

**Report to County of San Diego
Board of Supervisors**

Exploring the Use of Digital LED Billboards



Advance Planning Division
Planning & Development Services
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I. Introduction

Outdoor advertising displays, including billboards, have been in existence for decades. There are an estimated 450,000 billboard faces in the United States. Outdoor advertising displays are currently regulated by federal, state and local acts, codes and ordinances. In the early years, billboards were installed without regulation. The resulting concern over safety/driver distraction and visual blight caused the public to demand controls. The first State Outdoor Advertising Act was enacted in 1933.

In 1965, the Federal Highway Beautification Act (HBA) was passed. The HBA declares that “outdoor advertising displays in areas adjacent to the freeway should be controlled in order to protect the public investment, to promote the safety and recreational value of public travel, and to preserve natural beauty.” It also states, “Federal Aid Funds for any State which has not made provision for effective control of outdoor advertising shall be reduced by 10% ...”

The California Department of Transportation (Caltrans) controls outdoor advertising displays (billboards) which are visible from our highways. Caltrans is required to control these advertising displays pursuant to the following regulations:

- **1965: Federal Highway Beautification Act**

- Required states to control billboards or risk losing 10% Federal Funds

- **1967: CA Outdoor Advertising Act**

- Included landscape restriction not required by the Highway Beautification Act. California is the only state with landscaped freeway restrictions.

- **1978: CA Outdoor Advertising Regulations**

- Business and Professions Code, Division 3, Chapter 2, Sections 2500-2513 apply to landscaped freeways.

(source: Caltrans <http://dot.ca.gov/hq/oda/>)

The County of San Diego began regulating “Off-Premise Signs” (including billboards) in the Zoning Ordinance in 1973. The intent of the ordinance is that the “regulations impose reasonable standards on the number, size, height and location of off-premise signs, and sign structures and facilitate the removal or replacement of nonessential off-premise signing, in order to prevent and relieve needless distraction and aesthetic clutter resulting from excessive and confusing sign displays; to promote traffic safety; to safeguard and enhance property values; and to promote the public safety and general welfare. 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 county which is instrumental in attracting those who come to visit, vacation and trade. In communities subject to community design review, scenic and/or historic preservation programs, these sign regulations are intended to enhance such programs. The provisions contained within these sections have been determined to be the least burdensome that will satisfy the intended purposes of the Off-Premise Sign Regulations.” In addition, lighting of Off-Premise Signs is regulated by the County’s Light Pollution Code. The purpose of this code is “to minimize light pollution to allow citizens of

the county to view and enjoy the night environment and to protect the Palomar and Mount Laguna observatories from the detrimental effect that light pollution has on astronomical research.”

Unlike traditional billboards, digital billboards (which are also known as Commercial Electronic Variable Message Signs (CEVMS) and Off-Premise Message Center Displays) do not use paper or vinyl printed advertisements mounted on a billboard face. Instead, “digital technology produces static images which are changed via computer (typically every six or eight seconds), providing a non-manual way to change billboard “copy.” Digital billboards do not scroll, flash, or feature motion pictures. Advertisers can change their messages quickly, including multiple times in one day... Print and broadcast news media use digital billboards to deliver headlines, weather updates, and programming information. Law enforcement and other public safety officials use digital billboards to reach mass audiences quickly. The image of a missing person or emergency information can be displayed in minutes.” (source: Outdoor Advertising Association of America (OAAA))

Staff has been directed to explore the use of digital LED billboards in the unincorporated county. As directed, staff has worked with local billboard operators, local community planning/sponsor groups and other interested parties to investigate options that would change the County’s sign ordinance to allow the conversion of traditional billboards to digital LED billboards throughout the unincorporated areas of San Diego County. Any revised options were required to include the prohibition of animation and not allow an increase in the number of billboards that already exist; to include an appropriate conversion ratio of existing traditional billboards with digital billboard and to address impacts such as light pollution and driver safety. Proposed options are contained in section VI below.

II. Current Codes and Regulations

Within the unincorporated area of the county, billboards are considered “Off-Premise Signs”. These signs are regulated by the Zoning Ordinance and all lighting that may be associated with these signs is regulated by the Light Pollution Code. The following is a summary of those regulations:

Zoning Ordinance: Sec. 6200, Off-Premise Signs

An Administrative Permit is currently required to permit any off-premise sign.

- Permitted Zones- Currently, Off-Premise Signs (including billboards) are only allowed in C37, C38, M54 & M58 zones, in areas not subject to Community Design Review Area, Scenic Area, or Historic/Archaeological Landmark and District Area Regulations. They must also be 300 feet from any residential zone with frontage on the same street.
- Sign Area- Current ordinance limits signs to 300 square feet.
- Sign Height- Current ordinance limits signs and sign structures to 25 feet.

- Spacing- Current ordinance requires a minimum of 500 feet between signs.
- Lighting- Current ordinance does not allow any light bulb, tube, filament or similar source of illumination to be visible beyond the property line. It also prohibits intermittent or variable intensity lighting.
- Maintenance of Nonconforming Signs- Current code limits maintenance to very minor repairs. No expansion or reconstruction of signs is permitted.

County Code: Title 5, Division 1, Chapter 2- Light Pollution

- Zone A-Lamps above 4050 Lumens prohibited.
- Zone B-Lamps must be fully shielded.
- Hours of Operation- Current code requires lighting on billboards to be turned off between midnight and sunrise.

Caltrans Outdoor Advertising Permit Requirements

In addition to local permit requirements, a permit is also required from Caltrans for any outdoor advertising display which is visible from an Interstate or primary highway. In order for an outdoor advertising display application to be considered for a permit adjacent to an Interstate or primary highway the following criteria must be met:

Display Location

- Must be outside the right of way of any highway.
- Must be outside of any stream, or drainage channel.
- There must be an existing business activity within 1000 feet of proposed display location on either side of the highway.
- Location of property where display is to be placed must be zoned industrial or commercial.
- Must have current property owner consent, in writing, to place the display at desired location.
- Must have written permission (building permit) from the local government having jurisdiction where the display is to be located.
- Location may not be adjacent to a landscaped section of a freeway. *
- Location may not be adjacent to a scenic highway. **
(San Diego: Hwy 78 from west boundary of Anza Borrego Desert State Park to east boundary; Hwy 125 from State Route 94 near Spring Valley to Interstate 8 near La Mesa)

- If adjacent to a Bonus*** segment of an Interstate freeway, copy, size, and spacing is more restrictive.

Display

- Display must be 500 feet from any other permitted display on same side of any highway that is a freeway.
- Display must be 300 feet from any other permitted display on same side of any primary highway that is not a freeway in an unincorporated area.
- Display must be 100 feet from any other permitted display on same side of any primary highway that is not a freeway and is within the limits of an incorporated city.
- Display must be 500 feet from an interchange; intersection at grade or safety roadside rest if the highway is a freeway and the location is outside the limits of an incorporated city and outside the limits of an urban area.
- An electronic changeable message center display must meet the above spacing requirements and be 1000 feet from another electronic message center display.
- Maximum height for the advertising display area is, 25 feet in height and 60 feet in length, not to exceed an overall maximum of 1200 square feet.

* Landscaped freeway is a section of a freeway which is now, or hereafter may be, improved by the planting at least on one side of the freeway right-of-way of lawns, trees, shrubs, flowers or other ornamental vegetation which shall require reasonable maintenance.

** Scenic highway is a section of a highway that has been officially designated and maintained scenic pursuant Section 260, 261, 262, and 262.5 of the Streets and Highways Code or as referred to in Section 131(s) of Title 23 of United States Code.

*** Bonus segment is any portion of an Interstate freeway which is constructed upon any part of right of way, the entire width of which was acquired for right of way subsequent to July 1, 1956, except those segments of the Interstate system that traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, or other areas where the land use, as of September 21, 1959 was clearly established by State law as industrial or commercial.

Note: There may be existing advertising displays (billboards) which do not comply with these regulations. A "Nonconforming advertising display" is allowed to remain pursuant to the regulations contained in Business and Professions Code, Section 5200 et seq.

http://www.dot.ca.gov/hq/oda/download/ODA_Act_&_Regulations.pdf

Constitutional Constraints

With few exceptions, the County cannot regulate the content of speech on authorized sign types. The County can, however, regulate the time, place and manner (size, height, etc.) in which signs are allowed.

Permitted Locations for Billboards under Current Ordinance

Based on the existing zoning of properties within the unincorporated county, staff has determined that there are approximately 153 parcels that may allow for Off-Premise Signs under the current ordinance.

