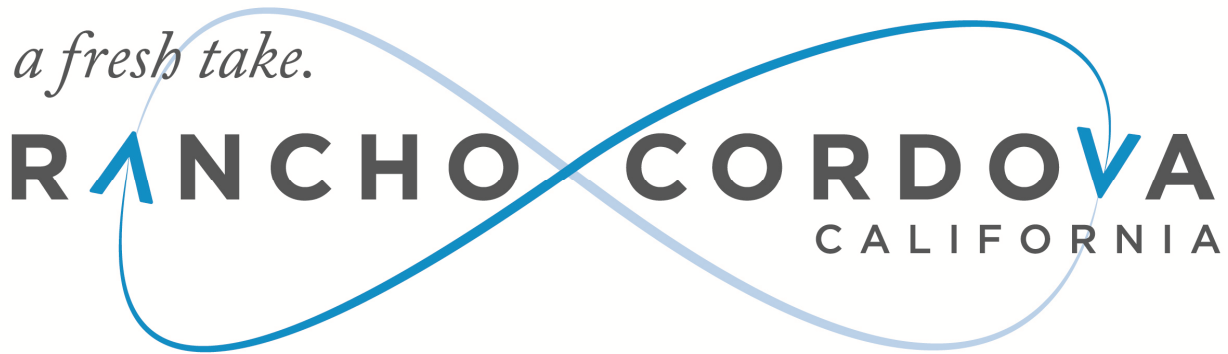


CITY OF RANCHO CORDOVA



CONCURRENT MEETING CITY COUNCIL/SUCCESSOR AGENCY TO THE CRA/RCFC

Tuesday, February 17, 2015

5:30 PM – Closed Session

6:00 PM – Regular Meeting

AGENDA

Robert J. McGarvey, Mayor

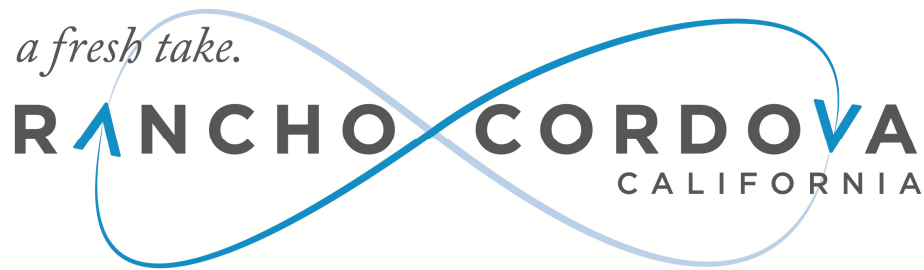
David Sander, Vice Mayor

Donald Terry, Council Member

Linda Budge, Council Member

Dan Skoglund, Council Member

CITY OF RANCHO CORDOVA



CONCURRENT MEETING CITY COUNCIL/SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY (CRA)/RANCHO CORDOVA FINANCING CORPORATION (RCFC)

City Hall
2729 Prospect Park Drive, Rancho Cordova

Tuesday, February 17, 2015

5:30 PM – Closed Session
Community Board Room

6:00 PM – Regular Meeting
David B. Roberts Council Chambers

AGENDA

1. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Council Members Budge, Sander, Skoglund, Terry and Mayor McGarvey.

2. CLOSED SESSION

Council will meet in Closed Session to discuss the following item(s):

- 2.1 CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Number of potential cases: 1).

3. ADJOURNMENT

Mayor McGarvey will adjourn the Closed Session to the Regular Meeting in the David B. Roberts Council Chambers.

4. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Council Members Budge, Sander, Skoglund, Terry and Mayor McGarvey.

5. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Clerk will announce the meetings video recording and playback schedules.

6. PLEDGE OF ALLEGIANCE

The Mayor will call on someone in attendance to lead the Pledge.

7. INVOCATION

Kyle Kerchner from First Covenant Church will give the invocation.

8. OPEN SESSION - REPORT FROM CLOSED SESSION

The City Attorney will report on action taken in Closed Session.

9. PRESENTATIONS

- 9.1 Business of Distinction Award Presented to Mike Jones from Barco Given by Ethan Meltzer, Economic Development Department.
- 9.2 Impact on Prop 47 Passage Presentation Given by Chief Michael Goold, Rancho Cordova Police Department and Steve Grippi, Sacramento County Chief Deputy District Attorney.

10. PUBLIC COMMENT

Citizens wishing to address the Council for any matter on the Consent Calendar or not on the agenda may do so at this time by completing and submitting a Speaker Card to the City Clerk. For items on the agenda, speakers will be called up to the podium by the Mayor at the point on the agenda when the item will be heard. Speakers are encouraged to keep comments to three minutes or less and to state name and community of residence.

Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

11. COUNCIL REPORTS

12. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

- 12.1 **Subject:** Meeting Minutes of February 2, 2015 Regular Meeting.
Recommendation: Adopt Minutes.
- 12.2 **Subject:** Quarterly Treasurer's Report.
Recommendation: Recommend the report be received and filed.
Result of Recommended Action: Provide City Council with information concerning the City's investment portfolio and to meet state code.
Staff Report: Liisa Behrends, Sr. Accountant.

Advances Goal: 4.

- 12.3 **Subject:** Resolution Awarding Construction Contract No.14-2015 in the Amount of \$127,983 to Tim Paxin's Pacific Excavation, Inc. for the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project.

Recommendation: Adopt Resolution No.16-2015.

Result of Recommended Action: Adoption of this resolution will award construction contract No. 14-2015 with Tim Paxin's Pacific Excavation, Inc. in the amount of \$127,983.00, which will construct the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project.

Staff Report: Cyrus Abhar, Public Works Director and Chris Boyer, Associate Civil Engineer.

Advances Goals: 1, 2, 5.

- 12.4 **Subject:** Staff Update Regarding the Expansion of the Original Statewide Community Infrastructure Program (SCIP) Approved by City Council in 2007.

Recommendation: Authorize staff to expand the use of Statewide Community Infrastructure Program (SCIP) to include citywide residential projects and the addition of the Community Facilities Fee (Facilities Portion) to the list of impact fees to be funded by the program, as allowed in the original approval documents.

Result of Recommended Action: The SCIP program expansion will allow certain single and multi-family projects as well as Community Facilities Fees (Facilities Component) to be funded through the SCIP assessment program which provides an additional financing option for development projects.

Staff Report: Michelle Mingay, Finance Department.

Advances Goals: 5, 6.

- 12.5 **Subject:** Resolution Supporting Sacramento County's Legislative Bill that Would Authorize the Relinquishment of State Route 16 (SR16) between Watt Avenue and Grant Line Road in Sacramento County to the Local Agencies.

Recommendation: Adopt Resolution No. 17-2015.

Result of Recommended Action: Adoption of this resolution will formalize the City's support of the Legislative Bill sponsored by the County of Sacramento to relinquish State Route 16 between South Watt Avenue and Grant Line Road in Sacramento County from the State of California owned and operated roadway to the County of Sacramento (and a portion to the City of Rancho Cordova) making the roadway a locally owned and operated roadway. State legislative action must be taken in order to relinquish the portion of SR16 identified.

Staff Report: Cyrus Abhar, Public Works Director.

Advances Goals: 2, 5.

13. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

NONE.

14. PUBLIC HEARING ITEMS

- 14.1 **Subject:** Clear Channel Outdoor Digital Freeway Sign Conditional Use Permit and Operating Agreement; Project No. DD8480 – Located at 12137 Folsom Boulevard. Item continued from January 20, 2015 City Council Meeting.

Recommendation: The following recommendations provide the City Council with alternative approaches to address the proposed Digital Freeway Sign application:

1. Consistent with Council direction received on December 15, 2014, adopt Resolution 3-2015 denying the Clear Channel Outdoor Conditional Use Permit and Operating Agreement; OR

2. Consider additional information included within the staff report and the public testimony and provide staff with alternative direction as desired.

Result of Recommended Action: Adoption of the Resolution would deny the Clear Channel Outdoor project. Alternatively, the City Council can provide other direction regarding preparation of alternate Resolutions or conducting additional research to be brought back for consideration in the future.

Staff Report: Jessica Jordan, Principal Planner.

Advances Goals: 1, 6.

14.2 **Subject:** Sierra Outdoor/CBS Outdoor Digital Freeway Sign Conditional Use Permit and Operating Agreement; Project No. DD8490 – Located at 12125 Folsom Boulevard. Item continued from January 20, 2015 City Council Meeting.

Recommendation: The following recommendations provide the City Council with alternative approaches to address the proposed Digital Freeway Sign application:

1. Consistent with Council direction received on December 15, 2014, adopt Resolution 4-2015 approving the Sierra Outdoor/Outfront Media Conditional Use Permit and Operating Agreement; OR

2. Consider additional information included within the staff report and the public testimony and provide staff with alternative direction as desired.

Result of Recommended Action: Adoption of the Resolution would allow for Sierra Outdoor/Outfront Media to move forward with project construction. Alternatively, the City Council can provide other direction regarding preparation of alternate Resolutions or conducting additional research to be brought back for consideration in the future.

Staff Report: Jessica Jordan, Principal Planner.

Advances Goals: 1, 6.

15. REGULAR CALENDAR ITEMS

15.1 **Subject:** Consider the Request for a Loan of an Additional \$1 Million from the City to Urban Housing Communities (“UHC”) for the Horizons at New Rancho Senior Housing Development Located on the Old Stagger Inn site, and an Increase in the Advance from the General Fund to the Housing Trust Fund, in the Amount of \$1.5 Million to Advance Funds for Project Costs.

Recommendation: Adopt Resolution No. 15-2015.

Result of Recommended Action: Adoption of this Resolution will result in a request of the City Council to consider an amendment to the existing Disposition and Development and Loan Agreement (“DDLA”) with the developer, Urban Housing Communities (“UHC”). The amendments will renew the expired term of the DDLA as well as allow for the additional contribution of \$1 million. These amendments will permit the submittal of a more competitive tax credit application during the first round of 2015 Tax Credit Allocations.

The increased loan to UHC, as well as additional project costs explained below will require an increase in the advance to the Local Housing Trust Fund from the General Fund. If approved tonight, staff will prepare a formal reimbursement agreement between the City’s General Fund and the Local Housing Trust fund. The reimbursement agreement will be presented for council approval along with the proposed amendments to the DDLA referenced above.

Staff Report: Reed Flory, Housing Services Administrator.

Advances Goals: 1, 2, 3, 6.

16. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

17. CITY MANAGER'S REPORT

18. ADJOURNMENT

ADDITIONAL INFORMATION

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11:00 PM WILL BE CONTINUED TO THE NEXT DAY AT 5:30 PM OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranchocordova.org on Thursdays or Fridays prior to the Regular City Council Meeting.

CITYWIDE GOALS - (Adopted March 27, 2012)	
1.	Promote the Positive Image of Rancho Cordova
2.	Ensure a Safe, Inviting and Livable Community
3.	Empower Responsible Citizenship
4.	Establish Logical City Boundaries that Provide Regional Leadership and Address Financial Challenges
5.	Ensure the Availability of the Best Public Services in the Region while Practicing Sound Fiscal Management
6.	Drive Diverse Economic Opportunities

UPCOMING MEETINGS	
<i>Tuesday, February 27, 2015</i>	<i>City Council Special Meeting/Work Session (5:30 PM)</i>
<i>Monday, March 2, 2015</i>	<i>City Council Special Meeting/Study Session (4:00 PM) and Regular Meeting (5:30 PM)</i>
<i>Monday, March 16, 2015</i>	<i>City Council Regular Meeting (5:30 PM)</i>
<i>Tuesday, March 24, 2015</i>	<i>City Council Special Meeting (5:30 PM)</i>
<i>Wednesday, March 25, 2015</i>	<i>Town Hall Meeting at Williamson Elementary (6-7:30 PM)</i>
<i>Thursday, March 26, 2015</i>	<i>Town Hall Meeting at A.M. Winn Elementary (6-7:30 PM)</i>
<i>Friday, March 27, 2015</i>	<i>Town Hall Meeting at Navigator Elementary (6-7:30 PM)</i>
<i>Monday, March 30, 2015</i>	<i>Town Hall Meeting at Sunrise Elementary (6-7:30 PM)</i>
<i>Monday, April 6, 2015</i>	<i>City Council Special Meeting/Study Session (4:00 PM) and Regular Meeting (5:30 PM)</i>

If you have any technical questions related to the agenda items, please contact the appropriate department as follows:

DEPARTMENTAL GENERAL TELEPHONE NUMBERS	
Building and Safety Division	(916) 851-8760
City Attorney's Office	(916) 556-1531
City Clerk's Department	(916) 851-8720
City Manager's Office	(916) 851-8800
Communications Department	(916) 851-8791
Economic Development Department	(916) 851-8780
Finance Department	(916) 851-8730
Housing Division	(916) 851-8784
Human Resources Department	(916) 851-8740
IT Department	(916) 851-8700
Neighborhood Services – Animal Services	(916) 851-8770
Parks & Recreation (Cordova Recreation & Park District)	(916) 362-1841
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9600
Redevelopment Department	(916) 851-8780
Sac Metro Fire District	(916) 859-4300

The Rancho Cordova City Council/Successor Agency to the CRA/RCFC will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast and SureWest Cable Systems. Closed Captioning will be available on the playback cablecast. Tune to Metro Cable Channel 14, for playback times. A VHS copy is available for check out from any library branch, a DVD copy is available from the City Clerk's Department, and a webcast of this meeting will be available for viewing via video streaming from the City's website within 48 hours of adjournment of this meeting. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, MMC, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the Tuesday, February 17, 2015 Regular Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Thursday, February 12, 2015 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranchocordova.org.

Signed Thursday, February 12, 2015 at Rancho Cordova, California.


Mindy Cuppy, MMC, City Clerk



▶ Proposition 47

- ▶ Chief Michael Goold
- ▶ Chief Deputy Steve Grippi–Sacramento County District Attorney's Office

Proposition 47

- ▶ The Safe Neighborhoods and Schools Act
- ▶ Passed by 60% of voters in November 2014
- ▶ Took effect almost immediately.

Prop 47's Main Points

Reclassify:

- 7 Crimes from felonies to misdemeanors

Resentence:

- Authorizes persons serving felony sentences to petition for misdemeanor

Reduction:

- Felons w/ completed sentence may apply for reduction to misdemeanor

Prop 47 Crime Exceptions

- q Mandatory 290(c) Registration
- q Super Strikes
 - q Murder and Attempted Murder
 - q Gross Vehicular w/ Alcohol
 - q But notably not other manslaughters
 - q Solicitation for Murder
 - q Assault w/ Machine Gun of Officer
 - q Weapons of Mass Destruction
 - q Crimes carrying Life Sentence

Reduced Crime Penalties

- **“Shoplifting”** (PC 459a) a new misdemeanor - 6 months county jail.
 - Entering a commercial retail establishment
 - While the business is open during regular business hours
 - With the intent to commit larceny
 - Where the value of the property is \$950 or less
- **Forgery:** misdemeanor (for most instruments) if for \$950 or less
- **Bad Checks (PC 476a):** misdemeanor if \$950 or less
 - **Exclusion:** three prior convictions (PC 470, 475, 476, petty theft, etc.).
- **Petty Theft:** redefined as a theft of \$950 or less – misdemeanor

- **Receiving Stolen Property** (PC 496): misdemeanor for any property valued at less than \$950 (including stolen guns)
- **Petty Theft with a prior** (PC 666): No longer a crime unless the suspect is:
 - Super Striker / 290(c) Registrant, or
 - Previously convicted of elder abuse (P.C. 368)
- **Drug Offenses:** Possession of all drugs is now a misdemeanor unless
 - Super Striker / 290 Registrant

Resentence/Reduction

- q New offenders can't be sentenced to state prison for these crimes
- q Persons "currently serving a sentence" may petition for a reduction in their sentence.
 - o Folsom Prison may release as many as 132 prisoners
 - o Sacramento County has already released 42 prisoners out of the 308 prisoners who may be released as a result of Prop 47.
- q Felons w/ completed sentences may apply for reduction to misdemeanor

Promised savings to sentence reductions will be deposited into a special fund beginning in August 2016.

65% Mental health, drug treatment and criminal diversion

25% K-12 Truancy and dropout prevention programs

10% Victims of crime services

What does this mean to the City of Rancho Cordova-FOZ

- q Most of our crimes are all the crimes affected by Prop 47
- q “Business Crimes”
 - ⇒ Commercial Burglary ⇒ Embezzlement
 - ⇒ Forgery ⇒ Bad Checks ⇒ Petty Theft
- q Drug Offenses– Heroin/Meth/Date Rape
- q Resident Impact– Potential for increase in:
 - ⇒ Residential Burglary ⇒ Vehicle Burglary

Quality of Life Issues (Broken Windows)

- ▶ Folsom Olson Zinfandel–
- ▶ Prop 36 Court
- ▶ 42 Sac County Inmates released immediately after passage. 21 have since been rearrested. 2 in the FOZ.
- ▶ Prison Inmates released

Collected DNA Solves Crimes

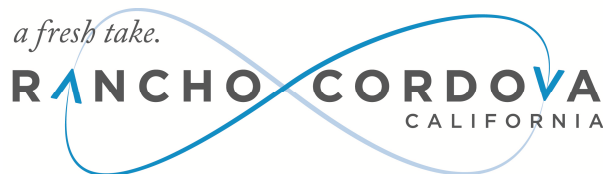


Jessica Funk-Haslam



Brian and Kati Maggiore

Thank You



**CONCURRENT MEETING
CITY COUNCIL/SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT
AGENCY (CRA)/RANCHO CORDOVA FINANCING CORPORATION (RCFC)**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Monday, February 02, 2015

**5:30 PM – Regular Meeting
David B. Roberts Council Chambers**

DRAFT MINUTES

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor McGarvey called the regular meeting to order in the David B. Roberts Council Chambers at 5:37 PM.

Council Members Present: McGarvey, Sander (5:40 PM), Terry, Budge, Skoglund

Council Members Absent: None

Staff Members Present: Nakamura, Lindgren, Cuppy, George, Abhar, Busch, Chinn, Goold, Haven, Holt, Silva, Simpson, Diaz, Bane, Sosa, Ulm

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk read the meetings recordings and playback schedules.

3. PLEDGE OF ALLEGIANCE

Brian Williams led the pledge.

4. INVOCATION

Angelina Bonner, a student from Saint John Vianney School, gave the invocation.

5. PRESENTATIONS

- 5.1 Sacramento Go Program Presented by Sacramento Transportation Authority Executive Director Brian Williams.

5.2 Recognition of Council Member Terry's Birthday.

6. PUBLIC COMMENT

Mayor McGarvey opened the public comment period. There were no speakers. Mayor McGarvey closed the public comment period.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

ACTION: Motion to approve by Terry second by Budge;
Carried by a 5:0 roll call vote.

8.1 **Subject:** Meeting Minutes of January 20, 2015 Regular Meeting.
Recommendation: Adopt minutes.

8.2 **Subject:** Second Reading of Ordinance No. 1-2015, Adding Chapter 6.90 to the Rancho Cordova Municipal Code Entitled "Marijuana Cultivation" and Amending Table 23.310-1 of the Rancho Cordova Municipal Code Entitled "Allowed Uses and Permit Requirements for Residential Zoning Districts".
Recommendation: Waive the second reading and adopt Ordinance No. 1-2015.
Result of Recommended Action: Adoption of this Ordinance is consistent with the City's desire to protect the safety and welfare of the City's residents by prohibiting outdoor marijuana cultivation and regulating indoor marijuana cultivation in the City as permitted by the California Supreme Court in its recent decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al., (2013) 56 Cal. 4th 729 and the California Court of Appeal's decision in Maral v. City of Live Oak (2013) 221 Cal.App.4th 975.
Staff Report: Adam Lindgren, City Attorney.
Advances Goals: 1, 2, 3.

8.3 **Subject:** Resolution of the Successor Agency to the Community Redevelopment Agency of the City of Rancho Cordova Approving the Recognized Obligation Payment Schedule (ROPS) 15-16A and Administrative Budget for the six month period covering July 1, 2015 through December 31, 2015.
Recommendation: Adopt Resolution No SA-01-2015 Approving the Recognized Obligation Payment Schedule (the "ROPS 15-16A") and Administrative Budget for July 1, 2015 through December 31, 2015.
Result of Recommended Action: Adoption of this resolution will allow the Rancho Cordova Successor Agency to make payments on obligations listed on the Recognized Obligation Payment Schedule (ROPS) and establishes the administrative budget for the next six month period; to the extent funds are available.
Staff Report: Michelle Mingay, Finance Department.
Advances Goal: 6.

8.4 **Subject:** Resolution Approving the First Contract Amendment with California Pavement Maintenance Company, Inc. for Citywide Maintenance Services.
Recommendation: Adopt Resolution No. 11-2015.

Result of Recommended Action: Adoption of this resolution will authorize the execution of the first contract amendment with California Pavement Maintenance Company, Inc. (CPM) increasing the contract total by \$1.5 million. This amendment will increase the “not to exceed” amount from \$5,206,610 to \$6,706,610 due to the increased quantity of work. This amendment will also change the term of the contract. The original agreement which is set to expire on April 30, 2016 will be amended to April 30, 2017.

Staff Report: Cyrus Abhar, Public Works Department.

Advances Goals: 1, 2, 5.

- 8.5 **Subject:** Resolution Authorizing the City Manager to Execute Contract No. 7-2015 for Animal Shelter Services between the City and the Sacramento Society for the Prevention of Cruelty to Animals (SPCA).

Recommendation: Adopt Resolution No. 14-2015.

Result of Recommended Action: Adoption of this resolution will allow the City to enter a five year contract with the Sacramento Society for the Prevention of Cruelty to Animals (SPCA) to continue to provide animal shelter services for the City of Rancho Cordova and residents that reside within the city boundaries.

Staff Report: Kerry Simpson, Neighborhood Services Division and Jessica Crone, Accounting Technician.

Advances Goals: 1, 2, 3, 5.

- 8.6 **Subject:** Resolution Establishing an Entertainment Center Ad Hoc Committee and Appointing Two Members of the Rancho Cordova City Council.

Recommendation: Adopt Resolution No. 10-2015.

Result of Recommended Action: Adoption of Resolution No. 10-2015 will establish an Entertainment Center Ad Hoc committee and will appoint Mayor McGarvey and Council Member Terry to serve on said committee.

Staff Report: Mindy Cuppy, City Clerk.

Advances Goals: 1, 2, 5.

- 8.7 **Subject:** Resolution Endorsing Open Data Principles.

Recommendation: Adopt Resolution No. 9-2015.

Result of Recommended Action: Adoption of this resolution will show the City's commitment to sharing data freely and in new and innovative ways.

Staff Report: David Sander, Vice Mayor, Mindy Cuppy, City Clerk and Troy Holt, Public Information and Legislative Affairs Manager.

Advances Goals: 1, 3, 5.

- 8.8 **Subject:** Resolution Awarding Construction Contract No.9-2015 in the Amount of \$199,800 to Campbell Construction for the Kilgore Cemetery Phase III Project.

Recommendation: Adopt Resolution No.12-2015.

Result of Recommended Action: Adoption of this resolution will award a construction contract No. 9-2015 with Campbell Construction in the amount of \$199,800.00 which will construct the Kilgore Cemetery Phase III Project.

Staff Report: Cyrus Abhar, Public Works Director and Britton Snipes, Senior Engineer.

Advances Goals: 1, 2, 5.

9. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

NONE.

10. PUBLIC HEARING ITEMS

10.1 **Subject:** Lennar Homes of California (North Douglas Villages 1 & 3-7) – Project No. DD8545 – Residential Design Review.

Recommendation: Adopt Resolution No. 13-2015.

Result of Recommended Action: Adoption of Resolution No. 13-2015 would allow Lennar Homes to move forward with submitting building plans to begin development of approximately 540 single family homes within the North Douglas subdivision. Lennar Homes proposes nine (9) different floor plans each with three (3) different elevations. Sizes range from 1,603 square feet to 3,427 square feet.

Staff Report: Nicholas Sosa, Assistant Planner.

Advances Goals: 1, 2.

Mayor McGarvey opened the public comment period. There were no speakers.

The applicant, Don Barnett, addressed council's questions.

Mayor McGarvey closed the public comment period.

ACTION: Motion to approve item 10.1 by Terry second by Budge;
Carried by a 5:0 roll call vote.

ACTION: Amended Motion to approve item 10.1 with amended design review by Terry second by Budge;
Carried by a 5:0 roll call vote.

11. REGULAR CALENDAR ITEMS

11.1 **Subject:** Discussion of Proposed Schedule for Town Hall Meetings Related to Measure H Program and Draft Criteria and Process for Project Applications.

Recommendation: Staff to provide an update to City Council on the proposed schedule for Town Hall meetings related to the Measure H program and receive input from City Council on draft criteria and process for project applications requesting Measure H funds.

Result of Recommended Action: Council input will provide direction to staff related to the upcoming Town Hall outreach meetings and Measure H funding program that will be beneficial as we begin the outreach process.

Staff Report: Brian Nakamura, City Manager and Joe Chinn, Assistant City Manager.

Advances Goals: 1, 2, 3, 5.

Mayor McGarvey opened the public comment period. There were no speakers.
Mayor McGarvey closed the public comment period.

ACTION: Discussion item only; no action taken.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

13. CITY MANAGER'S REPORT

The City Attorney, Adam Lindgren, gave recognition to Scottie Moore.

14. ADJOURNMENT

Mayor McGarvey adjourned the meeting in honor of Scottie Moore at 7:15 PM.

15. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Council did not meet in closed session.

16. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Number of potential cases: 1).

17. OPEN SESSION - REPORT FROM CLOSED SESSION

Council did not meet in closed session.

18. ADJOURNMENT

Mindy Cuppy, MMC, City Clerk

MEMORANDUM

DATE: February 17, 2015

TO: Honorable Mayor and Council Members

FROM: Liisa Behrends, Senior Accountant

SUBJECT: Treasurer's Report – December 31, 2014



RECOMMENDATION

This report is informational only. It is recommended that the report be received and filed.

RESULT OF RECOMMENDED ACTION

This report is intended to provide the City Council with information concerning the City's investment portfolio. This report will meet requirements as provided by State law.

BACKGROUND

Attached is the quarterly Treasurer's report for the period ending December 31, 2014. Treasurer's reports are provided to Council on a quarterly basis.

At September 30, 2014 the current value of the City's total portfolio was \$93.8 million. Since that time, the balances decreased by \$2.2 million with an ending balance of \$91.6 million as of December 31, 2014. The funds are held as follows:

Cash at Banking Institutions	\$ 7,601,414
Local Agency Investment Fund (LAIF)	9,222,573
California Asset Management Program (CAMP) Pool	19,444,411
California Asset Management Program (CAMP) Investments	29,037,936
Wells Fargo Adv Treasury Investments (Cutwater)	26,284,292
City Bond	5,017
	\$ 91,595,643

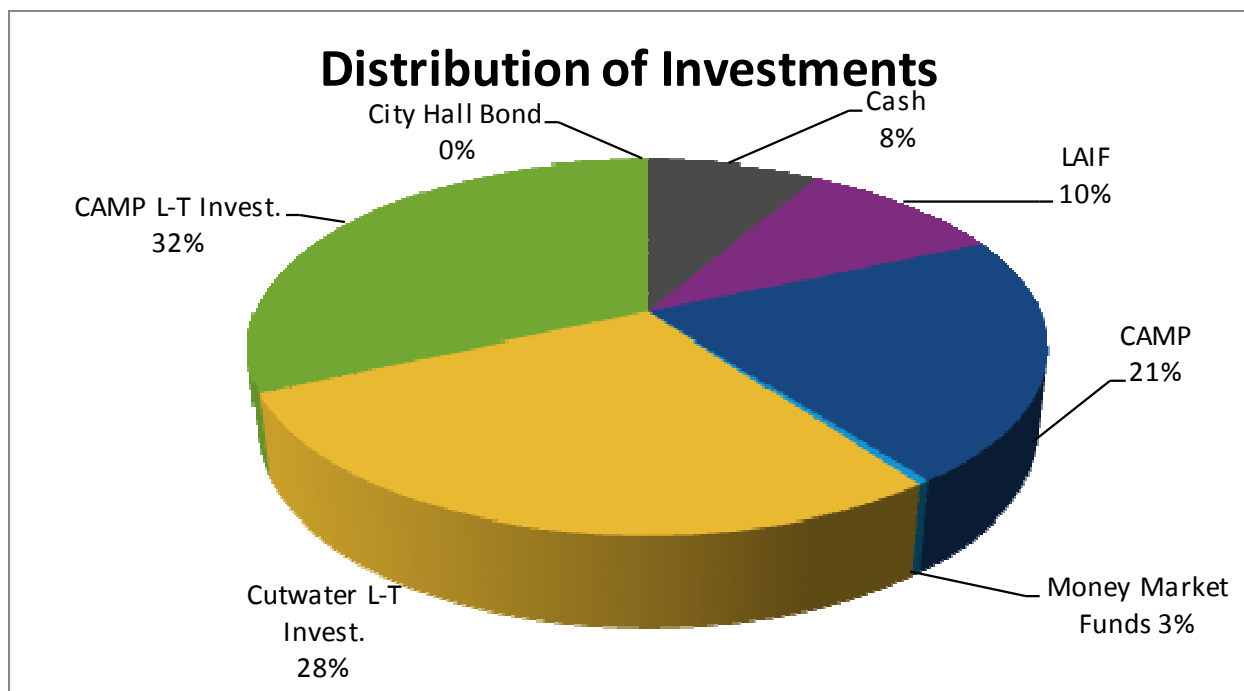
At December 31, the General Fund Cash and Investments balance was \$14 million, while the remaining \$77.6 million were restricted to specific activities and were recorded in Special Revenue, Enterprise, Internal Service or Agency Funds.

The overall portfolio is well diversified with \$55 million invested in marketable securities. \$29 million is invested in short-term investments that are considered liquid (LAIF, CAMP, and money markets). The remainder consists of \$7.6 million on deposit with our banks and \$5,017 is invested in a City of Rancho Cordova City Hall bond. Staff, in conjunction with our financial advisors, periodically reviews the mix of liquid and long-term investments and adjusts the portfolio according to the market conditions and our short-term cash needs.

Cash and short-term investments decreased by \$2.5 million while long-term investments held relatively constant. This decrease in cash and investment balances is typical for this time of the year due to the timing of property tax payments, our largest revenue source. In the first two quarters of the fiscal year, we do not receive any property tax distributions, requiring us to dip into our short term investments for cash flow. Now, as we enter the third quarter, we will begin to receive our property tax revenues so you will see our investment balances increase as we transfer excess cash back out to our investment portfolio over the next 6 months.

Staff thoroughly reviews investment statements and makes appropriate inquiries of CAMP, LAIF, and MBIA, as necessary, to confirm the existence and viability of the City's assets. The City invests conservatively in investment policy options in accordance with California State Government Code. The long-term assets are in securities that can be held to maturity, thus are less vulnerable to the fluctuations of the market. All securities are in compliance with the City's investment policy. There are sufficient funds to meet the City's expenditure requirements for the next six months.

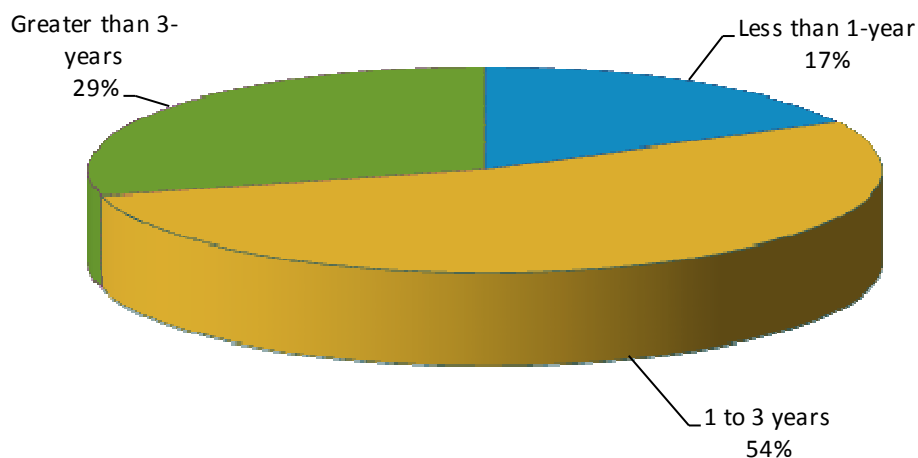
The distributions of investments are displayed in the following chart:



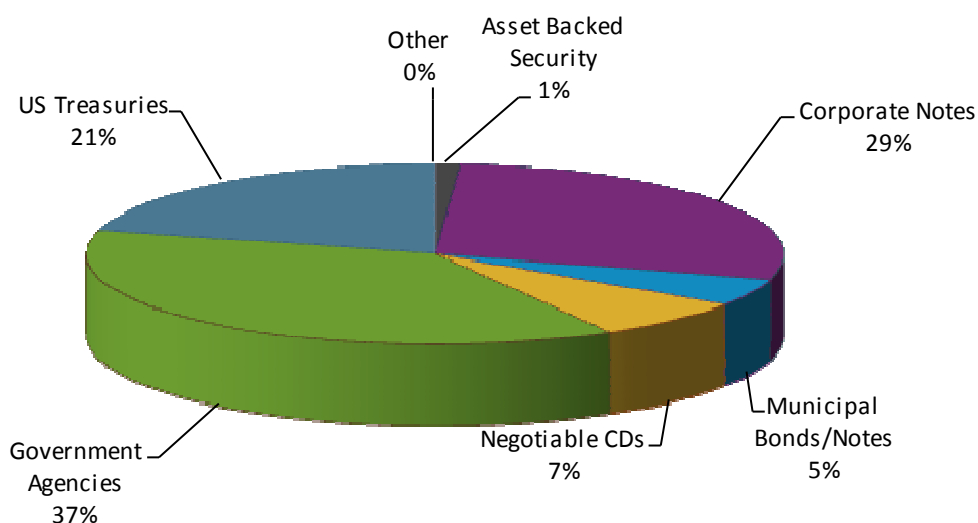
Analysis of long-term investments:

	Par Value	Current Value	Percent of L-T Investments
Less than 1-year	\$ 9,480,000	\$ 9,547,425	17.37%
1 to 3 years	29,250,000	29,360,141	53.42%
Greater than 3-years	15,885,000	16,049,133	29.20%
	<u>\$ 54,615,000</u>	<u>\$ 54,956,699</u>	100.00%

Long Term Investments - Time Period



Long Term Investments - Categories



ATTACHMENT

Treasurer's Report for December 31, 2014

Rancho Cordova Treasurer's Report December 31, 2014

	Yield %	Par Value	Cost	Current Value	Maturity Date
Cash and Cash Equivalents					
Wells Fargo Bank		\$ 7,550,755	\$ 7,550,755	\$ 7,550,755	n.a.
Bank of Sacramento		50,659	50,659	50,659	n.a.
		<u>\$ 7,601,414</u>	<u>\$ 7,601,414</u>	<u>\$ 7,601,414</u>	
Local Agency Investment Fund (LAIF)					
	0.25	\$ 9,222,573	\$ 9,222,573	\$ 9,222,573	n.a.
California Asset Management Program (CAMP)					
		\$ 19,444,411	\$ 19,444,411	\$ 19,444,411	n.a.
Wells Fargo Adv Treasury Plus MMF (MBIA)					
		\$ 370,546	\$ 370,546	\$ 370,546	n.a.
Long-Term Investments - Cutwater/MBIA:					
Pfizer Inc	0.45	\$ 1,000,000	\$ 1,057,600	\$ 1,009,095	3/15/2015
Barclays US Funding	0.39	1,000,000	997,161	998,400	6/29/2015
Federal Farm Credit Bank Notes	1.1	725,000	731,869	729,499	7/20/2015
U.S. Treasury Notes	0.59	750,000	784,219	756,885	7/31/2015
Fannie Mae Notes	0.87	750,000	773,407	758,574	10/26/2015
Union Bank NA	0.8	500,000	524,060	513,426	6/6/2016
Federal Farm Credit Bank Notes	0.46	750,000	750,960	748,303	6/17/2016
U.S. Treasury Notes	0.98	500,000	512,461	507,558	7/31/2016
Federal Home Loan Bank Notes	0.52	1,100,000	1,100,550	1,097,005	8/26/2016
Coca Cola Co	0.7	500,000	513,440	508,470	9/1/2016
PNC Bank NA	0.94	500,000	504,690	502,603	10/3/2016
U.S. Treasury Notes	0.63	500,000	500,000	499,668	12/15/2016
Colgate-Palm Co	1.06	500,000	503,540	502,616	1/15/2017
IBM Corp	1	750,000	755,655	752,337	2/6/2017
U.S. Treasury Notes	0.74	750,000	752,461	751,700	2/28/2017
Berkshire Hathaway	1.01	400,000	409,253	403,445	5/15/2017
Federal Home Loan Bank Notes	0.95	2,000,000	2,003,280	1,998,818	7/28/2017
Federal Home Loan Bank Notes	1.07	750,000	750,375	751,346	8/10/2017
PEPSICO Inc	1.31	500,000	498,965	499,065	8/13/2017
Fannie Mae Notes	0.99	1,500,000	1,494,165	1,493,112	8/28/2017
Federal Home Loan Bank Notes	1	750,000	750,000	746,837	9/15/2017
Fannie Mae Notes	1	500,000	501,350	498,322	9/20/2017
Federal Home Loan Bank Notes	0.55	1,000,000	1,000,500	998,781	10/20/2017
Federal Home Loan Bank Notes	1.15	750,000	748,875	748,796	11/17/2017
JP Morgan Chase	1.8	400,000	474,708	447,535	1/15/2018
Wells Fargo	1.49	400,000	400,124	397,811	1/16/2018
Wal-Mart	1.38	400,000	480,332	452,134	2/15/2018
Fannie Mae Notes	0.87	2,000,000	2,022,480	2,003,308	3/13/2018
GE Capital	1.65	400,000	475,296	450,093	5/1/2018
GE Capital	2.14	450,000	519,899	506,354	5/1/2018
Apple Inc.	1.17	400,000	396,704	393,676	5/3/2018
Federal Farm Credit Bank Notes	1.42	1,750,000	1,750,000	1,738,131	5/25/2018
Federal Home Loan Bank Notes	1.66	750,000	749,625	750,043	7/30/2018
Sub-total		<u>\$ 25,675,000</u>	<u>\$ 26,188,004</u>	<u>\$ 25,913,746</u>	

		Par Value	Original Cost	Current Value	Maturity Date
Long-Term Investments -CAMP:					
Credit Suisse New York CD (Floating)	0.68	\$ 600,000	\$ 600,000	\$ 600,034	1/15/2015
U.S. Treasury Notes	0.47	1,455,000	1,536,503	1,460,229	2/28/2015
JP Morgan Chase Bank NA (Floating)	0.43	550,000	550,567	550,628	7/30/2015
Fannie Mae Notes	0.93	625,000	642,337	632,112	10/26/2015
FHLB (Callable) Global Notes	0.39	550,000	549,835	550,120	12/30/2015
U.S. Treasury Notes	0.32	1,475,000	1,529,909	1,501,849	12/31/2015
Skandinaviska Enskilda BY NT Float CD	0.56	600,000	600,000	600,416	1/4/2016
U.S. Treasury Notes	0.31	240,000	240,309	240,113	1/31/2016
CA ST TXBL GO Bonds	0.93	200,000	200,676	201,028	2/1/2016
Cisco Systems Inc Global Notes	0.62	550,000	607,860	580,260	2/22/2016
GlaxosmithKline Cap Inc Global	0.73	400,000	399,716	399,981	3/18/2016
Fannie Mae Global Notes	0.54	540,000	539,384	540,540	3/30/2016
Westpac Banking Corp NY LT Float CD	0.41	575,000	575,000	575,581	4/15/2016
Rabobank Nederland NV NY CD	0.71	600,000	600,000	598,195	5/6/2016
Freddie Mac Global Notes	0.55	130,000	129,992	130,046	5/13/2016
Toyota Motor Credit Corp	0.81	255,000	254,895	255,402	5/17/2016
Bank of Nova Scotia Hous CD Float	0.28	550,000	549,668	549,054	6/10/2016
Calleguas Wtr Dist, CA Rev Bonds	1.42	500,000	500,000	500,645	7/1/2016
Wells Fargo & Co.	1.28	360,000	359,654	361,194	7/20/2016
Goldman Sachs Bank USA CD	0.9	500,000	500,000	498,740	8/12/2016
Berkshire Hathaway Fin Global Notes	0.97	330,000	329,825	331,087	8/15/2016
American Honda Finance Global Notes	1.24	205,000	204,287	205,948	10/7/2016
CA ST Dept of Water Txbl Rev Bonds	0.99	140,000	140,000	139,595	12/1/2016
Federal Home Loan Banks (Callable)	1.25	540,000	545,935	541,682	3/27/2017
U.S. Treasury Notes	0.92	75,000	75,173	75,316	3/31/2017
Apple Inc Corp Note	1.07	700,000	699,629	701,558	5/5/2017
John Deere Capital Corp Notes	1.14	435,000	434,796	433,320	6/12/2017
HSBC USA Inc	1.35	190,000	189,711	189,675	6/23/2017
Freddie Mac Global Notes	0.96	900,000	901,260	901,772	6/29/2017
CA Earthquake Auth Txbl Rev Bonds	1.82	150,000	150,000	149,580	7/1/2017
OR ST TXBL GO Bonds	1.14	200,000	200,000	199,294	8/1/2017
Palo Alto USD, CA GO Bonds	1.4	550,000	550,000	551,551	8/1/2017
Ford ABS 2014-C A2	0.61	600,000	599,980	599,140	8/15/2017
Wells Fargo & Co.	1.43	300,000	299,703	299,756	9/8/2017
US Bank NA Cincinnati (Callable) CD	1.41	550,000	549,115	544,219	9/11/2017
IBM Copr Notes	1.41	600,000	693,852	668,662	9/14/2017
American Express Credit Corp Notes	1.6	200,000	199,732	200,391	9/22/2017
Fannie Mae Global Notes	1.08	575,000	570,555	570,140	10/26/2017
CA ST TXBL GO Bonds	1.66	510,000	511,821	514,687	11/1/2017
HSBC USA Inc Notes	1.51	200,000	199,964	199,605	11/13/2017
U.S. Treasury Notes	1.18	400,000	392,312	394,875	11/30/2017
ConocoPhillips (callable) Global Notes	1.58	400,000	391,320	394,885	12/15/2017
Freddie Mac Global Notes	0.93	650,000	648,284	642,169	3/7/2018
General Elec CAP Corp Global Notes	1.58	600,000	601,338	600,917	4/2/2018
U.S. Treasury Notes	0.81	350,000	346,814	342,891	4/30/2018
Microsoft Corp Global Notes	1.01	145,000	144,909	143,164	5/1/2018
Apple Inc Global Notes	1.08	265,000	264,022	261,067	5/3/2018
Univ of Cal Txbl Rev Bonds	2.05	385,000	385,000	389,555	5/15/2018
Berkshire Hathaway Notes	1.31	210,000	209,878	208,397	5/15/2018
Fannie Mae Global Notes	1.19	250,000	246,212	245,843	5/21/2018
Fannie Mae Global Notes	1.05	500,000	495,775	491,686	5/21/2018
Chevron Corp Global Notes	1.72	380,000	380,000	381,921	6/24/2018

U.S. Treasury Notes	1.43	1,995,000	2,000,221	2,004,664	8/31/2018
U.S. Treasury Notes	1.47	200,000	198,172	198,703	10/31/2018
U.S. Treasury Notes	1.34	400,000	398,641	397,406	10/31/2018
Fannie Mae Global Notes	1.62	300,000	300,009	301,445	11/27/2018
U.S. Treasury Notes	1.41	300,000	297,902	297,891	11/30/2018
U.S. Treasury Notes	1.54	550,000	549,055	550,215	1/31/2019
U.S. Treasury Notes	1.61	850,000	846,049	850,332	1/31/2019
U.S. Treasury Notes	1.33	600,000	600,984	596,765	2/28/2019
Sub-total		<u>\$28,935,000</u>	<u>\$ 29,208,540</u>	<u>\$ 29,037,936</u>	

Long-Term Investments - Brandis Tallman

		Par Value	Cost	Current Value	Maturity
City Hall COP bond	4.9	\$ 5,000	\$ 5,000	\$ 5,017	2/1/2035
		<u>\$91,253,944</u>	<u>\$ 92,040,488</u>	<u>\$ 91,595,643</u>	

MEMORANDUM

DATE: February 17, 2015
TO: Honorable Mayor and Council Members
FROM: Cyrus Abhar, Public Works Director



SUBJECT: RESOLUTION AWARDING CONSTRUCTION CONTRACT NO. 14-2015 IN THE AMOUNT OF \$127,983 TO TIM PAXIN'S PACIFIC EXCAVATION, INC. FOR THE ROUTIER ROAD AT RANCHO CORDOVA SENIOR CENTER PEDESTRIAN SIGNAL PROJECT

RECOMMENDATION

Adopt Resolution No. 16-2015.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will award construction contract No.14-2015 with Tim Paxin's Pacific Excavation, Inc. in the amount of \$127,983 which will construct the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project.

BACKGROUND

The Routier Road Pedestrian Signal will be installed in front of the Rancho Cordova Senior Center and adjacent to the Lincoln Village Park. The Routier Road Pedestrian Signal project will provide a signalized pedestrian crossing with a raised crosswalk across Routier Road to add safety for pedestrians crossing Routier Road.

Bids were solicited on the City's Website, CIPList.com and the Sacramento, Placer and El Dorado County Builders Exchanges on December 31, 2014. Bids for the project were publicly opened on Friday, January 31, 2015. A total of three bids were received. The lowest responsive base bid was \$127,983.

FISCAL IMPACT

Funding for this project will consist of \$70,000 in Community Development Block Grant (CBDG) Funding. The remaining balance will be funded from the Capital Infrastructure Fund and Gas Tax Funds.

This project is included in the 2014/2015 budget.

