



# CITY OF BUELLTON

## PLANNING COMMISSION AGENDA

**Regular Meeting of November 7, 2013 – 6:00 p.m.  
City Council Chambers  
140 West Highway 246, Buellton, California**

*Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.*

### **CALL TO ORDER**

Chair Mercado

### **PLEDGE OF ALLEGIANCE**

Commissioner Fussel

### **ROLL CALL**

Commissioners Lisa Figueroa, Jason Fussel, Foster Reif, Vice Chair Craig Adams and Chair Art Mercado

### **REORDERING OF AGENDA**

### **APPROVAL OF MINUTES**

- 1. Minutes of the regular Planning Commission meeting of October 17, 2013**

### **PUBLIC COMMENTS**

*Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.*

### **CONSENT CALENDAR**

None

### **CONTINUED PUBLIC HEARINGS**

None

### **NEW PUBLIC HEARINGS**

None

### **OTHER BUSINESS**

- 2. Review of Community Identification Sign**

**WRITTEN COMMUNICATIONS**

**PLANNING COMMISSIONER COMMENTS**

**PLANNING DIRECTOR REPORT**

**ADJOURNMENT**

To the next regularly scheduled Planning Commission meeting of Thursday, November 21, 2013, at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

\* Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

# CITY OF BUELLTON

## PLANNING COMMISSION MEETING MINUTES

Regular Meeting of October 17, 2013 – 6:00 p.m.  
City Council Chambers, 140 West Highway 246  
Buellton, California

### CALL TO ORDER

Chair Mercado called the meeting to order at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Commissioner Figueroa led the Pledge of Allegiance

### ROLL CALL

Present: Commissioners Lisa Figueroa, Jason Fussel, Foster Reif, Vice  
Chair Craig Adams and Chair Art Mercado

Staff: City Manager Marc Bierdzinski  
Staff Assistant/Planning Technician Clare Barcelona

### REORDERING OF AGENDA

None

### APPROVAL OF MINUTES

1. **Minutes of the joint Planning Commission and Parks & Recreation Commission meeting of October 3, 2013**

#### MOTION:

Commissioner Reif moved and Commissioner Fussel seconded the motion to approve the Minutes of October 3, 2013.

#### VOTE:

Motion passed by 5-0 voice vote.

### PUBLIC COMMENTS

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

None

**OTHER BUSINESS**

**2. Summary of Vision Goals and Economic Development**

**STAFF REPORT:**

City Manager Bierzinski presented the staff report and slide presentation summarizing the Kosmont Report and updated the Commission on the status of the action items.

**DOCUMENTS:**

Staff report with attachments (Action Items Operational, Action Items In Progress, Action Items Pending and Kosmont Companies Economic Status Report)

**SPEAKERS/DISCUSSION:**

Peggy Brierton, 225 Teri Sue Lane, Buellton, stated she was impressed by the report but voiced concerns regarding any increase in fast food restaurants.

**WRITTEN COMMUNICATIONS**

None

**PLANNING COMMISSIONER COMMENTS**

None

**PLANNING DIRECTOR REPORT**

Mr. Bierzinski updated the Commission on upcoming events and recent City Council actions.

**ADJOURNMENT**

Chair Mercado adjourned the meeting at 6:35 p.m. to the next regular scheduled meeting of the Planning Commission to be held November 7, 2013 at the City Council Chambers, 140 West Highway 246, Buellton.

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Art Mercado, Planning Commission Chair

ATTEST:

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Clare Barcelona, Planning Commission Secretary

**An audio CD of this Planning Commission Meeting is available upon request**

**CITY OF BUELLTON**  
Planning Commission Agenda Staff Report

Planning Director Review: MPB  
Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members  
From: Marc Bierdzinski, City Manager/Planning Director  
Date: November 7, 2013  
Subject: Review of Community Identification Sign - Digital

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**BACKGROUND**

The Planning Commission reviewed a zoning code amendment regarding community identification signs at their January 3 and 17, 2013, meetings, and made recommendations on the code amendment to the City Council. On March 14, 2013, the City Council adopted the code amendment. The following is the adopted wording regarding community identification signs:

*d. A community identification sign that identifies Buellton to freeway travellers under the following conditions:*

- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).*
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.*
- iii. The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet.*
- iv. All lighting shall be directed downward.*
- v. The primary copy of the sign shall be the identification of Buellton to freeway travellers. However, a maximum of two Buellton or Santa Ynez Valley businesses or community organizations may be listed on each face of the sign. Each business shall be limited to a maximum of 1/3 of the area of the sign.*
- vi. The sign shall be approved pursuant to the Planning Commission Exemption process identified in Section 19.04.174(A)(2) of this title.*
- vii. The sign shall be for non-profit purposes and shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau.*
- viii. Businesses to be located on the sign shall be approved by the Buellton Chamber of Commerce/Visitor's Bureau upon a recommendation from the City's Economic Development Task Force.*

ix. *Maintenance of the sign shall be in accordance with Section 19.04.174(C) of this Title.*

