



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of March 3, 2016 – 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 Foster Reif

PLEDGE OF ALLEGIANCE

Commissioner Dunstan

ROLL CALL

Commissioners Brian Dunstan, Dan Heedy, Joe Padilla, Vice Chair Art Mercado and Chair Foster Reif

REORDERING OF AGENDA

PRESENTATIONS

None

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of February 18, 2016**

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. Discussion of Community Identification Signs

❖ *(Staff Contact: City Manager Marc Bierdzinski)*

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, March 17, 2016 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 February 18, 2016 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

CALL TO ORDER

Chair Reif called the meeting to order 6:01 p.m.

PLEDGE OF ALLEGIANCE

Chair Reif led the Pledge of Allegiance

ROLL CALL

Present: Commissioners, Dan Heedy, Joe Padilla, Vice Chair Art Mercado
and Chair Foster Reif

Absent: Commissioner Brian Dunstan

Staff: City Manager Marc Bierdzinski
Public Works Director Rose Hess
Assistant Planner Andrea Olson
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of January 21, 2016

MOTION:

Vice Chair Mercado moved and Chair Reif seconded the motion to approve the Minutes of January 21, 2016

VOTE:

Motion passed by 3-0 voice vote with abstention by Commissioner Padilla due to his absence from the meeting.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

- 2. **Resolution No. 16-01 - “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (15-FDP-01) for the Chumash Mixed Use Project Which Includes a Mixed Use Building on 0.76 Acres Located at 560 Avenue of Flags, Assessor’s Parcel Number 137-170-011, and Making Findings in Support Thereof”**

RECOMMENDATION:

That the Planning Commission consider the adoption of Resolution No. 16-01 - “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (15-FDP-01) for the Chumash Mixed Use Project Which Includes a Mixed Use Building on 0.76 Acres Located at 560 Avenue of Flags, Assessor’s Parcel Number 137-170-011, and Making Findings in Support Thereof”

DOCUMENTS:

Planning Department Staff Report with attachments (Vicinity Map, Architectural, Landscape and Civil Plans, Color Renderings, Mixed Use Regulations, Resolution No. 16-01)

STAFF REPORT:

Assistant Planner Andrea Olson presented the staff report.

SPEAKERS/DISCUSSION:

This Public Hearing is being continued from the January 21, 2016 Planning Commission meeting.

Sid Goldstien Project Engineer introduced David Martinez, representing the Chumash Tribe and Dan Townsend, Contractor, Young Construction. Mr. Goldstien presented an overview of the proposed project and stated he was available for questions.

David Goldstien, Architect, presented the elevations and described the design features of the project.

The Commission discussed the following issues:

- A joint use agreement between the Buellton Apartments and this project to share open space (playground)
- The proposed modification increasing the height to 35.82 feet
- Modify Condition #26 to remove the project buildings only from the flood zone, not the entire project

Chair Reif closed the Public Hearing at 6:37 p.m.

MOTION:

Chair Reif moved and Commissioner Padilla seconded the motion to adopt Resolution No. 16-01 and waive further reading with the change to Condition #26 as discussed.

VOTE:

Motion passed with a 4-0 roll call vote.

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

None

PLANNING DIRECTOR REPORT

City Manager Bierdzinski updated the Commission on recent City Council actions and the status of various projects.

ADJOURNMENT

Chair Reif adjourned the meeting at 6:47 p.m. to the next regular scheduled meeting of the Planning Commission to be held March 3, 2016 at the City Council Chambers, 140 West Highway 246, Buellton.

Foster Reif, Planning Commission Chair

ATTEST:

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
Planning Commission Agenda Item No: 2

To: The Honorable Chair and Commission Members
From: Marc P. Bierdzinski, City Manager
Date: March 3, 2016
Subject: Discussion of Community Identification Signs

BACKGROUND

At the February 5, 2015, Planning Commission meeting, the Planning Commission requested a memo from the City Attorney regarding the legal ramifications of using commercial sponsors on the Community ID Signs. The following attachments are included with this staff report:

- Attachment 1 – current wording of the Community ID Sign regulations
- Attachment 2 – previous staff reports and minutes
- Attachment 3 – memo from the City Attorney

The following is the conclusion from the City Attorney's memo:

The regulations for the community identification sign in the City's Sign Code are not entirely consistent with the requirements of the Outdoor Advertising Act. In order to maintain consistency with the Outdoor Advertising Act, the community identification sign must either be located more than 660 feet from the edge of the Highway 101 right-of-way, or the sign must not identify any businesses. Furthermore, the inclusion of businesses on the sign would likely result in a First Amendment challenge. Based on the available facts, it appears that such a challenge would be successful.

Based on this conclusion, the best plan of action may be to amend the regulations to eliminate any commercial wording on the Community ID Signs. Then it would truly be for community and City events and not a billboard that would advertise commercial businesses. The Commission also decided against a digital sign on February 5.

The other alternative discussed on February 5 was adding a community ID sign to the freeway overpasses. This is still an alternative, and would function the same as a stand-alone Community ID Sign with no commercial advertising. The issue here is whether a freeway overpass sign would be more aesthetically pleasing than a large Community ID sign adjoining the freeway.

RECOMMENDATION

That the Planning Commission receive public input and provide direction to staff on amendments to the Community ID Sign regulations.

ATTACHMENTS

Attachment 1 – Existing Ordinance – Community ID Signs

Attachment 2 – Prior Staff Reports and Minutes

Attachment 3 – Memo from the City Attorney

Attachment 1

Current Community Identification Sign Regulations

Section 19.07.170 Sign Title

Sub-Section E – Prohibited Signs

Sub-Section 6 – Off Premises Signs Permitted

- 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 one hundred (100) feet of Highway 101 and is only allowed in the CR and M zoning districts.
 - iii. The sign shall be a maximum of thirty-five (35) feet in height and the sign area shall be a maximum of one thousand two hundred (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 one-third 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.

ATTACHMENT 2

CITY OF BUELLTON Planning Commission Agenda Staff Report

Planning Director Review: MPB/CB
Planning Commission Agenda Item No: 6

To: The Honorable Chair and Commission Members

From: Marc P. Bierdzinski, AICP, Planning Director

Date: January 3, 2013

Subject: Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted.

The proposed wording is contained in Exhibit A to Resolution No. 13-01. New wording is underlined and deleted wording is in strikeout. The wording that has been added sets more parameters for the community identification sign, including size and height. The current wording for these types of signs could allow signs that are larger and taller than what is being proposed.

In summary, the following changes are proposed:

- Only one community identification sign shall be permitted (existing vested billboards do not count against this total). *The current code allows two of these signs*
- The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts. *The current code does not specify location or zoning*

ATTACHMENT 2

- The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet. *The current code does not contain height or size standards*
- All lighting shall be directed downward. *The current code does not contain standards to protect night skies*
- 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 may be listed on each face of the sign. *The current code does not permit businesses to be on the signs – this change is being proposed to promote economic development*
- The sign shall be approved pursuant to the zoning clearance process identified in Section 19.08.100 of this title. *The current code requires approval of the signs by the Planning Commission – since standards are now being established staff recommends that the sign can be approved by staff*
- The sign shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor's Bureau. *The current code does not specify who can sponsor the sign*

The Chamber of Commerce has provided draft examples of what such a sign would look like from a size and height standpoint (Attachments A and B).

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RECOMMENDATION

Staff recommends that the Planning Commission consider adoption of Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

ATTACHMENTS

Attachment A – Possible Sign (view southbound)
Attachment B – Possible Sign (view northbound)
Resolution No. 13-01 with Exhibit A

Attachment A

101 Southbound Facing Traffic

This image is for conversational demonstration only.

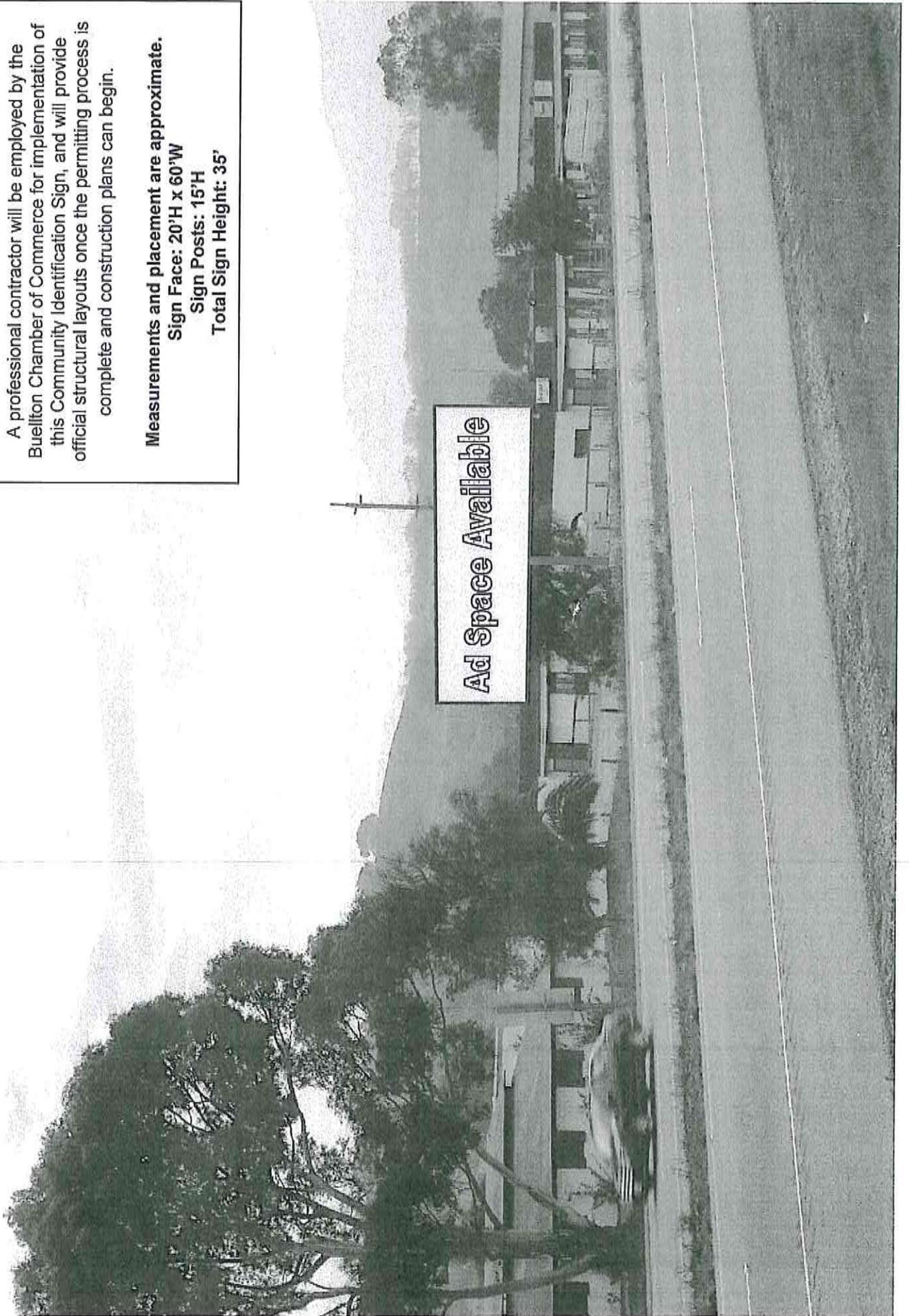
A professional contractor will be employed by the Buellton Chamber of Commerce for implementation of this Community Identification Sign, and will provide official structural layouts once the permitting process is complete and construction plans can begin.

