square footage. He stated they have 207 bulletin faces and 259 poster faces. By using LED, they can pull down 10 poster faces.

In response to Commissioner Romeo's question regarding flip time and transition time, Mr. West stated it's instantaneous (less than 1 second). From Clear Channels perspective, the billboards that were banked from the train trench project were not compensated for and there was a settlement agreement that was entered into that actually provided those banked receipts. The financial liability to the City of Reno was transferred into the banked receipts.

Chair Weiske asked legal if financial liability would be considered when making the findings for a text amendment.

In response to Chair Weiske's questions, Marilyn Craig – Deputy City Attorney, stated that they only need to make the findings for a text amendment and that financial would not be considered.

Commissioner Romeo wanted to know if 100,000 hours is the lifespan for a digital billboard.

Mr. West stated he hasn't seen it related to hours. When installing a digital billboard they anticipate it lasting at least 15 years.

Commissioner Woosley had a question regarding banked billboards, location and spacing requirements. He also wanted to know if there was a competition between companies as to where to aggressively place billboards, whether it replaces an existing billboard with digital or a new billboard at a new location.

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Ms. Hanson stated the banked billboards are listed and available to the company that owns them. Ms. Hanson stated that multiple companies can bid for one single location. The Planning Commissioners do not need to take the banked inventory into consideration; they only need to consider the affect the digital billboards will have on the community. Whatever ordinance comes forward, the Planning Commission needs to consider the findings. The Planning Commission does not need to take the financial portion of it into consideration when making a final decision.

Chair Weiske asked if there was anything in the ordinance regarding the distance between the signs and a residence or signs and an existing building.

Ms. Hanson stated there are setback requirements that need to be met for residential areas. Current code states the spacing between billboards is 750 feet, 1000 feet for animated (trivisions), and 300 feet from residential.

Chair Weiske wanted to know if this is the time for suggestions from the Planning Commission of what they may want to see or if that would create a biased when writing the ordinance.

Ms. Hanson stated it would depend on how it was presented. Planning Commission could request consideration for ranges, flip times, or other information from other jurisdictions. A draft ordinance can be prepared and brought back to the Planning Commission for comments.

Commissioner Egan requested clarification regarding which billboards are being controlled by Clear Channel.

Ms. Hanson stated that Clear Channel does not control all of the billboards in Reno. There are a number of sign companies in the area that have existing and banked billboards.

Commissioner Stapleton wanted to know the breakdown and the percentage of control that Clear Channel has.

Ms. Hanson stated they are the largest holder of signs and banked receipts. Many billboards have different situations and a few are on separate parcels where they would own the land as well. Some are on lease agreements. There are a few individuals that have signs on the sides of buildings.

Commissioner Stapleton wanted to know how many signs were owned by Clear Channel and if they contracted with YESCO.

Chair Weiske asked how that would pertain to what would be coming forward in an ordinance.

Commissioner Stapleton wanted to know how other cities have addressed this issue.

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Ms. Hanson stated that she would have to research that information and get back to her with some examples. Some cities have completely banned digital billboards, some have banned billboards outright, some have allowed digital billboards, and the flip times are varied.

Chair Weiske stated there are other communities similar in size to Reno that are dealing with trying to and working to removing billboards and wanted to know how they are dealing with switching over sign for sign. He wanted to know if these cities have a banking system like Reno. He would like to get more information from communities that want to eliminate billboards and how they are going about it. Others are saying status quo is fine but won't allow anymore. To him it doesn't matter if it's the City of Las Vegas or the City of San Francisco. He wants to know how they are doing it.

Commissioner Haltom wanted to know if current code and if future codes could allow owners of banked signs to trade or sell them.

Ms. Hanson stated that can be done and no changes will be made in regards to that.

Commissioner Haltom stated he struggled with how the exchange rate is calculated. The idea that 3 signs were taken down from the train trench project and 2 signs on a side road that maybe made 50,000 impressions on people and replace that with a digital billboard on 395 that make over a million impressions per day. Even though the net number of impressions made on the community were greatly increased in the impression on the public. In his opinion if signs are taken down that makes little to no impression on people and replace them with gigantic, sophisticated sign that makes a lot of impressions, he feels like they are doing the 2000 ballot initiative a great disservice and greatly increase the impressions upon people. He would like to see some sort of structure to support that idea, that they aren't creating a win-win situation for the billboard industry and not really serving the people's initiative. He would like to see a more robust analysis as to where that exchange rate comes from. In his opinion he feels a traffic analysis for every sign is not necessary.

Ms. Hanson stated she inquired about the traffic numbers in various parts of the city and they are not available to that level of detail as there are so many areas where they are existing or potential areas that they could go. One thing that staff can look at is the level of street, meaning freeway, major or minor arterial, collector or local streets. They are not allowed on local or collector streets. The streets are designed to carry a certain number of trips. It would be easier to do this than an actual traffic study for each and every location.

Commissioner Haltom stated that opponents have stated that the City of Reno has misinterpreted the 2000 ballot initiative and that the text amendment shouldn't provide any allowances for digital billboards. He wanted to know if there was discussion to be had and a decision to be made as to whether or not digital billboards should be allowed.

Ms. Hanson stated that the Planning Commission can make any recommendation to City Council that they feel is appropriate.

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Commissioner Coffman asked if there was a map showing the locations and spacing of all of the billboards. He also asked if billboards are permitted today. Part of the concern of the Planning Commission is where the billboards are going to go. He stated the ordinance was changed so that the billboards were not permitted in certain areas.

Ms. Hanson concurred. There are certain areas that billboards are not allowed. She also stated that there are many existing billboards that do not meet the current standards. She said that information can be provided showing the existing billboards and where they are currently allowed.

Commissioner Woosley stated he is always in favor of a map and would like it to include the primary roads that are suspect or preferred for billboards. He also concurred with Commissioner Haltom's statements regarding the exchange rate to include not only the square footage of the sign but to take into consideration where the sign was taken from and where it is being relocated.

Commissioner Romeo stated he had an issue with the traffic count. When something was put up on a main road 30 years ago but is now not considered a main road because the freeway was built. The way the law reads the sign cannot be moved to the new area. The zoning code states where signs are allowed. The road construction and gateways are prime areas to place signs due to high traffic. By doing a traffic count today an artificial value is being created for potential sign locations based on today's traffic not when the board was placed there. A decision needs to be made as to whether or not digital billboards will be allowed and also to decide on a fair exchange rate.

Commissioner Haltom disagreed with Commissioner Romeo's statement and stated that a savvy business person saw I-80 coming and bought land position along the freeway as soon as it was approved for development. In his opinion, the businesses on Highway 40 should not be rewarded by giving them choice locations along Interstate 80 just because the freeway was moved and shouldn't influence business that way. In 2000, the initiative stated no more billboards. He asked what the definition of "more" meant, if it means the quantity of structures/sites or the size and nature of those sites.

Commissioner Coffman asked legal if a complete ordinance is needed in order to vote.

Ms. Craig stated that the Planning Commission can ask Staff to bring that question to them, they can give that direction.

Commissioner Woosley agreed with not doing a traffic count. It needs to be based on what the area is being used for now and what is forecasted 30 years from now.

Commissioner Stapleton states the number of impressions and messaging is one of the central defining ideas of a billboard and should be taken into consideration.

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Commissioner Haltom stated that if they continue to direct staff to bring forward a completed digital billboard text amendment, that they have then given their implied support of digital billboards. He would like the Planning Commission to vote on whether or not digital billboards should be allowed in the City of Reno.

Chair Weiske stated a motion to direct staff can be made on this item as it is an action item and can be brought back to the November meeting.

Ms. Hanson stated can list it as two separate agenda items and a draft ordinance with options.

Chair Weiske asked if this will be a recommendation that is being sent forward to Council that can be appealed.

Ms. Craig stated that staff would probably bring forward proposed ordinances to the Planning Commission. It may be one small ordinance requiring a yay or nay, then another ordinance to fill in the details. The Planning Commission is making a recommendation to City Council. City Council can always send it back to Planning Commission if they want the ordinance more defined.

Commissioner Romeo asked if they can use the existing ordinance but eliminate the section that states the sign shall be illuminated from out, shining up on the billboard.

Ms. Hanson stated by doing that it would allow electronic billboards everywhere where currently tri-visions are allowed with a 1,000 foot spacing.

Commissioner Romeo stated we would already have an ordinance in place, with spacing from residential and other billboards but there would not be an exchange ratio.

Ms. Hanson concurred.

Commissioner Coffman stated we wouldn't have the 8 second flip time. Part of being a Commissioner is traveling to other jurisdictions, other than Sparks or the Indian Colony, to see how things are being done.

Chair Weiske stated that he traveled to Santa Monica and noticed the digital billboard from the presentation that was done at the Workshop. He also suggested that the Planning Commission should be looking at these things during their travels to different communities.

Chair Weiske asked for a motion or direction to staff.

Ms. Craig stated the Planning Commission has already given direction to staff and a motion is not required.

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Ms. Hanson stated she has a lot of good comments and direction and will bring this information back and will include a draft ordinance to the Planning Commission at the November meeting.

VIII. UPDATE, DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING SPECIAL USE PERMITS FOR ALTERNATIVE UTILITY SYSTEMS. (For Possible Action)

Claudia Hanson – Planning and Engineering Manager, stated that there have been a few special use permits (SUP) brought before the Planning Commission for residential adjacency triggers to construct solar panels at schools and churches. The question has been raised as to why Staff has kept the SUP trigger for solar panels. When the alternative energy ordinance was brought to Planning Commission, staff raised that issue of whether or not to continue this or to exempt the alternative utility systems from that residential adjacency standard. Planning Commission at that time was not comfortable exempting it from the SUP requirement and had some concerns about how they were being developed. Planning Commission at that time voted to keep the residential adjacency trigger for the SUP with alternative energy systems. This ordinance went forward to the City Council and was adopted.

Commissioner Haltom stated that every time a solar project has come forward, the Planning Commission has never had to modify or add conditions to any of those proposals. Each time he has been pleased with how the applicant and City Staff have collaborated and modified each proposal and feels like City Staff is doing an adequate job policing those applications and making sure it doesn't have a negative impact on the residential adjacency. He does feel that there is a negative financial impact with that process for these applicants and are pursuing similar jobs in other jurisdictions and avoiding Reno for that reason. He feels we are losing an opportunity to promote more of these projects in our jurisdiction. In his opinion it would make sense to not require the SUP for residential adjacency when talking about a school, fire station or other public facility.

Commissioner Woosley wants to make it easier for more solar projects to go up. But wants to know if taking away the SUP process would potentially cause the businesses to not take care of the residents across the way knowing they don't have to go to public hearing.

Commissioner Haltom assumed that there was still a site plan review and that City staff imposed upon them the same restrictions as the special use permit.

Ms. Hanson stated if they remove the requirements for the SUP, it would typically go straight to the building permit process. It could be exempted from the SUP and make it subject to a Site Plan Review which is slightly less expensive and has a 30 day process. The customer would save the cost for the public hearing and the review time would be cut in half. Staff would still have the ability to place conditions on the proposal.



CITY OF RENO

Planning Commission

November 2, 2011

Staff Report

Agenda #

V1-4

Ward #

AH

CASE No.: AT-32-07

APPLICANT: City of Reno

REQUEST: This is a request for an amendment to the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding digital off-premises advertising displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

LOCATION: City-wide

PROPOSED MOTION #1: I move to continue to not allow Digital Off-Premises Advertising Displays within the City of Reno.

PROPOSED MOTION #2: Based upon compliance with the applicable findings, I move to recommend that City Council approve the text amendment by ordinance to allow Digital Off-Premises Advertising Displays under certain standards.

BACKGROUND: Regulations regarding the placement and frequency of off-premises advertising displays, or billboards, were first developed in the 1960's with the national Highway Beautification Act of 1965. This federal regulation was designed to reduce the visual impact and overexposure of billboards along the nation's federally funded highways. Similar laws have been passed by states and localities to further mitigate the negative impact of outdoor advertising on other roadways within their jurisdictions while upholding First Amendment guarantees to commercial and non-commercial advertisers.

Cities, counties, and states across the country have allowed, allowed with conditions, or banned Digital Off-Premises Advertising Displays. Some of the arguments from multiple sides of this issue are attached to this staff report including: (1) An article from the March 2011 Planning magazine written by Jerry Wachtel, (2) the Executive Summary from the "Inside the Wachtel 2009 Digital Display Report" from the United States Sign Council and (3) information from the Federal Highway Administration regarding Safety Effects of Electronic Billboards.

Billboard technology continues to evolve. Original billboards were hand painted messages designed to catch the eye of a passing motorist or pedestrian. Reductions in supply costs along with a greater durability of new materials such as vinyl and plastic replaced hand-painted billboards. The addition of mechanical devices has increased the number of messages that can be displayed at one location. All of these methods result in a static message that does not create the illusion of movement but are designed to present a quick message to the viewer. Technological advances have now moved billboards into the digital age with light-emitting diodes (LEDs) displaying messages that are controlled by an on-site or off-site computer. This technology looks to replace the paint, vinyl and plastic on billboards. Paint, vinyl, or plastic messages require the use of materials that are limited in how they can be recycled. Digital Off-premises advertising displays (digital billboards) have the advantage of reducing the amount of landfill waste that is produced by billboard advertisement. However, the amount of electricity required to operate a digital billboard is considerably greater than a standard billboard.

DIGITAL (LED) BACKGROUND: LEDs are tiny lights that, when placed together in a large group, can display a coherent message to the viewer. This technology provides outdoor advertisers the ability to sell multiple messages or display times per billboard as the digital billboards can display any number of messages that are loaded onto the computer. Digital billboards also have a greater opportunity to reach viewers because the illuminated message can be discernable from a greater distance than the typical vinyl or plastic message.

ANALYSIS: The city's interpretation of the 2000 referendum on billboards is that, while it capped the total number of billboards allowed within the city, it does not preclude the repair, relocation, or upgrading of the existing billboard stock within the city. The proposed regulation is in response to that interpretation and will provide guidance for billboard owners who wish to modify their current billboard inventories with the new digital technology. Digital billboards will be required to meet all the requirements contained in Article IX: Off-premise Advertising Display.

Currently, all off-premises advertising displays are regulated for land use compatibility by determining the distance from specific zoning designations or restriction to certain types of roadways within the city. The proposed digital regulations also address these areas of compatibility to minimize conflicts between incompatible uses.

Staff recommends that the spacing criteria be increased for digital billboards, as compared to manually changeable (tri-vision) advertising displays and non-animated off-premises advertising displays. This is due to the increased distance of legibility, increased number of advertising faces, and increased brightness.

Billboards are currently restricted to a minimum distance of 300 feet to residentially zoned property. This is due to the impact that a billboard has on surrounding property.

Staff recommends that digital billboards provide a buffer of 1,000 feet from residentially zoned property due to the brightness and increased distance of legibility.

Billboards are currently allowed on certain types of roadways within city limits. City Council directed staff to consider protecting high volume gateways and dark skies areas when considering where to propose allowing digital billboards. Digital billboards will meet all the current standards contained in Article IX: Off-premises Advertising Display. Staff recommends that the digital billboards only be located where there is an existing significant amount of ambient light. Staff recommends limiting the allowed areas to within the McCarran Boulevard ring. If in the future, if this proves to be overly restrictive or not restrictive enough this boundary can be amended.

There is no commonly accepted standard for the minimum "dwell time" or time in which a message stays in place. The dwell times vary from jurisdiction to jurisdiction from approximately 5 seconds to 60 minutes. The proposed regulation requires that the message remain fixed for at least 12 seconds. If in the future this proves to be too long/short the code can be amended to a shorter/longer amount of time.

The maximum time allowed for the message display to change is one second. This is in line with current Reno Municipal Code regulations regarding animated signs, industry standards and other jurisdictions' regulations. Just as the current regulations in the Reno Municipal Code prohibit moving or full motion video displays on off-premise advertising, the proposed regulation would also prohibit this type of display. The proposed regulations include a requirement that digital billboards contain a default design that will freeze the device in one position if a malfunction occurs.

The proposed regulations prohibit the digital billboards from imitating official road signs and warning signs, which are for the safety of motorists. This is consistent with current Reno Municipal Code restrictions for off-site and on-site advertising displays.

The proposed changes are located on pages 3-6, 12 and 13 in the attached draft ordinance.

Luminance: Past versions of proposed regulations for digital billboards used "nits" to regulate sign luminance to limit the impact of the brightness of the sign and increase the level of safety for motorists and pedestrians where digital billboards would be present. A "nit" is a unit measure of luminance or brightness equal to one candela per square meter. This is no longer the industry standard for measuring the sign luminance. Past proposed ordinances required a dimmer control on the digital billboard to regulate the brightness of the billboard depending on the ambient light conditions. Nationally, this is a standard requirement for digital billboards. Staff recommends that this technology be used to base the sign luminance. The proposed ordinance requires that Digital Off-Premises Displays shall not operate at brightness levels of more than 0.3 foot candles above ambient light as measured using a foot candle meter at 200 feet from the display.

Removal Requirements: In order to be granted a permit for the construction of a digital billboard, the proposed regulation requires the removal of existing Off-Premises Displays, which do not meet current location criteria, of twice the square footage of the proposed display and the exchange of banked receipts, totaling six times the square footage of the proposed display. By including the removal of nonconforming billboards it will further move all billboards to be in conformance with the spacing requirements set forth in code. The proposed ratio of 8:1 (two comparable signs plus six banked receipts: one digital billboard) was based on the information provided by the sign industry that approximately eight advertisements are running at any one time on a digital billboard.

Urban Design: Off-premises advertising displays should be positioned in a way that maximizes the impact offered to the companies utilizing this medium to reach customers without jeopardizing the safety of motorists and pedestrians. These proposed regulations have been written to help mitigate the impact digital billboards might have on the aesthetic and commercial value of property in Reno.

Public Safety: Highway safety concerns for this visual medium are a concern for the Federal Highway Administration, the City of Reno and many other jurisdictions. These public agency concerns are being addressed by the Federal Highway Administration (FHWA). Results from studies so far have been inconclusive. Staff will continue to monitor any updates to these studies. An executive summary from a FHWA on safety effects of electronic billboards is attached to this report.

To ensure driving safety, the proposed regulations include requirements that digital billboards be effectively shielded to prevent beams or rays of light from being directed at any portion of the travel lanes as to cause glare or to impair the vision of the driver.

Site specific public safety issues will be addressed when any digital billboard permit is requested. General public safety issues have been addressed within these proposed regulations and may be assessed in the future as studies on the effects of this new technology are made available.

Public Improvements: All public improvements will be addressed when a specific permit is requested.

Neighborhood Advisory Board: The draft ordinance was not distributed to any of the Neighborhood Advisory Boards since the proposed regulations are Citywide. A workshop was held on May 24, 2011 with members of the planning staff, sign industry and Scenic Nevada. Planning Commission held a workshop on this issue on September 20, 2011. Minutes from the May 24, 2011 workshop are attached to this report. Minutes from the September 20, 2011 workshop will be distributed prior to the November 2, 2011 public hearing.

LEGAL REQUIREMENTS:

RMC 18.06.302 Amendments to Text of Title 18

FINDINGS:

Amendments to Text of Title 18: In order to adopt an amendment to the text of Title 18, the planning commission and city council shall find the following:

- (1) Text amendments shall be in substantial conformance with the statement of purpose and intent of this Title 18, as set forth Section 18.02.103.
- (2) Text amendments shall be in substantial conformance with the master plan.

Staff: Claudia C. Hanson, AICP
Planning and Engineering Manager

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Chair Weiske asked for a motion.

It was moved by Commissioner Coffman, seconded by Commissioner Woosley, to recommend that City Council approve the zoning map amendment by ordinance; subject to Condition A as written, and to include the proposed changes to the PUD as discussed. Commissioner Coffman stated he could make the applicable Findings. Commissioners Coffman, Woosley and Chair Weiske assenting; Commissioners Haltom and Stapleton opposing; and Commissioners Egan and Romeo absent.

Chair Weiske ask legal if this needed a majority vote since two Commissioners were absent.

Ms. Craig stated that she would have to research this and it would move forward simply on their vote recommending approval.

AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diode)- This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

Chair Weiske opened the public hearing.

Claudia Hanson, Planning and Engineering Manager, stated this is a continuation of the ongoing discussion for digital billboards within the City of Reno. During the last discussion, the Planning Commission had asked for a staff report to be brought forward with two options. One option would be to move forward with an ordinance to allow electronic billboards within the City of Reno or not. Option number two would be based on the attached ordinance which includes elements from comments and discussion from previous meetings. Ms. Hanson asked the Planning Commission if they had anything they wanted added or removed let her know as this ordinance is still in a draft format.

Chair Weiske stated that there are two different proposed motions. The first proposed motion is to make a recommendation to City Council to allow or not allow digital billboards in the City of Reno. If the Planning Commission decides to go with the first motion, then they do not have to go to the second proposed motion. If proposed motion number 1 does not pass, then they can continue the discussion to help recommend the best ordinance possible. He asked legal if they choose option 2 can they continue this item to another meeting.

Ms. Hanson and Marilyn Craig – Deputy City Attorney stated this item could be continued.

Chair Weiske asked for disclosures.

Commissioner Haltom disclosed he received emails and spoke to the applicant's representative and one of the major opponents.

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Commissioner Stapleton disclosed she received emails, spoke to the applicant's representative and had conversations and one email exchange with concerned members of the public.

Ms. Craig clarified that the applicant in this case is the City of Reno.

Commissioners Haltom and Stapleton clarified by stating they spoke to a representative from the billboard industry.

Commissioner Woosley and Chair Weiske disclosed they received emails in favor and opposition.

Commissioner Coffman disclosed he received emails and spoke to a representative from the billboard industry.

Guy Day stated he is resident of Reno for 30 years and has been in the outdoor on-premise industry most of his life. He stated that Scenic Reno has damaged the industry by setting a limit to the number of signs that can be erected in the City. Now they are trying to take the message change on an existing billboard and trick people into thinking it's a new billboard. With electronics, the sign face can be changed in a blink of an eye and has a clear, crisp image that will allow more advertisers in the community. He stated a copy change should not require a permit despite what Scenic Reno says. Electronic billboards or LED's is technology that is keeping up with the industry. In his opinion it amazes him that a small number of citizens can seek damage against a business that has served this area and the nation for a long time. He thinks that the City of Reno should continue billboards to progress and to use electronic media.

Lori Wray – Scenic Nevada, stated that she is a small business owner that is opposed to digital billboards. She thinks they are intrusive, distracting energy hogs that diminish the appearance of our city and hurt our property values and our local economy. She stated that the staff report says changes to the ordinance can be made later, but feels that Clear Channel will not allow changes if they are more restrictive. She stated that Clear Channel has numerous lawsuits with other jurisdictions.

Sue Smith - Scenic Nevada, concerned that if digital billboards are allowed, it is taking away the ability to enhance our scenic beauty. She made reference to a comment made by Mr. Day who stated that it took 6 people to change out a sign and now with the new technology she feels they are trying to eliminate jobs.

Mark Wray – 608 Lander Street, Scenic Nevada, stated the law regarding the billboards. He stated that in 2000 the people voted for no new billboards and no new construction of billboards. He made reference to the staff report in regards to the City of Reno's interpretation of the law. He asked the Planning Commission to honor the law that was passed by the people.

Tray Abney – Chamber of Commerce, stated the Chamber of Commerce supports allowing the digital billboard technology within the City of Reno. The members of the Chamber of Commerce that utilize the sign industry to advertise their goods and services are an important part of our economy. His members rely on advertising to attract business. He feels this industry should be allowed to evolve with the changing times and to keep up with their customers and demand. He believes the proposed option number 2 is overreaching too restrictive.

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Justin McIlvain – Clear Channel Outdoor, made reference to a PowerPoint presentation (copy on file). He stated that digital billboards play an important role for businesses to achieve their marketing objectives. These objectives can be met without having to print and install new billboard copy.

Lindsey Kern – Clear Channel Outdoor, continued the PowerPoint presentation. She stated that Clear Channel Outdoor is committed to charities and non-profit organizations. Clear Channel dedicates their space to charities so they can advertise their cause and events to the local community. Services for the digital billboards are provided in a timely fashion and without the additional need to order materials. Ms. Kern read statements from customers in support of the project.

Dave Scott – Clear Channel Outdoor, stated that their company partners with the FBI, FEMA, and the National Center for Missing and Exploited Children to help capture fugitives and warn residents of issues that are affecting their communities. In pairing with these organizations, they have received endorsements from Homeland Security and the FBI. As a direct result with their partnership with the FBI, as of 2007, 39 of some of the most wanted and dangerous criminals have been captured. Their partnership with the National Center for Missing and Exploited Children, who issue AMBER Alerts nationwide, are received via email to the staff members of Clear Channel. With the digital networks, they have the ability to immediately post these threats alerting authorities or having citizens alerting authorities if these vehicles are spotted.

Roger Brown – Daktronics, stated that his company is the largest manufacturer of digital signs. He stated that he was in support of the proposed option number 2 that the signs should be allowed with appropriate regulations. The industry has worked very hard to help produce a brightness standard by which cities could regulate these signs. The current standard is that a LED sign cannot put out more than .3 foot candles above the ambient light level. He did see a problem with the standards regards to the testing phase to make sure the sign is operating within the legal limits. There are specific distances in this study in which to measure the operation of the signs. In the original study it is based on the size of the sign. In the language being proposed, it is a set distance of 200 feet. What this does is it forces the larger signs to be dimmer than they should be. As for the smaller signs, they could be meeting the brightness standards, but they would seem too bright to the human eye. He would like the City of Reno to go back to the original study and use their standard.

John Frankovich – Legal Council for Clear Channel Outdoors, made reference to the 2000 Initiative. He was involved in the initiative as an opponent. He brought the lawsuit forward that challenged the initiative. A committee was formed, consisting of elected officials, members from Scenic Nevada and members from the billboard industry, worked on implementing the initiative. The committee decided that this initiative was a cap and release program. He defined “cap” as the number of signs allowed, but you can replace, repair and relocate. This committee also came up with rules for spacing and height requirements, numbers and how many signs have to be taken down to replace with a new billboard. Also, the locations for billboards were restricted. In these meetings Scenic Nevada initially agreed. Later they opposed that approach after agreeing to it with the committee. After hearing all the testimony, City Council adopted the ordinance to allow cap and replace approximately 10 years ago. In his opinion, this decision if the question was going to be challenged by Scenic Nevada, it should have been done 10 years ago, not 10 years later. The industry has been banking billboards based on the existing ordinance. The issue with billboards is utilizing new technology to

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improve their product. In his opinion, the initiative should not be an issue in consideration of this ordinance. What should be considered is the appropriate restrictions or limitations on digital billboards, if any.

Daniel Schulte – YESCO Outdoor Media, made comments regarding the ordinance that has been in place in 2000, specifically cap and replace. They started with 300 billboards, there are currently 250 and some are in the banked program which are extremely difficult to be placed because of spacing, zoning and mixed use zoning changes that have taken place. By allowing digital billboards it would help bring the cap back to where it originally was. Mr. Schulte stated he is in favor of proposed motion 2; however, he is not in favor of the language that goes along with it. The staff report states that in order to replace a billboard, the equivalent of 672 square feet or 2 non-conforming billboards would need to be removed. Under the current ordinance for off-premise signs, it states that all billboards in the City of Reno are conforming. He feels that this is a contradiction. In the language for proposed motion 2, states that no permanent off-premise display or part thereof shall be located within a historic or conservation district and should be placed adjacent to a collector or local street. He stated that the billboard industry isn't talking about off-premise displays, they are talking about digital displays and feels this shouldn't be a part of the ordinance.

Michelle Nichols – started National Hug your Kids Day, stated that she was in favor of digital billboards. Clear Channel donated billboards in every state to get her message out.

Tom Weatherby – YESCO, Outdoor Media, stated he was in favor of the digital billboards but not in favor of the ordinance because it is too restricted with the spacing requirements, only being allowed within the McCarran loop, the 8:1 ratio, and the 12 second flip time rather than the industry standard of 6-8 seconds. He stated that with this ordinance it is economically and geographically prohibited digital billboards. The only way new businesses and new advertisers can reach the community is to allow multiple users on the existing billboard structures. Most of his customers are requesting locations outside the McCarran loop. In his opinion, all existing billboards should be allowed to convert. He also stated that a study has not been done that shows digital billboards are more legible than a standard billboard.

Aaron West – Clear Channel, continued the PowerPoint presentation. He stated that he is support of the digital ordinance but there are concerns with the current language. He stated they would like to see an 8 second dwell time. There is a standard from the Federal Highway Administration in a memo from 2007 that recommends 8 seconds. He stated he has provided data to support their claims regarding energy efficiency and digital billboards do not cause a distraction that causes accidents. In his opinion, there are some sections of the ordinance that are overreaching. There are current billboards that do not meet the spacing requirements. By imposing stricter standards on existing structures, there will be more boards that no longer meet the spacing standards. They have gone to great efforts to work with Staff regarding the industry standards for lighting. The boards will dim and fluctuate with the ambient lighting and they do not have light spillage or glare and feels that the 1,000 foot spacing from residential is not needed.

Susan Schulte – Suanders Outdoor Advertising, stated they are in favor of digital billboards but they are not in favor of the proposed text amendment.

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John Hara – 65 Woodchuck Court, stated he was in favor of digital billboard in Las Vegas not Reno. He read a section of the state law regarding the purpose and intent of the off-premise advertising display for the City of Reno. He stated there are ±700 communities across the country that are currently trying to prohibit the construction of new billboards because they are considered blight. He stated the more a community does to enhance its unique historic and architectural assets, the more tourists it attracts. He also made reference to a staff report from Durham County which was forwarded to the Planning Commission.

Marilyn Melton – area resident, asked the Planning Commission to vote against digital billboards. She stated that the money collected from the billboards is not staying here locally.

The following people were in favor but did not wish to speak:

Chip Lindloff – 110 Bishop Manogue Drive, Reno, is in favor of digital billboards but opposed to the ordinance because it's too restrictive.

Danny Selby – 6578 Chula Vista Drive, Reno

Benjamin Cossio – 1529 Delucchi Lane, Reno

Lupe McIlvain

James Barnes – 12525 Clearwater Drive, Reno – in favor of proposed Motion #1

Shaenci Cossio – 1529 Delucchi Lane, Reno

Amy Tupper – P.O. Box 2916, Reno

David McWalters – 4945 Joule, Reno

Sarah McDaniel – 14165 Chamy Drive

Sabrina Absher – 75 Eric Avenue, Sparks

Susan Holshouser – 4825 Rock Wren Circle, Reno

Sam Kuhlman – 4887 Lakeridge Terrace West, Reno

The following people were opposed but did not wish to speak:

Doug Smith – 2845 Idlewild Drive, Reno

Penny Roskoski – 1930 Manzanita Lane, Reno

Nan Lethrop – P. O. Box 50471, Sparks

Tom Weatherby – 5586 St. Andrews Court, Reno – in favor of digital billboards but ordinance is too restrictive.

Sau Wong – 1830 Arboleda Court, Reno – in favor of digital billboards but ordinance is too restrictive.

H.W. "Budd" Hickey – 14215 Riata Circle – ordinance is too restrictive.

Chair Weiske closed the public hearing and asked for discussion or a motion.

Commissioner Coffinan had questions regarding the flip times, banked receipts, and the illumination.

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Ms. Hanson stated that after researching ordinances from other jurisdictions, the flip time was in the 8 – 20 second range so she chose something in the middle. In regards to the banked billboards, if the banked billboards were depleted, it could be supplemented by removing an existing billboard. She explained that banked receipts are created by the removal of an existing billboard. They would have to identify which banked receipts they were going to use, whether they are existing banked receipts or ones they are creating by the removal of existing signs. The 8:1 ratio was discussed at the Planning Commission Workshop. Mr. West had stated that they could put up to 8 advertisements one digital billboard. There was also discussion at a previous City Council meeting where they had requested consideration of removing the clutter and bringing existing signs closer into conformance with spacing requirements within the code. The illumination is based on the distances and size of the sign.

Commissioner Woosley made reference to the Committee that was created after the elections to look at the billboard. He wanted to know if they had to interpret what was passed.

Marilyn Craig – Deputy City Attorney, stated there was considerable discussion about it.

Chair Weiske had a question regarding Ballot Question R-1. He wanted to know who puts ballot questions together.

Ms. Craig stated there is a process identified under state law. The pros and cons are done by the respective groups. The ballot question is the initiative which could be any group of people that come together.

Chair Weiske read the Arguments for Passage and asked if there was an explanation to new billboards.

Ms. Craig stated that normally when you look at a law and it is ambiguous then you would look to the legislative history and you would discern, among other things, the intent of the body that adopted it. In this case it is the people that adopted it.

Chair Weiske wanted to remind the Planning Commission there were two different motions. Proposed Motion #1 is to not allow digital off-premise advertising. If Motion #1 does not pass then they have the option for proposed Motion #2 which they will be able to provide information to staff to forward to City Council.

Chair Weiske asked for discussion and/or a motion for proposed Motion #1.

Commissioner Haltom stated that digital billboards are unsightly and unaesthetic and provide additional safety hazards and distractions to drivers. He also feels they have a long-term negative impact on our economy. He is in support of Motion #1.

Commissioner Stapleton stated that billboards are a form of communication. This is an issue of aesthetics and digital billboards takes it up a notch and it increases the type of aesthetics that people don't want.

Commissioner Coffman stated he could not support the first motion.

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Commissioner Haltom stated that billboards (standard or digital) are an archaic form of advertising. It throws a message up blindly hoping that 1 in 1,000 people will find that message appropriate. He stated there are billboards advertising for companies out of the state by making fun of Reno and driving businesses away from our area.

Commissioner Stapleton stated that she disagrees with Commissioner Coffman's statement. She stated that this is an aesthetic the people do not want and is a further exaggeration of clutter.

Commissioner Woosley stated he can see the use for digital billboards. However, he doesn't want them everywhere. They are appropriate in certain locations and do have their use. He wants to control where they are located. He cannot support Motion #1.