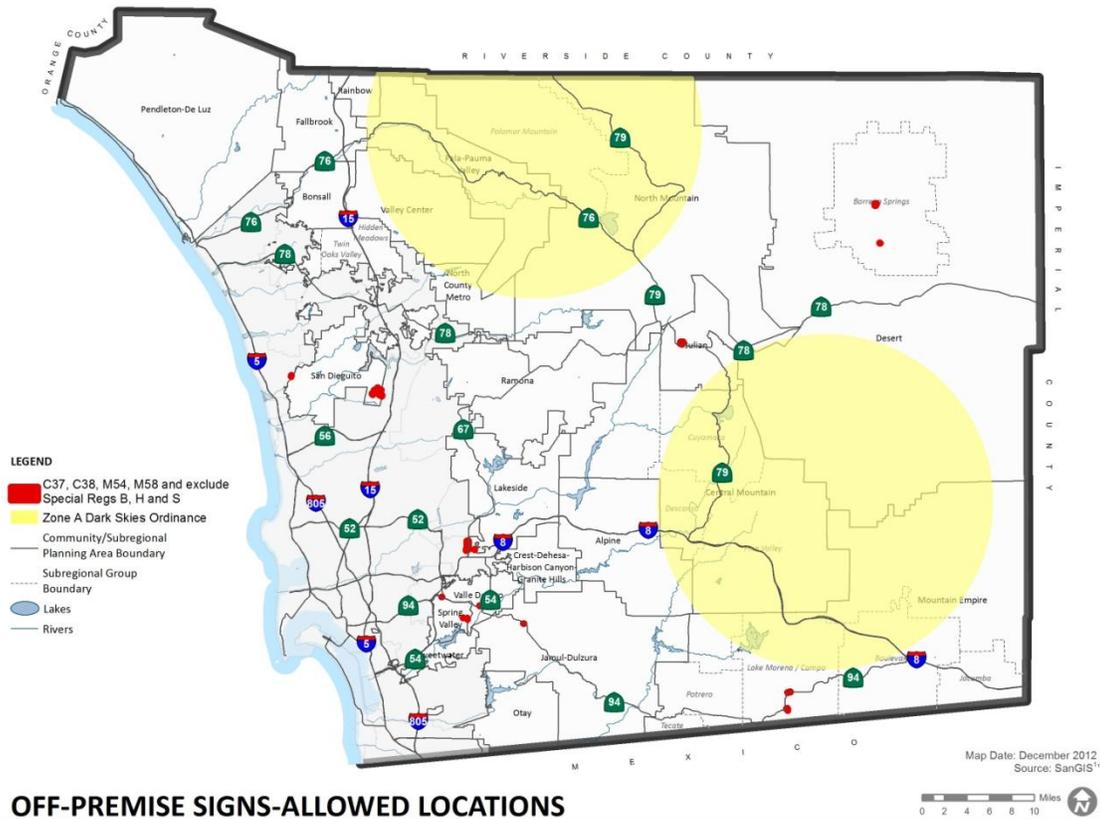


Figure 1

These locations are in the Borrego Springs, Jamul-Dulzura, Julian, Lake Morena-Campo, Lakeside, San Dieguito, Spring Valley and Valle de Oro Community Planning/Sponsor Group Areas. None of the parcels are located in Zone A of the Dark Skies area.

Existing Billboard Inventory

Staff requested information from the three large billboard companies in San Diego County regarding the location of existing billboards within the unincorporated area. In addition, staff reviewed the Caltrans Outdoor Advertising Permit information to determine additional billboard locations owned by other companies or individuals. It is likely some existing billboards within the unincorporated county have not been accounted for in this inventory.

Existing Billboard Inventory by Community

	Lamar	Clear Channel	CBS	Other*	Total
Alpine	1		2		3
Bonsall	2			1	3
Borrego				11	11
Boulevard	1			1	2
Fallbrook	2	6			8
Jacumba	6				6
Julian				1	1
Lakeside	15	16	4		35
NC Metro				1	1
Rainbow	5				5
Ramona			7		7
San Dieguito	2			2	4
Spring Valley			2		2
Valle de Oro	3	8	6		17
Valley Center	1				1
CP Area Unknown	2				2
	40	30	21	17	108

* There may be additional billboards not counted

It is estimated that there are at least 108 billboards in the unincorporated area of the county. The billboard companies have indicated that they would be interested in converting 13 of the existing billboards to digital technology.

Lamar: 8 of 40 billboards
 Clear Channel: 3 of 30 billboards
 CBS: 2 of 21 billboards

Staff conducted a “windshield survey” of existing billboards along numerous highways within the county. A number of billboards are in the outermost areas of the county approaching the Imperial and Riverside County lines; however the likely candidates for conversion to digital billboards would be along the busier stretches of highway or highway interchanges with higher traffic volumes.

Traditional Billboards

Bulletin: 14 ft. H x 48 ft. W (672 s.f.)

Poster: 12 ft. H x 24 ft. W (288 s.f.)

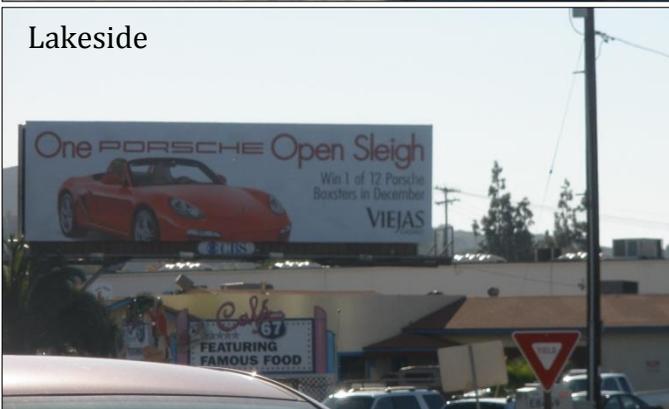
Valle de Oro



Spring Valley



Lakeside



Fallbrook



Lakeside



Alpine



Lakeside

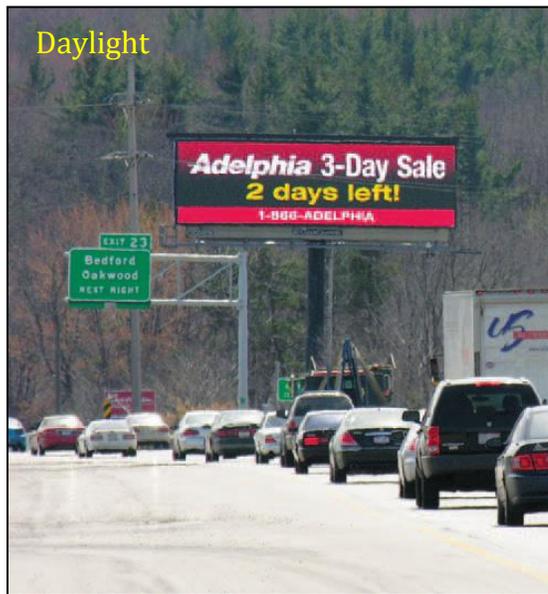


Ramona





Digital Billboards



III. What other jurisdictions are doing

Staff has reviewed ordinances and spoken to staff from other jurisdictions within California and across the US (see Table 1). Although many jurisdictions have not amended their ordinances to allow digital billboards, there are jurisdictions which allow conversion of traditional billboards to digital billboards, usually with a requirement that a specified number of billboards be removed in exchange for allowing one digital billboard. Some jurisdictions which did not have regulations prohibiting digital billboards have amended their ordinances to limit or prohibit the installation of any additional digital billboards within their communities.

Table 1: DIGITAL BILLBOARDS IN OTHER JURISDICTIONS

County	Digital Allowed?	Exception	Criteria
Alameda	NO		
Imperial	NO		
Los Angeles	YES		CUP required, only allowed in certain Manufacturing zones
Orange	NO		
Riverside	NO		
San Bernardino	NO	Have allowed some with a Variance	
Santa Clara	NO		
City			
Fontana	YES	Requires Relocation Agreement	Requires removal of 6 billboards (or 3 double sided) structures to allow replacement of 1 digital billboard
Hesperia	YES	Billboards or digital advertising displays may only be constructed, relocated, or upgraded upon the approval of a relocation agreement and site plan review by the city council	New billboards are prohibited, and the erection, alteration, construction, replacement, use, installation or conversion of any billboard within the city is prohibited.
Los Angeles	NO	Existing digital billboards were allowed per a Settlement Agreement in 2006. Not allowed under current ordinances.	
San Bernardino	YES		Conditional Use Permit required, Subject to Outdoor Advertising Act
Vallejo	YES	No new signs, conversion only. Conversion requires execution of an agreement between the applicant and the city	Use Permit application and requirement to remove at least four existing legal conforming and/or legal nonconforming off-site sign structures regardless of the number of existing sign faces on the structures, in exchange for approval to construct one new off-site digital/electronic sign structure with a maximum of two sign faces
Victorville	YES		To convert an existing billboard to digital requires removal of 3 existing legal nonconforming billboards (Site Plan approved by ZA). To relocate and convert a billboard to digital, requires removal of 2 legal nonconforming billboards and a relocation agreement (approved by PC and City Council)
State			
Arizona	YES		Digital billboards within a 75 mile radius of specified observatories must conform to specified levels of brightness from sunset to 11pm and must be extinguished from 11pm until sunrise. Exceptions only for amber alerts and other gov't emergencies.

Staff has concluded that a majority of surrounding counties in Southern California do not allow traditional billboards to be converted to digital technology. There are numerous smaller jurisdictions which do allow digital billboards within their cities. Some jurisdictions that did not have restrictions are now adopting ordinances to prevent additional billboards from converting to digital technology. The jurisdictions that do allow digital billboard conversions require removal of anywhere from 2 to 6 existing traditional billboards to allow one digital billboard.

Although there are benefits to having the digital billboards, such as alerting travelers to emergencies or providing notification of Amber Alerts, these benefits may not outweigh the impacts to local communities.

IV. Community and Industry Outreach

Staff met with representatives from the 3 major billboard companies and with representatives from numerous Community Planning/Sponsor Groups to explore the use of digital LED billboards as follows:

Industry representatives - October 19, 2012

CPG/CSG representatives - November 14 & 16, 2012

Industry representatives - December 19, 2012

Joint meeting - CPG/CSG/Industry representatives - January 24, 2013

Industry

During the first meeting with industry representatives, staff reviewed the direction given by the Board of Supervisors and explained the existing County regulations pertaining to billboards. Industry representatives provided information regarding digital technology and the conversion of traditional billboards to digital billboards in other jurisdictions. They explained the benefits of digital billboards.

Benefits can include:

- Rehabilitation of older billboards,
- Potential reduction in number of existing nonconforming billboards (existing billboards can remain indefinitely)
- Community alerts and public safety announcements including coordination with County Emergency Services to provide timely updates
- Automatic control of light levels based on ambient light
- No animation is allowed pursuant to federal and state controls

Staff also requested that the representatives provide information regarding the location of their existing billboards within the unincorporated county.

At the second meeting with industry representatives, staff provided an overview of progress made and provided a summary of the concerns raised by the Community Planning/Sponsor Group representatives. Staff presented the draft options for amending the ordinance and discussion resulted in revisions to some of the proposals.

