



CHAPTER 2 COMMENTS AND RESPONSES ON THE DRAFT SEIR

Section 2.1 (List of Comment Letters Received) provides a list of all agencies and individuals that provided written comments on the Electronic Message Center EIR with the 45-day public comment period. The verbatim comment letters, and responses to environmental issues raised in those letters, are presented in Section 2.2 (Written Comments and Responses).

2.1 List of Comment Letters Received

The following agencies and organizations provided written comments on the Draft SEIR:

2.1.1 State Agencies

- Governor's Office of Planning and Research
- California Department of Transportation (Caltrans)

2.1.2 Local Agencies

- City of Costa Mesa

2.1.3 Individuals

- Leston Trueblood
- Dori Briggs
- Suzanne Cannata
- Karla Stagman
- Craig Brown
- David and Marta Bunnell
- Andrew Smith
- Beverly Blakely
- Ryan Johnson
- Peggy Partnoff
- William and Margaret Partnoff
- Laurel Golden
- Ronald Hlavac
- Nancy Osso
- Jill Tanner
- Priscilla Rocco
- Georgia Fallas
- Kitty Nordstrom



2.2 Written Comments and Responses

2.2.1 Index to Response to Comments

All letters received during the public review period for the Draft EIR are listed in Table 2-1 (Index of Comments Received), below. Each response letter is reproduced in its entirety with the issues of concern numbered in the right margin. Correspondingly numbered responses to the comments follow each letter.

Table 2-1: Index of Comments Received

Letter	Commenter
A	Governor's Office of Planning and Research
B	California Department of Transportation (Caltrans)
C	City of Costa Mesa
D	Leston Trueblood
E	Dori Briggs
F	Suzanne Cannata
G	Karla Stagman
H	Craig Brown
I	David and Marta Bunnell
J	Andrew Smith
K	Beverly Blakeley
L	Ryan Johnson
M	Peggy Partnoff
N	William and Margaret Partnoff
O	Laurel Golden
P	Ronald Hlavac and Annette McCool
Q	Nancy Osso
R	Jill Tanner
S	Priscilla Rocco
T	Georgia Fallas
U	Kitty Nordstrom



Letter A – Governor’s Office of Planning and Research



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor’s Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

RECEIVED
DEC 11 2014
PLANNING

December 9, 2014

Andrew Perea
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

Subject: Electronic Message Center Sign
SCH#: 2014091024

Dear Andrew Perea:

A-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 8, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov



**Electronic Message Center Sign Project
Response to Comments**

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014091024
Project Title Electronic Message Center Sign
Lead Agency Fountain Valley, City of

Type EIR Draft EIR
Description Clear Channel Outdoor proposes to remove an existing static billboard located at 12191 Edinger Avenue and construct a new 672 sf, 74-foot tall digital (LED) Electronic Message Center sign. The Electronic Message Center sign is proposed to be located on the City-owned site located at 10955 Ellis Avenue, Fountain Valley.

Lead Agency Contact

Name Andrew Perea
Agency City of Fountain Valley
Phone (714) 965-4425 **Fax**
email
Address 10200 Slater Avenue
City Fountain Valley **State** CA **Zip** 92708

Project Location

County Orange
City Fountain Valley
Region
Lat / Long 33° 41' 39" N / 117° 56' 13" W
Cross Streets Ellis Avenue and Euclid Street
Parcel No. 156-174-02
Township

Range	Section	Base
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Proximity to:

Highways I-405
Airports
Railways
Waterways Santa Ana River
Schools Cox ES, Shoreline
Land Use City reservoir/M-1 Manufacturing/Commercial-Manufacturing

Project Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Air Resources Board; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; State Lands Commission

Date Received 10/23/2014 **Start of Review** 10/23/2014 **End of Review** 12/08/2014



Response to Letter A – Governor’s Office to Planning and Research

A-1 The City acknowledges and appreciates the letter from the Governor’s Office of Planning and Research state that the City has complied with the State Clearinghouse review requirements for the California Environmental Quality Act. No further action is required.



Letter B – California Department of Transportation (Caltrans)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2086
FAX (949) 724-2592
TTY 711
www.dot.ca.gov



Serious drought.
Help save water!

December 4, 2014

Mr. Andrew Perea
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA. 92708

File: IGR/CEQA
SCH#: 2014091024
Log #: 4032B
I-405

Dear Mr. Perea:

Thank you for the opportunity to review and comment on **Draft Environmental Impact Report for the Electronic Message Center Sign**. The project proposes to remove an existing static billboard located at 12191 Edinger Avenue in Fountain Valley, and construct a new digital Electronic Message Center (EMC) billboard sign at 10955 Ellis Avenue also in Fountain Valley. The proposed project site is located on the existing site of the City's Reservoir No. 1.

The proposed sign would consist of two back to back display panels to provide commercial advertisements to motorists traveling in both northbound and southbound directions on the adjacent Interstate 405 freeway. Each of the display panels would have dimensions of 14 feet high and 48 feet wide for a total display area of 672 square feet per panel. The display panels would be mounted on a steel sign column approximately four feet in diameter. The top of the sign would be a maximum height of 79 feet above the ground surface.

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

- B-1 | 1. We have read the letter from Clear Channel Dated October 23, 2014 to the City of Fountain Valley. Regarding Caltrans early comments on the NOP they are considered general advisory language in nature.
- B-2 | 2. Any sign advertising a business not "on premise" will require an Outdoor Advertising Display Permit. Information on outdoor advertising may be obtained by contacting Raj Champaneri of Caltrans at 213-897-6123 or Champaneri,RajL@dot.ca.gov.
- 3. For all signs adjacent to or visible from the Interstate and State Highway System, additional information on the Outdoor Advertising Law; and State Outdoor Advertising Permit requirements can be found at: <http://www.dot.ca.gov/oda/>

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"



Mr. Andrew Pera
December 4, 2014
Page 2

B-2
Cont'd

4. For specific information on your permit, you may contact the Regional Outdoor Advertising coordinators covering Caltrans District 12 and Orange County listed at: <http://www.dot.ca.gov/hq/oda/coordinators.htm> or email them at: ODA@dot.ca.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

MAUREEN EL HARAKE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Saied Hashemi, Traffic Operations North
Eric Dickson, Landscape Program/Project Manager
Raj Champaneri, Outdoor Advertising
Scott Morgan, Office of Planning and Research

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*



Response to Letter B – California Department of Transportation (Caltrans)

- B-1 The City acknowledges and appreciates this comment. Comments from Caltrans on the Notice of Preparation (NOP) were incorporated into the Draft EIR.

- B-2 The City acknowledges and appreciates this comment. Section 3.5 of the Draft EIR identifies an Outdoor Advertising Permit from Caltrans as one of the required permits for project approval. The applicant has been made aware of the requirements for obtaining the necessary permits from Caltrans for the proposed project.



Letter C – City of Costa Mesa



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

November 13, 2014

Mr. Bob Hall, City Manager
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

RECEIVED
NOV 17 2014
COSTA MESA

Subject: Draft Environmental Impact Report (SCH No. 2014091024) – Electronic Message Center Sign

Dear Mr. Hall:

Thank you for the opportunity to provide comments on the Draft EIR prepared for the proposed Electronic Message Center (EMC) Sign at 10955 Ellis Avenue.

C-1 | Given the proximity of Costa Mesa residents to the proposed location and the proposed height of the message board, we strongly request that the City considers an alternative location or design with minimal impacts to the adjacent residential communities. We also encourage the City of Fountain Valley to provide a public notice to the residents who may be impacted within the State Streets.

C-2 | Installation of a LED message board within such close proximity to residential living, will significantly impact the quality of life for these residents and should be carefully considered. Even though, the V-formed sign may be slightly angled to focus on freeway traffic, the light, glare and aesthetics impacts of the superior alternative are significant and should be further studied.

With respect to the draft EIR, please consider the following comments:

C-3 | • Lower Height Alternative – the DEIR refers to an existing sign with a height of 60 feet across the freeway. It is not clear why this alternative was not the superior alternative given that the aesthetics impacts will be significantly less than the 79-foot high alternative. This option could also provide for tree installation and other methods of screening not considered in the DEIR. In addition, it appears that the sign is intended for general commercial advertisement and not to direct the motorist to a certain location in close proximity to the sign, and therefore distance visibility is not as critical as noted in the DEIR.