ATTACHMENT

Resolution No. 16-2015 including Exhibit 1 Contract No. 14-2015.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 16-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AWARDING CONSTRUCTION CONTRACT NO. 14-2015 IN THE AMOUNT OF \$127,983 TO
TIM PAXIN'S PACIFIC EXCAVATION, INC. FOR THE ROUTIER ROAD AT RANCHO
CORDOVA SENIOR CENTER PEDESTRIAN SIGNAL PROJECT**

WHEREAS, the Parties entered into a Professional Services Agreement ("PSA") dated February 17, 2015, for the purpose of providing construction services; and

WHEREAS, adoption of this resolution will award a construction contract No.14-2015 with Tim Paxin's Pacific Excavation, Inc. in the amount of \$127,983 for the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project; and

WHEREAS, the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project will install a signalized pedestrian crossing with a raised crosswalk across Routier Road.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute a contract with Tim Paxin's Pacific Excavation, Inc., Contractor, attached as **Exhibit 1**.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

**CONSTRUCTION SERVICES AGREEMENT BETWEEN
THE CITY OF RANCHO CORDOVA AND TIM PAXIN'S PACIFIC EXCAVATION, INC
FOR THE ROUTIER ROAD AT RANCHO CORDOVA SENIOR CENTER PEDESTRIAN
SIGNAL PROJECT**

THIS AGREEMENT made and entered into between the City of Rancho Cordova ("City") and Tim Paxin's Pacific Excavation, Inc. ("Contractor") as of February 17, 2015.

W I T N E S S E T H:

WHEREAS, the City Council for the City heretofore caused plans and specifications for the Routier Road at Rancho Cordova Senior Center Pedestrian Signal Project ("Project") to be prepared, and therefore did approve and adopt said plans and specifications; and

WHEREAS, the City Council for the City did cause to be published for the time and in the manner required by law, a notice inviting sealed bids for the performance of said work; and

WHEREAS, the notice was published on December 31, 2014 on the CIPList.com website ("Notice"); and

WHEREAS, the Contractor, in response to such Notice, submitted to the City Council for the City within the time specified in said Notice, and in the manner provided for therein, a sealed bid for the performance of the Project specified in said plans and specifications, which said bid and proposal, and other bids and proposals submitted in response to said Notice, the City Council opened and canvassed in the manner provided by law; and

WHEREAS, the Contractor was the lowest responsible bidder for the performance of said Project, and said City Council for the City as a result of the canvass of said bids, did determine and declare Contractor to be the lowest responsible bidder for said Project and award to a contract therefore.

NOW THEREFORE, in consideration of the promises herein, it is mutually agreed between the parties hereto as follows:

Section 1. CONTRACT DOCUMENTS. The following documents are by this reference incorporated in and made a part of this Agreement: The County of Sacramento, Standard Construction Specifications dated January 2008; the Special Provisions; the contract drawings, all addenda; the Notice to Contractors; the Proposal; all required bonds; and all supplemental Agreements covering alterations, amendments, or extensions to the contract. The documents which describe the work to be performed are sometimes collectively referred to herein as the Plans and Specifications.

Section 2. SCOPE OF WORK. The Contractor will furnish all labor, materials, services, transportation, appliances, and mechanical workmanship required for Contract No. XX-2015, as provided for and set forth in said Plans and Specifications, or in either of them, which said Plans and Specifications are hereby referred and by such reference incorporated herein and made a part of this Agreement. All of the said work done under this Agreement shall be under the supervision of and performed to the satisfaction of the Public Works Director of the City of Rancho Cordova who shall have the right to reject any and all materials and supplies furnished

1898853.2

by the Contractor which do not comply with the Plans and Specifications, together with the right to require the Contractor to replace any and all work furnished by the Contractor which shall not either in workmanship or material be in strict accordance with the Plans and Specifications.

Section 3. COMPLETION. Said work shall be completed and ready for acceptance.

Section 4. PAYMENT. Attached hereto as Exhibit "A" and by reference made a part hereof, is the bid and proposal of Contractor. Said bid and proposal will contain, as required by the terms of said specifications, the full and complete schedule of the different items with the lump sums or unit prices as so specified. The City agrees in consideration of the work to be performed for the Project herein and subject to the terms and conditions thereof, to pay Contractor all sums of money which may become due to Contractor in accordance with the terms of the aforesaid bid and proposal, and this Agreement, to wit: one hundred twenty-seven thousand nine hundred eighty-three dollars (\$127,983). Said sum shall be paid in accordance with Section 8 of the Standard Specifications. With respect to that portion of the above sum as is based upon the estimated quantities specified for the general scope of the work to be performed herein, actual payment will be based upon the quantities as measured upon completion. No payment made under this Agreement shall be construed to be an acceptance of defective work or improper materials.

Section 5. PREVAILING WAGES. Pursuant to the provisions of Articles 1 and 2 of Chapter 1, Part 7, Division II, of the Labor Code of the State of California, not less than the general prevailing rate of per diem wages, and not less than the general prevailing rate of per diem wages for holidays and overtime work, for each craft, classification or type of worker needed to execute the Project contemplated under this Agreement shall be paid to all workers, laborers and mechanics employed in the execution of said Project by Contractor, or by any subcontractor doing or contracting to do any part of said Project. The appropriate determination of the Director of the California Department of Industrial Relations is filed with, and available for inspection at 2729 Prospect Park Drive, Rancho Cordova, CA 95670, the office of the Clerk of the City. Contractor shall post, at each job site, a copy of such prevailing rate of per diem wages as determined by the Director for the California Department of Industrial Relations.

Section 6. INSURANCE. The Contractor shall carry and maintain during the life of this Agreement, such public liability, property damage and contractual liability, auto, worker's compensation and builders' risk insurance as required by the specifications.

Section 7. WORKERS' COMPENSATION CERTIFICATION. By execution of this Agreement, the Contractor certifies as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

Section 8. PERFORMANCE AND PAYMENT BONDS. The Contractor shall, before beginning said work for the Project, file two bonds with the City, each made payable to the City. These bonds shall be issued by a surety company authorized to do business in the State of California, and shall be maintained during the entire life of the Agreement at the expense of the Contractor. One bond shall be in the amount of one hundred percent (100%) of the Agreement and shall guarantee the faithful performance of the Agreement. The second bond shall be the

payment bond required by California Civil Code Section 3247 et seq., and shall be in the amount of one hundred percent (100%) of the Agreement. Any alterations made in the specifications which are a part of this Agreement or in any provision of this Agreement shall not operate to release any surety from liability on any bond required hereunder and the consent to make such alterations is hereby given, and any surety on said bonds hereby waives the provisions of California Civil Code Sections 2819 and 2845.

Section 9. INDEMNIFICATION.

- 9.1 Contractor's Performance.** To the fullest extent permitted by law, Contractor shall indemnify, defend and hold harmless City, its governing Board, officers, directors, agents, employees and volunteers from and against any and all claims, demands, actions, losses, liabilities, damages, and all costs incidental thereto, including cost of defense, settlement, arbitration, and reasonable attorneys' fees arising out of, pertaining to, or resulting from the acts or omissions of anyone else directly or indirectly acting on behalf of the Contractor, or for which the Contractor is legally liable under law, regardless of whether caused in part by a party indemnified hereunder.
- 9.2 No Limitation of Liability for Indemnification.** The indemnities set forth in this Section shall not be limited by the insurance requirements set forth in the Contract.

Section 10. MISCELLANEOUS PROVISIONS.

- 10.1** This Agreement shall bind and inure to the heirs, devisees, assignees, and successors in interest of Contractor and to the successors in interest of Contractor in the same manner as if such parties had been expressly named herein. All times stated herein or in the contract documents are of the essence hereof. As used in this instrument the singular includes the plural, and the masculine includes the feminine and the neuter. This Agreement may create a possessory interest subject to property taxation, and Contractor may be subject to the payment of property taxes levied on such interest.
- 10.2 Contract Administration.** This Agreement shall be administered by Britton Snipes, Senior Engineer ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.
- 10.3 Notices.** Any written notice to Consultant shall be sent to:
- Prescilla Gastelum
Tim Paxin's Pacific Excavation, Inc.
9796 Kent Street
Elk Grove, CA 95624

Any written notice to City shall be sent to:

Chris Boyer, Associate Civil Engineer
City of Rancho Cordova
Department of Public Works
2729 Prospect Park Drive
Rancho Cordova, CA 95670

EXHIBIT 1
CONTRACT NO. 14-2015

10.4 IRS Form W-9. Contractor shall complete and submit Internal Revenue Service Form W-9 to the City before execution of this Agreement. The City's Finance Director shall have authority to waive this requirement.

IN WITNESS WHEREOF, the City Council and Contractor have caused this Agreement to be executed as of the day and year first above written.

CITY OF RANCHO CORDOVA:

CONTRACTOR:

Brian Nakamura, City Manager

Prescilla Gastelum

Date

Date

Attest:

Mindy Cuppy, MMC, City Clerk

Date

Approved as to Form:

Adam U. Lindgren, City Attorney

Date

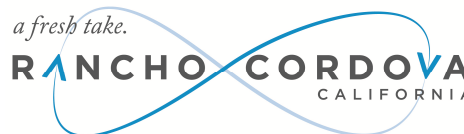
MEMORANDUM

DATE: February 17, 2015

TO: Honorable Mayor and Council Members

FROM: Michelle Mingay, Senior Finance Analyst

SUBJECT: STAFF UPDATE REGARDING THE EXPANSION OF THE ORIGINAL STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP) APPROVED BY THE CITY COUNCIL IN 2007



RECOMMENDATION

Authorize staff to expand the use of Statewide Community Infrastructure Program (SCIP) to include citywide residential projects and the addition of the Community Facilities Fee (Facilities Portion) to the list of impact fees to be funded by the program, as allowed in the original approval documents.

RESULT OF RECOMMENDED ACTION

Result of Recommended Action: The SCIP program expansion will allow certain single and multi-family projects as well as Community Facilities Fees (Facilities Component) to be funded through the SCIP assessment program which provides an additional financing option for development projects.

BACKGROUND

The California Statewide Communities Development Authority (CSCDA) is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties. In 2002, CSCDA instituted SCIP to allow property owners in participating cities and counties to finance development impact fees that would be payable by property owners upon receiving development entitlements or building permits. If a property owner chooses to participate, the development impact fees owed to the City will be financed by the issuance of tax-exempt bonds by CSCDA. CSCDA will impose a special assessment on the owner's property to repay the portion of the bonds issued to finance the fees paid with respect to the property. The property owner will either pay the impact fees at the time of permit issuance and will be reimbursed from the SCIP bond proceeds when the SCIP bonds are issued, or the fees will be paid directly to the City from the proceeds of SCIP bonds.

The SCIP program was originally brought to the Council for approval in 2007 as an economic development incentive. The program was proposed to be used in Rancho Cordova to fund transportation development impact fees for non-residential projects throughout the City and residential projects in the Redevelopment Project Area. Since the program was approved, the Redevelopment Agency has been dissolved, and more recently, the City has been contacted by Beazer Homes requesting the use of SCIP financing for Phase 3 and 4 of their Capital Village project.

Staff and CSCDA have reviewed both the resolution authorizing the City to join CSCDA (Reso 102-2007) and the resolution authorizing the City to participate in SCIP (Reso 103-2007) for program limitations. While neither of these resolutions limit the SCIP program in Rancho Cordova, the staff report that accompanied these resolutions included some program limitations. Staff met with Beazer regarding the use of SCIP financing for the payment of impact fees for the Capital Village project. Since Beazer did not form a Community Facilities District (CFD) to fund infrastructure improvements for this development project, it was determined this project would benefit from the use of SCIP financing but may not be allowed based on the original staff report. As such, staff is proposing the SCIP program be expanded to include both single and multi-family projects that have sufficient taxing capacity (total tax burden less than 2%) along with the addition of the Capital Facilities Fee (Facilities Component) to the list of eligible impact fees that can be funded through the program. Additionally, staff is also proposing the program and future changes be administered by the City Manager or his designee to allow the flexibility to change the program for future qualified projects that would benefit from this type of financing administratively.

SCIP Benefits

To the property owner:

- Only property owners who choose to participate in the program will have assessments imposed on their property.
- Instead of paying cash for impact fees, the property owner received low-cost, long-term tax-exempt financing of those fees, freeing up capital for other purposes.
- Property owners can choose to pay off the assessment at any time.
- Owners of small projects can have access to tax-exempt financing of infrastructure. Before the inception of SCIP, only project large enough to justify the formation of an assessment or community facilities district had access to tax-exempt financing.

To the City:

- Similar to conventional assessment financing, the City is not liable to repay the bonds issued by CSCDA or the assessments imposed on the participating properties.
- CSCDA handles all district formation, district administration, bond issuance and bond administration functions. Through SCIP, the City can provide tax-exempt financing to property owners while committing virtually no staff time to administer the program.
- Providing tax-exempt financing assists property owners in developing their projects.
- As part of the entitlement negotiation process, the possibility of tax-exempt financing of fees can be used by the City to encourage a developer to pay impact fees up front.

MEMORANDUM

DATE: February 17, 2015
TO: Honorable Mayor and Council Members
FROM: Cyrus Abhar, Public Works Director



SUBJECT: RESOLUTION SUPPORTING SACRAMENTO COUNTY'S LEGISLATIVE BILL THAT WOULD AUTHORIZE THE RELINQUISHMENT OF STATE ROUTE 16 BETWEEN WATT AVENUE AND GRANT LINE ROAD IN SACRAMENTO COUNTY TO THE LOCAL AGENCIES.

RECOMMENDATION

Adopt Resolution No. 17-2015.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will formalize the City's support of the Legislative Bill sponsored by the County of Sacramento to relinquish State Route 16 (SR16) between South Watt Avenue and Grant Line Road in Sacramento County from the State of California owned and operated roadway to the County of Sacramento (and a portion to the City of Rancho Cordova) making the roadway a locally owned and operated facility. State legislative action must be taken in order to relinquish the portion of SR16 identified.

BACKGROUND

SR 16 is a Caltrans maintained and operated conventional highway that runs in an east-west orientation beginning at the US 50 interchange at Howe Avenue and terminating at its intersection with SR 49 in Amador County. Within Rancho Cordova, SR 16 is currently a two-lane conventional highway fronting the future Arboretum development.

For many years, Caltrans has been interested in relinquishment of the western portion of SR 16 to local jurisdictions. Caltrans has witnessed the gradual change in the nature and operation of the western portion of SR 16 from a conventional rural highway linking longer distance trips between Sacramento and the rural communities to the east, to serving the shorter distance trips associated with more urban development in the vicinity of Jackson Road corridor.

The Circulation Element of the City's General Plan designates Jackson Road as a future six-lane expressway between Sunrise Boulevard and Grant Line Road. Relinquishment of the roadway from Caltrans ownership to City and County ownership would allow for conversion of the corridor from a state highway to an urban arterial, consistent with the City and County General Plans.

State Route 16 is also designated as a Surface Transportation Assistance Act (STAA) truck route. The City and the County will maintain the STAA truck route designation for the portion of SR 16 relinquished that previously held that designation

At the Board meeting of January 14, 2015, Sacramento County Board of Supervisors approved the proposal to sponsor legislation relinquishing the portion of SR 16 identified above. Amador County and several rural communities to the east have expressed concerns about increased travel times on Jackson Highway due to future development along the Corridor and have opposed the proposed relinquishment. The legislative language approved by the Board requires that Sacramento County notify and advise the Amador County Transportation Commission, the Counties of Amador, Calaveras, and Alpine, the Cities of Plymouth, Amador City, Sutter Creek, and Jackson and other relevant parties about the relinquishment process.

FISCAL IMPACT

The proposed relinquishment will not affect the City's General Fund. However, relinquishment of SR 16 from Caltrans to the City will result in initial maintenance and operation costs of approximately \$5,000 to \$10,000 per year. Given the current condition of the roadway, the maintenance and operations costs are anticipated to remain relatively flat for the first ten years of City ownership. Roadway maintenance and operation costs will be funded through various federal, state and local transportation revenue sources.

ATTACHMENT

Resolution No. 17-2015.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 17-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
TO SUPPORT SACRAMENTO COUNTY'S LEGISLATIVE BILL THAT WILL RELINQUISH
STATE ROUTE 16 BETWEEN WATT AVENUE AND GRANT LINE ROAD IN SACRAMENTO
COUNTY TO THE LOCAL AGENCIES**

WHEREAS, State Route 16 (SR16) is a Caltrans maintained and operated conventional highway and is designated as a Surface Transportation Assistance Act (STAA) truck route; and

WHEREAS, Caltrans is interested in relinquishment of the western portion of SR 16 to local jurisdiction; and

WHEREAS, the relinquishment of SR16 between South Watt Avenue and Grant Line Road in Sacramento County would convert the roadway from the State of California owned and operated facility to a locally owned and operated facility; and

WHEREAS, the City and the County will maintain the STAA truck route designation for the portion of SR 16 relinquished that previously held that designation; and

WHEREAS, on January 14, 2015, the Sacramento County Board of Supervisors approved a proposed Legislative Bill that will relinquish SR16 between Watt Avenue and Grant Line Road.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does support Sacramento County's legislative bill to relinquish the western portion of SR16 from the State of California to local jurisdictions.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

DATE: February 17, 2015



a fresh take.
RANCHO CORDOVA
 CALIFORNIA

SUBJECT: CLEAR CHANNEL OUTDOOR DIGITAL FREEWAY SIGN CONDITIONAL USE PERMIT AND OPERATING AGREEMENT; PROJECT NO. DD8480 – LOCATED AT 12137 FOLSOM BOULEVARD.

PROPERTY OWNERS: John & Susan Hansen Mr. John Hansen 2201 Francisco Drive El Dorado Hills, CA 95762	APPLICANT/DEVELOPERS: Clear Channel Outdoor Mr. John Thompson 401 Slobe Avenue Sacramento, CA 95815
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PROJECT:	The applicant requests a Conditional Use Permit and Operating Agreement for the installation of a digital freeway sign at 12137 Folsom Boulevard (APN 069-0160-004-0000). The proposed digital freeway sign would be 60 feet in height and would have two digital display areas measuring 14 feet by 48 feet, for a sign area of 672 square feet on each side. Decorative pole cladding would surround the center-mounted pole base. The ten existing redwood trees along Highway 50 in this location will be removed and replaced by a substantial hedgerow. The project also includes the removal of two existing traditional billboards located at 2300 Mine Shaft Lane and 2286 Sunrise Boulevard.
FILE:	DD8480
LOCATION:	12137 Folsom Boulevard
APN:	069-0160-004-0000
PLANNER:	Jessica Jordan

The following recommendations provide the City Council with alternative approaches to address the proposed Digital Freeway Sign application:

1. Consistent with Council direction received on December 15, 2014, adopt Resolution 3-2015 denying the Clear Channel Outdoor Conditional Use Permit and Operating Agreement; OR
2. Consider additional information included within the staff report and the public testimony and provide staff with alternative direction as desired.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would deny the Clear Channel Outdoor project. Alternatively, the City Council can provide other direction regarding preparation of alternate Resolutions or conducting additional research to be brought back for consideration in the future.

BACKGROUND

This item as well as Agenda Item 14.2 from Sierra Outdoor/Outfront Media were first presented to the City Council on November 17, 2014. A second public hearing was held on December 15, 2014. During the public hearing, staff presented further details of the project and answered questions. The applicants provided information to the City Council as well. At the conclusion of the discussion, the City Council directed staff to prepare documents denying the Clear Channel Outdoor project as proposed and return the item to the City Council at their January 20, 2015 meeting. The Resolution for denial is provided herein as **Attachment 1**. The City Council also continued the Sierra Outdoor/Outfront Media item and directed staff to prepare documents for approval of that request.

At the January 20, 2015 City Council meeting, the City Council expressed a desire to hear additional testimony before taking action. Since the prior public hearing was previously closed, the City Council directed staff to re-notice the public hearing for this item for February 17, 2015 to allow for consideration of new information. The City Council opened the hearing and briefly discussed the item. The City Council specifically requested that staff provide an ownership map/inventory of all existing billboards within the City limits. Said map is provided herein as **Attachment 2**. Additionally, the past Council actions on the digital freeway signs Code amendments in 2012 were discussed. Councilmember Terry requested any minutes or materials from 2012, specifically from the Council ad-hoc committee, be provided within this staff report. In turn, Councilmember Budge provided a summary of the ad-hoc committee's actions from 2012. Staff has reviewed the 2012 materials and meeting videos and has found no record beyond Councilmember Budge's summary of the ad-hoc committee's work therefore, no attachments responding to this request are provided. In addition to the Council's direction to re-notice this item, the City Council advised members of the public who were interested in the two different proposals to submit any information on these items to staff ten days prior to the new Council meeting date.

Following the meeting, staff requested that the applicant, citizens, or other interested parties submit materials or additional information by February 9, 2015 for analysis prior to the public hearing. The items that were received are attached and summarized below.

ADDITIONAL INFORMATION

Staff received the following new information regarding the project: 1) letter from Clear Channel Outdoor; 2) letters from Clear Channel Outdoor subject property owner; and 3) letters from neighborhood associations. Provided below is a brief overview of these submittals.

Clear Channel Outdoor letter

The following table provides a summary of the project as proposed by the applicant today. In short, since the January 2015 meeting, Clear Channel Outdoor has committed to not removing any trees within their project site. Clear Channel does not have any additional signs within the City limits to propose for removal. Further details are provided in **Attachment 3**.

Clear Channel Proposal

Installation	12137 Folsom Boulevard
Removals	2300 Mine Shaft Lane 2286 Sunrise Boulevard
Conditional Signing Bonus	\$75,000
Additional Monies	\$25,000
Annual Payments	Years 1-5: \$60,000 Years 6-10: \$80,000 Years 11-25: \$100,000

Petition from Bluff City, Inc. Homeowners Association, et al

Prior to the January 20, 2015 City Council meeting, the City received a petition from the Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association, and The Classics at Gold River requesting the City Council reject the Mitigated Negative Declaration prepared for this project on the grounds that adequate notice did not occur. Staff has reviewed this petition and found that the noticing was legally adequate. The petition is provided as **Attachment 4**.

Clear Channel Outdoor Subject Property Owner Letters

Mr. John Hansen provided several letters prior to this staff report and the January 20th City Council hearing, included as **Attachment 5**. These letters contain numerous questions, of which staff can only respond to a limited few. In short, Mr. Hansen is requesting that the City Council reconsider the Clear Channel proposal and reverse the decision to deny the application. Mr. Hansen's letter makes inquiries regarding the application process, location of sign removals, safety concerns voiced by the City Council, and landscape modifications at the Naturewood site. Both this application and the proposal by Sierra Outdoor/Outfront Media have been handled in the typical, legally mandated fashion. The City Council has provided many comments on the record regarding the proposed projects, expressing their opinion, and directing staff to prepare resolutions in a clear manner. The various signs proposed for removal by both applicants are located within the city limits. Safety concerns associated with digital freeway signs were discussed during the prior Council meeting and included distance between digital signs and freeway directional signs and the possible driver confusion that may result. Sierra Outdoor/Outfront Media has responded to Mr. Hansen's concerned regarding onsite trees within their letter (**See Agenda Item 14.2 Attachment 3**). Staff has reviewed this information and while the tree removal at Naturwood does not appear to be associated with the digital freeway sign project, it would have likely required Minor Design Review. There are no records that this review was conducted in the past. It would be quite difficult to conduct such a review at this point in time but, could be pursued if Council so desired.

Memorandum from Bluff City, Inc. Homeowners Association

The Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, and Save the American River Association, prepared a document entitled "Why the City of Rancho Cordova Should Not Approve Digital Billboards at This Time – A Proposal for Planning", included as **Attachment 6**. The Memorandum was prepared by the neighborhood associations with the assistance of Mr. Jerry Wachtel. The memorandum and reference documents contain extensive information regarding digital freeway sign operation and safety. The group requests that the City Council pause and conduct more comprehensive research into various aspects of digital freeway signs prior to taking action on either the Clear Channel Outdoor or Sierra Outdoor/Outfront Media projects.

The memorandum cites several deficiencies within the Mitigated Negative Declaration prepared for the project including how it has or has not addressed sign brightness and message dwell time, future capabilities of this sign type and adverse impacts on traffic safety, and misstatements within the document itself. Staff believes the originally prepared Mitigated Negative Declaration adequately addresses the anticipated impacts of the proposed project and is consistent with the City's Code standards. However, should the Council so desire, additional study of the issues raised in **Attachment 6** could be conducted.

RECOMMENDATION

Staff recommends the City Council adopt Resolution 3-2015 denying the Clear Channel Outdoor Conditional Use Permit and Operating Agreement or direct staff to prepare an alternate Resolution or conduct further research as desired.

ATTACHMENTS

Please note, with the exception of Attachments 1 and 3, attachments provided herein are duplicate of the Sierra Outdoor/Outfront Media staff report package.

1. Resolution 3-2015
2. City map of existing traditional and digital billboards and ownership
3. Letter from Clear Channel Outdoor dated February 3, 2015
4. Petition to Reject the August 2014 Mitigated Negative Declaration from Bluff City, Inc. Homeowners Association, et al dated January 19, 2015
5. Letters from Mr. John Hansen dated January 6, 2015, January 19, 2015, and February 6, 2015
6. Memorandum from Residents of Rancho Cordova, Bluff City Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association, and other good neighbors dated February 6, 2015

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 3-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DENYING
THE CLEAR CHANNEL OUTDOOR DIGITAL FREEWAY SIGN CONDITIONAL USE PERMIT
AND OPERATING AGREEMENT – DD8480**

WHEREAS, the applicant for the Clear Channel Outdoor Digital Freeway Sign project (“Project”) has applied to the City of Rancho Cordova (“City”) for a Conditional Use Permit and Operating Agreement for the installation of a Digital Freeway Sign, located at 12137 Folsom Boulevard; and

WHEREAS, the City’s Zoning Code allows for the installation of Digital Freeway Signs in certain specified locations and subject to specific development standards; and

WHEREAS, the proposed project has been analyzed and complies with all applicable development standards identified in the City’s Zoning Code; and

WHEREAS, the City determined that the project was subject to the California Environmental Quality Act (CEQA) and prepared an Initial Study pursuant to CEQA evaluating the potential environmental effects of the project; and

WHEREAS, the City determined the project would not result in any environmental impacts as identified in the Mitigated Negative Declaration/Initial Study; and

WHEREAS, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on August 15, 2014 and the Notice was published in the *Grapevine Independent*, posted at the Sacramento County Clerk’s Office, distributed through the State Clearinghouse, and posted at the City offices, pursuant to CEQA Guidelines, Section 15072. A 30-day review and comment period for the Mitigated Negative Declaration opened on August 15, 2014 and closed September 15, 2014. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City received two written comment letters within the 30-day public review period and responded to the comment in the project staff report; and

WHEREAS, the City has considered the comments received during the public review period and it does not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

WHEREAS, the City Council has reviewed the Initial Study, and the Mitigated Negative Declaration and find that these documents reflect its independent judgment; and

WHEREAS, on November 17, 2014 and December 15, 2014, the City Council held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the public, and deliberated on the item.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does resolve:

ATTACHMENT 1

Section 1. Recitals. The foregoing recitals are true and correct and made a part of this Resolution.

Section 2. Findings. The City Council hereby finds that:

A. **CEQA Compliance.** The Mitigated Negative Declaration prepared for the project will not be adopted because the project is denied. The document may be used for technical data in the future as appropriate.

B. **Conditional Use Permit.** In order for a CUP to be granted for the Digital Freeway Sign, the project must meet the required findings documented in Code Section 23.134.030. The following are each of the required findings and the evidence to support them:

- a. Finding: The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

Evidence: The subject property is located adjacent to the Hazel Avenue off-ramp on State Route 50, between two freeway directional signs. A digital freeway sign in this location may potentially cause a distraction or safety hazard to drivers making lane choices in close proximity to the freeway exit. Additionally, landscape modifications to the existing stand of redwood trees along the northern property boundary would be required to accommodate the visibility needs of the proposed sign. Both of these circumstances of the proposed project are undesirable because they oversaturate the particular area with signs and would substantially modify and/or eliminate the area's natural landscaping. The project would also remove a one-sided traditional billboard within the State Route 50 corridor and install a double-sided digital freeway sign, resulting in a net increase of sign faces in this area. As such, the subject property and overall project proposal is not appropriate or desirable and the finding cannot be demonstrated in the affirmative.

- b. Finding: The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards or other reasonable conditions of approval.

Evidence: The location of the proposed sign between two freeway directional signs for the Hazel Avenue off-ramp may negatively impact a driver's decision-making process when exiting State Route 50 in this location. Additionally, the proposed modification to the landscaping and elimination of trees along the subject property boundary would alter the viewshed from State Route 50. There are no additional conditions of approval that could be applied to the project that would mitigate these concerns. Therefore, the site is not appropriate for this project and the finding cannot be demonstrated in the affirmative.

ATTACHMENT 1

- c. Finding: All required public facilities have adequate capacity to serve the proposal.

Evidence: The site is currently served with electricity, which would be extended to provide support to the proposed Digital Freeway Sign. No additional public facilities are required by the project.

- d. Finding: The project meets the requirements of the Zoning Code including development standards, design guidelines, and special use provisions.

Evidence: The proposed project has been analyzed and is consistent with all applicable Code standards. The Applicant's proposed Operating Agreement would cause the Digital Freeway Sign to comply with the applicable standards. The project would result in the removal of two traditional billboards within the City limits: one within the State Route 50 corridor and one within the City proper. The Operating Agreement establishes a schedule and duty to provide the City with additional community benefits, mainly monetary contributions, to be used throughout the community to offset the aesthetic impacts of the project.

- e. Finding: If structures and site plans are considered nonconforming, the elements of a project that are nonconforming have been brought into compliance with the Zoning Code.

Evidence: The project is not considered nonconforming.

- C. **Operating Agreement.** The Applicant voluntarily proposed to enter into an Operating Agreement with the City to memorialize the proposed sign and regulate usage of the sign. The Applicant's proposed Operating Agreement will not be adopted because the project is denied.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____ 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

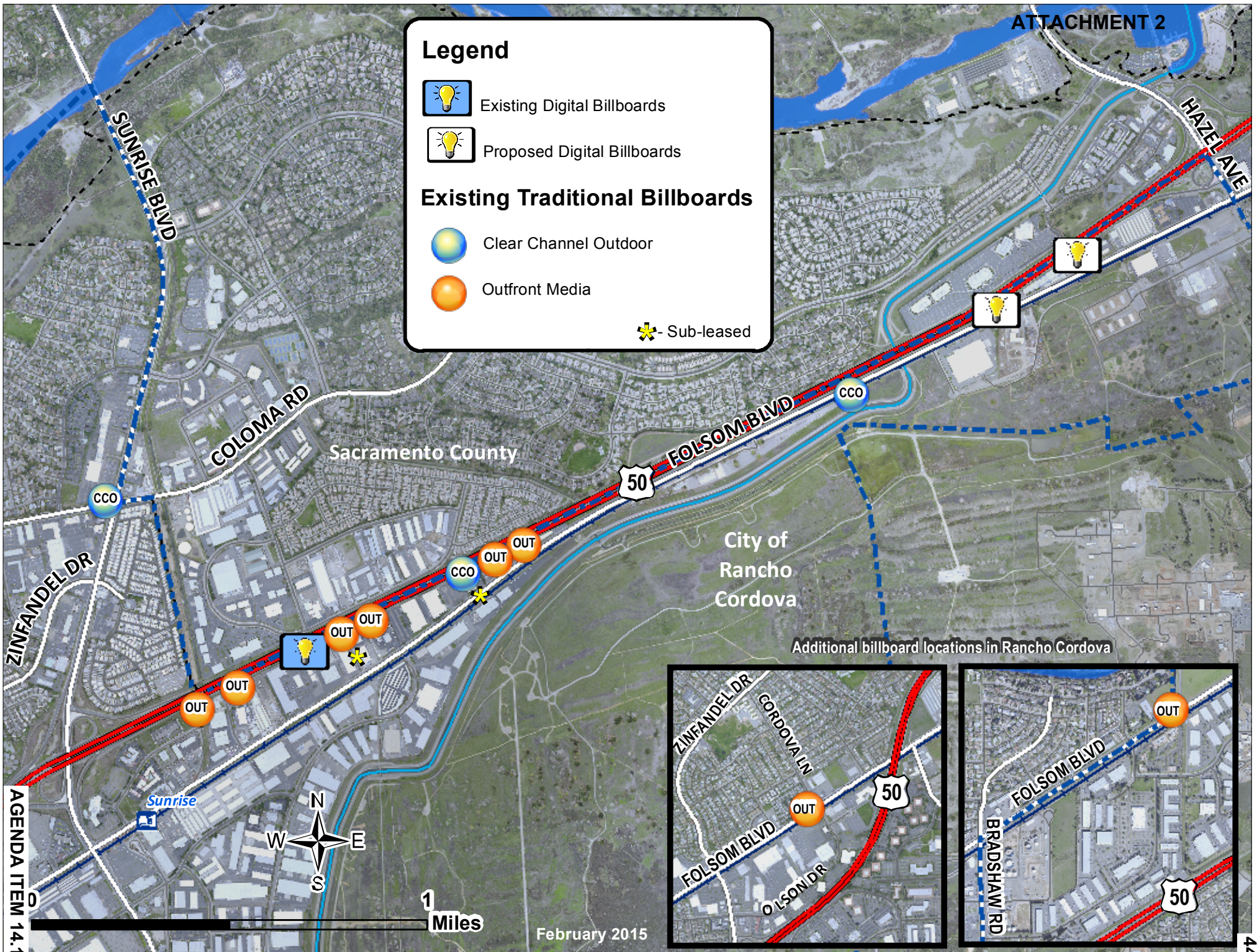
Mindy Cuppy, MMC, City Clerk

Legend

-  Existing Digital Billboards
-  Proposed Digital Billboards

Existing Traditional Billboards

-  Clear Channel Outdoor
-  Outfront Media
-  Sub-leased



February 3, 2015

City of Rancho Cordova
Mayor McGarvey and City Council Members
2729 Prospect Park Dr.
Rancho Cordova, Ca. 95670

RE: Request for Clear Channel Outdoor Application to be reconsidered

Dear Mayor and Members of City Council:

I am writing this letter on behalf of Clear Channel Outdoor (CCO) to request the application for a digital billboard at 12137 Folsom Boulevard in Rancho Cordova be reconsidered and removed as an item on council agenda recommended for denial. I want to clearly state the following details regarding revisions in CCO's original application:

NO TREE REMOVAL submitted December 15, 2014 (Presentation):

Council was advised on December 15, 2014 during Michael Wagener's presentation that the original proposal to remove 10 redwood trees would be rescinded and NO trees would be removed.

REVISED FEES submitted December 12, 2014:

Annual Fee increases were revised pursuant to the attached EXHIBIT. The Conditional Signing Bonus in the amount of \$75,000.00 will remain the same, and in addition to the increased Operating Fees, we fully support the City of Rancho Cordova's efforts to beautify the Folsom corridor and are willing to make a one-time contribution of \$25,000.00 to those improvements or other projects.

In a letter dated December 16, 2014, to Brian Nakamura, I referenced details concerning CCO's digital sign application, whereby council directed staff to deny said application stating it preferred the Sierra Outdoor/CBS Naturwood site at 12125 Folsom Blvd. I want to reiterate; the Naturwood site was proposed to the City of Rancho Cordova by Clear Channel Outdoor in 2012 as part of an application for two digital billboard locations. However, Clear Channel Outdoor was directed by a Council ad hoc committee (Linda Budge and Robert McGarvey) to abandon the Naturwood site because it was too highly visible from the Bluffs neighborhoods and a more industrial site with less public access would be preferable. At the direction of the hoc committee Clear Channel Outdoor approached John & Susan Hansen about their business site at 12137 Folsom Boulevard.

Page Two
February 3, 2015

Clear Channel Outdoor proposed a digital sign at Naturwood in 2012. Your council did not like this location and asked us to find an alternate site. That was accomplished and now we are told Naturwood is the preferred site; the financial proposals no longer matter, even though the Clear Channel Outdoor offer is far superior to that of Sierra Outdoor/CBS. Councilmembers stated billboard removals should be the main focus; our proposal removes **ALL** Clear Channel billboards owned within Rancho Cordova's jurisdiction and Sierra Outdoor/CBS has a large inventory remaining.

We look forward to a continued long term relationship with the City of Rancho Cordova and again, ask that our digital billboard application for 12137 Folsom Boulevard in Rancho Cordova be reconsidered.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Holshouser".

Susan Holshouser
President-Sacramento/Reno/Tahoe

25 Yr Term	Clear Channel Outdoor Original Proposed Annual OA Fee	Clear Channel Outdoor New Proposed Annual OA Fee		Sierra Outdoor/CBS Original Proposed Annual OA Fee	Sierra Outdoor/CBS New Proposed Annual OA Fee
1	\$ 50,000.00	\$ 60,000.00		\$ 50,000.00	\$ 130,000.00
2	\$ 50,000.00	\$ 60,000.00		\$ 50,000.00	\$ 50,000.00
3	\$ 50,000.00	\$ 60,000.00		\$ 50,000.00	\$ 50,000.00
4	\$ 50,000.00	\$ 60,000.00		\$ 50,000.00	\$ 50,000.00
5	\$ 50,000.00	\$ 60,000.00		\$ 50,000.00	\$ 50,000.00
6	\$ 50,000.00	\$ 80,000.00		\$ 50,000.00	\$ 50,000.00
7	\$ 50,000.00	\$ 80,000.00		\$ 50,000.00	\$ 50,000.00
8	\$ 50,000.00	\$ 80,000.00		\$ 50,000.00	\$ 50,000.00
9	\$ 50,000.00	\$ 80,000.00		\$ 50,000.00	\$ 50,000.00
10	\$ 50,000.00	\$ 80,000.00		\$ 50,000.00	\$ 50,000.00
11	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
12	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
13	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
14	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
15	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
16	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
17	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
18	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
19	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
20	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
21	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
22	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
23	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
24	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
25	\$ 50,000.00	\$ 100,000.00		\$ 50,000.00	\$ 50,000.00
	\$ 1,250,000.00	\$ 2,200,000.00		\$ 1,250,000.00	\$ 1,330,000.00
	\$ 75,000.00	\$ 75,000.00		\$ 75,000.00	\$ 100,000.00
	\$ 25,000.00	\$ 25,000.00		None	None
	\$ 1,350,000.00	\$ 2,300,000.00		\$ 1,325,000.00	\$ 1,430,000.00
	Signing Bonus	Signing Bonus		Signing Bonus	Signing Bonus
	Landscaping	Landscaping		Landscaping	Landscaping
	8 Second Slot / Space Available	8 Second Slot / Space Available			Designated 8 Second Slot

MEMORANDUM

TO: Rancho Cordova City Council

CC: Adam Lindgren, City Attorney
Paul Junker, Planning Director

FROM: Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association, The Classics at Gold River

RE: Petition to Reject the August 2014 Mitigated Negative Declarations for Sierra/CBS Outdoor at Naturwood Digital Sign and Clear Channel Outdoor Digital Freeway Sign due to Violation of CEQA Guidelines §15072 – Insufficient Public Notification

DATE: JANUARY 19, 2015

The California Environmental Quality Act (CEQA) (Public Resources Code §21000, et seq.) includes many procedural requirements including those for public notice and review.

The goal of fully informing the public of the effects of development is at the heart of CEQA. Public involvement in the CEQA process aims to ensure that the public has a voice in the decision-making process - specifically, that public concerns about environmental issues and the potential effect of development on the physical environment are addressed prior to project approval.¹

Pursuant to CEQA Guidelines Section 15072, Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, specific minimum requirements to ensure public notification are outlined, as follows:

(b) The lead agency shall mail a notice of intent to adopt a negative declaration or mitigated negative declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by at least one of the following procedures to allow the public the review period provided under Section 15105:

(1) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. *If more than one area is*

¹ UC CEQA Handbook: Chapter 4.1 - Formal Requirements

affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas. (Emphasis added.)

(2) Posting of notice by the lead agency on and off site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of property contiguous to the project. Owners of such property shall be identified as shown on the latest equalized assessment roll.

The abovementioned Mitigated Negative Declarations (MNDs) were noticed *only* in the Rancho Cordova *Grapevine* and on the City's website.² Sections 15072(b)(2) and (b)(3) were not utilized as a means of notification, thus Section 15072(b)(1) stands as the procedure chosen by the city of Rancho Cordova to allow the public the review period provided under Section 15105.

The undersigned respectfully submit that the City of Rancho Cordova was aware that homeowners on the bluffs would be affected by the construction of a large digital sign(s) located directly within the line of sight of homes on the bluffs. If the City did not know, they should have known. That impression was amplified by a member of the Rancho Cordova Council during the City Council meeting on December 15, 2014 when he stated that the concerns expressed by a speaker that evening were similar to those expressed by homeowners on the bluffs during hearings for the construction of the Mormon Temple. Further, the City of Rancho Cordova was a partner with many of the abovementioned homeowner associations and with SARA in 2011 when a concerted effort was made to oppose the construction of a Joint Operations Center near the fish hatchery just below Nimbus Dam. Several of the most significant concerns were the impacts on traffic safety, scenic views and light pollution. It is therefore logical to suggest that the City of Rancho Cordova should have known that interest in the digital sign proposals would extend beyond the city limits of Rancho Cordova. Traffic safety and congestion are continuing concerns at the Highway 50 & Hazel interchange. Residents of many communities who drive this route frequently understand how challenging these problems are. The addition of a large digital billboard at this already-chaotic interchange will affect thousands of people outside of the City of Rancho Cordova. Further, The MNDs address several critical environmental questions about scenic vistas, light and glare. Specifically, the environmental documents ask if the project(s) will "Have a substantial adverse effect on a scenic vista?" and will the project(s) "Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?" Citizens outside of Rancho Cordova were not notified to provide comment on the above-referenced MNDs. Yet, the impacts would directly affect them. Adverse impacts on scenic vistas, a new source of substantial light and glare, and traffic safety are substantive and have such standing that residents of Fair Oaks, Gold River, Orangevale and Folsom, at a minimum, should have been noticed.

² Per telephone conversation with member of Rancho Cordova City Planning Department, January 9, 2015.

We submit that the notification procedure for the Mitigated Negative Declarations for the abovementioned projects was insufficient and does not meet the minimum standards required by CEQA. The legislature has spoken on the issue of noncompliance in Public Resources Code, Division 13, Chapter 1, Section 21005(a): "The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions."

Thank you for your consideration of our concerns. We appreciate the city's recent efforts to reduce signage along Folsom Boulevard and laud the direction it has taken to improve its commercial development, such as the Zinfandel and White Rock Road area. It is with this kind of foresight that we urge this City Council to consider its legacy and begin creating a truly scenic section of Highway 50 along the Sunrise Boulevard to Hazel Avenue corridor—in part by keeping it billboard free.

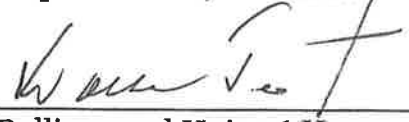
Respectfully Submitted,



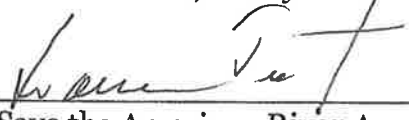
Bluff City, Inc. Homeowners Association
James Kangas, President



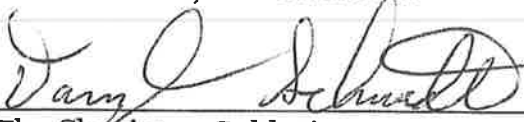
Lake Natoma Heights Neighborhood Association
Stephen Green, Immediate Past President



Rollingwood Unit #6 Homeowners Association
Warren Truitt, Safety Coordinator



Save the American River Association
Warren Truitt, Vice President



The Classics at Gold River
Darryl Schmidt, Volunteer Coordinator, Neighborhood Safety

Digital freeway sign conditional use permit**01-06-2015**

Dear Mayor McGarvey, Vice Mayor Sander, City Council Members Budge, Terry, Skoglund, City Attorney Lingren, and City Manager Nakamura.

I would like to thank all of you for your service, dedication and loyalty to the city of Rancho Cordova. It was an honor to witness the recent swearing in ceremony of Mayor McGarvey, and Vice Mayor Sander. I can appreciate and fully understand what it takes to serve the public. I have been a Police Officer for over 15 years. I understand that you have to first and foremost be unbiased, possess qualities such as integrity, empathy, morals, values, honesty, and most importantly to do the right thing. I began a career in Law enforcement to help people, to give back to the community. I learned most of these values right here in Rancho Cordova. In the late 1970's my grandfather and Grandmother purchased the property located at 12137 Folsom Blvd. There were huge mountains of dredger tailings, rock, sand and gravel on the property. My father just got out of the military after serving eight years in the US Air Force during the Viet Nam War. His degree at American River College was in Business Management. My father and mother partnered with his parents and Started Nimbus Landscaping Materials. They imported decorative bulk landscaping and building supplies from all over the area. We and Rudy's Hideaway were the first business in the area, even before Naturewood. With a lot of hard, back breaking work we became a destination location for surrounding residents, businesses and municipalities to acquire bulk landscaping and building materials to construct their projects. I started helping my family at a young age with the business. I began bagging coal to heat resident's homes in the early 1980's, bagging sand to help with winter flooding. I was 12 years old. My father and grandfather taught me strong work ethics, and values. My grandfather would always tell me at a young age, treat people with respect, do unto to others as you would have them do unto you, don't be lazy, put in an honest day's work and help people. The list goes on. I learned so much at a young age from my grandfather and father. Fast forward, working full time at Nimbus, and going to college part time I earned a BS in Criminal Justice from CSUS. I then went on to enter my career in Law Enforcement, to achieve my dream, to help people in need, to protect and serve, to give back to the community. The reason I give you this small Bio of myself and family is because I want you to understand that we are real, honest, hardworking, genuine people who have owned and operated three businesses in the Rancho Cordova area for a very long time. We have provided numerous jobs for residents in the Rancho Cordova area over the years. We have contributed thousands of dollars in tax revenue in the City of Rancho Cordova. We have partnered with the city and residents in Rancho Cordova for over 30 years helping to beautify the community. My brother, Mark with Nimbus Pond Inc. built the water feature at Hagen Community Center on Chase Dr. Most recently Nimbus stayed open late and partnered with City employees to provide sand bags to the public during the recent storm. We have been doing things such as this for over 30 years.