Community Planning/Sponsor Groups

Staff held meetings with representatives from seven of the County's Community Planning/Sponsor Groups to discuss the idea of amending County ordinances and codes to allow digital billboards. Staff explained the Board of Supervisors direction, the existing state and County regulations applicable to billboards and provided the information from industry regarding digital billboards. None of the communities present felt that digital billboards would be in keeping with their community character and felt that the increase in light would be detrimental to the rural character. There were many concerns raised regarding safety and potential distraction to motorists along the highways. In addition, questions were raised regarding the unfair advantage of billboard companies over local businesses which are not allowed to have digital signs for their businesses. Although there were not representatives from all CPG/CSG available for the meeting, staff has been in communication with additional groups to keep them informed of this project and obtain feedback. See Table 2 for a summary of the CPG/CSG input.

It should be noted that the existing Zoning Ordinance provisions prohibit billboards on properties with Community Design Review Area Regulations and areas with Scenic Area or Historic/Archaeological Landmark and District area designations. Although the various Community Design Guidelines do not address Off-Premise Signs specifically (since billboards are not allowed in these areas), the provisions relating to On-Premise Signs allow illumination only by light projected on the sign; internally illuminated signs are not permitted. If the existing ordinance and codes are amended to allow digital billboards in these areas, the Design Review Guidelines for the various communities may need to be updated as well as the Scenic Area regulations, to address these Off-Premise Signs. The Scenic Preservation Guidelines for the I-15 Corridor Design Review Board specifically prohibit off-premise signs except for Temporary Real Estate Development signs, Community Identification Signs and directional signs. Any amendment to the Zoning Ordinance to allow digital billboards should not conflict with adopted Community Plans or Community Design Review Guidelines.

Table 2:

Group	Are existing billboards located in their community?	Community position re: digital billboards
Alpine	YES	No comments received
Bonsall	YES	Oppose in their community. Digital billboards conflict with goals and policies in Bonsall Community Plan and Design Review Guidelines and with the dark sky policy
Boulevard	YES	No comments received
Fallbrook	YES	Dec 17, 2012: Voted to oppose digital billboards Jan 21, 2013: Digital billboards would be contrary to community character,

		concerns regarding public safety and may be detrimental to local businesses.
Jacumba	YES	No comments received
Julian	YES	Dec. 10, 2012: Voted to oppose digital billboards
Lakeside	YES	No comments received
Pala-Pauma	(UNKNOWN)	Dec. 22, 2012: Supportive of proposed options
Ramona	YES	Jan. 10, 2013: Voted 9-5-0-0-1 to support Option 6 (Specific Locations) with removal of 3 traditional billboard to allow conversion of 1 digital billboard
Rainbow	YES	Oppose amending the ordinance to allow digital billboards
San Dieguito	YES	No comments received
Spring Valley	YES	Jan 8, 2013: Comments provided on all proposed options. Added that the ordinance should include ability of local planning group to give input to the County on appropriateness of a billboard within their Planning/ Sponsor area
Valle de Oro	YES	Jan 15, 2013: Voted 10-0 to oppose any change to the County's Sign Ordinances that would allow the introduction of digital billboards. Valle de Oro Community Plan Policy prohibits development of new billboards or the modification of existing billboards.
Valley Center	YES	Jan 14, 2013: Voted 14-0-0 to oppose digital billboards in Valley Center. They do not support the proposed options and feel that allowing these billboards would conflict with Dark Skies Ordinance, the Community Plan and Design Guidelines.

The International Dark Sky Association has also expressed concerns regarding the light pollution created by digital billboards and its potential adverse effects on the local observatories.

A joint meeting was held between representatives from Community Planning/Sponsor Groups, the billboard industry and County staff. At this meeting staff provided an overview of the progress made on the project and discussed the direction of the report to the Board of Supervisors. Community Planning Group representatives asked questions regarding digital billboard technology and the options proposed for ordinance amendments. A billboard industry representative showed a video of an actual digital billboard with time lapse to show the billboard operation during the day and evening. The video also demonstrated the change in copy at an 8 second interval. There was also discussion regarding lighting technology and coordination of emergency messages with the County Office of Emergency Services.

Comment letters and emails were received from various Community Planning Groups and from other organizations and individuals. Copies are attached at the end of this report.

V. Changes to Codes and Regulations

Safety & Operations

The safety of travelers along the highways and public roads must be considered as part of any amendment to ordinances or codes related to billboards and other signs. Driver distraction by advertising displays which may have changeable electronic messages would need to be considered and restrictions included ensuring that information is presented safely and effectively.

California Department of Transportation (Caltrans) regulates the placement of outdoor advertising displays (including billboards) which are visible from California Highways. Permits from Caltrans are required and these billboards must conform to the California Business and Professions Code (Outdoor Advertising Act) Section 5200 et seq. and Section 21466.5 of the Vehicle Code. These codes contain regulations for all billboards and specific regulations pertaining to “changeable electronic messages” (digital signs) regarding allowed location, proximity to other billboards (digital and traditional), frequency of message changes, illumination and prohibition of animation.

http://www.dot.ca.gov/hq/oda/download/ODA_Act_&_Regulations.pdf

In addition, the state code specifies that a governing body of any city, county, or city and county may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by the code.

County Codes and Ordinances

Staff has reviewed existing County ordinances and codes and determined that the following sections would need amending, as noted:

1. Zoning Ordinance:
 - Sec. 1110, Definitions
 - Amend definitions as needed for existing sign types

- Add new definitions for digital off-premise signs and other definitions as needed

Sec. 5000, Special Area Regulations

- Section 5200, Scenic Area Regulations- Section 5210.g prohibits off-site signs in areas subject to the Scenic Area Regulations
- Section 5700, Historic/Archaeological Landmark and District Area Regulations- Section 5730 prohibits off-premise signs in areas subject to the Historic and Archaeological Landmark and Historic District Area Regulations
- Sec. 5750, Community Design Review Area Regulations- Section 5756 states “No building permit or discretionary approval pursuant to this ordinance shall be issued, nor shall any person construct or alter a building, structure, or parking area, nor shall any outdoor commercial or industrial use be established, on land subject to the Community Design Review Area Regulations until a Site Plan which conforms to the criteria established pursuant to these regulations has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150”

Site Plan Permits are required for construction of new structures or alteration of existing structures in these areas.

Sec. 6200 Off-Premise Signs

No change is proposed to the requirement for an Administrative Permit to allow an off-premise sign.

- Permitted Zones- Amendments to the restrictions may be needed. Either allow in additional Use Regulations or allow off-premise signs on properties that are subject to Community Design Review Area Regulations, Scenic Area Regulations, and/or Historic/Archaeological Landmark and District Area Regulations.
- Sign Area- “Poster” sized billboards are approximately 288 s.f. (12 ft. by 24 ft.) and meet the current 300 s.f. size limitation however; larger existing “Bulletin” billboards are approximately 672 s.f. (14 ft. by 48 ft.). Amendment to this restriction may be needed to convert existing billboards to digital.
- Sign Height- Amendment to the restriction of 25 feet may be needed. Many existing billboards exceed this height limitation.
- Spacing- Amendment needed to address spacing requirements between digital billboards. State code requires 1,000 foot separation between digital billboards.
- Lighting- Amendment would be needed to allow lights (LED’s or other light source) to be seen beyond a property line and to address intermittent or variable intensity lighting to accommodate digital LED technology.

- Maintenance of Nonconforming Signs- Substantial amendments to this section would be needed to allow existing nonconforming billboards to convert digital billboards. The current ordinance allows normal maintenance or repair which is limited to only the following:
 - a. Advertising changes
 - b. Routine cleaning and painting
 - c. Replacement of nuts, bolts, screws or nails
 - d. Re-leveling or plumbing the structure without the addition of guys or struts for stabilization.
 Any changes such as extensions, enlargements, replacements or the rebuilding of a nonconforming sign is prohibited.

Industry representatives have indicated that conversion would require the installation of a new sign structure and possibly new support structure and/or footings. In addition, sign areas may increase depending on the size of the existing billboard at a location. Staff believes that a majority of existing billboards appear to be nonconforming, therefore amending this section would result significant change to the existing limited maintenance allowed for billboards.

2. County Code: Title 5, Division 1, Chapter 2- Light Pollution

- Zone A- Amendment may be needed to address digital billboards in Zone A (add a prohibition of digital billboards in these areas) and to address measurement of LED lighting which differs from the measurements of other types of lighting in Zone B.
- Hours of Operation- Amendment would be needed if digital billboards would be allowed to advertise between midnight and sunrise.

3. General Plan Amendment, Community Plans and Community Design Review Guidelines: Community Plans are a part of the County of San Diego General Plan. Any amendments to these documents would require a General Plan Amendment (GPA) to be processed.

- Community Plans- Many of the adopted Community Plans contain policies which prohibit or discourage off-premise signs. Other Community Plans require comprehensive sign control or require signs to compliment the community character. These Community Plan documents may need to be amended in order to allow off-premise signs in many communities.
- Community Design Review Guidelines- The adopted Design Review Guidelines for Alpine, Bonsall, Fallbrook, I-15 Corridor, Julian, Lakeside, Ramona, Spring Valley and Valley Center do not address Off-Premise Signs (current code prohibits these signs in areas subject to Design Review Regulations). Amending

the Zoning Ordinance to allow off-premise signs in these areas would require amendments to all of the Design Review documents.

It is anticipated that Community Planning/Sponsor Groups, billboard industry representatives as well as other interested groups and members of the public would play a critical role in crafting any code and ordinance amendments to allow the digital LED billboards.