Chair Weiske stated he is not opposed to digital billboards. He is opposed to the number of billboards we have. R-1 states there will be 278 billboards plus banked boards. If they work towards proposed Motion #2, they can possibly reduce the number and overall clutter of signs in the City of Reno which is a benefit to the citizens. The only way they can do this and control it is by making suggestions and recommendations for future ordinances to reduce the number of signs, location, and brightness. He has seen digital billboards in Sparks, the Indian Colony and throughout his travels. He doesn't find them anymore offensive than any other billboards. In his opinion, the only way to beautify our area is to minimize what we already have, the number of digital billboards and slower flip times. He stated he would not be voting in favor of proposed Motion #1 but is in favor of proposed Motion #2.

Chair Weiske asked for a motion on proposed Motion #1.

It was moved by Commissioner Stapleton, seconded by Commissioner Haltom, to continue to not allow digital off-premise advertising displays within the City of Reno. Commissioners Haltom and Stapleton assenting; Commissioners Coffman, Woosley and Chair opposed; and Commissioners Romeo and Egan absent.

Chair Weiske asked for a motion on proposed Motion #2.

It was moved by Commissioner Haltom, seconded by Commissioner Woosley, to recommend that the City Council approve the text amendment by ordinance to allow off-premise advertising displays under certain standards.

Ms. Hanson asked if they were going to discuss what the standards were going to be.

Chair Weiske stated that they should work on the recommendations to the City Council prior to approving the ordinance. He stated that Commissioners Haltom and Woosley should withdraw their motion and continue discussion and/or at a future meeting for modification for recommendation for the ordinance.

Commissioner Haltom stated he will withdraw his motion but does not have a problem with how the ordinance is written.

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Commissioner Woosley stated he is withdrawing his motion.

Chair Weiske stated that if they pass this motion then it goes to City Council as written.

Commissioner Woosley stated that the 200 foot arching distance needs to be reevaluated. In his opinion, it should be distance sensitive depending on the size of the sign. He stated that he is in support of the 12 second flip time, but would be in favor of something higher.

Ms. Hanson stated she would bring that item back.

There was extensive discussion regarding the proposed spacing requirements.

In response to Commissioner Stapleton's comment regarding the location requirements, Ms. Hanson stated that the signs would be limited to the McCarran ring, which has the most intense development, the lighting already exists, and has existing 24 hour use. There has been discussion from past meetings that a special use permit could be required to be on between the hours of 11:00 p.m. and 6:00 a.m. A large portion of the parcels within this area are zoned MU or Commercial. Most of the residential within the McCarran ring is on the west side which will require a 1,000 foot buffer in that area.

There was more discussion regarding spacing requirements and location for digital signs.

Ms. Hanson stated that signs are currently prohibited on collector and local streets. They are only allowed on arterials and freeways.

In response to Commissioner Stapleton's question regarding the number of signs located outside of the McCarran loop, Ms. Hanson stated that 6 signs are allowed within certain portions of U.S. 395 and a certain number are allowed on I-80 east of McCarran. To remove existing signs that don't meet current spacing standards are located within the McCarran loop.

There was discussion regarding the proposed flip times. The Planning Commissioners were in agreement with the 12 second flip time.

Commissioner Haltom asked for an explanation of Item No. 5 regarding the illumination.

Ms. Hanson stated the brightness of an advertisement will change with the ambient light and will not remain constant.

Mr. Brown stated the signs do have an automatic dimmer for the ambient light level. He explained that if a sign was on a dark rural highway and headlights hit the sign, the light meter would instantly see that and make the sign brighter.

There was discussion regarding Item No. 3 – Maximum time for change display is one second.

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The Planning Commissioner concurred with Item No. 4 – Displays shall not be presented in motion, appear to be in motion or video.

The Planning Commissioner concurred with Item No. 6 – Displays shall not flash or move.

There was some discussion on Item No. 7 – Displays shall not imitate or resemble any official traffic signal, traffic sign or other official warning signs. Ms. Hanson stated that they wouldn't want them putting up official traffic warning devices, they could put up messages directing traffic or something similar.

The Planning Commissioner concurred with Item No. 8 – Digital changeable off-premise advertising signs shall contain a default design that will freeze the device in one position or solid black if a malfunction occurs.

There was discussion regarding Item No. 9 – No cutouts shall be permitted. Ms. Hanson explained that a cutout would be something outside the standard rectangle shape. Ms. Hanson stated a definition could be added.

The Planning Commissioner concurred with Item No. 10 – No display shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or obstructs or interferes with a driver's view of surrounding traffic situations.

The Planning Commissioner concurred with Item No. 11 – No display shall emit sounds, pyrotechnics, or odors.

There was discussion regarding Item No. 12 – Digital changeable off-premises advertising displays shall conform to the requirement for other Off-Premises Advertising Displays as established in Chapter 18.16. If there is a conflict between standards contained in other portions of Section 18.16 and this section, the more restrictive shall prevail. Ms. Craig stated that typically the ordinance that is more specific is the one that is controlling and this kind of language would not be used. She stated that she and Ms. Hanson would work on item and bring it back to the Planning Commission.

Ms. Hanson stated that Item No. 13 was already covered and will be brought back with the options for the different sizes.

There was some discussion on Item No. 14 – Each application for a Digital off-premises advertising display shall include a photometric plan. The photometric plan shall demonstrate the Digital display's maximum light intensity, in foot candles above ambient light at 200 feet. Ms. Hanson stated this item will be amended and brought back to Planning Commission.

There was discussion on Item No. 15 – Removal Requirements: Prior to the approval of any Digital Off-Premises Advertising Display documentation shall be provided demonstrating the removal of existing off-premises advertising displays, which do not meet current location criteria, of twice the square footage of the proposed display AND the exchange of banked receipts totaling six times the square footage of the proposed display. The removed off-premises advertising displays shall not be

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replaced or banked. Chair Weiske stated the last sentence of this item is as important as the ratio for eliminated banked billboards along with regular billboards.

There was discussion regarding banked receipts. Mr. West stated the code as it is currently written provides for removal of an existing structure will create a banked receipt. He stated that it should be decided how many billboards are to be removed or eliminated to put up one digital billboard.

Ms. Wray stated that the City Council did not want any banked receipts originally. In order to eliminate clutter, at least two or more billboards have to be removed from the streets and/or the banked receipts.

Chair Weiske stated that what is being proposed is the removal of physical billboards along with additional square footage of banked signs. He asked staff to clean up this item so there is no confusion as to what needs to be removed, both physical and banked.

Ms. Hanson asked if the Planning Commission was in agreement with the 8:1 ratio – 2 existing and 6 banked.

Chair Weiske stated he would like to see more than 2 signs removed from the field.

Commissioner Haltom concurred. He would like to see the removal of 4 existing and 4 banked.

Mr. Weatherby made reference to the staff report regarding the removal of non-conforming billboards with an 8:1 ratio which includes the removal of 2 comparable signs plus 6 banked receipts. He stated that based on the current code which will allow 8 advertisers per digital board. However, if the 12 second flip time is approved, then there will only be 5 advertisements allowed per digital billboard. He stated that if all of his signs are conforming then he wouldn't be eligible for a digital sign.

Ms. Hanson concurred. She stated that City Council had a large discussion about getting the existing billboards to meet the existing standards. It would be an incentive to remove the billboards that do not meet current standards.

Ms. Craig stated that a second tier could be created if the first tier cannot be met. She noted that the discussion at City Council was to only have one alternative to eliminate what they perceived to be non-conforming and said Mr. Schulte had stated that all billboards were deemed to be conforming at some point. She stated the language needed to be cleaned up and her recommendation would be to not use the words "conforming" or "non-conforming."

There was more discussion regarding the flip times, the number of advertisements that would be allowed and conformance issues. Chair Weiske stated that when the ordinance comes back to the Planning Commission for review, a two tiered system will be included.

The Planning Commission concurred with Item No. 16 – The face of each Digital Changeable off-premises advertising display shall contain a discernable message or graphic at all times, excluding

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periods during which any of the following occur: repairs, replacement of parts, cleaning, regular maintenance, associated utility outage, natural disaster, or severe weather.

Commissioner Coffman asked if this item would be continued and if the ordinance would be modified if a proposed Motion #2 was not acted on.

Ms. Craig stated these are proposed motions and the motion can be changed any way the Planning Commission sees fit. Staff has been given direction to come back with a re-written proposal.

Commissioner Woosley inquired about a comment that was received from the audience. It was stated that this might open the door for videos and recordings to be posted online from digital billboards. He wanted to know if this needs to be considered at this time.

Ms. Hanson states that in the proposed ordinance it is prohibited (Item n-4).

Chair Weiske inquired about face recognition and license plate recognition.

Mr. West stated that they do not have those capabilities and would be an invasion of privacy.

Ms. Wray made reference to an article from American Planning Association which states that digital billboard technology is advancing faster than policy makers can deal with it. Until recently these advancements were limited to sign size, brightness, and image fidelity. The newest technologies focus on capturing the motorist's attention. Among the new technologies are personalized messages which can extend personalized messages to drivers. A message will flash as soon as a certain car approaches the billboard. The article also mentions license plate recognition.

Chair Weiske agreed with what Ms. Wray was saying, but stated that this kind of message could be sold as advertising. He asked Ms. Hanson if personalized messages are included in the proposed ordinance.

Ms. Hanson stated that it is not addressed because it has to do with content, which cannot be regulated by the City of Reno.

Ms. Craig stated the code can be changed at a later date to keep up with technology. She stated that she is concerned about the content issue and stated that the City of Reno will not enforce it.

Chair Weiske asked staff to research license plate recognition. He also requested someone from the sign industry to provide information regarding this item for the next meeting. He had a question regarding possibly requiring a special use permit.

Ms. Hanson stated this was mentioned at the Workshop as an option. Currently, businesses that operate after 11:00 p.m. and before 6:00 a.m., requires an approval of a special use permit. She stated there is another city that requires the signs to be turned off at midnight. She had mentioned the special use permit as another idea, but has not been added to the draft ordinance.

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Commissioner Stapleton and Chair Weiske stated they would like more information regarding this option at the next meeting.

Commissioner Haltom stated that the locations of adult oriented businesses can be limited and special precautions are made for selling adult oriented merchandise in convenient stores. He wanted to know why a condition cannot be placed to require the messaging and content be appropriate for all audiences.

Ms. Craig stated that this is content and generally the First Amendment does not allow an entity to regulate content in that fashion. It can be regulated content on in respect to off-premises and on-premises. If it is not obscene, the City of Reno will not regulate content. In response to Commissioner Stapleton's comment, Ms. Craig stated that she could not recall another instance where content could be regulated other than being obscene.

Ms. Hanson stated she had a few minor changes that need to be made to the ordinance prior to bringing it back for review. Ms. Hanson stated this item could be brought back to either the December 2011 or January 2012 meetings.

Chair Weiske asked for a motion to continue this item.

It was moved by Commissioner Haltom, seconded by Commissioner Stapleton, to continue this item to the December 8, 2011 meeting. The motion carried: Commissioners Coffman, Haltom, Stapleton, Woosley and Chair Weiske assenting; and Commissioner Egan and Romeo absent.

VII. UNFINISHED BUSINESS/PUBLIC HEARINGS

TXT12-00007 (On-Premises Sign Amendments) - This is a request for amendments to Reno Municipal Code, Title 18, "Annexation and Land Development," Chapter 18.16, "Signs," as follows: (1) Section 18.16.201, "Regulated On-Premises Signs," to add the word, "or" and correct punctuation; (2) Section 18.16.203, "Exempted On-Premises Permanent Signs," in subsection (1) to correct the Nevada Revised Statute citation with respect to address numbers and residential nameplates and in subsection (5) to add the words, "when located within commercial zones;" (3) Section 18.16.301(a)(8), "On Premise Signs Prohibited," delete "roof signs" and correct punctuation; (4) Section 18.16.502, "Temporary On-Premises Signs," delete subsection (a)(1)(b)(2); delete in subsection (a)(1)(d) the words, "Except as provided by this section;" add in subsection (a)(1)(e)(2) the words, "excluding all handbills as defined in RMC Chapter 8.24;" add in subsection (a)(2)(a)(1)(2) the word, "and;" substitute in subsection (a)(2)(a)(3) the words, "on Saturdays and Sundays" for the words, "for a maximum of eight days;" delete (a)(2)(c) and the last sentence in (a) or in the alternative, add in subsection (a)(2)(c) the words, "including temporary off-premises advertising displays," and other matters properly relating thereto.

Chair Weiske opened the public hearing.

Claudia Hanson – Planning and Engineering Manager, stated this item was on the October agenda but Alex Woodley had to leave unexpectedly and was not able to answer the questions that the Planning Commission had. Mr. Woodley is here to do a presentation and answer questions.

RECVD-RENO CTY CLERK
NOV 14 11 PM 01:33

Council Hearing Date: 2-8-2002
Council Hearing Time: _____

**APPEALS OF ACTIONS BY CITY OF RENO PLANNING COMMISSION OR
CITY OF RENO HEARING OFFICER/EXAMINER TO RENO CITY COUNCIL**
(to be filed in Reno City Clerk's Office, 1 East First Street, Second Floor)

Re: Case No. AT-32-07

I. I certify that I am an aggrieved person¹ or his/her representative, the applicant or his/her representative, the Mayor of the City of Reno, or a member of the Reno City Council and have a right of appeal to the Council.

II. In accordance with Reno Municipal Code, Chapter 18.06, Article II, §§18.06.206 et seq., I do hereby appeal the action of the City of Reno Planning Commission or City of Reno Hearing Examiner (as applicable, "Lower Body") for the following reason(s): (attach additional pages, if necessary)

See attached

III. I certify that the above reasons are based upon evidence presented at the underlying hearing held on the 2 day of Nov, 20 11.

A. If the appellant presents plans or materials not previously presented at the underlying hearing to the Reno City Council ("Council"), the Council may remand the matter to the Lower Body for additional hearings regarding the newly presented items.

B. Anyone, including the appellant, may address the Council by written communications. Materials should be submitted to the City Manager's Office 5 working days prior to the Council hearing date set forth above. If material is untimely presented, Council may continue the hearing to a later date.

IV. I understand that the appeal fee is \$50 and the appeal will not be processed until the fee is paid.

By: M. M. May on behalf of
Firm Name/Title: SCENE Nevada
Address: 608 LANDER ST 89509
Telephone: 775-348-8872
Date: 11-11-11
Receipt No: 2012-00083764

¹ An aggrieved person is one whose personal right or right of property is adversely and substantially affected by the action of the underlying body.

Appeal to be held until matter comes up from Planning Commission to Council.

JA 1163

COR-06649

November 11, 2011

Appeal of Case No. – AT-32-07

II In accordance with Reno Municipal Code, Chapter 18.06, Article II, I do hereby appeal the action of the City of Reno Planning Commission for the following reasons:

The Reno City Planning Commission erred when it failed to pass the motion "to continue to not allow digital Off-Premises Advertising Displays within the City of Reno". Digital off-premises displays are new construction and are prohibited by law, specifically Ord. No. 5295 § 1 shown below, which was adopted by the Reno City Council on January 22, 2002 following a vote of the people.

Section 18.16.902. - Restrictions on Permanent Off-Premises Advertising Displays.

(a)

The construction of new off-premises advertising displays is prohibited, and the City of Reno may not issue permits for the construction. (Adopted by the voters at the November 2000 General Election, Question B.1. The results were decided by the city council on November 14, 2000).

(Ord. No. 5295, § 1, 1-22-02)

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Claudia Hanson – Planning and Engineering Manager, stated that staff can support the project.

Hearing no one wishing to speak Chair Weiske closed the public comment and asked for disclosures.

Commissioners Egan, Romeo, Stapleton and Chair Weiske disclosed receiving emails for this project.

Commissioner Stapleton had a question regarding the height of the existing units.

Ms. Lindell stated there are a mix of 2 and 3 stories with studio, 1, 2 and 3 bedroom units. She stated a chart was provided in the application that showed the height changes.

Chair Weiske asked for a motion.

It was moved by Commissioner Egan, seconded by Commissioner Stapleton, to approve the special use permit, subject to conditions. Commissioner Egan stated he could make the Findings. The motion carried: Commissioners Egan, Romeo, Stapleton and Chair Weiske assenting; Commissioner Coffman and Woosley absent.

VII. UPDATE, DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING ELECTRONIC BILLBOARD ORDINANCE. (For Possible Action)

Claudia Hanson – Planning and Engineering Manager, stated that Planning Commission asked for this item to be brought back for discussion, additional questions and/or direction to staff regarding the draft ordinance that will be presented at the next meeting. Ms. Hanson provided the ballot question R-1 regarding billboards to the Planning Commission.

Lori Wray – Scenic Nevada, stated there is a new issue regarding intermittent lighting which is currently prohibited by Federal and State Law. The Arizona Court of Appeal has ruled that digital billboards that use intermittent lighting are illegal along highways now. She stated that this isn't only a text amendment; they are abandoning a State and Federal agreement that has been in place for 40 years to protect the citizens. This agreement is meant to enforce the Highway Beautification Act and to protect the public's investment in highways, to promote safety and recreational value of public travel, and to preserve natural beauty. The McCarran ring is where the digital billboards are supposed to go. This will include Hwy 395 and I-80. Scenic Nevada is asking the Planning Commission not to abandon the State and Federal agreement and not to abandon the vote of 2000. She stated that one of the reasons the City of Reno wants to do this is to get rid of the clutter and in her opinion there are other ways to reduce clutter. She discussed the bank receipts and stated that as long as there is a bank, billboards can be placed in that bank to be relocated at a later date. She stated that there are unresolved issues with technology that the City of Reno hasn't considered or addressed.

Danny Schulte – YESCO Outdoor Media, stated there is a billboard ordinance that has been in place since 2000. They have operated under this ordinance for more than 11 years without any problems. They have taken boards down that were banked and have found new locations that were allowed by the current ordinance. In the current ordinance there is spacing requirements of 750 feet and changeable message signs/billboards. It's the same type of changeable message that the new LED technology provides, is recognized by NDOT which allows a minimum 6 second turn. YESCO has

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one digital billboard in Sparks which allows 6 advertisers with an 8 second turn. They have 12 seconds for public service and any other public service item needed. The AMBER alert is automatic.

Mark Wray stated that he hopes they have heard the last of the industry arguing for public service on the digital billboard, especially in an area that caters to tourists. He stated that the Federal and State agreement, which has been in effect for 40 years, says intermittent lighting illegal. He urges the City of Reno follow the mandates set forth by the people and say no to digital billboards.

Chair Weiske closed the public comment.

Commissioner Romeo asked if legal reviewed the Arizona decision and what ramifications it may or may not have for the State of Nevada, particularly the City of Reno.

Marilyn Craig – Deputy City Attorney, stated she had seen the case and had read it. She still has questions that need answers regarding it; therefore, she does not have definitive advice for the Planning Commission. She will have the information for the January meeting and will be making a recommendation at the January meeting.

Commissioner Egan stated that they are in no position to discuss until the foundation has been set.

Chair Weiske concurred with Commissioner Egan.

Ms. Hanson stated she would work with legal regarding the Arizona case and will bring the information back to Planning Commission in January.

In response to Commissioner Romeo's questions, Ms. Hanson stated options would be available and brought forward if there is a favorable decision made. Ms. Hanson stated a motion was not required since this item is a discussion item. The draft ordinance will be on the January 2012 agenda.

VIII. TRUCKEE MEADOWS REGIONAL PLANNING LIAISON REPORT

Commissioner Romeo announced that Roseanne Coombs had resigned. A new Interim Director will be announced at the January meeting.

IX. STAFF ANNOUNCEMENTS – 1. Report on status of Planning Division projects; 2. Announcement of upcoming training opportunities; 3. Report on status of responses to staff direction received at previous meetings; and 4. Report on actions taken by City Council on previous Planning Commission items.

Claudia Hanson – Planning and Engineering Manager, stated the only item she had to report was the zone change for Kietzke Lane area was adopted by City Council at their December 7, 2011 public hearing.

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X. COMMISSIONER'S SUGGESTIONS FOR FUTURE AGENDA ITEMS (For Possible Action)

None.

XI. PUBLIC COMMENT – This public comment item is to allow the public to provide general public comment and not for comment on individual action items contained on this Agenda.

Chair Weiske wished everyone a happy holiday.

XII. ADJOURNMENT (For Possible Action)

Chair Weiske adjourned the meeting at 6:41 p.m.

**AS APPROVED BY THE RENO CITY PLANNING COMMISSION IN SESSION ON
JANUARY 4, 2012.**



Reno City Attorney

MEMORANDUM

Date: December 19, 2011
To: City of Reno Planning Commission
From: Marilyn D. Craig, Deputy City Attorney *MDC*
Subject: LED Billboards

Question: You have asked for direction with respect to the impact, if any, of the holding in *Scenic Arizona v. Board of Adjustment*, 2011 Ariz. App. LEXIS 193 (Nov. 17, 2011), on your consideration of whether to recommend to the City Council the allowance of light emitting diode ("LED") billboards in the City of Reno ("City").

I. Overview:

In 1965, Congress passed the Federal Highway Beautification Act ("FHBA"), 23 U.S.C. § 131, in an attempt to preserve the scenic beauty of America's highways.¹ Exhibit A. The FHBA applies to all states. Accordingly, Nevada and Arizona followed a somewhat similar procedure in enacting and/or adopting laws and/or regulations regarding billboards adjacent to the National Highway System and primary roads (collectively, "NHS"). However, as will be shown below, there are significant differences between the procedures followed by the two states which result in the holding of the *Scenic Arizona* case not having an impact on the City's consideration of LED billboards.

II. Background:

Congress explained that the FHBA was to "protect the public investment in [America's] highways, to promote the safety and recreational value of public travel, and to preserve natural beauty." *Id.*, Subsection (a) (2002).

By America's highways, Congress meant the NHS. The NHS includes:

- (1) The Eisenhower Interstate System of highways.
- (2) Other principal arterials: highways in rural and urban areas which provide access between an arterial and a major port, airport, public transportation facility, or other intermodal

¹ In 1958, Congress passed the Federal-Aid Highway Act of 1958 ("Bonus Act") out of concern for the unregulated placement of billboards along interstate highways. The Bonus Act provided that "[i]f states agreed to prohibit billboards within 660 feet of highways in areas not zoned either industrial or commercial," bonus payments would be made to the states. *Scenic Arizona, supra*, at 31. The Bonus Act expired in 1965.

transportation facility.

(3) Strategic Highway Network: highways which are important to the United States' strategic defense policy and which provide defense access, continuity and emergency capabilities for defense purpose.

(4) Major Strategic Highway Network connectors: highways which provide access between major military installations and highways which are part of the Strategic Highway Network. U.S. Department of Transportation, Federal Highway Administration. *See also*, Exhibit B, NHS Map, Reno, Nevada.²

Among other things, the FHBA required states to provide "effective control" of certain advertising signs along the NHS. If a state failed to provide "effective control" the state could face a penalty of a ten-percent reduction of its share of federal highway funds. *Scenic Arizona, supra*, at 31.

In 1971 to comply with the FHBA, Nevada, along with most other states including Arizona, enacted statutes to provide "effective control" of advertising signs along federally funded highways. *Id.* at 32; Nevada Revised Statutes ("NRS") 410.220 et seq. Among other provisions, NRS 410.320 provides in part:

Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-travelled way of the interstate or primary highway systems in this state ... except the following:

...

3. Sign, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property on which the advertising sign, display or device is erected.
4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

Notably, absent from the Nevada *statutes* is any reference to the lighting of billboards.

Furthermore, the FHBA required states to enter into agreement with the federal Secretary of Transportation "for erection and maintenance" of certain billboards along NHS highways within commercial or industrial zones. *Scenic Arizona, supra*, at 32. Consistently, NRS 410.330 required the Board of Directors of the Nevada Department of Transportation ("NDOT") "to enter into an agreement with the Secretary of Transportation" with respect to criteria regarding spacing, size, and *lighting* of certain billboards ("Federal-State Agreement"). On January 28, 1977, NDOT entered into

² This map is for illustrative purposes only as roads may be added or deleted at any time.

a Federal-State Agreement, No. R058-97, and adopted the Outdoor Advertising Control Manual.

On September 25, 2007, the federal government issued a guidance memorandum requiring a "state department of transportation [must] obtain FHWA [Federal Highways Administration] approval for 'any changes to its laws, regulations, and procedure to implement the requirements of outdoor advertising control program.'" *Scenic Arizona, supra*, at 35. Exhibit C. The memorandum further stated: "Proposed laws, regulations, and procedures" that would allow digital billboards subject to 'acceptable criteria ... do not violate a prohibition against 'intermittent,' or 'flashing' or 'moving' lights as those terms are used in the various [federal-state agreements.]" *Id.* The memorandum further contained the following comment: "all of the requirements [of the FHBA] and its implementing regulations, and the specific provisions of the [federal-state agreements] continue to apply." *Id.* Notably, neither Nevada nor Arizona amended its Federal-State Agreement although Arizona has taken some actions to allow LED lighting on billboards.

On December 11, 1998, NDOT adopted *administrative regulations* regarding billboards which modified the provisions of the Outdoor Advertising Control Manual. Nevada Administrative Code ("NAC") 410.200 et seq. Among other things, NAC 410.350 currently provides:

1. ... Signs must not include or be illuminated by flashing, intermittent or moving light, except any parts necessary to give public service information such as the time, date, temperature, weather or similar information ...

2. A commercial electronic variable message sign, including, without limitation, a trivision sign, may be approved as an off-premises outdoor advertising sign in an urban area if the sign does not contain flashing, intermittent or moving lights, does not cause a glare on the roadway and the following conditions are met:

...

- (b) A message on a trivision sign may have a minimum display time of 6 seconds and a maximum change interval of 3 seconds.

...

- (e) Prior approval from the Department is required to modify existing signs to include the commercial electronic variable message sign ...

Thus, the requirements regarding lighting of billboards are contained in NDOT's regulations.

On November 17, 2011, the Arizona Court of Appeals, Division One, Department B, considering whether a LED billboard violated Arizona statutes, decided that LED lighting constituted intermittent lighting under Arizona statutes. The *Scenic Arizona* court explained it recognized that many technological advances had occurred since the [Federal-State Agreements] were entered into with the states and that the federal guidance memorandum explained that digital billboards could be acceptable "if found to be consistent with the [Federal-State Agreement]," among other things. *Id.* at 35-36. However, Arizona had not amended its statutes. Accordingly, Arizona's statutes prohibited intermittent lighting. The *Scenic Arizona* court explained:

Although the FHWA memorandum may indicate the federal agency's

willingness to allow a state to permit some intermittent billboard lighting, the only standards, rules, or regulations Arizona has adopted to address electronic billboards are the provisions of the [Arizona Highway Beautification Act ("AHBA")]. Nothing in our record indicates there has been any attempt by ADOT to obtain FHWA approval for any proposed law, regulation, or procedure that would exempt digital billboards from the current state prohibition against intermittent lighting. Similarly, we are unaware of any authority suggesting that a guidance memorandum from the FHWA has binding legal effect on the states, and the memorandum itself includes a disclaimer that it is "not intended to amend applicable legal requirements." In a nutshell, the only purpose of the memorandum was to open the door to individual states to work with the FHWA to find acceptable solutions for allowing digital billboards, in the discretion of each state. The memorandum did not eliminate the AHBA's prohibition of intermittent lighting.

Id. at 36. The Scenic Arizona court found that the LED billboard in question was prohibited by Arizona law due to its intermittent lighting.

II. Analysis:

A. Comparison of Arizona statutes and Nevada regulations.

Under Arizona law, the prohibition against intermittent lighting is set forth in state *statutes*; whereas, in Nevada, the prohibition against intermittent lighting is set forth in *NDOT administrative regulations*. NAC 410.330.

In Nevada, political subdivisions, such as the City, must comply with state *statutes*; whereas a political subdivision is not required to comply with state department's *administrative regulations*. An administrative regulation is "an agency rule standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of the agency." NRS 233B.038. *See also*, NRS 233B.020 and 233B.031.

Because *NDOT administrative regulations* do not bind the City, the City may allow LED lighting on billboards. Arguably *NDOT* could not allow LED lighting on billboards because of the prohibition on intermittent lighting contained in its *administrative regulations* set forth in NAC 410.350. *NDOT* determines whether LED lighting on billboards is intermittent and, if so, whether such lighting violates its *administrative regulations*.

C. There is concurrent jurisdiction between the City and *NDOT* regarding billboards located along interstate and primary highways in Nevada.

NRS 410.400 and 410.330 require *NDOT* to prescribe "[r]egulations governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising sign, displays or devices" and "for the erection and maintenance of [signs, displays and devices] located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway system within this state."

NRS 278.020 provides that "[f]or the purpose of promoting health, safety, morals, or the general welfare of the community, the governing body of cities ... are authorized and empowered to regulate and restrict the improvement of land to control the location and soundness of structures."

Reno Municipal Code 18.16.904(a) generally allows billboards in commercial and industrial zoning districts provided other criteria are met.

Accordingly, a person who desires to construct an LED billboard located adjacent to a NHS highway must apply to the City and NDOT for permits to erect a billboard. It is important to understand NDOT applies its own *administrative regulations*, such as, the prohibition against intermittent lighting. Therefore, NDOT's decision may differ from the City's decision with respect to the same billboard. Because NDOT's regulations do not bind the City, a billboard may comply with City ordinances, but not NDOT's regulations. If this were the case, NDOT would not allow the billboard to be erected.

III. Conclusion:

Based upon the above, the *Scenic Arizona* court decision does not impact the Planning Commission's consideration of whether to recommend allowance of LED billboards within the City.

shall use the amount of the incentive payment for transportation safety improvements.

(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.

§ 131. Control of outdoor advertising

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the

sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term "free coffee" shall include coffee for which a donation may be made, but is not required.

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreements in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

(f) The Secretary shall, in consultations with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section,

whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

(i) In order to provide information in the specific interest of the traveling public, the State transportation departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.

(j) Any State transportation department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State transportation department shall be entitled to such payments unless the State maintains the control required under such agreement: *Provided*, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

(k) Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, dis-

plays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.

(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment. Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a

payment except to the extent that the State, in its discretion, expends such funds for such a payment.

(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

(r) REMOVAL OF ILLEGAL SIGNS.—

(1) BY OWNERS.—Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

(2) BY STATES.—If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.

(s) **SCENIC BYWAY PROHIBITION.**—If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

(t) **PRIMARY SYSTEM DEFINED.**—For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.

§ 132. Payments on Federal-aid projects undertaken by a Federal agency

Where a proposed Federal-aid project is to be undertaken by a Federal agency pursuant to an agreement between a State and such Federal agency and the State makes a deposit with or payment to such Federal agency as may be required in fulfillment of the State's obligation under such agreement for the work undertaken or to be undertaken by such Federal agency, the Secretary, upon execution of a project agreement with such State for the proposed Federal-aid project, may reimburse the State out of the appropriate appropriations the estimated Federal share under the provisions of this title of the State's obligation so deposited or paid by such State. Upon completion of such project and its acceptance by the Secretary, an adjustment shall be made in such Federal share payable on account of such project based on the final cost thereof. Any sums reimbursed to the State under this section which may be in excess of the Federal pro rata share under the provisions of this title of the State's share of the cost as set forth in the approved final voucher submitted by the State shall be recovered and credited to the same class of funds from which the Federal payment under this section was made.

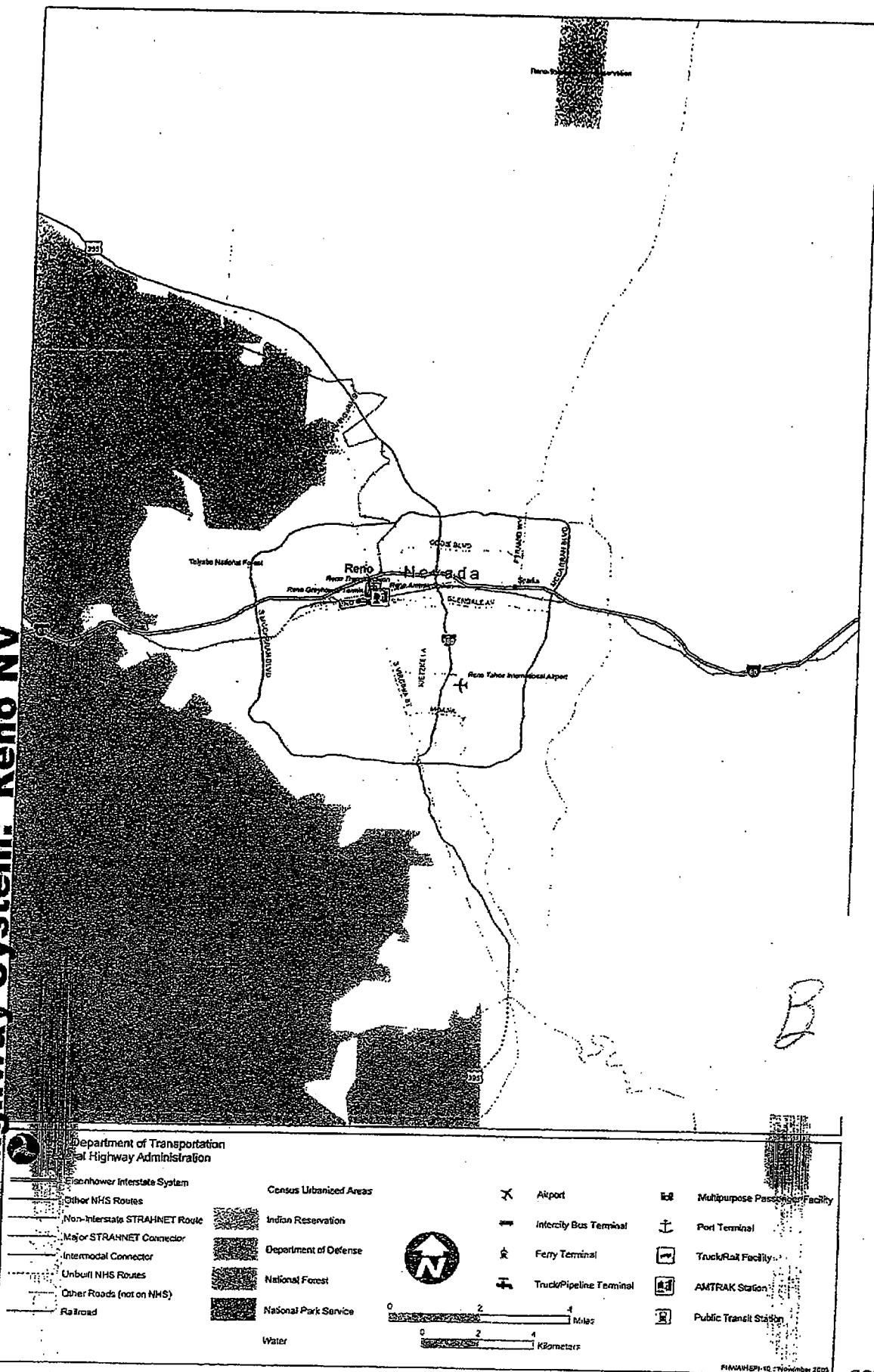
§ 133. Surface transportation program

(a) **ESTABLISHMENT.**—The Secretary shall establish a surface transportation program in accordance with this section.