My family and I feel that we were completely taken advantage of by CBS. As you know CBS entered in contract with us almost two years ago (1-24-2013) to place a sign on our property. They kept us in contract for almost a year and a half (5-28-2014), meeting with us, phone conversations, Emails, stating that the project was on its way. They continued to say they were just waiting on the City of Rancho Cordova to finalize a few things before they broke ground with construction. They, Kevin Johnson (CBS) kept promising us, next month, next month, the revenue will be coming in. This was obviously during the time of the recession, decline in the housing and building market. Our businesses took a huge hit as they were all tied to the building and construction industry. Building almost came to a stop. We, like many others took a huge financial hit with the economy. My parents actually lost their house and home equity of 40 years trying to stay afloat. They were barely able to retain the property, 12137 Folsom Blvd. We had no idea CBS was working with Naturewood behind our backs. We asked CBS if there was anything we could do, perhaps talk to the City, and write a letter. They told us no, that they had it handled, not to make contact with the City. My father still wrote the City a letter, and on his own met with Planner Jessica Jordan. It finally became apparent when CBS stopped staying in touch as often as they use to. When we tried to make contact with CBS's representative Kevin Johnson, he was always out of town, on vacation, numerous excuses, all while telling us things were still in motion, it would be soon, It became evident this was far from the truth. We knew something just wasn't right. We put our trust in Kevin Johnson and CBS. After spending thousands of dollars for legal advice, reviewing, establishing lease agreements, addendums and hundreds of hours of personal time, we finally realized CBS was leading us on. They had no plans on breaking ground or starting the project. We emailed them and requested a letter, allowing us to opt out of their contract, which was binding us from virtually doing anything with our property, tying it up for over 17 months. We were completely taken advantage of, and mislead by CBS and Kevin Johnson. They continually lied to us and led us on; keeping us from doing business with another company, all the while they were secretly working on a deal next door with Naturewood. This business practice was completely unethical and wrong in every way. Makes me sick to my stomach when I think of what they put my elderly parents through in times such as this. I ask myself, why in the world would the City of Rancho Cordova want to do business, potentially enter a 25 year Partnership with a company like this?

Finally after 16 months 05-28-2014, we received a contract release letter from CBS Outdoor. We talked to Clear Channel about a digital sign and entered into contract with them (6-27-2014). We were advised that Clear Channel was trying to put a sign up at the Naturewood property a couple years prior but Rancho Cordova City Counsel told them that they would not approve a sign at that location, that Clear Channel had to find a more industrial location. Well, our property is 2 acres, rectangular, approx. 400' of Freeway frontage and 200' wide and zoned light industrial. It is a clear open slate for a project such as this.

Realistically the sign could go anywhere on our property and it would not affect business, the building, or Folsom Blvd. It would not obscure anything. The sign would not stretch from Folsom Blvd. to Hwy 50 like it would on Naturewood's triangular shaped property.

Between 8-13-2013 and 2-21-2014, as per Google Earth pictures, Naturewood or someone removed two old growth, 100 year plus, Black Walnut trees at the western tip of their property, plus numerous trees in their western parking lot planter barriers near where they would like to put the sign. Did they have City approval; was it CBS that advised them to do this? Drive by; look at the area on the west end of their property, clearly exposed stumps and empty planters. Did Michael Wagner bring this up, No, he remained completely professional. Our Coastal Redwoods are not indigenous to the area as the Walnut trees were; they thrive in the coastal regions, consuming hundreds of gallons of water each day. Both of my grandfathers and grandmother are World War two Veterans. My father is a Vietnam era Veteran serving 8 years in the Air Force. I put the uniform on every day, sacrificing my safety for the good of the public. For over 25 years we raised and lowered an American flag every day adjacent to highway 50 on our property; allowing it to soar above the freeway, paying respect to Americans and America. We are a very proud, patriotic family. Two of the Redwoods have overgrown and blocked the flag pole. It would be a blessing to re-plant more indigenous trees and let the American flag soar again, bringing back my late grandfathers tradition. There are over 1000 Redwoods from Bradshaw to Hazel along the freeway corridor, many trimmed high from the ground, such as the Redwoods around 2729 Prospect Drive (City Hall). There are no redwood trees along the City of Folsom and El Dorado Hills Highway 50 corridor east of Hazel Ave. as they are not indigenous to the area. To five or all of the Redwood trees on our property would be less than $\frac{1}{2}$ of 1% of the Redwoods along the Highway 50 corridor through Rancho Cordova. This would clearly having a minimal impact on the Coastal Redwood population in Rancho Cordova. Neither Clear Channel nor do we want to eradicate the landscaping or trees on our property. It is the complete opposite. We want to beautify the 400' of freeway frontage, encompassing the City of Rancho Cordova's vision. This is an opportunity to plant indigenous trees, shrubs, and plants, beautifying this highly traveled corridor. It is our goal, that if any trees are removed, to replace them two fold with indigenous trees, plants and shrubs. Clear Channel will pay for whatever landscape design and installation the City wants. I believe this area is in great need of updating and beautifying. A few hundred thousand vehicles drive by this location daily.

Something else that struck me odd with CBS is that they hired an attorney to represent them. An attorney that stated negative things about the Hansen family, negative things about our location, negative things about Clear Channel and the rumor the of threatening legal actions against the City of Rancho Cordova. Why is this? Kevin Johnson surely didn't represent and present their proposition, because he is as unethical as they come. Clear Channel had humble, respectful,

Michael Wagner, a sales representative, that spoke nothing but positively about the City of Rancho Cordova and Clear Channels proposal. He didn't speak negatively about the Key's family, Naturewood, or CBS for that matter. Clear Channel has proven themselves throughout their prior and current relationship with the City of Rancho Cordova. They voluntarily removed profitable signs in effort to assist the City in beautifying the City. They donated benches, bus stops, City advertising. They didn't place an unrealistic value on any advertising they were offering the City. It was a gift, for the betterment of the community. As Michael Wagner stated, Clear Channel is all in, they would provide the City whatever they needed, whatever was fair, whatever it takes to continue the mutual, positive Partnership. If the City needs advertisement space, a designated click, for an emergency, a city function, or event, it wouldn't be a problem; Clear Channel would accommodate the City. An unrealistic value wouldn't be placed on the donated advertisement space. Clear Channel is a true proven Partner to the City of Rancho Cordova. They would proudly continue to remove signs along Highway 50 in the city of Rancho Cordova if they had them.

It is so ironic that CBS was claiming Monopoly, speaking of fair competition. It is they who are a Monopoly. They have 6 double sided signs from Sunrise to Hazel along the south side of highway 50, far exceeding Clear Channel's 2 1/2. Did CBS offer to remove one, or all of their signs along Highway 50? No, they offered to remove one sign and another sign not even in the city limits. If you take a drive, CBS\Outdoor owns 95%, or more, of the signs in the city of Folsom, El Dorado Hills along Highway 50, all the way to South Lake Tahoe along Highway 50. They own 99% of all signs along Highway 50 to Interstate 80 towards San Francisco. All you see is there newly attached large "OUTFRONT" placards pasted on the signs. It is completely ridiculous that this attorney would even bring this up; it is they who are monopolizing on the region. Again, what a terribly unethical tactic. Clear Channel also has a sign in the County of Sacramento, North of highway 50 that they could remove if that is what the City is allowing, and asking for? Is it policy that a company can remove signs outside of City jurisdiction and still be counted as inside?

I also did some research on CBS/OUTFRONT. They are now the world's largest outdoor media company in the world, having signs throughout the US, Canada, Mexico, South America and Europe. CBS Outdoor or OUTFRONT is a sister company to CBS corporation, a multi-billion dollar organization, far from the minority anywhere in the world. "OUTFRONT Media Inc. (NYSE: OUT) is the US leader in out-of-home advertising. From Sunset Boulevard to Times Square, our diverse portfolio includes more than 400,000 digital and static displays in the most iconic and high-traffic locations in the top 25 markets across the U.S." CBS owns or acquired the following Outdoor Media companies, 3M National, Whiteco, Gannett Outdoor, Outdoor Systems, Infinity Outdoor, Viacom Outdoor, and CBS Outdoor. CBS Outdoor, now "OUTFRONT" recently purchased Van Wagner Communications for \$690 million. I noticed Wells Fargo has partnered with

CBS/OUTFRONT and is their committed fiancée and support for the acquisition. OUTFRONT MEDIA shares began trading on the New York Stock Exchange on March 28, 2014; the CEO of CBS Corporation was present. Wells Fargo Bank will also serve as the company's election and disbursing agent. CBS/OUTFRONT has partnered with Wells Fargo. I truly hope there is no conflict of interest.

CBS Outdoor changed their name to OUTFRONT because of their new vision. It seems they are trying to take over the industry and get OUTFRONT of their competition. Which again, with this in mind I can't believe their attorney has the audacity to claim Clear Channel was forming a monopoly, they are clearly trying to take over using unethical tactics and politics. The ploys and strategies of CBS are clearly under the belt and I hope they don't go unnoticed. CBS clearly has more signs along the highway 50 corridor in Rancho Cordova, the entire region for that matter.

In regards to the comment about the Hazel off ramp sign having anything to do with the placement of a sign, I believe the argument is inaccurate and made up. Being an expert in traffic, and thinking logically, if the billboard was before the Hazel off ramp sign it would tend to pull people's attention to the billboard, causing them to not focus on the off ramp sign, possibly missing the exit, or causing them to make a last second lane change to not miss the exit. This could quite possibly be more dangerous. However if the Hazel off ramp sign was before the billboard this would not occur, people would see the off ramp sign prior to the billboard, and make their appropriate lane change. There are actually two exit signs. With both locations being so close to one another, I don't even think this an arguable issue. There are Cal Trans directional signs in the middle of the freeway, on both sides of the freeway, ground mounted, pole mounted, L shape mounts above traffic, attached to center medians, billboards within 1000' from one another. I truly don't think there is any proof that any of the signs are the cause of accidents. I have not been able to find any research supporting that theory. There are also two Cal Trans exit signs just prior to Naturewood. The Hazel off ramp sign that was spoken of is right in the middle of Naturewood's building. If you are traveling W/B Highway 50 just prior to the Folsom Blvd. exit, there is a Folsom exit off ramp sign, then a large OUTFRONT sign as you exit. They are in very close proximity.

If the city is now going to allow CBS to place a sign on Naturewood's property when Clear Channel was told the City will not approve a sign at that location, that equates to millions of dollars of lost revenue by Clear Channel based on the City's decision. It also doesn't go well with the dedication, loyalty, respect, and commitment Clear Channel has given the city of Rancho Cordova over the past years. Clear Channel took the City's advice and found what they asked for, an industrial piece of property. We have worked with both companies and for obvious reasons I mentioned above we believe that Clear Channel is a far better choice to continue partnering with. What CBS did to us was just not right. What

CBS did to the City of Rancho Cordova was not right, bad business and politics.

The City stated it wasn't about the money, the "Chump Change." However I disagree. The 2.2 Million dollars Clear Channel offered equates to a lot of jobs within the city. This is far more than CBS offered. Clear Channel also wanted to donate money towards the Folsom Blvd. revitalization project. Did CBS, do they care about Rancho Cordova and the community, the vision? Clear Channel offered to pay for Landscaping and modernizing over 400' of Freeway frontage that thousands of people see every day. Did CBS offer to do any landscaping or beautifications of the Folsom Blvd. or Highway 50 corridor, the trees that were illegally removed at Naturewood? If the City mainly wants signs removed and it's not about the money or anything else, I think they should allow Clear Channel the opportunity to remove signs in the County, on the other side of the Freeway and assist with beautifying the Rancho Cordova corridor's. The Naturewood location shouldn't even be on the table, it was already decided against years ago. Also even in light of all the unethical treatment we received from CBS, tying our hands, We and Clear Channel were still able to get our completed application into the City first. I think the City should go with who they know, what they know, proven past practice, go with who they trust, who has been loyal to the City, and go with the ones who share the same vision as Rancho Cordova. Don't go with some unethical, giant company that just care about getting their large OUTFRONT placards all over the place at any means possible without due regard for others.

We ask one thing, that you go to your hearts, that you do the right thing, and that you don't let this company bully you into a decision by fear of legal action. We ask that you continue to work with Clear Channel and the Hansen family, we truly believe in the same vision, "to update, and beautify the City, something we have been greatly involved with for the past 30 plus years.

Respectfully,
Steven Hansen

A handwritten signature in cursive script that reads "Steven Hansen". The signature is written in dark ink and is positioned below the typed name.

1/19/2015

RE: Project# DD8490

12125 FOLSOM BLVD RANCHO CORDOVA

SIGN PROJECT

Dear; Mayor, City Council, City Manager, and City Attorney & Public;

There are several issues that have risen since the onset of this project. We believe the city and the public have been misled regarding City of Rancho Cordova resolution No. 4-2015 section 2 B. b. Evidence; which states "no vegetation shall be removed from the property to accommodate the sign." We have compiled this small 2 page visual to illustrate the complete removal of mature trees. As you can see there are several trees that mysteriously have been removed according to Google Earth around the time of the impending Naturewood sign application.

The Illustrations below are actual pictures taken from Google Earth of the NATUREWOOD LOT located at 12125 Folsom Blvd Rancho Cordova, CA 95670.

TREE AND VEGETATION PICTURES

The following illustrations we will identify a photo progression of no less than 9 large mature trees were removed from the west end of the Naturewood parking lot. These trees were eradicated which violates the City of Rancho Cordova resolution No. 4-2015 section 2 B. b. Evidence.



HWY 50 & FOLWSOM BLVD OVERVIEW INTO NATUREWOOD PARKING LOT WEST END MAY 31, 2007



HWY 50 & FOLWSOM BLVD OVERVIEW INTO NATUREWOOD PARKING LOT WEST END APRIL 18, 2014

Digital freeway sign conditional use permit DD8480**02-06-2015****Rancho Cordova City Council and Attorney**

We request that you **reverse** the denial for the Clear Channel Digital Billboard Application No. DD8480 and **reverse** the approval of CBS\Outfronts Application No. DD8490.

- As you all know, recently Clear Channel was proposing Naturewoods parking lot as a location for a digital billboard when few of your City Council Members told Clear Channel to find a different location because the Council would not approve this location. Council Member Budge even stated they were against this location during the first City Council meeting. Why is Council considering Naturewoods location for CBS\Outfront? What changed between the first Council meeting and now? Did CBS threaten legal action?
- CBS\Outfront offered to remove only one sign in Rancho's city limits and another possibly outside the city boundaries. Pryor to the meeting, when and where was it stated that either company could take down square footage outside the city limits? CBS\Outfront hired an attorney and spokesman to present their case and accused Clear Channel of advertising monopoly. They are the monopoly with signs in the area.
- Council Member Mr. Terry mentioned the Hazel off ramp sign was a negative issue against the Clear Channel location, what evidence supports this? There is no documentation supporting that digital billboards cause accidents. There are no California vehicle codes stating such.
- It is the goal of Clear Channel to beautify and landscape the 400' of freeway frontage, working toward the Cities vision to beautify the corridor.

- **CONCURRENT MEETING
CITY COUNCIL/SUCCESSOR AGENCY TO THE CRA/RCFC**

Tuesday, January 20, 2015

5:30 PM – Regular Meeting

Recommendation: Adopt Resolution No. 4-2015, Proposal DD8490

Result of Recommended Action: Adoption of Resolution No. 4-2015 would allow for the construction of a new digital Freeway Sign located at 12125 Folsom Boulevard. The sign would be located within an existing landscape planter in the existing Naturewood Home Furnishings parking lot. No vegetation would be removed to accommodate the new sign. Two existing traditional billboards located at 11373 Folsom Boulevard and near 9847 Folsom Boulevard would be removed as part of the project. Additionally, the Applicant will enter into an Operating Agreement with the City, requiring additional community benefits of the project.

Note:

1. At the West end of Naturewoods property, the parking lot and CBS's proposed sign location; numerous trees were removed in preparation of a digital sign installation. Two, approximately 50 foot tall, 125 plus year old black Walnut Trees were cut to the ground. Stumps are still there as evidence. Numerous other large trees were **recently** removed in the parking lot adjacent to the parking spaces in the proposed sign location. See previously submitted Google Earth photos. Planning can research the approximate removal times. Did CBS or Naturewood get approval from the City Council for eradication? The above Adopt Resolution No.4-2015 clearly states, (No vegetation would be removed to accommodate the new sign). No problem now. CBS\Outfront offered to remove only one sign in Rancho's city limits and another just outside the city boundaries. Pryor to the meeting, when and where was it stated that either company could take down signs outside the city limits? Did CBS offer to landscape or beautify either a Folsom Blvd. streetscape or footage along the H-50 corridor? I recommend that, for the above reasons, the City Council's recommendation to adopt Resolution No. 4-2015, Proposal DD8490 be **reversed** and changed to **deny** Resolution No 4-2015, Proposal DD8490.

CITY COUNCIL/SUCCESSOR AGENCY TO THE CRA/RCFC

Tuesday, January 20, 2015

5:30 PM – Regular Meeting

A. Evidence for denial of sign Proposal DD8480: The subject property is located adjacent to the Hazel Avenue off-ramp on State Route 50, between two freeway directional signs. A digital freeway sign in this location may potentially cause a distraction or safety hazard to drivers making lane choices in close proximity to the freeway exit. Additionally, landscape modifications to the existing stand of redwood trees along the northern property boundary would be required to accommodate the visibility needs of the proposed sign. Both of these circumstances of the proposed project are undesirable because they oversaturate the particular area with signs and would substantially modify and/or eliminate the area's natural landscaping. The project would also remove a one-sided traditional billboard within the State Route 50 corridor and install a double-sided digital freeway sign, resulting in a net increase of sign faces in this area. As such, the subject property and overall project proposal is not appropriate or desirable and the finding cannot be demonstrated in the affirmative.

Please reconsider the above denial of Proposal DD8480.

1. Council Member Mr. Terry mentioned the Hazel off ramp sign was a negative issue against our location. What evidence supports this? Both sign proposals are in such close proximity they would have the same effect. There is no legal documentation supporting that signs cause a distraction or safety hazard to drivers making lane choices in close proximity to the freeway exit. The articles below state the opposite. This should not be an issue.
 2. The issue of oversaturating the area with signs. There's only one other sign in the area and it's the one Clear Channel is proposing to remove. Signs are not considered single sided or double sided, they are just signs. It's inevitable that these signs are going to come up in the surrounding areas. They are going to have the same visual effect on Rancho Cordova whether they are across the freeway on the Gold River side in Sacramento County, or a short distance down the freeway in Folsom. What happens when Sac. County allows a digital just across the freeway? Rancho Cordova will lose out on income revenue, landscape beautification and advertising possibilities.
 3. The issue of modifying and/or eliminate the area's natural landscaping. The trees in question are Coastal Redwoods and are not indigenous or natural to this area. There are thousands in Rancho Cordova and along Highway 50. Indigenous plants and trees of the City Councils recommendation would beautify the property's freeway frontage.
 4. The issue of sign removal. Clear Channel has already removed almost all of their signs in Rancho Cordova area and would remove the two stated for this proposal. Rancho Cordova would be compensated for signs three and four not being removed. Clear Channel would enter into an Operating Agreement with the City, requiring additional community and monetary benefits. If CBS\Outfronts digital were to be approved it would just **add** another sign along the Highway 50 corridor.
- Clear Channels sign application was submitted first, does this hold any merit?
 - Shouldn't the City benefit from a sign so close? The addition of revenue to the general fund, added city advertisement, added landscaping and the beautification of the Folsom Blvd. and Highway 50 corridors.
 - Council Members, Clear Channel has been a dedicated longtime community partner for years. What has CBS\Outfront done for the city except allegedly threaten legal action and demand an even larger piece of the advertising market? We believe the Clear Channel proposal meets all of the City Councils criteria of being more industrial, less visible and with more signage removed within Rancho Cordova City limits.
 - In closing, I would like to request that Clear Channels Application No. DD8480 **not be denied**. It seems that a lot of facts still need to be discussed. I request a motion to **reverse** the motion for denial of Application No. DD8480 due to lack of Just Cause.

Sincerely,

John Hansen
Property owner
12137 Folsom Blvd, Rancho Cordova, Ca.

<http://www.calsign.org/2014/07/federal-highway-administration-confirms-emc-digital-sign-safety/>

Federal Highway Study Confirms Digital Billboard Safety

The U.S. Department of Transportation Federal Highway Administration has released a landmark study declaring that digital billboards do not pose a safety risk to passing motorists. Within the sign industry, the results of this study come as no surprise. Numerous traffic studies and analyses performed in the last couple of decades have reached similar conclusions.

Certainly, real-world experience from around the country reveals that digital billboard displays simply do not cause accidents, to wit:

“[IN] MY CONVERSATIONS WITH THE DEPUTY CHIEF IN CHARGE OF OUR TRAFFIC UNITS, CERTAINLY OVER THE LAST FIVE YEARS THAT WE’VE DONE RESEARCH, WE HAVE FOUND NO INSTANCES OF TRAFFIC COLLISIONS BEING CAUSED AS A RESULT OF INATTENTIVENESS FOR BILLBOARDS. THE ELECTRONIC BILLBOARDS HAVE GONE UP ON CITY STREETS, EIGHT OF THEM, AND SINCE THEY’VE BEEN UP OVER THE LAST SEVERAL MONTHS, WE HAVE HAD NO INSTANCES THAT THEY HAVE CONTRIBUTED TO ANY DRIVER INATTENTION THAT HAS RESULTED IN A COLLISION. SO I DON’T BELIEVE THAT THAT’S AN ISSUE.” – RICHARD WILES, CHIEF OF POLICE, EL PASO, TX, TESTIMONY BEFORE THE TEXAS TRANSPORTATION COMMISSION, 12/6/07.

This new peer-reviewed FHWA study should help put to rest concerns that digital billboards, and other outdoor digital signs, pose a hazard to passing motorists. The study will also help pave the way for communities to bring this powerful outdoor advertising medium to their communities, benefiting not just local operators and advertisers but the entire local economy as well. The report, actually divided into two studies, is officially titled "Driver Visual Behavior In The Presence of Commercial Electronic Variable Message Signs." For the purposes of the studies, the FHWA refers to digital billboards as Commercial Electronic Variable Message Signs. The studies sought to address three specific questions:

1. Do CEVMS attract drivers' attention away from the forward roadway and other driving-relevant stimuli?
2. Do glances to CEVMS occur that would suggest a decrease in safety?
3. Do drivers look at CEVMS more than at standard billboards?

To conduct the study, the FHWA tracked participant's eye movements with an eye-tracking camera device mounted in the vehicle. This device was able to track the driver's eyeball movement and determine if the driver was looking ahead at the roadway or off to the side of the roadway at a static billboard or CEVMS.

Drivers in Richmond, Va., and Reading, Pa., participated in the study, and the research concluded that drivers do indeed look at digital billboards longer than they do at static billboards. Glance duration toward digital billboards averaged 0.379 seconds, while glances at static billboards were at 0.335 seconds at both test sites. Both of these measurements fall far below the two-second benchmark, which would constitute a hazard, according to the National Highway Traffic Safety Administration.

The results showed that drivers did look at CEVMS a greater percentage of time than at standard billboards; however, the time spent looking at off-premise advertising was less than 5 percent when the signs were visible to the participants across the two experiments. Long glances at off-premises advertising were not evident. The longest glance at a CEVMS was less than 1.3 seconds and glances greater than 1 second were rare events. The percentage of time that drivers dedicated to the road ahead was not significantly affected by the presence of CEVMS or standard billboards. Rather, the overall clutter and complexity of the visual scene appeared to be the principal driver of glance time away from the road ahead. This was the case regardless of the presence or absence of off-premise advertising. The results suggest that overall visual complexity of the highway environment needs to be taken into account when considering driver glance behavior.

In conclusion, the study states, "The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road. When dwell times longer than the currently accepted threshold of 2,000 ms

[milliseconds] occurred, the road ahead was still in the driver's field of view. This was the case for both CEVMS and standard billboards."

Photo credit: "Digital billboard" by Dwight Burdette - Own work. Licensed under Creative Commons

Article in "THE HILL"

Behind the signs of the times

By Jonathan Easley - 11/19/13 06:00 AM EST

Nancy Fletcher arrived in Washington in 1990 to work for the Outdoor Advertising Association of America, the country's largest billboard trade group, at the most critical juncture for the industry in decades.

At the time, Congress was considering a highway bill that would effectively ban billboards nationwide. The measure had 10 Senate co-sponsors, more than two-dozen House co-sponsors and was riding a wave of support from advocates pushing to eliminate "visual pollution" along the nation's highways.

Fletcher, a Minnesota native with a law degree who happened into the outdoor advertising industry in 1978, led the fight against the measure but couldn't have done it without a little help from two freshman senators who formed an unlikely alliance.

Sens. Harry Reid (D-Nev.) and Trent Lott (R-Miss.) joined forces to have the measure struck from the final bill in 1991.

That victory has allowed Fletcher to focus her pursuant 20-plus years as the president and CEO of the OAAA on less existential matters, like shepherding the industry into the digital age.

"It's amazing," she told The Hill in a recent interview. "These last 21 years, we have a whole generation now who sees it in a different way. They never saw the tobacco ads, never saw the fights in '70s or '80s. They actually think [billboards are] trendy."

In 1990, the idea of a shape-shifting digital advertisement seemed like something out of a hardly imaginable futuristic metropolis. In 2013, the medium is quickly becoming the standard.

The OAAA is presently focused on converting static billboards to digital ones that change every eight seconds.

There are currently about 4,400 nationwide.

"These are not just billboards," Fletcher explains. "Now they're on buses, the Metro, airports, Times Square – the medium is 'out of home' really. It's not just something that's outdoors that defines a billboard."

Of course, if it was just the cigarette ads Fletcher mentioned, it's unlikely the medium would have seen its trend quotient spike.

The outdoor advertising industry has blossomed into a multi-billion dollar revenue generator. When Fletcher entered the industry in the late 1970s, the industry generated \$700 million in revenue. That ran up to \$2.6 billion by the time she became president of the OAAA in the early 1990s. Today, the industry generates \$6.7 billion.

Fletcher pointed out that part of billboards' appeal has come from her commitment to using them for the betterment of society.

"We provide millions of free advertising for public services, and we've been doing it since war bonds were for sale in the early 1900s," she said.

The most high profile example of this came on 9/11, when more than 1,000 OAAA members had gathered at the Marriot Marquis ballroom in Times Square for the group's annual convention, when terrorists struck the World Trade Center a few miles south.

In addition to vacating the hall to make way for a makeshift residency for those affected by the lethal attacks, many members donated blood, and the group had its "United We Stand" campaign erected on billboards within hours.

The OAAA now has partnerships with the FBI, the Federal Emergency Management Agency, and the Department of Justice's Amber Alert system, which has been triggered more than 850 times since 2008.

These broadcasts override paid advertisements on digital billboards in an emergency, as they did during the Boston Marathon bombing, when they warned citizens what high-risk neighborhoods to avoid during the manhunt.

Fletcher says the FBI has caught 51 fugitives because their faces were plastered on billboards across the country.

One of these, a rapist who had been on the run for years, was finally brought to justice after his picture went up on 150 billboards along the East Coast.

"One fugitive turned himself in because his mother didn't want to see him on the sign anymore," Fletcher said.

"The immediacy of the digital basis is really changing the industry."

It's almost comical, she said, to think back on the changes the industry has undergone since the OAAA formed in 1891.

"Think about what a billboard is – it's a bill of advertisement placed on a wooden board," Fletcher said. "It started with circus posters; then went up on the early stage coaches, then the railroads; then in the early 1900s, the auto industry caused a need to standardize, to have rules and regulations on where they can go."

The regulations at first came at the local level, but the feds finally got involved in 1958. By 1965, President Lyndon B. Johnson had signed into law the Highway Beautification Act, championed by his wife Lady Bird Johnson, which mandated that ads could only go in spots where business takes place, not in residential, scenic or agricultural areas.

In 2013, only four states – Maine, Alaska, Hawaii and Vermont – have outlawed billboards, but those states have digital ads up in bus shelters and in other formats. Many municipalities, most notably Chicago under the direction of Mayor Rahm Emanuel, are forming partnerships with the industry to convert old billboards to digital through revenue-sharing deals.

While Fletcher is quick to talk about the progress her industry has made, there's one area of progress she sought to downplay.

After arriving in Washington in 1990 to join the OAAA, she became president and CEO in 1992. That makes her one of the earliest women to lead a Washington trade group.

Fletcher says there was nothing special about her career arc, arguing instead that it was more a product of having the right experience and being at the right place at the right time.

"If you follow my career, it wouldn't be dissimilar to what happened on the Hill, in Congress or academia," she said.

"The numbers certainly haven't changed enough to the point where I'd like to see them today, but my industry has followed a lot of those same trends."

Fletcher points to Clear Channel President and COO Suzanne Grimes as evidence women are gaining traction in Washington trade group management. Clear Channel is one of the big three companies, along with Lamar and CBS, on the OAAA board.

Still, being one of the earliest women to head a Washington trade group will lead to another impressive accomplishment. Fletcher just signed an extension with the OAAA through 2017.

At that point, she'll have led the group for 25 years, making her one of the longest serving female heads of a Washington trade association.

MEMORANDUM

TO: Rancho Cordova City Council

CC: Brian Nakamura, City Manager; Adam Lindgren, City Attorney; Aaron Busch, Community Development Director

FROM: Residents of Rancho Cordova, Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association and other good neighbors

RE: Why the City of Rancho Cordova Should Not Approve Digital Billboards at This Time – A Proposal for Planning

DATE: FEBRUARY 6, 2015

The City of Rancho Cordova is a young and vibrant city. It is a city which deservedly has a reputation for caring about its image, following its vision, doing the right thing and making thoughtful decisions, based upon best practices and which serve the public's best interest. Wise and prudent long-term decisions will continue to guide Rancho Cordova into the future as a progressive family-friendly, safe, beautiful, eco-friendly and financially sustainable city.

As city residents and good neighbors of Rancho Cordova, we have volunteered our time and finances to research issues of public interest as they relate to digital billboards. Based upon our research and the discovery of new information, we urge the council to pause and take the requisite time to conduct a more comprehensive and educated look at all of the issues related to digital billboards: safety, changing technologies, uncertain legal outcomes and long-term financial impacts. Attached is our Proposal for Planning for your review.

Also, on January 30th, we asked Jerry Wachtel, an established expert in the field of traffic and highway safety for more than 40 years, if he would have time to provide us with an overview of significant issues relating to digital billboards. We further sought his opinion on the proposals before the Council. Mr. Wachtel's letter to us and his Curriculum Vitae are attached.

Thank you for the opportunity to present this information to you for your consideration.

11137 Nile River Court - Rancho Cordova, CA 95760

**Why the City of Rancho Cordova Should Not Approve Digital Billboards
A Proposal for Planning
February 6, 2015**

Background

Before September 2007, the Federal Highway Administration (FHWA) rules barred intermittently changing commercial billboards. In 2007, FHWA reversed the ban. This decision opened the door for a proliferation of digital billboards. In 2008 there were an estimated 800 digital billboards in the United States; by 2012 that number increased to about 3600.

The result is a nationwide concern that our country's thoroughfares are becoming steadily less attractive and more dangerous. A number of studies worldwide show that digital billboards, *designed* to be distracting, are actually causing more traffic accidents. Because of these concerns, a number of U.S. cities have banned digital signs. In turn, billboard companies have sued, claiming they have a right to put up digital signs. Another group is suing the FHWA for improperly changing their policy in 2007.

The current environment is one of uncertainty and lack of clarity.

New Information Exists Not Referenced In Proposals

The City's documents for the two new digital billboard proposals in the Highway 50 corridor approaching the Hazel Avenue off-ramp reference a single traffic study, a 2009 Federal Highway Administration study (FHWA). Of interest, the Minimum Negative Declarations for both proposed projects, dated August 2014, are virtually identical to the Minimum Negative Declaration, dated December 2012, for a digital billboard approved by the City near Highway 50 and Sunrise. Almost 18 months separate those documents, yet they continue to reference only the 2009 FHWA report.

Since the 2009 FHWA report, important new information, in the form of studies, reports and newspaper articles, has been published. The following examples are a sample of what we have learned:

- 1) A Peer-Reviewed Critique of the Federal Highway Administration Report Titled: "Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS),"¹ The Veridian Group, Wachtel, 2015. This critique is a comprehensive review of an FHWA study, which was published in December 2013.² This critique was independently reviewed by 14 international

¹ <https://www.enotrans.org/eno-brief/fhwas-2013-research-report-on-digital-billboards-cevms-seriously-flawed>

² http://www.fhwa.dot.gov/real_estate/oac/visual_behavior_report/final/cevmsfinal.pdf

professionals (13 of whom hold doctorates) who are experts in human factors and traffic safety. The report concludes that the FHWA study's conclusions are seriously flawed and recommends that, "State and local governments ... adopt a cautious and conservative approach to digital billboard control and regulation until such time as a definitive study is available."

- 2) Effects of Electronic Billboards on Driver Distraction, Swedish National Road and Transport Research Institute; Light Technology Institute, Karlsruhe Institute of Technology; Duckic, Ahlstrom, Patten, Kettwich, Kircher, July 8, 2012. This study, published in the peer-reviewed journal *Traffic Injury Prevention*, 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 nonetheless ordered the removal of all digital billboards based upon the results of this and related studies.³
- 3) Impact of Roadside Advertising on Road Safety, Austroads, Roberts, et. al., January 2013. This review is focused on distraction from an external source, specifically advertising billboards. "The fundamental logic of roadside advertising is to attract attention to something that is not part of the driving task."⁴
- 4) Roadside Advertising Affects Driver Attention and Road Safety, Herrstedt, Greibe, Andersson, September 2013. This highly-regarded Danish study concluded that, "The overall results of the empirical studies show that advertising signs do affect driver attention to the extent that road safety is compromised."⁵
- 5) Roadside Advertising and Driver Distraction – Recent Research, presented to American Association of State Highway and Transportation Officials/Subcommittee on Traffic Engineering, The Veridian Group, Inc., Wachtel, June 25, 2013, "Every study in the past 5 years has produced consistent findings – that roadside billboards, especially digital and video, cause significant levels of driver distraction."⁶
- 6) Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, Research for AASHTO Standing Committee on Highways Project 20-7 (256), Wachtel, National Cooperative Highway Research Program, Washington, DC, 2009. "The newest digital billboards are also increasingly capable of 'interacting' with approaching drivers. In some cases, the Radio Frequency Identification Device (RFID) embedded in a vehicle's key or on-board computer system, can trigger a personalized message on a digital billboard; in other cases, the billboard can display a message tailored to the radio frequency of

³ <http://www.scenic.org/storage/PDFs/eebdd.pdf>

⁴ <http://scenic.org/storage/PDFs/austroads%20research%20report%20on%20impact%20of%20roadside%20advertising%20on%20road%20safety.pdf>; pg. 10.

⁵ http://www.researchgate.net/publication/259592621_Roadside_Advertising_Affects_Driver_Attention_and_Road_Safety

⁶ <http://scote.transportation.org/Documents/Issues%20Related%20to%20Digital%20Sign%20Usage.pdf>

passing vehicles. Still other billboards encourage drivers to interact with the sign by 'texting' a message or calling a number displayed on the billboard."⁷

- 7) In Cities across Texas, Activists Battle Billboard Companies, NPR, Burnett, September 6, 2014. "More and more cities consider billboards as visual blight. In Texas 388 cities, including most large and medium-sized ones, have ordinances prohibiting new billboards and the list keeps growing."⁸ Following are several cities which have banned digital billboards, universally citing such concerns as blight, light pollution and roadway safety:

- Denver, Colorado⁹
- Ann Arbor¹¹
- Austin, Texas¹³
- Knoxville, Tennessee¹⁵
- St. Paul, Minnesota¹⁷
- Los Angeles, California¹⁰
- Anaheim, California¹²
- Walker, Michigan¹⁴
- Franklin Township, New Jersey¹⁶
- And Others ...

- 8) Veridian Comment Letter in response to City of Vista, California. Minimum Negative Declaration, The Veridian Group, Inc., Wachtel, July 2, 2013. "Digital billboards, even when dimmed for nighttime use, are visible for distances of six miles or more ... appear as the brightest objects in the environment."¹⁸

- 9) Digital LED Billboard Luminance Recommendations - How Bright Is Bright Enough? Draft, November 9, 2010. This draft document discusses the difference between the Outdoor Advertising of America's proposed luminance levels and the recommendations of the Illuminating Engineering Society of America, stating that "The OAAA proposed luminance levels are too high, about ten or more times as bright as recommended in most IESNA recommended practices, and three or more times as bright as current accepted practice reflected in billboard floodlighting. This is unnecessary for advertising effectiveness and unnecessarily risks roadway safety."¹⁹

⁷ Wachtel, J 2009, Research for AASHTO Standing Committee on Highways task 256: safety impacts of the emerging digital display technology for outdoor advertising signs, National Cooperative Highway Research Program, Washington, DC, USA. [http://rightofway.transportation.org/Documents/NCHRP%20Reports/20-7\(256\)%20digital%20outdoor%20advertising_aashto.pdf](http://rightofway.transportation.org/Documents/NCHRP%20Reports/20-7(256)%20digital%20outdoor%20advertising_aashto.pdf)

⁸ <http://www.npr.org/2014/09/06/346153394/in-cities-across-texas-activists-battle-billboard-companies>

⁹ http://www.denverpost.com/headlines/ci_14638259

¹⁰ <http://www.latimes.com/local/california/la-me-1023-billboard-20141023-story.html>

¹¹ <http://www.scenic.org/blog/177-city-of-ann-arbor-passes-ban-on-digital-billboards>

¹² <http://www.ocregister.com/articles/city-640752-digital-anaheim.html>

¹³ <http://www.npr.org/2014/09/06/346153394/in-cities-across-texas-activists-battle-billboard-companies>

¹⁴ http://www.mlive.com/business/west-michigan/index.ssf/2011/07/judge_sides_with_walker_in_lam.html

¹⁵ http://www.knoxnews.com/news/local-news/judge-rules-against-digital-billboards-in-knoxville_60592419

¹⁶ http://www.nj.com/somerset/index.ssf/2014/10/court_nj_towns_can_ban_electroinc_billboards.html

¹⁷ http://www.twincities.com/localnews/ci_25321032/minnesotas-4-3m-billboard-settlement-criticized-by-group

¹⁸ <http://www.scenic.org/storage/PDFs/mnd%20comment%20jerry%20wachtel%20veridian%20group.pdf>

¹⁹ Luginbuhl, CB, Israel, H., Scowen, P., Polakis, J., & Polakis, T. (2010). Digital LED Billboard Luminance Recommendations: How Bright is Bright Enough? Unpublished Draft Report. Flagstaff, AZ: U.S. Naval Observatory Flagstaff Station.

Financial Sustainability

City of Rancho Cordova Ballot Measure H, November 4, 2014. Passed by Rancho Cordova electorate 61% - 38%. This additional ½ cent sales tax will provide from \$5 million to \$7-1/2 million annually to the city's coffers. These funds, which will help provide financial sustainability for Rancho Cordova, will be used for a variety of purposes, including the removal of blight, enhancing safety and beautifying the city.²⁰

Legal Uncertainties

Scenic America v. FHWA Department of Transportation and Outdoor Advertising Association of America²¹

September 25, 2007. The Federal Highway Administration (FHWA) issued a memorandum, entitled "Guidance On Off-Premise Changeable Message Signs,"²² which reversed the agency's long-held position that barred intermittently changing commercial billboards.

January 23, 2013, Scenic America filed suit with the U.S. District Court for the District of Columbia seeking to overturn the Federal Highway Administration's September 2007 ruling which suddenly allowed formerly-banned intermittently changing commercial billboards. Scenic America argued that it violated the lighting standards established in the 1965 Highway Beautification Act and that the FHWA did not follow the federal government's rulemaking procedures.²³ In March 2013, the Outdoor Advertising Association of America, Inc. (OAAA) joined the lawsuit as an Intervenor-Defendant.²⁴ On June 20, 2014, the District Court Judge dismissed Scenic America's lawsuit, stating that FHWA's Guidance might not have offered the best reading of lighting standards by stating that digital billboards are not "flashing, intermittent, or moving" lights, but it did constitute an interpretation rather than a substantive change.²⁵

²⁰ [http://ballotpedia.org/City_of_Rancho_Cordova_General_Sales_Tax_Measure_H_\(November_2014\)](http://ballotpedia.org/City_of_Rancho_Cordova_General_Sales_Tax_Measure_H_(November_2014))

²¹ Longest, R., Wangu, L., Duke School of Law, Scenic America Lawsuit Seeks to Overturn FHWA Ruling on Digital Billboards. <http://www.scenic.org/storage/PDFs/scenic%20america%20lawsuit%20summary.pdf>. The Legal Uncertainties section liberally references from this paper.

²² <http://www.scenic.org/storage/PDFs/FHWA/fhwa%20guidance%20memorandum%20cvems%209-25-07%20final.pdf>

²³ Complaint against Federal Highway Administration, Ray Lahood, Victor Mendez, United States Department of Transportation, Scenic America Inc. v. Dept. of Transportation et al, No. 1:13-cv-00093 (D.D.C. Jan 23, 2013). <http://www.scenic.org/storage/PDFs/FHWA/scenic%20america%20complaint.pdf>

²⁴ Memorandum in Opposition by Outdoor Advertising Association on America, Inc., and Memorandum in opposition by Federal Highway Administration, United States Department of Transportation, entered on Mar. 21, 2014, Scenic America Inc. v. Dept. of Transportation et al, Docket No. 1:13-cv-00093, 2013 BL 293609.

²⁵ See Memorandum Opinion filed by United States District Court for the District of Columbia on June 20, 2014, Scenic America Inc. v. Dept. of Transportation et al, No. 1:13-cv-00093 (D.D.C. Jan 23, 2013). <http://scenic.org/storage/PDFs/memorandum%20opinion-6-20-14.pdf>

December 22, 2014. Scenic America filed an appeal in the United States Court of Appeals for the District of Columbia Circuit.²⁶ The American Planning Association and others filed an amicus curiae brief in support of Scenic America's position on December 30, 2014.²⁷

Scenic America and Neighborhood Coalition of Greater Phoenix v. City of Phoenix Board of Adjustment and Outdoor Advertising Association of America

November 17, 2011. In a separate case in Arizona, an Arizona appellate court unanimously agreed with the Scenic America position that a dwell time (the length of time that a given message is displayed on a digital billboard before changing to the next message) of eight seconds constitutes intermittent light, and found that this is something expressly prohibited by the Arizona Highway Beautification Act.²⁸

Minnesota Billboard Settlement

January 11, 2014, Twin Cities.com, Minnesota's \$4.3M billboard settlement criticized by group. The first-ever case of a state exercising eminent domain to remove digital billboards for freeway widening project. Following three years of "legal haggling", the Minnesota Department of Transportation wound up paying \$4.3 million for one digital billboard.²⁹

Conclusion

Rancho Cordova's decision about these digital billboard proposals will have long-term consequences on the overall image and feel of the city. We, therefore, recommend the City take the time to comprehensively research the issues noted above, and conduct a more thorough and educated look at all of the issues related to digital billboards, including safety, changing technologies, uncertain legal outcomes and long-term financial impacts.

We thank you for your consideration of our proposal and respectfully ask that you not consider the digital billboard proposals currently before you.

²⁶ Scenic America, Inc. v. United States Dept. of Transportation, et. al., and Outdoor Advertising Association of America, Inc., United States Court of Appeals for the District of Columbia Circuit, December 22, 2014. <http://scenic.org/storage/PDFs/sa%20versus%20fhwa%20appeal.pdf>

²⁷ Corrected Brief of Amici Curiae The American Planning Assn., The Garden Club of America, The Sierra Club, Inc., and The International Dark-Sky Assn., Inc. in Support of Petitioner and Reversal of Judgment. United States Court of Appeals for the District of Columbia Circuit, December 30, 2014.

²⁸ Scenic America and Neighborhood Coalition of Greater Phoenix v. City of Phoenix Board of Adjustment and Outdoor Advertising Association of America, Arizona Court of Appeals Division One, November 11, 2011, Cause No. LC2008-000497-001 DT

²⁹ http://www.twincities.com/localnews/ci_25321032/minnesotas-4-3m-billboard-settlement-criticized-by-group



DATE: February 6, 2015

TO: Residents of Rancho Cordova, Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association, and other good neighbors.

Thank you for inviting me to provide some context and background from the human factors, environmental psychology, and traffic safety perspectives concerning digital billboards. Two such signs, known as **Commercial Electronic Variable Message Signs or CEVMS** by the Federal Highway Administration (FHWA) are discussed in recently issued Initial Study/Mitigated Negative Declarations (MND) by the City of Rancho Cordova. One MND addresses a proposed Clear Channel CEVMS, and the other concerns a proposed CEVMS from Outfront Media. Because of the similarity of the two MNDs and their citations of the same references, I have concentrated my remarks in this letter on the Clear Channel proposal. I will, however, note where specific concerns are relevant to the Outfront Media MND as well.

Before offering my comments on this topic, please allow me to provide some background about my consulting firm, The Veridian Group, Inc. and myself.

I am an Engineering and Environmental Psychologist, and have worked in the field of traffic and highway safety for more than 40 years. While serving as Director of the Highway Aesthetics Laboratory at the Federal Highway Administration (FHWA) in Washington, D.C., I was the senior author of a report about the safety and environmental impacts of CEVMS. This report, published in 1980, was the first comprehensive review of this new technology, and it was awarded the "Outstanding Technical Achievement of the Year" at FHWA. Soon after its publication, the report was used as evidence by the U.S. Department of Justice in an Amicus brief in a U.S. Supreme Court case concerning digital billboards (*Metromedia v. City of San Diego*).

Since the publication of that report, my services as a consultant, researcher, and expert witness have been retained in jurisdictions throughout the U.S. I have worked on behalf of the three largest outdoor advertising companies in the country (currently known as Clear Channel, Lamar, and Outfront) and many smaller companies, as well as the industry trade groups representing both the on- and off-premise advertising industries. I have also worked on behalf of state and local government agencies in developing or modernizing their sign codes and ordinances. And, I have been hired by private roadway and tollway operating authorities to help them determine where such advertising signs might be appropriately placed and operated.