Environmental Considerations

Implementing changes to the County's current Off-Premise Sign requirements and Light Pollution Code to allow digital LED billboards will require the Board to consider Zoning Ordinance and County Code amendments. These amendments will be discretionary actions under the California Environmental Quality Act (CEQA). It is not clear at this point what level of review will be required under CEQA. If a future ordinance amendment proposes to allow digital billboards in zones (or areas subject to Special Area Regulations) where traditional billboards are not currently allowed, and allows increase in light emissions, review of potential impacts could require preparation of an Environmental Impact Report.

Technical Review

Staff has reviewed information regarding billboards and digital technology provided by industry representatives, other jurisdictions and via the internet.

Driver Distraction:

Research and data regarding driver distraction from digital LED billboards is conflicting. Although there have been numerous studies conducted there seem to be differing conclusions or dispute over methodology used. Additional review of this issue may be required if any new studies are found which result in evidence of driver distraction from digital billboards. However, it should be noted that both the Federal Highway Administration and Caltrans allow digital billboards along our highways. Any future ordinance amendment will be in conformance with the federal and state regulations.

(sources: **"The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update"**, Publication No. FHWA-HRT-09-018, February 2009;

<http://www.fhwa.dot.gov/realestate/cevms.pdf>

"Driving Performance and Digital Billboards- Final Report", Virginia Tech Transportation Institute, Center for Automotive Safety Research, March 2007;

www.ledadvertisingdisplay.com/index.php/download_file/70/68/

"Final Report, A Critical, Comprehensive Review Of Two Studies Recently Released By The Outdoor Advertising Association Of America", Prepared for: Maryland State Highway Administration Under Project AX137A51, Through and with full concurrence of: Positive Guidance Applications, Inc. Gerson J. Alexander, President By: Jerry Wachtel, CPE, President The Veridian Group, Inc., Berkeley, California, Consultant, October 18, 2007

<http://sha.md.gov/oots/FINALREPORT10-18-GJA-JW.pdf>

Outdoor Advertising is designed to attract a motorists' attention to the advertisement. According to the group Scenic America, a national non-profit organization, a "1980 Federal Highway Administration study found a positive correlation between billboards

and accident rates. Moreover, federal and state courts have long cited traffic safety as a legitimate basis for billboard regulation.” (source: Scenic America <http://www.scenic.org/billboards-a-sign-control/the-truth-about-billboards>)

The Federal Highway Administration (FHWA), has stated “Proposed laws, regulations, and procedures that would allow permitting CEVMS (changeable electronic variable message signs) subject to acceptable criteria ... do not violate a prohibition against ‘intermittent’ or ‘flashing’ or ‘moving’ lights as those terms are used in the various FSAs (federal state agreements) that have been entered into during the 1960s and 1970s.” Industry practices conform to federal guidance, such as display times and lighting. FHWA recommends an eight-second display time. Federal guidelines say digital billboards should “adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.” (source: OAAA <http://www.oaaa.org/legislativeandregulatory/digital/aboutdigitalbillboardtechnology.aspx>)

It should be noted that on January 23, 2013, Scenic America filed a lawsuit in the U.S. District Court for the District of Columbia seeking to overturn a controversial Federal Highway Administration ruling. The ruling reversed the agency’s long-held position that barred intermittently changing commercial digital billboards. The lawsuit alleges that FHWA has wrongfully allowed commercial digital billboards to proliferate along federal highways nationwide. (source: Scenic America <http://www.scenic.org/blog/164-lawsuit-seeks-to-overturn-fhwa-ruling-on-digital-billboards>)

Lighting of Digital Billboards:

To control brightness levels on digital billboards, the signs are equipped with light sensors, which measure the amount of light available in the surrounding environment. In the brightest sun, the billboard is at its brightest to provide the necessary contrast to let the billboard be legible. At night, the billboard is much dimmer to adjust to surrounding light conditions. The billboards use the minimum amount of light necessary to provide legible copy, a practice which meets federal criteria and the lighting industry’s standards.

(source: OAAA

<http://www.oaaa.org/legislativeandregulatory/digital/aboutdigitalbillboardtechnology.aspx>)

Currently, the County’s Light Pollution Code addresses wattage, lumens, and shielding, and the zoning ordinance addresses foot-candles across property lines. Foot-candles and lumens are very similar in what they measure, however they do not really address all the concerns with light pollution.

The LEDs in LED signs are themselves intended to be seen from a distance and not intended to illuminate something external. The effects of this kind of lighting on light pollution is very complicated, as is the various terminology used in light measurement.

Information received from the International Dark Sky Association indicates that LED electronic billboards do not shine directly upwards, instead light is projected sideways at angles that are above the horizontal. “Research has shown that light emitted in this

direction produces more light polluting skyglow than light emitted at higher angles, and that the effects of this low-angle light are visible over a much broader area.” (source: letter received December 20, 2012, International Dark Sky Association, see Attachments)

Additional studies that include input from lighting experts would be required to determine the appropriate method to measure the brightness of digital billboards above ambient light, shielding requirements, to ensure compliance with the purpose of the Light Pollution Code in the unincorporated county and to limit distraction to drivers.

Benefits of Digital Billboard Technology:

In addition to the typical advertising displays, digital billboards can be used by law enforcement and other public safety officials to reach mass audiences quickly. The image of a missing person or emergency information can be displayed in minutes. (source: OAAA

<http://www.oaaa.org/legislativeandregulatory/digital/aboutdigitalbillboardtechnology.aspx>)

Digital billboards eliminate the paper/vinyl used on traditional billboards, saving fuel as well as materials and harsh chemicals used on each traditional change out. In addition, each generation of digital billboards improves power efficiency. For example, current digital billboards use half of the power of the first digital billboards manufactured.

(source: www.daktronics.com- a digital billboard manufacturer)

VI. Options

Amending County codes and ordinances would provide opportunities for billboard owners to change their existing traditional billboards to digital billboards. Owners would be required to obtain approval of an Administrative Permit or Site Plan Permit and associated building permits from Planning & Development Services, as well as an Outdoor Advertising Display Permit from Caltrans.

The following options reflect an array of approaches for addressing the siting of digital billboards for Board consideration.

Option 1: Conversion/Removal Ratio (1:3)

Allow one traditional billboard to be converted to a digital LED billboard provided the billboard owner is required to remove three traditional non-conforming billboards located in the unincorporated county. The ordinance language would require that when feasible, the removed billboards be located within the same community plan area in which the digital billboard is being placed.

Pros:

- Reduction in overall number of billboards in the county

- Removed billboards would be in the same Community Planning Area as the proposed digital billboard

Cons:

- Disadvantage to smaller sign companies with fewer billboards

Option 2: Conversion/Square Footage

Allow conversion of a traditional billboard to a digital billboard providing that an equivalent square footage of traditional billboards be removed. For example, if a billboard operator wishes to construct a 600 square foot digital LED billboard in place of an existing 200 square foot traditional billboard, the operator would need to remove multiple billboards totaling 600 square feet.

Pros:

- No increase in the square footage of existing billboards in the county
- Likely reduction in the quantity of billboards because many billboards tend to be smaller in size than the preferred size of digital billboards

Cons:

- Disadvantage to smaller sign companies with fewer billboards

Option 3: Relocation Agreement

Allow a billboard operator to relocate an existing billboard to a more preferred location for conversion to a digital LED billboard. This option can be used in conjunction with Options 1 or 2. For instance, a billboard operator can relocate a billboard and in exchange for the relocation to a preferred location would remove other existing billboards at a given ratio. Research has shown that the relocation is typically captured within a Relocation Agreement that specifies the number of existing billboards that must be removed, may include a requirement for revenue sharing with the jurisdiction and/or alleviates the expenditure of public funds for relocation required by public improvements (condemnation). This option should consider whether the relocated site is consistent with current County regulations.

Pros:

- Limitation of quantity of future digital billboards
- Limited locations for future digital billboards
- Relocation from less desirable sites
- Reduction in the number of billboards in the county

Cons:

- Disadvantage to smaller sign companies with fewer billboards

Option 4: Relocation to County Owned Properties

Allow billboard operators to relocate only onto County-owned properties. Under this option billboard operators would need to remove existing billboards in order to

relocate. This option may present opportunities to generate income on County properties.

Pros:

- Limitation of quantity of future digital billboards
- Limited locations for future digital billboards
- Relocation from less desirable sites
- Reduction in the number of billboard in the county
- Revenue generation for County

Cons:

- Potential conflict with existing or future uses on County properties

Option 5: Conversion of Conforming Billboards

Allow only the conversion of billboards that are currently in compliance with the existing zoning ordinance. For instance billboards would need to be within one of the four identified zones and would need to comply with current billboard size and height requirements.

- “Poster” size billboards (12’4” x 24’6”) conform to existing size limitations in ZO
- Some smaller “Bulletin” size billboards (10’ x 30’) conform to existing size limitations in Zoning Ordinance

Pros:

- Minor changes to Zoning Ordinance, minor amendment to Light Pollution Code to address brightness of LED billboards

Cons:

- Bulletin sized billboards (14’ x 48’) would not be allowed to convert to digital
- Many existing billboards do not conform to the underlying zoning, or other criteria and very few billboards would be allowed to convert due to limited zones/locations where billboards are allowed.

Option 6: Specific Locations

Allow only billboards on specified properties to convert to digital LED billboards. Under this option staff would work with billboard operators and community groups to identify the billboards to convert. The specific digital billboard location would be incorporated into the zoning ordinance text.