(b) **ELIGIBLE PROJECTS.**—A State may obligate funds apportioned to it under section 104(b)(3) for the surface transportation program only for the following:

(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including interstate highways) and bridges (including bridges on public roads of all functional classifications), including any

National Highway System: Reno NV



FINANHEP-10, 27 November 2005

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U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Guidance On Off-Premise Changeable Message Signs

Date: September 25,
2007

ORIGINAL SIGNED BY: Gloria M. Shepherd

From: Gloria M. Shepherd
Associate Administrator for
Planning, Environment, and Realty

Reply to: HEP-20

To: Division Administrators
ATTN: Division Realty Professionals

Purpose

The purpose of this memorandum is to provide guidance to Division Realty Professionals concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996, memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain the FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and the Division offices should provide a determination as to whether the State should allow off-premises changeable Electronic Variable Message Signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). The Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as, those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for the FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.

This guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

Background

The HBA requires States to maintain *effective control* of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or unzoned commercial or industrial areas. Signs displays and devices whose *size, lighting and spacing* are consistent with customary use determined by agreement between the several States and the Secretary, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, the Office of Real Estate Services issued a memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that the FHWA has "always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual FSAs." It was expressly noted that "in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and the FHWA to interpret the agreements with those changes in mind." The July 17, 1996, memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs "regardless of the type of technology used" are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the July 17, 1996, memorandum.

The policy espoused in the July 17, 1996, memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

Discussion

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.

This guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, the Divisions should consider all relevant information, including, but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. The Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by the Divisions to date, contain some or all of the following standards:

- Duration of Message
 - Duration of each display is generally between 4 and 10 seconds - 8 seconds is recommended.
- Transition Time
 - Transition between messages is generally between 1 and 4 seconds - 1-2 seconds is recommended.
- Brightness
 - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.
- Spacing
 - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.

- Locations

- Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

Other standards that the States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Conclusion

This guidance is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, the Office of Realty Estate Services is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

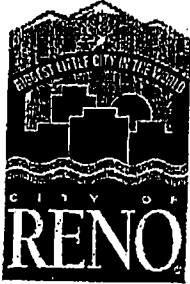
For further information on guidance on *Off-Premise Changeable Message Signs*, you may contact the Office of Real Estate Services' "Point of Contact" serving your Division or Catherine O'Hara by e-mail: (Catherine.O'Hara@dot.gov).

This page last modified on June 27, 2011

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United States Department of Transportation - Federal Highway Administration



CITY OF RENO
Planning Commission
January 4, 2012
Staff Report

Agenda #

VIII-1

Ward #

All

CASE No.: AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diode)

APPLICANT: City of Reno

REQUEST: This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

LOCATION: City-wide

PROPOSED MOTION: Based upon compliance with the applicable findings, I move to recommend that City Council approve the text amendment to the Reno Municipal Code by ordinance.

BACKGROUND: Regulations regarding the placement and frequency of off-premises advertising displays, or billboards, were first developed in the 1960's with the national Highway Beautification Act of 1965. This federal regulation was designed to reduce the visual impact and overexposure of billboards along the nation's federally funded highways. Similar laws have been passed by states and localities to further mitigate the negative impact of outdoor advertising on other roadways within their jurisdictions while upholding First Amendment guarantees to commercial and non-commercial advertisers.

Currently, four states have an outright ban on billboards and many municipalities have passed laws limiting or reducing the number of billboards allowed within city limits.

The citizens of Reno passed a voter referendum in 2000 which prohibits the construction of new billboards within the city (General Election, Question R-1; certified 11-14-2000). Ordinances passed by the City Council have defined where billboards are appropriate within the city. (Ord. No. 5295, § 1, 1-22-02; Ord. No. 5189, § 1, 9-26-00; Ord. No. 5195, § 1, 10-10-00; Ord. No. 5208, § 1, 11-14-00; Ord. No. 5215, § 1, 1-23-01; Ord. No. 5595, § 1, 9-8-04; Ord. No. 5821, § 1, 4-5-06; Ord. No. 5864, § 2, 8-23-06; Ord. No. 5461, § 1, 6-11-03; Ord. No. 5534, § 1, 1-14-01; Ord. No. 5729, § 8, 9-16-05).

Billboard technology continues to evolve. Original billboards were hand painted messages designed to catch the eye of a passing motorist or pedestrian. Reductions in supply costs along with a greater durability of new materials such as vinyl and plastic replaced hand-painted billboards. The addition of mechanical devices has increased the number of messages that can be displayed at one location. All of these methods result in a static message that does not create the illusion of movement but are designed to present a quick message to the viewer. Technological advances have now moved billboards into the digital age with light-emitting diodes (LEDs) displaying messages that are controlled by an on-site or off-site computer. This technology looks to replace the paint, vinyl and plastic on billboards. Paint, vinyl, or plastic messages require the use of materials that are limited in how they can be recycled. Digital Off-premises advertising displays (digital billboards) have the advantage of reducing the amount of landfill waste that is produced by billboard advertisement. However, the amount of electricity required to operate a digital billboard is considerably greater than a standard billboard.

On May 24, 2011 Community Development staff held a workshop at 450 Sinclair, Community Development office, to discuss possibilities for a draft ordinance to allow electronic billboards within the City of Reno. Representatives from Scenic Nevada and the sign industry were in attendance. The minutes from that workshop are attached (Exhibit 1).

On September 20, 2011 Planning Commission held a workshop to discuss the issues surrounding electronic billboards in the City of Reno. Location, brightness, technology, the 2000 referendum, and duration of messages (flip-time) were all discussed. The minutes from that workshop are attached (Exhibit 2).

On October 5, 2011 the Planning Commission discussed potential wording for a draft ordinance to allow electronic billboards within the City of Reno. Planning Commission also requested that an item be placed on the November agenda to discuss and take action on allowing or not allowing electronic billboards with the City of Reno. The minutes from this item are attached (Exhibit 3).

On November 2, 2011 the Planning Commission discussed the possibility to continue to not allow electronic billboards with the City of Reno. It was decided through a vote to move forward with an ordinance to allow and regulate electronic billboards with the City of Reno. Discussion continued regarding the elements of the proposed draft ordinance. The draft minutes from this item are attached (Exhibit 4).

On December 7, 2011 the Planning Commission discussed additional thoughts and questions regarding electronic billboards. The draft minutes from this item are attached (Exhibit 5).

DIGITAL (LED) BACKGROUND: LEDs are tiny lights that when placed together in a large group can display a coherent message to the viewer. This technology provides outdoor advertisers the ability to sell multiple messages or display times per billboard as the digital billboards can display any number of messages that are loaded onto the computer. Digital billboards also have a greater opportunity to reach viewers because the illuminated message can be discernable from a greater distance than the typical vinyl or plastic message. Other technologies other than LED are also under development which may fit into the category of digital billboards.

A workshop on potential regulations regarding digital billboards was held on April 25, 2008. Members of the planning staff, sign industry and Scenic Nevada were present. At this meeting, staff presented the participants with some proposed guidelines for the use of digital billboards within the city in order to create a dialogue regarding how to best move forward with allowing digital billboards which balances the needs of the industry with those who have environmental and aesthetic concerns.

The industry group focused on their need to upgrade their facilities in order to remain competitive in the outdoor advertising market as well as to try and attract new business. Digital technology is an emerging technology that increases the ability of sign companies to compete.

Scenic Nevada, an interest group wanting to protect the environmental and aesthetic beauty of Reno, cited their concerns regarding the use of illuminated billboards and their impact on residents and future development, especially in the urban core and MU zoning districts. They are opposed to converting indirectly illuminated billboards to digital billboards due to the potential for light pollution and negative effects on the aesthetic qualities afforded to the citizens of Reno. Scenic Nevada also contends that the referendum on new billboards passed by the citizens of Reno in November, 2000 expressly prohibits the construction of new billboards and that the conversion of existing billboards to digital billboards violates that ban.

The City's interpretation of the 2000 referendum on billboards is that while it capped the total number of billboards allowed within the city, it does not preclude the repair, relocation, or upgrading of the existing billboard stock within the city. The proposed regulation is in response to that interpretation and will provide guidance for billboard owners who wish to modify their current billboard inventories with the new digital technology. Digital billboards will be required to meet all the requirements contained in Article IX: Off-premise Advertising Display.

ANALYSIS:

Location Criteria: Current off-premises advertising displays are regulated for land use compatibility by determining the distance from specific zoning designations or restriction

to certain types of roadways within the city. The proposed digital regulations would also address these areas of compatibility to minimize conflicts between incompatible uses.

The proposed regulation sets the minimum distance to those currently in code. In previous drafts of this ordinance, staff recommended that the placement criteria be increased for digital billboards as compared to changeable face (tri-vision) advertising displays and non-animated off premises advertising displays. This is due to the increased distance of legibility, increased number of advertising faces, and increased brightness. Following discussion at previous Planning Commission meetings staff has amended this spacing requirement to match that of the "Tri-Vision" type signs which would be to have them spaced no closer than 1,000 feet from each other.

Billboards are currently restricted as to their distance to adjacent residentially zoned property. Current regulations restrict standard billboards to be located at least 300 feet from a residentially zoned property. In this draft, spacing from primary and secondary classroom buildings and residentially zoned and used parcels is proposed to increase to 1,000 lineal feet. This is due to the impact from brightness and increased distance of legibility of a digital billboard. It is proposed that this distance could be reduced through the approval of a special use permit.

Billboards are currently restricted on various roadways within the city. City Council directed staff to consider protecting high volume gateways and dark skies areas when considering where to propose allowing digital billboards. Digital billboards will meet all the current standards contained in Article IX: Off-premises Advertising Display. Staff recommends that the digital billboards only be located where there is an existing significant amount of ambient light. The proposed ordinance prohibits digital billboards north and west of McCarran Boulevard and south of Damonte Ranch Parkway.

Display Criteria: There is no commonly accepted standard for the minimum "dwell time" or time in which a message stays in place. The dwell times vary from jurisdiction to jurisdiction. St. Paul, Minnesota, has an ordinance that requires messages to stay in place for 12 seconds. Seattle, Washington has set 10 seconds as the minimum dwell time. The shortest dwell time surveyed was in Albuquerque, New Mexico which sets a minimum of 5 seconds. The longest dwell time surveyed was in Salt Lake City, UT which has 24 hours as the minimum dwell time. The Federal Highway Administration has identified between 4 and 10 seconds as acceptable with a recommendation of 8 seconds. The proposed regulation requires that the message remain fixed for at least 8 seconds.

The proposed maximum time allowed for the message display to change is 1 second. This is in line with current Reno Municipal Code regulations regarding animated signs, industry standards and other jurisdictions' regulations. Just as the current regulations in the Reno Municipal Code prohibit moving or full motion video displays on off-premise advertising, the proposed regulation would also prohibit this type of display. The

proposed ordinance includes a requirement that digital billboards contain a default design that will freeze the device in one position if a malfunction occurs.

The proposed ordinance prohibits the digital billboards from imitating official road signs and warning signs which are for the safety of motorists. This is consistent with current Reno Municipal Code restrictions for off-site and on-site advertising displays.

Luminance: The proposed regulations regarding sign luminance are intended to limit the impact of the brightness of the sign and increase the level of safety for motorists and pedestrians where digital billboards would be present. Under the proposed ordinance digital displays would not operate at a brightness level of more than 0.3 foot candles above ambient light at a pre-set distance outlined in the draft ordinance. This requires the signs to adjust brightness depending on the changing ambient light throughout the day.

Removal Requirements: In conformance with the ballot initiative passed by the voters in November, 2000 (approved by the voters November 7, 2000, General Election, Question R-1 – the results were certified by the City Council on November 14, 2000), no new billboards will be allowed without the removal of current existing or banked billboards. In order to be granted a permit for the construction of a digital billboard, the proposed regulation requires the removal of the equivalent of eight times the square footage of the proposed digital billboard. Up to 50% of the square footage can be obtained from banked receipts of removed billboards. This ratio further supports the ballot initiative by reducing the number of billboards within the City at a ratio equal to the number of messages that would be available per digital display structure.

Maintenance: The maintenance section requires the good up-keep of digital billboards in order to reduce the potential impact on the surrounding area and to maintain the billboard stock in a safe manner. The face of each permitted digital billboard shall contain a discernable message or graphic at all times.

Public Improvements: All public improvements will be addressed when a specific permit is requested.

Text Amendment: The proposed regulations would be applicable city-wide. This text amendment is in conformance with the Regional Plan and the City's Master Plan. The proposal is also in conformance with the November 7, 2000 General Election, Question R-1 and certified by Reno City Council on November 14, 2000.

In February, 2009 The Federal Highway Administration (FHWA) released The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update. A copy of this publication is attached to this staff report (Exhibit 6). The conclusion of that update "is that the current body of knowledge represents an inconclusive scientific result with regard to demonstrating detrimental driver safety

effects due to CEVMS exposure. This outcome points toward the importance of conducting carefully controlled and methodologically sound future research on the issue." Staff will continue to monitor future studies on this topic and report back to Planning Commission and City Council as new information becomes available.

At the December 8 Planning Commission meeting the Planning Commission requested that the City Attorney's office bring back information regarding *Scenic Arizona v. Board of Adjustment*, 2011 Ariz. App. LEXIS 193 (Nov. 17, 2011). Marilyn Craig's response is attached to the report (Exhibit 7).

LEGAL REQUIREMENTS:

RMC 18.06.302 Amendments to Text of Title 18

FINDINGS:

Amendments to Text of Title 18: In order to adopt an amendment to the text of Title 18, the planning commission and city council shall find the following:

- (1) Text amendments shall be in substantial conformance with the statement of purpose and intent of this Title 18, as set forth Section 18.02.103.
- (2) Text amendments shall be in substantial conformance with the Master Plan.

Staff: Claudia C. Hanson, AICP
Planning & Engineering Manager

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Chair Weiske called for a recess at 7:25 p.m. Meeting resumed at 7:40 p.m.

VIII. UNFINISHED BUSINESS/PUBLIC HEARINGS

AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diode)- This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Off-Premise Advertising Displays, and Section 18.24.203.4570 (Definition of Sign) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. cch [All Wards] (For Possible Action – Recommendation to City Council)

This item was continued from the October 5, 2011 and November 2, 2011 Planning Commission meetings.

Chair Weiske opened the public hearing.

Claudia Hanson – Planning and Engineering Manager, presented this project and gave a brief list of changes that were being brought forward with the ordinance.

Chair Weiske made reference to the memo that was written by Marilyn Craig – Deputy City Attorney, regarding the case for *Scenic Arizona v. Board of Adjustment*.

Marilyn Craig – Deputy City Attorney, stated the Planning Commission can proceed.

Commissioners Coffman, Harris, Romeo, Stapleton, Woosley, and Chair Weiske disclosed meeting with the billboard representatives and received emails.

The following submitted Request to Speak forms in opposition:

1. Mark Wray
2. Lori Wray
3. Craig Toone
4. Ryan Saunders

The following noted they were in opposition on the Request to Speak form but did not wish to speak:

1. Susan Schulte
2. Doug Smith – follow R-1 Billboard petition. In Reno it was approved in 2000 by 50% registered voters and 43% were against.

The following submitted a Request to Speak form but did not indicate if he was in opposition or in favor:

1. John Frankovich

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Ms. Hanson stated that the City of Reno wanted to promote dark skies and protect the gateway to the City in the areas north and west of McCarran. Ms. Hanson also stated there was a request presented by Mr. Frankovich to extend the southern boundary to where Hwy 395/580 crosses South Virginia Street, south of Damonte Ranch Parkway. She also stated that staff was in support of his other request to add Commercial and Industrial zones.

There was some discussion regarding the Reno-Stead Corridor Joint Plan, north of 395. It was stated that the existing standards are still in place. This ordinance is only for digital billboards.

There was some discussion regarding possibly reducing the cap for the billboards.

There was some discussion regarding the language and requirements regarding erecting digital billboards on the same side of the street in residential areas and near school buildings. Ms. Hanson explained that a SUP could be still be required. This could also be done with a Site Plan Review (SPR). Both require noticing of 750 feet and can be appealed but the SPR is done administratively.

There was extensive discussion regarding the spacing requirements. The spacing requirements for standard billboards are 300 feet from residential, on the same side of the street. The spacing requirements for digital billboards is 1,000 feet from residential areas but can be reduced to 300 feet with a SUP or SPR. The spacing requirements between standard billboards is 750 feet and 1,000 feet for animated.

A majority of the Commission stated that an 8 second flip time was appropriate. The Commissioners also stated their concerns regarding extending the boundary north of McCarran Boulevard.

Commissioner Harris stated he had a hard time supporting the ordinance as written.

Commissioner Romeo stated he could support the ordinance if slight changes are made.

Commissioner Woosley stated that the glare and the changing of the advertisement/colors could be a distraction.

Commission Stapleton stated a digital billboard is aesthetically different than a static billboard. She also stated that the Planning Commission represents the people in the community and the people voted for no new billboards.

There was extensive discussion regarding exchange ratios. Commissioner Coffman, Harris, and Chair Weiske stated they would be in favor of a 1:1 ratio. Commissioner Romeo stated he would be in support of a 4:1 ratio but could agree to a 1:1 ratio. Commissioner Woosley stated he would be in favor of a 4:1 ratio. Commissioner Stapleton stated she would be in favor of an 8:1 ratio.

Ms. Hanson suggested putting the 4-5 items of discussion in a draft report to Council with some options.

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Commissioners Coffman, Harris, Romeo, Stapleton, Woosley and Chair Weiske stated they are in favor of an 8 second flip time.

There was more discussion regarding distance from a residence and school buildings. Commissioners Coffman, Harris, Romeo, Stapleton, and Woosley stated they can agree with how it is currently written. Chair Weiske stated he thinks 300 feet is too close and cited the following reasons: the light coming off the digital display could be more or less, but the color transition is an influence to a residence. In his opinion, 300 feet is acceptable for schools as it won't have any impact on them at night.

The Commissioners agreed that the distance for a digital sign should be 1,000 feet from a primary or secondary school building with an SUP for anything less than 1,000 feet and not less than 300 feet. The Clear Channel representative suggested the addition of the phrase "on the same side of the street." A majority of the Commissioners agreed that the distance for digital signs should be 1,000 feet from residential and on the same side of the street.

Chair Weiske called for a recess at 10:10 p.m. Meeting resumed at 10:15 p.m.

It was moved by Commissioner Romeo and seconded by Commissioner Coffman to recommend City Council approve the text amendment to the Reno Municipal Code, by ordinance with the amendments to include: an exchange rate of 1:1 ratio, distances for static at 300 feet and digital at 1,000 feet from a primary or secondary school building or to residentially zoned and used parcels on the same side of the street, less than the 1,000 feet would require a SUP; 8 second flip times; south of Damonte Ranch Parkway to where 395 crosses South Virginia Street; and a maximum of 3 digital billboards to be allowed in the area along South Virginia Street from Plumb Lane to California Avenue in an exchange rate of 4:1 and spacing is to be determined at a later date by staff but is not to exceed 500 feet. Commissioner Romeo stated he could make the Findings.

Commissioner Romeo stated this project has been in the works for numerous years and commended his fellow Commissioners and everyone involved for putting in all the hard work.

Commissioners Coffman, Harris, Romeo and Chair Weiske assenting; Commissioners Stapleton and Woosley opposing; and Commissioner Egan absent.

IX. TRUCKEE MEADOWS REGIONAL PLANNING LIAISON REPORT

None.

X. STAFF ANNOUNCEMENTS STAFF ANNOUNCEMENTS – 1. Report on status of Planning Division projects; 2. Announcement of upcoming training opportunities; 3. Report on status of responses to staff direction received at previous meetings; and 4. Report on actions taken by City Council on previous Planning Commission items.

Claudia Hanson – Planning and Engineering Manager stated she didn't have any announcements. City Council approved the On-Premises Sign Amendment.

Council Hearing Date: 2-8-2012
Council Hearing Time: 6 P.M.

**APPEALS OF ACTIONS BY CITY OF RENO PLANNING COMMISSION OR
CITY OF RENO HEARING OFFICER/EXAMINER TO RENO CITY COUNCIL**
(to be filed in Reno City Clerk's Office, 1 East First Street, Second Floor)

Re: Case No. AT-32-07

I. I certify that I am an aggrieved person¹ or his/her representative, the applicant or his/her representative, the Mayor of the City of Reno, or a member of the Reno City Council and have a right of appeal to the Council.

II. In accordance with Reno Municipal Code, Chapter 18.06, Article II, §§18.06.206 et seq., I do hereby appeal the action of the City of Reno Planning Commission or City of Reno Hearing Examiner (as applicable, "Lower Body") for the following reason(s): (attach additional pages; if necessary)

See attached

III. I certify that the above reasons are based upon evidence presented at the underlying hearing held on the 4th day of JANUARY, 20 12.

A. If the appellant presents plans or materials not previously presented at the underlying hearing to the Reno City Council ("Council"), the Council may remand the matter to the Lower Body for additional hearings regarding the newly presented items.

B. Anyone, including the appellant, may address the Council by written communications. Materials should be submitted to the City Manager's Office 5 working days prior to the Council hearing date set forth above. If material is untimely presented, Council may continue the hearing to a later date.

IV. I understand that the appeal fee is \$50 and the appeal will not be processed until the fee is paid.

By: Lori Wray Lee
Firm Name/Title: SCENIC NEVADA
Address: 333 FLINT ST
Telephone: 313-9126
Date: 1/9/12
Receipt No: 202-00083764

¹ An aggrieved person is one whose personal right or right of property is adversely and substantially affected by the action of the underlying body.

II. In accordance with the Reno Municipal Code, §§ 18.06.208, Article II, §§18.06.206 et seq., Scenic Nevada hereby appeals the action of the City of Reno Planning Commission for the following reason(s): (attach additional pages, if necessary)

1. The recommendation to the city council is in conflict with RMC18.16.902(a), Restrictions on Permanent Off-Premises Advertising Displays that states:

"The construction of new off-premises advertising displays billboards is prohibited, and the City of Reno may not issue permits for their construction. (Approved by the voters at the November 7, 2000, General Election, Question R_1 – The results were certified by the city council on November 14, 2000)."

2. The recommendation to the city council will allow digital billboards along sections of Interstate 80 and U.S. 395 in violation of state regulations (NAC 410.400) and the Agreement between Nevada and the federal government that prohibits intermittent lighting.
3. The recommendation to the city council is inconsistent with the intent of the federal Highway Beautification Act of 1965 that says billboards should be controlled to "protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."
4. The recommendation to the city council is inconsistent with the intent of NRS 410.220(b)
"The erection and maintenance of such advertising in such locations must be regulated:
 - (1) To prevent unreasonable distraction of operators of motor vehicles
 - (2) To promote the safety, convenience and enjoyment of travel on the state highways
 - (3) To attract tourists and promote the prosperity, economic well-being and general welfare of the State
 - (4) For the protection of the public investment in the state highways; and
 - (5) To preserve and enhance the natural scenic beauty and aesthetic features of the highways and adjacent areas"
5. The recommendation to the city council ignores testimony that digital billboards will diminish property values, mar our scenic views, further clutter our city streets, are distracting to drivers and use far too much energy in conflict with the city council goals to be a "green" city.

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NO.

M.2 Update, discussion and potential direction relating to Interlocal Agreement for Fire Consolidation and future fire services – continued

Mayor Cashell said that the letter sent to the Caughlin Ranch HOA should explain the terms mutual, automatic and primary aid.

Councilperson Aiazzi asked if the HOA sent a copy of their letter to the Washoe County Commissioners, and Chief Hernandez replied that the letter did not include an xc: notation.

Councilperson Aiazzi asked if the County remains unwilling to discuss a long-term lease for Station No. 14, and Chief Hernandez said that the County has as yet been unwilling to discuss the lease or purchase of the station, or the hiring or lateral transfer of City employees.

Councilperson Aiazzi and Chief Hernandez agreed that Reno firefighters are paid approximately \$40 per hour, and Washoe County is advertising to pay their firefighters \$14-17 dollars per hour.

A RECESS WAS CALLED AT 4:56 P.M. AND UPON RECONVENING AT 6:01 P.M., COUNCILPERSON AIAZZI WAS ABSENT.

N.0 PUBLIC HEARINGS – 6:00 P.M.

- N.1 Staff Report:** Request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]).

Recommendation: The Planning Commission recommends approval of the requested text amendment by ordinance.

This project was appealed by Lori Wray on behalf of Scenic Nevada.

Councilperson Hascheff disclosed that he met yesterday with Lori Wray and Sue Smith, and suggested that the matter be continued to a workshop. He asked Ms. Wray if she had any opposition to continuing this item.

Ms. Wray discussed Scenic Nevada's opposition to continuing the item to a workshop.

**AGENDA
ITEM
NO.**

N.1 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

Councilperson Sferrazza referred to a list of questions provided to her by Ms. Wray, and explained why a workshop setting would be more appropriate for hearing this issue.

Ms. Wray repeated that Scenic Nevada preferred to move forward.

Councilperson Hascheff asked the Clear Channel representative if they would object to continuing this item to a workshop.

John Frankovich, representing Clear Channel Outdoor, said that they had no objection to deferring this item to a workshop.

Councilperson Hascheff explained why it would be of benefit to provide the Council with more time to review all of the supporting documents that were provided to the Council on Friday, February 3, 2012.

It was moved by Councilperson Hascheff, seconded by Councilperson Sferrazza to continue this item to a workshop.

Councilperson Sferrazza requested that the Council, as a courtesy, allow the public speakers an opportunity to speak, even though the item would be continued to a workshop.

Councilperson Zadra agreed that the Council needed more time to review the documents, and disclosed that she also met with Ms. Wray and Sue Smith.

Councilperson Hascheff stated that anyone who wants to participate in the workshop should fill out a Public Comment Form so staff could notify them of the workshop.

It was moved by Councilperson Hascheff, seconded by Councilperson Sferrazza to amend the motion and continue this item to a workshop to be held within thirty (30) days.

Motion carried with Councilperson Aiazzi absent.

Mayor Cashell requested a recess, noting that anyone who wished to speak could do so after the recess.

A RECESS WAS CALLED AT 6:11 P.M. AND UPON RECONVENING AT 6:27 P.M., COUNCILPERSON AIAZZI WAS ABSENT.

AGENDA
ITEM
NO.

N.1 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

The following nine (9) individuals spoke in opposition to digital billboards. Ossian Or, 1600 Portland, St. Paul, Minnesota, Board of Directors of Scenic America, and Executive Director of Scenic Minnesota; Sandra Valle, 1600 Portland, St. Paul, Minnesota, Board Member of Scenic Minnesota; Jakki Ford, 17 South Virginia Street; John Hara, 65 Woodchuck Court; Vic Williams, 2975 Knight Road; Madeleine Williams, 2975 Knight Road; Marilyn R. Melton, 2547 Edgerock Road; Lori Wray, 2802 Outlook Drive, Member of Scenic Nevada; Peter C. Neumann, representing Scenic Nevada.

The following 23 individuals presented Public Comment Forms in opposition to digital billboards, but did not speak.

Susan Lisagor, 3250 Mario Road; Jack Hawkins, 529 Cheney Street; Mike Harris, dba Lavender Ridge, 7450 West Fourth Street; Renate Newmann, One Elm Court, representing Scenic Nevada; William Naylor, 1005 Dunbar Drive, Washoe Valley; Carol Bailey, 2155 Lakeshore Drive; Erik Holland, 17 South Virginia Street #506; Jack Christensen, 2155 Lakeshore Drive; Marilyn Naylor, 1005 Dunbar Drive, Washoe Valley; Karen Critor, 445 Puma Drive, Washoe Valley; Jerry Wachtel, 567 Panoramic Way, Berkley, California, President of The Veridian Group, Inc.; Glenn Miller, 581 Creighton Way; Penny Roskoski, 1930 Manzanita Lane; John Genasci, 5435 Silver Hills Circle, Sparks; Pam duPrei, Reno resident; Doug Smith, Reno resident; Glee Willis, 706 Diogenes Drive; Chuck Fulkerson, 3273 Spring Creek Circle; Bob Fulkerson, 855 Daniel Drive; Mary Lee Fulkerson, 3273 Spring Creek Circle; Nan Lathrop, P.O. Box 50471, Sparks; Fred Cooper, 1335 Crown Drive; John B. Walker, 10150 Donna, representing Scenic Nevada.

The following individual spoke in favor of digital billboards.
Linda Lott, 4600 Kietzke Lane K225.

The following 19 individuals presented Public Comment Forms in favor of digital billboards, but did not speak.

Tray Abney, 449 South Virginia Street, representing the Reno Sparks Chamber of Commerce; Don Richter, 2130 Richter Drive, representing Secret Witness; Jim Newberg, 1700 Comanche Moon Court; Dave Scott, 10650 Birch Point Circle, representing Clear Challen Outdoor; Larry Pahl, 775 East Glendale, Sparks, representing YESCO Electronics; Aaron West, 7701 Lakeside Drive, representing Clear Channel Outdoor; John Frankovich, P.O. Box 2670; Michelle Nichols, 1435 Joshua Drive; Ryan Saunders, ryan@saundersoutdoor.com, representing Saunders Outdoor Advertising; Susan Schulte, 4204 Juniper Creek Road, representing Saunders Outdoor Advertising; Ralph Durham, 4191 Plateau Court; Ben Cossio, 1529 Delucchi Lane Apt. E; Justin McIlvain, 105 May Drive, Sparks; Pat Pinjur, 4191 Plateau Court; Don Welsh, 1875 Champion Hills Drive; Sam Kuhlman,

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ITEM
NO.

N.1 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]) – continued

4887 Lakeridge Terrace West; Gregg Willison, 3260 Platte River Court; Lindsey Kern, 4945 Joule Street; Richard Saunders, representing Saunders Outdoor Advertising.

THIS ITEM WAS CONTINUED TO A WORKSHOP TO BE HELD WITHIN 30 DAYS.

N.1.1 ORDINANCE, INTRODUCTION: Bill No. Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", "Off-Premise Advertising Displays," and Section 18.24.203.4570 (definition of sign) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. **Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]).**

NO ACTION WAS TAKEN ON THIS ITEM.

O.0 PUBLIC COMMENT

NO ACTION WAS TAKEN ON THIS ITEM.

MEETING ADJOURNED AT 6:55 P.M.

**SPECIAL SESSION
RENO CITY COUNCIL
BRIEF OF MINUTES
March 6, 2012**

The Reno City Council held a special meeting at 6:05 p.m. on Tuesday, March 6, 2012 in the Council Chambers in City Hall.

PRESENT: Councilpersons Gustin, Zadra, Sferrazza, Dortch, Aiazzi and Hascheff.

ABSENT: Mayor Cashell

ALSO PRESENT: Assistant City Manager Thomas, Deputy City Attorney Craig, Deputy City Attorney Bony and City Clerk Jones.

ASSISTANT MAYOR AIAZZI PRESIDED IN MAYOR CASHELL'S ABSENCE.

A.3 PUBLIC COMMENT

Don Richter, 2130 Richter Drive, representing Secret Witness, discussed the merits of outdoor advertising.

A.4 APPROVAL OF THE AGENDA – March 6, 2012.

It was moved by Councilperson Sferrazza, seconded by Councilperson Aiazzi to approve the agenda.

Motion carried with Mayor Cashell absent.

A.5 Discussion and potential direction to staff regarding a Special Joint meeting on March 19, 2012 with the City of Sparks, Washoe County and the Washoe County School District.

It was moved by Councilperson Sferrazza, seconded by Councilperson Aiazzi to direct staff to schedule a special joint meeting with the City of Sparks, Washoe County, and the Washoe County School District at 8:30 a.m. on Monday, March 19, 2012 in the Reno City Council Chambers.

Motion carried with Mayor Cashell absent.

Discussion ensued regarding open meeting laws.

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ITEM
NO.

- A.6 Staff Report: Discussion and potential direction to staff regarding a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED); together with other matters properly relating thereto. Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]).

Councilperson Dortch disclosed that he met with people from the industry and with individuals from Scenic Nevada.

Councilperson Gustin disclosed that he had a brief telephone conversation with a representative of the industry, and with representatives of Scenic Nevada prior to the last Council meeting.

Councilperson Zadra disclosed that she met with representatives of Scenic Nevada and other residents interested in the topic, and with representatives from the industry.

Councilperson Hascheff disclosed that he met with representatives of Saunders Advertising, Clear Channel Outdoor and Scenic Nevada.

Councilperson Sferrazza disclosed that she met with representatives of the industry and Scenic Nevada, and received an unsolicited, non-monetary award from Scenic Nevada in 2002.

Assistant Mayor Aiazzi disclosed that he met with people inside and outside the industry.

John Frankovich, representing Clear Channel Outdoor, discussed misconceptions about digital billboards, noting that they look better, are more flexible, safer, more efficient, and able to immediately respond to community needs. He also said that digital boards are not brighter, will not flash, and are not animated.

Lou Musica, representing Clear Channel Digital Outdoor (Clear Channel), discussed the merits of digital billboards.

Lori Wray, representing Scenic Nevada, stated that billboards mar scenic views and clutter neighborhood streets, and discussed voters' views on the issue.

Mike Harris, 7450 West Fourth Street, representing Lavender Ridge, discussed the impacts on his business of the ambient light from the Young Electric Sign Company (YESCO) billboard just west of his property.

**AGENDA
ITEM
NO.**

A.6 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED] – continued

Ryan Saunders, representing Saunders Outdoor Advertising, Inc., discussed the proposed billboard ordinance, spacing issues, and their opposition to a ratio system of allowing new billboards.