C-4 | • V Formation Alternative – Section 7.7 of the DEIR refers to the V formation alternative environmentally superior to proposed sign with regards to aesthetics. The DEIR only considers light and glare and does not consider the height and massing of the sign; the sign appears significantly larger because of the angled panels and the gap between the two signs.

C-5 | • Goals and Objectives – Section 2.3 of the DEIR refers to four goals including a goal to minimize environmental impacts on natural resources. This goal should be extended to include minimizing impacts to adjacent residential communities.

C-6 | • Page 4-5 - Compliance with the Zoning Code – the DEIR refers that the proposed sign is in compliance with the zoning code. However, the City's zoning code is very restrictive with respect to commercial advertisement on a public site. It appears, that this proposal would be subject to a Zoning Code amendment to allow the increase in height from 60 feet to 79 feet and to allow advertisement on public property. The sign Code 21.25.050 currently specifies the following signs as permitted signs on public property:



Electronic Message Center Sign Project Response to Comments

- C-6
Cont'd
- (a) Government Signs. Traffic control and traffic directional signs erected by the city or another governmental entity; official notices required or authorized by law; signs placed in furtherance of governmental functions; signs on which the city expresses its message(s) to the public.
 - (b) Legal Nonconforming Signs. Permanent signs which were erected in the past on public property in conformance with all then-applicable laws, rules and regulations may remain in that same location so long as they have not been and are not expanded or moved, and are properly repaired and maintained.

If the City Council is intending to approve the EMC sign, we strongly recommend that the following conditions of approval be imposed:

- C-7 | • Height - Lowering the sign to a maximum of 31 feet to the illuminated portion.
 - C-8 | • Consider a constant measuring factor similar to a maximum illumination of 300 nits luminance during times of operation. The proposed 0.3 foot-candle above ambient light at 250 feet from the face of the sign is very subjective and hard to monitor over time after final installation of the sign.
 - C-9 | • Hours of Operation - Restricting the hours of operation from 7:00 AM to 10:00 PM with a gradual dimming starting at 9:00 PM
 - C-10 | • Display – No flashing or animated displays or images should be permitted on the LED sign.
 - C-11 | • Provide a landscape screen consisting of trees to shield sensitive uses from views of the sign to the extent that is feasible and practical.
 - C-12 | • Compliance with Caltrans Requirements – In compliance with Outdoor Advertising Act and Regulations 2014 Edition, the message center displays are required to not illuminate resulting in flashing, intermittent, or moving light or motion that changes in intensity or exposes its message for less than four seconds.
- C-13 | These conditions are consistent with the SOCO EMC sign on the north side of the 405 Freeway including the height limitations. The SOCO sign was approved with a maximum height of 31 feet from the adjacent grade with a LED panel of 15 feet in height, which is considerably lower than the proposed sign.

We would appreciate the opportunity to review the staff reports and response to comments on the Draft Environmental Impact Report (DIER). Please feel free to contact Minoo Ashabi at 714/754-5610 with any questions.

Sincerely,

Gary Armstrong, AICP
Director of Economic & Development /
Deputy CEO

cc: City Council
CEO

Mr. Andrew Perea, Planning Director
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708



Response to Letter C – City of Costa Mesa

C-1 The City acknowledges and appreciates this comment. The Draft EIR evaluated an alternative location on the north side of the Interstate 405 Freeway from the proposed location. This location was determined not to be feasible due to the existing sanitary sewer lines (owned by the Orange County Sanitation District) along Euclid Street in this area. There are few opportunities for alternative locations due to the limited amount of City owned property adjacent to the Interstate 405 (I-405) freeway. One of the project objectives of the EMC sign is to be located along a major freeway segment for maximum exposure. Therefore, proximity to the freeway is critical in the site location criteria.

The City sent notices to all residents and businesses within 500 feet of the project site. The City's normal distribution of 500 feet exceeds the State requirement of 300 feet.

C-2 The City concurs that significant and unavoidable visual impacts would occur to the Mesa Verde residential area on the east side of the Santa Ana River and the Santa Ana River trail due to the visibility of the proposed sign. The City does not concur the proposed project or "V Formation" Alternative would result in significant light and glare impacts. Potential light and glare impacts were evaluated in Section 5 of the Draft EIR. The closest residences to the proposed sign (approximately 700 feet away) are shown to have 0.02 footcandle additional light from the proposed sign. This additional amount of light is equivalent to 2 percent of the light from a single wax candle. The Outdoor Advertising Association of America commissioned a technical study for the recommended limits of brightness of electronic signs¹. A billboard luminance limit of 0.3 footcandle at 250 feet from the billboard is recommended for a 14 ft. x 48 ft. size sign. The photometric study shows prepared for the project shows that both the proposed project and the "V Formation" Alternative are below the 0.3 footcandle limit at 250 feet. Additionally, the project requires mitigation measures that require the applicant to demonstrate that lighting controls have been incorporated into the sign to limit the maximum lighting output (brightness) of the sign to 3 percent or less of the maximum daytime brightness beginning one hour before dusk and one hour after dawn. Mitigation measures also require the applicant to provide a third party test of the sign to confirm sign brightness does not exceed the 0.3 footcandle limit once the sign has been constructed and is in operation. Therefore, potential impacts from light and glare are considered significant.

C-3 The City does not concur with this comment. The Lower Height Alternative was not considered the superior alternative because it would limit the visibility of the sign to the motorists on the I -405 freeway, the main target audience of the sign. As noted in Section

¹ Lewin Ph.D., Ian, *Digital Billboard Recommendations and Comparisons to Conventional Billboards*, November 26, 2008. <http://polcouncil.org/polc2/DigitalBillboardsIanLewin.pdf>



7.6 of the Draft EIR, one of the key constraints of a sign at 60-feet is the existing trees would screen significant portions of the sign from motorists in the southbound lanes. Landscape screening for aesthetic purposes was considered on page 5-15 of the EIR. Some screening measures from within the City of Costa Mesa were considered such as landscaping in the park or on the levee, however, it is unlikely that vegetative screening would screen the views from all potential view points in the neighborhood. Further, any trees or bushes planted would take time to mature and the impact would remain in the interim. Any planting within the park would be within the jurisdiction of the City of Costa Mesa and any planting on the levee would be within the jurisdiction of the Orange County Flood Control District. As such, the implementation or maintenance of the any screening plants would be outside the jurisdiction or control of the City of Fountain Valley. For these reasons tree planting was not considered to be a feasible mitigation measure. These screening constraints would occur regardless of the sign height at 60 feet or at 79 feet. No other screening methods were identified in the preparation of the Draft EIR and the comment does not propose any other screening methods.

It should be noted that Caltrans has an approved project to develop a new Euclid Street southbound I-405 on-ramp from Ellis Avenue as part of the larger I-405 Improvement Project. The new on ramp would add a new bridge across the Santa Ana River just south of the existing I-405 Bridge, as well as a span over the entrance to the Orange County Sanitation District's wastewater treatment plant entrance. Between these two bridges, the ramp would be elevated by retaining walls. Final designs have not been approved at this time, but the addition of a new bridge and elevated on-ramp may provide additional screening of the proposed sign.

The City agrees that the proposed sign is for general commercial advertisement. The City does not concur that distance visibility is not as critical for the commercial billboards. The increased visibility of the sign makes it easier for drivers to see at a distance and results in less distraction for the driver in trying to read the advertisement. Additionally, the increased height minimizes the frequency the sign would be screened from drivers by other high-profile vehicles (semi-trucks, large sport utility vehicles, etc.) on the road. In addition the higher sign height reduces the amount of luminance (brightness) on the ground.