Pros:

- Certainty of location and quantity of digital billboards

Cons:

- Future Zoning Ordinance amendments would be required if additional digital billboards were

Specifications for All Proposed Options

With all the options specified above, the ordinance/code amendments would also include:

- Continued requirement for Administrative Permit for all digital billboards
- Prohibition of animation – digital copy would have to remain static
- No increase to number of existing billboards
- Provisions for public/community benefit messaging, including coordination with Office of Emergency Services (OES)
- Caltrans permit requirement – when applicable
- Restriction of digital copy change to 8 seconds
- Addressing lighting time limitations and maximum permitted light emissions
- Allow conversion of traditional billboards that have existing lighting only
- Conformance to adopted Community Plans and Community Design Guidelines
- Prohibition of digital billboards located within Zone A of the Light Pollution Code

VII. Costs and Resources

Any action to amend County codes and ordinances to address the conversion of traditional billboards to digital LED billboards is not currently budgeted. Use of a Negative Declaration to assess the environmental impacts associated with ordinance changes may be used however there are risks associated with this approach since substantial comments regarding lighting, aesthetics and community character impacts may arise during the environmental review process. Consequently, an Environmental Impact Report (EIR) will likely be required for changes to the signage portion of the Zoning Ordinance and Light Pollution Code because the proposed options would potentially result in additional billboard locations not currently permitted under existing zoning and increase in the light emitted from digital billboards as compared to existing traditional billboards. In these circumstances, new impacts associated with these locations and increase in lighting would need to be identified and, where possible, mitigated. Cost for preparation of an EIR and staff time for the ordinance amendment would be approximately \$600,000. This figure includes approximately \$400,000 for the EIR consultant to prepare an EIR and \$200,000 for staff work for community and stakeholder outreach, environmental consultant contract management, preparation of public review documents, revisions to Community Plans and Community Design Review Guidelines, ordinance amendments and hearing preparation.

Based on the experience of processing other ordinance amendments with associated EIRs, staff estimates a processing time of 18 to 24 months from the time that direction is provided by the Board until consideration of the amended ordinance by the Board.

Due to benefits this action would have for billboard operators, the Board may want to consider industry as a possible funding source for this project. However, the County cannot require the billboard industry to fund a County initiated proposal to amend the billboard ordinance. Any industry funding would need to be voluntary. If the Board decides to consider industry as a possible funding source for the work, staff would need to discuss the proposal with industry representatives and seek a voluntary funding agreement. Any industry funding would not assure the approval of ordinance amendments

authorizing digital billboards, or any particular outcome, as this would be at the discretion of the Board.

VIII. Summary

In summary, staff has researched information regarding digital billboards from industry representatives, other jurisdictions and via the internet. Pursuant to Board direction outreach to the Community Planning/Sponsor Groups, the billboard industry and other interested parties was conducted. This effort has resulted in the development of the six options for ordinance amendments provided for the Board of Supervisors consideration.

Attachments

Copies of comment letters and emails received from Community Planning/Sponsor Groups and other interested parties are attached.

BONSALL COMMUNITY SPONSOR GROUP

Dedicated to enhancing and preserving a rural lifestyle



COUNTY OF SAN DIEGO BONSALL COMMUNITY SPONSOR GROUP
REGULAR MEETING MINUTES
TUESDAY, January 8, 2013
7:00 P.M.
31505 Old River Road
Bonsall, California 92003

1. ADMINISTRATIVE ITEMS:

A. **Roll: Litner, Rosier, Morgan, Zales**
Absent: Norris, Davis, Carullo-Miller

B. **Pledge of Allegiance:**

C. **Approval of Minutes:** for the Regular Meeting Minutes for Tuesday, December 4, 2012.

Motion to approve the minutes, as written, was made by Litner, seconded by Zales. All members present approved the motion.

D. **Public Communication on non-agenda items:** Traffic issues regarding mass transit were discussed.

E. ACTION ITEMS:

1. Zap 02-052 Sprint site modification.

Cabinets and wall color should be an earth tone color and match. Not the current green color. Landscaping is not required. Condition of approval is based on moving the cabinets and cell site should Gopher Canyon Rd be widened as it currently is designated in the Mobility Element to improve to 5 lanes.

Motion to approve based on condition stated above by Zales, seconded by Litner all members present approved the motion.

2. Digital LED Billboard Options –

The proposed options supplied by the County reflected interesting ideas for many communities however, the community of Bonsall does not have a need for this type of signage. We currently have two shopping areas with one additional site blighted and under developed all three are located along Highway 76.

With the dark sky policy and the close proximity of Mt Palomar to Bonsall the use of this type of billboard is not in keeping with that policy and is not supported by the Bonsall Community Plan. I have attached on a separate page of conflicting goals and policies in both the Community Plan and the Design Review Guidelines. In addition to that being said the unique setting of the San Luis Rey River and the soon to be 8 ½ mile long San Luis Rey River Regional Park in Bonsall with major wild life corridors and scenic views.



BONSALL COMMUNITY SPONSOR GROUP

Dedicated to enhancing and preserving a rural lifestyle



We do not support LED signs in our community but if other Planning or Sponsor Groups find it appropriate for their community we would not have a problem as long as the County does not create a one size fits all policy.

Motion by Zales second by Litner and all member present approved the motion.

F. GROUP BUSINESS

1. Announcements and Correspondence – none submitted
 - A. New Planning & Sponsor Group Coordinator – Lisa Fitzpatrick.

2. Discussion Items
 - A. Draft Template for Comments Letters regarding San Diego Region Municipal Stormwater Permit from – CPG & CSG. Approve Chair to draft letter to Stephanie Gains staff member in regard to the Watershed Protection Programs including the NPDES Stormwater Permit Reissuance. Motion by Zales second by Litner and all members present approved the motion.

G. ADJOURNED 7:50 P.M.



BONSALL COMMUNITY SPONSOR GROUP

Dedicated to enhancing and preserving a rural lifestyle



1/8/2013

Heather Lingelser

RE: Digital Message Boards

BONSALL COMMUNITY PLAN

Page 25 – Community Character

Policy 1.2.3 Require on and off-site advertising signs complement the aesthetic value and unique character of the community.

Policy 1.2.4 Prohibit development of advertising billboards and require that existing billboards are not modified and are eliminated over time.

Policy 1.2.5 Seek to eliminate existing uses that are nonconforming and are detrimental to surrounding uses.

BONSALL DESIGN GUIDELINES

Page A-8 Signage shall not adversely impact the environmental and visual quality of the area.

1. All signs shall be limited to the minimum size and height necessary to adequately identify a business location.
2. All signs shall be kept as low to the ground as possible.
3. Signs shall be used for identification, not advertisement.
4. Signage design shall be carefully integrated with the site and building design concepts to create a unified appearance for the total development.
 - a. Signs shall be part of a comprehensive graphic program for each project.
5. Signs shall be predominately natural materials, non-moving, externally illuminated.
6. Off-premise signs shall be prohibited except for temporary real estate directional, community identification and directional signs, as specified in Section 6207 of the County Zoning Ordinance.

Margarette Morgan, Chair
Bonsall Sponsor Group





**COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE: Zoning
COMMUNITY PLANNING OR SPONSOR GROUP
PROJECT RECOMMENDATION**

PROJECT NAME: HEATHER LINGELSER

PROJECT CASE NUMBER(s): DIGITAL BILLBOARD OPTIONS

PLANNING / SPONSOR GROUP NAME: BONSALL SPONSOR GROUP

Results of Planning / Sponsor Group Review

Meeting Date: 1/8/2013

A. Comments made by the group on the proposed project.

I HAVE ATTACHED THE MINUTES AND A ONE
PAGE SUMMARY REGARDING THE SPONSOR
GROUPS CONCERNS.

B. **Advisory Vote:** The Group Did or Did Not make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

MOTION:

- Approve without conditions
- Approve with recommended conditions
- Deny
- Continue

VOTE: _____ Yes _____ No _____ Abstain

C. Recommended conditions of approval:

Reported by: Margaretta Morgan Position: Chair Date: 1/8/2013

Please email recommendations to BOTH EMAILS; Project Manager listed in email (in this format):
Firstname.Lastname@sdcounty.ca.gov and to CommunityGroups.LUEG@sdcounty.ca.gov .

FALLBROOK COMMUNITY PLANNING GROUP

And

DESIGN REVIEW BOARD

Regular Meeting

Monday 17 December 2012, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook
MINUTES

Mr. Jim Russell called the meeting to order at 7:00 p.m.

Twelve (12) members were present: Anne Burdick, Donna Gebhart, Ike Perez, Roy Moosa, Tom Harrington, Steve Smith, Jack Wood, Ron Miller, Michele Bain, Jackie Heyneman, Eileen Delaney, Jean Dooley, Jim Russell and Harry Christiansen. Paul Schaden, Jackie Heyneman and Jack Wood were not present.

Mr. Russell updated the Group on the Red Tape Commission proposed changes to board policies I.1 and I.1a. He stated that the Board of Supervisors had approved most of the recommendations but had asked staff to report back on an agenda format and posting procedure. It appeared clear that the Board was no longer going to allow complete agendas to be posted in publications. There will be a notice published of where the agendas will be posted. Groups will be provided web pages where the agendas will also be posted. Another development was that the Board approved leaving Chair selection as is.

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion, & Non-voting item.

Mr. Monty Voigt addressed the Group and expressed appreciation for each of the Group members consistent efforts for the Community of Fallbrook.

2. Approval of the minutes for the meetings of 19 November 2012. Voting Item.

Ms. Dooley motioned to approve the minutes, it passed unanimously.

3. POD 08-006 Site Implementation Agreement request from the Department of Planning and Land Use Planners, Marcus Lubich, Marcus.Lubich@sdcounty.ca.gov and Joseph Farace, Joseph.Farace@sdcounty.ca.gov for comments and recommendations on a draft Site Implementation Agreement County of Regulatory Code amendments. The proposed ordinance introduces a new framework for a Site Implementation Agreement (SIA). The SIA would serve the function of a companion permit, in most instances, for subdivision maps. The SIA would assist in assuring the implementation of project requirements (i.e. conditions) associated with the development of subdivisions, mitigation of identified impacts, and on-going requirements after map recordation. Continued at the 29 August FCPG meeting. **Land Use Committee.** Community input. Voting item. (7/19)

Mr. Moosa reported that the Land Use Committee had discussed the item. No County Representatives were present at the meeting. The discussion raised several questions about how this procedure varied from the current process and what advantages did it offer. After limited discussion, Mr. Moosa motioned to continue the item until next month when a County representative could be present. The motion passed unanimously.