Jared Johnson, representing YESCO Outdoor Media, discussed their support for the billboard ordinance as proposed by the Reno Planning Commission, and their concerns regarding some of the language contained in the ordinance.

Tray Abney, 449 South Virginia Street, representing the Reno Sparks Chamber of Commerce, voiced their support for the industry and for their effort to modernize.

Marilyn Naylor, 1005 Dunbar Drive, Washoe Valley, discussed her opposition to digital billboards.

Justin McIwain, 105 May Drive, Sparks, representing Clear Channel, presented a Public Comment Form in favor of digital billboards, but did not wish to speak.

Mike Harris, 7450 West Fourth Street, presented a Public Comment Form in opposition to the proposed ordinance, but did not speak.

Claudia Hanson, Community Development Planning and Engineering Manager, outlined the changes made to the proposed ordinance at the Reno Planning Commission meeting.

Discussion ensued regarding industry standards regarding how many billboards come down in exchange for a digital billboard (a 3:1 average in communities with such requirements); banked billboards in Reno (currently 57) and details regarding how many billboards could be removed under the City's ordinance; ratio and spacing issues; providing incentives for removing non-conforming billboards; State-mandated variances; bulletin versus poster structures; designating areas to protect from billboards such as scenic corridors and the urban core and revising the ordinance help accomplish those policy objectives; a tiered approach to allowing billboards; banking square footage rather than a specific number of billboards; mapping the location of billboards and designating who owns them; errors in the industry's presentation; potential relocation agreements; regulating the location of billboards near schools; the difficulty of finding new sites for banked billboards; and eliminating billboards in the City's gateways.

Mr. Saunders and the Councilpersons discussed the voters' directive for reducing the number of billboards, and whether the policy hurts small companies.

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ITEM
NO.**

A.6 Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED] – continued

Representatives of YESCO and Clear Channel discussed their views regarding a reduction in the number of billboards.

The Councilpersons discussed digital versus static billboards; encouraging digital billboards to achieve an overall reduction in the number of billboards and relaxing the rules for their location; spacing requirements for digital billboards; requiring a Special Use Permit process for digital billboards; opening up areas that were once precluded from billboards (e.g., Highway 395 North and Interstate-80) to provide incentives for removing existing billboards; and putting a time limit on the ordinance amendment process.

The Councilpersons and billboard representatives discussed the possibility of eliminating the restraint against placing billboards along the North McCarran ring and allowing a certain number of LED billboards in those areas; the possibility of implementing relocation agreements with individual billboard companies; and providing equitable ratios for smaller billboard companies.

Ms. Wray requested that the Councilpersons consider the future of billboard banked receipts.

The Councilpersons and Ms. Hanson summarized direction to staff as follows: bring back a map of existing billboards that details where billboards are allowed and not allowed; examine the possibility of opening up other areas to billboards and relaxing the spacing requirements (perhaps 750 for all billboards); suggest areas that should be protected from billboards and areas where billboard clutter should be cleaned up (e.g., Wells, Second, Mogul, Verdi, River Inn to McCarran); consider whether to allow the banking of billboards for which the lease has expired and provide information regarding the age of billboards; and return with a report at 6:00 p.m. on April 25, 2012.

It was moved by Councilperson Hascheff, seconded by Councilperson Zadra to continue this item to a workshop to be held at 6:00 p.m. on April 25, 2012.

Motion carried with Mayor Cashell absent.

AGENDA
ITEM
NO.

A.6.1 ORDINANCE, INTRODUCTION Bill No. Ordinance amending the Reno Municipal Code Title 18, "Annexation and Land Development", by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", "Off-Premise Advertising Displays," and Section 18.24.203.4570 (definition of sign) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. **Case No. AT-32-07 (Digital Off-Premise Advertising Display including Light-Emitting Diode [LED]).**

NO ACTION WAS TAKEN ON THIS ITEM.

A.7 PUBLIC COMMENT

NO ACTION WAS TAKEN ON THIS ITEM.

MEETING ADJOURNED AT 9:21 P.M.

Electronically Filed
Dec 19 2014 03:42 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCENIC NEVADA, INC.

Appellant,

Case No. 65364

v.

CITY OF RENO, a Political Subdivision
of the State of Nevada,

Respondent.

JOINT APPENDIX

VOL. 5

Mark Wray, #4425
Law Offices of Mark Wray
608 Lander Street
Reno, Nevada 89509
(775) 348-8877
(775) 348-8351 fax
Attorney for Appellant
SCENIC NEVADA, INC.

INDEX OF APPENDIX

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4	Invalidate City of Reno Digital Billboard			
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Don Cook, City Clerk
(1/01)
Full

AGENDA REGULAR SESSION RENO CITY COUNCIL

Tuesday

January 22, 2002

12:00 P.M.

RENO CITY COUNCIL CHAMBERS

490 SOUTH CENTER STREET

RENO, NEVADA 89501

Mayor Jeff Griffin

Toni Harsh, Council Member, Ward 1

David Rigdon, Council Member, Ward 2

Jessica Sferrazza-Hogan, Council Member, Ward 3

Sherrie Doyle, Council Member, Ward 4

David Aiazzi, Council Member, Ward 5

Pierre Hascheff, Council Member, At-Large

THIS AGENDA IS POSTED AT CITY HALL, THE WASHOE COUNTY CENTRAL LIBRARY, CITY OF RENO COMMUNITY DEVELOPMENT BUILDING AT 450 SINCLAIR STREET, AND THE CITY OF RENO PUBLIC WORKS DEPARTMENT, 4TH FLOOR, LIBERTY CENTER, 350 SOUTH CENTER STREET.

A time listed next to a specific agenda item indicates that the specific item will not be heard before that time - it does not indicate the time schedule of any other item. Agenda items may be considered out of order.

ALL ITEMS ARE FOR CITY COUNCIL ACTION UNLESS OTHERWISE NOTED WITH AN ASTERISK (*).

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend meetings. If you should require special arrangements for a any Council meeting, please contact our offices at 334-2002 24 hours prior to the date of the meeting.

An Agenda CAUCUS Meeting will be held in Room 211, Redevelopment Wing of Reno City Hall (490 South Center Street, Reno) on Tuesday, January 22, 2002 at 9:00 A.M. in order to review agenda items for the regular session of the Reno City Council as described in the agenda below. Said review, if requested by the Council, is limited to brief staff presentation of issues and may include review of background information and questions to be answered at the regular session.

ITEM

1. *PLEDGE OF ALLEGIANCE

Adjourned 9:30 pm

2. A. *INVOCATION

B. *ROLL CALL

C. APPROVAL OF THE AGENDA - January 22, 2002

3. *Public Comment - Limited to No More Than three (3) Minutes And Limited to Items That Do Not Appear on The Agenda. Comments to Be Addressed to The Council as a Whole. The public may comment on agenda items by submitting a Request to Speak form to the City Clerk. Comment on agenda items is limited to no more than three minutes.

4. A. APPROVAL OF MINUTES - OCTOBER 16, 2001 JOINT MEETING OF THE RENO CITY COUNCIL AND WASHOE COUNTY COMMISSION. *Cont'd to next mtg.*

This item was continued from the January 8th, 2002 City Council Meeting

B. APPROVAL OF MINUTES - DECEMBER 18, 2001 AND JANUARY 8, 2002

C. CASH DISBURSEMENTS - December 30, 2001 through January 12, 2001.

JA 953

AGENDA
COR-00138

5. CONSENT AGENDA

A. New License - Liquor

1. Club VooDoo

Change of Ownership - Liquor

2. China Garden

3. The Corner Café

4. Frida's

5. Rapsallion Restaurant

6. Rico's Pizza

7. Shanghai Shanghai

8. Tubby's Bar

9. 711 Food Store #2236-17606K

Supplemental Application - Change of Licensee

10. Kendall-Jackson Wine Estates Ltd.

11. Reno Hilton

B. Staff Report: Settlement of Sky Vista Associates vs. City of Reno and related Cross-Claim and Third Party Claims.

C. Staff Report: Improvement Agreement, Security and Final Map of Silver Shores Unit 33 Subdivision (Case No. LDC02-00126).

D. Staff Report: Improvement Agreement, Security and Final Map of Morgan Pointe at Somerset Subdivision (Case No. LDC02-00167).

E. Staff Report: Improvement Agreement, Security and Final Map of Northgate Unit 11C Subdivision (Case No. LDC02-00206).

F. Staff Report: Bid Award - 2001/2002 Sewer Rehabilitation Project - Phase I Contract No. 22103-670.

G. Staff Report: Consultant Contract - 2001/2002 Sewer Rehabilitation Project Phase I.

H. Staff Report: Request for authority to issue offer of judgement in the amount of \$100,000 in Clark vs. City of Reno, Case No. CV-97-00629 DWH.

I. Staff Report: Interlocal Agreement with Washoe County - 2002 Municipal Elections.

J. Staff Report: Recommendation from Regional Street Naming Committee to change street names: Tuolumme Lane to Ruby Creek Lane, Tuolumme Court to Ruby Creek Court, East/West portion of Mt. Dana Drive to Mt. Diablo Drive.

K. Recommendation from Regional Street Naming Committee to change the Name of Granite Ridge Drive to Diamond Ridge Drive.

L. Staff Report: Scheduling of regular City Council meetings in February.

6. CITIZEN INITIATIVE

A. Access Roads/Crash Gates.

refer to staff; work w/Mr. Kelly

Chuck Kelly

7. **RESOLUTIONS** [Other RESOLUTIONS may be found under the Mayor and Council Section of this Agenda] *5932*

- A. Resolution No. Resolution Honoring the life of Moya Olsen Lear.

This item was continued from the January 8, 2002, City Council Meeting

- B. Resolution No. *5933* Resolution Accepting Streets - Sky Vista Village 11A (Case No. LDC01-00354).
C. Resolution No. *5934* Resolution Accepting Streets - Las Brisas Boulevard Phase 3B (Dedication Map No. 3878).

8. **ORDINANCE ADOPTION** *6297*

- A. Staff Report: Bill No. 5837 Ordinance amending Title 2, Chapter 2.08 of the Reno Municipal Code entitled "Administration" pertaining to the Board of Massage Examiners to amend the requirements regarding reinstatement of a massage therapist license after more than twelve months has expired.

- B. Bill No. 5830 Ordinance amending Title 18, Chapter 18.06 of the Reno Municipal Code entitled "Zoning" by adding language to and deleting language from Sections 18.06.910-18.06.914 entitled "Off-Premises Advertising Displays" which govern how off-premises advertising displays are regulated; together with other matters properly relating thereto. Case No. AT-1-01 (Billboard Ordinance) *5295 as amended*

- C. Bill No. 5831 Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning", rezoning a ±1.80 acre site located on the east side of Mt. Charleston Street approximately 300 feet north of Echo Avenue from MF30 (Multi-Family) and CC (Community Commercial) to MF14 (Multi-Family) together with other matters properly relating thereto. Case No. LDC02-00101 (Habitat for Humanity/Mt. Charleston). *5298*

- D. Bill No. 5832 Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning" rezoning ±9 acres of a ±12.7 acre site located on both sides of the northern terminus of Standard Street and wrapping around in an L-shape to Western Road from IB (Industrial Business) to IC (Industrial Commercial); together with other matters properly relating thereto. Case No. LDC02-00128 (Puliz/1095 Standard). *5299*

- E. Bill No. 5833 Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning", rezoning a ±6.35 acre site which is comprised of five (5) adjacent parcels located on the southeast corner of Matley Lane and Mill Street from IB (Industrial Business) to IC (Industrial Commercial); together with other matters properly relating thereto. Case No. LDC02-00154 (Matley Lane Properties). *5300*

- F. Bill No. 5834 Ordinance creating a Landscape Maintenance District for Morningstar at Northgate, Units 2 and 3. *5301*

- G. Bill No. 5835 Ordinance creating a Landscape Maintenance District for Mayberry Place. *5302*

- H. Bill No. 5836 Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning", rezoning a ±10.4 acre site located on the north side of North Hills Boulevard approximately 900 feet west of Golden Valley Road from NC (Neighborhood Commercial) to CC (Community Commercial); together with other matters properly relating thereto. Case No. LDC02-00131 (North Hills Shopping Center/1075 North Hills Boulevard). *5303* *Cont. to 2/12/02*

8. **ORDINANCE ADOPTION (Continued)**

- 5304* **I. Staff Report:** Bill No.5826 Ordinance concerning 2000 Special Assessment District No. 2; authorizing the issuance of "City of Reno, Nevada 2000 Special Assessment District No. 2 Bonds (Sierra Corporate Center Project)," in the Aggregate Principal Amount of not to exceed \$5,055,000 to Finance the Acquisition, Construction and Improvement of an Improvement Project for the Benefit of Land withing said Improvement District; Authorizing the Sale of such Bonds and Ratifying actions previously taken. (Sierra Corporate Center)
- 5305* **J. Staff Report:** Bill No.5827 Ordinance concerning 1999 Special Assessment District No. 3; authorizing the issuance of "City of Reno, Nevada 1999 Special Assessment District No. 3 Bonds (Dry Creek Project)" in the Aggregate Principal Amount of not to exceed \$4,490,000 to Finance the Acquisition, Construction and Improvement of an Improvement Project for the Benefit of Land within said Improvement District; Authorizing the Sale of such Bonds and Ratifying Actions previously taken. (Dry Creek - Principal Bond Ordinance)
- 5306* **K. Staff Report:** Bill No.5828 Ordinance concerning the City of Reno, Nevada, 1999 Special Assessment District No. 3; authorizing the issuance of "City of Reno, Nevada 1999 Special Assessment District No. 3 Bonds (Assessor's Parcel No. 043-282-05 Only)" in the Aggregate Principal Amount of Not to Exceed 100,000 to Finance the Acquisition, Construction and improvement of an Improvement Project for the Benefit of Land within said Improvement District; authorizing the sale of such Bonds and Ratifying Actions previously taken. (Dry Creek - Snyder Parcel only)
- 5306 5196* **L. Staff Report:** Bill No.5825 Ordinance to amend Ordinance No. 5271 which amended Title 2, Chapter 2.10, Article III Sections 2.10.200 and 2.10.230 of the Reno Municipal Code Entitled Room Tax by amending the boundaries of the area within which the additional one and one half percent room tax will be collected.

This item was continued from the January 8, 2002, City Council Meeting

9. **ORDINANCES, INTRODUCTION [Other Ordinances, Introduction may be found in the Public Hearing Section of this Agenda]**

- agmout*
A. Staff Report: Bill No. — A request for final approval of the SPD Handbook and Ordinance to amend Chapter 18.06, of the Reno Municipal Code entitled "Zoning" rezoning to Specific Plan District a ± 6.1 acre site located at the southeast corner of Plumb Lane and Arlington Avenue. Case No. LDC01-00363 (Plumgate). *amend elevations; 25' setback on corner of Plumb & Arlington* [1:00 pm]

This item was continued from the January 8, 2002, City Council Meeting

10. **CITY CLERK**

A. Boards and Commission Appointments

- Ann -* 1. Ward One Neighborhood Advisory Board *no action - may be full after boundaries are amended*
- Heidi is* 2. Northwest Neighborhood Advisory Board " " " " " "
- Senior Liaison* 3. Downtown Police Tax District Committee *Tim Houbrook*
- 4. West University Neighborhood Advisory Board *no action - may be full " " " "*
- 5. Urban Forestry Commission *cont'd to next mtg.*

B. Appointments of Council Members to and discussion regarding the process and timelines to be used by the (1) Land Use, (2) Finance and Taxation, (3) Governance, Labor and Legislative Change Committees established to make recommendations related to Fiscal Equity Solutions, including, but not limited to, Consolidation of the Governments of Reno and Washoe County or certain services.

page #1
5/10/02
Hagan #3, Ariazi #2, Haschuff #1, Harsh #3, Rigdon #3 *> Coffer & Doyle appts to come back next mtg*
COK-00441

11. FIRE

- A. Staff Report: Direction to staff regarding participation in the Washoe County Committee regarding formation of a Regional Fire Protection Agency.

cont'd. to next mtg.

A motion regarding this item ended in a tie vote at the Joint Meeting of the Reno City Council, Washoe County Commission and the Sparks City Council on December 18, 2001.

This item was continued from the January 8, 2002, City Council Meeting.

12. PUBLIC WORKS

- A. Staff Report: Amendment to Agreement for Professional Services with the Truckee Meadows ReTRAC Team to provide additional services in support of the RFP document.

approve staff recommendations

** dependent upon apps, use of #20 (2 options)* (Depressed Trainway Project)

a not to exceed

13. CIVIL SERVICE

- A. Staff Report: Request for approval for Civil Service Commission amendment to Rule VII, Section 3, certification; Second (b) and THIRD (b) regarding certification of eligible candidates.

Refer back to CS; return w/ better balance of members (15 as a max #) of number of apps. w/ min # to be provided (6)

return to Council

14. MAYOR AND COUNCIL

- A. Resolution No. ⁵³⁵ Resolution granting \$8,000 to KNPB-TV for the Read Washoe Read Program.

Hascheff 1K Horsh 1K Bigdon 2500 Hogan 1000 Marzi 2500

J. Griffin, D. Aiazzi

- B. Contribution to Governor's Yucca Mountain Campaign. *approve 520K*

- C. Staff Report: Participatory Democracy in Nevada Report to the 2001 Legislature. *approve s/r. J. Griffin* P. Hascheff

- D. Staff Report: Petition regarding a street closure connecting Amston Road to Double R Boulevard.

provide temp closure of Amston Rd. until Double R is constructed through; provide adequate signage; gate design/constr. to satisfaction of staff. J. Sferrazza-Hogan [6:00 pm]

15. PUBLIC HEARINGS - 2:00 P.M.

- A. Staff Report: Request for a zoning text amendment to amend the Hilton Planned Unit Development to: (a) allow for a ±17,578 square foot expansion of the existing Lowe's garden center; (b) reduce the required parking for General Commercial uses so that it is consistent with the current zoning ordinance; and (c) reduce the front yard setback from 30' to 10' adjacent to McCarran Boulevard for parcel 1 (±60,520 sq. ft.) of General Commercial Parcel A, located on the southwest corner of McCarran Boulevard and Kietzke Lane. Case No. LDC02-00193 (Hilton PUD/Lowe's)

The Planning Commission voted five (5) in favor; none (0) opposed; two (2) absent to approve amendments (a) and (b) and denial of amendment (c).

ANY ITEM THAT IS NOT HEARD BEFORE 10 PM MAY BE CONTINUED UNTIL THE NEXT EVENING, OR THE NEXT REGULAR SESSION OF THE RENO CITY COUNCIL

16. PUBLIC HEARINGS - 6:00 P.M.

- A. Staff Report: Request for the following: (1) a Master Plan amendment from Single Family to Mixed Residential; (2) a zoning map amendment from SF15 (Single Family) to PO (Professional Office); (3) a special use permit for non-residential development adjacent to residentially zoned property to allow the construction of an office park; and (4) abandonment of Menante Lane on a ±6.39 acre site located on the north side of Huffaker Lane on both sides of Country Estates Circle. Case No. LDC02-00130 (Huffaker Office Park) *cont. to 2/12/02*

The Planning Commission voted four (4) in favor; three (3) opposed; none (0) absent to approve the Master Plan Amendment, Zoning Map Amendment by Resolution of Intent, and Special Use Permit, which resulted in a technical denial because five(5) votes are required for approval. The Planning Commission voted six (6) in favor; one (1) opposed; none (0) absent for the approval of the abandonment.

THE APPLICANT HAS APPEALED THE DECISION OF THE PLANNING COMMISSION.

17. ADJOURNMENT

**ADDENDUM
AGENDA
REGULAR SESSION
RENO CITY COUNCIL**

**Tuesday
January 22, 2002**

12:00 P.M.

RENO CITY COUNCIL CHAMBERS

490 SOUTH CENTER STREET

RENO, NEVADA 89501

Mayor Jeff Griffin

Toni Harsh, Council Member, Ward 1

David Rigdon, Council Member, Ward 2

Jessica Sferrazza-Hogan, Council Member, Ward 3

Sherrie Doyle, Council Member, Ward 4

David Aiazzi, Council Member, Ward 5

Pierre Hascheff, Council Member, At-Large

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ITEM

14. MAYOR AND COUNCIL

[Signature] Request for \$20,000 for public awareness campaign regarding the shipment of nuclear waste through Reno. \$20K; *come back to Council w/ route info* J. Griffin

as prior to being spent? :-
return to Council prior to spending
monies; provide route info.

Agenda

Item

No.

5I Staff Report: Interlocal Agreement with Washoe County - 2002 Municipal Elections.

Recommended: Council approve the Interlocal Agreement with Washoe County for conducting the 2002 Municipal Elections and authorize the Mayor to sign.

5J Staff Report: Recommendation from Regional Street Naming Committee to change street names: Tuolumme Lane to Ruby Creek Lane. Tuolumme Court to Ruby Creek Court, East/West portion of Mt. Dana Drive to Mt. Diablo Drive.

Recommended: Council approve the street name changes.

5K Recommendation from Regional Street Naming Committee to change the Name of Granite Ridge Drive to Diamond Ridge Drive.

Recommended: Council approve the street name change.

5L Staff Report: Scheduling of regular City Council meetings in February.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to approve the Consent Agenda Items with the exception of Items 5B, 5H and 5L which were withdrawn from the agenda and Item 9I which was pulled for separate discussion.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

5I Staff Report: Interlocal Agreement with Washoe County - 2002 Municipal Elections. continued:

Councilperson Sferrazza-Hogan asked if this agreement could be subject to change in the event an advisory question was placed on the ballot.

Mr. Don Cook, City Clerk, indicated that the City is not locked into this agreement and if there were an advisory question placed on the ballot, the cost would increase incrementally.

It was moved by Councilperson Sferrazza-Hogan, seconded by Councilperson Aiazzi to approve the Interlocal Agreement with Washoe County for conducting the 2002 Municipal Elections and authorize the Mayor to sign.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

3B Bill No. 5830 - Ordinance amending Title 18, Chapter 18.06 of the Reno Municipal Code entitled "Zoning" by adding language to and deleting language from Sections 18.06.910-18.06.914 entitled "Off-Premises Advertising Displays" which govern how off-premises advertising displays are regulated; together with other matters properly relating thereto. Case No. AT-1-01 (Billboard Ordinance)

Ms. Laura Tuttle, Planning Manager, provided an overview of the

Ms. Buffy Jo Dreiling, representing Citizen's for a Scenic Northern Nevada, discussed billboards in the South gateway.

Mr. Sam Dehne, Reno Citizen, stated that he believes there are bigger issues than billboards to be addressed.

Mr. Steve Raper, of Clear Channel, demonstrated the height restrictions contained in the ordinance and requested that the height be measured from the road grade.

Mr. Ed Lawson, of Yesco, concurred with Mr. Raper.

Mr. John Francovich, representing the billboard industry, outlined the changes that have been made since the off-premise sign ordinance was initiated after the ballot question passed. He noted that several of the amendments have had an impact that may not have been the intent especially with respect to relocation issues.

Councilperson Harsh pointed out that Washoe County and the City of Sparks are currently dealing with the billboard issue. She suggested that a regionalized approach to billboards may be an opportunity to be examined.

It was moved by Councilperson Harsh, seconded by Councilperson Sferrazza-Hogan to refer this item to staff to work with Washoe County and the City of Sparks to develop a regionalized ordinance.

The Motion failed with Councilpersons Hascheff, Rigdon and Aiazzi voting Nay and Councilperson Doyle and Mayor Griffin absent.

MAYOR GRIFFIN PRESENT VIA TELECONFERENCE 1:15 P.M.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to continue this item for two weeks.

Discussion took place regarding some amendments that could be made today that would allow settlement of this issue rather than continuing. The Council discussed which would be more appropriate; a limited number of billboards or a restriction on the spacing between billboards.

Councilperson Sferrazza-Hogan pointed out that she has issues with the number of billboards that would be allowed in the South gateway and also wishes to address allowing billboards in the CC zone.

The motion and second were withdrawn.

It was moved by Councilperson Aiazzi, seconded by Councilperson Harsh to pass and adopt Bill No. 5830, Ordinance No. 5295 with the following amendment.

18.06.925 - Change 200 feet to 100 feet.

18.06.930(c) - Strike "whichever is greater" and amend language to read "the lowest road grade shall be the reference point.

18.06.930(k) - Only the first sentence remains.

18.06.930 (l) - Deleted

18.06.935 (f) - The number shall not exceed 7.

Motion carried with Councilperson Harsh voting Nay and Councilperson Doyle absent.

Councilperson Sferrazza-Hogan pointed out that in the future amendments can be made to this ordinance.

(15)

Meeting Type: ☒ Regular

☐ Special

☐ Joint with _____

Date: JANUARY 22, 2002

Item: 8B

Notes: Billboard Ordinance

Moved	Sec'd.	Councilmember	Yes	No
	<input checked="" type="checkbox"/>	Hascheff		
		Harsh		<input checked="" type="checkbox"/>
		Rigdon		
		Sferrazza-Hogan		
		Doyle	absent	
<input checked="" type="checkbox"/>		Aiazzi		
		Griffin	absent	
		COUNT		

Motion:

pass and adopt
ord # 5295, as amended
(18-06-295, 18-06-930)
~~18-02~~ 18-06-930 (K), (L)
18-06-935 (F)

CARRIED?

☒ YES

☐ NO

JA 962

COR-00447

30/60

Meeting Type: ☒ Regular

☐ Special

☐ Joint with _____

Date: JANUARY 22, 2002

Item: 8B

Notes: Billboard Ordinance

Recss 1:10 PM

Reconvene 1:15 PM

Moved	Sec'd.	Councilmember	Yes	No
	<input checked="" type="checkbox"/>	Hascheff	<input checked="" type="checkbox"/>	
		Harsh		
		Rigdon		
		Sferrazza-Hogan		
		Doyle	<u>absent</u>	
<input checked="" type="checkbox"/>		Aiazzi	<input checked="" type="checkbox"/>	
		Griffin	<u>absent</u>	
		COUNT		

Motion:

cont'd. to 2/12/02;
staff to look at
spacing issues

CARRIED?

YES

NO

Motion withdrawn

COR-00448

JA 963

Meeting Type: ☒ Regular

☐ Special

☐ Joint with _____

Date: JANUARY 22, 2002

Item: 8. B.

Notes: **SECOND READING ORDINANCE**

Bill No.5830 Ordinance amending Title 18, Chapter 18.06 of the Reno Municipal Code entitled "Zoning" by adding language to and deleting language from Sections 18.06.910-18.06.914 entitled 'Off-Premises Advertising Displays' which govern how off-premises advertising displays are regulated; together with other matters properly relating thereto.
Case No. AT-1-01 (Billboard Ordinance)

Moved	Sec'd.	Councilmember	Yes	No
		Hascheff		✓
✓		Harsh	✓	
		Rigdon		✓
	✓	Sferrazza-Hogan	✓	
		Doyle	absent	
		Aiazzi		✓
		Griffin	absent	
		COUNT		

Motion:

~~adopt ad. #~~
refer to staff to work w/
other agencies to develop
regionalized ordinance

CARRIED? YES

NO

Staff Report - January 22, 2002
AT-1-01 (Billboard Ordinance)
Page 2

Nays: None
Abstain: None

Absent: Griffin, Hascheff

Discussion: Changes made at the January 8 City Council meeting have been incorporated into the attached ordinance.

Recommendation: Staff recommends adoption of the attached ordinance.

Proposed Motion: I move to adopt Ordinance No. _____

JB

EXPLANATION: Matter underlined is new; Matter in brackets [] is material to be omitted.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18.06 OF TITLE 18 OF THE MUNICIPAL CODE ENTITLED "ZONING" BY ADDING LANGUAGE TO AND DELETING LANGUAGE FROM SECTIONS 18.06.910-18.06.914 WHICH GOVERN HOW OFF-PREMISES ADVERTISING DISPLAYS WILL BE REGULATED; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

PREAMBLE

WHEREAS, a majority of the voters of the City of Reno ("City") approved an initiative regarding off-premises advertising displays/billboards on November 8, 2000;

WHEREAS, NRS 295.220 provides, in part, "[i]f a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results ...";

WHEREAS, the City certified the election results on November 14, 2000;

WHEREAS, the City wishes to incorporate the initiative into Chapter 18.06;

WHEREAS, the City wishes to reduce advertising distractions, which may contribute to traffic accidents;

WHEREAS, the City wishes to provide an improved visual environment for the inhabitants of and visitors to the City;

WHEREAS, the City wishes to protect its esthetic qualities;

WHEREAS, the City's civic identity is associated with its surrounding mountains and the Truckee River as well as its recreational, gaming, and tourist activities;

WHEREAS, the City, in its desire to preserve its visual environment and esthetic qualities, has examined the gateways to

the City as well as certain other streets, such as McCarran Boulevard, to determine which gateways and/or streets or portions thereof are especially linked to the City's visual environment and esthetic qualities;

WHEREAS, the City desires to amend sections 18.06.910-18.06.914 and add and delete language thereto to make the Reno Municipal Code consistent with the initiative and to more fully recognize the role of the City's visual environment and esthetic qualities and set out other matters relating thereto;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENO DO ORDAIN:

Section 1: Chapter 18.06 of Title 18 of the Reno Municipal Code is hereby amended to add and delete language from sections 18.06.910-914 to read as follows:

<u>Sec. 18.06.910</u>	<u>Off-premises advertising displays[.]; purpose</u>
<u>[18.06.911</u>	<u>Moratorium established</u>
<u>18.06.912</u>	<u>Exemption to moratorium</u>
<u>18.06.913</u>	<u>Effective period of moratorium</u>
<u>18.06.914</u>	<u>Severability]</u>
<u>Sec. 18.06.915</u>	<u>Off-premises advertising displays;</u>
	<u>definitions</u>
<u>Sec. 18.06.920</u>	<u>Restrictions on permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.922</u>	<u>Continued use of permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.925</u>	<u>Permanent off-premises advertising displays;</u>
	<u>permitted locations</u>
<u>Sec. 18.06.930</u>	<u>General standards for permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.935</u>	<u>Permanent off-premises advertising displays;</u>
	<u>prohibited locations</u>
<u>Sec. 18.06.940</u>	<u>Prohibited permanent off-premises advertising</u>
	<u>displays; types</u>
<u>Sec. 18.06.950</u>	<u>Relocation of permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.955</u>	<u>Permanent off-premises advertising display;</u>
	<u>reporting</u>
<u>Sec. 18.06.960</u>	<u>Temporary off-premises advertising displays</u>
<u>Sec. 18.06.965</u>	<u>Off-premises advertising displays; special</u>
	<u>events</u>
<u>Sec. 18.06.970</u>	<u>Abandoned off-premises advertising displays</u>
<u>Sec. 18.06.975</u>	<u>Time limitations on review of applications</u>
	<u>for off-premises advertising displays;</u>
<u>Sec. 18.06.980</u>	<u>Off-premises advertising displays; judicial</u>

Sec. 18.06.985

review
Interpretation and severability

Sec. 18.06.910. Off-premises advertising displays[.]; purpose.

[A. PURPOSE] Recognizing that the City of Reno is a unique city in which [outdoor advertising] public safety, maintenance, and enhancement of the City's esthetic qualities [is] are important and effective in promoting quality of life for its inhabitants and the City of Reno's twenty-four[-]hour gaming/entertainment/recreation/tourism economy; [and also] recognizing that the promotion of tourism generates a commercial interest in the environmental attractiveness of the community; and recognizing that the visual landscape is more than a passive backdrop in that it shapes the character of our city, community, and region, the purpose of [these provisions] this Chapter is to establish[ment] a comprehensive system for the regulation of the commercial use of off-premises [signs] advertising displays. It is intended that these regulations impose reasonable standards on the number, size height and location of off-premises [signs] advertising displays [,and facilitate the removal or replacement of nonessential signs in order] to prevent and [relieve] alleviate needless distraction and clutter resulting from excessive and confusing off-premises advertising displays; to safeguard and enhance property values; and to promote the general welfare and public safety of the City's inhabitants and to promote the maintenance and enhancement of the City's esthetic qualities [and the general welfare] and improve the character of our City. It is further intended that these regulations provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the city which is instrumental in attracting those who come to visit; vacation, live, and trade.

Sec. 18.06.915. Off-premises advertising displays;
definitions.

In addition to the definitions set forth in Section 18.06.1202, the following definitions apply to off-premises advertising displays:

1. Animated Sign: A sign which meets the definition of changeable sign as contained in 18.06.1200 or a television display.
2. Building Wrap: A sign applied to or painted on, all or

a portion of a building exterior wall(s). Building wraps include the application of a flexible material to a building containing an off-premises advertising display.

3. Conforming permanent off-premises advertising display: Any sign, display, billboard, or other device that is designed, intended, or used to advertise or inform readers about services rendered or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected and which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the off-premises advertising display.
4. Cut-out: A cut-out is an extension of the display beyond the primary surface display area which shall not exceed ten (10) percent of the primary surface area of the off-premises display.
5. Off-premises advertising display: An off-premises advertising display includes its structure in addition to the definition set forth in Section 18.06.1202, "Sign," paragraph (gg); Off-premises advertising displays are commonly called billboards.
6. Final action: Final action means that action which could not be subjected to any further discretionary action by the City or the County of Washoe, as applicable.
7. Freeway: A freeway is the portions of Interstate 80 and U.S. 395 within the City or Reno or its sphere of influence.
8. Highway: A highway means a highway as defined in NRS 484.065.
9. Maintain: Maintain means to keep in a state of repair provided there is no increase in the movement of any visible portion of the off-premises advertising display nor any increase in the illumination emitted by the off-premises advertising display or any other characteristic beyond that allowed by the permit or law under which it exists.
10. Non-conforming permanent off-premises advertising

display: Any sign, display, billboard, or other device that is designed, intended, or used to advertise or inform readers about services rendered or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected and which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the off-premises advertising display and which does not conform subsequently because of a change to the local ordinances or codes.

11. Person: A person is a corporation, firm, partnership, association, individual, executor, administrator, trustee, receiver, or other representative appointed according to law.
12. Residentially zoned parcel: A parcel contained in a Residentially Zoned District, as defined under Section 18.06.1200, "Residentially Zoned District."

Sec. 18.06.920. Restrictions on permanent off-premises advertising displays.