Measurements and placement are approximate.

Sign Face: 20'H x 60'W

Sign Posts: 15'H

Total Sign Height: 35'



Attachment B

101 Northbound Facing Traffic

This image is for conversational demonstration only.

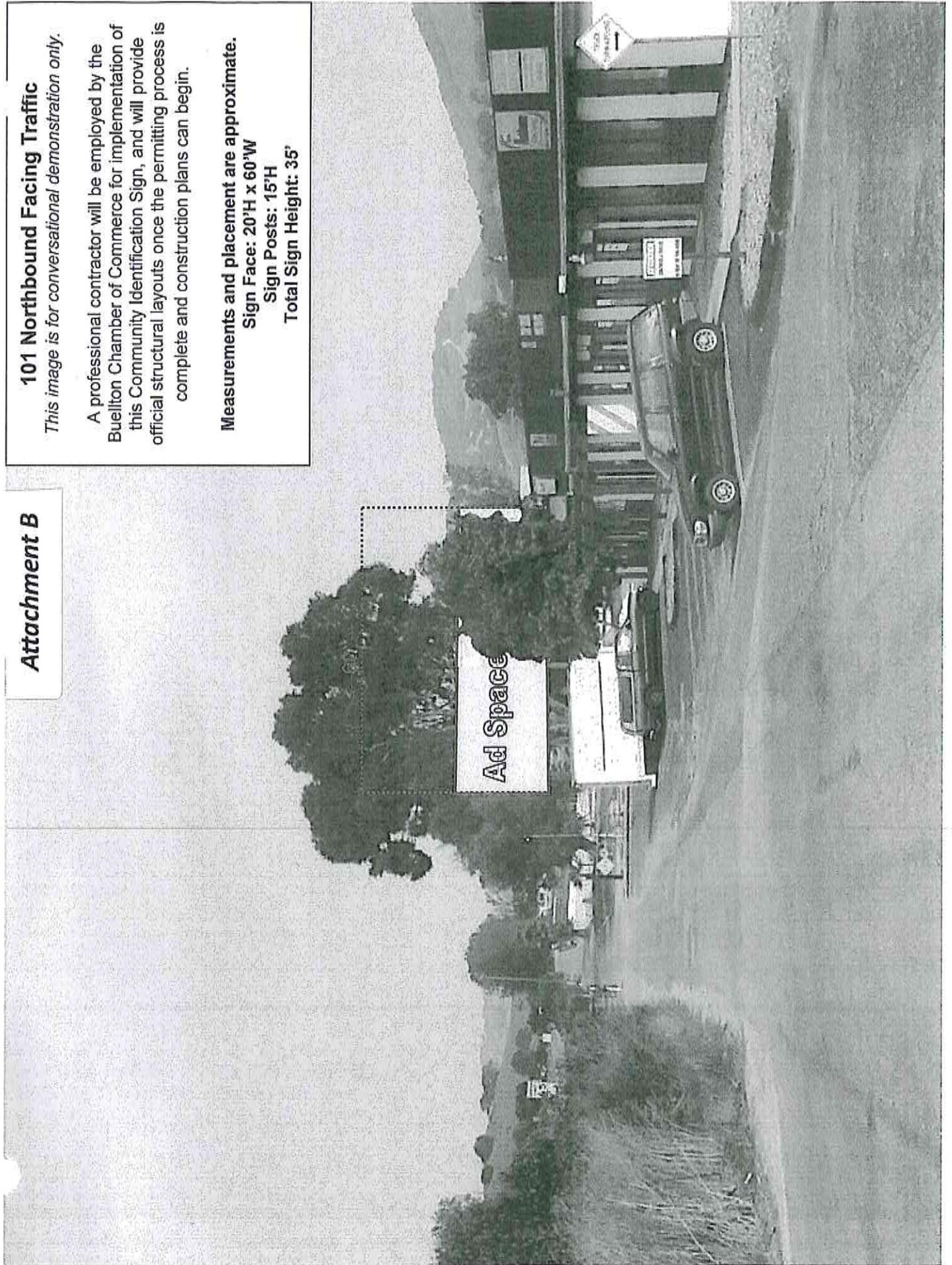
A professional contractor will be employed by the Buellton Chamber of Commerce for implementation of this Community Identification Sign, and will provide official structural layouts once the permitting process is complete and construction plans can begin.

Measurements and placement are approximate.

Sign Face: 20'H x 60"W

Sign Posts: 15'H

Total Sign Height: 35'



ATTACHMENT 2

Planning Commission Resolution No. 13-01

A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof

SECTION 1: The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted and noted in Exhibit A to this resolution.

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on January 3, 2013 ("Public Hearing").
 2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearing.
 3. The following informational documents which, by this reference, are incorporated herein.
 - a. That staff report submitted by the Planning Department dated January 3, 2013 (the "Staff Report").
- B. **Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:
1. A notice was published in a newspaper on December 20, 2012 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
 2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on December 20, 2012, a minimum of 10 days before the Public Hearing.

ATTACHMENT 2

- C. **Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- D. **Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the Planning Commission does hereby declare as follows:
1. **Zoning Ordinance Amendments.**
 - a. **Findings:**
 - i. The Amendment is in the interests of the general community welfare as it promotes economic development.
 - ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
 - iii. The Amendment is consistent with good zoning and planning practices.

SECTION 3. The Planning Commission hereby recommends that the City Council adopt an ordinance to amend Title 19 of the Buellton Municipal Code in accordance with the changes noted on Exhibit A to this resolution.

SECTION 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

PASSED, APPROVED, AND ADOPTED this 3rd day of January 2013.

Jason Fussell, Chairman

Exhibit A – Draft Ordinance Wording

ATTEST:

Clare Barcelona, Planning Commission Secretary

ATTACHMENT 2

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) SS
CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 13-01 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 3rd day of January 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of January 2013.

Clare Barcelona
Planning Commission Secretary

ATTACHMENT 2

EXHIBIT A

19.04.170 Sign Title

E. Prohibited Signs

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

d. ~~A~~ Community identification signs that identify Buellton to freeway travellers under the following conditions: , provided that no more than two such signs may be allowed, the signs shall not identify individual businesses, and the signs shall be subject to the approval of an exemption by the Planning Commission (Section 19.04.174(A)(2)).

- 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 may be listed on each face of the sign.
- vi. The sign shall be approved pursuant to the zoning clearance process identified in Section 19.08.100 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. Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign.

2. Committee Appointment – CDBG Committee

Motion by Jason Fussel and seconded by Lisa Figueroa to nominate Craig Adams to continue service on the CDBG Committee
Motion passed with a 4-0 voice vote.

PRESENTATIONS

3. Presentation to outgoing Chairman, Jason Fussel

Vice Chair Adams presented an engraved mug to outgoing Chairman Jason Fussel, commemorating his year of service as Planning Commission Chair.

APPROVAL OF MINUTES

4. Minutes of the regular Planning Commission meeting of December 6, 2012

MOTION:

Commissioner Reif moved and Commissioner Fussel seconded the motion to approve the Minutes of December 6, 2012 with a correction stating that Commissioner Reif led the Pledge of Allegiance.

VOTE:

Motion passed by 4-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

5. 2013 Schedule of Planning Commission Meetings

The Commission was presented a schedule of the 2013 Planning Commission meetings.

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

6. Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.D, Community Identification Signs, and Making Findings in Support Thereof”

STAFF REPORT:

Planning Director Bierdzinski presented the Staff Report.

DOCUMENTS:

Staff Report with attachments (Attachment A – Possible Sign (view southbound)

Attachment B – Possible Sign (view northbound)

Resolution No. 13-01 with Exhibit A

DISCUSSION/SPEAKERS:

The Commission discussed the economic value of such a sign and the status of the two existing billboards.

Vice Chair Adams opened the Public Hearing at 6:14 p.m.

Ron Anderson, President of the Buellton Chamber of Commerce addressed the Commission stating that this code revision would help promote economic development by drawing attention to Buellton and local businesses.

Peggy Brierton, 225 Teri Sue Lane, Buellton, suggested that only Buellton businesses be allowed to advertise on the sign and asked that the sign not have a “cluttered” look. She also stated that the final sign should be approved by the Planning Commission.

Vice Chair Adams closed the Public Hearing at 6:23 p.m.

The Commission discussed the following:

- Size of the proposed sign;
- Clarification of the percentage of space devoted to business advertisements;
- The status of the existing billboards

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce addressed the Commission to state that the Chamber currently supports the existing billboards and is responsible for the utilities and upkeep of these signs.

Vice Chair Adams re-opened the Public Hearing at 6:35 p.m.

Judi Stauffer, 1610 Cougar Ridge Road, Buellton, stated that she is not against signs but questioned why this item did not go before the Sign Committee. She went on to state that it might be helpful to have a comprehensive economic development plan in order to determine how a sign would best be utilized in order to advance the City’s economic development.

Staff suggested continuing the Public Hearing to the January 17, 2013 Planning Commission meeting and will meet with the Chamber of Commerce to discuss and address the Commission’s concerns.

Vice Chair Adams requested additional examples showing the sign perspective from the freeway.

MOTION

Commissioner Reif moved and Commissioner Fussel seconded the motion to continue the Public Hearing to the January 17, 2013 Planning Commission meeting.

VOTE

Motion passed with a 4-0 voice vote.

OTHER BUSINESS**7. Preliminary Review of the Buellton Apartments – A Proposed 62 Unit AHOZ Project on the old “Zoo” Property.**

Planning Director Bierdzinski informed the Commission that this is a preliminary review of the proposed project and that the purpose of this meeting is to solicit input from the Planning Commission so as to include their comments in the incomplete letter prepared by Staff. He then briefly summarized the project.

Sid Goldstein, Project Agent, described the design aspects of the project.

David Goldstein, Architect, stated that the development will have two sections that are three stories in height and that he is available to work with Staff on any architectural issues.

Eldon Schiffman, Treasurer and CFO for the Chumash Tribe, informed the Commission of the city's need for affordable housing and economic development.

The Commission provided input regarding the following:

- Flood concerns;
- Identify the path material;
- Lighting should be night sky friendly and LED or induction;
- The size of the proposed lot;
- Number of replacement trees and protection of existing oak trees;
- Clarification of the open space areas;
- Pre-treatment of run-off water from downspouts before directing to gravel beds;
- The general look of the proposed project that could be made more attractive;
- Concerns regarding close proximity to the freeway and noise issues;
- Height concerns;
- Bicycle parking should be identified

Peggy Brierton, 225 Teri Sue Lane, Buellton, voiced concerns regarding excessive tree removal, asked if the project could contain any commercial components in order to add to the downtown area. She had concerns regarding the density, the proposed alleyway onto the Avenue of Flags, suggested making it a street instead of an alley and stated that Buellton needs quality development.