- C-4 The City concurs that the “V Formation” Alternative is the Environmentally Superior Alternative. Section 7.7 of the Draft EIR states the visual impacts of the sign would remain significant and unavoidable similar to the proposed project, which is the same height and the same size as the “V Formation” Alternative. The analysis does note the light and glare impacts would be reduced because the sign would be oriented towards the I-405 freeway, and the sign would be directly facing a smaller portion of the Mesa Verde neighborhood. The City does not concur that the “V Formation” sign configuration would significantly



increase the massing of the sign. The visibility of the sign would vary depending on the angle and direction from which the sign is viewed. The orientation of the sign would make it more visible to motorists on the freeway. Residents of the Mesa Verde neighborhood in Costa Mesa and visitors to Moon Park would see portions of the backside of the panel facing southbound traffic. The “V Formation” sign panels would be separated by 15 to 20 feet at the south end of the of the panel sides. Depending on the angle from which the sign is viewed the visibility of the back side of the sign panels increased. Views looking north from the Santa Ana River Trail would see the more the panel backsides and less of the front side of the panels. Therefore, the angled sign panels do not increase the massing of the proposed sign such that the visual impact is significantly increased or decreased.

- C-5 The proposed sign location is located approximately 700 feet from the nearest residence. There is no other City owned property along Interstate 405 (other than the site discussed in Section 7.5 of the Draft EIR, the “Alternative Location”) where the sign could be located and still maintain up to 700 feet from the nearest residence. Please see Response C-2 with regard to minimized light and glare on the adjacent Mesa Verde neighborhood.
- C-6 The City does not concur that the Fountain Valley Municipal Code would need to be amended. Sections 21.25.010 and 21.25.040 of the City’s Municipal Code states that private signs can be installed on public property with authorization of the City Council. The City Council would enter into a development and relocation agreement with the project applicant to erect, maintain and operate commercial signage on City property. A code amendment is not required for height. The Municipal Code does not have height restrictions for EMC signs.
- C-7 The City does not concur that 31 feet is a feasible maximum height restriction for the proposed sign. The proposed billboard is 14 feet in height. That would put the bottom of the sign 17 feet above the ground. The adjacent freeway is elevated as it crosses Euclid Street and the Santa Ana River. The northbound lanes approaching the sign are elevated approximately 15 feet above the ground near the sign. At a maximum height of 31 feet, the bottom of the sign would be approximately the same height as the cars on the freeway. A sign at this height would increase the brightness on the freeway because of the proximity of the lights to the freeway surface. A sign at a maximum height of 31 feet would reduce the visibility of the sign from longer distances and increase driver distraction because it would require drivers to be closer to the sign to read it. Additionally, the sign would be substantially screened from view of the southbound lanes by existing trees and the City’s Reservoir No. 1 at this height. For these reasons a sign with a maximum height of 31 feet is not considered feasible in this location.



- C-8 Mitigation Measure AES-1 requires the project applicant to demonstrate that the electronic billboards are equipped with self-regulating dimmers that will control the brightness of the sign not to exceed 3 percent of the maximum daytime brightness from 1 hour after dawn to 1 hour before dusk. The 0.3 footcandle limit at 250 is the recommended limit of Outdoor Advertising Association based on technical studies. It is also the metric recommended by Caltrans. The benefit of measuring the illuminance at 250 feet is that it takes into account the existing ambient light, can be measured at eye level, and can be measured with a footcandle meter. As such, the existing mitigation measures are considered adequate.
- C-9 The City does not concur with comment. The project will be in compliance with City and Caltrans Outdoor Advertising Act regulations. Mitigation measures have been incorporated into the project to ensure that the project does not exceed the 0.3 footcandle limit at 250 feet. Therefore, no restricted hours of operation are required nor proposed.
- C-10 The City concurs with this comment. The sign advertising content will be required to comply with Section 5404(d)(1) of the Outdoor Advertising Act which regulates the motion, flashing, and time required in between messages. Enforcement will be through the Outdoor Advertising Display Permit the applicant must obtain from the California Department of Transportation (Caltrans).
- C-11 Please see Response C-3 above regarding the landscape screening.
- C-12 The City concurs with this comment. Please see Response C-10 above.
- C-13 The City does not concur that the conditions applied to the SOCO EMC sign are applicable to the proposed project. The SOCO sign is within a different jurisdiction with different development regulations. Further, the proposed project and SOCO sign serve different functions (the SOCO sign is located at a retail shopping center and the proposed project is a commercial advertising sign), and have different physical constraints with the surrounding environment (existing trees and an elevated freeway overpass at the proposed site). Please see Response C-7 above as to why the 31-foot maximum height is not feasible for this project.



Letter D – Leston Trueblood

Leston Trueblood
17636 San Bernardo Circle
Fountain Valley, CA 92708
714.620.5560

RECEIVED

NOV 07 2014

PLANNING

November 06, 2014

Page 1 of 2

RE: Draft Environmental Impact Report -- Electronic Message Center Sign -- (SHC) No. 2014091024

BULLET POINTS AND COMMENTS

D-1

- **CONTENT CONTROL / EDITORIAL FINAL SAY / GOOD TASTE / FIRST AMENDMENT RIGHTS** -- It seems that Clear Channel Communication holds the majority if not all the trump cards in this matter. I am left with the impression that “the highest paying” Clear Channel Communication customers, no matter who it is, gets to advertise on the two sided LED reader board. Content could include local “strip joints” (better known as “gentlemen’s clubs), Tatoo Expos, Adultcom, Breast augmentation specials, drunk driving attorney services, gun shows, Hempcom and more. Who has bottom line editorial control of not only the text of the message but the visuals of the electronic reader board? Will photo graphics be allowed that introduce “shock value” just to grab your attention such as “scantily dressed women”, a marijuana leaf and more? I’m sure that Clear Channel will make halfhearted vague promises of their unwritten company and overall “industry integrity and morality standards” to the city just to get this LED reader board installed and then it will be assigned with an asset number and programmed from some remote unknown location for content. I hope the City of Fountain Valley keeps in mind that Clear Channel Communications has very deep financial pockets and could make verbal and written commitments with the city very expensive to fight and enforce if violated.

D-2

- **HYUNDAI MOTOR AMERICA** -- What a slap to the corporate face this LED reader board could be to Hyundai Motor America. The proposed huge reader board will be in the line of sight of a great neighbor company that has just made a HUGE investment keeping their corporate headquarters in Fountain Valley. Any smart aggressive marketer for another competing car company in a heartbeat will want their advertising directed not only to freeway drivers but at the Hyundai corporate headquarters. Can you imagine being giving a tour of the Hyundai headquarters and their guests are viewing ads for other brand cars on a reader board that was sanctioned and approved by the City of Fountain Valley! At nights the glaring LED lights of the reader board with competitive car ads could bathe the east side of the Hyundai building like it was a reflecting pond. I would not blame Hyundai Motor America if they substantially reduced sponsorship funds for city sponsored events.

D-3

- **REMOVING A STATIC BILL BOARD THAT USED TO BE IN SANTA ANA (?)** -- “The project proposes to remove a static billboard located at 12191 Edinger Avenue in Fountain Valley and construct a new digital Electronic Billboard”. What sort of “Smoke and Mirrors” comment is this? The referenced “Edinger” billboard is nowhere even close; its miles away from the proposed site for the requested LED lit Electronic Billboard. This seems very deceptive. I guess Clear Channel Communications want’s people to assume a billboard is already in place and it’s being upgraded to a huge LED format. As far as I know a free standing billboard has never been approved by the city of Fountain Valley



Leston Trueblood
Page #2 of 2
November 06, 2014

- D-4 • **SELF-POLICEING OF “STANDARDS AND PRACTACES” – “THE ILLUMINACTING SOCIETY OF NORTH AMERICA”** -- Is this a government agency or a “Agreeable Membership Society” that is almost fully funded by their profit making industry to show favorable results for all their membership subscribers? I hope this is **not** the same society that gave their guidance and stamp of approval to the 405 freeway Westminster Car Dealers and Huntington Beach, auto dealers LED reader boards. Those LED reader boards are outrageously glaring, garish and intrusive.