- (a) [Off-premises advertising displays shall be permitted in only the M-1 (industrial and C-3 (commercial) districts.] The construction of new off-premises advertising displays/billboards is prohibited, and the City of Reno may not issue permits for their construction. (Approved by the voters at the November 7, 2000, General election, Question R 1 - The results were certified by Reno City Council on November 14, 2000).
- (b) In no event shall the number of off-premises advertising displays exceed the number of existing off-premises advertising displays located within the City on November 14, 2000. This number shall include all applications for off-premises advertising displays approved in final action by the City on or before November 14, 2000 but unbuilt as well as those applications approved by a court of competent jurisdiction. In the event the City annexes property in another governing body's jurisdiction on or after November 14, 2000, the number of off-premises advertising displays located on such annexed property shall be included in the calculation of the number of existing off-

premises advertising displays provided they were legal and existing in the governing body's jurisdiction when annexed to the City. For purposes of annexation, an application for a permanent off-premises advertising display approved in final action by the governing body, although unbuilt, shall be included in the calculation of the number of existing off-premises advertising displays as of November 14, 2000.

Sec. 18.06.922. Continued use of permanent off-premises advertising displays.

- (a) All existing, legally established, permanent off-premises advertising displays, whether identified as conforming or non-conforming, are deemed conforming and may be continued and maintained at their current location.
- (b) All existing, legally established, off-premises displays may be replaced in situ with a new structure provided the area of the display surface is not increased and all requirements of 18.06.930 (a)-(c) and (e)-(l) are met.
- (c) For purposes of the Chapter, an application for a permanent off-premises advertising display approved in final action by City Council, although unbuilt, is an existing permanent off-premises advertising display.

Sec. 18.06.925. Permanent Off-premises advertising displays; permitted locations.

[D. Permitted locations.] Off-premises advertising displays shall be permitted only in the I (Industrial), IB (Industrial Business, IC (Industrial Commercial), AC (Arterial Commercial), CC (Community Commercial) and HDC (Hotel/Casino Downtown) district when within two hundred (200) feet of a major or minor arterial road or freeway unless otherwise prohibited.

Sec. 18.06.930. General standards for permanent off-premises advertising displays.

[C. GENERAL STANDARDS]

[1.] (a) The area of display surface shall be the sum total

square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display shall be limited to one display surface.

[2.] (b) No off-premises advertising display shall have a primary display surface, not including allowed cut-outs, greater than [800] six hundred seventy-two (672) square feet.

[3.] (c) No off-premises advertising display [may] shall exceed [50] thirty-five (35) feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater but in no event to exceed fifty (50) feet. [except as provided in section 18.06.910(F) entitled "Off-premises advertising displays requiring a special use permit."] If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

[4.] (d) No off-premises advertising display [having a display surface of 300 square feet or greater may] shall be located closer than seven hundred fifty (750) feet to the next off-premises advertising display on [the] either [same] side of the same street. No animated off-premises advertising display shall be located closer than one-thousand (1,000) feet to the next animated off-premises advertising on either side of the same street. [except as provided in Section 18.06.910(F) entitled "Off-premises advertising displays requiring a special use permit."]

[5.] No advertising display having a display surface smaller than three hundred (300) square feet may be located closer than five hundred (500) to the next off-premises advertising display on the same side of the street, except as provided in Section 18.06.910(F) entitled "Off-premises advertising displays requiring a special use permit."

6. No off-premises advertising display may be located within three hundred (300) feet of the right-of-way line of a freeway, except as provided in Section 18.06.910 (F) entitled "Off-premises advertising displays requiring a special use permit."]

- [7.] (e) All off-premises advertising displays[, as well as supporting structures,] shall be maintained in a [safe and] clean and workmanlike condition [state of repair and preservation. Display s] Surface shall be neatly painted [or posted]. [Premises] Property immediately surrounding [such structures or] off-premises advertising displays shall be [kept in a clean,] maintained and kept free of litter, rubbish, weeds and debris. Any off-premises display deemed to be a nuisance as defined in section 8.22.100 shall be enforced as provided for in Chapter 1.05.
- [8.] (f) The permit number [and address], as assigned by the building official[,], or the identity of the owners and [the] his address shall be displayed [painted] on every permanent off-premises advertising display [erected in accordance with the provisions of this section. The display shall also identify its owners.]
- [9.] (g) The reverse side of a cut-out shall be [pointed so as to be compatible with the background surrounding it] dull and non-reflective.
- [10.] (h) The reverse side of a single-face [sign] off-premises advertising display shall be [painted so as to be compatible with the background surrounding it] dull and non-reflective [Single-face, off-premises advertising displays which were erected prior to the adoption of this section shall comply with this requirement within one year from the date of adoption of this section.]
- [11.] (i) [No tree may be removed for the purpose of erecting an off-premises advertising display unless an application for a variance, pursuant to Section 18.06.1112, has been first filed with the zoning administrator and denied. When such a variance is approved by the zoning administrator it shall be unlawful to remove the tree in order to erect an off-premises advertising display.] No tree may be removed for the purpose of erecting an off-premises advertising display. If an existing tree would impact the visibility of a site which otherwise meets the requirements sections 18.06.925 and 18.06.930, a variance to the spacing requirements may be requested. If the variance to the spacing requirements is denied as a final action, the tree may be removed. If the variance to spacing requirements is approved, the tree may not be removed.

- (j) Off-premises advertising displays shall be of monopole design.
- (k) All lighting shall be directed toward the off-premises advertising display. Off-premises advertising displays located outside the McCarran Boulevard will be down-lighted meaning that any lighting will not be directed upward toward the off-premises advertising display to avoid adding light to the night sky.
- (l) An off-premises advertising display may not contain more than two (2) faces and those faces shall be parallel to one another and oriented in opposite directions.

Sec. 18.06.935. Permanent off-premises advertising displays: prohibited locations.

[E Prohibited locations.]

- [1] (a) No off-premises advertising display shall be [established] erected closer to [the] a street than the right-of-way line. No portion of any [outdoor] off-premises advertising display may be placed on or extend over the right-of-way line of any street [or highway].
- [2] (b) No off-premises advertising display, or part thereof, shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.
- [3] (c) No off-premises advertising display shall be located within three hundred (300) feet of the center line of the Truckee River or within three hundred (300) feet of the outer boundary of any areas designed in this Chapter as the Truckee River Corridor [,] or its successor, or as open space adjacent to the Truckee River.
- [4.] (d) No off-premises advertising display shall be [located] erected within three hundred (300) lineal feet of a [park, school or public building, or house of worship] residentially zoned parcel on the same side of the street.
- (e) The number of permanent off-premises advertising displays located within three hundred feet (300) of the center line of the following areas shall not exceed the number of legally existing off-premises advertising

displays on November 14, 2000 as set forth in section 18.06.920(b):

1. Interstate 80 from Robb Drive to Keystone Avenue.
2. U.S. 395 from Panther Drive to North McCarran Boulevard.
3. No off-premises advertising displays shall be located within two hundred (200) of the right-of-way of McCarran Boulevard except within the following locations:
 - (1). Talbot Lane east to Mill Street.
 - (2). Northtowne Lane west to Sutro Street.
4. This subsection does not prohibit relocation of existing off-premises displays within the above locations nor reconstruction of an existing off-premises advertising display provided that the reconstructed off-premises advertising display conforms with sections 18.06.910-18.06.985.

(f) The number of off-premises advertising displays within three hundred (300) feet of the center line of U.S. 395 from Patriot Boulevard to Del Monte Lane shall not exceed ten (10) off-premises advertising displays. This subsection does not prohibit relocation of existing off-premises displays within the above location nor reconstruction of an existing off-premises advertising display provided that the reconstructed off-premises advertising display conforms with sections 18.06.910-18.06.985.

[5. No off-premises advertising display shall be erected over residential structures or mobile homes.

F. Off-premises advertising displays requirement a special use permit. Erection of the following off-premises advertising displays shall first require the approval of a special use permit:

1. Any advertising display which exceeds 50 feet in height as measured from the surface of the ground to the highest point of the sign.
2. Any advertising display having a display surface equal to or

greater than 300 square feet which is to be located closer than 750 feet to the next off-premises advertising display on the same side of the street.

3. Any advertising display having a display surface smaller than 300 square feet which is to be located closer than 500 feet to the next off-premises advertising display on the same side of the street.

4. Any advertising display which is to be located within 300 feet of the right-of-way line of a freeway.]

Sec. 18.06.940. [G Prohibited off-premises advertising displays] Prohibited off-premises advertising displays; types.

The following off-premises advertising displays are prohibited:

[1. Canvas signs, banners, pennants, streamers, balloons or other temporary or wind signs except as provided in Section 18.06.910(L) entitled "special events signs".

2. Mobile, A-frame, and portable signs except as provided in Section 18.06.910(L) entitled "Special events signs".

3.] 1. Signs which emit noise via artificial devices.

[4.] 2. Roof signs.

[5. Signs which resemble any official marker erected by the city, state, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal.

6.] 3. Signs which produce odor, sound, smoke, fire or other such emissions.

[7.] 4. Stacked signs.

[8.] 5. Temporary signs except as otherwise provided in sections 18.06.960 and 18.06.965. [section 18.06.910(L), "Special events sign."]

[9.] 6. Wall signs.

7. Signs with more than two faces.

8. Building wraps.

[H. Continued use of nonconforming signs.

1. An off-premises advertising display which becomes nonconforming as the result of the adoption may be continued and maintained except as follows:
 - a. A nonconforming display destroyed to an extent greater than 50 percent of the cost of advertising display or device new shall not be reestablished.
 - b. A nonconforming display which is determined to be abandoned shall be removed.

2. *Right to maintain.* Any off-premises advertising display erected prior to the effective date of this section which becomes nonconforming as the result of this section, may continue in existence, except that any enlargement (excluding cut-outs of 50 square feet or less), alternation or relocation shall make said sign subject to the provisions of this section.

3. *Changes to nonconforming sign.* Nothing contained herein shall prohibit changes which bring a display into conformance with the provisions of this section reduce its size.

4. *Safety hazard.* Notwithstanding any other provision of this subsection, the right to use any nonconforming advertising display ceases when ever the city council determines that the advertising display constitutes a safety hazard.]

Sec. 18.06.950. Relocation of permanent off-premises advertising displays.

- (a) Except as otherwise provided in this chapter, a legally established, permanent off-premises advertising display may be relocated to a permitted location as described in section 18.06.925 provided that such display complies with all requirements of Chapter 18.06.
- (b) Two permits shall be required prior to relocation of a legally established, permanent off-premises advertising display, one for removal of an existing sign and one for relocation of the existing off-premises advertising display.

5. A person who is granted a permit for the removal of an off-premises advertising display proposed to be relocated under this section shall remove the off-premises advertising display in all respects from the original location and return the site to a condition consistent with immediately surrounding area within the time set by the permit and prior to installation of a relocated off-premises advertising display. A letter of credit may be required to guarantee removal of the existing off-premises advertising display.
 2. Off-premises advertising displays which have a display area less than the maximum allowed under section 18.06.930 and are proposed to be increased in display area, shall require a two (2) for one (1) removal to relocation ratio prior to issuance of the permit for relocation. The number of allowed off-premises advertising displays under section 18.06.920(b) will be reduced accordingly.
 3. A person who requests a permit for the relocation of an existing off-premises advertising display shall:
 1. Identify the off-premises advertising display that has been removed, by address and building permit number that the relocated off-premises advertising display will replace.
 2. Present to the Community Development Department a notarized statement from the off-premises advertising display owner that he has removed, or caused to be remove, the off-premises advertising display under subsection (b) (3) (1) of this section, authorizing the relocation of the off-premises display.
- (c) The owner(s) of an off-premises advertising display that has been removed pursuant to subsection (b) has ten (10) years in which to apply for and secure a permit to relocate the off-premises display. The ten (10) years shall run from the date the City approves all work performed under subsection (b), in writing, and/or releases the letter of credit. The permit to relocate an off-premises advertising display may be

sold or otherwise conveyed at the discretion of the owner.

- (d) Nothing in this section shall be construed to mandate relocation of any off-premises advertising display.

Sec. 18.06.955. Permanent off-premises advertising displays; reporting.

[J Reporting] Each sign company licensed to do business in the City must report to the z[Z]oning a[A]dministrator the size, height, location and location and building permit number of each off-premises advertising display owned by a [the] company and located within the City on July first by July fifteenth of each year.

Sec. 18.06.960. Temporary off-premises advertising displays.

[K Off-premises temporary commercial advertising displays.] Off-premises temporary advertising [commercial] displays are allowed without permit on private property in any zoning district with the permission of the owner(s), holder(s) [leasee] lessee(s), agent(s), or trustee(s) as applicable, when the temporary off-premises advertising commercial advertising displays [are]:

1. Are located i[I]n any zoning district within one-half radial mile of the site on which the activity will take place;
2. Shall be a maximum of six (6) square feet;
3. Shall be designed to be stable under all weather conditions, including high winds;
4. Shall not obstruct the [sight distance] vision triangle as defined set forth in section 18.06.501(I) nor traffic control device or impair access to a sidewalk, street, [or] driveway, [traffic control sign] bus stop, or fire hydrant; and
5. Displayed for less than twelve (12) hours each day, no earlier than 6:00 a.m. nor later than 9:00 p.m.

Sec. 18.06.965. Off-premises advertising displays: special events.

[L.Off-premises advertising displays for special events.] A

holder of a special event's permit may apply for a building permit pursuant to RMC Chapter 14 to erect a temporary off-premises advertising display promoting the special event provided [Upon application, the administrator may permit temporary off-premises advertising displays promoting a special event if] the temporary off-premises advertising display:

1. Complies with sections 18.06.910 through 18.06.985 as applicable; [will not conflict with the general purpose of Section 18.06.910(A) such as aesthetics and traffic safety because of its size or location;
2. The applicant has obtained a permit to hold a special event;
3. The proposal complies with City policies if the applicant seeks to use City owned improvements such as poles designed for temporary signs or buildings;
4. Such off-premises advertising displays, when permitted shall not be installed prior to thirty (30) days before and shall be removed with ten (10) after the special event advertised; [and]
5. The [sign may] temporary off-premises advertising display shall not exceed 100 square feet[.];
6. The temporary off-premises advertising display shall be designed to be stable under all weather conditions, including high winds; and
7. The temporary off-premises advertising display shall not obstruct the sight distance triangle as defined in section 18.06.501(I) nor a traffic control device or impair access to a sidewalk, street, highway, driveway, bus stop or fire hydrant.

[B. Building permit required.

It shall be unlawful for any person to erect, construct, install, enlarge (excluding cut-outs of 50 square feet or less), or to place an off-premises advertising display without first having obtained a building permit issued by the City.]

Sec. 18.06.970. Abandoned off-premises advertising displays.

[I. Abandoned signs.]

[1.] (a) Abandonment is the cessation of the right to continue the [use] existence of a permanent off-premise advertising display:

1. under existing law;
2. when a state of disrepair exists because of substantial tearing, chipping, or missing material thirty (30) days after receipt of notice sent pursuant to Chapter 1.05;
3. when there is no current business license in existence for the owner(s) of the off-premises advertising display; or
4. when there has been no display for a period of one (1) year with respect to a permanent off-premises advertising display.

(b) Any off-premises advertising display determined to be abandoned shall reduce the number of off-premises advertising displays allowed under section 18.06.920(b).

[The right of a person to continue to use an abandoned, nonconforming, off-premises advertising display shall terminate following receipt of notification that the zoning administrator has deemed the sign abandoned.]

Sec. 18.06.975. Time limitations on review of applications for off-premises advertising displays.

[M. Time limitations on review of applications for permanent off-premises advertising displays.]

[Unless continued with the consent of the applicant,] The following are time limitations on the pertinent decision-maker to [the] review [of] applications for off-premises advertising displays as applicable:

1. The zoning administrator or his duly authorized designee shall review and make a decision regarding an application for an off-premises display within five (5) working days of the date the application is filed-stamped by the Community Development Department, on the appropriate form and with payment of the appropriate fee, if any.

2. The zoning administrator or his duly authorized designee shall review and make a decision regarding an application for a temporary or special events off-premises advertising display within two (2) working days of the date the application is filed-stamped by the Community Development Department, on the appropriate form and with the appropriate fee, if any.
- [2] 3. If the Board of Adjustment or the Planning Commission [will] review the application, the Board of Adjustment or the Planning Commission shall hold a public hearing within sixty-five (65) days of the date the application is [complete and in conformance with this Chapter] filed-stamped with the Community Development Department.
- [3] 4. The Board of Adjustment or Planning Commission shall make its decision within thirty (30) days from the date of the opening of the public hearing.
5. The City Council shall make its decision within thirty (30) days of the date the appeal [was] is filed-stamped with the City Clerk on the appropriate form and payment of the appropriate fee.
6. If the applicant requests a continuance or a specified time or date for the matter to be heard, the time lines provided herein are deemed waived.

Sec. 18.06.980. Off-premises advertising displays; judicial review.

[N. *Off-premises advertising displays; judicial review.*]

(a) Judicial review may be sought may be sought in accordance with Chapter 34 of the NRS.

(b) If the City denies a "First Amendment" application, the City will institute legal proceedings within ten (10) working days of its final action to determine in an adversarial proceeding the constitutionality of the denial on prior restraint grounds, unless other waived by the applicant. For purposes of this subsection, a "First Amendment" application is one in which the applicant has inserted the words "First Amendment" in the caption of the application.

Sec. 18.06.985. Interpretation and severability.

[O Interpretation and severability.1] A. This ordinance amending Chapter 18.06. relates to and is to be integrated with the Reno Municipal Code then in effect at the time of adoption and will be read consistently with any future adopted ordinances.

[2.] B. Should any section, subsection, clause or provision of Chapter 18.06 [this Ordinance] be declared by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity shall not affect validity of the [Ordinance] Chapter 18.06 as a whole or any part thereof other than the part declared to unconstitutional or invalid.

[P. *Moratorium established.* From and after the effective date of this ordinance, the city shall not file not accept nay applications nor issue use or building permits for off-premises advertising displays made pursuant to Reno Municipal code section 18.06.910 for applications for off-premises advertising displays in the commercial zoning districts of Arterial Commercial (AC), Community Commercial (CC), and Central Business (CB).

1. *Exemption to moratorium.* Applications which are legally vested as of the effective date of Ordinance 5208 shall continue to be processed by the city according to the regulations in effect on the date of vesting.

2. *Effective period of moratorium.* The moratorium set forth by section 18.06.910 shall becomes effective upon adoption of Ordinance 5208 and remain in effect for three (3) months thereafter.

3. *Severability of moratorium ordinance.* If any section, sentence, clause or phase of the Ordinance 5208 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phase.

18.06.911 *Moratorium established.*

From and after the effective date of this ordinance, the city shall not file nor accept any application s nor issue use or building permits for off-premises advertising displays made pursuant to Reno Municipal code section 18.06.500 (d), now 18.06.910D, for applications for off-premises advertising displays in the commercial zoning districts of arterial commercial (AC), community commercial (CC), and central business

(CB).

18.06.912. Exemption to moratorium.

Applications which are legally vested as of the effective date of Ordinance 5229 shall continue to be processed by the city according to the regulations in effect on the date of vesting.

18.06.913. Effective period of moratorium. The moratorium set forth by section 18.06.911 shall become effective upon the adoption of Ordinance 5229 and remain in effect for three months thereafter.

18.06.914. Severability of moratorium ordinance.

If any section, sentence, clause or phase of the Ordinance 5229 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phase.]

PASSED AND ADOPTED this ____ day of _____, 2002, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 2002.

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE:

*McDonald Carano Wilson McCune Bergin
Frankovich & Hicks LLP
RENO/LAS VEGAS*

MEMORANDUM

To: Mayor and City Council Members
From: John Frankovich
Re: Billboard Ordinance – AT-1-01
Date: January 22, 2002

The following are proposed changes to the current draft of Ordinance AT-1-01 that we respectfully submit on behalf of Clear Channel Outdoor.

Angled Signs (“V-Signs”)

The current version of Section 18.06.930(1) does not allow angled, or “v-signs,” to be constructed. This section currently reads:

An off-premises advertising display may not contain more than two (2) faces and those faces shall be parallel to one another and oriented in opposite directions.

In order to allow angled signs, we propose changing Section 18.06.930(1) to read as follows:

An off-premises advertising display may not contain more than two (2) faces and one face may not be angled from the other face by more than twenty (20) degrees as measured from the back of the structure supporting the face.

Also, for purposes of calculating the maximum display area of signs, we propose the following minor change to Section 18.06.930(a):

The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display or angled off-premises advertising display shall be limited to one display surface.

Lighting

The current version of Section 18.06.930(k) requires displays outside the McCarran Boulevard ring to have "downlighting." This section currently reads:

All lighting shall be directed toward the off-premises advertising display. Off-premises advertising displays located outside the McCarran Boulevard will be downlighting meaning that any lighting will not be directed upward toward the off-premises advertising display to avoid adding light to the night sky.

In order to remove the downlighting requirement, we propose changing Section 18.06.930(k) to read as follows:

All lighting shall be directed toward the off-premises advertising display.

Height

The current version of Section 18.06.930(c) reads:

No off-premises advertising display shall exceed thirty-five (35) feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater but in no event to exceed fifty (50) feet. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We propose changing this section back to the version contained in the draft before you on January 8, 2002. This section would then read:

No off-premises advertising display shall exceed forty (40) feet, or thirty-five (35) feet in height as measured from the surface of the road grade in which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We would be happy to address any questions you may have regarding these proposed changes.

MCDONALD CARANO WILSON McCUNE
BERGIN FRANKOVICH & HICKS LLP
ATTORNEYS AT LAW

John Frankovich

Reply to: Reno

January 16, 2002

Via Hand Delivery

Mayor and Members of the City Council
City of Reno
490 S. Center Street
Reno, Nevada 89501

*Re: January 8, 2002 City Council Meeting
Case No. AT-1-01 (Billboard Ordinance)*

Dear Mayor and City Council Members:

At the meeting of January 8, 2002, the Council passed the first reading of the Billboard Ordinance with certain additional restrictions concerning maximum height, angled signs, lighting, the gateway along Interstate 80, permitted areas along McCarran Boulevard, and calculation of the surface area of "back-to-back" signs. After working diligently during the past two years to reach a fair compromise, we feel that these additional restrictions would mar the compromise reached between the interest parties. We are concerned that these changes were made without discussion or input from the industry, despite the fact that many of the changes had been discussed at the workshops and other subcommittee hearings over the last two years. There was no dispute with respect to any of these issues other than height, so we respectfully request the deletion of these additional restrictions, which are further discussed below.

The primary issue in dispute in the draft ordinance was the provision concerning height. All earlier drafts, including the ordinance approved by the Planning Commission in September 2000, provided that the height would be the greater of 50 feet or 35 feet above roadgrade. Responding to concerns about the height of signs along arterials, the industry agreed to reduce this provision to 40 feet or 35 feet above roadgrade. The introduction of an additional maximum height would greatly restrict the roadgrade provision, which is essential for signs along freeways. The elevated freeways in the City of Reno are fairly high, so the imposition of a maximum height greatly reduces the locations for signs along freeways. In addition, the topography of certain areas of the City, particularly along stretches of Interstate 80, would render it impractical to place any signs in such

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RENO, NEVADA 89501

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(775) 788-2000 • FAX (775) 788-2020

OF COUNSEL
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WILLIAM S. BOYD
CHARLES E. HUFF
HON JAMES GUINAN, RET.

2300 WEST SAHARA AVENUE
NO. 10, SUITE 1000
LAS VEGAS, NEVADA 89102
(702) 873-4100
FAX (702) 873-0473

Mayor and Members of the City Council
January 16, 2002
Page 2

areas. The intent of this ordinance is to allow the relocation of signs in such areas, so we should not undermine this intent by imposing a restriction that, in practice, would not allow signs in many otherwise permissible locations.

Another suggested change was a restriction on the erection of any angled, or "V" signs. The industry and Citizens for a Scenic Northern Nevada reached a fair compromise that such signs would be allowed as long as the angle between a structure's two faces does not exceed 20 degrees. No dispute existed concerning this provision, so we are puzzled why this restriction was introduced by the Council.

The Council also added a restriction that required all signs outside of the McCarran ring to have downlighting. This type of lighting is largely contrary to industry practice and would render impractical any types of creative cut-outs on such signs, which are clearly permitted by this ordinance. Importantly, in many ways the effect of such lighting is less noticeable when such lighting is directed upward (angled to the sign) rather than downward since it would not illuminate the ground surrounding the sign. Again, we feel that input from the industry would have clarified the discussion of such an additional restriction. No dispute existed concerning lighting, so we request the deletion of this restriction.

The Council also amended the draft to extend the gateway along Interstate 80 west to Robb Drive. The intent of the gateway restriction was to limit the number of signs located in areas where motorists first see the downtown skyline when entering the City. No dispute existed concerning the areas in the draft ordinance. When traveling eastbound along Interstate 80 between Robb Drive and McCarran Boulevard, the only sight visible to motorists is a partially developed hill that blocks out the view of the downtown skyline. The intent of the gateway restriction is not furthered by extending the gateway west to Robb Drive. A similar restriction was imposed by restricting signs along McCarran Boulevard between Sierra Highlands and Summit Ridge. The limitation of signs along most of McCarran Boulevard was a significant concession by the industry. The area between Sierra Highlands and Summit Ridge is a heavily commercial area that includes a gas station, an auto repair center, a convenience store, fast food restaurants, and similar retail establishments. This area also intersects with Interstate 80 and is located near large commercial properties such as The Home Depot and Super K-Mart. We feel that such area is an appropriate location for signs, and no dispute existed between the parties concerning this area.

The final change made to the draft ordinance was the deletion of the last sentence of Section 18.06.930, Subparagraph A. It is our understanding that this sentence has been added again to the ordinance, so we do not have any concerns with this provision regarding back-to-back signs.

Mayor and Members of the City Council
January 16, 2002
Page 3

However, if the Council decides to allow the erection of V-signs (with no more than a 20 degree angle between the two faces), then we would request that V-signs are treated in the same manner as back-to-back signs for purposes of the surface display area calculation.

Again, thank you for your consideration of our previous comments concerning other issues in the proposed Ordinance. I would be happy to respond to any questions you may have concerning the issues addressed in this letter.

Sincerely,

A handwritten signature in cursive script that reads "John Frankovich". The signature is written in dark ink and is positioned above the printed name.

John Frankovich

cc: Marilyn D. Craig, Esq.

*McDonald Carano Wilson McCune Bergin
Frankovich & Hicks LLP
RENO/LAS VEGAS*

MEMORANDUM

To: Mayor and City Council Members
From: John Frankovich
Re: Billboard Ordinance – AT-1-01
Date: January 22, 2002

The following are proposed changes to the current draft of Ordinance AT-1-01 that we respectfully submit on behalf of Clear Channel Outdoor.

Angled Signs ("V-Signs")

The current version of Section 18.06.930(l) does not allow angled, or "v-signs," to be constructed. This section currently reads:

An off-premises advertising display may not contain more than two (2) faces and those faces shall be parallel to one another and oriented in opposite directions.

In order to allow angled signs, we propose changing Section 18.06.930(l) to read as follows:

An off-premises advertising display may not contain more than two (2) faces and one face may not be angled from the other face by more than twenty (20) degrees as measured from the back of the structure supporting the face.

Also, for purposes of calculating the maximum display area of signs, we propose the following minor change to Section 18.06.930(a):

The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display or angled off-premises advertising display shall be limited to one display surface.

Lighting

The current version of Section 18.06.930(k) requires displays outside the McCarran Boulevard ring to have "downlighting." This section currently reads:

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In order to remove the downlighting requirement, we propose changing Section 18.06.930(k) to read as follows:

All lighting shall be directed toward the off-premises advertising display.

Height

The current version of Section 18.06.930(c) reads:

No off-premises advertising display shall exceed thirty-five (35) feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater but in no event to exceed fifty (50) feet. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We propose changing this section back to the version contained in the draft before you on January 8, 2002. This section would then read:

No off-premises advertising display shall exceed forty (40) feet, or thirty-five (35) feet in height as measured from the surface of the road grade in which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We would be happy to address any questions you may have regarding these proposed changes.

Meeting Type: ☒ Regular
☐ Special
☐ Joint with _____

Date: JANUARY 22, 2002

Item: 8B

Notes: Billboard Ordinance

Moved	Sec'd.	Councilmember	Yes	No
	<input checked="" type="checkbox"/>	Hascheff		
		Harsh		<input checked="" type="checkbox"/>
		Rigdon		
		Sferrazza-Hogan		
		Doyle	absent	
<input checked="" type="checkbox"/>		Aiazzi		
		Griffin	absent	
		COUNT		

Motion:

pass and adopt
ord # 5295, as amended
(18.06.295, 18.06.930)
~~18.06~~ 18.06.930 (K), (L)
18.06.935 (F)

CARRIED?

YES

NO

Meeting Type: ☒ Regular

☐ Special

☐ Joint with _____

Date: JANUARY 22, 2002

Item: 8B

Notes: Billboard Ordinance

Recess 1:10 PM

Reconvene 1:15 PM

Moved	Sec'd.	Councilmember	Yes	No
	<input checked="" type="checkbox"/>	Hascheff	<input checked="" type="checkbox"/>	
		Harsh		
		Rigdon		
		Sferrazza-Hogan		
		Doyle	<u>absent</u>	
<input checked="" type="checkbox"/>		Aiazzi	<input checked="" type="checkbox"/>	
		Griffin	<u>absent</u>	
		COUNT		

Motion:

cont'd. to 2/12/02
staff to look at
spacing issues

CARRIED?

YES

NO

Motion withdrawn

Meeting Type: ☒ Regular

☐ Special

☐ Joint with _____

Date: JANUARY 22, 2002

Item: 8. B.

Notes: SECOND READING ORDINANCE

Bill No. 5830 Ordinance amending Title 18, Chapter 18.06 of the Reno Municipal Code entitled "Zoning" by adding language to and deleting language from Sections 18.06.910-18.06.914 entitled 'Off-Premises Advertising Displays' which govern how off-premises advertising displays are regulated; together with other matters properly relating thereto.
Case No. AT-1-01 (Billboard Ordinance)

Moved	Sec'd.	Councilmember	Yes	No
		Hascheff		<input checked="" type="checkbox"/>
		Harsh	<input checked="" type="checkbox"/>	
		Rigdon		<input checked="" type="checkbox"/>
		Sferrazza-Hogan	<input checked="" type="checkbox"/>	
		Doyle	<u>absent</u>	
		Aiazzi		<input checked="" type="checkbox"/>
		Griffin	<u>absent</u>	
		COUNT		

Motion:

adopted. #1
refer to staff to work w/
other agencies to develop
regionalized ordinance

CARRIED?

YES

NO

8 B

Ward No. N/A

Department Approval ✓ JH

STAFF REPORT
January 22, 2002

To: Mayor and City Council
Through: Charles E. McNeely, City Manager
From: Laura M. Tuttle, AICP, Planning Manager
Re: **AT-1-01 (Billboard Ordinance)**
Date: January 9, 2002

Summary: The attached ordinance amends Title 18, Chapter 18.06, of the Reno Municipal Code entitled "Zoning" by adding language to and deleting language from section 18.06.910 entitled "Off-premises Advertising" which governs how Off-premises Advertising Displays will be regulated; together with other matters properly relating thereto. Staff recommends adoption of the ordinance.

Previous Council Action:

January 8, 2002 - The City Council approved AT-1-01 with changes to maximum height, gateways, required all signs to be back to back and other matters properly relating thereto.

Ayes: Griffin, Aiazzi, Doyle, Hascheff, Rigdon
Nays: Sferrazza-Hogan, Harsh
Abstain: None
Absent: None

November 13, 2001 - The City Council approved the ordinance and referred it to the committee of the whole. Staff was instructed to return with modifications to the ordinance concerning relocation, building wraps, and gateways by February 1, 2002.

Ayes: Aiazzi, Doyle, Griffin, Rigdon, Doyle
Nays: None
Abstain: None
Absent: Sferrazza-Hogan, Harsh

May 15, 2001 - City Council directed the Planning Commission to review the City Attorney's draft billboard ordinance, any ordinances put forward by the industry or Citizens for a Scenic Northern Nevada and report back.

Ayes: Aiazzi, Doyle, Harsh, Rigdon, Sferrazza-Hogan

Staff Report - January 22, 2002
AT-1-01 (Billboard Ordinance)
Page 2

Nays: None
Abstain: None

Absent: Griffin, Hascheff

Discussion: Changes made at the January 8 City Council meeting have been incorporated into the attached ordinance.

Recommendation: Staff recommends adoption of the attached ordinance.