Finally, I have served as an expert witness in numerous legal cases, and have never been denied acceptance as an expert in human factors and traffic safety. Although some billboard companies and organizations try to paint me as "anti-billboard," that is simply not the case. As my record shows, I have *never* been an opponent of digital billboards; rather I have tried to argue in favor of taking into account the time, place, and manner of their operation such that they will have the

567 PANORAMIC WAY • EAST COTTAGE • BERKELEY, CALIFORNIA 94704
TEL.: +1-510-848-0250 • FAX: +1-510-848-0303 • EMAIL: jerry@veridiangroup.com

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least adverse effect on traffic safety and environmental considerations. I am a Fellow of the Human Factors and Ergonomics Society, a Certified Professional Ergonomist, and the Chair of the Digital Billboards Subcommittee of the Transportation Research Board of the National Academy of Sciences.

My review of the City of Rancho Cordova's MND leads to several areas of concern. I have divided my major concerns into three basic areas. These are:

- The document does not adequately address the two CEVMS characteristics that cause the greatest concern and the strongest opposition from road users and nearby residents alike – sign brightness (properly called “luminance”) and message dwell time (also known as the message change interval).
- The document does not look ahead to the likely useful life of the proposed CEVMS and, as a result, fails to take advantage of the opportunity to address, via regulation, the capabilities inherent in such signs which, when implemented, could serve as powerful new sources of driver distraction.
- The document contains a series of misleading and inaccurate statements and representations, which lead to concerns about the depth to which the authors investigated the relevant issues before preparing the MND.

Permit me to address these issues in turn.

1A. CEVMS BRIGHTNESS. Sign luminance, which the human eye and brain interpret as “brightness,” is an issue of both traffic safety and quality of life.

For drivers, signs that are too bright, particularly at night, can cause temporary, but nonetheless impactful, *discomfort or disability glare*. The former causes the driver to turn his or her eyes away from the light source (in this case, the billboard). When such a billboard is positioned close to the roadway edge, as is the case with the sign addressed in the MND, the driver can fail to observe time-critical traffic information (e.g. sudden braking or lane-changing vehicles). The latter actually causes the driver to be temporarily blinded, unable to see potentially important visual cues ahead (such as brake lights).

Outdoor advertising companies generally want their signs to be as bright as they can be, on the mistaken basis that a brighter sign is easier to read. Extensive traffic safety research, conducted over many decades, has clearly demonstrated that optimum sign luminance levels are far lower than those sought by the industry. This research has resulted in standards and requirements for official traffic signs (warning, regulatory, and other) that are far lower than billboards that may be quite near to them. In fact, similar research has been conducted on behalf of outdoor advertising groups, and the recommendations have been the same – specifically, that far lower lighting levels (further discussed below) are not only appropriate, but superior for sign readability, than the levels promulgated by billboard companies and their national trade organizations. In short, the billboard industry has ignored the extensive research suggesting reduced luminance levels of their signs – even when such research has been conducted on behalf of sign companies themselves.

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In addition to adverse effects on drivers, residents who can see digital billboards from their windows are particularly affected by CEVMS that are excessively bright. This annoyance, over which such residents have no control, is exacerbated by signs that change their message (with an accompanying change in color and brightness) every few seconds. Complaints about loss of sleep, interruption of circadian rhythms, and other quality of life issues generally have been met by the refusal of billboard owners/operators to adequately address this issue. The most recent example is a case in Pennsylvania that has received considerable attention in the press. It concerns an elderly couple who have lived in their home for 37 years and came home one evening to find that a digital billboard had been erected nearby, flooding their bedroom with bright light and preventing them from sleeping. Multiple lawsuits are now pending in this matter. It is my understanding that a number of individuals live in homes on a bluff near Rancho Cordova and will be directly and adversely impacted by the brightness of the proposed sign. I have measured sign luminance in many locations around the country, and it is my experience that, even when digital billboards conform to the OAAA's guidelines, they can present excessive levels of brightness. I have personally measured one particular CEVMS that can be seen from a distance of six (6) miles and, even at that distance, appears to be the brightest object in the field of view (See Figure 1).

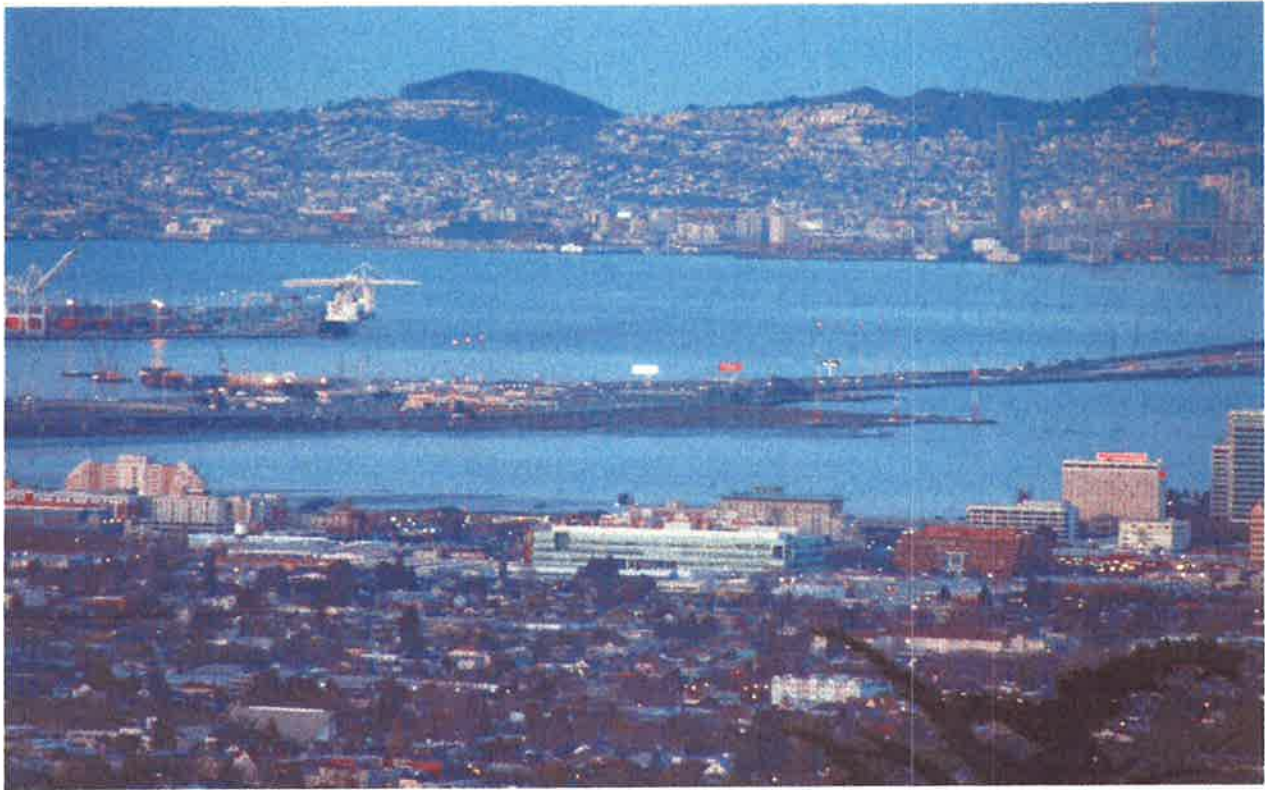


Figure 1. One of three digital billboards at the eastern end of the Oakland Bay Bridge viewed from a distance of six miles.

The billboard industry retained the services of a lighting expert, Dr. Ian Lewin, to develop a set of "guidelines" that the industry trade group (the OAAA) has adopted and promotes to government regulatory agencies nationwide. Independent lighting experts not employed by the billboard

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industry disagree both with the brightness levels allowed by these guidelines, and by the measurement methods proposed to achieve them. I have written extensively about these issues, and I recommend that the City of Rancho Cordova, which has adopted the industry-recommended guidelines in its *Digital Freeway Signs Overlay* to the City's Zoning Code (Overlay), review the relevant technical literature (which I would be pleased to provide) and consider revising its guidelines to reduce the excessive lighting levels now permitted and the inappropriate and incomplete measurement methods required in the Overlay (further discussed below).

1B. DWELL TIME. Dwell time is the industry term used to measure the length of time that a message remains displayed prior to changing to the next message. Members of the outdoor advertising community claim that a driver needs approximately 5-6 seconds to observe and "take in" a message, and so they typically request a 6-second dwell time. CEVMS operators will often, however, accept a dwell time of 8-seconds or longer if the local government demands this. The mathematics are quite clear. The shorter the dwell time, the more advertising messages can be displayed within a given time interval (e.g. one minute or one hour) and the greater the revenue that accrues to the billboard owner. But thousands of driver comments and interviews, in the U.S. and abroad, demonstrate that the "flashing effect" of these shorter dwell times are highly distracting, causing these drivers to (involuntarily) continue looking at the sign because of these visual characteristics. In addition, drivers report that they are tempted to continue looking at the billboard if the message changes frequently, in order to see "what comes next." In a report that I wrote for the American Association of State Highway and Transportation Officials (AASHTO) in 2009, I presented a formula that I believed would satisfy both the desires of the billboard owners and the safety obligations of the road authorities, by tying the required minimum dwell time of a CEVMS to the prevailing roadway speed, combined with the sight distance to the sign. I believe that the City would do well to consider such an approach to setting dwell time for the proposed billboard.

2. FUTURE TECHNOLOGY. Digital billboards are, for all practical purposes, large, high-definition, flat screen televisions. The technology used for these signs is the same as that used in major sports arenas, and in entertainment districts such as Times Square, Las Vegas and Hollywood. CEVMS have far greater display and communication capabilities built-in than what they currently employ in roadside settings; their current limitations are those enforced by legislation, not technology.

I wrote extensively about several of these technologies in my 2009 AASHTO report. Since that time, these technologies have become more widespread and more sophisticated. I believe that any sign code should be proactive in addressing them given the anticipated life of the sign. I note with concern that the Overlay contains a "Development Standard" (1.xii) titled "Future Technologies," that addresses only "technologies available in the future to illuminate Digital Freeway Signs," while it ignores those technologies, several of which are already in use, that can enable such signs to be far more distracting to drivers than is currently the case.

These technologies all have essentially the same purpose – that is, to more deeply and completely engage the viewer (the driver) in an effort to increase brand recognition, product awareness, and sales. These technologies may use one or a combination of methods to accomplish these goals, and we can group them into a small number of categories.

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a. Message sequencing. Message sequencing has been used in advertising for decades. On U.S. roadways, from the 1920's through the 1960's, the ads for a company called "Burma Shave" set the standard with a series of hand-painted signs, each displaying only a small part of the message, installed every few hundred feet along the roadside. To read the complete message, which always ended with the company's logo on the final sign, the driver had to read each part of the message as he or she drove past it. The same technique is used today in ads in magazines, where the reader must turn the page to see the second part of the message, and on late-night television, with the announcer proclaiming – "But wait, there's more."

Message sequencing is based on a concept discovered in the 1920s by the Russian psychologist Bluma Zeigarnik, which is now known as the Zeigarnik Effect. It demonstrates that human observers experience stress and discomfort when performing a task when that task cannot be completed for some reason. In other words, we are "wired" to seek closure, and so we will keep attending to unfolding messages until we can get to the end of the sequence. Advertising experts have written extensively about their use of this technique, and digital billboards make it easier than ever to apply it to the roadside environment, where drivers are a captive audience. By displaying only part of a message on the sign at a time, the advertiser can keep the driver's gaze directed at the sign long enough for successive parts of the message to be displayed (See Figure 2).



Figure 2. A single "frame" from a longer sequenced message. The intent is to keep the driver looking at the sign, anticipating the next frame display.

(Although not specifically relevant to the present case, which involves only a single CEVMS, there may, in the future, be locations where two digital billboards are located in sequence, or opposite one another on a highway. In that case, a message can be "sequenced" with part displayed on the one sign, and part on the other [See Figure 3]).

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Figure 3. A pair of digital billboards spanning a 4-lane highway in London. The signs are used together to display parts of a message that encourage the driver to look at both signs sequentially.

b. Asking the driver to call, scan, or text the billboard for more information. Increasingly, digital billboards are displaying phone numbers, text message addresses and QR codes, and suggesting or directly requesting drivers to contact the displayed service to obtain additional information (See Figures 4 and 5).



Figure 4. A billboard suggesting that the driver send a text message to obtain the latest information on waiting time at the local hospital emergency room.

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Figure 5. A billboard implicitly suggesting that the driver scan the QR code for more information.

C. RECOGNITION/IDENTIFICATION OF THE DRIVER AND/OR VEHICLE TO PROVIDE PERSONALIZED MESSAGES. Advertisers generally want to know the demographic of the audience to which they are advertising, so that they can tailor the message to those most likely to be receptive. There are, to our knowledge, four current technologies available, some of which are already in use by advertisers, to personalize billboard messages to intended drivers.

1. RFID tags. RFID stands for Radio Frequency Identification. It is the technology widely in use for keyless entry systems and keyless starting ability for many current vehicles. The “receiver,” located in the vehicle, reads the specific frequency being broadcast by the key, to open the door or start the car. Advertisers, including the manufacturer of the Mini Cooper automobile, have extended this technology to roadside billboards, so that when the billboard reads the RFID being broadcast from an approaching Mini Cooper automobile, the sign can send a unique, personalized message to the driver of that vehicle. (See Figure 6).

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Figure 6. When a Mini Cooper drives by with an RFID tag that can be “read” by the roadside billboard, the billboard posts a personalized message to the driver.

2. Automated License Plate Readers (ALPR). ALPR technology has been, until recently, available only to law enforcement personnel. These specialized computers can quickly (hundreds of plates per minute) scan license plates of vehicles being passed by the police car in which they are mounted, compare those license plate numbers against a data base of stolen vehicles, or vehicles wanted in relation to a crime, and alert the officer to the vehicle bearing the identified plate. But recently the technology has become available on the commercial market, and outdoor advertisers have been among the first to use it.

A California company has publicized plans to mount ALPR devices onto buildings or billboards adjacent to freeways, scan the license plates of passing vehicles, and use their proprietary technology to personalize ads on the billboards or to send personalized messages to the vehicles directly. (See Figure 7). In England, a newspaper headline reading “UK Billboards Equipped with License Plate Spy Cameras” reported on the use of this technology on billboards as early as 2009.

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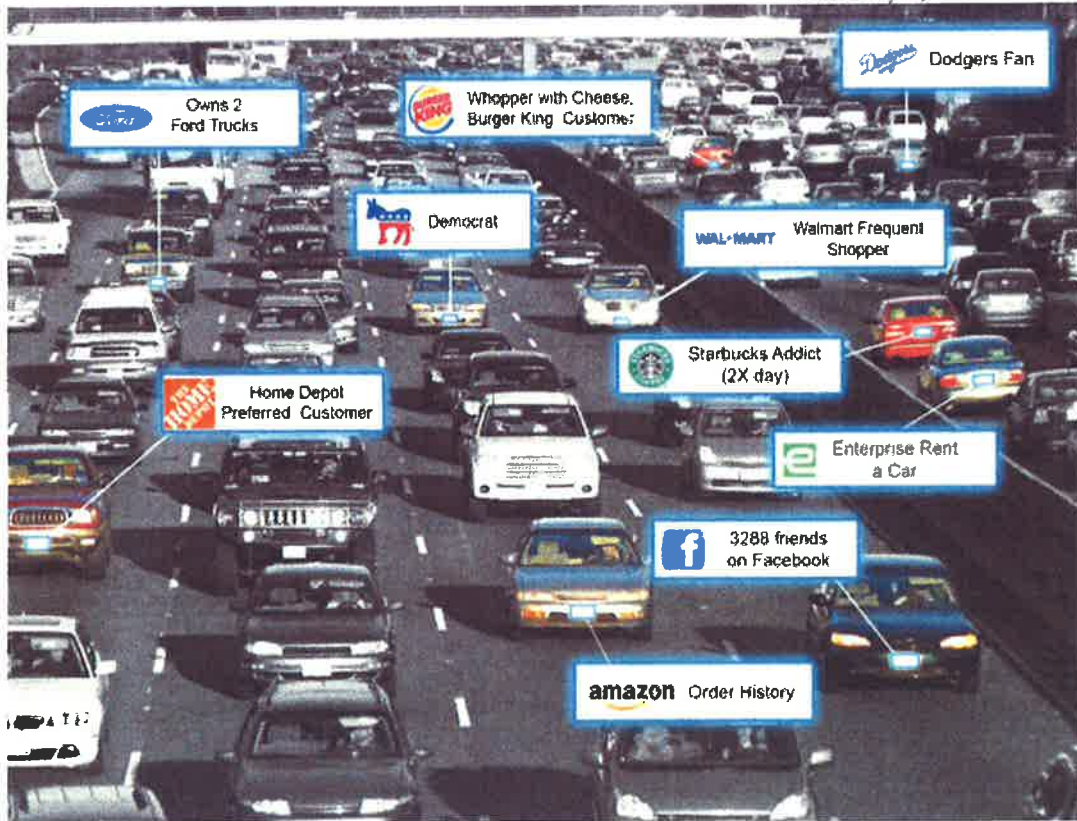


Figure 7. A depiction, from a company website, of the application of its ALPR technology for sending personalized messages to approaching drivers.

3. *Billboards that read "local oscillator" signals from radios in passing vehicles.* A company named "Smart Sign Media" has developed a technology that uses billboard mounted sensors to capture specific, real-time demographic information about motorists approaching the sign, which then can display advertising messages targeted to that demographic. An exemplar of this technology has been installed along Highway 99 in Turlock, California (See Figure 8).

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Figure 8. A “smart sign” on Highway 99 in Turlock, California

4. *Billboard mounted face- and eye-recognition cameras.* Most digital billboards have video cameras mounted on their structures. These cameras serve primarily to view the sign itself to send a message back to the remote control centers about its functioning; they also can serve to monitor the ambient lighting conditions to trigger adjustments of the sign’s luminance levels. But some digital billboards have begun to sprout second cameras – aimed at approaching traffic. One supplier of such cameras has stated that the purpose of the cameras is to record the faces of approaching drivers to learn what percentage of them are looking at the billboard, and for how long. With the rapid improvement of camera speed and resolution, it is quite likely that this technology will soon be used (if it is not already) to identify driver demographics (age, gender, and more) and respond with real-time targeted ads. (See Figure 9).

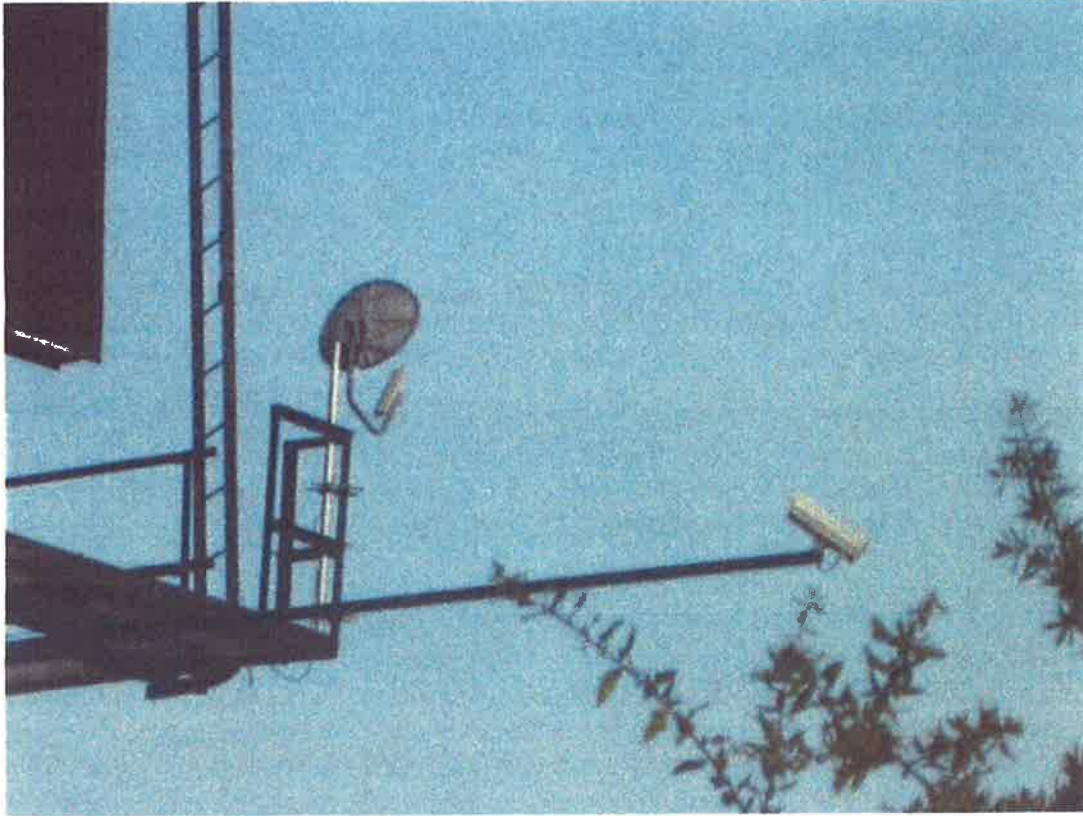


Figure 9. A typical billboard-mounted camera.

4. GENERAL CONCERNS WITH THE MND AND SPECIFIC STATEMENTS MADE WITHIN THE DOCUMENT.

4a. CEVMS relationship to official traffic control signs. The sign as proposed will be larger, taller, and brighter than any of the four official traffic control signs in the immediate area. These signs are: (a) the advance exit sign for Hazel Avenue, (b) a warning sign reading "Thru Traffic Merge Left," (c) the regulatory sign reading "Right Lane Must Exit," and (d) the actual Hazel Avenue exit sign. Because the "simulated view" of the proposed sign, shown in Figure 4 of the MND, was presented from Lane 3 and not Lane 4, there is no way to know whether the view of one or more of these official signs from the viewpoint of an approaching driver traveling in Lane 4 would be obstructed.

In addition, the proposed sign is to be located immediately adjacent to the Hazel Avenue interchange (see Section 4b below), where two of the required warning and regulatory signs address unsafe and improper lane changing. This raises the question, for which there seems to

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have been no analysis performed, of whether the sign will “obstruct or physically interfere with the vision of drivers in approaching, merging, or intersecting traffic,” which is prohibited under the California’s Federal-State Agreement (FSA) with FHWA.

4b. CEVMS location in relation to the Hazel Avenue exit. Although the application states that the sign will be located “approximately 1,500 feet west of the Hazel Avenue/US-50 eastbound off-ramp,” this is misleading, and is in conflict with the FHWA definition of an interchange (of which the off-ramp is a part). In actuality, Figure 4 of the MND shows that the sign is located immediately adjacent to the point where the roadway begins to widen, i.e. “the point of beginning ... of pavement widening at the exit from the main-traveled way.” Therefore, the proposed sign is, according to FHWA, *at* the Hazel Avenue interchange.

4c. Consideration of the “Transportation/Traffic” environmental factor. In the section of the MND titled: “Environmental Factors Potentially Affected,” under the “Transportation/Traffic” section, the report states, in part: “The project would not adversely impact traffic” Given the preponderance of evidence from research studies in the past five years that demonstrate that the presence of roadside digital billboards adversely affects driver performance, including factors such as lane placement, speed maintenance, following behavior and anticipation of and response to hazards, and given that the proposed sign is to be located immediately adjacent to the official start of an interchange and within the immediate vicinity of four official traffic signs, it seems unreasonable that this statement can be made, especially given the authors’ apparent failure to examine any of the recent research in this field.

Sections 4d through 4g, below (with the exception of 4f2 and 4h), are applicable to both the Clear Channel and Outfront Media proposals.

4d. MND discussion of the FHWA 2009 report. Later in the discussion in this same section, the authors discuss, in some detail, a 2009 FHWA report titled: “The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update.” As one of the authors of that report, I can note that the authors of the MND misunderstood or misinterpreted what that FHWA report accomplished. Further, the citation to the FHWA report provided in the MND’s “References” section is incorrect. The correct link is: http://www.fhwa.dot.gov/real_estate/oac/possible_effects/

4e. MND discussion of the feasibility of conducting a study of driver attention to a CEVMS. I also disagree with the authors’ statement about the impossibility of “conducting a study of an individual digital billboard to measure and analyze the effects of driver attention to the sign.” Indeed, such studies have been done, and should have been cited by the authors of the MND. In addition, I have designed such a study myself, but its conduct would require the support of a dedicated organization.

4f. MND discussion of actions to reduce safety concerns regarding CEVMS. The authors state: “Regulations on sign brightness, message duration, ... *and continuation of vehicle maneuver requirements at interchanges* (italics added) serve to reduce safety concerns to the fullest known extent.” I am concerned about this claim for several reasons:

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1. The discussion of sign brightness in this MND is technically incorrect and quite incomplete,
2. The italicized statement concerning vehicle maneuver requirements at interchanges makes no sense as written, and, as discussed above, I believe that there is a high likelihood that the erection of a digital billboard at the exact beginning of this freeway exit will have a direct, and causal effect on an increase in unsafe vehicle maneuvers at this interchange, and
3. There is no disagreement in the driver behavior research literature that the presence of a CEVMS leads to longer and more frequent driver eye glances off the road than matched roadway sections in which a CEVMS is not present. Therefore, it is unreasonable for the authors to state that allowing this sign in this location is consonant with reducing safety concerns “to the fullest known extent.”

4g. Description of brightness and brightness measurement in the MND. As discussed in Section 1a of this letter, I believe that both the allowable brightness of the proposed sign is excessive, and the method required to calculate such brightness (described in the Overlay) is inappropriate and incomplete. For example, there is no requirement in the Overlay that a CEVMS default to a dark screen in the event of a failure anywhere within the sign’s system that controls sign brightness – this is a basic requirement that I have observed in the vast majority of controlling regulations for digital billboards nationwide.

In addition, however, whereas the Overlay establishes an upper limit for sign brightness at “0.3 foot candles above ambient light” at 250 ft from the sign, the MND erroneously deletes the crucial term “ambient light,” rendering the MND statement meaningless.

Finally, as stated above, brightness levels of 0.3 foot candles above ambient can be easily seen by residents of dwellings thousands of feet from the sign. When combined with the frequent, rhythmic changing of brightness and color, the adverse effect on the quality of life for these residents can be quite dramatic.

4h. Removal of ten mature redwood trees. The MND states, “Ten mature redwood trees located at the installation site are proposed for removal. The statement goes on to say that because the trees and the site are not located in a scenic highway corridor, “changes in views due to the removal of trees in this area would result in no impact on scenic resources or scenic highways.” While this statement may be technically correct with regard to CEQA requirements, it begs the larger question. That is, the Rancho Cordova “Digital Freeway Signs Overlay,” expressly prohibits “the substantial trimming or reduction of existing vegetation and landscaping.” Given that the Overlay was written to apply specifically to this very location (and one other), it is of concern that the MND now proposes to violate this requirement of the city’s zoning code.

4i. Distance between signs. Although the two MNDs were silent on this issue, it is clear from the Overlay that “No Digital Freeway Sign shall be located within 2,500 feet of any other Digital Freeway Sign within the City limits.” Since the Overlay employs the word *shall* (italics added) in its statement, it is clear that the intent of this provision is to specifically prohibit CEVMS placement closer than this minimum distance. Using the data provided in the two MNDs, I have calculated

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that the two proposed CEVMS would be approximately 1,100 feet apart – less than half the minimum distance between signs that is permitted in the Overlay.

In summary, I have reviewed several documents, including: the negative declarations, the City's general plan, its Digital Freeway Signs Overlay of the Zoning Code, and the FHWA-California Federal-State Agreement. In addition, I am familiar with all of the research in this field and have extensive experience with digital billboard technology and applications. As a result, I recommend that the City not approve these two proposed CEVMS until a more comprehensive review and analysis is conducted to ensure that the needs of all stakeholders are addressed, that more reasonable and appropriate measures are applied to the establishment of luminance and dwell time standards, that such signs be brought into compliance with the City's Zoning Code, and that the Code itself be revised as necessary to reflect new technologies and the potential for CEVMS malfunction.

I appreciate the opportunity to have reviewed this MND and presented my opinions and conclusions to you. I am happy to provide any of the references mentioned in this letter, and to discuss my opinions in more detail with you and with city officials and other stakeholders in this matter.

Sincerely yours,



Jerry Wachtel,
President

JERRY A. WACHTEL, C.P.E.
 President, The Veridian Group, Inc.
 567 Panoramic Way • East Cottage • Berkeley, California 94704
 Tel: (510) 848-0250 • Fax: (510) 848-0303 • Email: jerry@veridiangroup.com

Curriculum Vitae

BACKGROUND AND EXPERTISE

The Veridian Group was established in 1982 to provide consulting services to Government, non-profit and corporate clients in areas of human factors and ergonomics, including: human performance; visibility and conspicuity; hazards and warnings; slips and falls; simulation; training and assessment; expectancy and situation awareness, distraction and attention; roadway design and traffic control devices; sign codes and ordinances, hindsight bias and positive guidance. Mr. Wachtel has more than 40 years of experience in research, project management, and regulation at all levels of Government and in private industry.

EXPERT WITNESS QUALIFICATION.

Mr. Wachtel has never been denied qualification as an expert witness in human factors, ergonomics, or engineering psychology. He has served as an expert in Alaska, Arkansas, California, Mississippi, Montana, New Jersey, New York, Oregon, Pennsylvania, Virginia, Washington and Washington, DC.

PARTIAL CLIENT LIST.

In addition to providing services to numerous law firms, our clients have included:

Government: U.S. Department of Transportation; U.S. Nuclear Regulatory Commission; County of Fairfax, VA; Cities of New York, San Francisco, Baltimore, Seattle, Portland, Berkeley, and others; LA Department of Highways; MD State Highway Administration; NJ Department of Law and Public Safety; PA Department of Transportation; Port Authority of NY and NJ (PANY); Atlantic City Expressway Authority; League of Minnesota Cities; Association of Bay Area Governments (ABAG); California Department of Transportation (CALTRANS); California Commission on Peace Officer Standards and Training (POST).

Corporate: Ackerley (Clear Channel) Communications, Inc.; AMFS, Inc.; Arco Chemical Co.; Atari Games Corp.; DriveSafety, Inc.; Drive Square, LLC; Electronic Learning Facilitators, Inc.; Fuel Outdoor; Hyperion Technologies, Inc.; Infinity (CBS) Outdoor; I-Sim Corp.; Lamar Outdoor, Inc.; Medved Autoplex; MORR Transportation Consulting; OTR Media; Parallax, Inc.; PB World; Positive Guidance Applications, Inc.; SAIC; Scientex Corp.; Strategic Media (Toronto); Systems Technology, Inc.; Talisman-International, LLC; Time-Warner Interactive; TransAnalytics, LLC; Vega Vista, Inc.

Educational and Non-Profit: Fondation MAIF, France; International Atomic Energy Agency (IAEA); National Safety Council; Sister Kenney Institute; Stein Gerontological Institute; University of California, Berkeley; University of Iowa; University of Miami Center on Human Factors and Aging; University of Minnesota; Washington University, St. Louis; American Association of State Highway and Transportation Officials (AASHTO); Sharp Memorial Hospital Rehabilitation Center; Outdoor Advertising Association of America (OAAA); International Sign Association (ISA); National Cooperative Highway Research Program (NCHRP).

EMPLOYMENT HISTORY:**DRIVING LAB, LLC**

Co-Founder and Partner, 2007-Present

Driving Lab is a start-up company formed to address the growing need for a practical and valid assessment of driving impairments due to age, injury, or illness. The company is developing a line of standardized, state-of-the-art, affordable driving simulators, complete with proven assessment and training scenarios and protocols, for use in clinical, research, and DMV applications.

U.S. NUCLEAR REGULATORY COMMISSION, Washington, D.C.

Senior Engineering Psychologist, Training & Assessment Specialist, 1982-2000

Author of Federal regulations for fidelity and testing requirements for training simulators. Designed, developed and implemented agency-wide program in workplace ergonomics, and wrote policy paper on "Safety Conscious Work Environment." Managed multi-million dollar research programs in areas related to nuclear power plant simulation, training, procedures, and human factors engineering for advanced control rooms. Initiated, developed and defended research areas; developed contract documents and negotiated with offerors; managed all technical and financial aspects of research and technology transfer; explained and defended programs through the public hearing process; and published results. Developed and performed training and procedures reviews, control room design reviews, examination audits, incident response site-visits, simulator certification audits, and power plant staff interviews. Developed and maintained cooperative working relationship with industry.

Published and presented technical papers, chaired professional conferences, and served as invited keynote speaker. Appointed Chair, U.S. Technical Advisory Committee to International Standards Organization (ISO) Committee 159, SC6/WG8, Ergonomics of Control Centres. Served as NRC representative to American Nuclear Society committee writing the ANSI standard for nuclear power plant simulators. Conducted classes and workshops on human factors in the nuclear industry for international organizations in England, Norway, Sweden and Slovenia.

U.S. DEPARTMENT OF TRANSPORTATION, Washington, D.C.

Research Psychologist, 1973-82.

Developed and staffed a research laboratory using simulators and psycho-physiological recorders to conduct and manage highway safety research related to: accidents under reduced visibility conditions; driver task demands in the presence of roadside distractors; safety and traffic flow at bridge and tunnel entrances; real-time motorist guidance and information systems; adequacy of traffic control devices. Named Laboratory Director in 1980. My research results have been implemented throughout the US and Europe, and have been used as evidence in court cases, including the U.S. Supreme Court. Wrote and presented papers at conferences. Served on international committees concerned with highway safety. Appointed by the Secretary of Transportation to tasks force on Occupational Safety and Health and Transportation System Environmental Design. Chaired the simulation committee of the National Academy of Sciences' Transportation Research Board, and served as Chair of the Board's Human Factors Workshop in Transportation. Served the Human Factors and Ergonomics Society as Alternate Member of the National Committee on Uniform Traffic Control Devices.

GRUMMAN AEROSPACE CORPORATION, Bethpage, New York

Human Factors Psychologist, 1969-73.

Served as NASA-Apollo Lunar Module (LM) Team Leader for simulation and real-time mission support. Developed and implemented man-in-the-loop simulation tests in support of flight crew training, procedures development, verification and validation, display/control design, and on-board maintenance activities. Supervised all corporate life sciences NASA support functions for Apollo flights including direction of a round-the-clock emergency response team of scientists and engineers, and conduct of post-mission astronaut debriefings. Wrote the human factors sections of corporate post-flight reports to NASA for Apollo missions. Researched the LM crew/computer interface, the results of which led to a reduction of in-flight errors during periods of high task demands. Discovered the problem and evaluated the effects of distance perception illusions experienced by astronauts on the lunar surface, which led to new equipment and procedures to reduce these effects. Wrote technical papers, and served as Grumman's representative to NASA lunar surface operations planning meetings. Consulted on other corporate projects, and contributed to the design of Grumman health care delivery systems and emergency medical treatment devices.

PROFESSIONAL APPOINTMENTS AND AFFILIATIONS

Fellow, Human Factors and Ergonomics Society

Member, Technical Groups on Forensics, Surface Transportation, Product Design,
Visual Performance, Computer Systems, Health Care

Member Emeritus, National Academy of Sciences, Transportation Research Board

Chair, Subcommittee on Roadside Digital Signage

Member, TRB Leadership Group

Past Chair, Committee on Simulation and Measurement of Vehicle and Operator Performance

Member, Committee on User Information Systems

Member, Committee on Vehicle User Characteristics

Member, Committee on Eminent Domain and Land Use

Chair, Fifteenth and Thirtieth Annual Workshop on Human Factors in Transportation

Member, Human Factors Workshop Planning Committee

Member or past member of the following Scientific and Technical Committees:

Human Factors Resource, An Advisory Body to the National Committee on Uniform
Traffic Control Devices, Authors of the MUTCD.

Intelligent Transportation System (ITS) America, Committee on Safety and Human Factors.

Society of Automotive Engineers (SAE), Committee on Safety and Human Factors.

Advisory Board, Center on Human Factors and Aging Research – University of Miami School
of Medicine.

U.S. Technical Advisory Group to International Standards Organization (ISO) TC159

Ergonomics, and its Subcommittee 4, Ergonomics of Human-System Interaction.

Chair, U.S. Technical Advisory Group to ISO TC159/SC6, Ergonomics of Control Centres.

Guest Lecturer. Graduate Class in Ergonomics and Engineering Psychology, San Jose State University.

Curriculum Vitae of Jerry Wachtel, C.P.E.

CERTIFICATIONS, HONORS AND AWARDS

Certified Professional Ergonomist (CPE), Board of Certification in Professional Ergonomics

Fellow, Human Factors and Ergonomics Society

Member Emeritus, Transportation Research Board, National Academy of Sciences

High Quality Performance Awards, U.S. Nuclear Regulatory Commission.

NASA Apollo Achievement Award for outstanding contributions to manned space flight.

Outstanding Technical Achievement by the Federal Highway Administration for report titled: "Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable Message Signage." (This publication was used as evidence by the Attorney General of the United States in a case heard before the U.S. Supreme Court).

Member of Psi Chi, the National Honor Society in Psychology.

EDUCATION.

Brooklyn College, Brooklyn, NY, B.A., Psychology, 1965

The City University of New York, New York, NY, M.B.A., Engineering/Industrial Psychology, 1969

The Stevens Institute of Technology, Hoboken, NJ, Advanced Graduate Studies in Engineering and Environmental Psychology

The Catholic University of America, Washington, DC, Advanced Graduate Studies in Human Factors and Engineering Psychology

COMMUNITY SERVICE.

Past-President, Member of the Executive Board, Panoramic Hill Association, a 501-C-4 organization in Berkeley, California.

Member of the Board, Friends of the Havens House, Berkeley, California

Past Director and Public Safety Chair, Berkeley Path Wanderers Association

Past President and Chairman, Federal Hill Neighborhood Association, Inc., a 501-C-3 organization representing a community of 3000 listed on the National Register of Historic Places.

Appointed by several Mayors of Baltimore City to membership on planning committees and tasks force, including: City Master Plan for the Year 2000 and Beyond; Downtown Stadium Committee; Key Highway Waterfront Advisory Committee.

SELECTED PUBLICATIONS, PRESENTATIONS, AND PROFESSIONAL ACTIVITIES.

Reviewer: *Simulation: Transactions of the Society for Modeling and Simulation*. 2014 - Present.

“FHWA’s 2013 Research Report on Digital Billboards (CEVMS) – Seriously Flawed.” *Eno Brief Newsletter*. Washington, DC: The Eno Center for Transportation. 1/13/2015.

“A Peer-Reviewed Critique of the Federal Highway Administration (FHWA) Report Titled: ‘Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs,’” January 2015.

“Code 3: The Impact of In-Vehicle Technologies on Performance and Distraction of First Responders. With Andrew Kun, University of New Hampshire. Invited Human Factors Workshop to be conducted at the 94th Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2015.

“Shedding Light on Billboard ‘Brightness.’” Invited Presentation to the Scenic America Annual Symposium. San Francisco: May 2013.

“The United States Version of the Stroke Drivers’ Screening Assessment: A Pilot Study.” With Abiodun Akinwuntan, Nadina Lincoln, Diana Gantt, Gina Gibson, Kurt Kimmons, and Valerie Ross. *Topics in Stroke Rehabilitation*. 2013; 20(1), 87-92.

Member, Scientific Review Committee. International Driving Symposium on Human Factors in Driving Assessment, Training and Vehicle Design, 2011-Present.

“Ironies of Automation.” With Judith Burki-Cohen. Invited Human Factors Workshop conducted at the 92nd Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2013.

“Human, Organizational, and Cultural Factors in Accidents.” Convener and Chair of Special Symposium held at the 92nd Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2013.

Reviewer, *Journal of Traffic Injury Prevention*, 2012 - present.

“Visual Clutter and Roadside Distractions: The Challenge to Good Traffic Engineering and Human Factors Practice.” Invited Presentation to the 5th International Conference on Traffic and Transport Psychology, Groningen, The Netherlands, August 2012.

“Stroke Driver Screening Assessment predicts driving in individuals with Relapsing-Remitting Multiple Sclerosis.” With A. Akinwuntan, T. O’Connor, K. Turchi, E. McGonegal, and S. Smith. *International Journal of MS Care*, Paper #2012-010R, accepted for publication. March 2012.

“Whodunit? – Human Factors in the Courtroom.” With Alison Smiley. Human Factors Workshop conducted at the 91st Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2012.

Curriculum Vitae of Jerry Wachtel, C.P.E.

“Driver Fitness in Patients with Cognitive Impairment and Glaucoma.” With Peter Rosen, Abiodun Akinwuntan, Erwin Boer, Robert Weinreb, and Felipe Medeiros. *Proceedings of the 6th International Driving Symposium on Human Factors in Driver Assessment, Training, and Vehicle Design*. June 2011.

“The United States Version of the Stroke Drivers’ Screening Assessment Battery: A Report of Preliminary Findings.” With Abiodun Akinwuntan, Diana Gantt, Gina Gibson, Kurt Kimmons, Valerie Ross, and Peter Rosen. *Proceedings of the 6th International Driving Symposium on Human Factors in Driver Assessment, Training, and Vehicle Design*. June 2011.

Member, Scientific Review Committee, 3rd International Conference of Road Safety and Simulation, 2011.

“Driving Simulation for Evaluation and Rehabilitation of Driving After Stroke.” (2011) With Abiodun Emmanuel Akinwuntan and Peter Newman Rosen. *Journal of Stroke and Cerebrovascular Diseases*.

“Digital Billboards, Distracted Drivers.” *Planning: The Magazine of the American Planning Association*, 25-27. March 2011.

Reviewer: Grant Proposals Submitted to National Institutes of Health – National Institute of Child Health and Human Development: “Experimental Research on the Effects of Teenage Passengers on Driving Performance Among Teenagers.” March 2010.

Consultant: National Institutes of Health STTR Grant: “Driving Simulation for Assessment and Training After Stroke.”

“The State of the Art and the State of the Knowledge About Digital Billboards and Traffic Safety.” Invited Webinar Presented to the Motorist Information and Services Association, March 18, 2010.

“Safety Impacts of Emerging Digital Display Technology.” Invited Presentation to the American Planning Association, Pennsylvania Chapter, Southeast Section, December 4, 2009.

“The Relationship Between New Roadside Advertising Technologies and Driver Distraction: an International Assessment.” *Proceedings of the First International Conference on Driver Distraction and Inattention*. Gothenburg, Sweden, September 28-29, 2009.

“Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs.” Report No. 20-7 (256). Washington, DC: National Cooperative Highway Research Program, April 2009.

“The Effect of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update.” With J.A. Molino, J.E. Farbry, M.B. Hermosillo, and T.M. Granda. Report No. FHWA-HRT-09-018. Washington, DC: US Department of Transportation, Federal Highway Administration. February 2009.

“Digital Billboards: The Hype, The Facts, The Solutions.” Invited Presentation to the Annual Meeting of the Intelligent Transportation Society of California. Sacramento: December 2008.

Curriculum Vitae of Jerry Wachtel, C.P.E.

“Safety Impacts of Emerging Digital Display Technology for Outdoor Advertising Signs: An Overview of NCHRP Project 20-7 (256).” Paper presented at the 11th Annual NAHBA Conference. Kalispell, Montana, August 11, 2008.

“Review of Two Billboard Industry Reports.” Paper presented at the 11th Annual NAHBA Conference. Kalispell, Montana, August 12, 2008.

“Digital Billboards on the Highway – Who’s Watching?” Human Factors Workshop conducted at the 87th Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2008.

“Programs and Practices to Reduce Simulator Sickness: Lessons Learned from the Field.” *Proceedings of the International Conference on Road Safety and Simulation, 2007*. Rome, Italy: University of Roma Tre.

Reviewer: “Changeable Message Sign Displays During Non-Incident, Non-Roadwork Periods.” National Cooperative Highway Research Program (NCHRP), Project 20-5, Topic 38-11, July 2007.

Principal Developer – International Standards Organization (ISO) Warning Symbol No. 21482, a symbol to warn the public of radiation dangers, February 2007.
(<http://www.iaea.org/NewsCenter/News/2007/radiationsymbol.html>)

Reviewer: *Preventing Teen Motor Crashes: Contributions from the Behavioral and Social Sciences: Workshop Report*. Washington, DC: The National Academies, January 2007.

“A Protocol for Avoiding Simulator Sickness.” With E. Stern, V. Barth, W. Durfee, M. Rosen, T. Rosenthal, E. Schold-Davis, C. Schaffer, M. Watson, & J. Zola. Paper presented at the Conference on New Approaches to Simulation and the Older Operator, MIT AgeLab & New England University Transportation Center, October 27, 2006.

“Survey of Standards and Practices toward the Reduction of Simulator Sickness.” Paper presented at the Conference on New Approaches to Simulation and the Older Operator, MIT AgeLab & New England University Transportation Center, October 27, 2006.

Invited Participant. U.S. Institute for Environmental Conflict Resolution: National Outdoor Advertising Control Program Assessment. Sacramento, California, August 2006. U.S. Department of Transportation, Federal Highway Administration.

Invited Presenter, “Hindsight Bias in Attribution of Crash Causes,” Workshop on *Why Crashes Happen: Factors Associated with Crash Causation - Human Factors Insights from In-Depth Investigations*, 85th Annual Meeting of the Transportation Research Board, Washington, DC, January 2006.

“The Use of a Driving Simulator to Assess Senior Driver Performance: Increasing Situational Awareness Through Post-Drive One-on-One Advisement,” with M. Romoser, D.L Fisher, R. Mourant, & K. Sizov. *Proceedings of the 3rd International Driving Symposium on Human Factors in Driver Assessment, Training, and Vehicle Design*. Rockport, Maine: June 27-30, 2005.

Curriculum Vitae of Jerry Wachtel, C.P.E.

Invited Moderator, Human Factors Issues. *The Crossing Zone – A Decade of Progress: Western Regional Safety Grade-Crossing Training Conference*. Organized by Federal Railroad Administration and University of California, Berkeley. May 2005.

“The Potential to Enhance Older Drivers’ Critical Driving Skills Through Simulator-Based Advice,” with M. Romoser, D.L. Fisher, K.A. Sizov, & R.R. Mourant. In *Driver Behaviour and Training: Vol. II*, L. Dorn, Ed. pp. 105-120. Hampshire, England: Ashgate.

“Safety Challenges Facing Tomorrow’s Commercial Drivers and the Role of New Simulation Technology to Meet Them.” Proceedings of the *Conference on Future Truck and Bus Safety Research Opportunities*. Washington, DC: Transportation Research Board of the National Academy of Sciences, March 2005.