On September 5, 2013, the Planning Commission reviewed a proposal from the Chamber of Commerce regarding using digital technology for the Community Identification Sign. The Commission and the public thought the proposal had merit, but had some concerns about the revolving sign copy and whether a digital sign fits into the City's small town feel. The Commission continued the item to have the following additional information provided for consideration:

- Checking with other cities to see how they addressed digital billboards while keeping a small town feel
- The definition of a revolving/rotating sign
- The wording from the Federal Highway Administration on how often digital signs can transition

Staff has checked with other cities and digital signs with the following responses:

- Emeryville in the bay area does not permit electronic signs
- Shasta Lake in northern California adopted regulations allowing electronic readerboards with conditions. Commercial advertising is not permitted and the sign must be off between the hours of 10 p.m. and 6 am. The amount of time between messages is 4 seconds. The City determined that changing messages every 4 seconds does not constitute an animated or revolving type of sign. No complaints have been received
- A planner from Cupertino suggested restricting an illuminated sign on the basis of glare, or the added distraction resulting from a changing "slide show" format, whereby the sign cycles through multiple announcements. A recommended condition is that we prohibit white backgrounds or predominantly light backdrops as they can be blinding at night to drivers. You could also choose to restrict the placement such that it is predominantly oriented towards drivers on an exit ramp
- A former central coast planner working in San Clemente thinks such a sign would be way out of character with Buellton and the Central Coast. San Clemente High School installed a relatively small digital sign on a major arterial, in part to announce community events, and now it's widely regarded as an eyesore

The Planning Commission would need to make the determination that a sign that changes copy every 8 to 10 seconds is not an animated sign as long as the sign copy does not move or flash or otherwise meet the definition of an animated sign. That is what the City of Shasta Lake determined.

Attachment 1 is standards for digital signs. Attachment 2 is the FHA regulations regarding changeable message signs.

## **RECOMMENDATION**

That the Planning Commission review and comment on the use of digital technology for the Community Identification Sign.

**ATTACHMENTS**

Attachment 1 – Digital Billboard Operation Standards

Attachment 2 – Guidance On Off Premise Changeable Message Signs

Attachment 1

**Digital Billboard Operation Standards:**

Digital Billboards will display only static advertising copy.

Transition: Transitions between each static message shall be accomplished in less than 1 second without animated effects.

Each display must have a light sensing device that will automatically adjust the display brightness as ambient light conditions change.

Accordance with Federal Hwy Administration of 4-10 seconds (Recommend 8 seconds)

Each display will operate within the industry standard, regulatory brightness criteria:

Recommended regulatory criteria:

Display will not increase lighting level by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance.

Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurements should be taken perpendicular to the face. Measurement distance criteria:

Nominal Distance to

Face Size measure from

12' x 24' 150'

10'6 x 36' 200'

14' x 48' 250'

20' x 60' 350'

(The industry recommended criteria follows the lighting standards established by the Illuminating Engineering Society of North America (IESNA). The Outdoor Advertising Association of America and member companies voluntarily adhere to the following standard.)



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Laws, Regs and Policy Guidance

Guidance On Off-Premise Changeable Message Signs

 U.S. Department of Transportation <b>Federal Highway Administration</b>	<h2 style="margin: 0;">Memorandum</h2>
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Subject:	<b>INFORMATION:</b> Guidance On Off-Premise Changeable Message Signs	Date:	September 25, 2007
	<b>ORIGINAL SIGNED BY:</b> Gloria M. Shepherd		
From:	Gloria M. Shepherd Associate Administrator for Planning, Environment, and Realty	Reply to	HEPR-20
To:	Division Administrators ATTN: Division Realty Professionals		

**Purpose**

The purpose of this memorandum is to provide guidance to Division Realty Professionals concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996, memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain the FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and the Division offices should provide a determination as to whether the State should allow off-premises changeable Electronic Variable Message Signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). The Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as, those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for the FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. **Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.**

This guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

**Background**

The HBA requires States to maintain *effective control* of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or

unzoned commercial or industrial areas. Signs displays and devices whose *size, lighting and spacing are consistent with customary use determined by agreement between the several States and the Secretary*, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, the Office of Real Estate Services issued a memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that the FHWA has *"always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual FSAs."* It was expressly noted that *"in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and the FHWA to interpret the agreements with those changes in mind."* The July 17, 1996, memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs *"regardless of the type of technology used"* are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the July 17, 1996, memorandum.

The policy espoused in the July 17, 1996, memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

#### **Discussion**

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.

This guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, the Divisions should consider all relevant information, including, but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. The Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by the Divisions to date, contain some or all of the following standards:

- Duration of Message
  - Duration of each display is generally between 4 and 10 seconds - 8 seconds is recommended.
- Transition Time
  - Transition between messages is generally between 1 and 4 seconds - 1-2 seconds is recommended.
- Brightness
  - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.

- Spacing
  - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.
- Locations
  - Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

Other standards that the States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

### Conclusion

This guidance is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, the Office of Realty Estate Services is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

For further information on guidance on *Off-Premise Changeable Message Signs*, you may contact the Office of Real Estate Services' "Point of Contact" serving your Division or the contact on this page.

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