4. Request for a waiver of the B designator site plan requirement for auto sales located at 434 E. Mission Road. Owner and contact person Rosalinda Saites, 916-300-5564. County planner Debra Frischer, 858-495-5201, debra.frischer@sdcounty.ca.gov, or Dag Bunnemeyer, dag.bunnemeyer@sdcounty.ca.gov. **Design Review Committee**. Continued at the request of the applicant at the 19 Nov meeting of the FCPG. Community input. Voting item. (10/30).

Ms. Rosalinda Saites presented the request for auto sales and to install signage and landscaping at 434 E. Mission. She stated that the Design Review Committee had made a suggestion on the landscaping and requested information on the location of a trash bin.

Ms. Delaney reported the Design Review Committee had reviewed the request and had approved the request.

Ms Delaney motioned to approve the project and the motion passed unanimously.

5. Request for a minor deviation in the Site Plan for the Fallbrook Shell canopy reimage. The request is for the existing 3'x6' sign to be refaced to the new Shell specifications and we are requesting to add LED lights to three sides of the canopy. Currently there are no LED lights on the canopy. This is for the Shell Station located at 936 E. Mission Rd. Point of contact, Chris Cottam, ccottam@calcraft.com, 800 345-9645, 714 206-6072 Cell. County planner Debra Frischer, 858-495-5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item. (11/14)

Mr. Chris Cottam introduced the request to replace signage and place L.E.D. trim around the canopies for the Shell station at 936 E. Mission Road.

Ms. Delaney reported that Mr. Cottam had not attended the Design Review Committee meeting therefore there was no Committee report on the request. The lit trim appeared to exceed size of approved signage. After limited discussion Ms. Delaney motioned to continue the request to the January group meeting to allow the Design Review Committee an opportunity to review and comment on the request. The motion passed unanimously.

6. Request for a waiver of the B designator site plan requirement to replace all signs on ATM kiosk and resurface ATM machine at 1135 S. Mission Road (APN 104-390-09-00). Owner Sudbury Development, Inc. 858-546-3000. Contact person Steve Therriault 619-571-9675, steve@signtechusa.com. County planner Debra Frischer, 858-495-5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item (11/16)

Mr. Steve Therriault introduced the request to replace current signage with smaller L.E.D. lit signage.

Ms. Delaney stated the Design Review Committee had reviewed and approved the of the request. After limited discussion Ms. Delaney motioned to approve the request and the motion passed unanimously.

7. County staff, at the direction of the Board of Supervisors, is working on an ordinance to provide for Digital LED Billboards in San Diego County and they have requested the community provide them with our thoughts and concerns. County planner, Heather (Steven) Lingelser, Planning & Development Services, 858.495.5802, FAX 858.467.9314, heather.lingelser@sdcounty.ca.gov. **Land Use Committee**. Community input. Voting item. (11/20)

No County representative was present so Mr. Moosa reported on the Land Use Committee review of this item. He stated that there was a great deal of concern over conflicts with lit large signs (up to 14 foot by 48 foot signs in the Fallbrook area) and the Fallbrook Community plan and

character. The lit signage was also viewed as a safety concern for passing traffic. Land Use had voted to strongly object to the proposal.

Ms. Delaney reported on the Design Review meeting on this item. She stated that the proposal was intended to cover existing non-conforming off premises billboard signs. The Committee had the same concerns the Land Use Committee had.

Mr. Russell asked if the Committees had considered the businesses that utilized the signs. Ms. Delaney responded by stating that if the ordinance were to take affect it would provide an unfair advantage to the large sign users due to very different restrictions on smaller signs in the design guidelines.

After lengthily discussion Mr. Moosa motioned to strongly object to the modification of the ordinance due to the negative impacts on the rural community character as well as conflict with the Fallbrook Community Plan and design guidelines. Additional issues would be driving safety concerns in the vicinity of this type of signage and the un-fair advantage to large format sign advertisers would have over small format sign advertisers if the Ordinance modification was allowed in areas subject to design guidelines. The motion passed unanimously.

In closing Mr. Russell presented two Proclamations to outgoing members of the Group.

First Mr. Russell read the Proclamation citing the years of community service Mr. Harry Christiansen had provided to Fallbrook. Mr. Christiansen served twenty years on the Fallbrook Planning Group and was recently recognized by the Fallbrook Chamber of Commerce for all his other Community service with a Lifetime Achievement Award.

Second Mr. Russell read the Proclamation citing the service of Mr. Steve Smith to the Fallbrook Community Planning Group and the Community of Fallbrook.

The Meeting was adjourned at 7:44 pm
Tom Harrington, Secretary

Lingelser, Heather

From: jack@cableusa.com
Sent: Saturday, December 22, 2012 9:31 AM
To: Lingelser, Heather
Subject: Re: Digital Billboard Options

Heather; At their meeting on December 10th, the Julian Community Planning Group took a position to oppose digital billboards. There is only one current sign that would qualify as a billboard in the Julian Planning Area and it is unlikely that the owner would want to convert it to digital, but we believe that digital billboards can be a distraction to motorists and therefore a traffic hazard. Jack Shelver, Chair JCPG

On Sat, 22 Dec 2012 00:03:46 +0000, "Lingelser, Heather" <Heather.Lingelser@sdcounty.ca.gov> wrote:

Hello - as many of you know we met with many of you to discuss Board direction we received to explore options for the use of digital billboards.

As we explained at the meetings, staff was planning on developing options based on feedback and staff research. Attached is a list of proposed options for the Board to consider. We would appreciate if you could review and provide your input on the options at your earliest convenience.

We will attempt to schedule a joint meeting next month between industry representatives and the Community Planning/Sponsor Group representatives to further discuss this project.

Please feel free to contact me at 858-495-5802 if you have any questions and have a Happy Holiday!

Sincerely,

Heather (Steven) Lingelser
Land Use/Environmental Planner
Policy and Ordinance Development

Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

 858.495.5802 | 6 858.467.9314

 heather.lingelser@sdcounty.ca.gov

 Please consider the environment before printing this e-mail

Lingelser, Heather

From: mathews.charles@gmail.com
Sent: Saturday, December 22, 2012 6:10 AM
To: Lingelser, Heather
Cc: Farace, Joseph; Murphy, Jeff
Subject: Re: Digital Billboard Options

Heather:

Great work! The options provide the BoS worthwhile choices. One parameter that maybe I missed but would like to see is some measurement of maximum permitted light emission from each digital board and all digital boards in a defined area.

Best,

Charles Mathews,
Chair, Pala Pauma Community Sponsor Group.

Sent from my iPad

On Dec 21, 2012, at 6:03 PM, "Lingelser, Heather" <Heather.Lingelser@sdcounty.ca.gov> wrote:

Hello - as many of you know we met with many of you to discuss Board direction we received to explore options for the use of digital billboards.

As we explained at the meetings, staff was planning on developing options based on feedback and staff research. Attached is a list of proposed options for the Board to consider. We would appreciate if you could review and provide your input on the options at your earliest convenience.

We will attempt to schedule a joint meeting next month between industry representatives and the Community Planning/Sponsor Group representatives to further discuss this project.

Please feel free to contact me at 858-495-5802 if you have any questions and have a Happy Holiday!

Sincerely,

Heather (Steven) Lingelser
Land Use/Environmental Planner
Policy and Ordinance Development
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

☎ 858.495.5802 | 📠 858.467.9314

📧 heather.lingelser@sdcounty.ca.gov

🌲 Please consider the environment before printing this e-mail

<OPTIONS 12-21-12.pdf>

Rainbow Community Planning Group

A San Diego County Heritage Community Since 1880

Keeping Rainbow Rural

Advising the Board of Supervisors-San Diego County

Date December 18, 2012

To: County of San Diego Planning and Development Services Advanced Planning Division

The Rainbow Community Planning Group (RPG) wishes to thank the County of San Diego Planning and Development Services Advanced Planning Division for the opportunity to comment on proposed regulations regarding the implementation of LED digital billboards in our community. Our concerns, considerations and questions regarding the design, installation, and use of such billboards are detailed as follows:

1) Safety Concerns / Considerations -- Driver safety is of paramount importance to our community and to the State of California. The I-15 corridor is heavily traveled and is shared daily by thousands of commuters and resort industry customers alike. Signs currently placed along the I-15 are often used to attract casino patrons with notices of food, gambling, musical or other entertainment promotions. With driver distractions at an all time high due to cell phone usage, on-board navigation systems, and video players, large brightly lit electronic signage only adds to the potential for hazardous distraction for drivers of motor vehicles. In addition to brightly lit flashing lights, new digital LED billboards often utilize a transitional message capability that tends to hold the viewer's attention in anticipation of the screen changing appearance. This "attention increasing" feature of transitional signage can keep a driver's attention away from the road for longer periods of time, often leading to increased potential for vehicular accidents and human fatalities.

Q) How will safety concerns for lighted signs be addressed by the County, sign companies, and advertisers? What remedies are available to the public if/when a sign is deemed to be a problem or is listed in an accident report by law enforcement personnel as a potential cause of an accident?

2) Light Pollution Concerns / Considerations -- Existing CoSD light pollution regulations are intended to protect the Palomar and Mount Laguna observatories, as well as citizens of the County from the detrimental effect that light pollution has on astronomical research. A recently installed LED digital billboard in Corona serves as an easily observable example of what such signs may look like when they are eventually installed within our community. The example sign is located approximately one quarter

mile south of the I-15 / CA-91 transition along the west side of I-15. Upon casual observation, the example sign would appear to be brighter than other signs along the I-15. The example sign also includes a transitional message capability that tends to hold the viewer's attention in anticipation of the message changing. The sign appears to "flash" brightly when the message changes, which in addition to becoming a driver distraction, also substantially increases observable light pollution in the sign's vicinity.