“Use of a Driving Simulator to Assess Older Adults’ Critical Driving Skills,” with M. Romoser, D.L. Fisher, R. Mourant, K. Sizov, S. Kennedy, & M. Andra. Paper presented at the 84th Annual Meeting of the Transportation Research Board, Washington, DC, January 2005.

“Making Vehicles and Roads Safer for Older Drivers: A Human Factors Approach.” Paper presented at the Symposium on Safe Mobility for the Aging, Sacramento, California, November 2004.

“Discriminating Between Brain Injured and Non-Disabled Persons: a PC-Based Interactive Driving Simulator Pilot Project,” with E.B. Stern, E. Schold Davis, W.K. Durfee, and T.J. Rosenthal. *Advances in Transportation Studies: An International Journal*, 2004 Special Issue, pp. 67-78

“Driving Simulation in the Clinical Setting: Utility for Testing and Treatment,” with P.N. Rosen. *Advances in Transportation Studies: An International Journal*, 2004 Special Issue, pp. 91-96

Invited Panelist, The Santa Monica Crash: Strategies to Reduce Future Occurrences. Joint Conference of the American Society on Aging and the National Council on Aging, April 2004.

Invited Participant, “International Consensus Conference: How to Assess Road Driving Skills and Abilities,” Sponsored by U.S. Public Health Service, Centers for Disease Control, December 2003.

“Assessment of Cognitively Impaired Persons Who Wish to Resume Driving.” The First STISIM Drive Users Group Meeting, Cranfield University, United Kingdom, September 2003.

“Driver Education for Pre-Teens: A New Approach Toward Reducing Crashes Among Young Novice Drivers.” In *Contemporary Ergonomics 2003*, P.T. McCabe (Ed.). London: Taylor & Francis.

“Pilot Study of Driving Simulation with Persons with Brain Injury and Cognitive Deficit,” with E.B. Stern, W.K. Durfee, T.J. Rosenthal, and E. Schold Davis. Presented at *World Federation of Occupational Therapy (13th World Congress of Occupational Therapists)*, Stockholm, Sweden, 2002.

“Program for Development of a New Warning Sign for Hazardous Radioactive Materials,” Consultant’s Report Prepared for the International Atomic Energy Agency (IAEA), March 2002.

Curriculum Vitae of Jerry Wachtel, C.P.E.

“Drivers’ Responses to Changeable Message Signs of Differing Message Length, and Traffic Conditions,” with J.H. Guerrier and D.L. Budenz. In *Contemporary Ergonomics 2002*, P.T. McCabe (Ed.). London: Taylor & Francis, pp 223-228.

“Low Cost Simulation as a Tool to Assess the Driving Ability of Persons with Cognitive Impairments from Brain Injury,” with E.B. Stern, W.K. Durfee, T.J. Rosenthal, and E. Schold Davis. In *Contemporary Ergonomics 2002*, P.T. McCabe (Ed.). London: Taylor & Francis, pp. 229-234.

Ergonomics and the Prevention and Reduction of Injuries in the Workplace – Office Ergonomics 101-103. U.S. Nuclear Regulatory Commission BR-0269, 0270, 0271, February 2002.

“Evaluation of a Low-Cost, PC-Based Driving Simulator to Assess Persons with Cognitive Impairments Due to Brain Injury,” with W.K. Durfee, T.J. Rosenthal, E. Schold-Davis and E.B. Stern. *Proceedings of the International Driving Symposium on Human Factors in Driver Assessment, Training and Vehicle Design*, Aspen, Colorado, August 2001, 293-294.

“A Simulator Study of Driver Responses to Changeable Message Signs of Differing Message Length and Format,” with J. Guerrier. *Proceedings of the International Driving Symposium on Human Factors in Driver Assessment, Training and Vehicle Design*, Aspen, Colorado, August 2001, 164-165.

Invited Participant, *Federal Motor Carrier Safety Administration Meeting on Research and Technology*. Washington, DC, U.S. Department of Transportation, January 2001.

Invited Participant, “Conference on Partnering for Safety-Human Centered Systems – Operator Fatigue Management.” Tysons Corner, Virginia, U.S. Department of Transportation, August 2000.

“Human Factors Guidance for Control Room Evaluation,” with J. O’Hara, W. Brown, W. Stubler, J. Higgins and J.J. Persensky. In *Proceedings of the IEA 2000/HFES 2000 Congress*, San Diego, California, August 2000, 3-519 – 3-522.

Chair, Technical Session on “Human Factors Engineering Methods in Power Systems.” *IEA 2000/HFES 2000 Congress*, San Diego, California, August 2000.

Single Point Urban Diamond Intersections in Maryland: A Review and Human Factors Analysis. Maryland State Highway Administration, Office of Traffic Safety, June 2000.

Invited Participant, *Specialists’ Meeting on “Integrated Information Presentation in Control Rooms and Technical Offices at Nuclear Power Plants.”* Stockholm, Sweden, International Atomic Energy Agency (IAEA), May 2000.

Co-Chair, Workshop on “Signs that Confuse, Signs that Distract – The Impact of Official and Commercial Signs on Driver Behavior and Performance,” with M. Pietrucha. *33rd Annual Human Factors in Transportation Workshop*. Washington, DC, Transportation Research Board of the National Research Council, January 2000.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"Interactive Driving Simulation as a Tool for Insight Development and Motivation in a Rehabilitation Setting," with Elin Schold-Davis. Paper presented at *The 8th Annual Medicine Meets Virtual Reality Conference*, Newport Beach, California, January 2000.

The Towson Roundabout: Human Factors Considerations. Maryland State Highway Administration, Office of Traffic Safety, August 1999.

Chair, Workshop on "Approaches for the Integration of Human Factors into the Upgrading and Refurbishment of Control Rooms." Organization for Economic Cooperation and Development of Europe (OECD). Halden, Norway, August 1999.

Chair, Workshop on "Safety Assessment of Plant Modifications with Special Emphasis on I&C Modernization and HMI Issues." International Atomic Energy Agency (IAEA). Ljubljana, Slovenia, May 1999.

Invited Presenter. *Corporate Traffic Safety Symposium*. Ft. Lauderdale, Florida: National Safety Council, South Florida Chapter, September 1997.

"Innovations in Low-Cost Simulation Technology for the Training and Testing of 'High Risk' Drivers," in *Global Perspectives of Human Factors in Power Generation: Proceedings of the 1977 IEEE Sixth Conference on Human Factors and Power Plants*. New York: Institute of Electrical and Electronic Engineers, June 1997.

Member, Expert Peer Review Panel. *Validation of Truck Driver Simulator for Driver Training, Testing and Licensing*. U.S. Department of Transportation, Office of Motor Carriers, June 1997.

"Applications of Appropriate Simulator Technology for Driver Training, Licensing and Assessment." In *Vision in Vehicles - V*, A.G. Gale, et al, Eds. Amsterdam: Elsevier, pp. 3-10, 1996.

"A Comprehensive Evaluation of a Low Cost Driving Simulator for Use in the Training of Police Officers," with J. Berner. Presented at the *International Conference on Traffic and Transport Psychology*, Valencia, Spain, May 1996.

"An Enhanced Commentary Driving Technique for Real-Time Data Collection with Untrained Subjects," with J.H. Guerrier and P. Manivannan. Paper presented at the *International Conference on Traffic and Transport Psychology*, Valencia, Spain, May 1996.

"Human Factors Study of Traffic Control in Construction and Maintenance Zones," Three Working Papers Submitted to the Federal Highway Administration, U.S. Department of Transportation, under Contract No. DTFH61-95-C-00064, 1996.

"Human-System Interface Design Review Guideline, Final Report." *NUREG-0700, Rev. 1*. Washington, DC: U.S. Nuclear Regulatory Commission, June 1996.

"Technology and the Older Traveler." *Second National Forum for Advanced Public Transportation (APTS): New Thinking in Transit Management Concepts*, 8-11. Knoxville: The University of Tennessee Transportation Center, 1996.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"A Brief History of Driving Simulators." *TR News*, Number 179, July-August, pp. 26-27,45, 1995.

"Human Factors in Process Control: Developing Criteria for the Review of Advanced Human-System Interface Designs." *CSERIAC Gateway VI*(4), pp. 10-12, 1995.

"Methodological Issues in the Validation of Complex Human-Machine Systems," with J. O'Hara and W. Stubler. *Proceedings of the Topical Meeting on Computer-Based Human Support Systems: Technology, Methods, Future*. Philadelphia, PA, June 26-29, 1995, pp. 339-344.

Positive Guidance in Maryland: Guidelines and Case Studies. Contributing Author and Task Force Leader. Hanover, Maryland: Maryland State Highway Administration, 1995.

"The Importance of Simulation Facilities for the Development of Review Criteria for Advanced Human System Interfaces," with J.M. O'Hara. *Proceedings of the 1994 Simulation Multiconference*, J. Olmos and A. Sharon, Eds., pp. 200-205. San Diego: The Society for Computer Simulation, 1994.

"Development of Comprehensive Human Factors Engineering Guidelines for the Evaluation of Human Systems Interfaces," with J. O'Hara and W. Brown. *Proceedings of the 12th Triennial Congress of the International Ergonomics Association, Volume 5: Ergonomics of the Workplace*, Ontario, Canada: Human Factors Association of Canada, 1994, pp. 407-409.

"Driving Simulators - Serious Tools or Frivolous Toys? - Overview of a Symposium and Panel Discussion." *Proceedings of the Human Factors and Ergonomics Society 37th Annual Meeting*, Seattle: 1993, pp. 600-601, 622-624.

"The State of Practice of Computerized Operating Procedures in the Commercial Nuclear Power Industry," with A.J. Spurgin and P. Moieni. *Proceedings of the Human Factors and Ergonomics Society 37th Annual Meeting*, Seattle: 1993, pp. 1014-1018.

"The Role of New Simulation Technology in a Systematic Approach to Novice Driver Education." Paper presented at the *Working Conference on Novice Driver Education*, Edmonton, Alberta, Canada: April 1993.

"New Technology for an Old Problem: A Report of a Prospective Study to Evaluate a Simulator-Based Approach to Driver Licensing," with R.C. Peck. Paper presented at the 1993 Annual Meeting of the Transportation Research Board, Washington, DC: January 1993.

"An Introduction to Fitness for Duty." Invited paper presented at the 1993 Annual Meeting of the Transportation Research Board, Washington, DC: January 1993.

"Team Skills Training in Nuclear Power Plant Operations," with C.D. Gaddy, pp. 379-396, in Swezey, R.W. and Salas, E. (eds.) - *Teams: Their Training and Performance*. Norwood, N.J., ALEX Publishing Co., 1992.

"A 'Blue Sky' Approach to the Future of Driver Qualification," with P.W. Nunnenkamp. Invited presentation to the 1992 Driver Licensing and Control Workshop. New Orleans: American Association of Motor Vehicle Administrators, November 1992.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"The Role of Simulators in the Operator Training Environment of the Future." Paper presented at the 2nd International Conference on Training for Operation and Maintenance in the Nuclear Industry, September 23, 1992. Cambridge, England: The Institution of Nuclear Engineers.

Advanced Control Room Design Review Guidelines: Merging Old and New, with R. J. Carter. Proceedings of the Human Factors Society 36th Annual Meeting, 1992.

Invited Participant: Workshop on Human Factors Research in Highway Safety, April 1-3, 1992. Washington, DC: National Academy of Sciences, Transportation Research Board.

"Guide Sign Effectiveness Review: An Assessment for the State of Maryland." March 1992.

"Simulator Technology: Analysis of Applicability to Motor Vehicle Travel." Collaborative author and Editor. *Transportation Research Circular Number 388*. Washington, DC: National Research Council/TRB, February 1992.

"Guidelines for the Review of Advanced Controls and Displays," with J.M. O'Hara. In *Transactions of the Nineteenth Water Reactor Safety Meeting*, - NUREG/CP-0118, October 1991, pp. 11-9, 11-10.

Invited Participant: Workshop on Driver Vision Standards and Testing, October 4-5, 1991. Toronto, Ontario: Canada. Canadian Council of Motor Transport Administrators.

"Are We Training Operators Upside Down?" In *Proceedings of the Ninth Symposium on the Training of Nuclear Facility Personnel*, Denver, Colorado, April 14-18, 1991. Oak Ridge, Tennessee: Oak Ridge National Laboratory Report Number 9104135, pp. IV-B.1.1 - IV-B.1.12.

"The Development of Human Factors Review Criteria for Future Nuclear Power Plant Control Rooms," with J. O'Hara and J. Persensky. *Conference Record 1990 IEEE Nuclear Science Symposium*. Arlington, Virginia, 1990, pp. 909-913.

"Man-in-the-Loop Simulation in the Nuclear Industry: How Did We Get Here - Where Are We Headed?" Invited Keynote Address to The Society for Computer Simulation, Eastern Simulation Conference, Orlando, Florida, 1988.

"Operational Assessment of Simulator Fidelity in the Nuclear Industry," with C. Plott and K.R. Laughery. *Proceedings of the 32nd Meeting of the Human Factors Society*, Los Angeles, 1988.

"Evaluation Procedure for Simulation Facilities Certified Under 10 CFR 55," with C. Plott, K. Laughery and B. Gore. Washington, DC: U.S. Nuclear Regulatory Commission, NUREG-1258, 1987.

"Answers to Questions at Public Meetings Regarding Implementation of Title 10, Code of Federal Regulations, Part 55 on Operators' Licenses." Washington, DC: U.S. Nuclear Regulatory Commission, NUREG-1262, 1987.

"Using Simulators as Examination Tools." Paper presented at the Third IEEE Conference on Human Factors and Power Plants, Monterey, California, 1985.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"Adverse Highway Safety Consequences of New Technology," in *Ergonomics International* 1985, Edited by I.D. Brown, et. al. London: Taylor & Francis, 1985, 517-519.

"Federal Railroad Administration Experience and Rulemaking Activities with Regard to Fitness for Duty." Report to the Chairman and the Commissioners, U.S. Nuclear Regulatory Commission, 1985.

"The Future of Nuclear Power Plant Simulation in the United States," pp. 338-349, in Walton, D.G., *Simulation for Nuclear Reactor Technology*. Cambridge: Cambridge University Press, 1984.

Chair, "Transportation Safety," 27th Meeting of the Human Factors Society, Norfolk, Virginia, 1983.

"The Use of New Technologies for Visual Simulation." Invited Workshop. Washington, DC: Transportation Research Board, 1983.

"Electronic Advertising Near Highways: The Concern for Traffic Safety." *Public Roads*, 45(1), 1981.

Chair, "Performance and Vision." 24th Meeting of the Human Factors Society, Los Angeles, 1980.

"The Use and Abuse of Simulators in Environmental and Highway Design." Paper presented at the 24th Annual Meeting of the Human Factors Society, Los Angeles, 1980.

"The Highway Environmental Simulator, A White Paper." U.S. Department of Transportation, Federal Highway Administration, Highway Aesthetics Laboratory, 1980.

Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable Message Signage: Final Report, with R.D. Netherton. Report No. FHWA/RD-80/051. Washington, DC: U.S. Department of Transportation, 1980.

"Functions and Program of the FHWA Highway Aesthetics Laboratory." U.S. Department of Transportation, Federal Highway Administration, Washington, DC, 1980.

"Effects of Environmental Transitions on Highway Tunnel Operations and Safety." Paper presented at the U.S. Department of Transportation Conference on Research and Development in Underground Construction and Tunneling, Reston, Virginia, 1980.

"Reduced Visibility on the Highway: A Pervasive Problem Receiving International Attention." *Transportation Research Circular* 193, 1978.

"The Escalating War on Reduced Visibility." *Public Roads*, 41(3), 1977.

"The Computer Generation: Options, At What Cost?" in R.E. Granda and J.M. Finkelman, eds., *The Role of Human Factors in Computers*. Proceedings of a Symposium Co-Sponsored by the Metropolitan Chapter of the Human Factors Society and Baruch College, 1976.

"Unobtrusive Measurement in Highway and Pedestrian Safety Research." Paper presented at the annual meeting of the American Psychological Association, Sponsored by Division 21, 1976.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"Remedial Aids to Deal with Driving in Reduced Visibility Caused by Adverse Weather," in *Adverse Weather, Reduced Visibility, and Road Safety*. Paris: Organization for Economic Co-Operation and Development (OECD), 1976.

"Contribution of Edge Striping to Accident Reduction," with J. True. U.S. Department of Transportation, Federal Highway Administration, 1973.

"Crew Systems Input - Apollo-16 Post-Flight Eval.," Grumman Aerospace Corp. LMO-480-888, 1972.

"Displays and Controls Subsystem, Space Shuttle Program," Grumman Aerospace Corp., 1972.

"Apollo 13 Debriefing Summary," with B. Kram, Grumman Aerospace Corp. LMO-480-563, 1970.

"Use of Crosspointers and Attitude Error Needles for Nulling of Horizontal Velocities at LM Touchdown," Grumman Aerospace Corp. LMO-480-810, 1970.

"Summary Recommendations of Evaluation of Rangefinder Device Proposed for Use on the Lunar Surface," with V. Gallagher, Grumman Aerospace Corp. LMO-480-736, 1970.

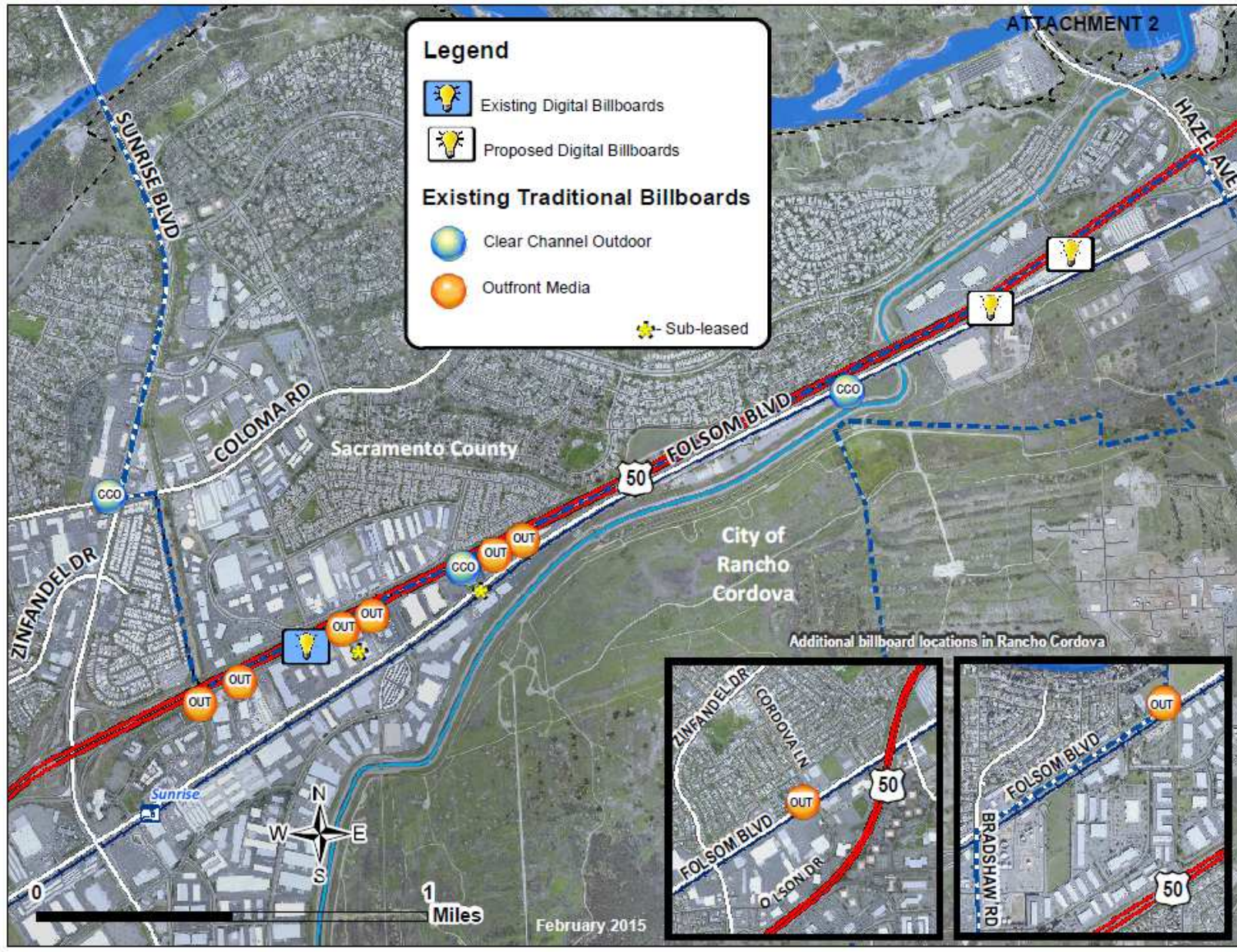
Clear Channel Outdoor CUP and Operating Agreement DD8480 & Sierra Outdoor/CBS Outdoor CUP and Operating Agreement DD8490

**Rancho Cordova City Council
Jessica Jordan, Project Planner
February 17, 2015**

Background

- November 17, 2014 – Initial presentation of projects
- December 15, 2014 – Received direction from City Council
- January 20, 2015 – Council direction to re-notice to allow for additional public comments and consideration
- February 17, 2015 – Review additional information and provide direction as desired

Existing Billboard Inventory



Sierra Outdoor/Outfront Media

- Installation of sign at 12125 Folsom Boulevard
- Removals: 11373, 10833, and 9847 Folsom Boulevard
- No Conditional Signing Bonus
- Contract terms:

Contract Years	Annual Amount to City
1	\$65,000
2-25 (optional 25 year extension not included)	\$25,000
Total Value for 25 years	\$665,000

- \$50,000 contribution for City use
- Dedicated “click” every 64 seconds for City PSAs

Clear Channel Outdoor

- Installation at 12137 Folsom Boulevard
- Removals: 2300 Mine Shaft Lane, 2286 Sunrise Boulevard
- \$75,000 Conditional Signing Bonus
- \$25,000 Additional Landscape Monies
- Contract terms:

Contract Years	Annual Amount to City
1-5	\$60,000
6-10	\$80,000
11-25 (currently stated life of contract)	\$100,000
Total Value for 25 years	\$2,200,000

Communication Received

- Petition from Bluff City, Inc. Homeowners Association, et al
 - CEQA noticing was adequate
- Clear Channel Outdoor Subject Property Owner Letters
 - Requesting reversal of the decision to deny Clear Channel Outdoor
 - Concerns regarding tree removal at the Naturwood site

Communication Received

- Memorandum from Bluff City, Inc. Homeowners, et al
 - Request the City Council conduct additional research on digital freeway sign technology before taking action
 - Identifies deficiencies within the Mitigated Negative Declarations for the projects

Communication Received

- Memorandum from Sierra Outdoor/Outfront Media
 - Provides data in response to neighborhood associations memorandum
- Resident emails
 - Requesting a two year hold on action for further research

Recommendation

- Adopt Resolution 3-2015 denying Clear Channel Outdoor CUP and Operating Agreement
- Adopt Resolution 4-2015 approving Sierra Outdoor/Outfront Media CUP and Operating Agreement
- Consider additional information included within the staff report and the public testimony and provide alternative direction as desired



Our community working together...

Rancho Cordova City Council, February 17, 2015

Outdoor Digital Billboards

7

**Reasons why a
2 Year Pause
is recommended**

1. Traffic Safety Issues

- Federal Highway Administration (FHWA) study challenged – Wachtel Peer Review, January 2015
- Danger in driver gaze
- Glance times associated with a higher crash risk
- Increased driver distraction is the #1 cause of traffic fatalities
- Exorbitant fatal accident costs



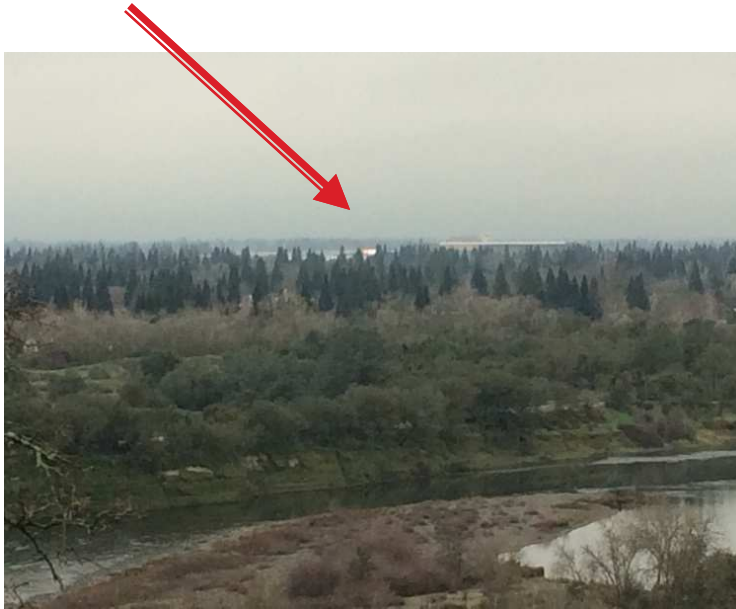
2. New Billboard Technology Allows for Intrusion into Driver Privacy

- Capable of ‘interacting’ with drivers
- Radio Frequency Identification Device (RFID) trigger personalized messages
- Encourages drivers to interact with the sign by ‘texting’
- Billboard mounted sensors capture specific, real-time demographic information
- Currently installed along HWY 99 in Turlock, CA.



3. Light Pollution Will Increase

- Digital billboards can be seen for six miles
- Directly within the line of sight for our neighbors above the American River Parkway
- Current digital board at Sunrise & Hwy 50 is clearly seen three miles away



Cities across the US have **banned** digital billboards due to visual blight, light pollution and roadway safety:

San Francisco, CA 

Ann Arbor, MI

Anaheim, CA

Walker, MI

Los Angeles, CA

Knoxville, TN 

Denver, CO

St. Louis, MO 

St. Paul, MN

Franklin Township, NJ

Dallas, TX 

Salt Lake City, UT

Austin, TX 

States that have **banned** billboards:

Alaska

Maine

Vermont

Hawaii

4. Digital Billboards are not the Image of our fine City.

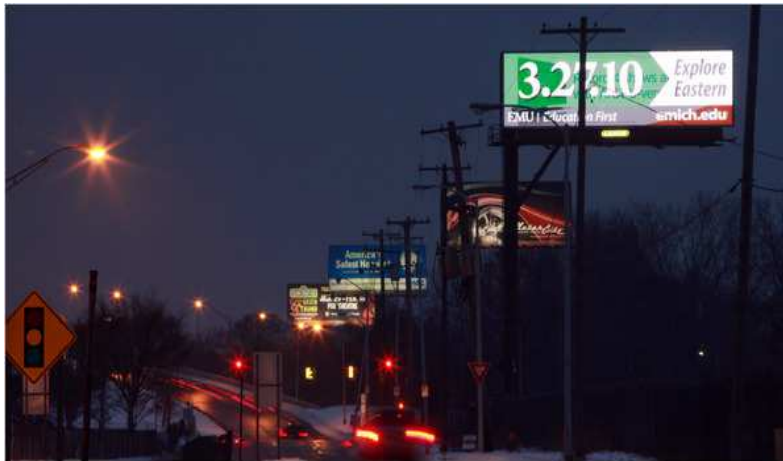
- Wrong first (and lasting) impression at one of our prime gateways on Highway 50
- Gateways should reflect our business and family friendly attributes
- Sense of pride



5. A Negative Legacy of this City Council will be set for 25-50 Years

- WHY add new **blight** where a billboard currently exists?

This or this?



6. Create Outdoor Digital Billboard Overlay Policy

- Outline lease parameters, including length of a contract
- Include inflation factor with lease revenues
- Management of technology advances
- Evaluate reduction of strategic billboards
- Measure H provides long-term financial sustainability for the City



7. Legal Uncertainties

- A lawsuit before the U.S. Court of Appeals alleges the FHWA violated the Highway Beautification Act
- An Arizona Appellate Court found that eight second advertising changes are prohibited by the Arizona Highway Beautification Act
- Suits filed by sign companies challenge a city's right to ban digital billboards and restrict certain types of advertising

These cases should work their way through the courts before any new billboards are erected





Wisdom

*A prudent course of action should start with a
2 year planning session*

Include all stakeholders

Review all new information, since 2010

Create an Outdoor Digital Billboard Overlay
policy for Rancho Cordova



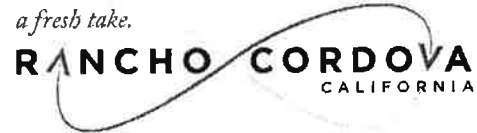
MEMORANDUM

DATE: February 17, 2015

TO: Honorable Mayor and Council Members

FROM: Jessica Jordan, Principal Planner

SUBJECT: SUPPLEMENTAL INFORMATION – AGENDA ITEMS 14.1 AND 14.2.



Following publication of the staff reports for Agenda Items 14.1 and 14.2, staff received additional information from the Sierra Outdoor/Outfront Media applicant as well as a few questions from Council.

ADDITIONAL INFORMATION FROM SIERRA OUTDOOR/OUTFRONT MEDIA

The applicant has provided a memorandum in response to the Memorandum provided by the neighborhood associations and Mr. Jerry Wachtel. Staff has not had an opportunity to analyze this information but, the applicant will be prepared to present it during the public hearing.

COUNCIL QUESTIONS

As described in the initial staff report materials, some digital freeway signs are equipped with technical capabilities to gather information from vehicles passing by the sign. A Council inquiry was received regarding the capabilities of the signs that are currently under review. A majority of the mechanics that run these types of signs are electronic in nature. As such, they can be equipped with a variety of programming that could perform data gathering duties like reading vehicle radio frequency identification tags or license plates. At this time, neither applicant intends to employ this type of technology on the signs proposed. The applicants have committed to the signs being operated within local, state, and federal laws including those pertaining to privacy. Council was also interested in whether or not the applicant would allow for City review of these technologies in the future were they to be employed within the city limits. Generally, as there would be no physical alterations of the signs, this would be a difficult provision to review and enforce but could be added should the Council so desire.

In addition to these questions, staff was also asked about adding a periodic review of the Operating Agreement to ensure the contract provisions are being adhered to. The current terms of the Agreement allow for review at any time deemed appropriate by the City so, a specific periodic review would not be necessary but, could be added if so desired by the Council.

ATTACHMENT(S)

1. Memorandum from Sierra Outdoor/Outfront Media
2. Residents emails received to date

The City of Rancho Cordova should embrace digital billboards to be part of a family-friendly, business-friendly, safe and financially sustainable city. New technologies within out of home advertising now allow outreach to civic, community public safety and services in nearly 1,000 communities in the nation consistent with federal and state laws and guidelines.

Consideration for approval of digital billboards is based on the following:

Accepted

Arbitron, the media research firm, set out to answer a relatively simple question: what does the public think of digital billboards? In the first study of its kind, the Arbitron researchers found people are aware of and positively inclined toward this new technology.

Among younger demographics, digital billboards are an even bigger hit. The Arbitron study found 60 percent of those 18-34 found digital billboards to be attractive, while 86 percent agreed digital billboards help the community with emergency information. And perhaps most tellingly of all, 77 percent of 18-34 year olds said digital billboards are a cool way to advertise, according to the study. Digital billboards are a step up for communities looking to modernize their outdoor advertising. The public finds them useful, attractive, and "cool."

Digital advertising is good for local small business

In the U.S., thousands of local businesses use billboards and benefit from outdoor advertising. These businesses are the jobs engine of the American economy and providing vital employment to support the city economy.

Key segments of the local economy use billboards: insurance agents, realtors, restaurants, banks, lodging, automotive, and retail.

Advancing the use of digital billboard ads will:

- Allow more local businesses to have access to Out of Home Advertising to expand their business and employ more residents within the city.
- No production costs for digital displays, means more small businesses that may not be able to pay production on a television commercial or vinyl billboard, will have access to digital advertising at lower costs. In fact, 80 percent of all digital billboard ads are purchased by small businesses.

Digital Billboards are regulated

Billboards – digital and conventional – are heavily regulated. To keep pace with technology, the federal government has said that roadside billboards (off-premise signs) could use "changeable- message" technologies as long as these signs don't scroll or flash. On September 25, 2007, the Federal Highway Administration (FHWA) issued clear guidance, affirming that states and localities can authorize digital billboards:

The outdoor advertising industry has strict self-regulations which prohibit moving video, animation, or excessive brightness, and to safeguard against hacking.

Brightness

Critics have claimed that digital billboards “are brighter than the sun.” However, in reality, billboards use the minimum amount of light necessary to provide safely legible copy. Federal guidelines say digital billboards should “adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.” Determining the proper lighting levels for changeable electronics message displays is an important decision for any municipal government.

As a result, the industry sought lighting professionals who could help with brightness standards. Dr. Ian Lewin, Lighting Sciences, Inc. and former chairman of the Illuminating Engineering Society of North America, worked with the industry to set lighting levels using a systematic approach based on science. His research recommended following a lighting standard of 0.3 foot-candles over ambient lighting conditions. Distances for measuring the brightness varied with the size of the digital billboards. Several field tests showed this lighting level was sufficient to make digital billboards visible while not being too bright. Using a scientific approach generated a solution to this lighting problem.

One of Dr. Lewin’s insights was to base the lighting level on the ambient lighting surrounding the changeable message sign. This just makes sense. If the area is dark, the lighting level should be lower. If the area is bright, more lighting is appropriate. Establishing brightness standards without accounting for the on-site conditions could result in inappropriate lighting.

Digital billboards use photocell equipment on each display to adjust the lighting level based on ambient light conditions. The photocells adjust the lighting levels throughout the day and at every sunrise and sunset.

To date, fifteen states have adopted specific lighting measurement standards and numerous localities have approved guidelines as well

Lighting is still a complicated subject. Fortunately, there are clear answers on how to properly operate and regulate a changeable message (i.e., digital billboard) display.

Traffic safety

We realize that there is a lot of misleading information being disseminated regarding traffic safety and digital billboards. To set the record straight, enclosed are key research results:

Research says digital billboards are safe

Digital billboards have been extensively studied by the Federal Highway Administration (FHWA), outdoor advertising industry, and others. The research falls into three major

categories: human factors, traffic accident, and anecdotal studies. The results of all three categories indicate digital billboards are safe.

The outdoor advertising industry's foundation (Foundation for Outdoor Advertising Research and Education) pioneered research on digital billboards and traffic safety, commissioning top experts at the Virginia Tech Transportation Institute (VTTI) to study driver behavior. The initial study, released in 2007, was based on the "human factors" approach i.e. measuring drivers' eye glances and reactions in the presence of digital billboards.

This study determined that people look at digital billboards slightly longer than conventional billboards, but well under the threshold for being distracted. In 2006, VTTI released a study commissioned by the federal government called the 100 Car study. It used "eye-glance" tracking to determine where a driver's eyes were looking while they were driving. The study found when a driver takes their eyes off the road for longer than two seconds, there is a cause for concern. VTTI used this same methodology to look at digital billboards, and the study found the mean glance towards digital billboards was less than one second. The researchers said that digital billboards safety neutral.

Anti-billboard activists like to tout the 2006 VTTI study and discredit the 2007 VTTI industry sponsored study. Nevertheless, it is important to note that the two research projects were performed by the same researchers using very similar methodologies. If the 2006 study is accurate and the two second threshold is valid, the 2007 study showing digital billboards to be well under that threshold must be accepted as well.

On December 30, 2013, FHWA released its long awaited research report. The FHWA research, which was conducted by the respected global engineering firm SAIC (Science Applications International Corporation), found that glances in the direction of digital billboards are well within the federal safety standard.

Results from the FHWA study indicate the following:

1. The presence of digital billboards does not appear to be related to a decrease in looking toward the road ahead, which is consistent with earlier industry sponsored field research studies (VTTI).
2. The longest fixation to a digital billboard was 1.34 seconds, and to a standard billboard it was 1.28 seconds, both of which are well below the accepted standard.¹
3. When comparing the gaze at a CEVMS versus a standard billboard, the drivers in this study were more likely to gaze at CEVMS than at standard billboards.
4. The researchers were careful to note the FHWA study adds to the knowledge base of digital billboard safety, but does not "present definitive answers" to the questions investigated.

¹ According to the National Highway Traffic Safety Administration (NHTSA), safety concerns arise when a driver's eyes are diverted from the roadway by glances that continue for more than 2.0 seconds.

The full report is available on the FHWA website by clicking [here](#).

Meanwhile, engineering experts have analyzed accident reports provided by state and local authorities in jurisdictions across the country. The engineering firm Tantala Associates has examined traffic accidents near digital billboards on highways and surface streets in:

- Cleveland, OH (2007 and updated in 2009)
- Rochester, MN (2009)
- Albuquerque, NM (2010)
- Reading, PA (2010)
- Richmond, VA (2010)

Using a peer-reviewed methodology developed for the New Jersey Turnpike, these studies in sum reviewed over 150,000 accident records around 69 digital billboards spanning over 300 years of data. **The results were unequivocal: there is no correlation between digital billboards and traffic accidents.** These studies also examined older drivers, younger drivers, driving at night, and driving during the day and found no subset of drivers where the presence of a digital billboard was associated with an increase in accidents. If digital billboards were distracting, researchers say the numbers would undoubtedly show some sort of relationship between the presence of digital billboards and traffic accidents. However, the numbers clearly don't support such a relationship.

Finally, law enforcement and state departments of transportation have examined digital billboards anecdotally, trying to determine if digital billboards were causing accidents. Government agencies in Massachusetts, Minnesota, New York, Pennsylvania, Texas, Virginia, West Virginia, South Carolina, and Wisconsin have looked at sites near off-premise digital billboards and found there to be no increase in accidents near them.

“The electronic billboards have gone up on city streets, eight of them, and since they've been up over the last several months, we have had no instances that they have contributed to any driver inattention that has resulted in a collision. So I don't believe that that's an issue.”

—RICHARD WILES, CHIEF OF POLICE OF EL PASO, TX, IN TESTIMONY BEFORE THE TEXAS TRANSPORTATION COMMISSION (DECEMBER 6, 2007)

Those critical of digital billboards often cite a literature review commissioned by the American Association of State Highway and Transportation Officials (AASHTO) as proof that there is an adverse relationship between digital billboards and traffic safety. However, a closer reading of this report reveals that while dozens of studies have examined driver distraction, the body of research is primarily comprised of reports not specifically focused on off-premise digital billboards. In fact, in a companion research project, FHWA's literature review of these same studies has determined that these

studies are “inconclusive.” It is also interesting to note that the AASHTO report does not call for a ban, but rather says digital billboards should be regulated as a means of protecting the public interest and calls for the regulation of spacing and duration of message, placement near interchanges, curves, and official roadway signs, and lighting brightness. The industry is also supportive of reasonable regulation digital billboards and has conducted research resulting in industry guidelines regarding lighting brightness.

What does the federal government say about digital billboards?

The federal government is using digital billboards to convey important messages to the public. In 2010, Transportation Secretary Ray LaHood launched a highly-visible enforcement campaign against distracted driving in two test markets (Syracuse and Hartford). In Hartford, the government funded campaign included digital billboards. The pilot is working. Texting and hand-held cell phone use while driving dropped significantly, according to the National Highway Traffic Safety Administration.

Digital billboards are an effective public service messaging tool. The FBI and other police agencies use digital billboards to help find fugitives, such as the East Coast Rapist. To date, the FBI credits 53 apprehensions to digital billboards and calls them an effective crime fighting tool. Furthermore, since June 2008, the National Center for Missing & Exploited Children (NCMEC) has transmitted more than 800 AMBER Alerts to digital billboards and digital billboards are being used to inform the public about weather warnings, evacuation routes, and safety-related information during emergencies.

Public Service & Public Safety

On August 1, 2007, at 6:19 pm, a downtown bridge for I-35W in Minneapolis collapsed, killing almost a dozen people and creating a dangerous situation for drivers. Within minutes, a digital billboard network in the area had switched from showing advertising copy to informing drivers about the collapse. Later that evening, the digital billboards advised motorists to take alternate routes.

Indeed, digital billboards represent such a potential boost to public safety, former Homeland Security Secretary Michael Chertoff instructed FEMA to “explore other ways digital billboards might be employed as an effective enhancement to our Nation’s disaster response efforts.”

Law enforcement officials across the United States also recognize the unique abilities of digital billboards to inform citizens about dangers to the community, and to seek information. Digital billboards are used to display AMBER Alerts to help find missing children. Time is critical in resolving child abductions; digital billboards can deliver quick information to motorists.

Additionally, federal, state, and local law enforcement officials have entered into partnerships with outdoor advertising companies to show the images of wanted fugitives and other suspected criminals on digital billboards. The FBI is using digital billboards across the country, with dramatic results that started with a pilot project in Philadelphia.

Over 53 fugitives have been apprehended by the FBI based on information and alerts on digital billboards.

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:15 AM
To: Jessica Jordan
Subject: Fwd: Electronic Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: <gailo04@sbcglobal.net>
Date: February 15, 2015 at 7:51:54 AM PST
To: "mcuppy@cityofranchocordova.org" <mcuppy@cityofranchocordova.org>
Subject: Electronic Billboards

Personally, I think they should be banned.

The City Council should do their own research and not just listen to the sign companies that want to install the electronic billboards. It should not be a hasty or financial decision.

What are the effects of light pollution, public safety, etc?

Thank you
Gail Osborn
Rancho Cordova Resident for 25 years.

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:15 AM
To: Jessica Jordan
Subject: Fwd: Outdoor Digital Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: David Koenig <David.Koenig@hds.com>
Date: February 15, 2015 at 11:42:05 AM PST
To: "mcuppy@cityofranhocordova.org" <mcuppy@cityofranhocordova.org>
Subject: Outdoor Digital Billboards

Dear City Clerk Cuppy,

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you.

Dave

David R. Koenig
Hitachi Data Systems
GSS Engagement Manager

Gold River, CA
Cell: (916) 204-1195
Fax/MaxEmail: (916) 218-6341

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:14 AM
To: Jessica Jordan
Subject: Fwd: Outdoor Digital billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Ron & Corinne Jelichich <jelichich12057@sbcglobal.net>
Date: February 15, 2015 at 7:39:28 PM PST
To: <mcuppy@cityofranchocordova.org>
Subject: Outdoor Digital billboards

Dear Council Member Cuppy,
 A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors. I find the digital billboards to be a distraction when I am driving, thus a safety issue. My guess is that further research will confirm this is the case with others also.

Two years is a small time frame when addressing 25 to 50 year contracts.

I very much appreciate your considering my input.

Ron Jelichich
 916-985-3530

Dear City Clerk Mindy Cuppy

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboards proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank You.

Ron Beecher

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:14 AM
To: Jessica Jordan
Subject: Fwd: Digital Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Jeff Bowen <deuce_jeffyb@yahoo.com>
Date: February 15, 2015 at 8:55:04 PM PST
To: "mcuppy@cityofranchocordova.org" <mcuppy@cityofranchocordova.org>
Subject: Digital Billboards

Dear Clerk Cuppy,

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you.

Jeff & Kathy Bowen
2330 Vehicle Drive, Apt 95
Rancho Cordova

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:14 AM
To: Jessica Jordan
Subject: Fwd: Digital billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Personal <snowboardschmidt@yahoo.com>
Date: February 15, 2015 at 10:14:40 PM PST
To: "mcuppy@cityofranchocordova.org" <mcuppy@cityofranchocordova.org>
Subject: Digital billboards

Dear City Clerk Mindy Cuppy,

My Uncle reviewed the February 17th Rancho Cordova City Council agenda with me today. I was born and raised in Rancho Cordova and surrounding neighborhoods for the past 27 years.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you.

Jordan & Erica Schmidt
 3500 Data Driva #242
 Rancho Cordova

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:13 AM
To: Jessica Jordan
Subject: Fwd: Digital Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Michelle Schmidt <michelles@elifeadventure.org>
Date: February 16, 2015 at 7:18:00 AM PST
To: <mcuppy@cityofranchocordova.org>
Subject: Digital Billboards

Dear City Clerk Mindy Cuppy,

My husband has been actively involved with a team of community members regarding Digital Billboards. He shared with me this weekend a little about the proposals and the team. It inspired me to send this email to register my support.

I work at VSP (17 years), shop at Walmart and Safeway before coming home and exiting at the Hazel offramp. I live just over the freeway.

I support the staff recommendation of "further research". I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you for your time. I am off to work.

Michelle Schmidt
 916-718-6168

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:13 AM
To: Jessica Jordan
Subject: Fwd: Digital Billboards - 2 Yr study period recommended

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Sent from my iPad

Begin forwarded message:

From: <jrklun@comcast.net>
Date: February 16, 2015 at 9:24:50 AM PST
To: <mcuppy@cityofranchocordova.org>
Subject: Digital Billboards - 2 Yr study period recommended

City Clerk Mindy Cuppy:

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

A 2-year pause for "further research" would allow all stakeholders to be involved and help Rancho Cordova establish a prudent and wise plan for the future of Digital Billboards. Present and future Rancho Cordova residents and its neighbors deserve this consideration.

Two years is a small time frame when addressing a 25 to 50 year contractual commitment and the long-term impact on the community in exchange for what appears to be modest compensation.

Thank you for your careful consideration.