Kerry Moriarty, 597 Avenue of Flags, Buellton, stakeholder, developer, member of the Visioning Committee and owner of property on the Avenue of Flags, expressed

ATTACHMENT 2

CITY OF BUELLTON Planning Commission Agenda Staff Report

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

To: The Honorable Chair and Commission Members

From: Marc P. Bierdzinski, AICP, Planning Director

Date: January 17, 2013

Subject: Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

At the January 3, 2013, Planning Commission meeting, the public hearing on this item was left open by the Planning Commission with direction to staff to research some additional wording for the proposed ordinance. For your reference, the January 3, 2013, staff report is included as Attachment A.

The following are the changes to the ordinance:

- The approving body for these signs has been changed back to the Planning Commission.
- The businesses on the signs would be reviewed by the City’s Economic Development Task Force comprised of Chamber, staff, and City Council representatives. The task force would make recommendations to the Chamber.
- The “Welcome to Buellton” message and the two businesses would each comprise 1/3 of the sign.
- Maintenance of the sign is addressed through Section 19.04.174(C) of the sign code. This section of the code applies to all signage in the City and is worded as follows:
 - *All signs shall be maintained in a safe, legible condition, and shall not be in a state of disrepair. Sign face messages must be removed from an abandoned sign if a location has been out of business for six months or more; however, the sign structure may remain if property owner is actively pursuing a new tenant or buyer. “Disrepair” shall include, but*

not be limited to, burned out lights, broken sign faces or sign structures, peeling paint, and weathered or discolored sign faces or structures.

The Chamber of Commerce has provided revised draft examples of what such a sign would look like from a size and height standpoint from both directions on the freeway (Attachments B through E).

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RECOMMENDATION

Staff recommends that the Planning Commission consider adoption of Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof”

ATTACHMENTS

- Attachment A – January 3, 2013, Staff Report
- Attachment B – Possible Sign (view southbound)
- Attachment C – Close up of southbound layout
- Attachment D – Possible Sign (view northbound)
- Attachment E – Close up of northbound layout
- Resolution No. 13-01 with Exhibit A



Attachment B

Welcome to Buellton

GATEWAY TO THE VALLEY

Attachment C

www.VisitBuellton.com

Wine and Chili Festival, March 17

Buellton Visitors Center (Exit Avenue of the Flags)



Attachment D

The Florida
BULLETIN

FLORIDA
BULLETIN

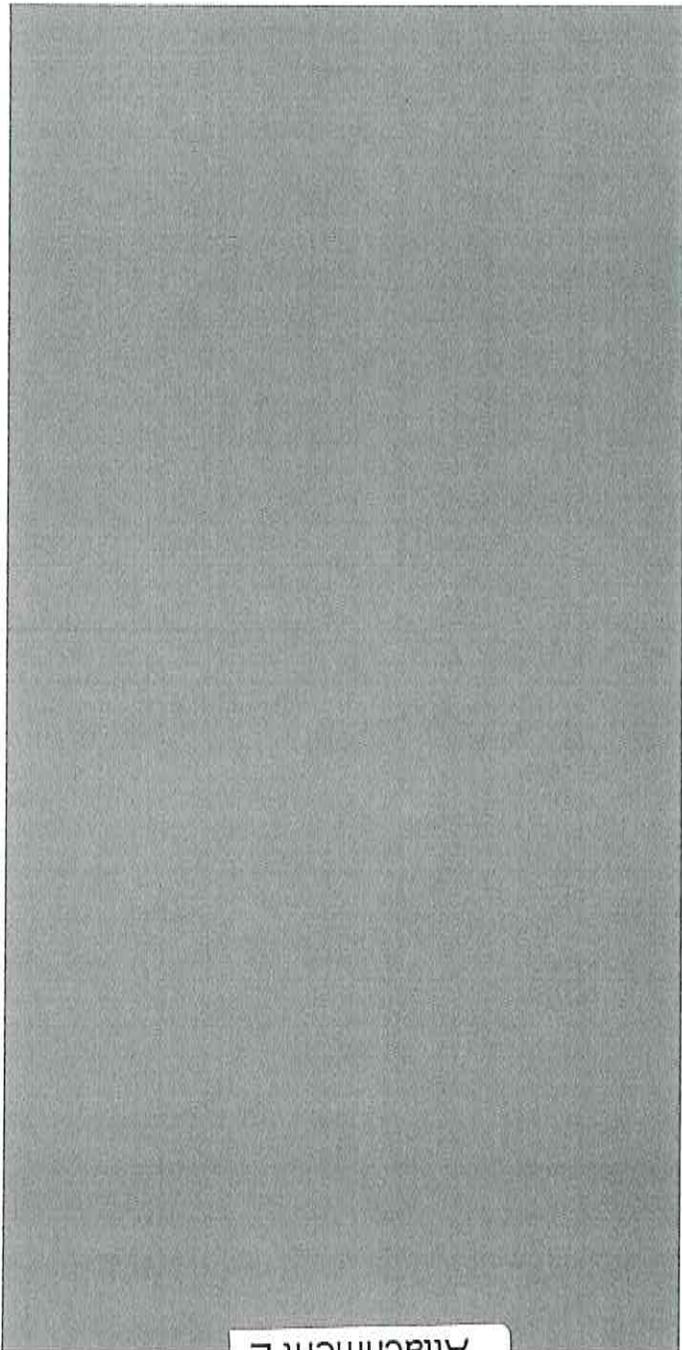
www.floridabulletin.com

Now Serving
BUELLTON

UPCOMING EVENTS
Wine & Chili Festival
March 17

Plan your next trip at

WWW.VISITBUELLTON.COM



ATTACHMENT 2

Planning Commission Resolution No. 13-01

A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs, and Making Findings in Support Thereof

SECTION 1: The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted and noted in Exhibit A to this resolution.

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearings conducted by the Planning Commission on January 3, 2013, and January 17, 2013 (“Public Hearings”).
 2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearings.
 3. The following informational documents which, by this reference, are incorporated herein.
 - a. That staff report submitted by the Planning Department dated January 17, 2013 (the “Staff Report”).
- B. **Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:
1. A notice was published in a newspaper on December 20, 2012 (the “Public Notice”), a minimum of ten (10) days in advance of the January 3, 2013, Public Hearing.
 2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on December 20, 2012, a minimum of 10 days before the January 3, 2013, Public Hearing.

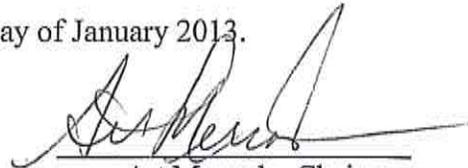
ATTACHMENT 2

- C. **Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- D. **Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the Planning Commission does hereby declare as follows:
1. **Zoning Ordinance Amendments.**
- a. **Findings:**
- i. The Amendment is in the interests of the general community welfare as it promotes economic development.
- ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendment is consistent with good zoning and planning practices.

SECTION 3. The Planning Commission hereby recommends that the City Council adopt an ordinance to amend Title 19 of the Buellton Municipal Code in accordance with the changes noted on Exhibit A to this resolution.

SECTION 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

PASSED, APPROVED, AND ADOPTED this 17th day of January 2013.



Art Mercado, Chairman

Exhibit A – Draft Ordinance Wording

ATTEST:



Clare Barcelona, Planning Commission Secretary

ATTACHMENT 2

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) SS
CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 13-01 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 17th day of January 2013, by the following vote, to wit:

AYES: (3) Commissioner Figueroa, Vice Chair Adams & Chairman Mercado

NOES: (0)

ABSENT: (2) Commissioner Fussel, Commissioner Reif,

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of January 2013.



Clare Barcelona
Planning Commission Secretary

ATTACHMENT 2

EXHIBIT A (Revised January 17, 2013)

19.04.170 Sign Title

E. Prohibited Signs

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

d. ~~A~~ Community identification signs that identifies Buellton to freeway travellers under the following conditions: , provided that no more than two such signs may be allowed, the signs shall not identify individual businesses, and the signs shall be subject to the approval of an exemption by the Planning Commission (Section 19.04.174(A)(2)).

- 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 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. Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign.
- 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.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

- 2. **Resolution No. 13-01 – “A Resolution of the Planning Commission of the City of Buellton, California, considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.D, Community Identification Signs, and Making Findings in Support Thereof”**

STAFF REPORT:

Planning Director Bierdzinski presented the Staff Report.

DOCUMENTS:

Staff Report with attachments (Attachment A – January 3, 2013, Staff Report, Attachment B – Possible Sign (view southbound), Attachment C – Close Up of Southbound Layout, Attachment D – Possible Sign (view northbound), and Attachment E – Close Up of Northbound Layout)
Resolution No. 13-01 with Exhibit A

DISCUSSION/SPEAKERS:

The Public Hearing was left open on January 3, 2013.

There being no public comments, Chair Mercado closed the Public Hearing at 6:06 p.m.

MOTION

Commissioner Figueroa moved and Vice Chair Adams seconded the motion to adopt Resolution No. 13-01.

VOTE

Motion passed with a 3-0 roll call vote.

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

ATTACHMENT 2

CITY OF BUELLTON City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 5

To: The Honorable Mayor and City Council

From: Planning Commission
By: Marc Bierdzinski, Planning Director

Meeting Date: February 28, 2013

Subject: Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Introduction and First Reading)

BACKGROUND

The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted.

The proposed wording is contained in Ordinance No. 13-02. New wording is underlined and deleted wording is in strikeout. The wording that has been added sets more parameters for the community identification sign, including size and height. The current wording for these types of signs could allow signs that are larger and taller than what is being proposed.

In summary, the following changes are proposed:

- Only one community identification sign shall be permitted (existing vested billboards do not count against this total). *The current code allows two of these signs*
- The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts. *The current code does not specify location or zoning*

ATTACHMENT 2

- The sign shall be a maximum of 35 feet in height and the sign area shall be a maximum of 1,200 square feet. *The current code does not contain height or size standards*
- All lighting shall be directed downward. *The current code does not contain standards to protect night skies*
- 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 may be listed on each face of the sign. The “Welcome to Buellton” message and the two businesses would each comprise 1/3 of the sign. *The current code does not permit businesses to be on the signs – this change is being proposed to promote economic development*
- The sign shall be sponsored by the City of Buellton or the Buellton Chamber of Commerce/Visitor’s Bureau. The businesses on the signs would be reviewed by the City’s Economic Development Task Force comprised of Chamber, staff, and City Council representatives. The task force would make recommendations to the Chamber. *The current code does not specify who can sponsor the sign*

These signs would still require review and approval by the Planning Commission. In addition, maintenance of the signs are addressed through existing Section 19.04.174(C) of the sign code. This section of the code applies to all signage in the City and is worded as follows:

All signs shall be maintained in a safe, legible condition, and shall not be in a state of disrepair. Sign face messages must be removed from an abandoned sign if a location has been out of business for six months or more; however, the sign structure may remain if property owner is actively pursuing a new tenant or buyer. “Disrepair” shall include, but not be limited to, burned out lights, broken sign faces or sign structures, peeling paint, and weathered or discolored sign faces or structures.