Proposed Motion: I move to adopt Ordinance No. _____

JB

EXPLANATION: Matter underlined is new; Matter in brackets [] is material to be omitted.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18.06 OF TITLE 18 OF THE MUNICIPAL CODE ENTITLED "ZONING" BY ADDING LANGUAGE TO AND DELETING LANGUAGE FROM SECTIONS 18.06.910-18.06.914 WHICH GOVERN HOW OFF-PREMISES ADVERTISING DISPLAYS WILL BE REGULATED; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

PREAMBLE

WHEREAS, a majority of the voters of the City of Reno ("City") approved an initiative regarding off-premises advertising displays/billboards on November 8, 2000;

WHEREAS, NRS 295.220 provides, in part, "[i]f a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results ...";

WHEREAS, the City certified the election results on November 14, 2000;

WHEREAS, the City wishes to incorporate the initiative into Chapter 18.06;

WHEREAS, the City wishes to reduce advertising distractions, which may contribute to traffic accidents;

WHEREAS, the City wishes to provide an improved visual environment for the inhabitants of and visitors to the City;

WHEREAS, the City wishes to protect its esthetic qualities;

WHEREAS, the City's civic identity is associated with its surrounding mountains and the Truckee River as well as its recreational, gaming, and tourist activities;

WHEREAS, the City, in its desire to preserve its visual environment and esthetic qualities, has examined the gateways to

the City as well as certain other streets, such as McCarran Boulevard, to determine which gateways and/or streets or portions thereof are especially linked to the City's visual environment and esthetic qualities;

WHEREAS, the City desires to amend sections 18.06.910-18.06.914 and add and delete language thereto to make the Reno Municipal Code consistent with the initiative and to more fully recognize the role of the City's visual environment and esthetic qualities and set out other matters relating thereto;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENO DO ORDAIN:

Section 1: Chapter 18.06 of Title 18 of the Reno Municipal Code is hereby amended to add and delete language from sections 18.06.910-914 to read as follows:

<u>Sec. 18.06.910</u>	<u>Off-premises advertising displays[.]; purpose</u>
<u>[18.06.911</u>	<u>Moratorium established</u>
<u>18.06.912</u>	<u>Exemption to moratorium</u>
<u>18.06.913</u>	<u>Effective period of moratorium</u>
<u>18.06.914</u>	<u>Severability]</u>
<u>Sec. 18.06.915</u>	<u>Off-premises advertising displays;</u>
	<u>definitions</u>
<u>Sec. 18.06.920</u>	<u>Restrictions on permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.922</u>	<u>Continued use of permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.925</u>	<u>Permanent off-premises advertising displays;</u>
	<u>permitted locations</u>
<u>Sec. 18.06.930</u>	<u>General standards for permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.935</u>	<u>Permanent off-premises advertising displays;</u>
	<u>prohibited locations</u>
<u>Sec. 18.06.940</u>	<u>Prohibited permanent off-premises advertising</u>
	<u>displays; types</u>
<u>Sec. 18.06.950</u>	<u>Relocation of permanent off-premises</u>
	<u>advertising displays</u>
<u>Sec. 18.06.955</u>	<u>Permanent off-premises advertising display;</u>
	<u>reporting</u>
<u>Sec. 18.06.960</u>	<u>Temporary off-premises advertising displays</u>
<u>Sec. 18.06.965</u>	<u>Off-premises advertising displays; special</u>
	<u>events</u>
<u>Sec. 18.06.970</u>	<u>Abandoned off-premises advertising displays</u>
<u>Sec. 18.06.975</u>	<u>Time limitations on review of applications</u>
	<u>for off-premises advertising displays;</u>
<u>Sec. 18.06.980</u>	<u>Off-premises advertising displays; judicial</u>

Sec. 18.06.985

review
Interpretation and severability

Sec. 18.06.910. Off-premises advertising displays[.]; purpose.

[A. PURPOSE] Recognizing that the City of Reno is a unique city in which [outdoor advertising] public safety, maintenance, and enhancement of the City's esthetic qualities [is] are important and effective in promoting quality of life for its inhabitants and the City of Reno's twenty-four[-]hour gaming/entertainment/recreation/tourism economy; [and also] recognizing that the promotion of tourism generates a commercial interest in the environmental attractiveness of the community; and recognizing that the visual landscape is more than a passive backdrop in that it shapes the character of our city, community, and region, the purpose of [these provisions] this Chapter is to establish[ment] a comprehensive system for the regulation of the commercial use of off-premises [signs] advertising displays. It is intended that these regulations impose reasonable standards on the number, size height and location of off-premises [signs] advertising displays [,and facilitate the removal or replacement of nonessential signs in order] to prevent and [relieve] alleviate needless distraction and clutter resulting from excessive and confusing off-premises advertising displays; to safeguard and enhance property values; and to promote the general welfare and public safety of the City's inhabitants and to promote the maintenance and enhancement of the City's esthetic qualities [and the general welfare] and improve the character of our City. It is further intended that these regulations provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the city which is instrumental in attracting those who come to visit, vacation, live, and trade.

Sec. 18.06.915. Off-premises advertising displays;
definitions.

In addition to the definitions set forth in Section 18.06.1202, the following definitions apply to off-premises advertising displays:

1. Animated Sign: A sign which meets the definition of changeable sign as contained in 18.06.1200 or a tri-vision display.
2. Building Wrap: A sign applied to or painted on, all or

a portion of a building exterior wall(s). Building wraps include the application of a flexible material to a building containing an off-premises advertising display.

3. Conforming permanent off-premises advertising display: Any sign, display, billboard, or other device that is designed, intended, or used to advertise or inform readers about services rendered or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected and which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the off-premises advertising display.
4. Cut-out: A cut-out is an extension of the display beyond the primary surface display area which shall not exceed ten (10) percent of the primary surface area of the off-premises display.
5. Off-premises advertising display: An off-premises advertising display includes its structure in addition to the definition set forth in Section 18.06.1202, "Sign," paragraph (gg); Off-premises advertising displays are commonly called billboards.
6. Final action: Final action means that action which could not be subjected to any further discretionary action by the City or the County of Washoe, as applicable.
7. Freeway: A freeway is the portions of Interstate 80 and U.S. 395 within the City or Reno or its sphere of influence.
8. Highway: A highway means a highway as defined in NRS 484.065.
9. Maintain: Maintain means to keep in a state of repair provided there is no increase in the movement of any visible portion of the off-premises advertising display nor any increase in the illumination emitted by the off-premises advertising display or any other characteristic beyond that allowed by the permit or law under which it exists.
10. Non-conforming permanent off-premises advertising

display: Any sign, display, billboard, or other device that is designed, intended, or used to advertise or inform readers about services rendered or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected and which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the off-premises advertising display and which does not conform subsequently because of a change to the local ordinances or codes.

11. Person: A person is a corporation, firm, partnership, association, individual, executor, administrator, trustee, receiver, or other representative appointed according to law.
12. Residentially zoned parcel: A parcel contained in a Residentially Zoned District, as defined under Section 18.06.1200, "Residentially Zoned District."

Sec. 18.06.920. Restrictions on permanent off-premises advertising displays.

- (a) [Off-premises advertising displays shall be permitted in only the M-1 (industrial and C-3 (commercial) districts.] The construction of new off-premises advertising displays/billboards is prohibited, and the City of Reno may not issue permits for their construction. (Approved by the voters at the November 7, 2000, General election, Question R 1 - The results were certified by Reno City Council on November 14, 2000).
- (b) In no event shall the number of off-premises advertising displays exceed the number of existing off-premises advertising displays located within the City on November 14, 2000. This number shall include all applications for off-premises advertising displays approved in final action by the City on or before November 14, 2000 but unbuilt as well as those applications approved by a court of competent jurisdiction. In the event the City annexes property in another governing body's jurisdiction on or after November 14, 2000, the number of off-premises advertising displays located on such annexed property shall be included in the calculation of the number of existing off-

premises advertising displays provided they were legal and existing in the governing body's jurisdiction when annexed to the City. For purposes of annexation, an application for a permanent off-premises advertising display approved in final action by the governing body, although unbuilt, shall be included in the calculation of the number of existing off-premises advertising displays as of November 14, 2000.

Sec. 18.06.922. Continued use of permanent off-premises advertising displays.

- (a) All existing, legally established, permanent off-premises advertising displays, whether identified as conforming or non-conforming, are deemed conforming and may be continued and maintained at their current location.
- (b) All existing, legally established, off-premises displays may be replaced in situ with a new structure provided the area of the display surface is not increased and all requirements of 18.06.930 (a)-(c) and (e)-(l) are met.
- (c) For purposes of the Chapter, an application for a permanent off-premises advertising display approved in final action by City Council, although unbuilt, is an existing permanent off-premises advertising display.

Sec. 18.06.925. Permanent Off-premises advertising displays; permitted locations.

[D. Permitted locations.] Off-premises advertising displays shall be permitted only in the I (Industrial), IB (Industrial Business, IC (Industrial Commercial), AC (Arterial Commercial), CC (Community Commercial) and HDC (Hotel/Casino Downtown) district when within two hundred (200) feet of a major or minor arterial road or freeway unless otherwise prohibited.

Sec. 18.06.930. General standards for permanent off-premises advertising displays.

[C. GENERAL STANDARDS]

- [1.] (a) The area of display surface shall be the sum total

square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display shall be limited to one display surface.

- [2.] (b) No off-premises advertising display shall have a primary display surface, not including allowed cut-outs, greater than [800] six hundred seventy-two (672) square feet.
- [3.] (c) No off-premises advertising display [may] shall exceed [50] thirty-five (35) feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater but in no event to exceed fifty (50) feet. [except as provided in section 18.06.910(F) entitled "Off-premises advertising displays requiring a special use permit."] If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.
- [4.] (d) No off-premises advertising display [having a display surface of 300 square feet or greater may] shall be located closer than seven hundred fifty (750) feet to the next off-premises advertising display on [the] either [same] side of the same street. No animated off-premises advertising display shall be located closer than one-thousand (1,000) feet to the next animated off-premises advertising on either side of the same street. [except as provided in Section 18.06.910(F) entitled "Off-premises advertising displays requiring a special use permit."]
- [5.] No advertising display having a display surface smaller than three hundred (300) square feet may be located closer than five hundred (500) to the next off-premises advertising display on the same side of the street, except as provided in Section 18.06.910(F) entitled "Off-premises advertising displays requiring a special use permit."
6. No off-premises advertising display may be located within three hundred (300) feet of the right-of-way line of a freeway, except as provided in Section 18.06.910 (F) entitled "Off-premises advertising displays requiring a special use permit."

- [7.] (e) All off-premises advertising displays[, as well as supporting structures,] shall be maintained in a [safe and] clean and workmanlike condition [state of repair and preservation. Display s] Surface shall be neatly painted [or posted]. [Premises] Property immediately surrounding [such structures or] off-premises advertising displays shall be [kept in a clean,] maintained and kept free of litter, rubbish, weeds and debris. Any off-premises display deemed to be a nuisance as defined in section 8.22.100 shall be enforced as provided for in Chapter 1.05.
- [8.] (f) The permit number [and address], as assigned by the building official[, or the identity of the owners and [the] his address shall be displayed [painted] on every permanent off-premises advertising display [erected in accordance with the provisions of this section. The display shall also identify its owners.]
- [9.] (g) The reverse side of a cut-out shall be [pointed so as to be compatible with the background surrounding it] dull and non-reflective.
- [10.] (h) The reverse side of a single-face [sign] off-premises advertising display shall be [painted so as to be compatible with the background surrounding it] dull and non-reflective [Single-face, off-premises advertising displays which were erected prior to the adoption of this section shall comply with this requirement within one year from the date of adoption of this section.]
- [11.] (i) [No tree may be removed for the purpose of erecting an off-premises advertising display unless an application for a variance, pursuant to Section 18.06.1112, has been first filed with the zoning administrator and denied. When such a variance is approved by the zoning administrator it shall be unlawful to remove the tree in order to erect an off-premises advertising display.] No tree may be removed for the purpose of erecting an off-premises advertising display. If an existing tree would impact the visibility of a site which otherwise meets the requirements sections 18.06.925 and 18.06.930, a variance to the spacing requirements may be requested. If the variance to the spacing requirements is denied as a final action, the tree may be removed. If the variance to spacing requirements is approved, the tree may not be removed.

(j) Off-premises advertising displays shall be of monopole design.

(k) All lighting shall be directed toward the off-premises advertising display. Off-premises advertising displays located outside the McCarran Boulevard will be down-lighted meaning that any lighting will not be directed upward toward the off-premises advertising display to avoid adding light to the night sky.

(l) An off-premises advertising display may not contain more than two (2) faces and those faces shall be parallel to one another and oriented in opposite directions.

Sec. 18.06.935. Permanent off-premises advertising displays; prohibited locations.

[E Prohibited locations.]

[1] (a) No off-premises advertising display shall be [established] erected closer to [the] a street than the right-of-way line. No portion of any [outdoor] off-premises advertising display may be placed on or extend over the right-of-way line of any street [or highway].

[2] (b) No off-premises advertising display, or part thereof, shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.

[3] (c) No off-premises advertising display shall be located within three hundred (300) feet of the center line of the Truckee River or within three hundred (300) feet of the outer boundary of any areas designed in this Chapter as the Truckee River Corridor [,] or its successor, or as open space adjacent to the Truckee River.

[4.] (d) No off-premises advertising display shall be [located] erected within three hundred (300) lineal feet of a [park, school or public building, or house of worship] residentially zoned parcel on the same side of the street.

(e) The number of permanent off-premises advertising displays located within three hundred feet (300) of the center line of the following areas shall not exceed the number of legally existing off-premises advertising

displays on November 14, 2000 as set forth in section 18.06.920(b):

1. Interstate 80 from Robb Drive to Keystone Avenue.
2. U.S. 395 from Panther Drive to North McCarran Boulevard.
3. No off-premises advertising displays shall be located within two hundred (200) of the right-of-way of McCarran Boulevard except within the following locations:
 - (1). Talbot Lane east to Mill Street.
 - (2). Northtowne Lane west to Sutro Street.
4. This subsection does not prohibit relocation of existing off-premises displays within the above locations nor reconstruction of an existing off-premises advertising display provided that the reconstructed off-premises advertising display conforms with sections 18.06.910-18.06.985.

(f) The number of off-premises advertising displays within three hundred (300) feet of the center line of U.S. 395 from Patriot Boulevard to Del Monte Lane shall not exceed ten (10) off-premises advertising displays. This subsection does not prohibit relocation of existing off-premises displays within the above location nor reconstruction of an existing off-premises advertising display provided that the reconstructed off-premises advertising display conforms with sections 18.06.910-18.06.985.

[5. No off-premises advertising display shall be erected over residential structures or mobile homes.

F. Off-premises advertising displays requirement a special use permit. Erection of the following off-premises advertising displays shall first require the approval of a special use permit:

1. Any advertising display which exceeds 50 feet in height as measured from the surface of the ground to the highest point of the sign.
2. Any advertising display having a display surface equal to or

greater than 300 square feet which is to be located closer than 750 feet to the next off-premises advertising display on the same side of the street.

3. Any advertising display having a display surface smaller than 300 square feet which is to be located closer than 500 feet to the next off-premises advertising display on the same side of the street.

4. Any advertising display which is to be located within 300 feet of the right-of-way line of a freeway.]

Sec. 18.06.940. [G Prohibited off-premises advertising displays] Prohibited off-premises advertising displays; types.

The following off-premises advertising displays are prohibited:

[1. Canvas signs, banners, pennants, streamers, balloons or other temporary or wind signs except as provided in Section 18.06.910(L) entitled "special events signs".

2. Mobile, A-frame, and portable signs except as provided in Section 18.06.910(L) entitled "Special events signs".

3.] 1. Signs which emit noise via artificial devices.

[4.] 2. Roof signs.

[5. Signs which resemble any official marker erected by the city, state, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal.

6.] 3. Signs which produce odor, sound, smoke, fire or other such emissions.

[7.] 4. Stacked signs.

[8.] 5. Temporary signs except as otherwise provided in sections 18.06.960 and 18.06.965. [section 18.06.910(L), "Special events sign."]

[9.] 6. Wall signs.

7. Signs with more than two faces.

8. Building wraps.

[H. Continued use of nonconforming signs.

1. An off-premises advertising display which becomes nonconforming as the result of the adoption may be continued and maintained except as follows:
 - a. A nonconforming display destroyed to an extent greater than 50 percent of the cost of advertising display or device new shall not be reestablished.
 - b. A nonconforming display which is determined to be abandoned shall be removed.

2. *Right to maintain.* Any off-premises advertising display erected prior to the effective date of this section which becomes nonconforming as the result of this section, may continue in existence, except that any enlargement (excluding cut-outs of 50 square feet or less), alternation or relocation shall make said sign subject to the provisions of this section.

3. *Changes to nonconforming sign.* Nothing contained herein shall prohibit changes which bring a display into conformance with the provisions of this section reduce its size.

4. *Safety hazard.* Notwithstanding any other provision of this subsection, the right to use any nonconforming advertising display ceases when ever the city council determines that the advertising display constitutes a safety hazard.]

Sec. 18.06.950. Relocation of permanent off-premises advertising displays.

- (a) Except as otherwise provided in this chapter, a legally established, permanent off-premises advertising display may be relocated to a permitted location as described in section 18.06.925 provided that such display complies with all requirements of Chapter 18.06.
- (b) Two permits shall be required prior to relocation of a legally established, permanent off-premises advertising display, one for removal of an existing sign and one for relocation of the existing off-premises advertising display.

5. A person who is granted a permit for the removal of an off-premises advertising display proposed to be relocated under this section shall remove the off-premises advertising display in all respects from the original location and return the site to a condition consistent with immediately surrounding area within the time set by the permit and prior to installation of a relocated off-premises advertising display. A letter of credit may be required to guarantee removal of the existing off-premises advertising display.
 2. Off-premises advertising displays which have a display area less than the maximum allowed under section 18.06.930 and are proposed to be increased in display area, shall require a two (2) for one (1) removal to relocation ratio prior to issuance of the permit for relocation. The number of allowed off-premises advertising displays under section 18.06.920(b) will be reduced accordingly.
 3. A person who requests a permit for the relocation of an existing off-premises advertising display shall:
 1. Identify the off-premises advertising display that has been removed, by address and building permit number that the relocated off-premises advertising display will replace.
 2. Present to the Community Development Department a notarized statement from the off-premises advertising display owner that he has removed, or caused to be remove, the off-premises advertising display under subsection (b) (3) (1) of this section, authorizing the relocation of the off-premises display.
- (c) The owner(s) of an off-premises advertising display that has been removed pursuant to subsection (b) has ten (10) years in which to apply for and secure a permit to relocate the off-premises display. The ten (10) years shall run from the date the City approves all work performed under subsection (b), in writing, and/or releases the letter of credit. The permit to relocate an off-premises advertising display may be

sold or otherwise conveyed at the discretion of the owner.

- (d) Nothing in this section shall be construed to mandate relocation of any off-premises advertising display.

Sec. 18.06.955. Permanent off-premises advertising displays; reporting.

[J Reporting] Each sign company licensed to do business in the City must report to the z[Z]oning a[A]dministrator the size, height, location and location and building permit number of each off-premises advertising display owned by a [the] company and located within the City on July first by July fifteenth of each year.

Sec. 18.06.960. Temporary off-premises advertising displays.

[K Off-premises temporary commercial advertising displays.] Off-premises temporary advertising [commercial] displays are allowed without permit on private property in any zoning district with the permission of the owner(s), holder(s) [leasee] lessee(s), agent(s), or trustee(s) as applicable, when the temporary off-premises advertising commercial advertising displays [are]:

1. Are located i[I]n any zoning district within one-half radial mile of the site on which the activity will take place;
2. Shall be a maximum of six (6) square feet;
3. Shall be designed to be stable under all weather conditions, including high winds;
4. Shall not obstruct the [sight distance] vision triangle as defined set forth in section 18.06.501(I) nor traffic control device or impair access to a sidewalk, street, [or] driveway, [traffic control sign] bus stop, or fire hydrant; and
5. Displayed for less than twelve (12) hours each day, no earlier than 6:00 a.m. nor later than 9:00 p.m.

Sec. 18.06.965. Off-premises advertising displays; special events.

[L.Off-premises advertising displays for special events.] A

holder of a special event's permit may apply for a building permit pursuant to RMC Chapter 14 to erect a temporary off-premises advertising display promoting the special event provided [Upon application, the administrator may permit temporary off-premises advertising displays promoting a special event if] the temporary off-premises advertising display:

1. Complies with sections 18.06.910 through 18.06.985 as applicable; [will not conflict with the general purpose of Section 18.06.910(A) such as aesthetics and traffic safety because of its size or location;
2. The applicant has obtained a permit to hold a special event;
3. The proposal complies with City policies if the applicant seeks to use City owned improvements such as poles designed for temporary signs or buildings;
4. Such off-premises advertising displays, when permitted shall not be installed prior to thirty (30) days before and shall be removed with ten (10) after the special event advertised; [and]
5. The [sign may] temporary off-premises advertising display shall not exceed 100 square feet[.];
6. The temporary off-premises advertising display shall be designed to be stable under all weather conditions, including high winds; and
7. The temporary off-premises advertising display shall not obstruct the sight distance triangle as defined in section 18.06.501(I) nor a traffic control device or impair access to a sidewalk, street, highway, driveway, bus stop or fire hydrant.

[B. Building permit required.

It shall be unlawful for any person to erect, construct, install, enlarge (excluding cut-outs of 50 square feet or less), or to place an off-premises advertising display without first having obtained a building permit issued by the City.]

Sec. 18.06.970. Abandoned off-premises advertising displays.

[I. Abandoned signs.]

[1.] (a) Abandonment is the cessation of the right to continue the [use] existence of a permanent off-premise advertising display:

1. under existing law;
2. when a state of disrepair exists because of substantial tearing, chipping, or missing material thirty (30) days after receipt of notice sent pursuant to Chapter 1.05;
3. when there is no current business license in existence for the owner(s) of the off-premises advertising display; or
4. when there has been no display for a period of one (1) year with respect to a permanent off-premises advertising display.

(b) Any off-premises advertising display determined to be abandoned shall reduce the number of off-premises advertising displays allowed under section 18.06.920(b).

[The right of a person to continue to use an abandoned, nonconforming, off-premises advertising display shall terminate following receipt of notification that the zoning administrator has deemed the sign abandoned.]

Sec. 18.06.975. Time limitations on review of applications for off-premises advertising displays.

[M. Time limitations on review of applications for permanent off-premises advertising displays.]

[Unless continued with the consent of the applicant,] The following are time limitations on the pertinent decision-maker to [the] review [of] applications for off-premises advertising displays as applicable:

1. The zoning administrator or his duly authorized designee shall review and make a decision regarding an application for an off-premises display within five (5) working days of the date the application is filed-stamped by the Community Development Department, on the appropriate form and with payment of the appropriate fee, if any.

2. The zoning administrator or his duly authorized designee shall review and make a decision regarding an application for a temporary or special events off-premises advertising display within two (2) working days of the date the application is filed-stamped by the Community Development Department, on the appropriate form and with the appropriate fee, if any.
- [2] 3. If the Board of Adjustment or the Planning Commission [will] review the application, the Board of Adjustment or the Planning Commission shall hold a public hearing within sixty-five (65) days of the date the application is [complete and in conformance with this Chapter] filed-stamped with the Community Development Department.
- [3] 4. The Board of Adjustment or Planning Commission shall make its decision within thirty (30) days from the date of the opening of the public hearing.
5. The City Council shall make its decision within thirty (30) days of the date the appeal [was] is filed-stamped with the City Clerk on the appropriate form and payment of the appropriate fee.
6. If the applicant requests a continuance or a specified time or date for the matter to be hear, the time lines provided herein are deemed waived.

Sec. 18.06.980. Off-premises advertising displays; judicial review.

[N. Off-premises advertising displays; judicial review.]

(a) Judicial review may be sought may be sought in accordance with Chapter 34 of the NRS.

(b) If the City denies a "First Amendment" application, the City will institute legal proceedings within ten (10) working days of its final action to determine in an adversarial proceeding the constitutionality of the denial on prior restrain grounds, unless other waived by the applicant. For purposes of this subsection, a "First Amendment" application is one in which the applicant has inserted the words " First Amendment" in the caption of the application.

[O Interpretation and severability.1] A. This ordinance amending Chapter 18.06. relates to and is to be integrated with the Reno Municipal Code then in effect at the time of adoption and will be read consistently with any future adopted ordinances.

[2.] B. Should any section, subsection, clause or provision of Chapter 18.06 [this Ordinance] be declared by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity shall not affect validity of the [Ordinance] Chapter 18.06 as a whole or any part thereof other than the part declared to unconstitutional or invalid.

[P. *Moratorium established.* From and after the effective date of this ordinance, the city shall not file not accept nay applications nor issue use or building permits for off-premises advertising displays made pursuant to Reno Municipal code section 18.06.910 for applications for off-premises advertising displays in the commercial zoning districts of Arterial Commercial (AC), Community Commercial (CC), and Central Business (CB).

1. *Exemption to moratorium.* Applications which are legally vested as of the effective date of Ordinance 5208 shall continue to be processed by the city according to the regulations in effect on the date of vesting.

2. *Effective period of moratorium.* The moratorium set forth by section 18.06.910 shall becomes effective upon adoption of Ordinance 5208 and remain in effect for three (3) months thereafter.

3. *Severability of moratorium ordinance.* If any section, sentence, clause or phase of the Ordinance 5208 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phase.

18.06.911 **Moratorium established.**

From and after the effective date of this ordinance, the city shall not file nor accept any application s nor issue use or building permits for off-premises advertising displays made pursuant to Reno Municipal code section 18.06.500(d), now 18.06.910D, for applications for off-premises advertising displays in the commercial zoning districts of arterial commercial (AC), community commercial (CC), and central business

(CB).

18.06.912. Exemption to moratorium.

Applications which are legally vested as of the effective date of Ordinance 5229 shall continue to be processed by the city according to the regulations in effect on the date of vesting.

18.06.913. Effective period of moratorium. The moratorium set forth by section 18.06.911 shall become effective upon the adoption of Ordinance 5229 and remain in effect for three months thereafter.

18.06.914. Severability of moratorium ordinance.

If any section, sentence, clause or phase of the Ordinance 5229 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phase.]

PASSED AND ADOPTED this ____ day of _____, 2002, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 2002.

ATTEST:

MAYOR OF THE CITY OF RENO

CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE:

*McDonald Carano Wilson McCune Bergin
Frankovich & Hicks LLP
RENO/LAS VEGAS*

MEMORANDUM

To: Mayor and City Council Members
From: John Frankovich
Re: Billboard Ordinance – AT-1-01
Date: January 22, 2002

The following are proposed changes to the current draft of Ordinance AT-1-01 that we respectfully submit on behalf of Clear Channel Outdoor.

Angled Signs ("V-Signs")

The current version of Section 18.06.930(1) does not allow angled, or "v-signs," to be constructed. This section currently reads:

An off-premises advertising display may not contain more than two (2) faces and those faces shall be parallel to one another and oriented in opposite directions.

In order to allow angled signs, we propose changing Section 18.06.930(1) to read as follows:

An off-premises advertising display may not contain more than two (2) faces and one face may not be angled from the other face by more than twenty (20) degrees as measured from the back of the structure supporting the face.

Also, for purposes of calculating the maximum display area of signs, we propose the following minor change to Section 18.06.930(a):

The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display or angled off-premises advertising display shall be limited to one display surface.

Lighting

The current version of Section 18.06.930(k) requires displays outside the McCarran Boulevard ring to have "downlighting." This section currently reads:

All lighting shall be directed toward the off-premises advertising display. Off-premises advertising displays located outside the McCarran Boulevard will be downlighting meaning that any lighting will not be directed upward toward the off-premises advertising display to avoid adding light to the night sky.

In order to remove the downlighting requirement, we propose changing Section 18.06.930(k) to read as follows:

All lighting shall be directed toward the off-premises advertising display.

Height

The current version of Section 18.06.930(c) reads:

No off-premises advertising display shall exceed thirty-five (35) feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater but in no event to exceed fifty (50) feet. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We propose changing this section back to the version contained in the draft before you on January 8, 2002. This section would then read:

No off-premises advertising display shall exceed forty (40) feet, or thirty-five (35) feet in height as measured from the surface of the road grade in which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We would be happy to address any questions you may have regarding these proposed changes.

RENO CITY COUNCIL **ATTENDANCE CARD**

ALL FORMS MUST BE FILLED OUT COMPLETELY

DATE: 1-22-02

AGENDA ITEM NO. 8B

NAME: Buffy Jo Drilling (pronounced Dryling)

ADDRESS: ~~██████████~~ P.O. Box 2311 Reno, NV 89505

I REPRESENT: Citizens for Scenic Northern Nevada

I AM IN ATTENDANCE CONCERNING: Billboards

DO YOU WISH TO MAKE A STATEMENT: YES: ☒ NO: ☐

IN FAVOR ☐ IN OPPOSITION ☒

NOTE: GENERAL POLICIES FOR ADDRESSING COUNCIL:

- *LIMIT COMMENTS TO 3 MINUTES OR LESS
- *15 MINUTES PER SIDE ON ITEMS WITH OPPOSITION
- *AVOID REPETITIVE REMARKS

THE MAYOR AND CITY COUNCIL REQUEST THAT ALL CONCERNS BE EXPRESSED IN A COURTEOUS MANNER, AND THANK YOU FOR YOUR COOPERATION AND PARTICIPATION.

(Over)

TESTIMONY DECLARATION

Definition of "lobbyist":

"Lobbyist" is any person who appears before the Reno City Council for pay or for any other consideration, including reimbursement for expenses incurred, for the purpose of influencing action by the City Council. The term includes a person who is regularly employed by a person, business, committee, association or any other organization and, as part of that employment, appears before the City Council for the purpose of influencing action by the City Council.

Please mark each box that is appropriate and print the requested information.

☐

I am the applicant/applicant's representative

☐

I am speaking as an individual

☒

I am a lobbyist representing:

Citizens for Scenic Northern Nevada

☐

I am speaking on behalf of (name of group) _____

Item number on which you are testifying: 8B

Your name: Buffy So Drilling

Your company/organization (if applicable): Woodburn and Wedge

Address: P.O. Box 2311 Reno, NV 89505

I hereby declare that the information contained in this declaration is true and correct.

Your signature: Buffy So Drilling

RENO CITY COUNCIL **ATTENDANCE CARD**

ALL FORMS MUST BE FILLED OUT COMPLETELY

DATE: 1/22/02 AGENDA ITEM NO. 8 B

NAME: SAM DENNIS

ADDRESS: RENO

I REPRESENT: SELF

I AM IN ATTENDANCE CONCERNING: BILLBOARD

DO YOU WISH TO MAKE A STATEMENT: YES: ☒ NO: ☐

IN FAVOR _____ IN OPPOSITION _____

NOTE: GENERAL POLICIES FOR ADDRESSING COUNCIL:

- *LIMIT COMMENTS TO 3 MINUTES OR LESS
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(Over)

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Please mark each box that is appropriate and print the requested information.

- ☐ I am the applicant/applicant's representative
- ☐ I am speaking as an individual
- ☐ I am a lobbyist representing: _____
- ☐ I am speaking on behalf of (name of group) _____
- _____

Item number on which you are testifying: _____

Your name: _____

Your company/organization (if applicable): _____

Address: _____

I hereby declare that the information contained in this declaration is true and correct.

Your signature: _____

RENO CITY COUNCIL ATTENDANCE CARD

ALL FORMS MUST BE FILLED OUT COMPLETELY

DATE: _____

AGENDA ITEM NO. 8B

NAME: Steve Raper

ADDRESS: 4945 Joule

I REPRESENT: Clear Channel

I AM IN ATTENDANCE CONCERNING: Off Prize Ordinance

DO YOU WISH TO MAKE A STATEMENT: YES: ☒ NO: ☐

IN FAVOR ☒ IN OPPOSITION ☐

NOTE: GENERAL POLICIES FOR ADDRESSING COUNCIL:

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(Over)

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Please mark each box that is appropriate and print the requested information.

☐

I am the applicant/applicant's representative

☐

I am speaking as an individual

☐

I am a lobbyist representing: _____

☐

I am speaking on behalf of (name of group) _____

Item number on which you are testifying: _____

Your name: _____

Your company/organization (if applicable): _____

Address: _____

I hereby declare that the information contained in this declaration is true and correct.

Your signature: _____

RENO CITY COUNCIL **ATTENDANCE CARD**

ALL FORMS MUST BE FILLED OUT COMPLETELY

DATE: 22 Jan 02

AGENDA ITEM NO. 8 B

NAME: JOHN FRANKOVICH

ADDRESS: _____

I REPRESENT: Clear Channel Outdoor

I AM IN ATTENDANCE CONCERNING: BILLBOARD

DO YOU WISH TO MAKE A STATEMENT: YES: ☒ NO: ☐

IN FAVOR _____ IN OPPOSITION _____

NOTE: GENERAL POLICIES FOR ADDRESSING COUNCIL:

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(Over)

JA 1025

COR-00510

TESTIMONY DECLARATION

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☐

I am the applicant/applicant's representative

☐

I am speaking as an individual

☐

I am a lobbyist representing: _____

☐

I am speaking on behalf of (name of group) _____

Item number on which you are testifying: _____

Your name: _____

Your company/organization (if applicable): _____

Address: _____

I hereby declare that the information contained in this declaration is true and correct.

Your signature: _____

RENO CITY COUNCIL **ATTENDANCE CARD**

ALL FORMS MUST BE FILLED OUT COMPLETELY

DATE: 4/22/02

AGENDA ITEM NO. #83

NAME: ED LAWSON

ADDRESS: 775 E. GLENDALE SPARKS, NV

I REPRESENT: YESCO

I AM IN ATTENDANCE CONCERNING: BILLBOARD ORD.

DO YOU WISH TO MAKE A STATEMENT: YES: ☒ NO: ☐

IN FAVOR ☒ IN OPPOSITION ☐

NOTE: GENERAL POLICIES FOR ADDRESSING COUNCIL:

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(Over)

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☐

I am the applicant/applicant's representative

☐

I am speaking as an individual

☐

I am a lobbyist representing: _____

☐

I am speaking on behalf of (name of group) _____

Item number on which you are testifying: _____

Your name: _____

Your company/organization (if applicable): _____

Address: _____

I hereby declare that the information contained in this declaration is true and correct.

Your signature: _____

RENO CITY COUNCIL **ATTENDANCE CARD**

ALL FORMS MUST BE FILLED OUT COMPLETELY

DATE: 1/31/01

AGENDA ITEM NO. 8B

NAME: Doug Smith

ADDRESS: 2843 Idlewild Dr.

I REPRESENT: Citizens for a Scenic North Lake Nevada

I AM IN ATTENDANCE CONCERNING: Bills

DO YOU WISH TO MAKE A STATEMENT: YES: _____ NO: X

IN FAVOR _____ IN OPPOSITION X

NOTE: GENERAL POLICIES FOR ADDRESSING COUNCIL:

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- *AVOID REPETITIVE REMARKS

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(Over)

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☐

I am the applicant/applicant's representative

☐

I am speaking as an individual

☐

I am a lobbyist representing: _____

☐

I am speaking on behalf of (name of group) _____

Item number on which you are testifying: _____

Your name: _____

Your company/organization (if applicable): _____

Address: _____

I hereby declare that the information contained in this declaration is true and correct.

Your signature: _____

RENO CITY COUNCIL **ATTENDANCE CARD**

ALL FORMS MUST BE FILLED OUT COMPLETELY.