Joseph Klun
 916-985-7030

MEMORANDUM

DATE: February 17, 2015

TO: Honorable Mayor and Council Members

FROM: Jessica Jordan, Principal Planner



**SUBJECT: SIERRA OUTDOOR/CBS OUTDOOR DIGITAL FREEWAY SIGN
CONDITIONAL USE PERMIT AND OPERATING AGREEMENT; PROJECT
NO. DD8490 – LOCATED AT 12125 FOLSOM BOULEVARD.**

PROPERTY OWNER: 1988 Keyes Family Limited Partnership Ms. Lisa Keyes 12125 Folsom Boulevard Rancho Cordova, 95742	APPLICANTS: Sierra Outdoor, LLC Mr. Patrick Gardner 3445 American River Drive, Suite A Sacramento, CA 95864 CBS Outdoor Mr. Kevin Johnson 2050 W. Fremont Street Stockton, CA 95203
PROJECT:	The applicant is requesting a Conditional Use Permit and Operating Agreement for a digital freeway sign in the parking lot of the Naturwood Home Furnishing store, located at 12125 Folsom Boulevard (APN 069-0160-021-0000). The proposed digital freeway sign would be 60 feet in height and would have two digital display areas measuring 14 feet by 48 feet, for a sign area of 672 square feet on each side. Decorative pole cladding will surround the pole base. In addition to the new digital freeway sign, two traditional billboards will be removed at 11373 Folsom Boulevard and near 9847 Folsom Boulevard at the City's western city limits respectively.
FILE:	DD8490
LOCATION:	12125 Folsom Boulevard
APN:	069-0160-021-0000
PLANNER:	Jessica Jordan

RECOMMENDATION

The following recommendations provide the City Council with alternative approaches to address the proposed Digital Freeway Sign application:

1. Consistent with Council direction received on December 15, 2014, adopt Resolution 4-2015 approving the Sierra Outdoor/Outfront Media Conditional Use Permit and Operating Agreement; OR

2. Consider additional information included within the staff report and the public testimony and provide staff with alternative direction as desired.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would allow for Sierra Outdoor/Outfront Media to move forward with project construction. Alternatively, the City Council can provide other direction regarding preparation of alternate Resolutions or conducting additional research to be brought back for consideration in the future.

BACKGROUND

This item as well as Agenda Item 14.1 from Clear Channel Outdoor were first presented to the City Council on November 17, 2014. A second public hearing was held on December 15, 2014. During the public hearing, staff presented further details of the project and answered questions. The applicants provided information to the City Council as well. At the conclusion of the discussion, the City Council directed staff to prepare documents approving the Sierra Outdoor/Outfront Media project as proposed and return the item to the City Council at their January 20, 2015 meeting. The Resolution for approval is provided herein as **Attachment 1**. The City Council also continued the Clear Channel Outdoor item and directed staff to prepare documents for denial of that request.

At the January 20, 2015 City Council meeting, the City Council expressed a desire to hear additional testimony before taking action. Since the prior public hearing was previously closed, the City Council directed staff to re-notice the public hearing for this item for February 17, 2015 to allow for consideration of new information. The City Council opened the hearing and briefly discussed the item. The City Council specifically requested that staff provide an ownership map/inventory of all existing billboards within the City limits. Said map is provided herein as **Attachment 2**. Additionally, the past Council actions on the digital freeway signs Code amendments in 2012 were discussed. Councilmember Terry requested any minutes or materials from 2012, specifically from the Council ad-hoc committee, be provided within this staff report. In turn, Councilmember Budge provided a summary of the ad-hoc committee's actions from 2012. Staff has reviewed the 2012 materials and meeting videos and has found no record beyond Councilmember Budge's summary of the ad-hoc committee's work therefore, no attachments responding to this request are provided. In addition to the Council's direction to re-notice this item, the City Council advised members of the public who were interested in the two different proposals to submit any information on these items to staff ten days prior to the new Council meeting date.

Following the meeting, staff requested that the applicant, citizens, or other interested parties submit materials or additional information by February 9, 2015 for analysis prior to the public hearing. The items that were received are attached and summarized below.

ADDITIONAL INFORMATION

Staff received the following new information regarding the two different proposals: 1) letters from Sierra Outdoor/Outfront Media; 2) letters from Clear Channel Outdoor subject property owner; and 3) letters from neighborhood associations. Provided below is a brief overview of these submittals.

Sierra Outdoor/Outfront Media letters

The following table provides a summary of the project as proposed by the applicant today. In short, since the January 2015 meeting, Sierra Outdoor has added an additional sign removal to their proposal and slightly modified the financial terms of their proposal. Sierra Outdoor/Outfront Media are also alternatively willing to conform to their December 15, 2014 project. Should the City Council wish to accept this alternative proposal, Council should direct staff to modify the approving documents accordingly. Modifications would be limited to minor edits within the Conditions of Approval and Operating Agreement and could be accomplished prior to signature of the Operating Agreement. Further details are provided in **Attachment 3**.

Sierra Outdoor/Outfront Media Proposal

Installation	12125 Folsom Boulevard
Removals	11373 Folsom Boulevard 9847 Folsom Boulevard 10833 Folsom Boulevard (*new)
Conditional Signing Bonus	None
Additional Monies	\$50,000 (*new)
Annual Payments	Year 1: \$65,000 Years 2-25: \$25,000
Other	Dedicated "click" to City

Petition from Bluff City, Inc. Homeowners Association, et al

Prior to the January 20, 2015 City Council meeting, the City received a petition from the Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association, and The Classics at Gold River requesting the City Council reject the Mitigated Negative Declaration prepared for this project on the grounds that adequate notice did not occur. Staff has reviewed this petition and found that the noticing was legally adequate. The petition is provided as **Attachment 4**.

Clear Channel Outdoor Subject Property Owner Letters

Mr. John Hansen provided several letters prior to this staff report and the January 20th City Council hearing, included as **Attachment 5**. These letters contain numerous questions, of which staff can only respond to a limited few. In short, Mr. Hansen is requesting that the City Council reconsider the Clear Channel proposal and reverse the decision to deny the application. Mr. Hansen's letter makes inquiries regarding the application process, location of sign removals, safety concerns voiced by the City Council, and landscape modifications at the Naturewood site. Both this application and the proposal by Clear Channel Outdoor have been handled in the typical, legally mandated fashion. The City Council has provided many comments on the record regarding the proposed projects, expressing their opinion, and directing staff to prepare resolutions in a clear manner. The various signs proposed for removal by both applicants are located within the city limits. Safety concerns associated with digital freeway signs were discussed during the prior Council meeting and included distance between digital signs and freeway directional signs and the possible driver confusion that may result. The applicant has responded to Mr. Hansen's concerns regarding onsite trees within their letter (**Attachment 3**). Staff has reviewed this information and while the tree removal at Naturwood does not appear to be associated with the digital freeway sign project, it would have likely required Minor Design Review. There are no records that this review was conducted in the past. It would be quite difficult to conduct such a review at this point in time but, could be pursued if Council so desired.

Memorandum from Bluff City, Inc. Homeowners Association

The Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, and Save the American River Association, prepared a document entitled “Why the City of Rancho Cordova Should Not Approve Digital Billboards at This Time – A Proposal for Planning”, included as **Attachment 6**. The Memorandum was prepared by the neighborhood associations with the assistance of Mr. Jerry Wachtel. The memorandum and reference documents contain extensive information regarding digital freeway sign operation and safety. The group requests that the City Council pause and conduct more comprehensive research into various aspects of digital freeway signs prior to taking action on either the Clear Channel Outdoor or Sierra Outdoor/Outfront Media projects. The memorandum cites several deficiencies within the Mitigated Negative Declaration prepared for the project including how it has or has not addressed sign brightness and message dwell time, future capabilities of this sign type and adverse impacts on traffic safety, and misstatements within the document itself. Staff believes the originally prepared Mitigated Negative Declaration adequately addresses the anticipated impacts of the proposed project and is consistent with the City’s Code standards. However, should the Council so desire, additional study of the issues raised in **Attachment 6** could be conducted.

RECOMMENDATION

Staff recommends the City Council adopt Resolution 4-2015 adopting the Mitigated Negative Declaration and approving the Sierra Outdoor/Outfront Media Conditional Use Permit and Operating Agreement – DD8490, subject to the attached Conditions of Approval, Project Plans and Operating Agreement or direct staff to prepare an alternate Resolution or conduct further research as desired.

ATTACHMENTS

Please note, with the exception of Attachments 1 and 3, attachments provided herein are duplicate of the Clear Channel Outdoor staff report package.

1. Resolution 4-2015, including the Mitigated Negative Declaration (**Exhibit A**), Conditions of Approval (**Exhibit B**), Project Plans (**Exhibit C**), and Operating Agreement (**Exhibit D**)
2. City map of existing traditional and digital billboards and ownership
3. Sierra Outdoor/Outfront Media Letters submitted February 9, 2015
4. Petition to Reject the August 2014 Mitigated Negative Declaration from Bluff City, Inc. Homeowners Association, et al dated January 19, 2015
5. Letters from Mr. John Hansen dated January 6, 2015, January 19, 2015, and February 6, 2015
6. Memorandum from Residents of Rancho Cordova, Bluff City, Inc. Homeowners Association, et al dated February 6, 2015

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 4-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE SIERRA
OUTDOOR/OUTFRONT MEDIA LLC DIGITAL FREEWAY SIGN CONDITIONAL USE
PERMIT AND OPERATING AGREEMENT – DD8490**

WHEREAS, the applicant for the Sierra Outdoor/Outfront Media LLC Digital Freeway Sign project (“Project”) has applied to the City of Rancho Cordova (“City”) for a Conditional Use Permit and Operating Agreement for the installation of a Digital Freeway Sign, located at 12125 Folsom Boulevard; and

WHEREAS, the City’s Zoning Code allows for the installation of Digital Freeway Signs in certain specified locations and subject to specific development standards; and

WHEREAS, the proposed project has been analyzed and complies with all applicable development standards identified in the City’s Zoning Code; and

WHEREAS, the City determined that the project was subject to the California Environmental Quality Act (CEQA) and prepared an Initial Study pursuant to CEQA, attached hereto as **Exhibit A** and incorporated herein by reference, evaluating the potential environmental effects of the project; and

WHEREAS, the City determined the project would not result in any environmental impacts as identified in the Mitigated Negative Declaration/Initial Study; and

WHEREAS, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on August 15, 2014 and the Notice was published in the *Grapevine Independent*, posted at the Sacramento County Clerk’s Office, distributed through the State Clearinghouse, and posted at the City offices, pursuant to CEQA Guidelines, Section 15072. A 30-day review and comment period for the Mitigated Negative Declaration opened on August 15, 2014 and closed September 15, 2014. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City received two written comment letters within the 30-day public review period and responded to the comment in the project staff report; and

WHEREAS, the City has considered the comments received during the public review period and it does not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

WHEREAS, the City Council has reviewed the Initial Study, and the Mitigated Negative Declaration and find that these documents reflect its independent judgment; and

WHEREAS, on November 17, 2014 and December 15, 2014, the City Council held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the public, and deliberated on the item.

ATTACHMENT 1

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does resolve:

Section 1. Recitals. The foregoing recitals are true and correct and made a part of this Resolution.

Section 2. Findings. The City Council hereby finds that:

- A. **CEQA Compliance.** The City has reviewed and considered the proposed project and has determined that the project will not have a significant effect on the environment, with substantial supporting evidence provided in the Initial Study. The City prepared and hereby adopts the attached Mitigated Negative Declaration, as **Exhibit A** for this project, and will file a Notice of Determination with the appropriate County agency.
- B. **Conditional Use Permit.** In order for a CUP to be granted for the Digital Freeway Sign, the project must meet the required findings documented in Code Section 23.134.030. The following are each of the required findings and the evidence to support them:

- a. Finding: The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

Evidence: The project site is currently developed with a parking lot and retail furniture store. The site is flat and visible from State Route 50. Access, topography, and location are optimal for the proposed Digital Freeway Sign. The subject property is sufficiently spaced from the freeway directional signs so as to not cause concern about driver decision-making and safety hazards in this location. The sign would be equipped with an automatic light sensor and brightness control that would eliminate excessive brightness and glare during night hours. Noise, erosion, odor, and dust are not concerns associated with a project of this type. Aesthetic considerations have been analyzed and are appropriately addressed by project components.

- b. Finding: The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards or other reasonable conditions of approval.

Evidence: No substantial negative impacts to adjacent properties are anticipated as a result of this project. The aesthetics of the area will remain mainly the same, with the proposed Digital Freeway Sign being located within an existing parking lot island. No vegetation will be removed from the property to accommodate the sign. Standards regarding sign illumination and messaging standards will ensure that no negative or visually confusing effects are caused by the proposed sign.

ATTACHMENT 1

- c. Finding: All required public facilities have adequate capacity to serve the proposal.

Evidence: The site is currently served with electricity, which will be extended to provide support to the proposed Digital Freeway Sign. No additional public facilities are required by the project.

- d. Finding: The project meets the requirements of the Zoning Code including development standards, design guidelines, and special use provisions.

Evidence: The proposed project has been analyzed and is consistent with all applicable Code standards as demonstrated in **Exhibits B and C**. The Applicant's proposed Operating Agreement, attached as **Exhibit D** and incorporated herein, will cause the Digital Freeway Sign to comply with the applicable standards. The project would result in the removal of two traditional billboards within the City limits: one within the State Route 50 corridor and one within the City proper. The Operating Agreement establishes a schedule and duty to provide the City with additional community benefits, mainly monetary contributions, to be used throughout the community to offset the aesthetic impacts of the project.

- e. Finding: If structures and site plans are considered nonconforming, the elements of a project that are nonconforming have been brought into compliance with the Zoning Code.

Evidence: The project is not considered nonconforming.

- C. **Operating Agreement.** The Applicant has voluntarily proposed to enter into an Operating Agreement with the City to memorialize the proposed sign and regulate usage of the sign. The Applicant's proposed Operating Agreement, attached as **Exhibit D**, will memorialize the agreements made to support approval of the project.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____ 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

SIERRA OUTDOOR DIGITAL SIGN AT NATURWOOD CONDITIONAL USE PERMIT AND OPERATING AGREEMENT PROJECT

Initial Study/Mitigated Negative Declaration



2729 Prospect Park Drive
Rancho Cordova, CA 95670

August 2014

INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION
FOR
SIERRA OUTDOOR SIGN AT NATURWOOD
CONDITIONAL USE PERMIT AND OPERATING
AGREEMENT PROJECT
CITY OF RANCHO CORDOVA, CALIFORNIA

Prepared by:

THE CITY OF RANCHO CORDOVA
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Phone: (916) 851-8700
Fax: (916) 851-8787

AUGUST 2014

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INTRODUCTION

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This document is an Initial Study and Mitigated Negative Declaration (IS/MND) prepared pursuant to the California Environmental Quality Act (CEQA) for the proposed Sierra Outdoor Digital Sign at Naturwood Conditional Use Permit and Operating Agreement project (hereafter referred to as the proposed project). This IS/MND has been prepared in accordance with CEQA, Public Resources Code Section 21000 et seq., and the State CEQA Guidelines.

An initial study is conducted by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with the CEQA Guidelines Section 15064, an environmental impact report (EIR) must be prepared if the initial study indicates that the project under review may have a potentially significant impact on the environment. A negative declaration may be prepared instead, if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment and therefore why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) *The Initial Study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or*
- b) *The Initial Study identified potentially significant effects, but:*
 - 1) *Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
 - 2) *There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.*

In this case, the Initial Study shows that there is no substantial evidence, in the light of the whole record, that the proposed project may have a significant effect on the environment. Therefore, a Mitigated Negative Declaration has been prepared.

The Rancho Cordova City Council certified the Rancho Cordova General Plan EIR (GP EIR) on June 26, 2006 (State Clearinghouse Number 2005022137). The GP EIR was prepared as a program EIR pursuant to CEQA Guidelines Section 15168.

The proposed project is within the scope of activities and land uses studied in the GP EIR. However, specific information about the proposed project was not known at the time of the preparation of the GP EIR, and the project-specific impacts resulting from implementation of the proposed project were not fully identified in the GP EIR. Therefore, additional analysis and potential mitigation of the environmental effects of the proposed project are required. CEQA Guidelines Section 15183 provides guidance as to the scope of this subsequent analysis. CEQA Guidelines Section 15183 states:

- a) *CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might*

1.0 INTRODUCTION

be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

- b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those, which the agency determines, in an Initial Study or other analysis:*
- 1) Are peculiar to the project or the parcel on which the project would be located.*
 - 2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent.*
 - 3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
 - 4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

This IS/MND addresses project-specific impacts that were not fully addressed in the GP EIR. Additionally, this IS/MND summarizes the City's findings relating to the GP EIR and how the criteria set forth in CEQA Guidelines Section 15183 have been met.

The GP EIR analyzed the environmental effects of the implementation of the twelve policy elements of the General Plan. The twelve policy elements concentrated on providing policy guidance in the following areas:

- Land Use
- Urban Design
- Economic Development
- Housing
- Circulation
- Open Space, Parks, and Trails
- Infrastructure, Services, and Finance
- Natural Resources
- Cultural and Historic Resources
- Safety
- Air Quality
- Noise

In adopting the General Plan and certifying the GP EIR as complete and adequate, the City Council adopted findings of fact and a statement of overriding considerations for those impacts that could not be mitigated to less than significant levels.

Impacts deemed in the GP EIR to be significant and unavoidable included the following:

- Conflicts with applicable land use plans
- Various impacts on agricultural land
- Conflicts with Williamson Act contracts
- Substantial population, housing, and employment growth
- Deficient traffic level of service by 2030
- Worsening of already unacceptable operations on US-50

- Conflicts with the Regional Ozone Attainment Plan
- Significant construction-based pollutant emissions
- Significant operational pollutant emissions
- Significant emissions of toxic air contaminants
- Creation of construction, traffic, and operational noise above standards
- Creation of new noise-sensitive land uses within airport noise areas
- Loss of availability of aggregate resources
- Impacts on water supply (both availability of water and infrastructure required)
- Impacts to habitat and individuals of special-status species
- Impacts to raptors, migratory birds, and other wildlife
- Impacts to jurisdictional waters of the United States
- Impacts to animal movement corridors
- Loss of native and landmark trees
- Disturbance of cultural resources and human remains
- Environmental impacts resulting from the need for more wastewater infrastructure
- Degradation of the existing visual character of the area

The GP EIR also identified several cumulative impacts that would be cumulatively considerable and significant and unavoidable, including the following:

- Conflicts with area land use plans
- Conversion of farmland to other uses and agricultural/urban interface conflicts
- Substantial population, housing, and employment growth
- Significant impacts to area traffic level of service
- Increases in regional ozone and particulate matter emissions
- Increases in regional traffic and operational noise
- Cumulative loss of mineral resources
- Increased regional demand for water supply and need for water infrastructure
- Cumulative loss of biological resources
- Cumulative loss of cultural resources
- Increases in wastewater treatment capacity and infrastructure
- Changes in area visual character and landscape

Detailed information regarding both the project impacts and cumulative impacts identified above is included in the GP EIR. The GP EIR is available online at <http://gp.cityofranhocordova.org> and on request at the City at the following address:

City of Rancho Cordova
Planning Department
2729 Prospect Park Drive
Rancho Cordova, CA 95670

In accordance with CEQA Guidelines Section 15183, a discussion of each of the impacts found to be significant in the GP EIR and the relative impact of the proposed project in each of those categories is provided in this IS/MND. This IS/MND incorporates the GP EIR by reference.

1.0 INTRODUCTION

1.2 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project.

Because the proposed project is to be carried out by a private development company and because the City of Rancho Cordova has general governmental powers over the proposed project, the lead agency for the proposed project is the City of Rancho Cordova.

1.3 PURPOSE AND ORGANIZATION OF THE DOCUMENT

The purpose of this IS/MND is to evaluate the potential environmental impacts of the proposed project.

This document is divided into the following sections:

1.0 Introduction – Provides an introduction and describes the purpose and organization of this document.

2.0 Project Description – Provides a detailed description of the proposed project.

3.0 Environmental Setting, Impacts, and Mitigation Measures – Describes the environmental setting for each of the environmental subject areas (as described in Appendix G of the CEQA Guidelines), evaluates a range of impacts classified as “no impact,” “less than significant impact,” or “less than significant impact with mitigation incorporated” in response to the environmental checklist, and provides mitigation measures, where appropriate, to mitigate potentially significant impacts to a less than significant level.

4.0 Cumulative Impacts – Provides a discussion of cumulative impacts of the proposed project.

5.0 Determination – Provides the environmental determination for the proposed project.

6.0 Report Preparation and Consultations – Identifies staff and consultants responsible for preparation of this document.

7.0 References – Provides a list of references used to prepare the IS/MND.

1.4 REGULATORY FRAMEWORK AND ASSUMPTIONS

The proposed project is subject to the policies and designations of the City of Rancho Cordova General Plan (hereafter referred to as the General Plan). For the purposes of this document, GP EIR refers to the entirety of the General Plan EIR, GP FEIR refers to the Final EIR for the General Plan, and GP DEIR refers to the Draft EIR for the General Plan. The proposed project is also subject to the applicable provisions of the City’s Municipal Code, the California Building Code, and other local, state, and federal regulations related to digital freeway signs.

PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed project includes the development of an outdoor digital freeway sign to be located on the site of an existing furniture store (Naturwood Home Furnishings) at 12125 Folsom Boulevard (APN 069-0160-021) (hereafter installation site). The proposed digital freeway sign would be installed within an existing parking lot island in the site's southwestern end, adjacent to US Highway 50 (US-50). The sign would be visible to both eastbound and westbound travelers on US-50 and would be located approximately 2,200 feet west of the Hazel Avenue/US-50 off-ramp in northeastern Rancho Cordova (see **Figure 1** and **Figure 2**).

The proposed project also includes removal of two existing traditional billboards. One is located at 11373 Folsom Boulevard, adjacent to the south side of Folsom Boulevard and US-50, in the Folsom RV parking lot. The other billboard to be removed is located at 9847 Folsom Boulevard, on the north side of the roadway, near a drainage ditch and an electrical substation.

2.2 PROJECT CHARACTERISTICS

The proposed project includes a Conditional Use Permit and Operating Agreement for construction of a digital freeway sign on the site of the existing Naturwood Home Furnishings (APN 069-0160-021). The installation site is located in the City's Digital Freeway Signs Overlay area, as identified in Figure 23.743-8 of the Rancho Cordova Zoning Code. The installation site and the surrounding areas are zoned Light Industrial (M-1). The site is fully developed with a large structure, a parking lot, and landscaping.

The proposed digital freeway sign would be 60 feet in height and would have two digital display areas, measuring 14 feet by 46 feet for a sign area of 644 square feet on each side. Decorative pole cladding would surround the center-mounted pole base (see **Figure 3**). The sign faces would be oriented for optimal viewing by travelers in both directions along US-50 and Folsom Boulevard. Each sign would provide digital messaging, at a change frequency of no less than 8 seconds per message, primarily for commercial enterprise. The sign would also provide emergency responders and the City with access to the message board for emergency messaging (such as Amber Alerts) and other community messaging.

The highest level of illumination, approximately 10 foot-candles, occurs immediately perpendicular to and at the sign face. Foot-candles taper off with distance from the sign face; at 250 feet, illumination would be no more than 0.3 foot-candles, basically equal to ambient light levels. Illumination would be directed such that minimal light spill would occur on either side or the top or bottom of the sign face. The project applicant indicates that the digital freeway sign would be provided 100 amp (amperage) service from the electricity provider. This is approximately one-half of the amperage provided to most residential homes (200 amperage). The sign is estimated to utilize, based on the current technology, approximately 120,000 kilowatt-hours (kWh) per year of electricity, based on a monthly average of 10,000 kWh. The average annual electricity consumption for a residential utility customer in 2012 in the United States was 10,837 kWh, an average of 903 kWh per month (EIA 2014).

Overall construction of the proposed digital freeway sign is anticipated to begin in fall 2014 and would take approximately two weeks to complete. No grading or paving would be required. Construction equipment required would include a bore/drill rig and crane.

As required by the Zoning Code standards regulating digital freeway signs, the project would also include removal of two traditional billboards. The proposed removal of the traditional billboards would include removal of the footing below grade, some filling of the area where the

2.0 PROJECT DESCRIPTION

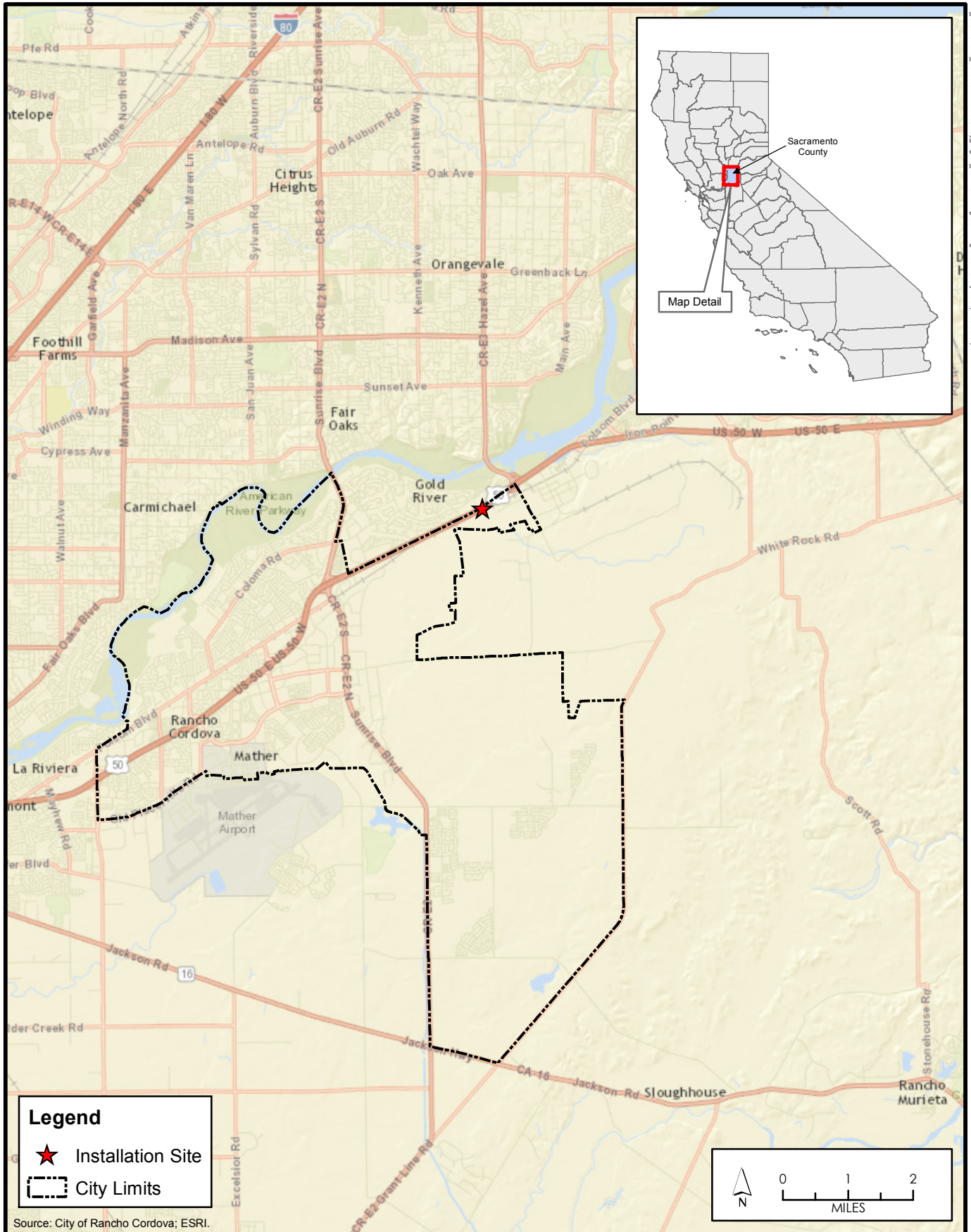
poles are removed, and a return of the surface to that of the surrounding area. The 11373 Folsom Boulevard site is in a paved lot, so minor repaving would be necessary in the surrounding parking lot. The 9847 Folsom Boulevard site is located at the edge of an undeveloped parcel that has recently been disked. It is located west of a fence that separates that parcel from a concrete-lined drainage ditch. Scrub oaks are located on the other side of the fence. The project does not propose removal of any oaks. The project applicant would also enter into an operating agreement with the City consistent with Zoning Code standards.

2.3 REQUIRED PROJECT APPROVALS

The proposed project consists of the following application requests:

- Conditional Use Permit
- Operating Agreement

Following issuance of the City's Conditional Use Permit approval and building permit for the proposed digital freeway sign, the project applicant would apply for and be issued a permit from the California Department of Transportation (Caltrans) prior to sign installation.



City of Rancho Cordova
Planning Department

Figure 1
Regional Vicinity

2.0 PROJECT DESCRIPTION

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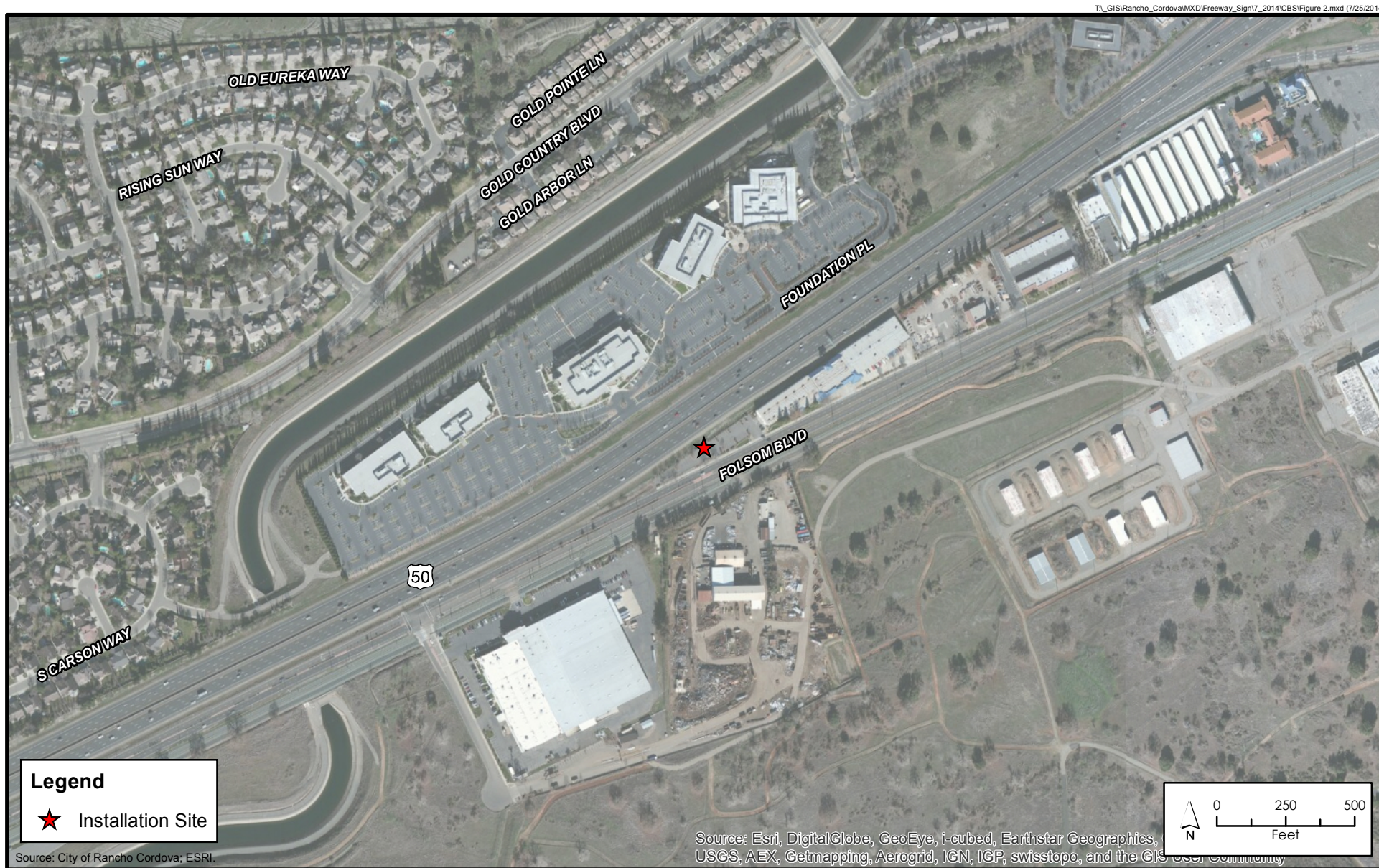


Figure 2

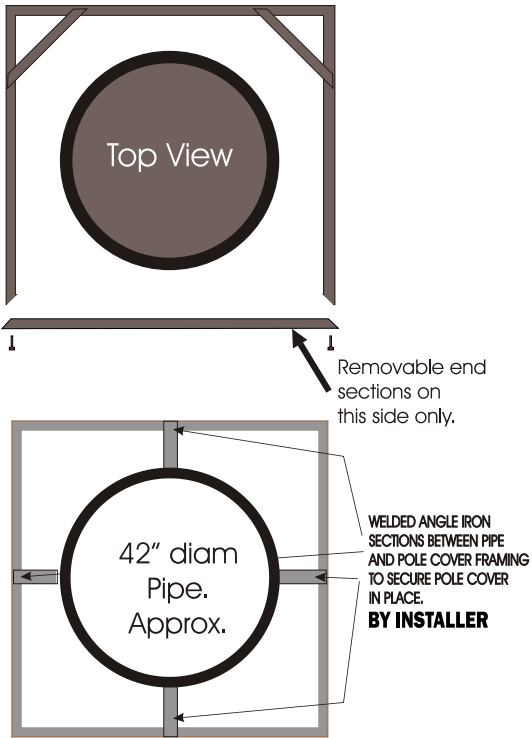
Installation Site Location



2.0 PROJECT DESCRIPTION

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T:\CS\Work\Rancho Cordova City of Clear Channel Electronic Sign\Figures

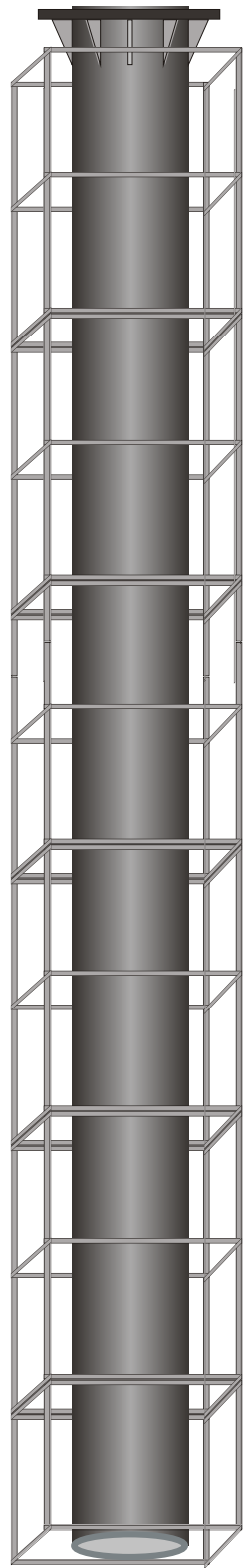


Fabricate and install one 5' x 5' x 38' tall pole cover for new billboard.
Internal angle to be 1-1/2" x 1/1/2" x 3/16".

Outer skin to be .090 aluminum,
Painted Mathews "Brushed Aluminum". Satin finish.
1/2" tall inset reveals painted same color as pole cover.

CBS copy on both sides to be routed out of aluminum and backed with blue acrylic. 4" deep light box pan with white LED's mounted behind routed opening. 20" x 44" overall.

Pole cover to be welded to pipe as noted in diagram.



FRONT VIEW SHOWING
EXAMPLE OF APPROX. PLACEMENT
OF INTERNAL
ANGLE IRON FRAMING



Source: Equity Sign Group

Figure 3
Proposed Sign Design
PMC

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Westbound



Eastbound

Source: Clear Channel

Figure 4
Simulated View of Proposed Sign



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ENVIRONMENTAL SETTINGS, IMPACTS, AND MITIGATION MEASURES

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

3.1 INTRODUCTION

This section provides an evaluation of the potential environmental impacts of the proposed project, including the CEQA Mandatory Findings of Significance. There are 17 specific environmental issues evaluated in this chapter. Cumulative impacts to these issues are evaluated in Section 4.0. The environmental issues evaluated in this chapter include:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

For each issue area, one or two of five conclusions is made, as appropriate:

- **No Impact:** No project-related impact to the environment would occur with project development.
- **Less Than Significant Impact:** The proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- **Less Than Significant Impact With Mitigation Incorporated:** The proposed project would result in an environmental impact or effect that is potentially significant, but the incorporation of mitigation measure(s) would reduce the project-related impact to a less than significant level.
- **Potentially Significant Impact:** The proposed project would result in an environmental impact or effect that is potentially significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- **Reviewed Under Previous Document:** The impact has been adequately addressed in previous environmental documents, and further analysis is not required. The discussion will include reference to the previous documents.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

3.2 INITIAL ENVIRONMENTAL STUDY

1. **Project Title:** Sierra Outdoor Digital Sign at Naturwood Conditional Use Permit and Operating Agreement
2. **Lead Agency Name and Address:** City of Rancho Cordova
2729 Prospect Park Place
Rancho Cordova, CA 95670
3. **Contact Person and Phone Number:** Jessica Jordan; (916) 851-8756
4. **Project Location:** The project (installation) site is located at 12125 Folsom Boulevard, adjacent to eastbound US Highway 50, west of Hazel Avenue, in Rancho Cordova. Existing billboards would be removed at 11373 Folsom Boulevard and 9847 Folsom Boulevard.
5. **Project Sponsor's Name and Address:** Sierra Outdoor, LLC
Vinton Hawkins
3445 American River Drive, Suite A
Sacramento, CA 95864
(916) 974-3355
6. **Current Zoning:** Light Industrial (M-1)
Digital Freeway Signs Overlay
7. **General Plan Designation:** Folsom Boulevard Planning Area
8. **APN Number(s):** 069-0160-021
9. **Description of the Project:** See Section 2.2 of this IS/ND.
10. **Surrounding Land Uses and Setting:** See Section 2.2 of this IS/ND.
11. **Other public agencies whose approval may be required:** (e.g., permits, financing approval, or participation agreement)
 - California Department of Transportation (Caltrans)

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the proposed project, involving at least one impact that is a “Less Than Significant Impact With Mitigation Incorporated” or “Potentially Significant/Reviewed Under Previous Document” as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| ☐ Aesthetics | ☐ Greenhouse Gas Emissions | ☐ Population and Housing |
| ☐ Agriculture and Forest Resources | ☐ Hazards and Hazardous Materials | ☐ Public Services |
| ☐ Air Quality | ☐ Hydrology and Water Quality | ☐ Recreation |
| ☒ Biological Resources | ☐ Land Use and Planning | ☐ Transportation/Traffic |
| ☐ Cultural Resources | ☐ Mineral Resources | ☐ Utilities and Service Systems |
| ☐ Geology and Soils | ☐ Noise | ☐ Mandatory Findings of Significance |

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources cited. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to a project like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect, and construction as well as operational impacts.
- 3) A “Less Than Significant Impact” applies when the proposed project would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- 4) “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 5) “Less Than Significant Impact With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The initial study must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.
- 6) “Reviewed Under Previous Document” applies where the impact has been evaluated and discussed in a previous document. Discussion will include reference to the previous documents. If an impact is reviewed under a previous document, an impact of “Potentially Significant” does not necessarily require an EIR. If the program EIR identified a significant and unavoidable impact and the proposed project was adequately described in the program EIR, an impact of “Potentially Significant/Reviewed Under

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Previous Document” does not require an EIR, pursuant to Public Resources Code Section 21083.3.

- 7) Earlier analyses may be used where, pursuant to the tiering, program environmental impact report, or other CEQA process, an impact has been adequately analyzed in an earlier EIR or negative declaration.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
I. AESTHETICS. Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☒

EXISTING SETTING

The installation and removal sites are located in the Folsom Boulevard Planning Area and is zoned for and predominated by light industrial/commercial development. This area is surrounded by additional industrial and commercial lands. The installation site itself is developed as a Naturwood Home Furnishings store and associated parking lot and landscaping. The 11373 Folsom Boulevard site is in a paved lot and would involve minor repaving in the surrounding parking lot. The 9847 Folsom Boulevard site is located at the edge of an undeveloped parcel that has recently been disked. It is located west of a fence that separates that parcel from a nearby drainage ditch. Scrub oaks are located on the other side of the fence. The project does not propose removal of any oaks.

DISCUSSION OF IMPACTS

- a) *No Impact/Reviewed Under Previous Document.* The Rancho Cordova General Plan Environmental Impact Report (GP EIR) identified that impacts to scenic vistas in the city would be less than significant (GP DEIR, p. 4.13-6). The primary scenic vistas identified in the city occur along the American River in the vicinity of the American River Parkway Plan (GP DEIR, p. 4.13-6). The American River Parkway Plan is currently under the jurisdiction of the Sacramento County Municipal Services Agency Department of Regional Parks, Recreation, and Open Space. Because the American River Parkway Plan is not under the jurisdiction of the City of Rancho Cordova, the American River Parkway cannot be modified by development projects in the city.

The proposed project includes installation of a digital freeway sign along the US-50 corridor and removal of two existing traditional billboards along Folsom Boulevard. The installation site is not visible from the American River Parkway; therefore, no impact to scenic vistas would occur.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

- b) *No Impact/Reviewed Under Previous Document.* The GP EIR found that no highways in the Planning Area were designated by state or local agencies as scenic highways (GP DEIR, p. 4.13-6).

See Response I(a). The installation site is not located in a scenic highway corridor. Therefore, there would be no impact.

- c) *Less Than Significant Impact/Reviewed Under Previous Document.* Impacts relating to the alteration of visual character in the city were identified in the GP EIR and were predominantly associated with the urbanization of the rural and undeveloped portions of the city and areas east of the incorporated boundaries (GP DEIR, pp. 4.13-8 through -10). Impacts of the General Plan to visual resources were found to be significant and unavoidable (GP DEIR, p. 4.13-10).

The proposed project includes installation of a digital freeway sign along the heavily urbanized US-50 corridor and removal of two existing traditional billboards along Folsom Boulevard. The project is anticipated to change the visual nature and character of the surroundings in a manner anticipated by and consistent with urbanization considered in the General Plan.

The proposed sign would introduce illumination, changing messages, and a 60-foot-tall structure to the installation site, which currently does not contain any signage, illumination, or tall structures. However, the US-50 corridor is heavily urbanized and the installation site is surrounded by commercial and industrial uses, utility lines, and street lighting. In addition, the project includes removal of two existing traditional billboards. The anticipated visual changes would be in character with the area and therefore would not be considered to substantially degrade surrounding views.

The City's standards for digital freeway signs ensure that these signs do not cause substantial visual impacts by limiting their size, height, and sign face area, requiring that the illumination be limited to 0.3 foot-candles at 250 feet and that the light levels be responsive to the changes in ambient light that naturally occur in a 24-hour period (i.e., self-dimming). Adherence to these standards would be ensured through the Conditional Use Permit and building permit processes; therefore, visual impacts to the site surroundings would be less than significant.

- d) *Less Than Significant Impact/Reviewed Under Previous Document.* Impacts relating to light and glare were identified in the GP EIR and were related to reflective glare from new structures built under the General Plan and the introduction of new sources of light associated with development and redevelopment of the city (GP DEIR, p. 4.13-13). Areas of the city and the City's Planning Area that are currently undeveloped would see the majority of the impact due to the current lack of reflective surfaces and light sources in undeveloped areas (GP DEIR, p. 4.13-14). Due to design guidelines adopted by the City and with adherence to City Policy UD.4.2, impacts of the General Plan due to light and glare were found to be less than significant.

The proposed installation of a digital freeway sign would introduce new and/or increased sources of light and glare to the surrounding area. Digital billboards utilize light-emitting diode (LED) technology to display messages on a display screen. The proposed sign would include two sign faces, oriented in opposite directions, to be viewed by east- and westbound traffic on US-50 and Folsom Boulevard. As required by the City's Zoning Code, light levels of the digital billboard would not exceed 0.3 foot-candles over ambient light

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

levels at 250 feet from the sign face. Existing and future residential uses are more than 1,000 feet away from the installation site and across US-50, which is well beyond 250 feet from the proposed digital freeway sign. There are no other light-sensitive uses near the installation site. In order to ensure a consistent illumination not to exceed 0.3 foot-candles, the digital freeway sign would be equipped with light sensors to adjust light conditions to respond to the changing ambient light levels in a 24-hour period. The digital display may, in certain conditions, be brighter in the daytime than in darkness. The signs would also be required to comply with Caltrans standards for digital billboards, which include restrictions on lighting such that it not be directed at motorists at an intensity or brightness that is blinding or confusing.

Given the requirements for light level control and the responsiveness of the digital freeway sign to ambient light levels, as well as the removal of light sources from the two existing traditional billboards in the city limits, impacts related to new sources of light and glare would be less than significant.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	☐
d) Result in the loss of forestland or conversion of forestland to non-forest use?	☐	☐	☐	☒	☐
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

- a-e) *No Impact.* Both the installation and removal sites are located on a parcel that is zoned for industrial uses and is developed with an existing, actively used commercial/light industrial use. Surrounding uses consist primarily of additional commercial and industrial facilities. The sites are located in an urban area of the city and are not adjacent to any identified farmland. Additionally, the sites are not considered forestland, are not zoned for forestry use, and are not actively utilized as a forestry operation. Therefore, the proposed project would not involve any changes in the existing environment that could result in the conversion of farmland to nonagricultural use, result in a conflict with a Williamson Act contract or any existing agricultural use, or adversely impact designated forestland. There would be no impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project is nonattainment under applicable federal or state ambient air quality standards?	☐	☐	☒	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

- a) *Less Than Significant Impact/Reviewed Under Previous Document.* The Sacramento area is currently out of compliance with federal requirements for 8-hour ozone air quality standards and 1-hour ozone air quality standards. The region is in compliance with all other emissions standards. The Sacramento Metropolitan Air Quality Management District (SMAQMD) released the final Sacramento Regional Nonattainment Area 8-Hour Ozone Rate-of-Progress Plan (Ozone Plan) in February 2006. According to the GP EIR, projected buildout of the Rancho Cordova General Plan Planning Area would be consistent with the assumptions used during preparation of the Ozone Plan (GP FEIR, pp. 4.0-5 through -6). However, because no feasible methods currently exist to completely offset air pollutant emission increases from land uses under the General Plan, the impact of the General Plan was considered to be significant and unavoidable (GP FEIR, p. 4.0-6).