The Chamber of Commerce has provided draft examples of what such a sign would look like from a size and height standpoint from both directions on the freeway (Attachments 1 through 4).

At their January 17, 2013, public hearing, the Planning Commission adopted Resolution No. 13-01 (Attachment 5) which recommends that the City Council adopt the proposed Zoning Ordinance amendments.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ATTACHMENT 2

FISCAL IMPACT

No fiscal impacts are anticipated as a result of the proposed Zoning Ordinance Amendment.

RECOMMENDATION

That the City Council consider the introduction and first reading of Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” by title only and waive further reading.

ATTACHMENTS

- Ordinance No. 13-02
- Attachment 1 – Possible Sign (view southbound)
- Attachment 2 – Close up of southbound layout
- Attachment 3 – Possible Sign (view northbound)
- Attachment 4 – Close up of northbound layout
- Attachment 5 – Planning Commission Resolution No. 13-01

ATTACHMENT 2

ORDINANCE NO. 13-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, AMENDING TITLE 19 (ZONING) OF THE BUELLTON MUNICIPAL CODE (13-ZOA-01) RELATING TO SECTION 19.04.170.E.6.d, COMMUNITY IDENTIFICATION SIGNS AND MAKING FINDINGS IN SUPPORT THEREOF

SECTION 1: The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted. The Planning Commission held public hearings on January 3, 2013, and January 17, 2013, and reviewed the suggested changes to this section and has recommended approval of the changes on a 3-0 vote as noted in Planning Commission Resolution No. 13-01.

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

- A. Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the City Council considered the following:
1. All public testimony, both written and oral, received in conjunction with the public hearings conducted by the Planning Commission on January 3, 2013, and January 17, 2013 (“Planning Commission Public Hearings”).
 2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearings.
 3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on February 28, 2013 (“City Council Public Hearing”).
 4. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.
 5. The following informational documents which, by this reference, are incorporated herein.

ATTACHMENT 2

- a. That certain written report submitted to the City Council dated February 28, 2013 (the "Staff Report").
 - b. The report and recommendation of the Planning Commission approved on January 17, 2013, and set forth in Resolution No. 13-01.
- B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:
1. A notice was published in a legal section of a newspaper on February 14, 2013 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing conducted on February 28, 2013.
 2. The Public Notice was posted in three public locations on February 14, 2013, a minimum of 10 days in advance of the Public Hearing.
- C. Environmental Clearance.** This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- D. Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the City Council does hereby declare as follows:
- 1. Zoning Ordinance Amendments.**
 - a. **Findings:**
 - i. The Amendment is in the interests of the general community welfare as it promotes economic development.
 - ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
 - iii. The Amendment is consistent with good zoning and planning practices.

ATTACHMENT 2

SECTION 3:

THE CITY COUNCIL OF THE CITY OF BUELLTON DOES HEREBY ORDAIN AS FOLLOWS (ADDITIONS ARE UNDERLINED, DELETIONS ARE IN STRIKEOUT):

19.04.170 Sign Title

E. Prohibited Signs

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

d. ~~A~~ Community identification signs that identifies Buellton to freeway travellers under the following conditions: , provided that no more than two such signs may be allowed, the signs shall not identify individual businesses, and the signs shall be subject to the approval of an exemption by the Planning Commission (Section 19.04.174(A)(2)).

- 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 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. Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign.
- 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.

ATTACHMENT 2

SECTION 4: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5: The City Clerk: (i) shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law; (ii) is hereby authorized and directed to make typographical, grammatical and similar corrections in the final text of the Ordinance so long as such corrections do not constitute substantive changes in context; and (iii) cause the Buellton Municipal Code to be reprinted by deleting language contained within Section 3 of this Ordinance that is stricken and adding language that is underlined.

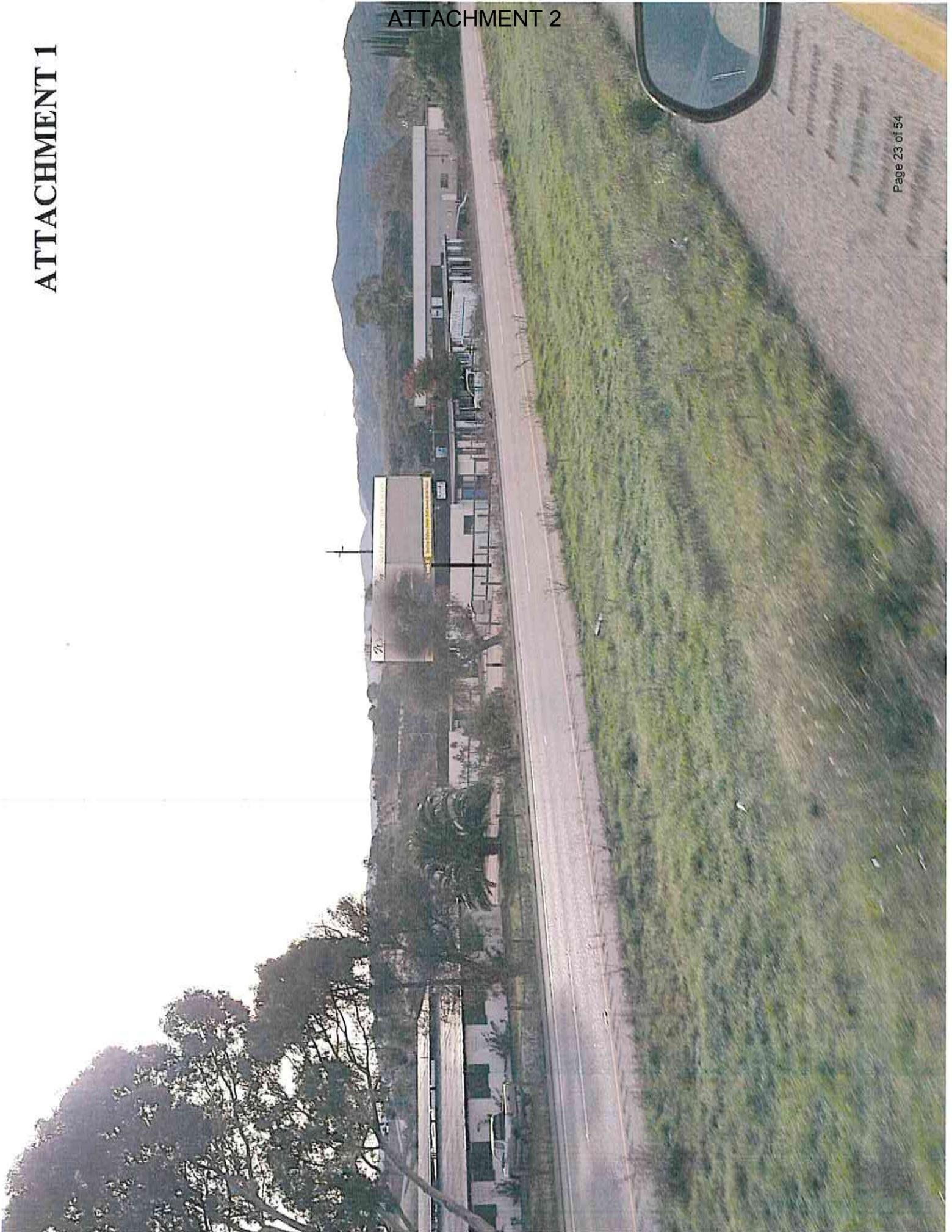
PASSED, APPROVED AND ADOPTED this ____ of March 2013.

Judith Dale
Mayor

ATTEST:

Linda Reid
City Clerk

ATTACHMENT 1



Welcome to Buellton

ATTACHMENT 2

GATEWAY TO THE VALLEY

ATTACHMENT 2

www.VisitBuellton.com

Wine and Chili Festival, March 17

Buellton Visitors Center (Exit Avenue of the Flags)

Page 24 of 54

ATTACHMENT 3

ATTACHMENT 2



Page 25 of 54

Now Leaving
BUELLTON

UPCOMING EVENTS

**Wine & Chili Festival
March 17**

Plan your next trip at

WWW.VISITBUELLTON.COM

ATTACHMENT 4

ATTACHMENT 2

MOTION:

Motion by Council Member Sierra, seconded by Council Member Andrisek approving the consent calendar as listed.

VOTE:

Motion passed by a roll call vote of 5-0.

PRESENTATIONS

None

PUBLIC HEARINGS

5. **Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Introduction and First Reading)**

RECOMMENDATION:

That the City Council consider the introduction and first reading of Ordinance No. 13-02.

STAFF REPORT:

Planning Director Bierdzinski presented the staff report.

DOCUMENTS:

Staff Report with attachments (Ordinance No. 13-02, photos of proposed signs, and Planning Commission Resolution No. 13-01)

SPEAKERS/DISCUSSION:

The City Council discussed the following issues:

- ❖ Reviewing process for the Community Identification Signs
- ❖ Sign sponsorship
- ❖ Ratio of businesses to community identification on the sign
- ❖ Having the Sign Committee review the sign
- ❖ Content to be reviewed by Economic Development Task Force with recommendations to the Chamber of Commerce
- ❖ Having the City Council review the content of the sign
- ❖ Taking out the last sentence in (Section 3, vii) of the ordinance as follows: “Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign”
- ❖ Adding style standards and/or a review process as part of the ordinance
- ❖ Having the sign reviewed by Council for final approval
- ❖ Having sign design standards drafted through an architectural board

Mayor Dale opened the Public Hearing at 6:26 p.m.

Ron Anderson, President of the Buellton Chamber of Commerce Board of Directors, expressed his support for the Community Identification Signs in order to promote business in Buellton.

ATTACHMENT 2

Peggy Brierton, Buellton, stated the Community Identification Sign Ordinance should be considered separately from the sign's design.

Kathy Vreeland, Executive Director of the Buellton Chamber and Visitor's Bureau, expressed her support for the Community Identification Signs and stated the Chamber of Commerce will be sponsoring this sign. Ms. Vreeland stated the signs will help promote business in Buellton.

Judi Stauffer, Buellton, stated the Council is looking at changing the existing ordinance and she requested the Council consider all issues involved.

Steve Lykken, Buellton, questioned why the Council is discussing an appeal process at this time and provided his support for the sign.

There being no further public comment, Mayor Dale closed the Public Hearing at 6:49 p.m.

MOTION:

Motion by Council Member Andrisek, seconded by Council Member Sierra, approving the introduction and first reading of Ordinance No. 13-02 – "An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof" by title only and waive further reading and deleting the following sentence in (Section 3, vii) "Any charges received for identification on the sign shall be limited to covering the cost of the installation and ongoing maintenance of the sign" and that (Section 3, v) be modified to include community organizations.

VOTE:

Motion passed by a roll call vote of 4-1, with Council Member Elovitz voting no.