Q) How will light pollution concerns for lighted signs be addressed by the County, sign companies, and advertisers? What remedies are available to the public if/when a sign is deemed to be a significant cause of light pollution within a community or for nearby communities?

3) Compliance with / Enforcement of existing regulations -- Existing off-premise signs and billboards placed within the Community of Rainbow and along the I-15 corridor would appear to be in violation of multiple existing CoSD regulations:

Section 51.206.a.2 Hours of Operation of the County's existing light pollution regulations state that "A billboard may be lighted until midnight", yet a recent observation revealed that many lighted billboards placed within the Community of Rainbow appear to remain lighted well past midnight.

Section 6205.e.1 of the existing CoSD sign regulation states: "No portion of any sign structure shall exceed a height of 25 feet." Recent observation of existing signs along the I-15 corridor and within the community of Rainbow revealed that many lighted billboards would appear to exceed the mandated 25 foot limit.

Based on casual observation and as witnessed in the examples given above, it would appear that some existing County sign regulations are not being strictly enforced.

Q) Which CoSD department or authority is responsible for enforcing current outdoor sign regulations within our community? How will sign regulation compliance be enforced by the County? What remedies are available to the public if/when a sign is deemed to be non-compliant with current regulations?

Thank you again, for your consideration of our concerns and questions regarding LED digital billboards and CoSD sign regulations.

Respectfully,

Gary Drake
Chair, Digital Billboard Sub-Committee
On Behalf of The Rainbow Planning Group



RAMONA COMMUNITY PLANNING GROUP

15873 HWY 67, RAMONA, CALIFORNIA 92065

Phone: (760)445-8545

Jim Piva
Chair

January 15, 2013

Scotty Ensign
Vice-Chair

Heather Lingelser
Land Use/Environmental Planner
Policy and Ordinance Development
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Kristi Mansolf
Secretary

Chad Anderson

Torry Brean

RE: DIGITAL LED BILLBOARD OPTIONS

Jim Cooper

The Ramona Community Planning Group reviewed the Digital LED Billboard Options at the meeting January 10, 2013. The following motion was made:

Matt Deskovick

Carl Hickman

**MOTION: TO SUPPORT OPTION 6 WITH THE
REQUIRED REMOVAL OF 3 TRADITIONAL
BILLBOARDS, WITH THE REPLACEMENT OF 1
DIGITAL LED BILLBOARD, LOCATED IN THE
SAME COMMUNITY PLANNING AREA.**

Eb Hogervorst

The motion passed 9-5-0-0-1, with 5 members voting no,
and 1 member absent.

Barbara Jensen

Donna Myers

Dennis Sprong

Sincerely,

Paul Stykel

Kristi Mansolf, Secretary

Richard Tomlinson

Kevin Wallace

J.P. JIM PIVA, Chair
Ramona Community Planning Group

Spring Valley Community Planning Group
Response to
Digital Billboard Options
January 8, 2012

Meeting Vote: To approve 9-0-0 no abstentions no negative votes.

Option 1:

In addition to reduction of overall number of billboards...

RECOMMEND ADDITION: FIRST priority to be given to other billboards within the Planning Group

Option 2:

This is far too large an allowance for size. In no case should a billboard conversion be larger than current one.

Options 1 and 2 should be concurrent, not optional as one thing or the other.

Option 3:

Allowing a sign to be relocated then converted, takes a lot of faith. What is to prevent the conversion stopping as soon as the billboard is moved? If a company wants to put up a digital billboard in a specific location, they should be required to remove at least three billboards elsewhere.

This would also seem to allow non-conforming, non-complying billboards to be used to get digital billboards in places where they were unable to get them before. Current non-complying/ non-conforming billboards should be removed as an agreement to allow relocation but not to be relocated.

Option 4:

Is there no other use for County properties? Is the County, producing revenue from otherwise useless properties?

Option 5:

Allowing only conversion of existing billboards that are in compliance is a good thing in part, but should include removing non-complying billboards. This would be the only way in some cases to get these undesirable, non-complying billboards out of the Community.

All billboard conversions should be smaller than the original due to the fact that their intensity makes for easier viewing at a smaller size.

Also, allowing additional lighting intensity would further pollute the environment.

Option 6:

This is very fuzzy.

Putting billboards in the ZO would give the right to have the sign there forever, even if it is proven later to be detrimental either by content, distraction or malfunction.

There should certainly be a maximum number of large advertising signs overall whether digital or regular.

In Addition To Options:

- Ordinance should also include the ability of local Planning/Sponsor groups to give input to the County on the appropriateness of the billboards within the Planning/Sponsor area.
- Copy should NOT change as fast as 8 seconds. This creates a distraction to drivers.
- Careful study of appropriate illumination day and night needs to be expanded

VALLE DE ORO COMMUNITY PLANNING GROUP

P. O. BOX 936

LA MESA, CA 91944-0936

January 17, 2013

Ms. Heather Lingelser
County of San Diego
Planning & Development Services
5510 Overland Ave., Suite 110
San Diego, CA 92123

SUBJECT: Conversion of Traditional Billboards to Digital LED Billboards

On January 15, 2013, this Planning Group considered the proposal to convert to digital LED billboards and the four County staff-prepared options to implement such a change. The Group voted unanimously (10-0) to oppose any change to the County's sign ordinances that would allow the introduction of digital LED billboards into our communities.

The Planning Group found that:

A. The many existing billboards located in our area are a significant source of visual blight wherever they are located. Emphasizing their presence by conversion to digital LED technology will only worsen their visual impact and allow the industry to introduce, at will, new unforeseen forms of visual blight into our communities.

B. The Valle de Oro Community Plan under Community Design Policies prohibits the development of new billboards or the modification of existing billboards and seeks their eventual elimination as follows:

"3. Development of advertising billboards shall be prohibited. Existing billboards shall not be modified or transferred to new owners and shall be eliminated at the earliest possible time."

Sincerely,



Jack L. Phillips
Chairman, VDOCPG
619-670-0986

Distribution: DPDS, Heather Lingelser
BOS, Supervisor Dianne Jacob

E2

Report and possible vote on VCCPG's comments on the DPDS's report to the Board of Supervisors concerning approaches for addressing the use of digital bulletin boards in the County of San Diego. (Quinley)

Discussion: Quinley presents background of proposed changes to the billboard ordinance. She explains her printed report. She says the County wants to take advantage of new technology. She describes the six options being explored by County staff:

1. Create a conversion/removal ratio in which one traditional billboard can be converted to a digital billboard if the owner also removes three traditional billboards.
2. Create a conversion/square footage ratio in which a traditional billboard may be converted to a digital billboard if an equivalent square footage of traditional billboards is removed.
3. Allow conversion of Billboards when an existing billboard is removed to a preferable location when it is converted to digital. (Can be combined with 1 and 2).
4. Allow relocation of billboards to county-owned properties. Billboard operators could relocate their billboards to county land and conversion to digital would be allowed.
5. Allow conversion only of those billboards that are currently in compliance with the existing zoning ordinances.
6. Permit only billboards located on specific properties to convert to digital billboards. This option would require billboard operators to work with county staff and the community planning groups prior to obtaining permission to convert.].

She says not much attention was paid to the Dark Sky Ordinance or the Valley Center Design Guidelines, both of which prohibit internally lighted signs. She reads her motion. Jackson asks to amend the motion to limit lighted signage to public information. Smith explains that billboards under consideration are commercial off-site billboards and he suggests the motion be limited to consider the class of billboards under consideration. David Ross, media, asks if the Lexus digital billboard next to I-15 in Escondido would qualify as a digital billboard. Yes.

Smith suggests that new billboards may qualify to be digital without replacement or reduction of existing billboards within the County. He asks how County could say no to such new billboards? Smith says such billboards may be used for public emergency announcements at times when appropriate. Tom Bumgardner, audience says the County owns land along the Rights-Of-Way of roads. Smith says such billboards could not be closer than about 50 feet to the roadway. Smith says all cities are looking at allowing such billboards in order to raise additional revenue. Smith discusses the logistics of present billboards. Davis asks for amendment to para. 3. Bret Davis asks about the placement of billboards allowed in Valley Center presently. Smith says billboards are not presently allowed and says Valley Center needs to have reasoned arguments for not allowing such billboards to have an impact at the County. Bob Davis clarifies the need to have Valley Center review of such billboard authorization. Rudolf

asks about the County staff commitment to honor Valley Center's Guidelines and Community Plan and wonders if Smith agrees. Smith says BOS can put billboards anywhere with 3 votes. Rudolf counters with need to amend the County General Plan, Valley Center's Community Plan and Valley Center's Design Guidelines before that could happen. Smith suggests deleting paragraph 3 except for the amended first sentence. Quinley defends her motion as originally presented, but relents and agrees to deletion of most of paragraph 3; Hutchison agrees to the amendment. Glavinic suggests citing billboards along Hwy. 395 and I-15. Discussion continues in several directions at once, but with no further amendments advanced.

Motion: Valley Center is located in an area covered by the Dark Skies Ordinance and has provisions in its Design Guidelines and Community Plans that prohibit internal illumination of signs and that presume that "billboards" are not permitted. The Valley Center Community Planning Group asks that the Board of Supervisors uphold these ordinances and policies, which are already in place.

It is not acceptable to allow digital billboards as alternatives to traditional billboards as long as there are fewer billboards in the end, as stated in Options 1 and 2. Nor do we support conversion to a digital billboard when a billboard is moved to a preferable location or a location specifically designated by the County as stated in Options 3 and 5.

Digital LED Billboards should not be permitted in Valley Center.