In order to assist local agencies and municipalities with analyzing project-specific impacts to air quality and compliance with local air district attainment plans, the SMAQMD (2009) published the Guide to Air Quality Assessment in Sacramento County. This guide includes information on significance and mitigation for common air emissions issues. Additionally, the SMAQMD will review all development projects, including the proposed project, to ensure their compliance with local, state, and federal plans. The SMAQMD does include a specific screening standard for this type of project. However, considering the proposed project is not a trip-generating land use, other than 6–8 maintenance trips to the digital sign per year, the proposed project's operational air quality emissions would not exceed any SMAQMD threshold. In addition to these limited maintenance trips, it is important to note that the removal of two existing billboards included in the project would result in reduced maintenance trips for those signs, resulting in no net increase of trips related to signs in the area.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

In the short term, construction activities to install the proposed digital freeway sign and to remove the existing traditional billboards would include minimal land disturbance, which may generate some dust or PM₁₀ (particulate matter of 10 microns in size or less) pollutants. Construction would utilize minimal equipment (bore/drill rig and crane) for approximately two weeks. Considering these very limited construction activities, the proposed project's construction-related air quality emissions would not exceed SMAQMD thresholds of significance. Therefore, construction and operation of the proposed digital freeway sign would not interfere with the SMAQMD Ozone Plan, and impacts would be less than significant.

- b) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR identified potential air quality impacts from both construction and operation of new development in the city (GP DEIR, pp. 4.6-17 through -26). While policies, actions, and mitigation were included in the GP EIR, development in the Planning Area would still be intensified from current conditions. Therefore, significant and unavoidable impacts were expected as a result of the General Plan (GP DEIR, pp. 4.6-20 and -26).

See Response III(a). Sacramento County is a known area of nonattainment for state and federal standards for carbon monoxide (CO), ozone, and PM₁₀. Construction of the proposed project would result in temporary generation of emissions of reactive organic gases (ROG), nitrogen oxide (NO_x), and PM₁₀. Construction-related emissions would be produced from construction equipment exhaust and minor ground disturbance. Construction emissions from the proposed project would fall well below the SMAQMD thresholds for NO_x and PM₁₀. According to the standards set forth in the SMAQMD Guide to Air Quality Assessment, a site over 5.1 acres would generate PM₁₀ that would require mitigation. The proposed project does not require grading and in turn would not exceed threshold PM₁₀ levels from soil erosion and dust generation. This impact would be less than significant.

- c) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR identified that increases in ozone precursors (NO_x and ROG) would result in significant and unavoidable impacts on the region's status of nonattainment (GP DEIR, pp. 4.6-17 through -26). See Responses III(a) and III(b) for more information on the GP EIR findings related to ozone precursors.

See Responses III(a) and III(b) for project-specific discussion. This impact would be less than significant.

- d) *Less Than Significant Impact/Reviewed Under Previous Document.* Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The GP EIR identified potential impacts to sensitive receptors due to both mobile and stationary sources of toxic air contaminants (TACs) and odors. Impacts of the General Plan from TACs were reduced by City policies and action items, but the impact remained significant and unavoidable (GP DEIR, p. 4.6-31). Impacts to sensitive receptors from exposure to odors were reduced by City policies and action items to a less than significant level (GP DEIR, p. 4.6-33).

See Responses III(a) and III(b) for project-specific discussion. Project construction would include minimal emissions from construction equipment. The proposed digital freeway sign would be located in an area occupied by industrial and commercial development, not in proximity to any sensitive receptors. This impact would be less than significant.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

- e) *No Impact.* The proposed digital freeway sign does not include any element that would produce odor. There would be no impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
IV. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☒
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☒
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☒

EXISTING SETTING

The installation site is developed as a furniture store and associated parking lot and landscaping. On-site landscaping generally includes ornamental trees, shrubs, and turf in parking lot islands. The 11373 Folsom Boulevard site is in a paved lot with no plants or other habitat present. The 9847 Folsom Boulevard site is located at the edge of an undeveloped parcel that has recently been graded. Scrub oaks are located near this billboard. The project does not propose removal of any oaks.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

DISCUSSION OF IMPACTS

- a) *Less Than Significant Impact With Mitigation Incorporated/Reviewed Under Previous Document.* The GP EIR identified potential direct and indirect impacts to special-status species as a result of the implementation of the General Plan (GP DEIR, pp. 4.10-34 through -48). While City policies and action items would mitigate much of the impact of the General Plan, widespread development of undeveloped portions of the General Plan Planning Area, as well as construction of the Circulation Plan, would result in a net loss of biological resources. Therefore, the General Plan was found to result in significant and unavoidable impacts to special-status species (GP DEIR, pp. 4.10-43 and -48).

The Folsom Boulevard Planning Area is almost entirely urbanized, containing light industrial, retail, office, and residential uses. The installation site has been developed with a commercial use and is primarily surrounded by other existing commercial and industrial uses, resulting in the elimination of the majority of biological resources in the area. However, the installation site contains landscaping including trees, one of which would be removed as part of the proposed project. The project would also include removal of two traditional billboards: one is located in an asphalt parking lot, and the other is located near trees and a concrete-lined drainage ditch. The tree to be removed on the installation site could provide nesting sites for raptors and/or migratory birds. The two billboards that would be removed could also have areas that are suitable for nesting sites, as could the scrub oaks near the billboard at 9847 Folsom Boulevard. It is not anticipated that tree or billboard removal would occur during the nesting season, but if it were to occur during that time, it could affect occupied nests. This would be a significant impact. Implementation of mitigation measure **MM BIO-1** would mitigate this impact to a less than significant level by requiring preconstruction nesting bird surveys and appropriate measures to ensure the protection of any such birds and their nests, if present. Therefore, this impact would be less than significant with mitigation incorporated. The removal site at 11373 Folsom Boulevard is a paved parking lot and does not contain any biological resources.

Mitigation Measures

- MM BIO-1** If tree removal and/or construction activities are proposed at the installation site or billboard removal at the 9847 Folsom Boulevard removal site during the nesting season for local avian species (typically March 1 through August 31), the project applicant shall retain a qualified biologist to conduct a focused survey for active nests of migratory birds and raptors in the tree proposed for removal, in the billboards, and in the oaks adjacent to the 9847 Folsom Boulevard billboard within 14 days prior to construction initiation. If no active nests are found, no further mitigation is required. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days. If an active nest is located in the tree proposed for removal or in the trees adjacent to the billboard at 9847 Folsom Boulevard, no trees or other vegetation shall be removed and construction activities shall not commence until the nest(s) is abandoned by the birds (normally after September 1). If nests are found in the billboard, billboard removal shall not commence until the nest(s) is abandoned by the birds (normally after September 1).

Timing/Implementation: Within 14 days of construction initiation

Enforcement/Monitoring: City of Rancho Cordova Planning Department

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

- b) *No Impact/Reviewed Under Previous Document.* See Response IV(a) for information on identified impacts of the General Plan on special-status species. The GP EIR combined discussion of special-status species impacts to include impacts to habitat as well as to individuals of special-status species. Impacts to habitat from the implementation of the General Plan occurred for the same reasons and in the same intensity as impacts to individuals of any special-status species (GP DEIR, pp. 4.10-34 through -48).

See Response IV(a) for project-specific discussion. The sites are developed with urban uses and does not contain any riparian habitat or other sensitive natural communities. There would be no impact.

- c) *No Impact/Reviewed Under Previous Document.* The GP EIR addressed potential direct and indirect impacts to jurisdictional waters of the United States (jurisdictional waters) as a result of widespread development of the General Plan Planning Area (GP DEIR, pp. 4.10-52 through -56). Policies and action items included in the General Plan would reduce impacts to jurisdictional waters, especially Policy NR.2.1, which requires no net loss of wetlands (GP DEIR, p. 4.10-56). While no net loss of wetlands will occur regionally, some loss of jurisdictional waters will occur in the General Plan Planning Area (GP DEIR, p. 4.10-56). Because of this local loss of jurisdictional waters, the impact of the General Plan was found to be significant and unavoidable (GP DEIR, p. 4.10-56).

See Response IV(a) for project-specific discussion. The installation site and one of the removal sites are located in paved parking areas; the removal site other is located near a man-made concrete-lined drainage ditch that does not contain wetlands. Billboard removal at this site would be separated from the ditch by an existing fence and would not affect the ditch. The sites are developed with urban uses and do not contain any wetlands. There would be no impact.

- d) *No Impact/Reviewed Under Previous Document.* Impacts to habitat for raptors and other nesting birds were addressed in the GP EIR (GP DEIR, pp. 4.10-48 through -52). Raptors are protected by the California Department of Fish and Wildlife and are considered a special-status species under CEQA. Just as with impacts to habitat for other special-status species, widespread development of the city and the General Plan Planning Area would result in a net loss of raptor and nesting habitat, and a significant and unavoidable impact was expected (GP DEIR, p. 4.10-52). Discussion of impacts to movement corridors was also included in the GP EIR (GP DEIR, pp. 4.10-56 through -61). Development of greenfield areas of the General Plan Planning Area would change the biological condition and characteristics of the area, resulting in changes in animal movement throughout the area (GP DEIR, p. 4.10-56). While City policies and action items would reduce this impact, loss and/or modification of movement corridors would still occur and the impact of the General Plan would be significant and unavoidable (GP DEIR, p. 4.10-61).

See Response IV(a) for project-specific discussion. The installation and removal sites are developed with and/or surrounded by urban uses and do not provide any migratory wildlife corridors or native wildlife nursery sites. There would be no impact.

- e) *No Impact/Reviewed Under Previous Document.* The GP EIR identified potential impacts to trees from implementation of the General Plan (GP DEIR, pp. 4.10-61 and -62). Development of greenfield areas of the city and the General Plan Planning Area could potentially result in the removal of special-status, landmark, and other trees (GP DEIR, p. 4.10-61). Landmark and oak trees, as well as large wooded areas and urban trees, would be adequately protected by City policies and action items. However, some loss of native trees would occur, and the

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

overall impact to trees from implementation of the General Plan would be significant and unavoidable (GP DEIR, p. 4.10-62).

There are no native or landmark trees on the installation site. The non-native ornamental tree proposed for removal as part of the project is not protected by any local policies or ordinances. The native scrub oaks near the removal site at 9847 Folsom Boulevard would not be removed as part of the project. There would be no impact.

- f) *No Impact/Reviewed Under Previous Document.* The GP EIR addressed potential impacts related to conflicts between the General Plan and any adopted habitat conservation plan or natural community conservation plan (GP DEIR, pp. 4.10-62 and -63). While the South Sacramento Habitat Conservation Plan (SSHCP) and the Vernal Pool Recovery Plan are currently being prepared by Sacramento County and the US Fish and Wildlife Service respectively, no such plans have been adopted (GP DEIR, p. 4.10-63). Therefore, no impact was expected as a result of the General Plan.

Currently, there is not an adopted habitat conservation plan (HCP) for the City of Rancho Cordova or Sacramento County; therefore, the project would not conflict with such a plan. There would be no impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
V. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5, respectively?	☐	☐	☒	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in Public Resources Code Sections 21083.2 and 21084.1, and CEQA Guidelines Section 15064.5, respectively?	☐	☐	☒	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☒

DISCUSSION OF IMPACTS

- a) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR identified that known and unknown historic resources in the Rancho Cordova Planning Area could potentially be impacted by implementation of the General Plan (GP DEIR, pp. 4.11-9 through -14). These impacts were primarily associated with development in undeveloped areas and impacts to unknown resources in portions of the Planning Area that have not been studied. Rancho Cordova policies mitigated some of the potential impacts to historical resources. However, many previously unknown resources could be located in the Planning Area. Therefore, accidental impacts may still occur, and the impact of the General Plan was considered significant and unavoidable (GP DEIR, pp. 4.11-14).

Ground disturbance for the installation of the digital sign would involve a drill rig to install the pole and removal of that soil. Other construction would involve aboveground assembly. Removal of the billboards would involve disassembly of the billboard and removal of the posts. Therefore, due to the minimal ground disturbance and the urbanized nature of the areas, the project is not anticipated to impact cultural resources. However, if for any reason cultural resources are discovered during construction of the digital freeway sign, the project applicant would be required to implement any mitigation necessary for the protection of such resources. In addition, pursuant to California Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, in the event of the discovery of human remains, all work is to stop and the county coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. Adherence to General Plan policies and state requirements would ensure a less than significant impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

- b) *Less Than Significant Impact/Reviewed Under Previous Document.* See Response V(a) for project-specific discussion. This impact would be less than significant.
- c) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR identified possible impacts to paleontological resources as a result of implementation of the General Plan (GP DEIR, p. 4.11-14). However, no such paleontological resources were identified in the Rancho Cordova Planning Area, and City policy would protect unknown resources. For these reasons, the impact of the General Plan was found to be less than significant (GP DEIR, p. 4.11-15).

See Response V(a) for project-specific discussion. This impact would be less than significant.

- d) *Less Than Significant Impact/Reviewed Under Previous Document.* The discussion in the GP EIR concerning historic resources impacts included discussion of potential impacts to human remains [see Response V(a)]. Impacts were the same in that known resources were adequately protected, but unknown human remains outside established cemeteries could potentially be affected. Therefore, significant and unavoidable impacts as a result of the General Plan were expected (GP DEIR, p. 4.11-14).

There are no known cemeteries on the installation or removal sites. See Response V(a) for specific discussion. This impact would be less than significant.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
VI. GEOLOGY AND SOILS Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☒
iv) Landslides?	☐	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the projects, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

a)

- i) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR stated that significant seismic shaking was not a concern in the Rancho Cordova Planning Area, as there are no active faults in Sacramento County and because the city is not located in an Alquist-Priolo earthquake hazard zone (GP DEIR, p. 4.8-19). However, some minor seismic shaking is a possibility, as the city is located in Seismic Zone 3, which is

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

considered an area of relatively low ground shaking potential (GP DEIR, p. 4.8-20). Adherence to City policies, as well as to the California Building Code (CBC) which was adopted by the City of Rancho Cordova (Rancho Cordova Municipal Code Section 16.02.030), would ensure less than significant impacts as a result of implementation of the General Plan (GP DEIR, p. 4.8-21).

The potential for impacts to public safety resulting from surface fault rupture, ground shaking, liquefaction, or other seismic hazards is not considered to be an issue of significant environmental concern due to the infrequent seismic history of the area. Therefore, this impact would be less than significant.

- ii) *Less Than Significant Impact/Reviewed Under Previous Document.* See Response VI(1)(i). The potential for strong seismic ground shaking is not a significant environmental concern due to the infrequent seismic activity of the area; however, the new digital freeway sign would be required to comply with all applicable seismic standards enforced by the City. The impact would be less than significant.
- iii) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR identified that seismic shaking was not a concern in the city [see Response V(i)(i)]. Liquefaction is the process in which water is combined with unconsolidated soils as a result of seismic activities involving ground motions and pressure. Without strong ground motion, liquefaction is unlikely. Additionally, the water table is generally too low in the city to provide enough moisture for liquefaction to occur (GP DEIR, p. 4.8-20). Therefore, the impact of the General Plan was found to be less than significant.

See Response VI(1)(i). This impact would be less than significant.

- iv) *No Impact.* The installation and removal sites and surrounding area have relatively flat topography; therefore, there is no potential risk of landslide. There would be no impact.
- b) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR identified potential impacts related to soil erosion from implementation of the General Plan (GP DEIR, pp. 4.8-21 through -23). These erosion impacts were generally associated with construction of new roadways and other capital infrastructure and development of undeveloped portions of the city and the Planning Area. Additional impacts were from increases in runoff due to a net increase in impervious surfaces in the city. However, compliance with the City's Erosion Control Ordinance and the current National Pollutant Discharge Elimination System (NPDES) permit conditions for Rancho Cordova would ensure that impacts resulting from implementation of the General Plan would be less than significant (GP DEIR, p. 4.8-23).

Installation of the proposed digital freeway sign and removal of the two existing traditional billboards would not require any grading and would involve limited surface disturbance to accommodate the sign footing. Because of the limited earthwork involved in the project, no soil erosion would be anticipated to occur and this impact would be less than significant.

- c) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR stated that impacts relating to soil stability as a result of implementation of the General Plan would be minor (GP DEIR, p. 4.8-23). Primary concerns with soil stability in the city are associated with shrink-swell potential (the potential of soils to expand during wet seasons and shrink during dry seasons). Impacts due to soil stability would be mitigated through consistency with the Uniform Building Code and the CBC (GP DEIR, p. 4.8-24). Therefore, the impact of the General Plan was found to be less than significant.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

The soils underlying the installation site do not present a geologic hazard due to very low shrink-swell potential. Construction of the sign would occur in compliance with the California Building Code, ensuring any possible geologic issue would be fully addressed; therefore, this impact would be less than significant.

- d) *Less Than Significant Impact/Reviewed Under Previous Document.* See Response VI(c). This impact would be less than significant.
- e) *No Impact.* The proposed project would not require connection to any wastewater disposal system. There would be no impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
VII. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐

SETTING

Since the early 1990s, scientific consensus holds that the world's population is releasing greenhouse gases (GHG) faster than the earth's natural systems can absorb them. These gases are released as byproducts of fossil fuel combustion, waste disposal, energy use, land-use changes, and other human activities. This release of gases, such as carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O), creates a blanket around the earth that allows light to pass through but traps heat at the surface, preventing its escape into space. While this is a naturally occurring process known as the greenhouse effect, human activities have accelerated the generation of GHGs beyond natural levels. The overabundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has the potential to severely impact the earth's climate system.

Thresholds of significance illustrate the extent of an impact and are a basis from which to apply mitigation measures. Significance thresholds for GHG emissions resulting from land use development projects have not been established in Sacramento County (the SMAQMD has not yet established significance thresholds for GHG emissions from project operations). Instead, the SMAQMD recommends that lead agencies identify thresholds of significance applicable to the proposed project. SMAQMD guidance (2011) further states that when adopting thresholds of significance, a lead agency may consider thresholds of significance adopted or recommended by other lead agencies, or adopt its own thresholds, provided the decision is supported by substantial evidence.

DISCUSSION OF IMPACTS

- a) *Less Than Significant Impact.* GHG emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects contributes substantially to the phenomenon of global climate change and its associated environmental impacts and as such is addressed only as a cumulative impact. Implementation of the proposed project would not substantially contribute to increases of GHG emissions that are associated with global climate change. Estimated greenhouse gas emissions attributable to the proposed project are minimal and would be primarily associated with increases of carbon dioxide (CO₂) from mobile sources associated with project construction and minimal,

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

periodic maintenance. No permanent sources of GHG emissions are involved with the proposed project.

Emissions of CO₂ typically constitute a majority of total mobile-source GHGs commonly associated with development projects. To a lesser extent, other GHG pollutants, such as methane, largely generated by natural-gas combustion, and nitrous oxide, would typically have a minor contribution to overall GHG emissions. These pollutants are not associated with this type of development. As indicated above, the SMAQMD does not have an adopted threshold of significance for construction- or operational-related GHG emissions. However, as described in subsection III, Air Quality, the proposed project is well below the SMAQMD's screening thresholds for projects that would emit significant emissions, including CO₂.

Digital billboards are powered by electricity, the production of which may generate emissions of carbon dioxide, a greenhouse gas that has been linked to global climate change. The project applicant estimates the electricity usage of a sample two-sided digital billboard utilizing current technology at approximately 120,000 kilowatt-hours (kWh) per year of electricity, based on a monthly average of 10,000 kWh. The Sacramento Municipal Utility District (SMUD), the electricity provider to the project, provides electricity to its customers from nonrenewable and renewable sources through its voluntary Greenergy program. The proposed project will participate in the Greenergy program. Additionally, the applicant has indicated that the sign would be installed utilizing the best possible technology available today. However, as technology is refined, the sign may be updated with more efficient technology, and a reduction in overall electricity usage would be likely to occur. In addition, because the existing billboards have lighting, there would be a reduction in electric use for the two billboards that would be removed, which would reduce greenhouse gas emissions.

While project approval may alter the electrical usage and result in additional carbon emissions temporarily from construction vehicles and the generation of power needed for the sign, the installation of the proposed digital sign would not have a significant environmental effect related to greenhouse gas emissions or climate change. Given the small size of the proposed project, GHG emissions associated with the project would be negligible and would not exceed any threshold. Since there are no established thresholds of significance against which to measure the impacts, the assumption is that the proposed project's contribution to the overall issue of global warming is highly limited and considered negligible. The project also includes light sensor controls and the ability to immediately respond to technology improvements, which are beneficial. Therefore, this impact would be less than significant.

- b) *Less Than Significant Impact.* The City of Rancho Cordova does not have local policies or ordinances with the purpose of reducing greenhouse gas emissions. However, the City is subject to compliance with the Global Warming Solutions Act (AB 32). Therefore, compliance with AB 32 would ensure a less than significant impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
VIII. HAZARDS AND HAZARDOUS MATERIALS Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☒

DISCUSSION OF IMPACTS

- a) *No Impact/Reviewed Under Previous Document.* The GP EIR identified potential impacts to the public or the environment through the routine transport, use, or disposal of hazardous materials (GP DEIR, pp. 4.4-23 and -24). Impacts concerned transportation of hazardous

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

materials on the roadway network in the city and the routine use, storage, and disposal of hazardous materials related to construction during development and redevelopment in the city. Adherence to General Plan policies and federal, state, and local regulations regarding hazardous materials were found to reduce potential impacts of the General Plan to a less than significant level (GP DEIR, pp. 4.4-24 and -28).

The project proposes installation of a digital freeway sign and would not involve the routine transport, use, or disposal of hazardous materials. Construction activities would require the use of a limited quantity of common hazardous materials, including fuels (gasoline and diesel), paints, oils, and lubricants. While these products may contain known hazardous materials, the limited volume of material would not be adequate to create a significant hazard to the public. Operation of the proposed digital freeway sign would not involve the routine transport, use, or disposal of any hazardous materials. There would be no impact.

- b) *No Impact/Reviewed Under Previous Document.* The GP EIR described potential impacts related to the accidental release of hazardous materials (GP DEIR, pp. 4.4-24 through -28). Primary sources of potential accidental release concerned transformers containing polychlorinated biphenyls (PCB), groundwater pollution, and underground storage tanks. Consistency with City policies and action items, as well as with all applicable federal, state, and local regulations, would result in a less than significant impact from the General Plan (GP DEIR, p. 4.4-28).

See Response VIII(a) for project-specific discussion related to hazardous materials usage. Hazardous materials used during project construction would be of limited quantity and for limited duration and would not create a risk to the public or the environment. There would be no impact.

- c) *No Impact/Reviewed Under Previous Document.* The GP EIR discussed the siting of public schools as being subject to the siting requirements of the California Department of Education (GP DEIR, p. 4.4-25). In addition to CEQA review, potential school sites would be reviewed by various agencies to ensure the new school site is safe from toxic hazards (GP DEIR, p. 4.4-25). General Plan policies and actions would reduce the potential impacts of the General Plan from hazardous materials transport, use, and storage from surrounding uses, including school sites, to a less than significant level (GP DEIR, p. 4.4-28).

See Response VIII(a) for project-specific discussion related to hazardous materials usage. There are no schools within a quarter-mile radius of the installation or removal sites. There would be no impact.

- d) *No Impact/Reviewed Under Previous Document.* The GP EIR included information regarding federal and state listed hazardous materials sites as well as a map of such sites (GP DEIR, pp. 4.4-2 through -10). These sites included leaking underground storage tanks, groundwater contamination plumes, PCB-contaminated sites related to prior rocket engine testing (Aerojet/Gencorp), and other smaller sites (GP DEIR, pp. 4.4-5 and -6). Impact discussions were included in discussions of accidental release of hazardous materials [see Response VII(b)] and were found to be less than significant due to compliance with federal, state, and local laws and regulations (GP DEIR, p. 4.4-28).

Neither the installation site nor the removal sites are located on a known hazardous materials sites list (DTSC 2014; SWRCB 2014). There would be no impact.

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- e) *No Impact/Reviewed Under Previous Document.* The GP EIR identified potential impacts of development in an airport land use plan (GP DEIR, p. 4.4-28). The Mather Airport Comprehensive Land Use Plan (CLUP) Safety Restriction Area overlies several portions of the city, restricting development in those areas to uses allowed in the CLUP. Adherence to General Plan policies, federal regulations, the CLUP, and Mather Airport Planning Area provisions would reduce the potential for safety hazards. Therefore, the General Plan was found to have a less than significant impact (GP FEIR, p. 4.0-29).

The installation and removal sites are not located in the CLUP area of the Sacramento Mather Airport and is not within 2 miles of the airport. Implementation of the proposed project would not adversely affect operations of this facility, and it is not anticipated to result in safety-related hazards or adverse impacts to people working on the site. Therefore, there would be no impact.

- f) *No Impact.* The installation and removal sites are not located within 2 miles of any private airstrip. There would be no impact.
- g) *No Impact/Reviewed Under Previous Document.* The GP EIR analyzed potential impacts that could impair implementation or physically interfere with the Sacramento County Multi-Hazard Disaster Plan (GP DEIR, p. 4.4-29). The GP EIR found that implementation of the proposed roadway system in the General Plan would improve city roadway connectivity, allowing better emergency access to residences as well as evacuation routes and resulting in a net positive effect on the implementation success of the Sacramento County Multi-Hazard Disaster Plan. Therefore, the General Plan was found to have a less than significant impact (GP DEIR, p. 4.4-29).

The proposed project would not conflict with the Sacramento County Multi-Hazard Disaster Plan, the Sacramento County Area Plan, or any other adopted emergency response or evacuation plan. There would be no impact.

- h) *No Impact/Reviewed Under Previous Document.* The GP EIR identified potential impacts of safety hazards associated with wildland fires due to the construction of residential areas adjacent to open space and natural areas (GP DEIR, p. 4.12-9). Adoption of General Plan policies and action items, as well as required project review by the Sacramento Metropolitan Fire District (SMFD), would ensure minimal impacts to residential areas from wildland fires, resulting in a less than significant impact from implementation of the General Plan (GP DEIR, p. 4.12-10).

The installation and removal sites are located in an urbanized area of the city and are not contiguous to a designated high fire area associated with any designated wildland area. Development of the proposed project would not expose people or structures to an increased risk of wildland fires. Therefore, there is no impact.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
IX. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐	☐
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☒	☐	☐
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a failure of a levee or dam?	☐	☐	☒	☐	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

DISCUSSION OF IMPACTS

- a-i) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR identified potential surface water and groundwater quality impacts that would occur as a result of implementation of the General Plan (GP DEIR, pp. 4.9-34 through -40). Both impacts of the General Plan were found to be less than significant with implementation of City policies and action items as well as compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit conditions.

Construction and operation of the digital freeway sign would not result in any violation of water quality standards or waste discharge requirements. The installation site is located in a developed industrial and commercial area with appropriate storm drain facilities to manage site runoff. One removal site is located near a drainage ditch, but the project would be required to comply with all applicable provisions of the City's stormwater pollution prevention program, best management practices (BMPs), and applicable local ordinances and state requirements, which would ensure that the construction activities would have a less than significant impact on water quality.

The project does not require connection to any groundwater supply, nor does it involve a substantial increase in impervious surfaces that would impact groundwater recharge. Extensive grading and other earthwork are not required. Project implementation would not substantially alter the existing drainage pattern of the site. The site is not located in designated 100-year flood zones and does not include any residential structures that could impede any flood flows, were any to occur in the area. Therefore, these impacts would be less than significant.

- j) *No Impact.* The installation and removal sites are not located near the Pacific Ocean or near a large water body that would be capable of creating seiche or tsunami waves. The sites are characterized by generally flat terrain, as is the surrounding area. Therefore, there would be no potential risk of mudflows on or near the site. There would be no impact.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
X. LAND USE AND PLANNING. Would the project:					
a) Physically divide an existing community?	☐	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

- a) *No Impact.* The proposed project involves installation of a digital freeway sign and removal of two existing traditional billboards in an area that has been developed with commercial and industrial uses. The proposed digital freeway sign would not alter or interfere with the ongoing use of the installation site or adjacent business operations. There would be no impact.
- b) *Less Than Significant Impact.* The installation site is zoned M-1 (Light Industrial) with a Digital Freeway Overlay. As proposed, the digital freeway sign would be consistent with all applicable development regulations. The City's Zoning Code standards regulating digital freeway signs require the removal of four existing signs or the payment on an in-lieu fee to offset the installation of the new sign. Per these standards, the project also proposes to contribute funding to Phase 4 of the City's Folsom Boulevard Improvements Project to improve the visual character of the adjacent segment of Folsom Boulevard.
- c) *No Impact.* Currently, no adopted habitat conservation plan or natural community conservation plan has been adopted in Sacramento County. Therefore, there would be no impact.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XI. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	☒

DISCUSSION OF IMPACTS

a-b) *No Impact/Reviewed Under Previous Document.* The GP EIR identified potential impacts resulting from the loss of availability of mineral resources in the General Plan Planning Area (GP DEIR, pp. 4.8-26 through -27). Only those areas already identified as either MRZ-2 or as containing existing mining operations were expected to be impacted by development of the General Plan Planning Area (GP DEIR, p. 4.8-26). Even with adoption of City policies and action items regarding mineral resources and mining, the General Plan would still have a significant and unavoidable impact (GP DEIR, p. 4.8-27).

The proposed project involves installation of a digital freeway sign in an existing developed site and removal of two billboards—one in a parking area in a commercial lot and the other near a commercial/residential area where no mining occurs. No mineral resources or resource recovery sites would be lost as a result of project implementation. There would be no impact.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XII. NOISE. Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	☐	☐	☐	☒	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

- a-f) *No Impact/Reviewed Under Previous Document.* The GP EIR addressed increases in noise levels as a result of buildout of the General Plan (GP DEIR, pp. 4.7-20 through -30). Significant and unavoidable impacts were expected due to construction noise, increased traffic noise, and the potential construction of noise-generating land uses (GP DEIR, pp. 4.7-22, -27, and -30). Policies and action items included in the General Plan would reduce these impacts; however, various factors exist throughout the Planning Area that would make total mitigation impossible. Therefore, the impact of the General Plan remained significant and unavoidable.

The proposed project involves installation of a digital freeway sign and removal of two existing traditional billboards in an urbanized area. The proposed digital sign would not generate ongoing noise, and there are no sensitive receptors in proximity to the installation site. Construction noise would occur in the immediate vicinity of the sites; however, given the lack of sensitive receptors and the proximity of US-50, temporary construction noise would not be expected to cause adverse impacts. The project sites are not located in the Comprehensive Land Use Plan Area (CLUP) of the Sacramento Mather Airport, nor is it within 2 miles of any airport or airstrip. There would be no impact associated with construction or operation of the proposed digital freeway sign.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XIII. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

- a–c) *No Impact.* The proposed project involves installation of a digital freeway sign and removal of two existing traditional billboards. Neither of these actions would result in substantial direct or indirect population growth or the displacement of any people or housing. Therefore, there would be no impact.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
a) Fire protection?	☐	☐	☐	☒	☐
b) Police protection?	☐	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒	☐
d) Parks?	☐	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐	☐

EXISTING SETTING

The proposed installation site is located in the following public service districts:

- Fire Protection: Sacramento Metropolitan Fire District (SMFD)
- Police Protection: Rancho Cordova Police Department (RCPD)
- School District: Folsom Cordova Unified School District (FCUSD)
- Park District: Cordova Recreation and Park District (CRPD)
- Electrical Service: Sacramento Municipal Utility District (SMUD)

DISCUSSION OF IMPACTS

- a) *No Impact.* The proposed project involves the installation of a digital freeway sign and the removal of two existing traditional billboards. Implementation of the proposed project would not result in an increased demand for any public services and would not require the construction of new or the alteration of existing public facilities. No impact would occur.
- b) *No Impact.* See Response XIV(a). There would be no impact. Furthermore, the proposed digital freeway sign would provide support to various law enforcement agencies by providing real-time use of the digital messaging technology for Amber Alerts and other public safety messages.
- c) *No Impact.* See Response XIV(a). There would be no impact.
- d) *No Impact.* See Response XIV(a). There would be no impact.
- e) *Less Than Significant Impact.* The proposed digital freeway sign would require electricity to operate, which would be provided by SMUD. SMUD generates, transmits, and distributes electricity to a 900-square-mile territory of Sacramento County and a small portion of Placer County. SMUD provides electricity from a number of sources, including the traditional power grid, as well as from the renewable energy sources of solar, wind, and hydroelectric. As indicated previously, the proposed digital freeway sign is estimated to require approximately 120,000 kWh of electricity per year with the most energy-efficient technology available at this

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time. The sign would be provided with 100 amp service, approximately one-half of typical residential service. The anticipated annual power usage for the sign is equivalent to approximately 11 average American households (EIA 2014). The estimated electricity usage of the proposed digital freeway sign is not a substantial use of electricity, is well within SMUD's ability to provide power, and would not require any changes to SMUD's infrastructure. This impact would be less than significant.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XV. RECREATION					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	☐
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

a-b) *No Impact*. See Response XIV(a). There would be no impact.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XVI. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☒

DISCUSSION OF IMPACTS

- a) *No Impact/Reviewed Under Previous Document.* The GP EIR analyzed traffic impacts to the existing roadway network in the General Plan Planning Area as a result of the population, dwelling unit, and employee increases expected to occur with implementation of the General Plan (GP DEIR, pp. 4.5-27 through -45). Several new roadways and improvement of existing roadways were described in the General Plan in order to address the additional expected traffic load. However, even with these improvements and adherence to City policies and action items, the impact of the General Plan would remain significant and unavoidable (GP DEIR, p. 4.5-42).

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The project involves installation of a digital freeway sign and removal of two existing traditional billboards in an urbanized area. The proposed digital freeway sign would not interfere with or disrupt the continued functionality of the installation site's parking lot or access drives. Traffic entering the public roadway would continue to do so in its current manner, undisturbed by the proposed project. The construction and operation of the proposed digital freeway sign would not result in an appreciable increase in vehicle trips. Other than trips generated by construction and periodic maintenance of the sign, no other vehicle trips would be made as a result of the project. There would also be a reduction in trips associated with maintenance of the signs that would be removed as part of the project. The proposed project would not result in level of service impacts beyond those projected in the General Plan. The project would not adversely impact traffic or conflict with the City's Circulation Plan. Therefore, there would be no impact.

- b) *No Impact/Reviewed Under Previous Document.* See Response XVI(a). There would be no impact.
- c) *No Impact/Reviewed Under Previous Document.* The GP EIR analyzed safety and hazards impacts related to the provision of land uses in the Mather Airport Comprehensive Land Use Plan (CLUP) and their impact on safety related to air traffic in and out of the airport (GP DEIR, pp. 4.4-28 and -29). The General Plan established the Mather Planning Area corresponding to the Master Plan boundaries of the Sacramento Mather Airport. Policies included in the General Plan were more stringent than the safety restrictions of the Mather CLUP (GP DEIR, p. 4.4-28). Consistency with City policies and action items, as well as with the requirements of the Mather CLUP, would ensure less than significant impacts from implementation of the General Plan (GP DEIR, p. 4.4-29).

The proposed project does not involve any aviation-related uses and is not located within 2 miles of the Sacramento Mather Airport. The installation and removal sites are not located in the airport safety zones or in the approach and departure paths for aircraft using the airport. There would be no impact.

- d) *Less Than Significant Impact/Reviewed Under Previous Document.* The GP EIR analyzed potential impacts related to roadway safety as a result of implementation of the General Plan (GP DEIR, p. 4.5-48). The City's design standards for roadways, as well as land use planning and other City policies, would ensure that impacts of the General Plan related to roadway safety are less than significant (GP DEIR, p. 4.5-48).

The project involves installation of a digital freeway sign and removal of two existing traditional billboards in an urbanized area along US-50 in the city limits. The sign employs digital technology to allow periodic changes in the sign display, which has generally raised concerns regarding the impact this signage type may have on traffic safety by distracting driver attention and vision. While the signs do not involve a hazardous design feature, the concerns related to these types of signs could be considered a hazard to motorists on US-50.

The Federal Highway Administration (FHWA), in agreement with the California Department of Transportation (Caltrans), has addressed various issues related to signage along highway corridors to ensure continued driver safety. Signage along the highway corridor is reviewed by Caltrans for consistency with FHWA standards as well as consistency with the California Outdoor Advertising Act. These standards include ensuring signs do not imitate or resemble official traffic signs or interfere with the function of official traffic signage. With regard to digital freeway signs specifically, Caltrans requires, at minimum, consistency with the FHWA agreement and that digital freeway signs meet lighting, message timing, and separation

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

standards. The 2011 update of the Outdoor Advertising Act provides the framework for review and permitting of the sign by Caltrans.

Section 23.743.150, Digital Freeway Signs Overlay, of the City's Zoning Code establishes development standards for the proposed digital freeway sign that exceed the requirements enforced by Caltrans. The City's code standards include:

- 8-second minimum message display timing
- 2,500-foot minimum spacing between digital signs along the US-50 corridor
- 0.3 foot-candle lighting minimum, including technology that adjusts the light level of the sign as it relates to the changing ambient light level surrounding the sign
- Prohibition against flashing, animation, or simulated movement in individual messages to be displayed on the sign

Both the minimum message timing and the distance between signs are double that enforced by Caltrans. Because the City's code exceeds the minimum standards associated with digital signs along state highways established by the FHWA and Caltrans, and the sign must meet the City's code, the proposed digital freeway sign would not be located or operated in such a manner as to create hazards along the US-50 corridor.

The FHWA has closely monitored the issue of driver inattention as it relates to digital freeway signs. In 2009, the FHWA issued an update on their position on these signs in a report entitled "The Effect of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update." The report addresses the basic question of whether a digital billboard along the freeway is associated with a reduction in driver safety. The report researched crash rates in the vicinity of a digital sign, rates of near-crashes (i.e., sudden braking, swerving) in the vicinity of a digital sign, and rate of eye glances away from the roadway in the vicinity of digital signs. Based on the available data, the report suggests a study approach and confirms there is no definitive conclusion about the presence or severity of adverse safety impacts that may result from installation of a digital freeway sign in a given location. In light of the report, the FHWA continues to recommend the signs be regulated within the existing framework as a means of protecting the public interest.

Conducting a study of an individual digital billboard to measure and analyze the effects of driver attention to the sign is difficult. Roadway conditions are unique in the proposed sign location; however, a substantial variety of other factors could also contribute to driver inattention such as other roadway signs, tuning the radio, talking on the phone, eating, talking to other passengers, and possibly many others, making isolating the potential effects of a digital freeway sign impossible. Regulations on sign brightness, message duration, prohibition of message animation, and continuation of vehicle maneuver requirements at interchanges serve to reduce safety concerns to the fullest known extent.

The proposed project would be required to obtain a Conditional Use Permit and a building permit from the City. Following issuance of these permits and upon its own review of the proposed sign, Caltrans would issue a ministerial permit for the sign. Based on the requisite review and adherence to the standards identified above, the impacts regarding potential hazards along the roadway would be less than significant.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

- e) *No Impact/Reviewed Under Previous Document.* The GP EIR identified impacts related to emergency access in the General Plan Planning Area (GP DEIR, p. 4.5-48). Because the roadway network in the city was to be improved and additional routes were to be added by the General Plan, impacts were found to be less than significant (GP DEIR, p. 4.5-48).

The proposed project involves installation of a digital freeway sign in an existing developed industrial site. The city's existing roadway network would not be altered by the proposed project, nor would any future roadway plans be affected. There would be no impact.

- f) *No Impact/Reviewed Under Previous Document.* The GP EIR analyzed potential impacts to transit, pedestrians, and bicycles in the city (GP DEIR, pp. 4.5-49 through -53). Development of the City's Transit Master Plan and the City's Pedestrian and Bicycle Master Plan would ensure that impacts of the General Plan to these provisions would be less than significant (GP DEIR, pp. 4.5-49 and -50).

The proposed project involves installation of a digital freeway sign and removal of two existing traditional billboards in an urbanized area. The City's Transit Master Plan and Pedestrian and Bicycle Master Plan would not be altered by the project. There would be no impact.

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	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

DISCUSSION OF IMPACTS

- a-g) *No Impact.* The proposed project involves installation of a digital freeway sign and removal of two existing traditional billboards in an urbanized area. Connections to the public water, wastewater, and storm drain systems are not required by the project. The proposed project would not generate solid waste.

3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact	Reviewed Under Previous Document
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	☒
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	☒
c) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☒	☐	☒
d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☒

DISCUSSION OF IMPACTS

- a) *Less Than Significant Impact With Mitigation Incorporated/Reviewed Under Previous Document.* As demonstrated in subsections I through XVII above, with implementation of mitigation measure **MM BIO-1**, the proposed project would not have the potential to result in impacts on biological resources or historical resources.
- b) *Less Than Significant Impact/Reviewed Under Previous Document.* The proposed project would be required to adhere to all Rancho Cordova General Plan policies, ensuring that the City's long-term environmental goals are implemented, as applicable. Therefore, the proposed project would have a less than significant impact.
- c) *Less Than Significant Impact/Reviewed Under Previous Document.* Section 4.0 of this IS/MND addresses the proposed project's contribution to impacts in the cumulative setting. There are no other past, current, or future projects associated with this project that would contribute to a substantial cumulative impact. Therefore, this impact would be less than significant.
- d) *Less Than Significant Impact/Reviewed Under Previous Document.* See Response XVIII(a). The proposed project includes installation of a digital freeway sign and removal of two existing traditional billboards in an urbanized area of the city. There are no substantial adverse effects on human beings anticipated by construction or operation of the sign. Therefore, this impact would be less than significant.

CUMULATIVE IMPACTS

4.0 CUMULATIVE IMPACTS

4.1 INTRODUCTION

This section addresses the proposed project's potential to contribute to cumulative impacts in the region. California Environmental Quality Act (CEQA) Guidelines Section 15355 defines cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." A project's incremental effects are considered significant if they are "cumulatively considerable" (CEQA Guidelines Sections 15065[a][3] and 15130[a]). "Cumulatively considerable" means the incremental effects of the project are considerable when viewed in connection with the effects of past, current, and future projects (see also CEQA Guidelines Appendix G, Section XVII).

4.2 CUMULATIVE SETTING

The cumulative setting establishes the area of effect in which the cumulative impact has been identified and inside which it would occur. Different cumulative settings can be established for each individual impact or impact area (checklist area). Because the proposed project is a subsequent project within the scope of activities and land uses studied in the General Plan, and because this Initial Study/Mitigated Negative Declaration (IS/MND) is tiered from the Rancho Cordova General Plan EIR (GP EIR), the cumulative setting for the proposed project is identical to the cumulative settings identified in the GP EIR.

4.3 PREVIOUS CUMULATIVE ANALYSIS IN THE CUMULATIVE SETTING

The GP EIR identified several cumulative impacts where expected development and establishment of the roadway network in the city, when combined with other planned, proposed, and approved development and roadway infrastructure projects in the area, would have a significant impact on the environment. The following impact areas were found in the GP EIR to have cumulative impacts that would be cumulatively considerable:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality (water supply)
- Land Use and Planning
- Mineral Resources
- Noise (both traffic-related and stationary)
- Population and Housing
- Utilities and Service Systems (water treatment and wastewater infrastructure)
- Transportation/Traffic (traffic congestion)

Areas in which cumulative impacts were found in the GP EIR to be less than cumulatively considerable were:

- Geology and Soils
- Hazards and Hazardous Materials
- Public Services
- Recreation

4.0 CUMULATIVE IMPACTS

4.4 CUMULATIVE IMPACT ANALYSIS

The proposed project is a subsequent project within the scope of activities and land uses studied in the GP EIR. The proposed project is substantially consistent with the General Plan in use, design, and density. Cumulative impacts identified in the GP EIR as being cumulatively considerable are largely due to increases in dwelling units, residents, and employees. As the proposed project would not contribute to increases in dwelling units, residents, or employees in the city, the proposed project's incremental contribution to the cumulatively considerable impacts listed in Subsection 4.3 would not be cumulatively considerable.

Consistency with City policies, action items, ordinances, and other requirements would reduce the proposed project's incremental contribution to the above cumulative impacts. Rancho Cordova Municipal Code Section 23.743.150(C)(1)(d) states that no digital freeway sign shall be located within 2,500 feet of any other digital freeway sign in the city limits. The City is currently considering another proposal for a digital sign approximately 1,000 feet east of the proposed installation site. Even if both signs were to be approved, compliance with design standards contained in the Municipal Code would ensure that these projects would not combine to result in a negative aesthetic effect. In addition, the two projects would also result in the removal of three other billboards, two of which are located along US-50. The proposed project's incremental contribution to the above cumulative impacts would therefore not be cumulatively considerable. Furthermore, since the project's incremental contribution is not significant, no mitigation measures are required and no design elements or project characteristics need to be addressed.

Development of the installation site would not result in any project-specific contribution to cumulative impacts that were not identified in the program EIR. Because the GP EIR found that cumulative impacts in the above areas were cumulatively considerable and because the proposed project is substantially consistent with land uses assumed for the installation site in the program EIR, no further environmental analysis is required pursuant to Public Resources Code Section 21083.3.

The GP EIR did not consider climate change impacts, which are only relevant in the cumulative condition. An analysis of the proposed project's potential greenhouse gas (GHG) emissions/impacts is included in Section 3.0 of this IS/MND. No potentially significant project-specific or cumulative impacts to GHG emissions were identified, and no mitigation measures are required. No further environmental analysis with respect to GHG emissions is required pursuant to Public Resources Code Section 21083.3.

DETERMINATION

EXHIBIT A
5.0 DETERMINATION

5.0 DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 3.0 of this document have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a significant effect(s) on the environment, but one or more of such significant effects: (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, all potentially significant effects: (a) have been analyzed and adequately addressed in an earlier EIR pursuant to applicable standards, or (b) have been avoided or mitigated pursuant to that earlier EIR, previous Mitigated Negative Declaration, or this Subsequent Mitigated Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project.

Signature: _____

Date: August 11, 2014

Printed name: Jessica Jordan

For: City of Rancho Cordova

REPORT PREPARATION AND CONSULTATIONS

6.0 REPORT PREPARATION AND CONSULTATIONS

6.1 REPORT PREPARATION AND CONSULTATIONS

CITY OF RANCHO CORDOVA – LEAD AGENCY

Paul Junker	Planning Director
Jessica Jordan	Senior Planner
Bret Sampson	Environmental Coordinator
Kristin Faoro	Environmental Planner

REFERENCES

7.1 REFERENCES

- Caltrans (California Department of Transportation). 2011. *Outdoor Advertising Act and Regulations, 2011 Edition*.
- City of Rancho Cordova. 2006a. *Rancho Cordova General Plan Draft Environmental Impact Report*.
- . 2006b. *Rancho Cordova General Plan Final Environmental Impact Report*.
- . 2006c. *Rancho Cordova General Plan: Final Adopted Version*.
- DTSC (California Department of Toxic Substances Control). 2014. *EnviroStor*. Accessed July 23. <http://www.envirostor.dtsc.ca.gov/public/>.
- EIA (US Energy Information Administration). 2014. *How much electricity does an American home use?* Accessed July 24. <http://www.eia.gov/tools/faqs/faq.cfm?id=97&t=3>.
- FHWA (Federal Highway Administration). 2009. *The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update*. Publication No. FHWA-HRT-09-018. <http://www.fhwa.dot.gov/realestate/cevms.pdf>.
- SMAQMD (Sacramento Metropolitan Air Quality Management District). 1994. *Air Quality Thresholds of Significance*.
- . 2009. *Guide to Air Quality Assessment in Sacramento County*.
- . 2011. *Guide to Air Quality Assessment in Sacramento County*. Updated 2011.
- SWRCB (California State Water Resources Control Board). 2014. *GeoTracker*. Accessed July 23. <http://geotracker.waterboards.ca.gov/default.asp>.