COUNCIL MEMBER COMMENTS

Council Member Sierra announced there is a new link on the City's website entitled "Doing Business in Buellton".

COUNCIL ITEMS

Mayor Dale announced some upcoming events in Buellton.

WRITTEN COMMUNICATIONS

None

COMMITTEE REPORTS

Council Member Sierra announced that she attended the Santa Barbara County Association of Governments Board Meeting and provided an oral report regarding the meeting.

ATTACHMENT 2

CITY OF BUELLTON City Council Agenda Staff Report

City Manager Review: JHK
Council Agenda Item No.: 6

To: The Honorable Mayor and City Council

From: Marc Bierdzinski, Planning Director

Meeting Date: March 14, 2013

Subject: Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Second Reading)

BACKGROUND

At the public hearing of February 28, 2013, the City Council introduced and held the first reading of Ordinance No. 13-02, an ordinance amending Title 19 (Zoning) of the Buellton Municipal Code regarding community identification signs. Ordinance No. 13-02 is now ready for its second reading and adoption and includes the two changes asked for by the City Council:

- That community organizations be allowed on the sign
- That the sentence regarding only using the funds for installation and maintenance of the sign be stricken

RECOMMENDATION

Staff recommends that the City Council consider the adoption of Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof”

ATTACHMENT

Ordinance No. 13-02

ATTACHMENT 2

ORDINANCE NO. 13-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, AMENDING TITLE 19 (ZONING) OF THE BUELLTON MUNICIPAL CODE (13-ZOA-01) RELATING TO SECTION 19.04.170.E.6.d, COMMUNITY IDENTIFICATION SIGNS AND MAKING FINDINGS IN SUPPORT THEREOF

SECTION 1: The Buellton Chamber of Commerce is interested in installing a community identification sign at the north end of the City in order to promote economic development. However, the current wording of the community identification sign section of the Municipal Code (Section 19.04.170.E.6.d) does not meet the needs from an economic development standpoint. Therefore, additional details and standards for these types of signs have been drafted. The Planning Commission held public hearings on January 3, 2013, and January 17, 2013, and reviewed the suggested changes to this section and has recommended approval of the changes on a 3-0 vote as noted in Planning Commission Resolution No. 13-01.

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council finds the following:

- A. **Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the City Council considered the following:
1. All public testimony, both written and oral, received in conjunction with the public hearings conducted by the Planning Commission on January 3, 2013, and January 17, 2013 (“Planning Commission Public Hearings”).
 2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearings.
 3. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on February 28, 2013 (“City Council Public Hearing”).
 4. All oral, written and visual materials presented by City staff in conjunction with the City Council Public Hearing.
 5. The following informational documents which, by this reference, are incorporated herein.
 - a. That certain written report submitted to the City Council dated February 28, 2013 (the “Staff Report”).

- b. The report and recommendation of the Planning Commission approved on January 17, 2013, and set forth in Resolution No. 13-01.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:

1. A notice was published in a legal section of a newspaper on February 14, 2013 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing conducted on February 28, 2013.
2. The Public Notice was posted in three public locations on February 14, 2013, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Clearance. This project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the City Council does hereby declare as follows:

1. **Zoning Ordinance Amendments.**

a. **Findings:**

- i. The Amendment is in the interests of the general community welfare as it promotes economic development.
- ii. The Amendment is consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendment is consistent with good zoning and planning practices.

SECTION 3.

THE CITY COUNCIL OF THE CITY OF BUELLTON DOES HEREBY ORDAIN AS FOLLOWS:

19.04.170 Sign Title**E. Prohibited Signs**

6. Off-Premise Signs. Signs that advertise a business, activity or service that is not offered or sold on the premises, including billboards, except that the following are allowed:

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

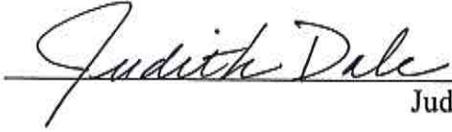
- i. Only one community identification sign shall be permitted (existing vested billboards do not count against this total).
- ii. The sign shall be located within 100 feet of Highway 101 and is only allowed in the CR and M zoning districts.
- iii. The sign shall be a maximum of 35 feet in height and 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.

SECTION 4: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

ATTACHMENT 2

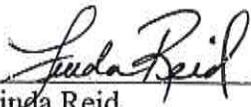
SECTION 5: The City Clerk: (i) shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law; (ii) is hereby authorized and directed to make typographical, grammatical and similar corrections in the final text of the Ordinance so long as such corrections do not constitute substantive changes in context; and (iii) cause the Buellton Municipal Code to be reprinted by deleting language contained within Section 3 of this Ordinance that is stricken and adding language that is underlined.

PASSED, APPROVED AND ADOPTED this 14th day of March 2013.



Judith Dale
Mayor

ATTEST:



Linda Reid
City Clerk

ATTACHMENT 2

I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Ordinance No. 13-02 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 14th day of March, 2013 by the following vote of the Council:

AYES: 5 Council Members Andrisek, Elovitz, Sierra, Vice Mayor Connolly, and Mayor Dale

NOES: 0

ABSENT: 0

ABSTAIN: 0



Linda Reid
City Clerk

Dave King, Buellton, stated that when he was on the City Council, it was determined that the entire amount of increased tax revenue would go to the Visitor's Bureau.

MOTION:

Motion by Council Member Andrisek, seconded by Vice Mayor Connolly allocating the increased percentage of Transient Occupancy Tax (2%) to the Buellton Visitor's Bureau in the amount of 75% and to the economic development fund in the amount of 25% for two fiscal years.

VOTE:

Motion passed by a roll call vote of 3-2, with Council Member Elovitz and Mayor Dale voting no.

6. **Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” (Second Reading)**

RECOMMENDATION:

That the City Council consider the adoption of Ordinance No. 13-02.

STAFF REPORT:

Planning Director Bierdzinski presented the staff report.

DOCUMENTS:

Staff Report with attachment (Ordinance No. 13-02)

SPEAKERS/DISCUSSION:

Peggy Brierton, Buellton, stated the sign will be too large for the area and that it should advertise Buellton businesses only. Ms. Brierton suggested using story poles to designate the size and location of the sign prior to the sign's installation.

The City Council discussed the following issues:

- Confirming that the size and location of the sign would be reviewed by the Planning Commission and the Planning Director

MOTION:

Motion by Council Member Sierra, seconded by Council Member Andrisek approving and adopting Ordinance No. 13-02 – “An Ordinance of the City Council of the City of Buellton, California, Adopting Revisions to Title 19 (Zoning) of the Buellton Municipal Code (13-ZOA-01) Relating to Section 19.04.170.E.6.d, Community Identification Signs and Making Findings in Support Thereof” by title only and waive further reading.

VOTE:

Motion passed by a roll call vote of 5-0.

ATTACHMENT 2

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, Planning Director
Date: September 5, 2013
Subject: Review of Community Identification Sign

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.*

ATTACHMENT 2

The Chamber of Commerce/Visitor's Bureau is moving forward with the sign and is seeking initial Planning Commission comments. Their concept will be presented at the September 5, 2013, meeting. However, their powerpoint presentation showing their ideas for discussion will be provided under separate cover.

Once comments are provided by the Planning Commission, they will make their formal submittal to the Planning Commission for approval during a public hearing.

RECOMMENDATION

That the Planning Commission review and comment on the conceptual design of the Community Identification Sign.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS**2. Review of Community Identification Signs**

Planning Director Marc Bierdzinski presented the staff report informing the Commission that the zoning code amendment regarding community identification signs was approved by the City Council in March 2013. He stated that the Buellton Chamber of Commerce is proposing a changeable digital billboard and is seeking input and direction from the Commission.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce presented a slide show with examples of the digital sign and the proposed location. She went on to state the benefits of this type of sign for emergency updates, informational events, public service announcements and road conditions as well as advertising for local businesses.

Jared Johnson, Yesco Electronics, addressed the Commission highlighting the advantages of a digital sign including the flexibility of the display, automatic dimmers to reduce glare, louvers to promote night sky friendly lighting, energy efficiency and stated that this type of sign does not flash.

Peggy Brierton, 225 Teri Sue Lane, Buellton, addressed the Commission asking how a sign of this type (digital) is considered compatible with a small town rural image.

Ron Anderson, President of the Buellton Chamber of Commerce answered that the Chamber is working on a design that will fit with Buellton's small town image. He stated that the Chamber is already getting calls from businesses regarding advertising.

The Commission discussed the following:

- Affordability of advertisements
- Interval frequency of changes (6-10 seconds)
- Height and location

- Sign clearance
- Maintenance

Mr. Bierdzinski suggested continuing the item and that the Commission and the Chamber do additional research on this type of sign including how smaller cities keep their small town atmosphere, obtain definitions on revolving/reflective signage and check on the timing of the display rotation with the Federal Highway Administration.

The Commission concurred.

Commission Reif stated that the existing ordinance does not address digital signage. Mr. Bierdzinski stated that conditions addressing the Commission's concerns can be added to the permit for the proposed sign.

3. Final Architectural Review of the Crossroads Village Center

Chair Mercado and Commissioner Figueroa recused themselves from the Dais due to the proximity of their residences to the Project.

Planning Director Bierdzinski presented the staff report informing the Commission that this review was requested by the Planning Commission as a condition of approval to the Final Development Plan in June of 2013. The Applicant has provided additional architectural elements for the Commission to review.

Steve Rigor, Arris Studio Architects, addressed the Commission describing the changes to the project as requested by the Commission.

Peggy Brierton, 225 Teri Sue Lane, Buellton, had a question to the existence of a story board showing the proposed colors and was told that it is available for review in the Planning Department office. She went on to question the outdoor eating area at McDonalds and was told by Mr. Bierdzinski that will be reviewed in a separate submittal. Mr. Bierdzinski answered Ms. Brierton's questions regarding parking and trash receptacles.

The Commission discussed the revised elevations and thanked the Applicant for implementing the changes to the architecture that were suggested.

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

None

ATTACHMENT 2

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

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.*

ATTACHMENT 2

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.

ATTACHMENT 2

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 2

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.)



Realty | *Providing Global Leadership and Innovation in Public Sector Real Estate and Outdoor Advertising Control through Information Sharing and Knowledge Exchange*

Laws, Regs and Policy Guidance

Guidance On Off-Premise Changeable Message Signs

 U.S. Department of Transportation Federal Highway Administration	<h2 style="margin: 0;">Memorandum</h2>
---	--

Subject:	INFORMATION: Guidance On Off-Premise Changeable Message Signs	Date:	September 25, 2007
	ORIGINAL SIGNED BY: Gloria M. Shepherd		
From:	Gloria M. Shepherd Associate Administrator for Planning, Environment, and Realty	Reply to	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.

Privacy Policy | Freedom of Information Act (FOIA) | Accessibility | Web Policies & Notices | No Fear Act |
Report Waste, Fraud and Abuse
U.S. DOT Home | USA.gov | WhiteHouse.gov

Federal Highway Administration | 1200 New Jersey Avenue, SE | Washington, DC 20590 | 202-366-4000

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS**2. Review of Community Identification Signs**

Planning Director Marc Bierdzinski presented the staff report and explained this is a continued discussion on digital signs from their September meeting.