DATE: 1-22-02

AGENDA ITEM NO. Bill # 5830

(8B)

NAME: VIVIAN KETTERING

ADDRESS: 4660 ABERFELDY RD

I REPRESENT: Self

I AM IN ATTENDANCE CONCERNING: Billboard Ordinance

DO YOU WISH TO MAKE A STATEMENT: YES: _____ NO: ☒

IN FAVOR _____ IN OPPOSITION ☒

NOTE: GENERAL POLICIES FOR ADDRESSING COUNCIL:

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THE MAYOR AND CITY COUNCIL REQUEST THAT ALL CONCERNS BE EXPRESSED IN A COURTEOUS MANNER, AND THANK YOU FOR YOUR COOPERATION AND PARTICIPATION.

(Over)

JA 1031

COR-00516

TESTIMONY DECLARATION

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Please mark each box that is appropriate and print the requested information.

- ☐ I am the applicant/applicant's representative
- ☐ I am speaking as an individual
- ☐ I am a lobbyist representing: _____
- ☐ I am speaking on behalf of (name of group) _____
- _____

Item number on which you are testifying: _____

Your name: _____

Your company/organization (if applicable): _____

Address: _____

I hereby declare that the information contained in this declaration is true and correct.

Your signature: _____

MCDONALD CARANO WILSON McCUNE
BERGIN FRANKOVICH & HICKS LLP
ATTORNEYS AT LAW

John Frankovich

Reply to: Reno

January 16, 2002

Via Hand Delivery

Mayor and Members of the City Council
City of Reno
490 S. Center Street
Reno, Nevada 89501

*Re: January 8, 2002 City Council Meeting
Case No. AT-1-01 (Billboard Ordinance)*

Dear Mayor and City Council Members:

At the meeting of January 8, 2002, the Council passed the first reading of the Billboard Ordinance with certain additional restrictions concerning maximum height, angled signs, lighting, the gateway along Interstate 80, permitted areas along McCarran Boulevard, and calculation of the surface area of "back-to-back" signs. After working diligently during the past two years to reach a fair compromise, we feel that these additional restrictions would mar the compromise reached between the interest parties. We are concerned that these changes were made without discussion or input from the industry, despite the fact that many of the changes had been discussed at the workshops and other subcommittee hearings over the last two years. There was no dispute with respect to any of these issues other than height, so we respectfully request the deletion of these additional restrictions, which are further discussed below.

The primary issue in dispute in the draft ordinance was the provision concerning height. All earlier drafts, including the ordinance approved by the Planning Commission in September 2000, provided that the height would be the greater of 50 feet or 35 feet above roadgrade. Responding to concerns about the height of signs along arterials, the industry agreed to reduce this provision to 40 feet or 35 feet above roadgrade. The introduction of an additional maximum height would greatly restrict the roadgrade provision, which is essential for signs along freeways. The elevated freeways in the City of Reno are fairly high, so the imposition of a maximum height greatly reduces the locations for signs along freeways. In addition, the topography of certain areas of the City, particularly along stretches of Interstate 80, would render it impractical to place any signs in such

241 RIDGE STREET, 4TH FLOOR
RENO, NEVADA 89501

P.O. BOX 2670, RENO, NEVADA 89505
(775) 788-2000 • FAX (775) 788-2020

OF COUNSEL
DONALD L. CARANO
WILLIAM S. BOYD
CHARLES E. HUFF
HON JAMES GUINAN, RET.

2300 WEST SAHARA AVENUE
NO. 10, SUITE 1000
LAS VEGAS, NEVADA 89102
(702) 873-4100
FAX (702) 873-9966

JA 1032

COR-00518

Mayor and Members of the City Council
January 16, 2002
Page 2

areas. The intent of this ordinance is to allow the relocation of signs in such areas, so we should not undermine this intent by imposing a restriction that, in practice, would not allow signs in many otherwise permissible locations.

Another suggested change was a restriction on the erection of any angled, or "V" signs. The industry and Citizens for a Scenic Northern Nevada reached a fair compromise that such signs would be allowed as long as the angle between a structure's two faces does not exceed 20 degrees. No dispute existed concerning this provision, so we are puzzled why this restriction was introduced by the Council.

The Council also added a restriction that required all signs outside of the McCarran ring to have downlighting. This type of lighting is largely contrary to industry practice and would render impractical any types of creative cut-outs on such signs, which are clearly permitted by this ordinance. Importantly, in many ways the effect of such lighting is less noticeable when such lighting is directed upward (angled to the sign) rather than downward since it would not illuminate the ground surrounding the sign. Again, we feel that input from the industry would have clarified the discussion of such an additional restriction. No dispute existed concerning lighting, so we request the deletion of this restriction.

The Council also amended the draft to extend the gateway along Interstate 80 west to Robb Drive. The intent of the gateway restriction was to limit the number of signs located in areas where motorists first see the downtown skyline when entering the City. No dispute existed concerning the areas in the draft ordinance. When traveling eastbound along Interstate 80 between Robb Drive and McCarran Boulevard, the only sight visible to motorists is a partially developed hill that blocks out the view of the downtown skyline. The intent of the gateway restriction is not furthered by extending the gateway west to Robb Drive. A similar restriction was imposed by restricting signs along McCarran Boulevard between Sierra Highlands and Summit Ridge. The limitation of signs along most of McCarran Boulevard was a significant concession by the industry. The area between Sierra Highlands and Summit Ridge is a heavily commercial area that includes a gas station, an auto repair center, a convenience store, fast food restaurants, and similar retail establishments. This area also intersects with Interstate 80 and is located near large commercial properties such as The Home Depot and Super K-Mart. We feel that such area is an appropriate location for signs, and no dispute existed between the parties concerning this area.

The final change made to the draft ordinance was the deletion of the last sentence of Section 18.06.930, Subparagraph A. It is our understanding that this sentence has been added again to the ordinance, so we do not have any concerns with this provision regarding back-to-back signs.

Mayor and Members of the City Council
January 16, 2002
Page 3

However, if the Council decides to allow the erection of V-signs (with no more than a 20 degree angle between the two faces), then we would request that V-signs are treated in the same manner as back-to-back signs for purposes of the surface display area calculation.

Again, thank you for your consideration of our previous comments concerning other issues in the proposed Ordinance. I would be happy to respond to any questions you may have concerning the issues addressed in this letter.

Sincerely,

A handwritten signature in cursive script that reads "John Frankovich". The signature is written in dark ink and is positioned above the printed name.

John Frankovich

cc: Marilyn D. Craig, Esq.

*McDonald Carano Wilson McCune Bergin
Frankovich & Hicks LLP
RENO/LAS VEGAS*

MEMORANDUM

To: Mayor and City Council Members
From: John Frankovich
Re: Billboard Ordinance – AT-1-01
Date: January 22, 2002

The following are proposed changes to the current draft of Ordinance AT-1-01 that we respectfully submit on behalf of Clear Channel Outdoor.

Angled Signs ("V-Signs")

The current version of Section 18.06.930(l) does not allow angled, or "v-signs," to be constructed. This section currently reads:

An off-premises advertising display may not contain more than two (2) faces and those faces shall be parallel to one another and oriented in opposite directions.

In order to allow angled signs, we propose changing Section 18.06.930(l) to read as follows:

An off-premises advertising display may not contain more than two (2) faces and one face may not be angled from the other face by more than twenty (20) degrees as measured from the back of the structure supporting the face.

Also, for purposes of calculating the maximum display area of signs, we propose the following minor change to Section 18.06.930(a):

The area of display surface shall be the sum total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display or angled off-premises advertising display shall be limited to one display surface.

Lighting

The current version of Section 18.06.930(k) requires displays outside the McCarran Boulevard ring to have "downlighting." This section currently reads:

All lighting shall be directed toward the off-premises advertising display. Off-premises advertising displays located outside the McCarran Boulevard will be downlighting meaning that any lighting will not be directed upward toward the off-premises advertising display to avoid adding light to the night sky.

In order to remove the downlighting requirement, we propose changing Section 18.06.930(k) to read as follows:

All lighting shall be directed toward the off-premises advertising display.

Height

The current version of Section 18.06.930(c) reads:

No off-premises advertising display shall exceed thirty-five (35) feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater but in no event to exceed fifty (50) feet. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We propose changing this section back to the version contained in the draft before you on January 8, 2002. This section would then read:

No off-premises advertising display shall exceed forty (40) feet, or thirty-five (35) feet in height as measured from the surface of the road grade in which the sign is oriented to the highest point of the off-premises advertising display, whichever is greater. If the off-premises advertising display is oriented to more than one road grade, the highest road grade shall be the reference point.

We would be happy to address any questions you may have regarding these proposed changes.



Office of the City Clerk

MEMORANDUM

Date: January 22, 2002
To: Marilyn Craig, Deputy City Attorney
Michael Halley, Deputy City Attorney
From: Donald J. Cook, City Clerk
Subject: Item No. 8B - AT-1-01 (Billboard Ordinance)

At a regular meeting held January 22, 2002, the City Council passed and adopted Ordinance No. 5295, as amended. Please submit the revised ordinance to this office via e-mail, for the Mayor's signature. Thank you.

Donald J. Cook
City Clerk

DJC:cdg

xc: Laura Tuttle, Planning Manager

**RENO CITY COUNCIL
BRIEF OF MINUTES
JANUARY 22, 2002
(Official Minutes in City Clerk's Office)**

The Regular Meeting of the Reno City Council was called to order at 12:06 p.m. on January 22, 2002 in the Council Chambers at City Hall.

PRESENT: Council Members Hascheff, Harsh, Rigdon, Sferrazza-Hogan, and Aiazzi.

ABSENT: Councilperson Doyle and Mayor Griffin.

ALSO PRESENT: City Manager McNeely, City Attorney Lynch and City Clerk Cook.

ASSISTANT MAYOR RIGDON PRESIDING.

Agenda

Item

No.

2C Approval of the Agenda - January 22, 2002.

The Assistant Mayor pointed out that Items 5B, 5H and 5L were pulled from the Agenda.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to approve the Agenda as amended.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

*Public Comment - Limited to No More Than three (3) Minutes And Limited to Items That Do Not Appear on The Agenda. Comments to Be Addressed to The Council as a Whole. The public may comment on agenda items by submitting a Request to Speak form to the City Clerk. Comment on agenda items is limited to no more than three minutes.

Mr. Bob Price, no address given, spoke about the Yucca Mountain dump.

Mr. Sam Dehne, Reno Citizen, voiced his concerns about corrupt government in Reno.

Assistant Mayor Rigdon presented items provided to the City of Reno for the sponsorship of the Olympic Torch Relay.

NO ACTION WAS TAKEN ON THIS ITEM.

4B Approval of Minutes - December 18, 2001 and January 8, 2002

Councilperson Harsh pointed out that on Page 8 of the January 8, 2002 Minutes on the item regarding off-premise advertising, she and Councilperson Sferrazza-Hogan should be shown as voting Nay rather than absent.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to approve the December 18, 2001 and January 8, 2002 Minutes as amended.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

Agenda

Item

No.

4C Cash Disbursements - December 30, 2001 through January 12, 2001.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to approve the Cash Disbursements as submitted.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

CONSENT AGENDA

5A Staff Report: Business License Applications.

Recommended: Council approve the Business License applications as submitted.

5B Staff Report: Settlement of Sky Vista Associates vs. City of Reno and related Cross-Claim and Third Party Claims.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

5C Staff Report: Improvement Agreement, Security and Final Map of Silver Shores Unit 33 Subdivision (Case No. LDC02-00126).

Recommended: Council approve the Improvement Agreement, Security and Final Map of Silver Shores Unit 33 Subdivision.

5D Staff Report: Improvement Agreement, Security and Final Map of Morgan Pointe at Somerset Subdivision (Case No. LDC02-00167.)

Recommended: Council approve the Improvement Agreement, Security and Final Map of Morgan Pointe at Somerset Subdivision.

5E Staff Report: Improvement Agreement, Security and Final Map of Northgate Unit 11C Subdivision (Case No. LDC02-00206).

Recommended: Council approve the Improvement Agreement, Security and Final Map of Northgate Unit 11C Subdivision.

5F Staff Report: Bid Award - 2001/2002 Sewer Rehabilitation Project - Phase I Contract No. 22103-670.

Recommended: Council award the contract to the second low bidder, T.W. Construction Company for an amount not to exceed \$1,913,924.34.

5G Staff Report: Consultant Contract - 2001/2002 Sewer Rehabilitation Project Phase I.

Recommended: Council approve the consulting contract with Lumos and Associates in an amount not to exceed \$139,270.00.

5H Staff Report: Request for authority to issue offer of judgement in the amount of \$100,000 in Clark vs. City of Reno, Case No. CV-97-00629 DWH.

Recommended: Council authorize staff to issue offers of judgements to the three plaintiffs in an amount not to exceed a total of \$100,000.00.

Agenda

Item

No.

5I Staff Report: Interlocal Agreement with Washoe County - 2002 Municipal Elections.

(11) Recommended: Council approve the Interlocal Agreement with Washoe County for conducting the 2002 Municipal Elections and authorize the Mayor to sign.

5J Staff Report: Recommendation from Regional Street Naming Committee to change street names:
Tuolumme Lane to Ruby Creek Lane. Tuolumme Court to Ruby Creek Court, East/West portion of Mt. Dana Drive to Mt. Diablo Drive.

(12) Recommended: Council approve the street name changes.

5K Recommendation from Regional Street Naming Committee to change the Name of Granite Ridge Drive to Diamond Ridge Drive.

(13) Recommended: Council approve the street name change.

5L Staff Report: Scheduling of regular City Council meetings in February.

(14) THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to approve the Consent Agenda Items with the exception of Items 5B, 5H and 5L which were withdrawn from the agenda and Item 9I which was pulled for separate discussion.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

5I Staff Report: Interlocal Agreement with Washoe County - 2002 Municipal Elections, continued:

(15) Councilperson Sferrazza-Hogan asked if this agreement could be subject to change in the event an advisory question was placed on the ballot.

Mr. Don Cook, City Clerk, indicated that the City is not locked into this agreement and if there were an advisory question placed on the ballot, the cost would increase incrementally.

It was moved by Councilperson Sferrazza-Hogan, seconded by Councilperson Aiazzi to approve the Interlocal Agreement with Washoe County for conducting the 2002 Municipal Elections and authorize the Mayor to sign.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

5B Bill No. 5830 - Ordinance amending Title 18, Chapter 18.06 of the Reno Municipal Code entitled "Zoning" by adding language to and deleting language from Sections 18.06.910-18.06.914 entitled 'Off-Premises Advertising Displays' which govern how off-premises advertising displays are regulated; together with other matters properly relating thereto. Case No. AT-1-01 (Billboard Ordinance)

(15) Ms. Laura Tuttle, Planning Manager, provided an overview of the

Ms. Buffy Jo Dreiling, representing Citizen's for a Scenic Northern Nevada, discussed billboards in the South gateway.

Agenda
Item
No.

Mr. Sam Dehne, Reno Citizen, stated that he believes there are bigger issues than billboards to be addressed.

Mr. Steve Raper, of Clear Channel, demonstrated the height restrictions contained in the ordinance and requested that the height be measured from the road grade.

Mr. Ed Lawson, of Yesco, concurred with Mr. Raper.

Mr. John Francovich, representing the billboard industry, outlined the changes that have been made since the off-premise sign ordinance was initiated after the ballot question passed. He noted that several of the amendments have had an impact that may not have been the intent especially with respect to relocation issues.

Councilperson Harsh pointed out that Washoe County and the City of Sparks are currently dealing with the billboard issue. She suggested that a regionalized approach to billboards may be an opportunity to be examined.

It was moved by Councilperson Harsh, seconded by Councilperson Sferrazza-Hogan to refer this item to staff to work with Washoe County and the City of Sparks to develop a regionalized ordinance.

The Motion failed with Councilpersons Hascheff, Rigdon and Aiazzi voting Nay and Councilperson Doyle and Mayor Griffin absent.

MAYOR GRIFFIN PRESENT VIA TELECONFERENCE 1:15 P.M.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to continue this item for two weeks.

Discussion took place regarding some amendments that could be made today that would allow settlement of this issue rather than continuing. The Council discussed which would be more appropriate; a limited number of billboards or a restriction on the spacing between billboards.

Councilperson Sferrazza-Hogan pointed out that she has issues with the number of billboards that would be allowed in the South gateway and also wishes to address allowing billboards in the CC zone.

The motion and second were withdrawn.

It was moved by Councilperson Aiazzi, seconded by Councilperson Harsh to pass and adopt Bill No. 5830, Ordinance No. 5295 with the following amendment.

18.06.925 - Change 200 feet to 100 feet.

18.06.930(c) - Strike "whichever is greater" and amend language to read "the lowest road grade shall be the reference point.

18.06.930(k) - Only the first sentence remains.

18.06.930 (l) - Deleted

18.06.935 (f) - The number shall not exceed 7.

Motion carried with Councilperson Harsh voting Nay and Councilperson Doyle absent.

Councilperson Sferrazza-Hogan pointed out that in the future amendments can be made to this ordinance.

FIRE

- 1A Staff Report: Direction to staff regarding participation in the Washoe County Committee regarding formation of a Regional Fire Protection Agency.

It was moved by Mayor Griffin, seconded by Councilperson Hascheff to continue this item.

Motion carried with Councilperson Doyle absent and Councilperson Aiazzi abstaining.

- 4A APPROVAL OF MINUTES - OCTOBER 16, 2001 JOINT MEETING OF THE RENO CITY COUNCIL AND WASHOE COUNTY COMMISSION.

This Item was continued from the January 8th, 2002 City Council Meeting

It was moved by Mayor Griffin, seconded by Councilperson Hascheff to continue this item.

Motion carried with Councilperson Doyle absent and Councilperson Aiazzi abstaining.

RESOLUTIONS

- 7A Resolution No. 5932 - Resolution Honoring the life of Moya Olsen Lear.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to pass and adopt Resolution No. 5932.

Motion carried with Councilperson Doyle absent.

14

MAYOR AND COUNCIL

- 14B Contribution to Governor's Yucca Mountain Campaign - J. Griffin.

Mayor Griffin provided an overview of the campaign.

It was moved by Mayor Griffin, seconded by Councilperson Aiazzi to approve a \$20,000 contribution to the Governor's Yucca Mountain Campaign to be taken from the Contingency Fund.

Motion carried with Councilperson Doyle absent.

- 14E Request for \$20,000 for public awareness campaign regarding the shipment of nuclear waste through Reno.

Councilperson Sferrazza-Hogan pointed out that she would support this if a clause were added that this would be funded only if nuclear waste were actually going to be transported through Reno.

It was moved by Mayor Griffin, seconded by Councilperson Hascheff to appropriate \$20,000 for public awareness campaign regarding the shipment of nuclear waste through Reno and that this request be made to Washoe County and the City of Sparks. With the understanding that any disbursement of the funds would come back to the Council in the event that more information is gathered that Reno would be included as part of the route.

Motion carried with Councilperson Doyle absent.

Agenda

Item

No.

COUNCILPERSON HARSH ABSENT 2:28 P.M.

2

PUBLIC WORKS

- 12A Staff Report: Amendment to Agreement for Professional Services with the Truckee Meadows ReTRAC Team to provide additional services in support of the RFP document. - (Depressed Trainway Project).

(21)

Mr. Steve Varela, Director of Public Works, gave an overview of the request.

Councilperson Sferrazza-Hogan expressed concern over the fact that she believes that this is a change order to the project and the construction phase has not even begun.

Mr. Varela explained that although these costs were anticipated, but it was not until better information becomes available that the costs could be quantified.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to approve the amendment for supplemental funds in the amount of \$425,000.

Motion carried with Councilperson Sferrazza-Hogan voting Nay and Councilpersons Harsh and Doyle absent.

MAYOR GRIFFIN ABSENT 2:34 P.M.

ORDINANCES

3A

(22)

Bill No. A request for final approval of the SPD Handbook and Ordinance to amend Chapter 18.06, of the Reno Municipal Code entitled "Zoning" rezoning to Specific Plan District a ± 6.1 acre site located at the southeast corner of Plumb Lane and Arlington Avenue. Case No. LDC01-00363 (Plumgate).

Ms. Cheryl Ryan, Senior Planner, indicated that after meeting with the developer and the concerned residents, all, but two, issues have been resolved. Those issues being the redesign of the original drug store with respect to line of site and setbacks and the height of the southwest interior office building.

Mr. Donald Thorpe, 339 Chevy Chase Drive, referred to several sections of the Reno Municipal Code which he feels would be violated if this handbook is approved. He noted that the setback and infill standards that are contained in the code would not be satisfied if this is approved.

Mr. Webster Brown, 387 Chevy Chase Drive, concurred with Mr. Thorpe and expressed his concern over the height of the office building in the southwest section of the property.

Mr. Jeff Codega, representing the applicant, pointed out that because the tenants for the original drug store site are unknown, the architecture for the building has not been completed. He added that it is the intent of the developer to make the building(s) aesthetically pleasing and if the shape or the configuration needs to be adjusted to achieve that end, it will be done.

Lengthy discussion took place with respect to the building setbacks that should be required for northwest corner in light of the fact that the drive through lanes have been deleted and all parking will be placed on the interior of the site.

Agenda

Item

No.

9A Bill No. A request for final approval of the SPD Handbook and Ordinance to amend Chapter 18.06. of the Reno Municipal Code entitled "Zoning" rezoning to Specific Plan District a +6.1 acre site located at the southeast corner of Plumb Lane and Arlington Avenue. Case No. LDC01-00363 (Plumgate), continued:

Ms. Ryan responded to questions of the Council with respect to the modifications that have been made to this plan since the initial version.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to approve the SPD Handbook as amended, with changes to the elevation of two buildings and to require a 25 foot setback on the corner of Plumb Lane and Arlington.

Councilperson Sferrazza-Hogan expressed her concern about feeling forced to vote for this motion or it would fail due to the fact that there are only four Council members present at this meeting.

Mr. Mike Halley, Deputy City Attorney, pointed out that even though Councilperson Sferrazza-Hogan voted against the approval of Case No. LDC01-00363, the issue before the Council today is whether or not the SPD Handbook complies with the conditions placed on the project by the Council. He further explained that unless a finding that the Handbook does not comply is made, a vote in the affirmative would be in order.

Councilperson Sferrazza-Hogan stated that although she is uncomfortable voting in favor of the motion, she will do so in order to avoid a further delay of the project.

Motion carried with Councilpersons Harsh, Doyle and Mayor Griffin absent.

15

PUBLIC HEARINGS

2:00 P.M.

15A Staff Report: Request for a zoning text amendment to amend the Hilton Planned Unit Development to: (a) allow for a ±17,578 square foot expansion of the existing Lowe's garden center; (b) reduce the required parking for General Commercial uses so that it is consistent with the current zoning ordinance; and (c) reduce the front yard setback from 30' to 10' adjacent to McCarran Boulevard for parcel 1 (±60,520 sq. ft.) of General Commercial Parcel A, located on the southwest corner of McCarran Boulevard and Kietzke Lane. Case No. LDC02-00193 (Hilton PUD/Lowe's).

The Assistant Mayor asked if proper notice had been given. City Clerk Cook stated that proper notice had been given and no correspondence was received. Assistant Mayor Rigdon declared the public hearing open and asked if anyone cared to speak on this matter. Hearing no one he closed the public hearing.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to uphold the recommendation of the Planning Commission and approve Case No. LDC02-00193.

Motion carried with Councilpersons Harsh, Doyle and Mayor Griffin absent.

CITIZEN INITIATIVE

24 Access Roads/Crash Gates - Chuck Kelly.

It was moved by Councilperson Aiazzi, seconded by Councilperson Sferrazza-Hogan to refer this issue to staff to work with Mr. Chuck Kelly regarding crash gates.

Motion carried with Councilpersons Harsh, Doyle and Mayor Griffin absent.

13

CIVIL SERVICE

13A Staff Report: Request for approval for Civil Service Commission amendment to Rule VII, Section 3, certification; Second (b) and THIRD (b) regarding certification of eligible candidates.

25 Mr. Ric Bailey, Chief Examiner, Civil Service, explained that this request was brought to the Commission by a Division Head who felt that six candidates is not always enough to ensure that the most qualified applicants are considered for a position. The Commission recommended approval of the amendment.

Mr. Kevin O'Hair, Local 39 Representative, spoke in opposition to the amendment. He stated that he felt the amendment could allow for favoritism. He also pointed out that if there is a problem getting the most qualified applicants on the list to be interviewed, it may be a problem with the testing procedures.

Discussion took place regarding striking a difference balance than what was recommended by the Civil Service Commission that would address the goal of diversity while at the same time stay within the spirit of the Civil Service system.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to refer this matter back to the Civil Service Commission for review to achieve a better balance of numbers. It was suggested that the structure be based upon the number of applications received; either a fixed number (not to exceed 15) or percentage of applications (not to exceed 15% + 1, with 6 being the minimum.)

Motion carried with Councilpersons Harsh, Doyle and Mayor Griffin absent.

-0-0-0-0-0-0-

A recess was called at 5:00 p.m. and upon reconvening at P.m., roll was taken with the following Council members present: Hascheff, Harsh, Rigdon, Sferrazza-Hogan, Doyle, Aiazzi and Griffin. Absent: None.

-0-0-0-0-0-0-

MAYOR AND COUNCIL

14C Staff Report: Participatory Democracy in Nevada Report to the 2001 Legislature - P. Hascheff.

26 Mr. Larry Struve, Chairman of the Nevada Advisory Committee on Participatory Democracy, provided an overview of the program and requested the support of the City of Reno for the committee and the two citizen conferences that will be held in 2002.

Agenda

Item

No.

4C Staff Report: Participatory Democracy in Nevada Report to the 2001 Legislature - P. Hascheff. continued:

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to approve the staff recommendations and return to this matter to a Council workshop after staff has had the opportunity to work with Mr. Struve.

Motion carried with Councilperson Harsh, Doyle and Mayor Griffin absent.

8

SECOND READING ORDINANCES

8L Bill No. 5825 - Ordinance to amend Ordinance No. 5271 which amended Title 2, Chapter 2.10, Article III Sections 2.10.200 and 2.10.230 of the Reno Municipal Code Entitled Room Tax by amending the boundaries of the area within which the additional one and one half percent room tax will be collected.

Mr. Mike Halley, Deputy City Attorney, explained that the Council must determine that Mr. Rusk's property (Truckee River Lodging House) be exempted from the boundaries due to its distance from the proposed Convention Center and the fact that it will not benefit from the additional room tax.

Ms. Kendra Follett, of Swenseid and Stern, responded to questions from the Council with respect to what is allowed under the recent legislation regarding the additional room tax.

It was moved by Councilperson Sferrazza-Hogan, seconded by Councilperson Aiazzi to pass and adopt Bill No. 5825, Ordinance No. 5269, excluding the Truckee River Lodging House based on the distance from the Convention Center that it will not have a special being to the subject property.

Motion carried with Councilperson Hascheff voting Nay and Councilperson Doyle and Mayor Griffin absent.

16

PUBLIC HEARINGS

6:00 P.M.

16A Staff Report: Request for the following: (1) a Master Plan amendment from Single Family to Mixed Residential; (2) a zoning map amendment from SF15 (Single Family) to PO (Professional Office); (3) a special use permit for non-residential development adjacent to residentially zoned property to allow the construction of an office park; and (4) abandonment of Menante Lane on a ±6.39 acre site located on the north side of Huffaker Lane on both sides of Country Estates Circle. Case No. LDC02-00130 (Huffaker Office Park)

Mr. Ted Ercon, of Mountain West Consulting, indicated that he represents the applicant and would like to request a continuance to February 12, 2002.

Ms. Julia Hammet, 7700 Meadow Vista Drive, spoke in opposition to the Master Plan change.

Mr. Dwayne Warth, 7779 Meadow Vista Drive, indicated that he is in support of this project.

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to continue this item to February 12, 2002.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

Agenda

Item

No.

14D Staff Report: Petition regarding a street closure connecting Amston Road to Double R Boulevard.
J. Sferrazza-Hogan.

29 Ms. Heather Matheus, 7595 Michaela Drive, expressed her concerns and the concerns of her neighbors with respect to the recent "drag racing" that has been taking place in this southeast area of Reno. She provided pictures and played a video of cars racing through the neighborhood. She indicated that the traffic on Amston Road has dramatically increased because it is used as a short cut from East Huffaker to Double R and Prototype. She requested that full closure connecting Amston Road to Double R Boulevard be approved.

Mr. Henry Dewyk, 7485 Sugarloaf, outlined his concerns with respect to the traffic and pointed out that there have been significant changes in this area over the 22 years he has been a resident.

Ms. Jennifer Hollander, 1446 Amston Road, spoke in support of the street closure and played a video taken from her home depicting the volume and speed of the traffic on Amston Road.

Ms. JoAnn Suneson, 1462 Amston Road, addressed the problem pedestrians in this area have due to the high speed of the traffic. She noted that the children in the neighborhood are unable to walk to the park alone because of the fear of being run over.

Ms. Nicolette Pollack, 1431 Amston Road, concurred with the previous speakers and urged the Council to close Amston Road.

Mr. Jon Preston, 1470 Amston Road, spoke in favor of the closure.

Mr. Jim Newberg, representing the Ward 3 NAB, spoke in favor of the petition to close Amston.

Ms. Natasha Shukla, 1495 Amston Road, stated that she wants to be able to play in front yard and can't now because of all the traffic.

Ms. Suzanne Connell, 1105 E. Huffaker Lane, indicated that she agrees with the previous speakers.

Mr. Russell Radford, 7623 Jimson, addressed the increased traffic in the neighborhood and asked that Council uphold the recommendation and close Amston.

Mr. Bruce Anclair, 7540 Michaela Drive, stated that he does not believe there needs to be full closure of Amston to Double R, perhaps another traffic calming device could be examined.

Ms. Michele McKee, 1505 Autumn Hills Drive, indicated that she does not feel the street needs to be completely closed.

Ms. Sherrill DeCleene, 7535 Michaela, spoke in opposition to complete closure of access from Amston to Double R.

Ms. Anita Emmrich, 1270 E. Huffaker Lane, echoed the concerns of speeding traffic and urged the Council to approve the closure.

Mr. Pat Tufton, 7506 Celeste Drive, voiced his support of the closure.

Agenda

Item .

No.

14D Staff Report: Petition regarding a street closure connecting Amston Road to Double R Boulevard.
J. Sferrazza-Hogan. continued:

Mr. Peter Suneson, 1462 Amston Road, spoke in favor of the closure.

Ms. Helene Sasser, member of the Ward 3 NAB, urged the Council to approve the recommendation of the Traffic Advisory Committee.

Mr. Keith Lockhard, Traffic Engineering and Mr. Larry Farr, Fire Prevention Division, responded to questions from the Council with respect to current traffic levels on Amston and the necessary emergency access in this area.

It was moved by Councilperson Sferrazza-Hogan, seconded by Councilperson Aiazzi to approve a temporary closure of Amston Road until Double R Boulevard construction is completed. Also, direct staff to address the necessary signage and gate design/construction.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

-0-0-0-0-0-0-

A recess was called at 8:45 p.m. and upon reconvening at 8:55 p.m., roll was taken with the following Council members present: Hascheff, Harsh, Rigdon, Sferrazza-Hogan, and Aiazzi. Absent: Councilperson Doyle and Mayor Griffin.

-0-0-0-0-0-0-

7

RESOLUTIONS

7B Resolution No. 5933 - Resolution Accepting Streets - Sky Vista Village 11A (Case No. LDC01-00354).

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Resolution No. 5933.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

7C Resolution No. 5934 - Resolution Accepting Streets - Las Brisas Boulevard Phase 3B (Dedication Map No. 3878).

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Resolution No. 5944.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

Agenda

Item -

No.

8

ORDINANCES

- 5A Bill No. 5837 - Ordinance amending Title 2, Chapter 2.08 of the Reno Municipal Code entitled "Administration" pertaining to the Board of Massage Examiners to amend the requirements regarding reinstatement of a massage therapist license after more than twelve months has expired.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Bill No. 5837, Ordinance No. 5297.

Motion carried with Councilperson Rigdon voting Nay, Councilperson Doyle and Mayor Griffin absent.

- 8C Bill No. 5831 Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning", rezoning a ± 1.80 acre site located on the east side of Mt. Charleston Street approximately 300 feet north of Echo Avenue from MF30 (Multi-Family) and CC (Community Commercial) to MF14 (Multi-Family) together with other matters properly relating thereto. Case No. LDC02-00101 (Habitat for Humanity/Mt. Charleston).

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Bill No. 5831, Ordinance No. 5298.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

- 8D Bill No. 5832 - Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning" rezoning ± 9 acres of a ± 12.7 acre site located on both sides of the northern terminus of Standard Street and wrapping around in an L-shape to Western Road from IB (Industrial Business) to IC (Industrial Commercial); together with other matters properly relating thereto. Case No. LDC02-00128 (Puliz/1095 Standard).

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Bill No. 5832, Ordinance No. 5299.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

- 8E Bill No. 5833 - Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning", rezoning a ± 6.35 acre site which is comprised of five (5) adjacent parcels located on the southeast corner of Matley Lane and Mill Street from IB (Industrial Business) to IC (Industrial Commercial); together with other matters properly relating thereto. Case No. LDC02-00154 (Matley Lane Properties).

It was moved by Councilperson Sferrazza-Hogan, seconded by Councilperson Hascheff to pass and adopt Bill No. 5833, Ordinance No. 5300.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

- 8F Bill No. 5834 - Ordinance creating a Landscape Maintenance District for Morningstar at Northgate, Units 2 and 3.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Bill No. 5834, Ordinance No. 5301.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

Agenda
Item .

No.

8G Bill No. 5835 - Ordinance creating a Landscape Maintenance District for Mayberry Place.

It was moved by Councilperson Harsh, seconded by Councilperson Sferrazza-Hogan to pass and adopt Bill No. 5835, Ordinance No. 5302.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

8H Bill No. 5836 - Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning", rezoning a ±10.4 acre site located on the north side of North Hills Boulevard approximately 900 feet west of Golden Valley Road from NC (Neighborhood Commercial) to CC (Community Commercial); together with other matters properly relating thereto. Case No. LDC02-00131 (North Hills Shopping Center/1075 North Hills Boulevard).

THIS ITEM WAS TABLED TO LATER IN THE MEETING.