- D-5 • **THE RULES AND REGULATIONS APPLY TO EVERBODY, UNLESS YOUR LOCATED ON CITY OWNED PROPERTY** -- Approving this project can and will open up a Pandora’s box of bad feelings and legal challenges with business and land owners in Fountain Valley. The majority of business in Fountain won’t be able afford to advertise on this giant Clear Channel corporate owned LED reader board. Pressure will be applied about the “double standard” that this creates when private land owners and business owners on city owned land along the 405 freeway and smal business are denied a LED reader board for their business signage.

- D-6 • **THE 10th DEGREE OF ARROGANCE DIRECTED AT HOME OWNERS IN COSTA MESA** -- The proposed massive and bright lit LED reader board proposed is TWO sided facing not only into Fountain Valley but also residential homes in Costa Mesa. Common sense and everyday observation of other LED reader board show real life proof of “spill-over” of undesired glaring illumination from these signs. Who are we to subject a lessened life style to residents of a bordering city?

- D-7 • **DIGITAL BLIGHT / DIGITAL GRAFFITI** -- Undesirable graphics, copy, message, photos, light bright back ground colors for extra attention, flash messaging and bottom line **CANNOT** be easily controlled by city officials or code enforcement. Even if local controls were put into place would you have to put together an appointed communication commission to approve every application and message? What would be the legal ramifications if the applicant’s submission was denied?

- **PLEASE do NOT approve this project!**



Response to Letter D – Leston Trueblood

D-1 The content of the proposed EMC sign will be restricted through the City's lease agreement with the applicant. The advertising displays for the sign will be through the company's existing advertising sales program and will be subject to the provisions of the lease agreement regarding restricted content. Additionally, content on billboards and EMC signs is subject to the Outdoor Advertising Act, including Section 5402 of the Act that prohibits content that is deemed obscene, indecent, or immoral character from being displayed on the EMC sign.

D-2 The City does not concur with this comment. The Hyundai Motor America property is over 2,500 feet to the northwest of the proposed site. The proposed project would not result in any light spillover at the property. Please see the light and glare discussion in Section 5.1.4 of the Draft EIR.

D-3 The City does not concur with this comment. The project is a relocation and replacement of the existing static billboard on Edinger Avenue to the proposed site with an EMC sign. The proposed relocation is consistent with the California Business and Professions Code, Section 5412, which states in part:

"Relocation," as used in this section, includes removal of a display and construction of a new display to substitute for the display removed. It is a policy of this state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds while allowing the continued maintenance of private investment and a medium of public communication. Cities, counties, cities and counties, and all other local entities are specifically empowered to enter into relocation agreements on whatever terms are agreeable to the display owner and the city, county, city and county, or other local entity, and to adopt ordinances or resolutions providing for relocation of displays.²

The City has not permitted other billboards or electronic message center. There are several existing billboards within the City that were incorporated into the City as part of an annexation process. That previous annexation was unrelated to the proposed project.

D-4 The Illuminating Engineering Society of North America is a professional organization. This organization does not have land use authority for approving land use applications.

² <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=05001-06000&file=5400-5419>, accessed December 3, 2014



- D-5 The City does not concur with this comment. Advertising rates for the proposed sign will be set by Clear Channel Communications and not by the City. There is no evidence that local businesses will not be able to afford to advertise on the proposed sign. The proposed project does not affect other business owners from applying for an LED sign on private property. The City has two different development standards for signs: Regulatory and Proprietary. Regulatory standards apply to signs on private property and Proprietary standards apply to signs on public property.
- D-6 The City does not concur that the project would result in a significant amount of light and glare from the proposed sign. Light and glare from the proposed project are evaluated in Section 5 of the Draft EIR (page 5-31). The analysis includes the results of a photometric study was prepared for the project which indicates that approximately 0.02 footcandle of light would reach the Mesa Verde Neighborhood within the City of Costa Mesa. This is equivalent to 2 percent of the light from a single wax candle. The EIR includes a “V Formation” Alternative which orients the signs more directly and the Interstate 405 freeway and reduces the area of the Costa Mesa neighborhood that has a direct view of the sign.
- D-7 The sign advertising content will be required to comply with Section 5404(d)(1) of the Outdoor Advertising Act which regulates the motion, flashing, and time required in between messages. Enforcement will be through the Outdoor Advertising Display Permit the applicant must obtain from the California Department of Transportation (Caltrans). The advertising content will be under the same regulations as other outdoor advertising billboards within the City. The decision to approve or deny the project application will be made by the City Council who has land use authority within the City of Fountain Valley. Any legal ramifications are unknown at this time and outside of the scope of the EIR.



Letter E – Dori Briggs

From: Dori Briggs
Sent: Wednesday, November 26, 2014 5:41 PM
To: planning building
Subject: 60 foot sign?

E-1

Please do your homework and see how much this will bother those Mesa Verde residents who will be disturbed by this sign and it's presumed light pollution. Do unto others as you would have them do unto you. Thank you Dori Briggs, 1842 Iowa Street

Sent from my iPad



Response to Letter E – Dori Briggs

E-1 An Environmental Impact Report (EIR) was prepared for the proposed project. Visual and aesthetic impacts of the proposed EMC sign were provided in Chapter 5 of the EIR. This analysis included an evaluation of the potential light and glare impacts. The EIR concluded the potential increases of illuminance in the Mesa Verde neighborhood from the sign would be less than significant based on the results of a photometric technical study.



Letter F – Suzanne Cannata

From: [scannata1](#)
Sent: Wednesday, November 26, 2014 11:52 AM
To: planning building
Subject:

*Att: Mr. Andrew Perea, Planning, Building Director
The City of Fountain Valley
10200 Slater Ave.
Fountain Valley, CA 92708*

Project Description: The project submitted by Clear Channel Outdoor proposes the construction and operation of a new Electronic Message Center (EMC) sign to display commercial advertisements to motorists traveling in both northbound and southbound directions on the adjacent Interstate 405 freeway. The project site is located at 10955 Ellis Avenue on an approximately 2.75 acre parcel owned by the City of Fountain Valley and shared by the City's Reservoir No. 1. The City of Fountain Valley, as the Lead Agency, has prepared a Draft Environmental Impact Report (DEIR) for the Electronic Message Center Sign Project pursuant to the California Environmental Quality Act. The public review period for the DEIR is 10/23/14-12/8/14.

F-1 | I am a homeowner in Costa Mesa and frequently shop in Fountain Valley, especially traveling through the 405 corridor where this sign is planned. With all of the challenges around the traffic and frequent 405 freeway slowdown in this specific area, I find it very surprising that this project is being considered. Having read the DEIR, I do not see the potential impact to the traffic on the freeway and the resulting distractions addressed. The following study is offered for consideration of the potential impact:

Digital billboards dangerously distracting to drivers says new study

F-2 | Jan 3, 2013 [Wendy Leavitt](#) A new study, conducted by researchers at the Swedish National Road and Transport Research Institute and funded by the Swedish Transport Administration, concludes that digital billboards attract and hold the gazes of drivers for far longer than a threshold that previous studies have shown to be dangerous. The Swedish government had given temporary authorization to erect digital billboards in 2009. As a result of this and related studies, however, the government has ordered the removal of all digital billboards.



F-3 | In addition, the negative impact as stated below taken from the DEIR, is strongly impactful when considering the effects to the image of Fountain Valley and it's neighbor Costa Mesa. Both already reside somewhat in the "shadow" of the surrounding cities of Huntington Beach and Newport Beach. Does Fountain Valley want to negatively impact it's reputation by joining the "electronic billboard revolution" like the greater Los Angeles area?

Impact 5.1.4.4: Project implementation could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings.

F-4 | I understand the need to create income for the city. The resulting expense to the citizens within Fountain Valley and surrounding neighborhoods in traffic and distractions resulting in accidents and injuries, should outweigh the potential benefits from such advertisements. In addition, the negative impact to the visual character/quality of the site and it's surrounding area has the potential to impact the city's reputation and nature of home ownership driving home prices down causing a negative impact to the city's tax structure (also not considered in the DEIR.)
Thank you for consideration of the points outlined above.

Suzanne Cannata
Costa Mesa Homeowner

Impact 5.1.4.4: Project implementation could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings.