Kathy Vreeland, Executive Director of the Buellton Chamber of Commerce addressed questions regarding message transition time, glare mitigation and background color. She stated that through her research she has received positive comments on digital billboards relating to public service announcements, special events and information for travelers. Digital billboards are attractive and beneficial to the community and that digital marketing is the latest in advertising.

Ron Anderson, President, Buellton Chamber of Commerce, stated that a sign of this type is a positive step forward for Buellton

Pete Robertson, Treasurer, Buellton Chamber of Commerce, addressed the issue of glare stating that the billboards have a built in dimming device and produce less light than fixed billboards.

The Commission discussed the following:

- Night restrictions to reduce glare
- Small town impacts
- Future of digital marketing
- Sign size

The Commission concurred that a digital billboard would be beneficial to the community and advised the Chamber of Commerce to move forward with a sign application package for the required public hearing.

WRITTEN COMMUNICATIONS

None

APPLICATION WITHDRAWN



PROJECT APPLIC **JULY 30, 2014**
CITY OF BUELLTON
PLANNING DEPARTMENT

PROJECT LOCATION 970 McMurray Rd
(Address)

SITE ZONING INDUSTRIAL SITE ASSESSOR'S PARCEL NO. 187-090-007

PROJECT DESCRIPTION Overall size 21x48' COMMUNITY IDENTIFICATION SIGN, double-sided

Lighted sign INCORPORATING A double hung 14x48' digital display. Maximum Overall Height of 40'.
(Attach additional sheets if necessary)

PERMITS AND APPROVAL REQUESTED

- ANNEXATION
- GENERAL PLAN AMENDMENT/REZONING
- SPECIFIC PLAN
- ZONING ORDINANCE TEXT AMENDMENT
- FINAL DEVELOPMENT PLAN
- PRELIMINARY DEVELOPMENT PLAN
- DEVELOPMENT PLAN MODIFICATION
- CONDITIONAL USE PERMIT
- MINOR USE PERMIT
- USE PERMIT MODIFICATION
- LOT LINE ADJUSTMENT
- SECONDARY DWELLING UNIT

- VARIANCE
- SUBDIVISION (TENTATIVE TRACT MAP)
- SUBDIVISION (TENTATIVE PARCEL MAP)
- CONDOMINIUM CONVERSION
- ZONING CLEARANCE
- CONCEPTUAL REVIEW
- LAND USE EXEMPTION
- SIGN APPROVAL
- TEMPORARY USE PERMIT/SPECIAL EVENTS
- APPEAL
- OTHER
- HOME OCCUPATION

RECEIVED
JUL 09 2014
 CITY OF BUELLTON
 Planning Department

Withdrawn 7/30/14

The City charges 100% of its costs of processing to the applicant. Prior to receiving any permits, applicant shall reimburse City for all processing costs. The City will review the application for completeness and will notify the applicant within 30 days of submittal of a complete or incomplete application.

AUTHORIZATION: I, Kathy Vreeland, HEREBY AUTHORIZE Ren Anderson, Buellton Chamber of Commerce TO ACT AS MY AGENT AND TO BIND ME IN ALL MATTERS CONCERNING THIS APPLICATION.

PROPERTY OWNER CONTACT INFORMATION
 Name Rancho Jonata (Please Print)
 Phone (805) 688-5606
 Address Po Box 6
Buellton, CA 93427
 E-Mail JBUELL@YANCO.COM

James R. Buellton July 3, 2014
 Property Owner Signature (Required) Date

I DECLARE THAT I AM THE APPLICANT, OWNER, LESSEE, OR ATTORNEY OF THE OWNER, AGENT, OR PERSON WITH THE POWER OF ATTORNEY FROM THE OWNER OF THE ABOVE PROPERTY INVOLVED IN THIS APPLICATION, AND THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE.
 THIS DECLARATION IS ALSO INTENDED TO APPLY TO ALL TRANSACTIONS WITH THE SANTA BARBARA COUNTY PLANNING AND DEVELOPMENT DEPARTMENT RELATED TO BUILDING PERMIT ISSUANCE.

AGENT CONTACT INFORMATION
 Name Ren Anderson, Buellton Chamber of Commerce (Please Print)
 Phone (805) 688-7827
 Address Po Box 221 / 597 Ave. of Flags
Unit 101 Buellton CA 93427
 E-Mail Kathy@buelton.org

Ren Anderson 05/22/14
 Applicant Signature Date

Please see important information regarding Disability Access Laws on the back of this form.

OFFICIAL USE ONLY
 Application Fee/Deposit Received: _____
 Payment Processing Agreement Recd: _____
 C&D Application Received: _____

ATTACHMENT 2

Conditions of Use for Buellton Chamber of Commerce, Community Identification Sign.

- Digital sign shall display static messages only.
 - o Messages shall remain static for a minimum of six (6) seconds.
 - o Transition between messages shall be accomplished in .25 second or less.
- Digital sign shall not flash, or display video, or display animated images.
- Digital sign shall be equipped with a light sensor, and shall automatically adjust the luminance to maintain a level of luminance not to exceed 0.3 foot candles above ambient light when measured at a point perpendicular to the Digital sign face at a distance of 250'.

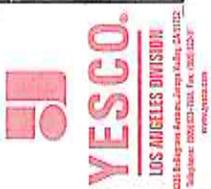


Buellton

Chamber of Commerce

Community Identification Sign

2014



YESCO.
LOS ANGELES DIVISION
1025 Redgrave Avenue, Long Beach, CA 90802
Telephone: (562) 571-7000, Fax: (562) 571-0247
www.yesco.com

CLIENT INFORMATION

BUELLTON
CITYMAN AND THE VALLEY
VISITORS BUREAU
Address: BUELLTON CHAMBER OF
COMMERCE
WINDMILLWAY ROAD
SANTA BARBARA, CA 93103
Sales Exec: ARIEL JAROSKI
TEL: (805) 962-1000

REVISIONS

DATE	NOTED	BY	FOR
06/28/13			TRK

Revised from REX to LEVAN

CUSTOMER APPROVAL

ACCEPTED WITH NO CHANGES
 NOTED
 REVISIONS NOTED AND RE-COMMIT

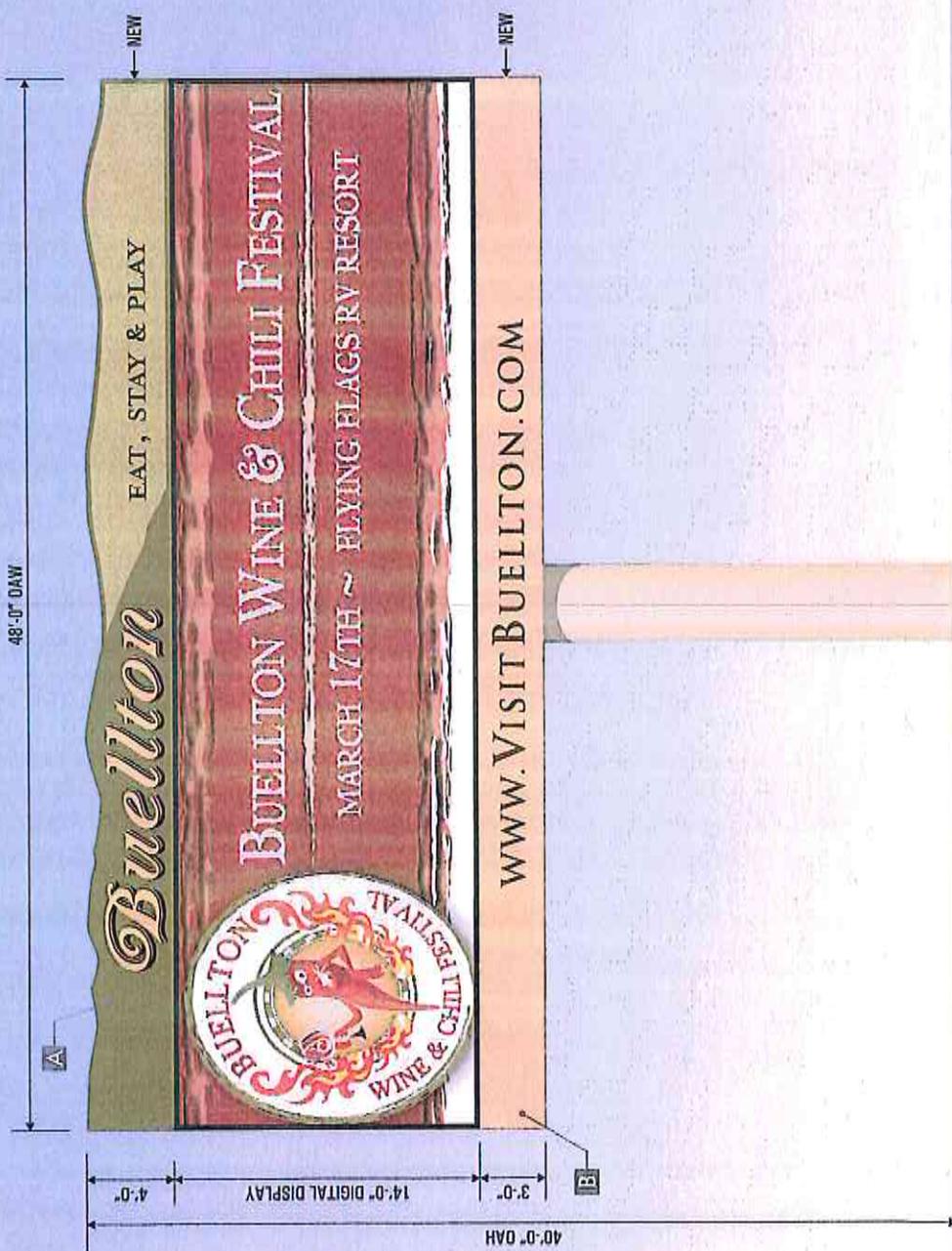
Customer Signature: _____
Date: _____

PRODUCTION APPROVAL

Client Exec. Signature: _____ Date: _____
 Production Mgr. Signature: _____ Date: _____

Design: **805231-3**
 Sheet: **2 of 3**

This sign is intended to be installed in accordance with the requirements of Article 102 of the National Electrical Code under other applicable local codes. This includes proper grounding and bonding of the sign.
 This drawing was prepared to assist you in selecting the correct materials and components for your sign. It is not intended to be a substitute for the professional engineering services of a registered professional engineer. The design of the sign and the materials used are the responsibility of the client. YESCO is not responsible for any damage to the sign or the structure of the sign. All dimensions are in feet and inches unless otherwise noted. © 2014