8I Bill No. 5826 - Ordinance concerning 2000 Special Assessment District No. 2; authorizing the issuance of "City of Reno, Nevada 2000 Special Assessment District No. 2 Bonds (Sierra Corporate Center Project)," in the Aggregate Principal Amount of not to exceed \$5,055,000 to Finance the Acquisition, Construction and Improvement of an Improvement Project for the Benefit of Land within said Improvement District; Authorizing the Sale of such Bonds and Ratifying actions previously taken. (Sierra Corporate Center).

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to pass and adopt Bill No. 5826, Ordinance No. 5304.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

8J Bill No. 5827 - Ordinance concerning 1999 Special Assessment District No. 3; authorizing the issuance of "City of Reno, Nevada 1999 Special Assessment District No. 3 Bonds (Dry Creek Project)" in the Aggregate Principal Amount of not to exceed \$4,490,000 to Finance the Acquisition, Construction and Improvement of an Improvement Project for the Benefit of Land within said Improvement District; Authorizing the Sale of such Bonds and Ratifying Actions previously taken. (Dry Creek - Principal Bond Ordinance).

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to pass and adopt Bill No. 5827, Ordinance No. 5305.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

8K Bill No. 5828 - Ordinance concerning the City of Reno, Nevada, 1999 Special Assessment District No. 3; authorizing the issuance of "City of Reno, Nevada 1999 Special Assessment District No. 3 Bonds (Assessor's Parcel No. 043-282-05 Only)" in the Aggregate Principal Amount of Not to Exceed 100,000 to Finance the Acquisition, Construction and improvement of an Improvement Project for the Benefit of Land within said Improvement District; authorizing the sale of such Bonds and Ratifying Actions previously taken. (Dry Creek - Snyder Parcel only).

It was moved by Councilperson Hascheff, seconded by Councilperson Aiazzi to pass and adopt Bill No. 5828, Ordinance No. 5306.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

Agenda

Item .

No.

- 3H Bill No. 5836 - Ordinance to amend Chapter 18.06 of the Reno Municipal Code, entitled "Zoning", rezoning a ±10.4 acre site located on the north side of North Hills Boulevard approximately 900 feet west of Golden Valley Road from NC (Neighborhood Commercial) to CC (Community Commercial); together with other matters properly relating thereto. Case No. LDC02-00131 (North Hills Shopping Center/1075 North Hills Boulevard).

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to continue this item to February 12, 2002.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

10

CITY CLERK

- 10A Appointments to Boards and Commissions - Ward One Neighborhood Advisory Board.

NO ACTION WAS TAKEN ON THIS ITEM.

- 10A2 Appointments to Boards and Commissions - Northwest Neighborhood Advisory Board

NO ACTION WAS TAKEN ON THIS ITEM.

- 10A3 Appointments to Boards and Commissions - Downtown Police Tax District Committee

It was moved by Councilperson Hascheff, seconded by Councilperson Sferrazza-Hogan to appoint Tim Holbrook to the Downtown Police Tax District Committee.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

- 10A4 Appointments to Boards and Commissions - West University Neighborhood Advisory Board

NO ACTION WAS TAKEN ON THIS ITEM.

- 10A5 Appointments to Boards and Commissions - Urban Forestry Commission

NO ACTION WAS TAKEN ON THIS ITEM.

- 10B Appointments of Council Members to and discussion regarding the process and timelines to be used by the (1) Land Use, (2) Finance and Taxation, (3) Governance, Labor and Legislative Change Committees established to make recommendations related to Fiscal Equity Solutions, including, but not limited to, Consolidation of the Governments of Reno and Washoe County or certain services.

It was moved by Councilperson Harsh, seconded by Councilperson Aiazzi to make the following appointments: Hascheff - (#1), Rigdon - (#3), Harsh - (#3), Sferrazza-Hogan - (#3), Doyle - (#1), Aiazzi - (#2), Griffin - (#2)

Motion carried with Councilperson Doyle and Mayor Griffin absent.

MAYOR AND COUNCIL

- A Resolution No. 5935 - Resolution granting \$8,000 to KNPB-TV for the Read Washoe Read Program. J. Griffin, D. Aiazzi.

It was moved by Councilperson Aiazzi, seconded by Councilperson Hascheff to pass and adopt Resolution No. 5935, with funding to come from individual Council member allotments, as follows: Hascheff - \$1,000, Harsh - \$1,000, Rigdon - \$2,500, Hogan - \$1,000, Aiazzi - \$2,500.

Motion carried with Councilperson Doyle and Mayor Griffin absent.

The Meeting was adjourned at 9:25 p.m.

**AGENDA
ITEM
NO.**

E.3 Presentation of Single Stream Pilot Program Results – continued

Charles McNeely, City Manager, and Mayor Cashell thanked the City's Green Team and Waste Management for their recycling efforts.

Councilperson Gustin asked Community Development staff to examine the possibility of requiring new apartment and condominium projects to provide space for large recycling bins.

Councilperson Zadra suggested the possibility of including a discussion about providing recycling bins in the City's Crime Free Multi-Housing training program.

COUNCILPERSON AIAZZI ABSENT AT 10:56 A.M.

E.5 Presentation on the Airport Baggage Check-in Project, a 22-month construction project that will reconstruct the airport ticket lobby and the entire baggage check-in process – Krys Bart, President and Chief Executive Officer, Reno-Tahoe International Airport.

Brian Kulpin, Director of Marketing & Public Affairs, made the presentation.

Councilperson Gustin and Mr. Kulpin discussed the checkpoint process for screening passengers.

COUNCILPERSON AIAZZI PRESENT AT 11:02 A.M.

**L.4 Discussion and potential direction to staff regarding Initiation of a Text Amendment to allow Off-Premise signs with LEDs (Light Emitting Diodes).
D. Dortch**

Doug Smith, President of Scenic Nevada, discussed opposition to the use of illuminated signs.

Sam Dehne, Reno resident, presented his views on this issue.

The following individuals submitted Public Comment Forms in favor of the text amendment, but did not speak:

Todd Collins, 6526 Minnow Court, Sparks, representing Clear Channel Outdoor

John Frankovich, P.O. Box 2670, representing Clear Channel Outdoor

Susan Holshouser, 4945 Joule Street

Pete Mack, 4945 Joule Street

Larry Pahl, 1 Crown Valley Dr., Las Vegas, representing YESCO Outdoor Media

**AGENDA
ITEM
NO.**

- L.4 Discussion ... Text Amendment to allow Off-Premise signs with LEDs – continued

Daniel Schulte, 775 East Glendale Avenue, representing YESCO Outdoor Media
Susan Schulte, 4204 Juniper Creek Road, representing Saunders Outdoor Advertising.

Councilperson Dortch stated that the pros and cons of allowing the use of LEDs in signs can be debated when the text amendment is presented to the Planning Commission.

It was moved by Councilperson Dortch, seconded by Councilperson Hascheff to direct staff to initiate a text amendment to allow off-premise LED signs.

Councilperson Sferrazza voiced her opposition to the use of LEDs in signs.

Motion carried with Councilperson Sferrazza voting nay.

F.0 PUBLIC HEARINGS – 10:15 A.M.

- F.1 Staff Report: Request to amend the Reno Municipal Code Title 18, "Annexation and Land Development," by amending Chapter 18.08, "Zoning," Article II "Permitted Uses and Use Regulations," by adding certain wording to and deleting certain wording from Section 18.08.201 entitled "Permitted Uses By Base Zone District," and Section 18.08.203 entitled "Standards for Accessory Structures;" amending Chapter 18.10, "Division Of Land," Article IV "Residential Condominiums," by deleting certain wording from Section 18.10.402 entitled "Specific Physical Standards;" amending Chapter 18.12, "General Development and Design Standards," Article XII "Landscaping and Screening," by adding certain wording to Section 18.12.1208 entitled "Screening of Outdoor Service Areas, Utilities, and Equipment;" and amending Chapter 18.24 "Rules Of Measurement And Definitions," Article II, "Definitions Of Words, Terms, and Phrases" by adding certain wording to and deleting certain wording from Section 18.24.203 "Definition Of Words, Terms, and Phrases;" together with other matters properly relating thereto. Case No. AT-34-07 (Removing Barriers to Green Development).

Recommendation: The Planning Commission recommends approval of the requested text amendment by ordinance.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

21

Meeting Type:	REGULAR MEETING	Date:	FEBRUARY 13, 2008
Item:	L.4		

Discussion and potential direction to staff regarding Initiation of a Text Amendment to allow Off Premise signs for LEDs. D. Dortch

Moved	Seconded	Council Member	Yes	No	Motion:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hascheff	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Gustin	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Zadra	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Sferrazza	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dortch	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Aiazzi	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Cashell	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	COUNT	<input type="checkbox"/>	<input type="checkbox"/>	
			CARRIED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Refer to
Planning Commission
for Review

Item L.4

30/60
COR-00541

JA 1055

RENO CITY PLANNING COMMISSION

Members:	Voice Mail	Doug D. Coffman	326-8864
Jim Newberg, Chair.....	326-8860	Lisa A. Foster	326-8858
Kevin Weiske, Vice Chair.....	326-8859	Dennis Romeo	326-8863
Max Haltom.....	326-8861	Jason Woosley	326-8862

Wednesday, May 6, 2009
6:00 p.m.

City Council Chambers
Reno City Hall
1 East First Street, Reno, Nevada

This Agenda is posted at City Hall, City of Reno Community Development Building at 450 Sinclair Street, Northeast Community Center at 1301 Valley Road, and the Washoe County Library Downtown Branch. Further, in compliance with NRS 241.020, this notice has been posted on the official website for the City of Reno, www.cityofreno.com.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend meetings. If you should require special arrangements for the meeting, please contact our offices at 334-2576 prior to the date of the meeting.

Any action taken by the Planning Commission on a tentative map, special use permit, variance or skyway is final unless appealed. Any person aggrieved by the decision may file an appeal. Each person/entity must make his/her/its own appeal. Appeals must be filed with the City Clerk within 10 days of the Planning Commission hearing by submitting the appropriate form and fee. All other matters will be forwarded to the City Council with the Planning Commission recommendation.

A mailed notice of the City Council meeting is only provided on appealed items and abandonments.

Staff reports will be available for review the Friday prior to the public hearing at <http://cityofreno.com>.

ALL ITEMS ARE FOR PLANNING COMMISSION ACTION UNLESS OTHERWISE NOTED WITH AN ASTERISK (*).

NOTE: Agenda items may be taken out of order.

AGENDA

6:00 P.M. *I. ROLL CALL

II. APPROVAL OF MINUTES OF APRIL 1, 2009

*III. CITY COUNCIL LIAISON REPORTS

- *IV. PUBLIC COMMENT - Public comment is limited to no more than three (3) minutes on items that do not appear on the agenda and/or items for which no public comment period was afforded. The public may comment upon agenda items by submitting a "Request to Speak" form to the clerk at the time of the meeting.

V. PUBLIC HEARINGS

1. LDC09-00063 (Moana Marketplace) – This is a request for special use permit to allow an existing ±9,600 square foot commercial complex to include alcohol service within existing and future restaurants. The ±40,964 square foot (.94 acres) site is located on the southeast corner of the Moana Lane/Warren Way intersection (3600 Warren Way), in the NC (Neighborhood Commercial) zone. jbb [Ward 2]
2. LDC09-00066 (Wolf Den) - This is a request for a special use permit to allow: (1) an expansion greater than 10 percent of a non-residential development adjacent to residentially zoned property; and (2) operating hours between 11:00 pm and 6:00 am. The ±8,261 square foot site is located at the northwest corner of the intersection of College Drive and North Virginia Street (1305 North Virginia Street) in the NC/WUNP (Neighborhood Commercial/West University Neighborhood Planning Area Overlay District) zone. cdr [Ward 5]
3. LDC09-00068 (Orcutt Boys Enterprises #18) – This is a request for: (1) a special use permit to establish a bar use to provide complimentary beer and wine to restricted gaming customers in a separately enclosed area within an existing grocery store; and (2) a non-residential development (bar use) adjacent to residentially zoned property. The store is on a portion of ±6.82 acre site located southeast of the South McCarran Boulevard/Mira Loma drive intersection (3310 South McCarran Boulevard) in the AC (Arterial Commercial) zone. cdr [Ward 3]

4. LDC09-00069 (Orcutt Boys Enterprises #19) – This is a request for: (1) a special use permit to establish a bar use to provide complimentary beer and wine to restricted gaming customers in a separately enclosed area within an existing grocery store; and (2) a non-residential development (bar use) adjacent to residentially zoned property. The store is on a portion of a ±16.02 acre parcel located on the southeast corner of the Lemmon Drive/Buck Drive intersection (200 Lemon Drive) and is in the Reno-Stead Corridor Joint Plan with a zoning designation of AC (Arterial Commercial). cdr [Ward 4]
5. LDC09-00064 (Peppermill Parking Garage) - This is a request to amend Condition No. 20 for LDC08-00068 (Peppermill Parking Expansion) to allow Peppermill patrons to park within the existing employee parking garage during special events held at the Peppermill Hotel Casino. The ±2.41 acre site is located on the northwest corner of the intersection of Lymberry Street and Brinkby Avenue in the MU/SVTC (Mixed Use/South Virginia Street Transit Corridor) zone. kis [Ward 2]
6. LDC09-00050 (University Village) - This is a request for: (1) a Master Plan amendment from ±19.53 acres of Single Family Residential (1-3 units per acre); ±75.09 acres of Mixed Residential (3-21 dwelling units per acre); and ±9.82 acres of Urban Residential/Commercial (greater than 21 units per acre) to Special Planning Area; and (2) to amend the North Virginia Transit Oriented Development Corridor boundary to include the University Village property. The ±105.21 acre site includes ±0.77 acres of property that currently has the Special Planning Area designation. The property is bisected by North Virginia Street and consists of land that is located approximately ±1,000 feet north of the northeast corner of the intersection of North McCarran Boulevard and North Virginia Street, and land that is located approximately ±400 feet north of the northwest intersection of Talus Way and North Virginia Street. The property is zoned SF6 (Single Family – 6,000 square foot lots); MF14 (Multifamily – 14 units per acre); PUD (Planned Unit Development); CC (Community Commercial); and AC (Arterial Commercial). cdr [Ward 4]

7. LDC09-00056 (Willow Springs Center Addition) – This is a request for special use permits to: 1) operate a hospital in the PF (Public Facility) zone in an existing building that will include an expansion of ±16,489 square feet if approved; 2) expand an existing facility beyond 10 percent of the existing square footage; and 3) operate on a twenty four hour basis, seven days a week to care for patients. The hospital use currently exists and provides psychiatric care for youth. The ±9.98 acre site is located at the northeast corner of the intersection of South Rock Boulevard and Edison Way (690 Edison Way) in the PF zone. cdr [Ward 3]
8. LDC09-00065 (Darwin Ward) - This is a request for a special use permit for: (1) front loaded garages in the MU/NVTC (Mixed Use/North Virginia Street Transit Corridor Overlay Zoning District); and (2) expansion of a non-conforming use beyond 100 percent of the existing building on site. The ±17,424 square foot site is located ±450 southwest of the intersection of Kennedy Drive and North Virginia Street in the MU/NVTC zone. cdr [Ward 4]
9. LDC08-00126 (Western Gateway Regional Center Plan, Mortensen-Garson Neighborhood Plan, Mortensen-Garson Overlay District) - This is a request to: (1) amend the City of Reno Master Plan to adopt the Western Gateway Regional Center Plan; (2) amend Master Plan/Land Use Plan designations from Special Planning Area to Special Planning Area (Western Gateway Regional Center) on ±145 acres; (3) amend the City of Reno Master Plan to adopt the Mortensen-Garson Neighborhood Plan; (4) amend Master Plan/Land Use Plan designations from Special Planning Area to Special Planning Area (Mortensen-Garson Neighborhood Plan) on ±2,579 acres; (5) amend section 18.08.101 of the Reno Municipal Code to add the Mortensen-Garson Overlay District; and (6) amend Chapter 18.08 of the Reno Municipal Code to add the Mortensen-Garson Overlay District on ±2,724 acres and set forth the modifications to the underlying base zoning districts in section 18.08.405, together with other matters properly relating thereto. The project site is generally located on the north and south sides of Interstate 80 between the Garson Road Interchange and the Verdi Interchange. njg [Ward 5]

10. AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diode) - This is a request for a text amendment to Reno Municipal Code Title 18, "Annexation and Land Development," by amending Section 18-16.905, "General Standards for Permanent Off-premises Advertising Display" and Chapter 18.24 Article II, "Definition of Words, Terms, and Phrases" to allow Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto. cch [All Wards]

*VI. TRUCKEE MEADOWS REGIONAL PLANNING LIAISON REPORT

*VII. STAFF ANNOUNCEMENTS

1. Report on status of Planning Division projects.
2. Announcement of upcoming training opportunities.
3. Report on status of responses to staff direction received at previous meetings.
4. Report on actions taken by City Council on previous Planning Commission items.

VIII. COMMISSIONER'S SUGGESTIONS FOR FUTURE AGENDA ITEMS

IX. ADJOURNMENT

IF THE MEETING GOES BEYOND 11:00 P.M., THE PLANNING COMMISSION MAY POSTPONE REMAINING ITEMS.



Community Development Department

MEMORANDUM

Date: May 6, 2009
To: Reno City Planning Commission
From: Claudia C. Hanson, AICP, Deputy Director - Planning
Subject: AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diode)
Item V.10

This item has been postponed and will be re-noticed at a later date.

**AGENDA
ITEM
NO.**

50

- J.8 Staff Report: Update on efforts related to Planning and Building consolidation, discussion and potential direction to staff.

Recommendation: Staff recommends that the Council accept the staff presentation and provide any necessary direction to staff for support of the City Council in consolidation deliberations with Washoe County and Sparks elected officials.

John Hester, Director of Community Development, provided an update on the consolidation activities.

COUNCILPERSON AIAZZI PRESENT AT 2:37 P.M.

Discussion ensued regarding the seeming reluctance to consolidate services and the possibility of getting enabling legislation enacted.

It was moved by Councilperson Aiazzi, seconded by Councilperson Dortch to support the proposed enabling legislation (pages 289-290 of the Staff Report) and direct staff to attempt to attach it to a Legislative Bill.

Motion carried with Councilperson Hascheff and Zadra absent.

A RECESS WAS CALLED AT 2:43 P.M. AND UPON RECONVENING AT 3:12 P.M. COUNCILPERSONS HASCHEFF AND ZADRA WERE ABSENT.

51

- J.9 Staff Report: Discussion and potential direction to staff regarding a Digital (including LED) Off-Premise Advertising Display Ordinance.

Recommendation: Staff recommends that further review of the ordinance be postponed until staff has reviewed the Federal Highway Administration (FHWA) safety study, due to be released later this year or early 2010.

Claudia Hanson, Deputy Community Development Director, presented an overview of the Staff Report.

Susan Schulte, 4204 Juniper Creek Road, representing Saunders Outdoor, discussed the history of the ordinance amendment.

Susan Holshouser, representing Clear Channel, discussed safety issues related to LED (light emitting diode) billboards.

Mayor Cashell and Ms. Holshouser discussed the number of flips (faces) on a LED billboard. Mayor Cashell suggested that eight (8) faces equal eight (8) billboards.

**AGENDA
ITEM
NO.**

51

J.9 Discussion ... Digital (including LED) Off-Premise Advertising Display Ordinance – continued

Pete Mack, representing Clear Channel, discussed safety issues related to digital billboards, especially driver inattention and distractions, and suggested that the ultimate responsibility for safety lies with the driver.

Danny Schulte, representing Yesco Outdoor Media - Pacific Region, discussed studies related to the brightness of digital displays, and said that the approval process should move forward.

Doug Smith, representing Scenic Nevada, presented a Public Comment Form in support of the recommendation to delay approval until the FHWA safety study is complete and can be reviewed by staff, but did not wish to speak.

Neal H. Cobb, representing Scenic Nevada, presented a Public Comment Form in support of the staff recommendation, but did not wish to speak.

Discussion ensued regarding the number of digital billboards in Reno; the 1,000-foot spacing allowance in the current ordinance; and the number of billboards that have recently been removed and/or banked for future replacement.

John Hester, Director of Community Development, and Mayor Cashell discussed revenue issues.

Councilperson Gustin and Mr. Hester discussed billboard safety studies, revenue generated by digital signs, and the possibility of asking the vendors to trade one digital sign for one or more regular billboards.

Discussion ensued with the representatives of Saunders Outdoor, Clear Channel and Yesco Outdoor regarding whether they would be willing to remove some of their regular billboards in exchange for permission to install digital billboards.

Councilperson Sferrazza stated that parts of South Virginia Street are cluttered with billboards, and some of them should be removed. She discussed safety concerns, and said that further study is necessary before the City of Reno approves more digital billboards.

Councilperson Aiazzi agreed that regular billboards should be exchanged for digital billboards, and suggested that the billboard companies solicit a letter from the International Dark-Sky Association stating how digital billboards meet their lighting standards. Mr. Aiazzi said that the flip time on digital signs should be between 30 seconds and one minute.

**AGENDA
ITEM
NO.**

51 J.9 Discussion ... Digital (including LED) Off-Premise Advertising Display Ordinance -- continued

Jill Olsen, Interim Finance Director, and Mayor Cashell discussed digital billboard revenue and licensing issues.

Mayor Cashell stated that the City should develop a preferred ratio of digital to regular billboards.

Discussion ensued regarding current billboard distance restrictions and the possibility of trading in banked receipts for digital allowances.

It was moved by Councilperson Aiazzi, seconded by Councilperson Sferrazza to direct staff to move the text amendment through the process.

Mr. Hester summarized by saying that staff will examine the City's high volume gateways, such as Virginia Street and Plumb Lane, discuss the possibility of establishing a tradeoff ratio of regular to digital billboards, take areas designated as dark skies areas into consideration during the process, and move the amendment forward through the Planning Commission.

Councilperson Gustin reiterated Councilperson Aiazzi's earlier suggestion of obtaining a letter from the International Dark-Skies Association explaining how digital billboards meet the dark skies standards.

Lori Wray, representing Scenic Nevada and Mark Wray, discussed their support for postponing the digital billboard amendment. She also discussed safety issues related to digital signs.

Motion carried with Councilpersons Hascheff and Zadra absent.

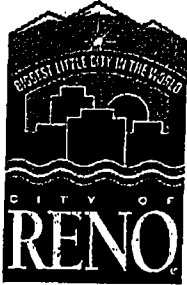
52 J.12 Staff Report: Update on the American Recovery and Reinvestment Act (ARRA), discussion and potential direction to staff.

Recommendation: Staff seeks the Council's direction and approval on the creation of a new pre-application grants protocol.

Chris Good, Assistant to the City Manager, presented an update on the grant process, and requested direction regarding the creation of a new pre-application grants protocol.

It was moved by Councilperson Aiazzi, seconded by Councilperson Dortch to uphold the staff recommendation.

Motion carried with Councilpersons Hascheff and Zadra absent.



CITY OF RENO

Planning Commission

November 5, 2009

Staff Report

Agenda #

V1-60

Ward #

All

CASE No.: AT-32-07 (Digital Off-premise Advertising Display including Light-Emitting Diode)

APPLICANT: City of Reno

REQUEST: This is a request for an amendment to the Reno Municipal Code Title 18 (Annexation and Land Development) by adding certain wording to and deleting certain wording from Chapter 18.16, "Signs", Article IX "Off-Premise Advertising Displays and Chapter 18.24 Article II (Definition of Words, Terms, and Phrases) to establish additional standards regarding Digital Off-premises Advertising Displays, including Light-Emitting Diode (LED), together with other matters properly relating thereto.

LOCATION: City-wide

PROPOSED MOTION: Based upon compliance with the applicable findings, I move to recommend that City Council approve the text amendment to the Reno Municipal Code by ordinance.

BACKGROUND: Regulations regarding the placement and frequency of off-premises advertising displays, or billboards, were first developed in the 1960's with the national Highway Beautification Act of 1965. This federal regulation was designed to reduce the visual impact and overexposure of billboards along the nation's federally funded highways. Similar laws have been passed by states and localities to further mitigate the negative impact of outdoor advertising on other roadways within their jurisdictions while upholding First Amendment guarantees to commercial and non-commercial advertisers.

Currently, four states have an outright ban on billboards and many municipalities have passed laws limiting or reducing the number of billboards allowed within city limits.

The citizens of Reno passed a voter referendum in 2000 which prohibits the construction of new billboards within the city (General Election, Question R-1; certified 11-14-2000). Ordinances passed by the City Council have defined where billboards are appropriate within the city. (Ord. No. 5295, § 1, 1-22-02; Ord. No. 5189, § 1, 9-26-00; Ord. No. 5195, § 1, 10-10-00; Ord. No. 5208, § 1, 11-14-00; Ord. No. 5215, § 1, 1-23-01; Ord. No. 5595, § 1, 9-8-04; Ord. No. 5821, § 1, 4-5-06; Ord. No. 5864, § 2, 8-23-06; Ord. No. 5461, § 1, 6-11-03; Ord. No. 5534, § 1, 1-14-01; Ord. No. 5729, § 8, 9-16-05).

Billboard technology continues to evolve. Original billboards were hand painted messages designed to catch the eye of a passing motorist or pedestrian. Reductions in supply costs along with a greater durability of new materials such as vinyl and plastic replaced hand-painted billboards. The addition of mechanical devices has increased the number of messages that can be displayed at one location. All of these methods result in a static message that does not create the illusion of movement but are designed to present a quick message to the viewer. Technological advances have now moved billboards into the digital age with light-emitting diodes (LEDs) displaying messages that are controlled by an on-site or off-site computer. This technology looks to replace the paint, vinyl and plastic on billboards. Paint, vinyl, or plastic messages require the use of materials that are limited in how they can be recycled. Digital Off-premises advertising displays (digital billboards) have the advantage of reducing the amount of landfill waste that is produced by billboard advertisement. However, the amount of electricity required to operate a digital billboard is considerably greater than a standard billboard.

DIGITAL (LED) BACKGROUND: LEDs are tiny lights that when placed together in a large group can display a coherent message to the viewer. This technology provides outdoor advertisers the ability to sell multiple messages or display times per billboard as the digital billboards can display any number of messages that are loaded onto the computer. Digital billboards also have a greater opportunity to reach viewers because the illuminated message can be discernable from a greater distance than the typical vinyl or plastic message. Other technologies other than LED are also under development which may fit into the category of digital billboards.

A workshop on potential regulations regarding digital billboards was held on April 25, 2008. Members of the planning staff, sign industry and Scenic Nevada were present. At this meeting, staff presented the participants with some proposed guidelines for the use of digital billboards within the city in order to create a dialogue regarding how to best move forward with allowing digital billboards which balances the needs of the industry with those who have environmental and aesthetic concerns.

The industry group focused on their need to upgrade their facilities in order to remain competitive in the outdoor advertising market as well as to try and attract new business. Digital technology is an emerging technology that increases the ability of sign companies to compete.

Scenic Nevada, an interest group wanting to protect the environmental and aesthetic beauty of Reno, cited their concerns regarding the use of illuminated billboards and their impact on residents and future development, especially in the urban core and MU zoning districts. They are opposed to converting indirectly illuminated billboards to digital billboards due to the potential for light pollution and negative effects on the aesthetic qualities afforded to the citizens of Reno. Scenic Nevada also contends that the referendum on new billboards passed by the citizens of Reno in November, 2000

expressly prohibits the construction of new billboards and that the conversion of existing billboards to digital billboards violates that ban.

The city's interpretation of the 2000 referendum on billboards is that while it capped the total number of billboards allowed within the city, it does not preclude the repair, relocation, or upgrading of the existing billboard stock within the city. The proposed regulation is in response to that interpretation and will provide guidance for billboard owners who wish to modify their current billboard inventories with the new digital technology. Digital billboards will be required to meet all the requirements contained in Article IX: Off-premise Advertising Display.

ANALYSIS:

Location Criteria: Current off-premises advertising displays are regulated for land use compatibility by determining the distance from specific zoning designations or restriction to certain types of roadways within the city. The proposed digital regulations would also address these areas of compatibility to minimize conflicts between incompatible uses.

The proposed regulation sets the minimum distance to those currently in code. Staff recommends that the placement criteria be increased for digital billboards as compared to changeable face (tri-vision) advertising displays and non-animated off premises advertising displays. This is due to the increased distance of legibility, increased number of advertising faces, and increased brightness.

Billboards are currently restricted as to their distance to adjacent residentially zoned property. This is due to the impact that a billboard has on the property. Current regulations restrict standard billboards to be located at least 300 feet from a residentially zoned property. Staff recommends that digital billboards provide a buffer of 1,000 feet from residentially zoned property due to the brightness and increased distance of legibility.

Billboards are currently restricted on various roadways within the city. City Council directed staff to consider protecting high volume gateways and dark skies areas when considering where to propose allowing digital billboards. Digital billboards will meet all the current standards contained in Article IX: Off-premises Advertising Display. Staff recommends that the digital billboards only be located where there is an existing significant amount of ambient light and outside of the downtown core. These areas have been restricted to portions of: Interstate 80, Highway 395, South Virginia Street, Moana Lane, and South McCarran Boulevard.

Display Criteria: There is no commonly accepted standard for the minimum "dwell time" or time in which a message stays in place. The dwell times vary from jurisdiction to jurisdiction. St. Paul, Minnesota, has an ordinance that requires messages to stay in place for 12 seconds. Seattle, Washington has set 10 seconds as the minimum dwell

time. The shortest dwell time surveyed was in Albuquerque, New Mexico which sets a minimum of 5 seconds. The proposed regulation requires that the message remain fixed for at least 15 seconds.

The maximum time allowed for the message display to change is 1 second. This is in line with current Reno Municipal Code regulations regarding animated signs, industry standards and other jurisdictions' regulations. Just as the current regulations in the Reno Municipal Code prohibit moving or full motion video displays on off-premise advertising, the proposed regulation would also prohibit this type of display. The proposed regulations include a requirement that digital billboards contain a default design that will freeze the device in one position if a malfunction occurs.

The proposed regulations prohibit the digital billboards from imitating official road signs and warning signs which are for the safety of motorists. This is consistent with current Reno Municipal Code restrictions for off-site and on-site advertising displays.

Luminance: The proposed regulations regarding sign luminance are intended to limit the impact of the brightness of the sign and increase the level of safety for motorists and pedestrians where digital billboards would be present. The maximum proposed brightness in the proposed regulations is 6300 nits (a unit measure of luminance or brightness equal to one candela per square meter) from dawn until dusk and 300 nits from dusk until dawn. These numbers are in line with current regulations in other surveyed jurisdictions and with those already in place in the Truckee Meadows. The highest nits allowed for daylight hours are 7500 nits in Charlotte, NC and lowest daylight nits were 300 in Leon County, FL. There are currently three off-premises digital billboards operational in the area: (1) E. McCarran and E. Greg St, Sparks; (2) facing north bound US 395, north of the Damonte Exit; and (3) on the east side of US 395 south of I-80. According to the representatives, these billboards are currently operated at 90% capacity in daytime or 6300 nits and 4% of capacity or 280 nits at night. The proposed regulation for night time nits is below those for all surveyed jurisdictions. The proposed regulations also require the use of a dimmer control on the sign to regulate the brightness of the billboard depending on the ambient light conditions. This is a standard requirement for digital billboards.

Removal Requirements: In conformance with the ballot initiative passed by the voters in November, 2000 (approved by the voters November 7, 2000, General Election, Question R-1 – the results were certified by the City Council on November 14, 2000), no new billboards will be allowed without the removal of current existing or banked billboards. In order to be granted a permit for the construction of a digital billboard, the proposed regulation requires the removal of (a) one existing billboard that is nonconforming regarding spacing or (b) two banked billboards each with a minimum of 5 years until expiration. The passage of Question R-1 effectively caps the number of billboards in the City where in other jurisdictions there are no caps or there are limitations on future growth. It is in these communities where higher ratios of removal

may be supported. This ratio of 1:1 is consistent with the ballot initiative passed by voters. By limiting the removal to nonconforming billboards it will further move all billboards to be in conformance with the spacing requirements set forth in code.

Maintenance: The maintenance section requires the good up-keep of digital billboards in order to reduce the potential impact on the surrounding area and to maintain the billboard stock in a safe manner. The face of each permitted digital billboard shall contain a discernable message or graphic at all times.

Urban Design: Off-premises advertising displays should be positioned in a way that maximizes the impact offered to the companies utilizing this medium to reach customers without jeopardizing the safety of motorists and pedestrians. These proposed regulations have been written to help mitigate the impact digital billboards might have on the aesthetic and commercial value of property in Reno.

Public Safety: Highway safety concerns for this visual medium are a concern for the Federal Highway Administration, the University of North Carolina Highway Safety Research Center, the Municipal Research and Services Center of Washington, the Wisconsin Department of Transportation, and other jurisdictions. These public agency concerns will be addressed by a major study to examine the safety issues specifically related to electronic signs by the Federal Highway Administration, with results expected sometime early in 2010. City Council has directed staff to move forward with a draft ordinance at this time.

To insure driving safety the proposed regulations include requirements that digital displays be effectively shielded to prevent beams or rays of light from being directed at any portion of the travel lanes as to cause glare or to impair the vision of the driver.

Site specific public safety issues will be addressed when any digital billboard permit is requested. General public safety issues have been addressed within these proposed regulations and may be assessed in the future as studies on the effects of this new technology are made available.

Public Improvements: All public improvements will be addressed when a specific permit is requested.

Text Amendment: The proposed regulations would be applicable city-wide. This text amendment is in conformance with the Regional Plan and the City's Master Plan. The proposal is also in conformance with the November 7, 2000 General Election, Question R-1 and certified by Reno City Council on November 14, 2000.

Neighborhood Advisory Board: Since the proposed regulations are Citywide and a workshop was held on April 25, 2008 with members of the planning staff, sign industry

and Scenic Nevada, the proposed regulations were not brought before a Neighborhood Advisory Board.

LEGAL REQUIREMENTS:

RMC 18.06.302 Amendments to Text of Title 18

FINDINGS:

Amendments to Text of Title 18: In order to adopt an amendment to the text of Title 18, the planning commission and city council shall find the following:

- (1) Text amendments shall be in substantial conformance with the statement of purpose and intent of this Title 18, as set forth Section 18.02.103.
- (2) Text amendments shall be in substantial conformance with the master plan.

Staff: Claudia C. Hanson, AICP, Deputy Director - Planning