Response to Letter F – Suzanne Cannata

F-1 The potential for traffic impacts were addressed in the initial study prepared as part of the Notice of Preparation in which Section 9, pages 9-25 and 9-26. Potential traffic impacts were found to be less than significant. Electronic billboards are permitted adjacent to freeways by California Department of Transportation (Caltrans) pursuant to the Outdoor Advertising Act (OAA). The sign advertising content will be required to comply with Section 5404(d)(1) of the OAA which regulates the motion, flashing, and time required in between messages. Enforcement will be through the Outdoor Advertising Display Permit the applicant must obtain from the Caltrans. The OAA requires that images change no less than four seconds from one image to the next. Further, the City will require within the lease with the applicant that the sign change images in no less than eight seconds.

F-2 The City does not concur that the proposed project is dangerously distracting to proposed drivers. As noted in Response F-1 above, digital billboards are permitted along California freeways pursuant to the OAA. The comment does not provide any evidence that other digital billboards in California or in the surrounding area have resulted in increased traffic accidents or resulted in safety hazards.

The United States Federal Highway Administration (FHWA) has addressed signage issues in general, and digital signs in particular. As part of its agreement with various states pursuant to the Highway Beautification Act (23 U.S.C. §131), for example, it has confirmed that no sign is allowed that imitates or resembles any official traffic sign, and that signs may not be installed in such a manner as to obstruct, or otherwise physically interfere with an official traffic sign, signal, or device, or to obstruct or physically interfere with the vision of drivers in approaching, merging or intersecting traffic. These provisions may be enforced by the FHWA, but the agreement with the State of California also requires Caltrans to enforce these provisions.

The FHWA agreement with California includes specific provisions regarding the brightness of signage:

Signs shall not be placed with illumination that interferes with the effectiveness of, or obscures any official traffic sign, device or signal; shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather or similar information); shall not cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance as to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle. (Agreement dated February 15, 1968)



The FHWA has responded to the development of signs that present changing messages, either mechanically or digitally, with an interpretation of its agreements with the states pursuant to the Highway Beautification Act. The FHWA discussed “changeable message signs” in a memorandum dated July 17, 1996, concluding that a state could reasonably interpret the provisions of its agreement with the FHWA “...to allow changeable message signs...The frequency of message change and limitation in spacing for these signs should be determined by the State.”

On September 25, 2007, the FHWA again issued a Memorandum on the subject of off-premises changeable electronic variable message signs, or CEVMS. The Memorandum stated that proposed laws, regulations and procedures that allowed CEVMS subject to acceptable criteria would not violate the prohibition on “intermittent” or “flashing” or “moving” signs as used in the state agreements. The Memorandum identified “ranges acceptability” relating to such signage, as follows:

- Duration of message: Duration of 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 to 2 seconds is recommended;
- Brightness: The sign brightness should be adjusted to respond to changes in light levels;
- Spacing: Spacing between the signs should be not less than the minimum specified for other billboards, or greater if deemed required for safety;
- Locations: Location criteria are the same as for other signage; unless it is determined that specific locations are inappropriate.

The Memorandum also referred to other standards that have been found helpful to ensure driver safety. These include a default designed to freeze the display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT (Caltrans) 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. Manufacturers and operators of digital billboards more frequently use a full-black screen in the event of a malfunction.

In addition to the provisions of the Highway Beautification Act and the FHWA memoranda discussed above, the state of California has adopted the Outdoor Advertising Act (Business and Professions Code §§5200 et seq.) and regulations implementing its provisions (California Code of Regulations, Title 4, Division 6, §§2240 et seq.). These include provisions that deal specifically with “message centers,” which are defined as “...an advertising display where the



message is changed more than once every two minutes, but no more than once every four seconds.” (§5216.4)

Consistent with the memoranda executed pursuant to the Highway Beautification Act, the Outdoor Advertising Act provides that message center displays that comply with its requirements are not considered flashing, intermittent or moving light. (§5405(d)(1)) The requirements provide that such signs must not display messages that change more than once every four seconds, and that no message center may be placed within 1,000 feet of another message center display on the same side of the highway.

The California Vehicle Code regulates the brightness of billboard lighting. Vehicle Code §21466.5, which identifies the applicable standard, may be enforced by Caltrans, the California Highway Patrol, or local authorities. Vehicle Code §21467 provides that each prohibited sign, signal, device or light is a public nuisance and may be removed without notice by Caltrans, the California Highway Patrol or local authorities.

Caltrans requires that any person engaged in the outdoor advertising business must obtain a license from Caltrans and pay the required fee. (§5300) No person may place any advertising display in areas subject to Caltrans authority without having a written permit from Caltrans. (§5350) These provisions of law and regulation effectively regulate sign location and brightness to ensure that digital billboards will not be located in such a manner as to create hazards due to lighting conditions themselves. Digital billboards are equipped with sensors that modify the brightness of the sign in response to ambient lighting conditions, thus ensuring that the brightness of the display in evening, nighttime or dawn conditions does not present a traffic hazard.

As digital billboard technology has evolved, the issue has been raised as to whether digital billboards themselves, regardless of compliance with such operating restrictions, present a distraction to drivers and thereby create conditions that could lead to accidents. The Federal Highway Administration has monitored the issue closely, and recently released its report updating the agency’s view of the issues and research. The report is entitled: “*The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update.*” (FHWA Report, February 2009).

The FHWA Report addressed the basic research question of whether operation of a CEVMS along the roadway is associated with a reduction of driving safety for the public. The report identified three fundamental methods for answering this question: (1) whether there is an increase in crash rates in the vicinity of CEVMS, (2) whether there is an increase in near-crashes, sudden braking, sharp swerving and other such behaviors in the vicinity of CEVMS, and (3) whether there are excessive eye glances away from the roadway in the



vicinity of CEVMS. The report discusses existing literature and reports of studies, key factors and measures relating to CEVMS and effects on traffic, and recommends a study approach. The report does not provide guidance to states on the control of CEVMS.

The report confirmed that there have been no definitive conclusions about the presence or strength of adverse safety impacts from CEVMS. Similarly, a study performed under the National Cooperative Highway Research Program (NCHRP), Project 20-7 (256) entitled “*Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs*” (NCHRP Report) reviewed existing literature. Both reports agreed that digital billboards should be regulated as a means of protecting the public interest.

Conducting a study to isolate attention to a digital billboard, and to measure and analyze the effects of such attention, is difficult. Not only are roadway conditions unique for each sign location, but there are also a variety of other factors that may contribute to driver inattention, including other roadway signage (including official signage), and other driver activities (such as tuning the radio, talking on the phone, smoking, talking to other passengers, etc.).

Various restrictions have been identified in reports that relate to the location and operation of digital billboards that seek to reduce safety concerns. These relate to brightness, message duration and message change interval, billboard location with regard to official traffic control devices, roadway geometry, vehicle maneuver requirements at interchanges (i.e., lane drops, merges and diverges), and with regard to the specific constraints that should be placed on the placement and operation of such signs. Regulation of operations could include, for example, the time any single message may be displayed, the time of message transition, brightness of the sign and controls that adjust brightness based on the ambient light environment, and design and placement that ensures that the sign does not confuse drivers, or create dangerous glare.

Restrictions on digital billboards contained within the Outdoor Advertising Act and enforced by Caltrans regulate many of the conditions that have been identified as relevant to traffic safety and driver distractions. Caltrans regulates the location of proposed digital billboards through its application process, and the distance between such signs is also regulated. California statutory provisions regulate brightness of displays. Lease and operating agreements between the City and the project applicant would regulate the message display time, message interval, and sign dimensions. Through local and state law, such signage would be prohibited from displaying flashing lights, flashing images, or moving images.

The project would be required to comply with restrictions regarding location, intensity of light, light trespass, or other restrictions, especially those enforced by the Caltrans pursuant



to its authority under the agreements between the U.S. Department of Transportation under the Highway Beautification Act, and the Outdoor Advertising Act. Compliance with existing federal regulations, state law, and City requirements agreed to as part of the lease agreement with the project applicant as discussed in the Project Description would ensure that any hazards associated with this use and the potential effects on traffic and driver safety would be less than significant.