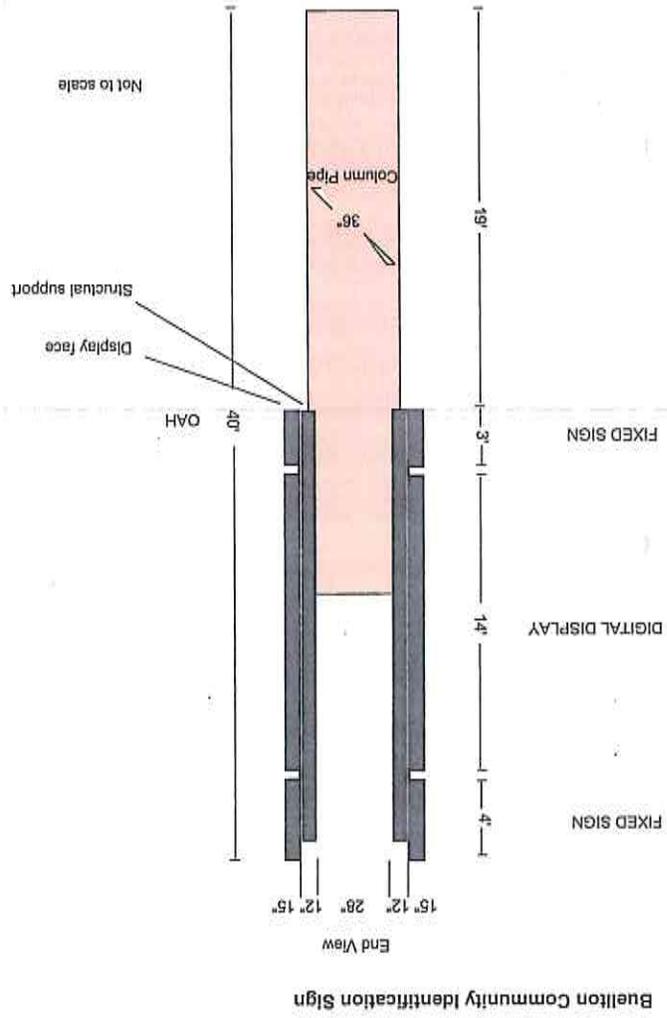


SOUTH FACE

SCALE: 1/2" = 1'-0"
 Total Sign Area: 1008 SF

NEW SINGLE FACE NON-ILLUMINATED I.D. SIGN PANELS (TOP & BOTTOM I.D.)
 QUANTITY: Four (4) Single Face Panels

ATTACHMENT 2



ATTACHMENT 2



ATTACHMENT 2



ATTACHMENT 2



CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: Ames
Planning Commission Agenda Item No: 5

To: The Honorable Chair and Commission Members
From: Marc P. Bierdzinski, City Manager
Date: February 5, 2015
Subject: Discussion of Community Identification Signs

BACKGROUND

The regulations for Community Identification (ID) Signs were adopted by the City Council, with a recommendation from the Planning Commission, in 2013. The wording approved in 2013 is included as Attachment 1. The purpose of the regulations was to identify Buellton to travelling motorists.

After approval of these regulations, the Buellton Chamber of Commerce began processing the application for this sign. The Chamber of Commerce brought the idea of a digital, changeable copy Community ID Sign to the Planning Commission in late 2013. The Planning Commission at the time was open to consideration of digital technology. The current regulations are silent of the use of digital technology.

The official sign application was submitted by the Chamber of Commerce in the summer of 2014 and was a full digital sign with changing content every 6 to 7 seconds. The proposed sign generated much controversy as to its appearance and character. The Chamber of Commerce then withdrew the application.

In late 2014, the City Council enacted temporary zoning restrictions that prohibit the processing of a Community ID Sign. The City Council instructed to staff to review the current wording (Attachment 1) and work with the community and Planning Commission to modify the current regulations and bring forward an ordinance amending the Community ID Sign section.

The Planning Commission should take public testimony and then direct staff on the appropriate modifications to the ordinance. Based on previous public comments, the following are some of the main points for possible changes:

- Whether digital technology should be permitted, and if so, what parameters should be imposed? For example, would it be appropriate to allow 1/3 of the sign to be digital for community events as long as the copy is not changing every 6-7 seconds? The digital area could be used to promote monthly events in town, but could be changed remotely when the event is over.
- Should the provision allowing commercial businesses to advertise on the sign be removed? Allowing commercial advertising could open the door for other companies to request other

billboards within the City Limits. There are several court cases that may allow this to happen.

- The city currently prohibits billboards. The current wording for a community identification sign and the requirement that such a sign be built and maintained by either the Chamber or City highlight the distinction between a billboard and the community identification sign. However, as was noted during the prior hearing processes, by allowing two businesses to advertise on the community ID sign, it could be interpreted as the city effectively allowing a billboard. This raises potential issues under the First Amendment and the Equal Protection Clause.
- After further review by the City Attorney, allowing a billboard component (i.e. commercial advertising) to the community ID sign could weaken the City's ability to satisfy the applicable First Amendment test established by the courts for billboards and commercial speech. In addition, someone could make an argument that our sign code violates the equal protection clause on the ground that there is no rational basis for banning billboards while allowing advertising on the community ID sign. We highlight these issues as potential arguments in an area of the law that is constantly evolving. This is not a guarantee that there would be a lawsuit or that a lawsuit would have merit, but just a few factors to consider when reviewing the language of the ordinance.
- Is the size and scale of the sign appropriate?
- Should these regulations be deleted in their entirety? The justification for this route is if this sign is technically a billboard, does it open the doors for standard commercial billboards as noted previously.

The staff reports and minutes from the prior meetings are included as Attachment 2.

RECOMMENDATION

That the Planning Commission receive public input and provide direction to staff on amendments to the Community ID Sign regulations.

ATTACHMENTS

Attachment 1 – Existing Ordinance – Community ID Signs

Attachment 2 – Prior Staff Reports and Minutes

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

**Regular Meeting of February 5, 2015 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Dunstan led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Brian Dunstan, Art Mercado, Joe Padilla, Vice
Chair Foster Reif and Chair Lisa Figueroa

Staff: City Manager Marc Bierdzinski
Contract Planner Irma Tucker
Public Works Director Rose Hess
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of January 15, 2015

MOTION:

Commissioner Mercado moved and Vice Chair Reif seconded the motion to approve the Minutes of January 15, 2015

VOTE:

Motion passed by 5-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

2. **Resolution No. 15-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (14-FDP-04) for the Tilton Engineering Project, Construction of a New 15,000 Square Foot Building Located at 890 McMurray Road, Assessor’s Parcel Number 137-500-016, and Making Findings in Support Thereof”**

RECOMMENDATION:

That the Planning Commission consider the adoption of Resolution No. 15-04 - “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (14-FDP-04) for the Tilton Engineering Project, Construction of a New 15,000 Square Foot Building Located at 890 McMurray Road, Assessor’s Parcel Number 137-500-016, and Making Findings in Support Thereof”

DOCUMENTS:

Planning Department Staff Report with attachments (Vicinity Map, Architectural Plans, Landscape Plan, Civil Plans, Color Rendering, Photos of Story Poles)
Planning Commission Resolution No. 15-04

STAFF REPORT:

Contract Planner Irma Tucker presented the staff report.

SPEAKERS/DISCUSSION:

Steve Rarig, Agent for Tilton Racing, introduced Vladimir Milosevic, Architect, Todd Cooper and Jason Wahl, CEO, stating that they are in agreement with the Conditions of Approval and are available to answer questions.

Chair Figueroa opened the Public Hearing at 6:21 p.m.

Ron Anderson, Realtor and Chamber President, spoke in support of the project.

Cindy Taylor, 78 West Hwy 246, Buellton, asked if any residents were being displaced as a result of this project. The developer stated that there haven’t been tenants at the location in years.

Larry Bishop, 511 Sycamore Drive, Buellton, stressed the need for bicycle racks. The developer answered that bicycle racks will be located inside the building for employees.

Nancy Emerson, 2106 Creekside, Solvang, representing Women's Environmental Watch (W.E.Watch), complimented the architect and owner on the use of dark sky friendly lighting.

Chair Figueroa closed the Public Hearing at 6:25 p.m.

Commissioner Mercado thanked the applicant for incorporating the suggestions of the Planning Commission into the final submittal.

MOTION:

Vice Chair Reif moved and Commissioner Mercado seconded the motion to adopt Resolution No. 15-04 by title only and waive further reading with the development plan modifications for landscaping and parking.

VOTE:

Motion passed with a 5-0 roll call vote.

3. **Resolution No. 15-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-01) Which Removes a New Street from the Circulation Element Map, and Making Findings in Support Thereof”**

RECOMMENDATION:

That the Planning Commission consider the adoption of Resolution No. 15-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Recommending that the City Council Approve a Circulation Element Amendment (15-GPA-01) Which Removes a New Street from the Circulation Element Map, and Making Findings in Support Thereof”

DOCUMENTS:

Planning Department Staff Report with attachments (Existing Circulation Element Map, Vicinity Map, Revised Circulation Element Map)
Planning Commission Resolution No. 15-03

Commissioner Padilla recused himself from the Dais due to his company having a financial interest in the item.

STAFF REPORT:

Public Works Director Rose Hess presented the staff report.

SPEAKERS/DISCUSSION:

Chair Figueroa opened the Public Hearing at 6:41 p.m.

Trey Pinner, Ranch Club Mobile Estates, expressed concerns regarding the removal of the “new street” designation from the Circulation Element.

Ron Anderson, Realtor, stated that this is a complicated issue and requested additional discussion before moving on to the City Council.

Morrie Jurkowitz, Ranch Club Mobile Estates, stated that development on Industrial Way could have been done differently and that Pamela Way will not support an influx of traffic from future development.

Harry Poor, 47 Industrial Way, Buellton, stated that the existing easements will stay in place and that he is in support of removing the public street reference.

Chair Figueroa closed the Public Hearing at 7:10 p.m.

Commissioner Reif suggested that all parties involved have additional dialogue as this item moves forward to the City Council.

MOTION:

Commissioner Mercado moved and Vice Chair Reif seconded the motion to adopt Resolution No. 15-03 by title only and waive further reading with additional wording stating that the Planning Commission strongly suggests that all parties involved meet and work out details before City Council approval and research the Pamela Way access.

VOTE:

Motion passed with a 4-0 roll call vote.

Commissioner Padilla returned to the Dais at 7:25 p.m.

OTHER BUSINESS

4. Discussion of Fast Food Restaurant Locational Restrictions

STAFF REPORT:

City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:

The Commission provided input to staff on the following:

- Definitions of fast food restaurants
- Limiting the location of fast food restaurants
- Encourage higher quality “sit down” type restaurants
- Identify areas where fast food restaurants would be prohibited

Peggy Brierton, 225 Teri Sue Lane, Buellton, agrees with the boundaries presented by staff with the exception of the area west of the 101 Freeway and Avenue of Flags. She went on to offer her definition of a fast food restaurant.

Ron Anderson, Realtor, stated that fast food restaurants are necessary for travelers along the 101 Freeway and Avenue of Flags.

The Commission agreed with the boundaries presented in the staff report and directed staff to refine the definition of fast food restaurants and bring the item back for additional discussion.