Maker/Second: Quinley/Hutchison

Carries/Fails: [Y-N-A] 14-0-0 Voice

Lingelser, Heather

From: Lael Montgomery [laelmontgomery@aol.com]
Sent: Sunday, December 30, 2012 11:26 AM
To: Lingelser, Heather
Cc: 'Smith, Oliver'; 'Ann Quinley'; richrudolf@sbcglobal.net; jonvick2@aol.com; 'Mark Jackson'; 'Steve Hutchison'; 'Christina & Bill Lewis'; Farace, Joseph; Wardlaw, Mark; Murray, Beth; 'Jeff Herr'; 'Keith Robertson'; 'Lael Montgomery (E-mail)'; 'Robson Splane'; 'Susan Moore (E-mail)'
Subject: Community Character? Comments on Digital LED Billboards Options 12/21/12

Dear Heather,

I am writing to suggest that the "Digital LED Billboard Options" that you circulated just before Christmas be revised to include reference to and support for the Design Guidelines for Signage that exist for several unincorporated communities: Alpine, I-15, Lakeside, Ramona, Sweetwater and Valley Center. In Valley Center's Design Guidelines, guidelines for on-premises signage are presented on pages 56-57.

1. Design Guidelines and on-premises signage: no internal illumination

VC's Design Guidelines permit illumination only by light projected on the sign; internally illuminated signs are not permitted. Presumably this includes Digital LED signs, as well. The rural character of the VC and other rural communities will be protected only if Digital LED signage regulations refer to and support our Design Guidelines.

2. Design Guidelines presume that "billboards" are not permitted.

Billboard design is not addressed in our Design Guidelines because, presumably, as we have always been told, off-premises commercial billboards are not permitted in Valley Center, period. We are concerned, however, that this issue be addressed explicitly especially for rural communities as the BOS considers options for Digital LED billboards which could quickly destroy the rural character that the community wants to protect.

Though not addressed explicitly, the INTENT of VC's signage design guidelines addresses the threat presented to rural character by allowing either billboards or Digital LED displays. It reads: *The purpose of this Guideline is to protect Valley Center's rural residential environment from the adverse impact of unnecessarily large or an excessive number of commercial signs. Valley Center's commercial properties should avoid the clutter of commercial signage common to more densely urbanized communities of the County.*

I believe that Design Guidelines for the six other communities are similar.

These concerns were discussed at the December meeting of the Valley Center Design Review Board meeting. The Board voted to pass them along to the Valley Center Planning Group, and to the County staff.

Thank you, Heather, for taking a look at the Digital LED issues in light of local community Design Guidelines and Community Plans.

Lael Montgomery, Chair
Valley Center Design Review Board



International Dark-Sky Association

"...to preserve and protect the nighttime environment and our heritage of dark skies through environmentally responsible outdoor lighting."

3223 North First Avenue, Tucson, AZ 85719, USA
tel +1.520.293.3198 | fax +1.520.293.3192
www.darksky.org | ida@darksky.org

December 20, 2012

Executive Director
Bob Parks

Managing Director
W. Scott Kardel

Emeritus
David L. Crawford, PhD

County of San Diego Planning & Development Services Advanced Planning Division
5510 Overland Avenue
San Diego, CA 92123

To County of San Diego Planning and Development Services Advanced Planning Division,

I am writing to you to express concern that San Diego County is considering allowing the use of electronic billboards. This seems to be in direct conflict with the County's existing ordinance on light pollution that seeks to "minimize light pollution to allow citizens of the County to view and enjoy the night environment and to protect the Palomar and Mount Laguna observatories from the detrimental effect that light pollution has on astronomical research."

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Allowing electronic billboards would reverse these night sky protections that are in place for your citizens and the astronomers at both Palomar Observatory and Mount Laguna Observatory. Nighttime use of electronic billboards makes them a tremendous source of light pollution. Much of the light emitted from these excessively bright devices directly brightens the night sky making them a significant threat to astronomical research, one of Southern California's most valuable economic and technical assets.

While the light of an LED electronic billboard does not shine directly upwards, it is instead projected sideways at angles that are above the horizontal. Research has shown that light emitted in this direction produces more light polluting skyglow than light emitted at higher angles, and that the effects of this low-angle light are visible over a much broader area.

Because of their detrimental affects on astronomy, earlier this year the State of Arizona outlawed the use of electronic billboards located within 75-miles of astronomical observatories. It is certain that permitting the use of electronic billboards within San Diego County would have a negative impact on the observatory's nightly astronomical research programs and forever change the character of the County's back country.

Electronic billboards are significantly brighter than standard billboards and the reach of their sideways-directed light extends far beyond the roadways, making them an annoying source of light trespass, not just for motorists, but also for anyone in their path.

IDA Offices

Hever, Belgium | Turrumurra, New South Wales, Australia



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Given the legitimate concerns expressed by others regarding electronic billboards' excessive energy use, their potential as a distraction to roadway motorists and the reasons provided above, I request that you do not allow the use of electronic billboards in the County.

Sincerely,

W. Scott Kardel
Managing Director
International Dark-Sky Association

IDA Offices

Washington, DC, USA | Hever, Belgium | Turramurra, New South Wales, Australia



20 October 2012

Ms. Heather Lingelser
County of San Diego
5510 Overland Avenue Suite 310
San Diego, CA 92123

Re: Billboard Signs

Dear Heather,

It was very nice talking with you the other day, regarding the potential issues involving billboard signs. I'm sure your meeting with representatives of the various sign companies was informative, and educational too!

As I mentioned when we spoke on the phone, it may be a good idea for the County to explore the potential impacts and revenues of installing LED signs on County owned property, either in conjunction with, or as an independent action from the initial direction given by the Board members. Changing your ordinance to permit LED signs appears to me to be a one-sided benefit, for the sign companies, at the expense of the County, not only for processing the necessary legal changes, but in lost revenue. Exploring a potential new revenue source in conjunction with changing the ordinance may be a better option.

Terra Realty Advisors, Inc. is currently working with the City of San Pablo, County of Solano, Solano Irrigation District, Vallejo Sanitation & Flood Control District, as well as two school districts in Los Angeles right now, exploring the concept, and issuing RFP's to solicit proposals for sign companies to lease various properties to install billboard signs: both static and LED. We have over 16 years of experience with billboard signs, acquiring and selling properties and buildings with outdoor signs, and negotiating billboard agreements with the sign companies for our public and private sector clients.

For your information, I've attached a brief synopsis of Terra Realty Advisors, Inc., as well as a flyer we published last year for our clients, relating to the consulting work we have done regarding signs. If you have any questions, or wish to discuss this matter in greater detail, please give us a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Sheldon", is written over the word "Sincerely,". The signature is fluid and cursive.

Scott Sheldon

cc Greg Sampson



Terra Realty Advisors, Inc. - Profile

Scott Sheldon is the founding Principal and President of Terra Realty Advisors, Inc. Terra Realty Advisors, Inc. was formed in 2008 to broaden and expand our public and private sector real estate consulting practice. We have extensive experience in the development, construction and ownership of Class A office buildings, in the Northern California area alone in excess of 500,000 square feet, over the past twenty five years. We have also developed or acquired approximately 250,000 feet of retail space, together with industrial "tilt-up" warehouses, apartment buildings, single-family home subdivisions, schools (public & private), and religious buildings.

Our consulting practice has assisted private owners and public agencies in the development, construction and/or acquisition of land for school sites, airport expansion, outdoor billboard signs, cell sites, golf course communities, storage facilities, corporation yards, auto body shop, car washes and single-family homes. During the past ten years, we have assisted many public agencies, including Cities, Counties and School Districts, throughout California with their strategic real estate needs, including: the development of public service buildings, negotiating and structuring acquisitions, sales and property exchanges, providing asset management solutions for the short and long term needs of our Clients, and interfacing with the development community to originate and implement mutually beneficial results for both.

Our thirty plus years of real estate experience allows us to be a leader in real property due diligence investigations, including forensic analysis of title, land and building matters, as well as other land use matters. We have successfully completed eminent domain work as lead negotiator and expert witness on behalf of several public sector clients; working with attorneys, appraisers, civil engineers and other consultants in both the Bay Area and Southern California. Our method is to recognize the goals and constraints of our Clients and the property, and to formulate and implement creative, market driven solutions to meet their needs, with the best information available.

Our knowledge of the strategic requirements of our clients as it relates to the use, development, due diligence coordination, entitlement and approval processes for their real estate assets, and being able to successfully complete projects and assignments, is unparalleled. A combination of professional experience and knowledge will allow Terra Realty Advisors, Inc. to successfully manage and provide timely advice to meet all your real estate needs.

Our Philosophy

Our organizational model revolves around active management, and establishing and maintaining complete and clear lines of communication. Our flat organizational structure allows

us flexibility in adapting to changing situations and markets. We accomplish this through constant monitoring and tracking of events that have happened, are happening, and need to happen. Using proprietary computer models, accounting software, scheduling software, and other databases, our team at Terra Realty Advisors, Inc. is fully committed to your real estate needs, to meet our agreed schedule. We can allocate and commit the necessary resources and personnel to accomplish our tasks in a timely way, and our past record demonstrates this ability.

Terra Realty Advisors, Inc.'s approach to our assignments are straightforward and clear; with the goal to provide timely and good quality information to our Clients, so informed decisions can be made rapidly and cost effectively, while understanding the implications of those choices. With Terra Realty Advisors, Inc. being the central repository for all information, schedules, and budgets, we are able to quickly and expeditiously answer questions and provide timely information and proposed direction, to keep everything on track and on budget. We are also the "Vital Records" keeper for all our Clients, so questions and information can be dealt with quickly, both during and after a projects' completion. To help make this happen, we have invested and embraced technology to assist us in all parts of our business; with the goal of being a "paperless" office achieved over 4 years ago.

Accurate and timely information on which to base decisions will help ensure success for our Clients. Creative solutions, with an iterative approach to resolving issues, will allow our Clients to focus on macro-decisions, not micro-processes to achieve their goals. Our approach and philosophy has proved successful time and time again for both our public, as well as private sector clients.

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Cordelia, CA



Free Standing Billboard Sign
Interstate 80/280
San Francisco, CA

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