- F-3 The City acknowledges and appreciates this comment, however the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.
- F-4 The City does not concur that the project would result in adverse impacts to traffic and safety hazards. No evidence has been identified that this has occurred on other Caltrans facilities in California. The City agrees that the proposed sign would have significant and unavoidable visual impacts on the Mesa Verde neighborhood and along the adjacent portions of the Santa Ana River Trail. The proposed project's effects on homeownership and property taxes are not environmental issues under the California Environmental Quality Act, and no further response is required.



Letter G – Karla Stagman

From: Karla Stagman
Sent: Wednesday, November 26, 2014 1:44 PM
To: planning building
Subject: Oppose sign at Ellis

Good afternoon,

G-1

I am a Mesa Verde resident and have lived here for almost 15 years. My husband and I oppose the project submitted by Clear Channel Outdoor that proposes the construction and operation of a new Electronic Message Center (EMC) sign to display commercial advertisements to motorists traveling in both northbound and southbound directions on the adjacent Interstate 405 freeway. The project site is located at 10955 Ellis Avenue. We do not want it to be so high that we can see it from our back yard, near Moon Park.

Thank you,

Karla Stagman
3361 Alabama Circle
CM 92626



Response to Letter G – Karla Stagman

G-1 The City acknowledges and appreciates this comment. However, the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.

It should be noted that the EIR does evaluate a “Reduced Height” Alternative (60 feet high) in Section 7 of the document. The EIR concluded that the reduce height would have incrementally less visual impacts than the proposed project but that visual impacts would still be significant and unavoidable. Please see Response C-7 regarding the City of Costa Mesa’s proposal for a maximum height of 31 feet.



Letter H – Craig Brown

From: Craig Brown
Sent: Thursday, October 23, 2014 11:23 AM
To: planning building
Subject: ELECTRONIC BILLBOARD on 405 in Fountain Valley

H-1 | I am resident of Fountain Valley. This email to to express my objection to the electronic billboard being place
10200 Ellis Ave.
Do not let Fountain Valley be the stepping stone for billboard advertising in our nice place to live city!



Response to Letter H – Craig Brown

H-1 The City acknowledges and appreciates this comment, however the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter I – David and Marta Bunnell

From: David & Marta Bunnell
Sent: Saturday, November 22, 2014 9:31 AM
To: planning building
Cc: 'Diane'
Subject: Oppose The Freeway Sign

I-1 | My wife & I **oppose** the proposed Freeway sign being submitted by Clear Channel , there is already too much advertising on the freeway.
| Let's not start looking like the LA freeways that lower property values...

David & Marta Bunnell
Kerry Lane
Costa Mesa
(949) 939-0037



Response to Letter I – David and Marta Bunnell

I-1 The City acknowledges and appreciates this comment, however the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter J – Andrew Smith

From: Andrew Smith
Sent: Friday, November 21, 2014 9:16 PM
To: planning building
Subject: PROJECT NAME: ELECTRONIC MESSAGE CENTER SIGN

J-1 As a Costa Mesa resident and frequent user of the 405 I oppose this for profit use of Fountain Valley city property for a billboard. At a time when beautification and reduction of visual blight is so popular, entitling new blight seems an odd choice, just to obtain a few dollars of rent.

Please don't.

North Bound Traffic - 405 Fwy (Close-up)



Site A Water Reservoir
"V" Design



Warm Regards,

1

Andy

Andrew B. Smith
President
AvPac Insurance Services, Inc.
01.949.252.8532 voice
01.949.252.8547 fax
avpac.as skype
andy@avpac.com
www.avpac.com

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"Price is what you pay. Value is what you get."
-- Warren Buffett



Response to Letter J – Andy Smith

J-1 The City acknowledges and appreciates this comment, however the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter K – Beverly Blakely

From: Beverly Blakeley
Sent: Monday, November 24, 2014 2:11 PM
To: planning building
Subject: Re: Proposed Electronic Sign

K-1 | I just found out about the proposed electronic sign by the 405 freeway. The first thing brought to mind was the distraction of drivers trying to read the sign while driving at freeway speeds. Accidents waiting to happen! not to mention another annoying sign to blight the freeway! We are on advertising overload as it is.

Beverly Blakeley
Costa Mesa, CA



Response to Letter K – Beverly Blakeley

K-1 The City does not concur that the proposed project would adversely distract drivers on the freeway or increase accidents. No evidence has been identified that this has occurred on other Caltrans facilities. Please see Response F-2. Electronic billboards are permitted adjacent to freeways by California Department of Transportation (Caltrans) pursuant to the Outdoor Advertising Act (OAA). The sign advertising content will be required to comply with Section 5404(d)(1) of the OAA which regulates the motion, flashing, and time required in between messages. Enforcement will be through the Outdoor Advertising Display Permit the applicant must obtain from the Caltrans. The OAA requires that images change no less than four seconds from one image to the next. Further, the City will require within the lease with the applicant that the sign change images in no less than eight seconds.



Letter L – Ryan Johnson

From: Ryan Johnson
Sent: Friday, November 28, 2014 8:52 AM
To: planning building
Subject: Opposed to Proposed 60 foot high Electronic Message Sign in Fountain Valley

Attn: Mr. Andrew Perea, Planning, Building Director
The City of Fountain Valley
10200 Slater Ave.
Fountain Valley, Ca. 92708

Mr. Perea,
L-1 | As a Local Property Owner located in the Mesa Verde North Tract of Costa Mesa, I opposed any creation of
L-2 | Electronic Message Sign with placement at Ellis and 405 Freeway Entrance. My home backs to the Santa Ana River
L-3 | Channel I would be subjected to severe Light Pollution coming from this proposed sign and as a result of this sign
L-4 | placement and light pollution, I would see drastic property value reduction. I already have to deal with the Odor
L-5 | Pollution coming across the river channel from the sewer treatment plant and now I will have to deal with this
situation. Your bid to increase revenue at the expense of the property owners in Costa Mesa Mesa Verde North is
quite a shame! If your house was in the pathway to have a neighboring city place a "Light Polluting Sign" I believe
you would be raising a very strong protest!
Mr. Perea, There are other locations along the 405 Freeway that an electronic sign placement could be chosen or
just don't place/create it!
If that can't be possible, enlist Costa Mesa' suggestion to have a reduction in sign height to the "SOCO" sign
dimensions.
Please hear not only my voice, but the voices of the rest of Costa Mesa Mesa Verde North Residents pleas to not
construct the message sign and placement at Ellis and 405 Freeway.
Respectfully Submitted,
Ryan Johnson
3324 Wyoing Circle
Costa Mesa, Ca. 92626



Response to Letter L – Ryan Johnson

- L-1 The City does not concur that the proposed project would result in significant light pollution. Visual and aesthetic impacts of the proposed EMC sign were provided in Chapter 5 of the EIR. This analysis included an evaluation of the potential light and glare impacts. The EIR concluded the potential increases of illuminance in the Mesa Verde neighborhood from the sign would be less than significant based on the results of a photometric technical study. Please see Response D-6.
- L-2 The City acknowledges and appreciates this comment, however the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.
- L-3 The Draft EIR evaluated an alternative location on the north side of the Interstate 405 Freeway from the proposed location. This location was determined not to be feasible due to the existing sanitary sewer lines (owned by the Orange County Sanitation District) along Euclid Street in this area. There are few opportunities for alternative locations due to the limited amount of City owned property adjacent to the Interstate 405 (I-405) freeway. One of the project objectives of the EMC sign is to be located along a major freeway segment for maximum exposure. Therefore, proximity to the freeway is critical in the site location criteria.
- L-5 The City acknowledges and appreciates this comment. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter M – Peggy Partnoff

From: Peggy Partnoff
Sent: Monday, December 08, 2014 10:42 AM
To: planning building
Subject: Electronic Message Sign Protest

Dear Mr. Andrew Perea,

M-1 I implore you and the City Of Fountain Valley to cease further progress on the proposed 60 ft. Electronic Advertising Billboard on Ellis Ave & 405 south on ramp!