5. Discussion of Change to Community ID Sign Regulations

STAFF REPORT:

City Manager Bierdzinski presented the staff report.

SPEAKERS/DISCUSSION:

The Commission discussed the following:

- Parameters of digital technology
- Should advertisements by commercial businesses be prohibited
- Size, type and scale of sign
- Use of the sign for Amber Alerts and community events

Peggy Brierton, 225 Teri Sue Lane, Buellton, stated that the community is not in support of a large digital sign and suggested that the City's community ID sign regulations be re-written. She stated that a community ID sign should be inviting and welcoming to visitors and that the Commission should look into other sign options. Ms. Brierton presented the Commission with an informational handout.

Nancy Emerson, 2106 Creekside, Solvang, representing Women's Environmental Watch (W.E. Watch), stated that a digital sign would increase light pollution, cause visual blight, high energy use, driver distraction, inability to mitigate esthetic issues in an EIR, and the high cost of removal. Ms. Emerson presented a handout to the Commission.

Larry Bishop, 511 Sycamore Drive, Buellton, spoke against a digital sign and suggested more monument signs.

Ron Anderson, Buellton Chamber of Commerce President, stated the need for a community ID sign to draw tourism to Buellton and clarified that only one such sign is allowed and would be sponsored by the Chamber of Commerce.

Judi Stauffer, 1610 Cougar Ridge Road, Buellton, stated that a community ID sign should advertise that you are entering into a community and that the relocation of the sign currently on Norm Williams property to the north side of the 101 freeway doesn't make sense.

Cindy Taylor 778 W. Hwy 246, Buellton, spoke against a digital billboard and stressed that the sign should be for Buellton only.

Ed Andrisek, 330 W. Hwy 246, Buellton, spoke on the location of a community ID sign, is in favor of monument signs and stressed the need for highway calming signs on the west side of Highway 246.

Staff suggested that the Commission take time to digest the public testimony and bring the item back for further discussion.

The Commission concurred that they are not in favor of a digital sign but that a community ID sign is needed and directed staff to draft wording to include the following

- Necessity of a community ID sign
- Make the sign changeable with removable copy
- Clarify the legal ramifications of using sponsors with the City Attorney
- Investigate overpass sign
- Clarify who is funding the sign

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

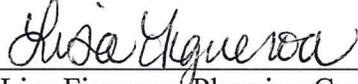
None

PLANNING DIRECTOR REPORT

City Manager Bierdzinski updated the Commission on recent City Council actions and the status of various projects.

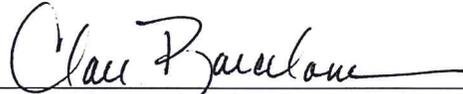
ADJOURNMENT

Chair Figueroa adjourned the meeting at 8:35 p.m. to the next regular scheduled meeting of the Planning Commission to be held February 19, 2015 at the City Council Chambers, 140 West Highway 246, Buellton.



Lisa Figueroa, Planning Commission Chair

ATTEST:



Clare Barcelona, Planning Commission Secretary

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



MEMORANDUM

TO: Marc P. Bierdzinski, City Manager
FROM: Stephen A. McEwen, City Attorney
DATE: July 27, 2015
RE: Business Advertisement on Community Identification Sign

The City has inquired into the potential legal ramifications if the City allows local businesses to advertise on a community identification sign owned by the Chamber of Commerce located along Highway 101 in Buellton. City officials have specifically questioned whether allowing this would open the door to commercial billboards along the freeway. This memorandum addresses the legal issues that may arise if the City allows businesses to advertise on the community identification sign, focusing on the issue of freeway-oriented billboards.

I. QUESTION PRESENTED

What legal ramifications could occur if the City allows businesses to be listed on the community identification sign?

II. SHORT ANSWER

If businesses are identified on the sign, the sign will be subject to the requirements of the Outdoor Advertising Act. The Act prohibits off-premises signs from being installed within 660 feet of the edge of the right-of-way of interstate or primary highways. The City's Sign Code requires the community identification sign to be located within 100 feet of Highway 101. Thus, allowing businesses to be identified on the sign will be a violation of the Act and the Department of Transportation will likely not issue a permit to the Chamber authorizing the installation of the sign. If the sign is installed without a permit from the Department of Transportation, the Department may issue a citation with penalties to the owner of the sign and if the sign is not brought into compliance in the time given in the citation, the Department may remove the sign.

In addition, the inclusion of businesses on the community identification sign is a significant exception to the billboard prohibition. Such an exception potentially exposes the Sign Code to First Amendment challenges. An exception to a general commercial speech restriction is invalid if it undermines and counteracts the stated purpose of the regulation. Here, allowing what amounts to a commercial billboard potentially

undermines the City's stated goal of promoting aesthetics and safety through a prohibition on off-site billboards.

III. ANALYSIS

A. SIGN CODE

The City's Sign Code (Sections 19.04.170 through 19.04.176 of the Municipal Code) prohibits "signs that advertise a business, activity or service that is not offered or sold on the premises" where the sign is located ("off-premises signs"), including billboards, with certain exceptions. One exception is for a "community identification sign" identifying the City to freeway travelers that meets the requirements of Section 17.04.170(E)(6)(d). This exception allows the community identification sign to list up to two Buellton or Santa Ynez Valley businesses or community organizations on each sign face. The Chamber of Commerce selects the businesses that may appear on the sign after receiving a recommendation from the City's economic development task force. Nonetheless, the Sign Code requires that the community identification sign be for a "non-profit purpose."

The community identification sign is to be approved by the planning commission utilizing the exemption process detailed in Section 17.04.174(A)(2). The exemption process requires a noticed public hearing and that three findings be made to support the granting of the exemption:

- “1. The existing standards do not allow for effective business identification due to a special (physical) circumstance applicable to the site,
2. All other alternatives within the established sign standards have been examined, and the results would still not provide effective business identification, and
3. The resulting sign proposal is visually compatible with the existing site and surroundings, and meets the intents and purposes of this chapter.”

Thus, under the Sign Ordinance, the City may allow up to four businesses to be identified on the community identification sign, provided that the sign still has a "non-profit purpose" and the planning commission is able to make the findings required by Section 17.04.174(A)(2).

B. OUTDOOR ADVERTISING ACT

Business and Professions Code sections 5200-5486 constitute the “Outdoor Advertising Act,” and impose regulations on outdoor advertising displays, which includes “advertising structures” and “signs.” The Act exempts the following from the definition of “advertising structure” and “sign:” structures or signs near a city boundary, which contain the name of the city and the names of, or any other information regarding, “civic, fraternal or religious organizations located within that city.” (Business & Professions Code §§ 5203, 5221). Signs subject to the Act cannot be installed without first obtaining a permit from the Department of Transportation. (Business & Professions Code § 5350).

Therefore, if the community identification sign is located near the City’s limits, it may be exempt from the Outdoor Advertising Act. However, if businesses are identified on the sign, it will lose that exemption and the Chamber of Commerce must get a permit from the Department of Transportation to install the sign.

One of the regulations within the Outdoor Advertising Act specifically prohibits off-premises signs from being “placed or maintained within 660 feet from the edge of the right-of-way of...any interstate or primary highway...” (Business & Professions Code § 5405). In addition, the Act prohibits a city from allowing any advertising display to be placed or maintained in a way that violates the Act. (Business & Professions Code § 5230).

Section 19.04.170(E)(6)(d)(ii) of the Sign Code states that the community identification sign is to be located within 100 feet of Highway 101. Since the Outdoor Advertising Act prohibits advertising displays that are within 660 feet of the edge of the right-of-way of any interstate or primary highway, the proposed community identification sign will be in violation of the Outdoor Advertising Act unless the sign is exempt from the Act. As stated above, the community identification sign may only be exempt from the Act if it is located near the City’s limits and identifies the City and civic, fraternal or religious organizations located within the City. If businesses are proposed to be identified on the sign, the sign will not be exempt from the Act, and its location within 100 feet of Highway 101 will be a violation of the Act. As a result, the Department of Transportation will not issue a permit to the Chamber allowing the sign to be installed.

If the community identification sign is installed in violation of the Outdoor Advertising Act, the Department of Transportation may issue a citation and statutory penalties on the owner of the sign, and if the violation is not corrected in the time given the Department of Transportation may remove the sign. (4 CCR 244).

C. FIRST AMENDMENT ISSUES

Expression related solely to the economic interests of the speaker and its audience is commercial speech, which receives less constitutional protection than other forms of expression. (*Central Hudson Gas & Electric Corp. v. Public Service Commission of New York* (1980) 447 U.S. 557, 561.) In fact, commercial speech may be forbidden, where as other forms of constitutionally guaranteed expression may not be. (*Id.* at pp. 562-563.) To satisfy the First Amendment, a commercial speech regulation must (1) assert a substantial City interest, (2) directly advance that interest, and (3) be the least restrictive means to achieve the City's objective. (*Id.* at p. 564.)

It is well established that local governments have substantial interests in aesthetics and safety and that these interests will support billboard restrictions, including bans on off-site billboards. (*Metromedia, Inc. v. City of San Diego* (1981) 453 U.S. 490, 508-510.) However, a city “may diminish the credibility of [its] rationale for restricting speech in the first place” where it exempts some speech from the general restriction. (*Metro Lights, L.L.C. v. City of Los Angeles* (9th Cir. 2009) 551 F.3d 898, 905.) “[A] regulation may have exceptions that undermine and counteract the interest the government claims it adopted the law to further; such a regulation cannot directly and materially advance its aim,” and is, therefore, unconstitutionally underinclusive. (*Ibid.*) A regulation may be unconstitutionally underinclusive if it “is so pierced by exceptions and inconsistencies” that it cannot advance the government’s interest in the regulation. (*Greater New Orleans Broad Ass’n, Inc. v. United States* (1999) 527 U.S. 173, 190.)

Under these principles, the question is whether the City undermines its interest in aesthetics and safety by permitting the community identification sign to include commercial advertising. Based on available facts, it is difficult to conceive a meaningful distinction between a community identification sign with two local businesses and a typical commercial billboard, which the Sign Code prohibits. Both signs would likely have the same aesthetic and safety effects that the City is trying to avoid through its Sign Code regulations. Furthermore, the selection process for businesses on the community identification sign requires a recommendation by the City’s economic development task force. Under this process, the selection of businesses is not necessarily neutral but could be used to advance particular commercial messages over others. For these reasons, the City could face a significant First Amendment challenge by billboard owners. While the outcome of such a challenge is uncertain and could depend on the circumstances of the party bringing the lawsuit, we note that billboard companies have a largely successful track record in First Amendment litigation and that defending against First Amendment claims can be costly.

IV. CONCLUSION

The regulations for the community identification sign in the City's Sign Code are not entirely consistent with the requirements of the Outdoor Advertising Act. In order to maintain consistency with the Outdoor Advertising Act, the community identification sign must either be located more than 660 feet from the edge of the Highway 101 right-of-way, or the sign must not identify any businesses. Furthermore, the inclusion of businesses on the sign would likely result in a First Amendment challenge. Based on the available facts, it appears that such a challenge would be successful.