Subjecting the citizens of Orange County to such a blatant eyesore and contributing to the problem of LIGHT POLLUTION will certainly promote a very negative image for the City of Fountain Valley. You will have put the best interest of all citizens behind Fountain Valley's pursuit of revenue.

M-2 Our lovely tract of the "State Streets" in Costa Mesa has been in existence for over 50 years! We have contributed to the local economies of Costa Mesa, Huntington Beach and Fountain Valley all these years. We have also borne the burdens of growth for Orange County citizens to a disproportionate level. We will have our streets disrupted for renovation, again, for the County of Orange water channel in 2015. Towering power lines for Edison were erected, almost in my backyard on Alabama Circle. We are impacted daily by the air, smell, sound and light pollution generated by the Orange County Sanitation Plant in Fountain Valley. These are more than quality of life issues, they have an effect on our property values. Yet most of us living here, realize these burdens provide necessary contributions to our community. We love our neighborhood and seek to retain our peaceful, quiet family environment. "Fountain Valley.. a nice place to live." Please extend this sentiment and respect to your neighbors, in Costa Mesa. Your proposed Electronic Billboard would have a negative impact on our community and is not necessary to the betterment of the citizens of Orange County. I ask you to abandon this project.

Respectfully,
Peggy Partnoff
3321 Alabama Circle
Costa Mesa, CA
714-330-9917



Response to Letter M – Peggy Partnoff

M-1 The City does not concur that the project would contribute to light pollution in the surrounding area. Light and glare from the proposed project are evaluated in Section 5 of the Draft EIR (page 5-31). The analysis includes the results of a photometric study prepared for the project which indicates that approximately 0.02 footcandle of light would reach the Mesa Verde Neighborhood within the City of Costa Mesa. This is equivalent to 2 percent of the light from a single wax candle. The City does agree that the project would have a significant and unavoidable impact on some residents of the Mesa Verde neighborhood and to visitors of Moon Park and the Santa Ana River Trail.

For purposes of clarification the proposed project has a maximum height of 79 feet. Section 7 of the Draft EIR does include a “Reduced Height Alternative that considers a proposed sign with a maximum height of 60 feet.

M-2 The City acknowledges and appreciates this comment. However, the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter N – William and Margaret Partnoff

From: [surfcitybilly](#)
Sent: Sunday, December 07, 2014 9:38 AM
To: planning building
Subject: Re: Electronic Sign Placement @ Ellis and 405 Freeway

On Behalf Of Bill "SurfcityBilly" Partnoff

Attn: Mr. Andrew Perea, Planning, Building Director
The City of Fountain Valley
10200 Slater Ave.
Fountain Valley, Ca. 92708

Mr. Perea,

- N-1 | As a Local Real Estate Broker and Property Owner located in the Mesa Verde North Tract of Costa Mesa, I opposed any creation of Electronic Message Sign with placement at Ellis and 405 Freeway Entrance. My home backs to the Santa Ana River Channel I would be subjected to severe Light Pollution coming from this proposed sign and as a result of this sign placement and light pollution, I would see drastic property value reduction. I already have to deal with the Odor Pollution coming across the river channel from the sewer treatment plant and
- N-2 | now I will have to deal with this situation. Your bid to increase revenue at the property owners in Costa Mesa Mesa Verde North is quite a shame! If your house was in the pathway to have a neighboring city place a "Light Polluting Sign" I believe you would be raising a very strong protest!
- N-3 | Mr. Perea, There are other locations along the 405 Freeway that an electronic sign placement could be chosen or just don't place/create it!
- N-4 | If that can't be possible, enlist Costa Mesa' suggestion to have a reduction in sign height to the "SOCO" sign dimensions.
- N-5 | Please hear not only my voice, but the voices of the rest of Costa Mesa Mesa Verde North Residents please do not construct the message sign and placement at Ellis and 405 Freeway.

Respectfully Submitted,

William and Margaret Partnoff
3321 Alabama Cir.
Costa Mesa, Ca. 92626



Response to Letter N – William and Peggy Partnoff

- N-1 The City does not concur that the project would contribute to light pollution in the surrounding area. Light and glare from the proposed project are evaluated in Section 5 of the Draft EIR (page 5-31). The analysis includes the results of a photometric study prepared for the project which indicates that approximately 0.02 footcandle of light would reach the Mesa Verde Neighborhood within the City of Costa Mesa. This is equivalent to 2 percent of the light from a single wax candle.
- N-2 The City acknowledges and appreciates this comment. However, the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.
- N-3 The Draft EIR evaluated an alternative location on the north side of the Interstate 405 Freeway from the proposed location. This location was determined not to be feasible due to the existing sanitary sewer lines (owned by the Orange County Sanitation District) along Euclid Street in this area. There are few opportunities for alternative locations due to the limited amount of City owned property adjacent to the Interstate 405 (I-405) freeway. One of the project objectives of the EMC sign is to be located along a major freeway segment for maximum exposure. Therefore, proximity to the freeway is critical in the site location criteria.
- N-4 The City does not concur that a maximum height of 31 feet is feasible for this project. Please see Response C-7.
- N-5 The City acknowledges and appreciates this comment, however the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Response to Letter O – Laurel Golden

- O-1 The City agrees that the proposed sign would have significant and unavoidable visual impacts to the Mesa Verde neighborhood, Moon Park and along the adjacent portions of the Santa Ana River Trail. These impacts are discussed in Section 5.0 of the Draft EIR.
- O-2 The City concurs that there are other places within the City of Costa Mesa that may be at a higher elevation than the proposed project. The photosimulations in the Draft EIR are from the points in the City that are the closest to the proposed sign. The locations of the photos we selected, in part, at the request of the City of Costa Mesa in their comment letter on the Notice of Preparation. This letter is included in Appendix A of the Draft EIR.
- O-3 The City does not concur that higher elevation necessarily equates to the sign being more visible. This is because existing topography, homes, buildings, or other features could still screen the sign from view. Nonetheless, the Draft EIR has concluded that visual impacts of the sign are significant and unavoidable because of the visibility of the sign from portions of the adjacent Costa Mesa neighborhood. As noted in Response O-2, the photos from Alabama Circle and California Street were chosen at the request of the City of Costa Mesa. These points are also the closest to the residential areas where the proposed project would be the most clearly visible. The City concurs that the project would have significant visual impacts due to the sign's visibility within the Mesa Verde residential neighborhood. It should be noted that other existing structures are highly visible from the Mesa Verde neighborhood such as the existing high voltage power lines that run parallel to the Santa Ana River and are visible to any views looking north or west. For purposes of clarification, any views of the Santa Ana Mountains from the Mesa Verde neighborhood would be to the east and northeast, in the opposite direction of the proposed sign.
- O-4 The City concurs that views of the proposed sign may be possible from Suburbia Park, but the views of the sign would be diminished compared to those of the Moon Park because of existing trees and structures. Moon Park is approximately 500 feet from the proposed sign, while Suburbia, Estancia and Fairview Parks are 1,350 feet (0.25 mile), 7,650 feet (1.4 miles), and 9,900 feet (1.8 miles) from the project site, respectively. Views of the proposed sign would be further diminished from Estancia and Fairview parks due to distance and inventing structures and trees. As previously noted the Draft EIR has identified potential visual impacts as significant and unavoidable because of the visibility of the sign from Mesa Verde neighborhood.
- O-5 The City does not concur that electronic message signs are a distraction to drivers. The Caltrans letter referenced in the comment is included at the end of Appendix A of the Draft EIR. The comment from Caltrans states that electronic signs could be considered a distraction given the potential for light and glare. Page 5-35 of the Draft EIR list the mitigation measures that are required to limit brightness. The mitigation measures require



the same 0.3 footcandle at 250 feet limit as recommended by Caltrans. Electronic billboards are permitted adjacent to freeways by California Department of Transportation (Caltrans) pursuant to the Outdoor Advertising Act (OAA). Enforcement will be through the Outdoor Advertising Display Permit the applicant must obtain from the Caltrans.

- O-6 The City acknowledges and appreciates this comment. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter P – Ronald Hlavac

From: ronald.hlavac
Sent: Friday, December 05, 2014 11:37 AM
To: planning building
Subject: OPPOSITION TO Proposed sign at Ellis and 405 Freeway

Attn: Mr. Andrew Perea, Planning, Building Director
The City of Fountain Valley
10200 Slater Ave.
Fountain Valley, Ca. 92708

Mr. Perea,

P-1 | As a property owner located in the Mesa Verde North Tract of Costa Mesa, I strongly oppose any creation of an Electronic Message Sign with placement at Ellis and 405 Freeway entrance. My home is near the Santa Ana River Channel, across from the proposed location, and I would be subjected to a severe increase in Light Pollution coming from this proposed sign. As a result of this sign placement and light pollution, property owners in our neighborhood would see a considerable reduction of property value, and quality of life.

P-2 | Your bid to increase Fountain Valley city revenue at the at the expense of property owners in Costa Mesa Mesa Verde North is selfish and not being considerate of your neighbors.

P-2 | I believe that if you lived in our neighborhood you would not be supportive of such a huge visual intrusion to our quiet neighborhood environment.

P-3 | Mr. Perea, there are already other locations along the 405 Freeway where electronic sign placement increases the light pollution and the distraction to freeway drivers. We do not need more environmentally unfriendly and wasteful sources of pollution.

These signs add no positive socially redeeming value and should be banned.

P-4 | As a Costa Mesa Mesa Verde North Resident, please register my strong opposition to the message sign proposed at Ellis and 405 Freeway.

Respectfully Submitted,

Ronald Hlavac
Annette McCool
3352 Alabama Cir.
Costa Mesa, Ca. 92626



Response to Letter P – Ronald Hlavac

- P-1 The City does not concur that the project would result in a significant amount of light and glare from the proposed sign. Light and glare from the proposed project are evaluated in Section 5 of the Draft EIR (page 5-31). The analysis includes the results of a photometric study prepared for the project which indicates that approximately 0.02 footcandle of light would reach the Mesa Verde Neighborhood within the City of Costa Mesa. This is equivalent to 2 percent of the light from a single wax candle. The EIR includes a “V Formation” Alternative which orients the signs more directly and the Interstate 405 freeway and reduces the area of the Costa Mesa neighborhood that has a direct view of the sign.
- P-2 The City acknowledges and appreciates this comment. However, the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.
- P-3 The City does not concur that the proposed project would result in light pollution or result in a distraction to drivers. The sign advertising content will be required to comply with Section 5404(d)(1) of the OAA which regulates the motion, flashing, and time required in between messages. Enforcement will be through the Outdoor Advertising Display Permit the applicant must obtain from the Caltrans. The OAA requires that images change no less than four seconds from one image to the next. Further, the City will require within the lease with the applicant that the sign change images in no less than eight seconds.
- P-4 The City acknowledges and appreciates this comment. However, the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter Q – Nancy Osso

From: Nancy
Sent: Friday, December 05, 2014 4:02 PM
To: planning building
Subject: Proposed lighted sign

Mr. Perea,

- Q-1 | I have lived in Mesa Verde (by the Santa Ana River Bed and the 405) for over 40 years and have watched our quiet little neighborhood change drastically! It is bad enough that the freeway noise (despite the building of a sound wall) has increased terribly over those years. We do not need a sign to light up our world! The SOCO sign while not directly visible to my street can be seen a mile away on Country Club Ave! What an eyesore....
- Q-2 |
- Q-3 | Why do you need this sign in the first place and why do you need to place a sign so big...so close to us? Please find another place for it.

Thank you,
Nancy Osso
3331 Nevada Ave,
Costa Mesa



Response to Letter Q – Nancy Osso

- Q-1 The City acknowledges and appreciates this comment. However, the issues raised in the comment are not at variance with the content of the Draft EIR, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.
- Q-2 Please see Response D-6 regarding the potential impact of light on the Mesa Verde neighborhood from the proposed project. The SOCO sign is not related to this project and is located within the City of Costa Mesa approximately 2,750 (0.5 mile) feet to the east.
- Q-3 The City and acknowledges and appreciates this comment. However, the issues raised are not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter R – Jill Tanner

From: Jill Tanner
Sent: Friday, November 21, 2014 10:34 AM
To: Matt Jenkins
Subject: Proposed electronic billboard by 405 fwy

As a Fountain Valley resident, I feel the sign will have a negative impact on our area.

- R-1 | 1. The EIR states "Project implementation could result in significant impacts related to long-term degradation of the visual/quality of the site and its surroundings."
- R-2 | 2. If approved, where will the next sign be placed? The request by Mike Thompson RV died a few years ago.
- R-3 | 3. No one will be able to control what is placed on the billboard. You may want to forget what was on the electronic billboards on Santa Monica blvd next to LA temple 10 years ago.

Thank you for your consideration,

Jill Tanner



Response to Letter R – Jill Tanner

- R-1 The City concurs with this comment. The Draft EIR concludes that the proposed project would have significant and unavoidable direct and cumulative impacts on visual resources.
- R-2 The proposed project is only for the location at 10955 Ellis Avenue. The Mike Thompson RV site is subject to a separate lease agreement with the City and is not related to this project. No proposals for a sign at the Mike Thompson RV site have been received by the City.
- R-3 The City does not concur with this comment. Because the City is leasing the property the City can restrict the content advertised on the sign. Through the lease agreement the City can restrict the advertisement of items or images that the City deems to be inappropriate. The City could not restrict content on a billboard located on private property.



Letter S – Priscilla Rocco

From: Priscilla Rocco
Sent: Tuesday, December 02, 2014 11:56 AM
To: planning building
Subject: Electronic Message Sign

S-1 | I oppose the 60-foot high Electronic Message Sign that is planned for the property where the water tank is located on Ellis Ave and the 405 On Ramp South side. If this sign is erected, it would provide excessive light pollution aimed at the properties located on Nevada, California, Alaska, Florida, New Hampshire and Alabama Minimum!

S-2 | I live on California Street and already deal with the odor pollution coming from the sewer plant across the river channel. I do not want my quality of life ruined further by light pollution, as well as have my property value affected.

S-3 | If this project goes forward, Fountain Valley will be making money at the expense of Costa Mesa homeowners.

Sincerely,
Priscilla Rocco
3309 California St.
Costa Mesa, CA 92626



Response to Letter S – Priscilla Rocco

- S-1 The City does not concur with this comment. Please see Response C-2.
- S-2 The City does not concur that the proposed project would result in light pollution. Please see Responses L-1 and D-6. The Draft EIR concludes that the proposed project would have significant and unavoidable direct and cumulative impacts on visual resources due to the visibility of the sign but not from light and glare. The Orange County Sanitation District is responsible for the operation of the wastewater treatment plant not the City of Fountain Valley.
- S-3 The City acknowledges and appreciates this comment, however the issue raised is not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.



Letter T – George Fallas

From: Georgia Fallas
Sent: Tuesday, November 25, 2014 7:21 AM
To: planning building
Subject: Sign

T-1 | I am a Costa Mesa resident. I am opposed to the sign. we donot need more flashing signs to distract drivers or litter the view from the freeway. Georgia Fallas

Sent from my iPhone



Response to Letter T – George Fallas

T-1 Please see Responses F-1 and F-2.



Letter U – Kitty Nordstrom

From: Kitty Nordstrom
Sent: Friday, November 21, 2014 2:00 PM
To: planning building
Subject: Electronic Message Center Sign

Hello,

U-1 | I am greatly **opposed** to the proposed electronic message center sign at 10955 Ellis Ave. Fountain Valley, CA. I live on Alabama Circle, Costa Mesa, East of the selected site, on the other side of the Santa Ana River, and would be adversely affected on a daily basis by the glaring lights. I also worry that the property value in my area would go down. Please

U-2 | vote "NO" on such an idea.

Thank you,
Kitty Nordstrom



Response to Letter U – Kitty Nordstrom

- U-1 Please see Response C-2 regarding light impacts on the Mesa Verde neighborhood in Costa Mesa.

- U-2 With regard to property values, this issue raised is not an environmental issue pursuant to the California Environmental Quality Act, and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the City of Fountain Valley decision-making bodies for their review and consideration.