Central Valley Regional Water Quality Control Board

9 September 2014

Jessica Jordan
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

CERTIFIED MAIL
7014 1200 0000 7154 2543

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, CLEAR CHANNEL OUTDOOR DIGITAL SIGN CONDITIONAL USE PERMIT AND OPERATING AGREEMENT PROJECT, SCH NO. 2014082044, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 15 August 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Clear Channel Outdoor Digital Sign Conditional Use Permit and Operating Agreement Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

9 September 2014

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Kelly Kennedy

From: Brohman, Larry B@DOT <larry.brohman@dot.ca.gov>
Sent: Tuesday, August 26, 2014 6:15 AM
To: Jessica Jordan
Cc: Fredericks, Eric B@DOT; Kress, Joshua T@DOT
Subject: SCH #2014082043 Sierra Outdoor Digital Sign at Naturwood Conditional Use Permit and Operating Agreement

Dear Ms. Jordan:

Thank you for including the California Department of Transportation (Caltrans) in the review and comment process for the Sierra Outdoor Digital Sign at Naturwood Conditional Use Permit and Operating Agreement. As you know, an application for both a permit and license for the proposed sign will be needed. See Caltrans' Outdoor Advertising's website for information and forms (<http://www.dot.ca.gov/oda/>). Of course Caltrans Outdoor Advertising cannot make any determination without the application. The only deviation for this procedure would be an on-premise sign which only advertises the company that shares the property. At that point, Caltrans would have no jurisdiction. However, if the owner were to advertise any commercial activity other than that which is occupying the property, then a permit and license would be required.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this project.

If you have any questions or require additional information, please contact at (916) 274-0627 or by email at: larry.brohman@dot.ca.gov



Larry Brohman
Office of Transportation Planning
2379 Gateway Oaks Drive, Suite 150
Sacramento, CA 95833
(916) 274-0627

EXHIBIT A



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

September 16, 2014



Jessica Jordan
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Subject: Clear Channel Outdoor Digital Sign Conditional Use Permit and Operating Agreement
SCH#: 2014082044

Dear Jessica Jordan:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 15, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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

SCH# 2014082044
Project Title Clear Channel Outdoor Digital Sign Conditional Use Permit and Operating Agreement
Lead Agency Rancho Cordova, City of

Type **MND** Mitigated Negative Declaration
Description Installation of a digital freeway sign on the site of an existing landscape material supply company located at 12137 Folsom Boulevard. The project also includes removal of one existing traditional billboard located at 2300 Mien Shaft Lane, adjacent to the south side of Folsom Boulevard. The proposed digital freeway sign would be 60 feet in height and would have two digital display areas measuring 14 feet by 46 feet, for a sign area of 644 sf on each side. Decorative pole cladding would surround the center-mounted pole base.

Lead Agency Contact

Name Jessica Jordan
Agency City of Rancho Cordova
Phone 916 851 8756 **Fax**
email
Address 2729 Prospect Park Drive
City Rancho Cordova **State** CA **Zip** 95670

Project Location

County Sacramento
City Rancho Cordova
Region
Lat / Long 38° 37' 37.3" N / 121° 13' 24.7" W
Cross Streets Folsom Blvd west of Hazel Avenue
Parcel No. 069-0160-004, 072-0231-014
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 50
Airports
Railways SPRR
Waterways American River
Schools Gold River ES
Land Use Landscape Materials business / Light Industrial / Folsom Blvd Planning Area

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 3 S; Air Resources Board; Native American Heritage Commission; Public Utilities Commission; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 08/15/2014 **Start of Review** 08/15/2014 **End of Review** 09/15/2014

Conditions of Approval

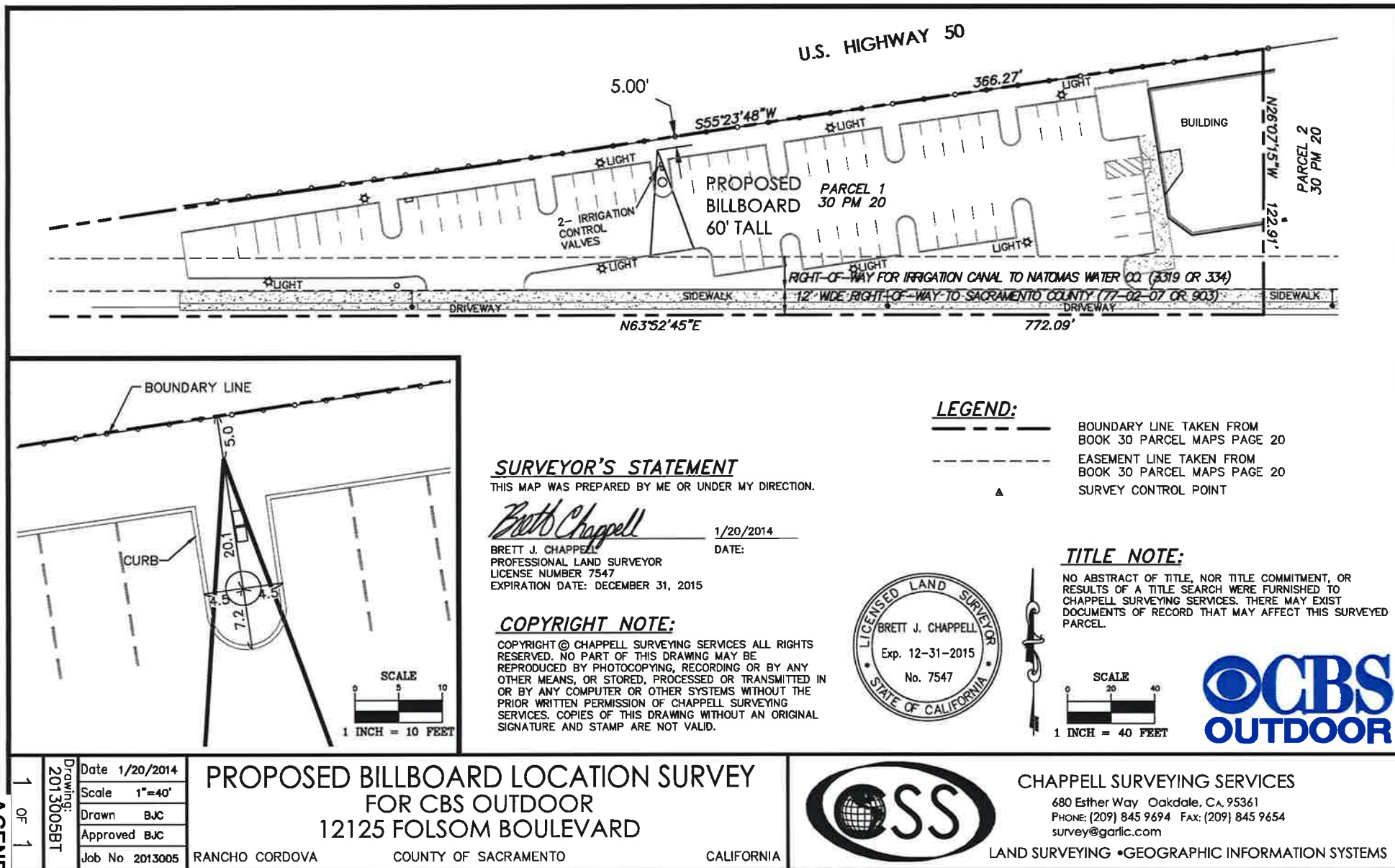
EXHIBIT B

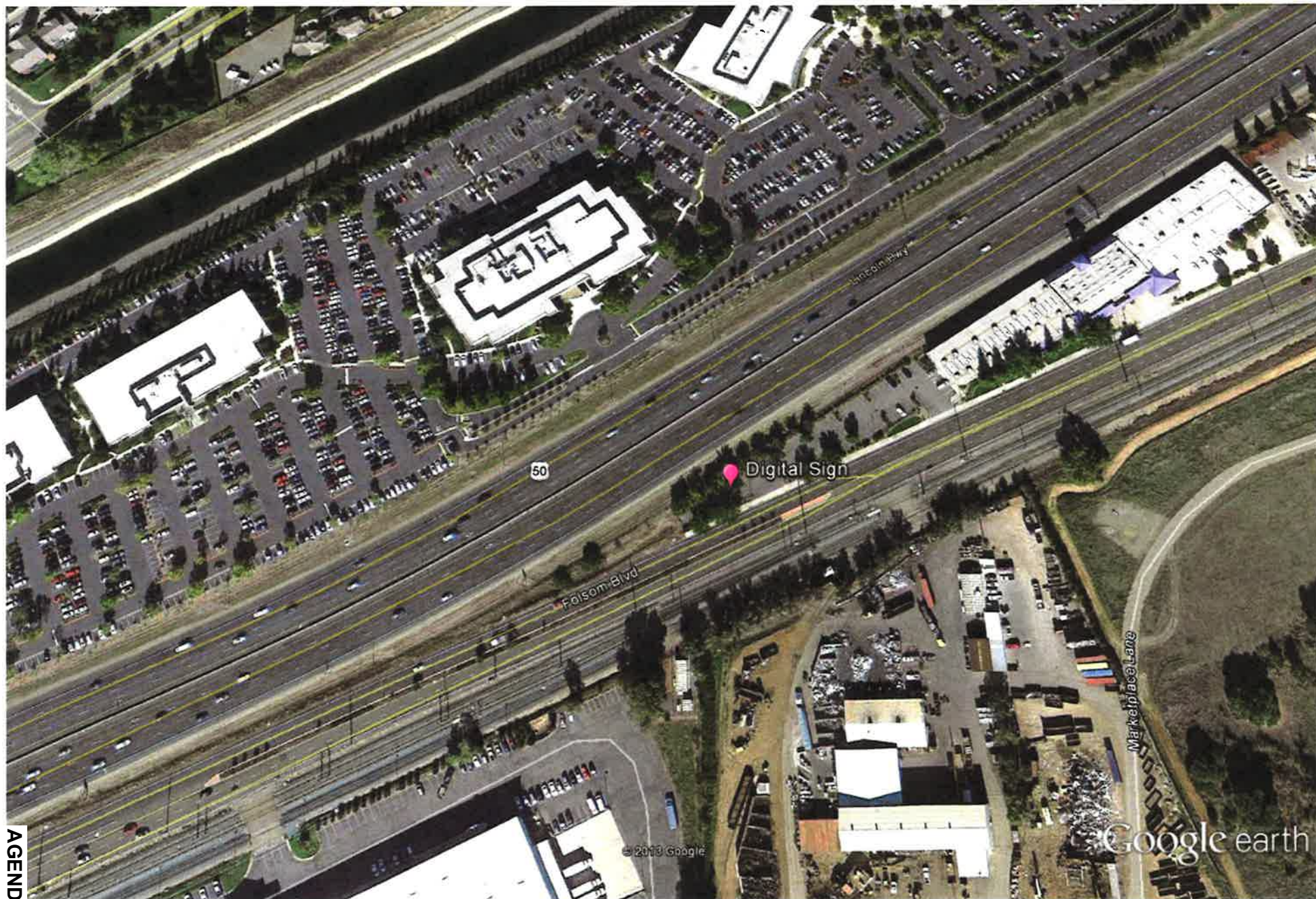
		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date & Signature)</u>
1.	The action approves the Conditional Use Permit and Operating Agreement for the Sierra Outdoor/Outfront Media Digital Freeway Sign, to be located at 12125 Folsom Boulevard (APN 069-0160-021-0000), as described in the November 17, 2014 and December 15, 2014 staff reports and associated attachments. The project includes removal of two existing Traditional Billboards at 11373 Folsom Boulevard and near 9847 Folsom Boulevard at the City's western city limits. Any significant modification to the project shall require amendment to the Conditional Use Permit and Operating Agreement.	ON-GOING	PLANNING	
2.	In the event of a legal challenge, this permit shall be withheld pending the outcome of the legal process.	ON-GOING	PLANNING	
3.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	ON-GOING	PLANNING	
4.	The Applicant shall hold harmless the City, its Council Members, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	ON-GOING	PLANNING	
5.	The Applicant shall not carry a negative account balance with the City for the processing of the project. If a negative account balance occurs, it will be the developer's responsibility to pay the balance due, in order to avoid	ON-GOING	FINANCE	

Conditions of Approval

EXHIBIT B

	delays in the processing of future permits or recordation of maps. Please email the Finance Department at billings@cityofranchocordova.org for the status of your account with the City.			
6.	The project shall comply with all applicable development standards of Section 23.743.150 of the City's Zoning Code.	ON-GOING	PLANNING	
7.	The project and the applicant shall comply with all terms of the Project Operating Agreement for the full duration of sign operation.	ON-GOING	PLANNING	

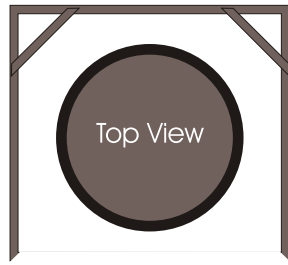




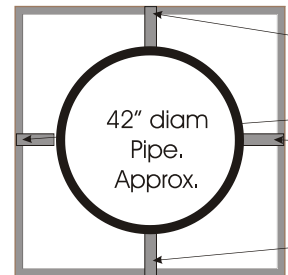








Top View



42" diam
Pipe,
Approx.

Removable end
sections on
this side only.

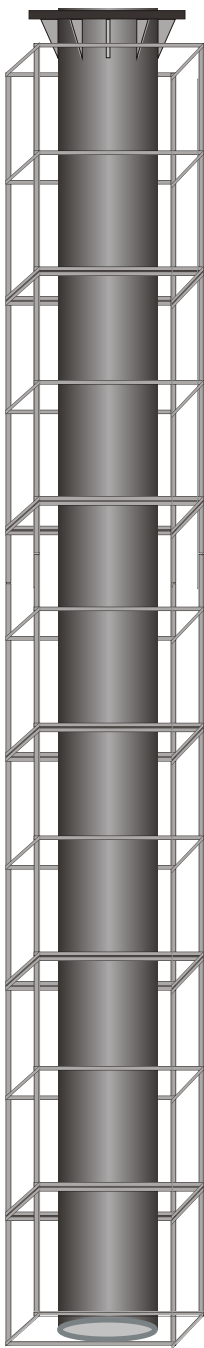
WELDED ANGLE IRON
SECTIONS BETWEEN PIPE
AND POLE COVER FRAMING
TO SECURE POLE COVER
IN PLACE.
BY INSTALLER

Fabricate and install one **5' x 5' x 38'** tall pole cover
for new billboard.
Internal angle to be 1-1/2" x 1/1/2" x 3/16".

Outer skin to be .090 aluminum,
Painted Mathews "Brushed Aluminum". Satin finish.
1/2" tall inset reveals painted same color as pole cover.

CBS copy on both sides to be routed out of aluminum and backed
with blue acrylic. 4" deep light box pan with white LED's mounted
behind routed opening. 20" x 44" overall.

Pole cover to be welded to pipe as noted in diagram.



FRONT VIEW SHOWING
EXAMPLE OF APPROX. PLACEMENT
OF INTERNAL
ANGLE IRON FRAMING



**EQUITY
SIGN GROUP**

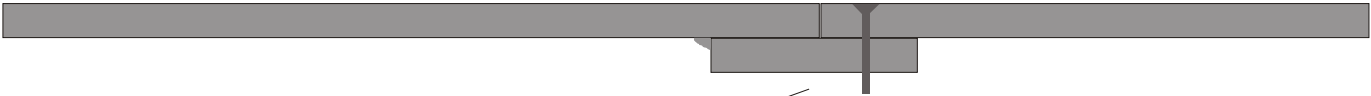
FULL SERVICE - DESIGN, MANUFACTURE, INSTALL



ADDRESS Naturewood, Rancho Cordova
DATE 6-23-13
DRAWING NUMBER Rancho 6-23-14

Top and bottom accent bars to be 1/8" thick plate aluminum.
9" tall x 49'-6" long.
Continuous aluminum back channel bracing with vertical aluminum bracing to be bolted to existing horizontal stringers.

All to be painted Matthews "Brushed Aluminum". Satin finish.



Sections join together with overlap/backup strip.
Welded to one end and screwed together with countersunk flat-head screws at the joint.

Approx 6' long



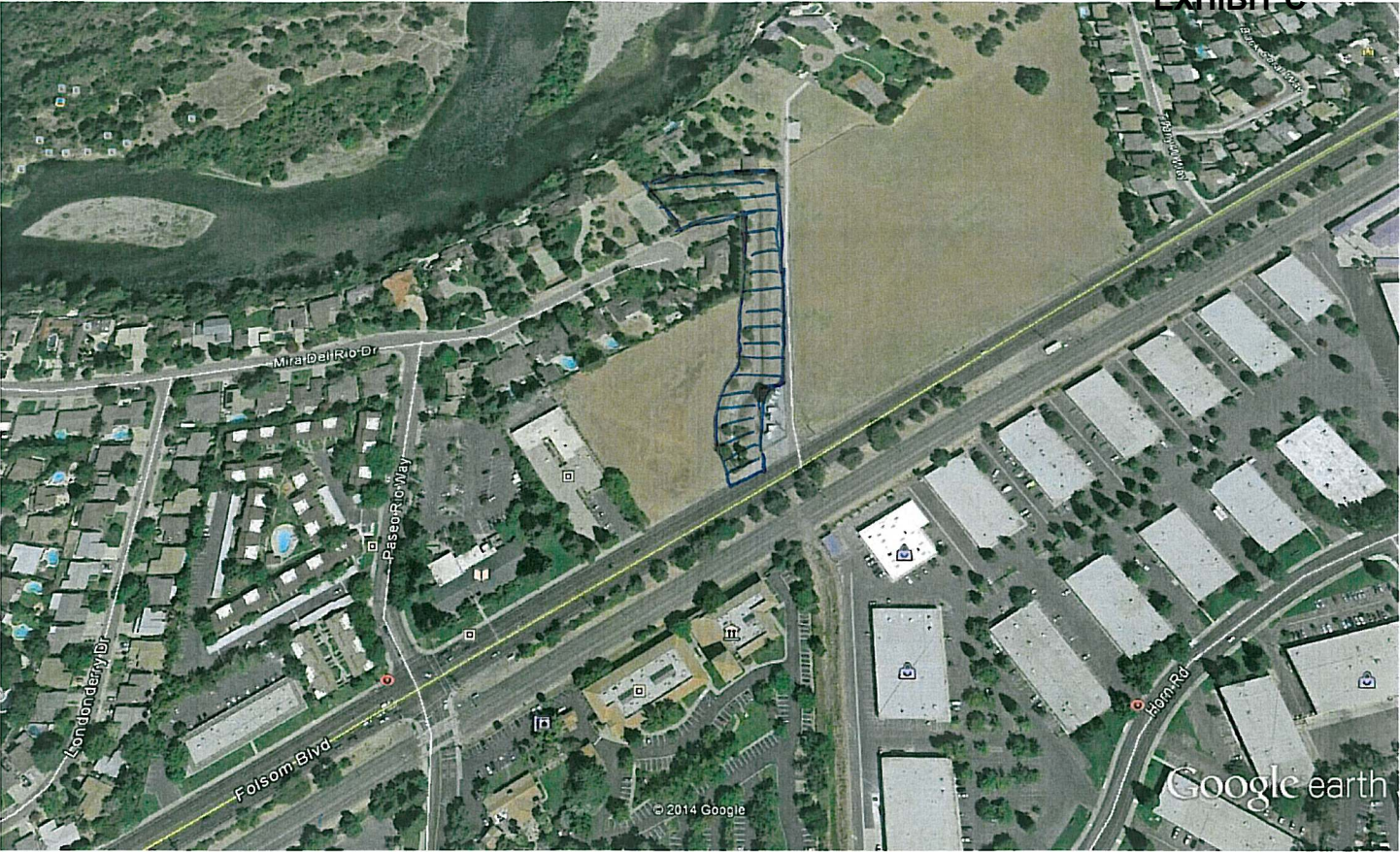
Simulated view
from back angle



**EQUITY
SIGN GROUP**
FULL SERVICE - DESIGN, MANUFACTURE, INSTALL



**CBS
OUTDOOR**
ADDRESS Naturewood, Rancho Cordova
DATE 6-23-13
DRAWING NUMBER Rancho 6-23-14





Google earth

feet 10
meters 5



CBS S:6N 40638A



Google earth

feet
meters20
6

LBS SIGN FACE 040638

EXHIBIT D

**DIGITAL FREEWAY SIGN OPERATING AGREEMENT BY AND BETWEEN
CITY OF RANCHO CORDOVA AND OUTFRONT MEDIA LLC**

PARTIES

This Operating Agreement for a Digital Freeway Sign (hereinafter “Agreement”), dated _____, 2015 by and between the **City of Rancho Cordova** (the “City”), a California municipal corporation and **Outfront Media LLC** (“Outfront Media”), a Delaware corporation.

RECITALS

1. **Background.** Rancho Cordova Municipal Code Section 23.743.150 , after all required notices and public hearing, allows for the City to enter into an Operating Agreement to allow for a Digital Freeway Sign under certain circumstances; including the permanent removal of pre-existing billboards from within the City. Outfront Media has applied for approval to install one (1) Digital Freeway Sign on the real property subleased by Outfront Media from Sierra Outdoor LLC and located at 12125 Folsom Boulevard in the City of Rancho Cordova, State of California (the “Property”).

2. **Applicant.** Outfront Media is an outdoor-advertising company that has extensive experience in successfully installing, operating, and maintaining traditional and digital billboards throughout the United States. Outfront Media has contracted with the tenant on the Property for the purpose of installing, operating, and maintaining its Digital Freeway Sign, and it has the requisite resources and expertise to do so successfully.

3. **Legal Framework.** For the reasons recited herein, the City has determined that the construction and operation of Outfront Media’s proposed outdoor advertising display on the Property is a development for which this Agreement is appropriate and is specifically permitted and encouraged by §§ 5412 and 5443.5 of the California Outdoor Advertising Act (Bus. and Prof. Code § 5200 et seq. and Rancho Cordova Municipal Code section 23.743.150).

4. **Public Benefit.** City finds that a substantial public benefit will accrue to City by reason of the advertising revenue that will be generated by Outfront Media’s outdoor advertising display and shared with City, which adds value to the community by enabling City to undertake projects, programs and other activities for the benefit of City and its businesses and residents. In addition the City finds that an additional substantial public benefit will accrue to the City by reason of Outfront Media removing presently existing billboards as a material condition of this Agreement for a Digital Freeway Sign. In exchange for providing these public benefits, Outfront Media receives assurance that it may proceed with the construction and operation of Outfront Media’s outdoor advertising display and the project in accordance with ordinances, resolutions and regulations existing as of the date of this Agreement, subject only to the terms and conditions contained herein and contained in any permits issued pursuant to this project.

EXHIBIT D

NOW, THEREFORE, in consideration of mutual promises, conditions, and covenants hereinafter set forth, the Parties agree as follows:

AGREEMENT

1. Incorporation of Recitals. The Preamble, the Recitals, and all defined terms set forth in both, are hereby incorporated into this Agreement as if set forth herein in full.

2. Definitions. This section defines the terms: “Agreement Year,” “Business Day,” “Caltrans,” “Caltrans Permits,” “City Permits,” “Commencement Date,” “Digital Freeway Sign,” “Digital Display Area,” “Effective Date,” “Include,” “Operational,” “Obstruction,” “Site,” “Sign Structure,” and “Term.” Other terms are defined elsewhere in this Agreement.

- (a) “Agreement Year” means one of the consecutive 12-month periods during the Term. The first Agreement Year begins on the Effective Date.
- (b) “Business Day” means any day the City’s main offices located at 2729 Prospect Park Drive, , Rancho Cordova, California, are open to the public.
- (c) “Caltrans” means the California Department of Transportation.
- (d) “Caltrans Permits” means all permits and approvals that Outfront Media must obtain from Caltrans to install, operate, and maintain the Digital Freeway Sign in accordance with this Agreement.
- (e) “City Permits” means all building permits, conditional use permits, zoning amendments, operating agreements, and other permits, entitlements, and agreements that the City, acting in its governmental capacity, must issue or approve for Outfront Media to install, operate, and maintain the Digital Freeway Sign in accordance with this Agreement.
- (f) “Commencement Date” means the date as of which both of the following have occurred: (1) the City has finally approved the Plans (defined in Section 6(a)); and, (2) Outfront Media has received all necessary governmental permits and approvals for the Digital Freeway Sign, including the Caltrans Permits and the City Permits.
- (g) “Digital Freeway Sign” means an off-site outdoor advertising sign, including all above-ground supporting structures, with one or more digital display areas. A Digital Freeway Sign may be internally or externally illuminated. Digital Freeway Signs are always considered off-site signs and are regulated as such. Outfront Media will install and operate the Digital Freeway Sign on the Site in accordance with the criteria set forth in Exhibit A to this Agreement.

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- (h) “Digital Display Area” means the portion of the Digital Freeway Sign that consists of the digital display areas used for general commercial advertising. The Digital Display Area is more particularly described in Exhibit B.
- (i) “Effective Date” means the date as of which both the City and Outfront Media have signed this Agreement, as indicated by the dates in the signature blocks below.
- (j) “Include” and its variants are not restrictive. For example, “includes” means “includes but not limited to,” and “including” means “including but not limited to.”
- (k) “Operational” means the Digital Freeway Sign is capable, legally and functionally, of displaying digital advertising on the Digital Display Area.
- (l) “Obstruction” means any structure, sound wall, communications antennae, tree, or vegetation on City owned or controlled property within 1,000 feet of the Digital Freeway Sign and obstructs the view of the Digital Display Areas from the viewing public on Highway 50.
- (m) “Site” means the portion of the Property located in the City that may be suitable for installation of a Digital Freeway Sign. The Site is more particularly described in Schedule 2 and Exhibit B.
- (n) “Sign Structure” means the portion of the Digital Freeway Sign other than the Digital Display Area, including but not limited to supporting pole(s), display frame and all ancillary equipment and utilities installed on the sign Site. The Sign Structure as improved with Digital Display Area is more particularly described in Exhibit B. If the site currently does not have a Sign Structure, the term “Sign Structure” shall mean all supporting pole(s), display frame and ancillary equipment and above-ground utilities installed on the Site.
- (o) “Term” means the entire time this Agreement is in effect, as specified in Section 3.

3. Term of Agreement.

- (a) *Term.* The “Term” of this Agreement consists of two phases:
 - (1) The “Development Phase,” which begins on the Effective Date and ends when the Digital Freeway Sign becomes Operational.
 - (2) The “Operations Phase,” with regard to the Digital Freeway Sign begins at the end of the Development Phase and ends when such Digital Freeway Sign is removed or after a twenty five (25) year period following the conclusion of the Development Phase, whichever occurs first. The Agreement is automatically renewed for an additional 25 year Term unless written notice is given by either party to the other

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party 60 days prior to expiration of the initial Term expressing the party's intent to terminate this Agreement.

4. **Consideration.** As consideration for the rights and benefits it enjoys under this Agreement, including the contemplated use during the Term, Outfront Media shall do all of the following:
 - (a) *Conditional Signing Bonus.* Outfront Media shall pay the City a one-time "Conditional Signing Bonus" of One Hundred Thousand Dollars (\$100,000.00) for the Digital Freeway Sign within ten Business Days after the Effective Date. The City shall refund the Conditional Signing Bonus within thirty (30) days after Outfront Media notifies the City that Outfront Media is not able to obtain the Caltrans Permits and the City Permits for the Digital Freeway Sign contemplated.
 - (b) *Monthly Fee.* Each month during the Operations Phase, Outfront Media shall pay the City the "Monthly Fee" set forth in Schedule 1. If the Operations Phase does not begin within twenty-four (24) months of the Effective Date, Outfront Media shall commence paying the City the Monthly Fee set forth in Schedule 1 beginning on the first day of the twenty-fifth (25th) month after the Effective Date and continuing through the end of the Operations Phase or until this Agreement is terminated.
 - (1) Monthly Fee is due and payable on the first day of each calendar month at the address set forth for the City in Section 9(c). Any installment of the Monthly Fee that is not paid within fifteen (15) days after it is due and payable will increase by (5%).
 - (2) If the Operations Phase begins on a day other than the first day of a month, then the first and last months' installments of Monthly Fee will be prorated.
 - (3) Outfront Media may abate the Monthly Fee if Outfront Media is unable by reason of law or regulation, permit revocation or issuance, to continue operation of the Digital Freeway Sign for any period of time during the Term of this Agreement in which event the Monthly Fee shall be waived in full for any such period of time. In addition, if Outfront Media removes both of the Digital Display Areas on its Sign Structure and places traditional outdoor advertising on its Sign Structure, the Monthly Fee shall no longer be payable with respect to that Digital Freeway Sign. The only circumstance under which placement of traditional outdoor advertising display faces shall be permitted is set forth in Section 6(i) of this Agreement.
 - (4) Outfront Media may offset the Monthly Fee if Outfront Media has provided notice of an Obstruction under Section 5(b) and the City has not removed the Obstruction as provided therein. In such event, the Monthly Fee shall be offset in full until such Obstruction is removed as required in Section 5(b).

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- (c) *Removal of Existing Outfront Media Signs.* At no cost to the City, Outfront Media shall remove the “Existing Signs” identified in Schedule 2, attached to this Agreement and incorporated by reference herein according to the schedule set forth in Schedule 2, subject to the following:
- (1) Outfront Media hereby waives any rights it may have to compensation for the Existing Signs under federal, state, or local law, including the Highway Beautification Act of 1965 (23 United States Code section 131) and the Outdoor Advertising Act (California Business and Professions Code section 5200 and following) for removal of the Existing Signs in accordance with this Agreement.
 - (2) Outfront Media’s commitment to remove the Existing Signs according to the schedule set forth in Schedule 2 is a material provision of this Agreement. Outfront Media is not entitled to replace the Existing Signs once they are removed.
- (d) *Dedicated “Click”.* During the Term of this Agreement, to the extent permissible under applicable laws, rules and regulations, OUTFRONT Media shall display advertisements promoting the City and local community events sponsored by and/or partnered with the City (the “City Copy”) on one digital display spot on the Digital Freeway Sign after each 8-spot digital loop (the “Display Time”) provided that: (i) all proposed City Copy is submitted to OUTFRONT Media not less than five (5) business days prior to the date on which the City Copy is proposed to be displayed on the Digital Freeway Sign (the “Copy Submission Deadline”); (ii) all digital artwork is consistent with the quality of material to be posted on the Digital Freeway Sign; and (iii) City pays for all digital production costs associated with the City Copy. In no event shall City be permitted to give, sell, trade, barter or exchange the Display Time to any third party. Such act shall be deemed a material breach of this Agreement and City shall automatically forfeit its right to any further Display Time on the Digital Freeway Sign. City represents and warrants that all copy, content and materials supplied by City to OUTFRONT Media for display under this Agreement (i) are owned or duly licensed by City and do not infringe or misappropriate the rights of any other person or entity, (ii) comply with all applicable federal, state, and local laws, rules and regulations and any industry codes or rules by which City and/or OUTFRONT Media may be bound and do not contain any obscene, libelous, slanderous or otherwise defamatory materials or refer in an offensive manner to the gender, race or ethnicity of any individual or group; (iii) are accurate and that all claims contained therein have been substantiated; and (iv) do not infringe upon any copyright, trademark or other intellectual property or privacy right of any third party. The advertisement to be shown during this “click” is separate from the amber alert and emergency public service notifications required by 6(j) of this agreement.

5. Use of Site.

- (a) *Exclusive Uses.* Except as otherwise provided in Section 6(i), Outfront Media has the exclusive right to display outdoor advertising on the Site, in digital formats. In addition, the City shall not authorize any off-site outdoor advertising on any City-owned or City-

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controlled property if the outdoor advertising would be within 1,000 feet of the Digital Freeway Sign. Outfront Media's exclusive right to conduct outdoor advertising on the Site includes the following:

- (1) Installing, erecting, maintaining, operating, improving, supplementing, posting, painting, illuminating, repairing, repositioning, adding, changing and maintaining equipment required to maintain communications with the Digital Freeway Sign repositioning (with the City's consent) during the term of this Agreement.
 - (2) Removing the Digital Display Area and all associated equipment on or from the site when this Agreement terminates, as provided in Section 6(m).
 - (3) Licensing the use of the Digital Freeway Sign, or any portion of it, for any lawful purpose related to outdoor advertising.
 - (4) All rights to operate the sign faces as Digital Display Areas.
- (b) *Unobstructed Use.*
- (1) The City shall not allow the following (an "Obstruction"):
- (A) On any City-owned or City-controlled real property within 1,000 feet of the Digital Freeway Sign any structure, sound wall, communications antennae, tree, or vegetation that obstructs the view of the Digital Display Areas from the viewing public on Highway 50.
- (2) If Outfront Media notifies the City in writing that an Obstruction exists, and if the City authorized or actively caused the Obstruction, then the City shall remove or remedy the Obstruction at its own cost within 30 days after receiving the notice. If the City fails to remove the Obstruction within 30 days after receiving the notice, then Outfront Media may remove the Obstruction at the City's expense after coordinating with the City's Public Works Department, which coordination shall include, at a minimum, review and approval of Outfront Media's plans to remove the Obstruction prior to Outfront Media commencing work.
 - (3) If Outfront Media notifies the City in writing that an Obstruction exists, and if the City did not authorize or actively cause the Obstruction, then the City may remove or remedy the Obstruction at its own cost within 30 days after receiving the notice. If the City does not remove or remedy the Obstruction within the 30 days, then, at no cost to the City, and after coordinating with the City's Public Works Department, which coordination shall include, at a minimum, review and approval of Outfront Media's plans to remove the Obstruction prior to Outfront Media commencing work.

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- (4) The City is not obligated to remove or seek removal of visual obstructions on private property. Furthermore, this Agreement does not, and cannot authorize Outfront Media to remove visual obstructions from private property.
- (5) Outfront Media's exercise of its rights under this Section 5(b) are in addition to any other remedies it may have under this Agreement.

6. Installation and Operation of a Digital Freeway Sign.

Outfront Media shall install and operate the Digital Display Area on the Sign Structure in accordance with this Section 6 and consistent with Section 5, all at no cost to the City.

- (a) *Plans and Specifications.* At no cost to the City, Outfront Media shall prepare complete plans and specifications for the Digital Freeway Sign, working closely with the City to develop plans and specifications that are mutually acceptable (the "Plans"). Outfront Media shall submit the Plans to the City for final approval, which the City shall not unreasonably withhold.
- (b) *Caltrans Permits.* As soon as practicable after the Effective Date, Outfront Media shall apply to Caltrans for all Caltrans Permits, and the City shall cooperate with Outfront Media in that effort, including the completion of any Caltrans forms. All Caltrans Permits are to be obtained and secured for Outfront Media's sole benefit and are to be issued in Outfront Media's name. Outfront Media shall perform all obligations under the Caltrans Permits at no cost to the City.
- (c) *City Permits.* The City shall diligently process Outfront Media's applications for all City Permits. This Agreement does not commit the City in advance to approve the City Permits; and this Agreement does not constrain the City's discretion, acting as a government, with respect to the City Permits specifically or to the Digital Freeway Sign generally.
- (d) *Installation.* Outfront Media shall begin installing the Digital Display Area as soon as practicable after the Commencement Date and shall diligently pursue installation to completion without unnecessary interruption. Outfront Media will be excused, however, for any delays in beginning or completing installation that are caused by a Force Majeure Event, as defined in Section 9(d)(1). Outfront Media shall use reasonable diligence to avoid such delays and to resume work as promptly as possible after such a delay.
- (e) *Ownership.* Outfront Media will be the owner of the Digital Freeway Sign and all permits and authorizations that relate to it, including the City Permits and the Caltrans Permits.
- (f) *Maintenance.* At no cost to the City, Outfront Media shall maintain the Sign Structure and shall maintain and repair the Digital Freeway Sign in accordance with the standards of the outdoor-advertising industry. Outfront Media's maintenance obligation under this

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Section 6(f) includes the obligation to remove any graffiti from the Sign Structure and the Digital Freeway Sign within three (3) business days of being notified of the graffiti by the City. The City is not obligated to maintain the Sign Structure or to maintain or repair the Digital Freeway Sign.

- (g) *Damage or Destruction.* This Agreement will continue in full effect if any of the Digital Freeway Sign is damaged and such damage amounts to less than material damage, as defined in Section 6(h) below. Outfront Media shall promptly repair the Digital Freeway Sign, and Outfront Media shall promptly apply for, and diligently pursue the issuance of, any permits or approvals it needs to repair or replace the Digital Freeway Sign. Within 30 days after obtaining the City Permits, all other necessary permits and approvals, and all parts and components, Outfront Media shall begin work to repair or replace the Digital Freeway Sign. Outfront Media shall complete the work within 180 days after the work begins. If Outfront Media elects, under this Section 6(g), not to repair or replace the Digital Freeway Sign then Outfront Media shall notify the City in writing of its election and shall remove the Digital Freeway Sign and restore the Site in accordance with Section 6(m).
- (h) Notwithstanding Section 6(g), in the event that Outfront Media's Digital Freeway Sign is materially damaged, Outfront Media shall be permitted to abate the Monthly Fee, for a period not to exceed sixty (60) days, until such time as the Digital Freeway Sign becomes Operational again. Materially damaged shall mean at least one-half of the Digital Display Area is completely inoperable due to such damage, which was not caused by Outfront Media or its agents.
- (i) *Utilities.* At no cost to the City, Outfront Media shall provide and pay for all utility connections, utility equipment, and utility service required to install, operate, maintain, repair, improve, or reposition the Digital Freeway Sign. Outfront Media shall participate in the Sacramento Municipal Utility District's Greenergy Program for electricity service to the Digital Freeway Sign. In the event electrical power becomes unavailable, for whatever reason, Outfront Media may remove the Digital Display Area and operate its Sign Structure with traditional faces. In the event that Outfront Media removes its Digital Display Area and operates its Sign Structure with traditional faces, due to the unavailability of electricity, Outfront Media shall be permitted to abate the Monthly Fee until such time as the electricity is restored and the Digital Freeway Sign becomes Operational again, if Outfront Media provides the City with written documentation from the Sacramento Municipal Utility District or other electricity provider confirming the electrical outage and dates thereof.
- (j) *Amber Alerts and Public-Service Messages.* During all periods when Digital Display Areas are Operational on the Digital Freeway Sign, Outfront Media shall make the Digital Display Area available to the appropriate governmental agencies for the purpose of displaying "Amber Alert" messages in accordance with the Amber Alert Guidelines set forth in Exhibit C to this Agreement. In addition, Outfront Media shall allow the Digital Display Area to be

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available to the City, and to other government agencies without cost, on a space-available basis determined by Outfront Media, for the purpose of displaying public-service messages (e.g., evacuation routes, drunk-driving-awareness messages, emergency-disaster communications). The City's messages must meet Outfront Media's graphics-arts standards so that the messages are "camera ready," at no cost to Outfront Media. All copy will be subject to Outfront Media's standard advertising copy rejection and removal policies which allow Outfront Media the right in Outfront Media's sole discretion to approve or disapprove a copy and remove a copy once posted or displayed.

- (k) *Future technologies.* The technology currently being deployed for the Digital Freeway Sign is LED (light emitting diode), but there may be alternate, preferred or superior technology available in the future. Outfront Media is authorized to change the Digital Freeway Sign to any other technology that operates under the maximum brightness standards set forth in Section 6(l) of this Agreement. The City shall expedite any required approvals for technology that is superior in energy efficiency over previous generations or types.
- (l) *Illumination Standards.* Digital Freeway Sign illumination is expressly permitted when in compliance with all applicable rules and regulations (see Section 5(n) below) and when operated within these standards, Digital Freeway Signs:
 - (1) shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.
 - (2) Distance to measure the foot candles impact shall be measured from a distance of 250 ft. for a sign with a nominal face size of 14' x 48'.
 - (3) Each Digital Display Area must have a light sensing device that will adjust the brightness as ambient light conditions change.
- (m) *Removal of Digital Freeway Sign.* When the Term ends, whether it expires as scheduled or is terminated early, Outfront Media shall promptly apply for, and diligently pursue the issuance of, at no cost to the City, any permits or approvals it needs to remove the Digital Freeway Sign, including the Digital Display Area and all above-ground sign structures and supports. Within 120 days after obtaining the necessary permits and approvals, Outfront Media shall remove the Digital Freeway Sign and all above-ground sign structures and supports and restore the site to the pre-Agreement condition, all at no cost to the City. Outfront Media shall not be required to remove the below-grade portions of the Sign Structure. Following termination of this Agreement but prior to removal of the Digital Freeway Sign, Outfront Media shall not display digital advertising on the Digital Display Area.
- (n) *Compliance with Laws; Waiver of Compensation.* During the Term and while removing the Digital Freeway Sign after the Term in accordance with Section 6(m), Outfront Media shall do the following at no cost to the City: comply with all valid and applicable statutes,

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ordinances, regulations, rules, and orders that concern the Digital Freeway Sign and are enacted or issued by any federal, state, or local governmental entity with jurisdiction over the Digital Freeway Sign (including the City) whether enacted or issued before, on, or after the Effective Date including but not limited to sections 5403, 5402, 5405, 5408 and 5408.1 of the California Outdoor Advertising Act. Notwithstanding the foregoing, nothing herein shall be deemed to negate, void, or diminish (i) any claim Outfront Media may have for just compensation as a result of any governmental action that results in the taking of its property or (ii) the right of Outfront Media to avail itself of all remedies available to Outfront Media under state or federal law to maintain its Digital Freeway Sign.

7. Early Termination.

- (a) *City's Termination Rights.* Without prejudice to its other remedies at law or in equity, the City may terminate this Agreement, at any time and in its sole discretion, effective 30 days after the City gives Outfront Media written notice of termination, if any of the following circumstances occurs:
 - (1) Outfront Media breaches its obligation to pay the Monthly Fee when due and does not cure the breach within 30 days after the City serves Outfront Media with a written notice of breach.
 - (2) Outfront Media breaches its obligation to perform in accordance with any material provision of this Agreement other than the obligation to pay Monthly Fee and: (A) does not cure the breach within 30 days after the City serves it with a written notice of breach or, if the breach cannot reasonably be cured within 30 days; (B), does not begin work on a cure within 30 days after the City serves it with a written notice of breach and diligently pursue the cure to completion within ninety (90) days after work begins. The parties can agree to extend the time period to cure the breach by mutual written agreement. The express designation in this Agreement of a provision as "material" does not imply that other provisions are not material.
 - (3) Outfront Media ceases to pay the Monthly Fee pursuant to Section 4(b)(3) of this Agreement, and no other provision permitting the nonpayment of the Monthly Fee is applicable.
 - (4) Outfront Media initiates legal challenge to the validity of this Agreement or its authorizing ordinance provided that this subsection shall not prevent Outfront Media from enforcing this Agreement and the parties' obligations hereunder.
- (b) *Outfront Media's Termination Rights.* Without prejudice to its other remedies at law or in equity, including the right to seek just compensation under the laws of eminent domain as described in Section 9, Outfront Media may terminate this Agreement, at any time and in its sole discretion, effective 30 days after Outfront Media gives the City written notice of termination, if any of the following circumstances occurs:

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- (1) The view of the Digital Display Area from the adjacent portion of Highway 50 is obstructed by an Obstruction on City-owned or City-controlled real property, and Outfront Media did not cause the Obstruction and the City has failed to adhere to its obligations under Section 5(b) following proper notice by Outfront Media. Materially obstructed shall mean at least one-half of the displayed area is obstructed.
 - (2) Outfront Media cannot safely use the Site to install, operate, maintain, repair, or improve the Digital Freeway Sign because of a non-remediable or costly condition, and Outfront Media did not cause the condition.
 - (3) There is a material diversion of traffic from, or a material reduction or change in the directional flow of traffic on, the portion of Highway 50 adjacent to the Site, and the diversion or disruption continues uninterrupted for at least 30 consecutive days
 - (4) Outfront Media cannot obtain or maintain any governmental permits, licenses or approvals required to install, operate, maintain, repair, or improve the Digital Freeway Sign, including but not limited to the Caltrans Permits and the City Permits.
 - (5) Use of the Digital Freeway Sign for its intended purpose is prevented or limited by law, or Outfront Media is required by any court or other governmental entity, for reasons other than eminent domain, to remove the Digital Freeway Sign from the Site.
 - (6) The Digital Freeway Sign is materially damaged or destroyed and Outfront Media elects not to repair or replace the Digital Display Area. Materially damaged or destroyed shall mean at least one-half of the Digital Display Area is damaged or destroyed such that at least one-half of it is fully inoperable.
- (c) *City's and Outfront Media's Additional Termination Rights.* Without prejudice to their other remedies at law or in equity, either party may terminate this Agreement if the other party (and/or, for Outfront Media, its parent company).
- (1) Has an order for relief entered with respect to it, commences a voluntary case, or has an involuntary case filed against it under any applicable bankruptcy, insolvency, or other similar law then in effect, and the order or case is not stayed, withdrawn, or settled within 60 days after it is entered, commenced, or filed (11 U.S.C. § 365(e)(2)(A), as amended, or any successor statute); or
 - (2) Files for reorganization, becomes insolvent, or has a receiver or other officer with similar powers appointed for its affairs in any court with jurisdiction, whether or not with its consent (unless dismissed, bonded, or discharged within 60 days after appointment).

EXHIBIT D**8. Indemnification.**

(a) *Definitions.* The following definitions apply to this Section 8:

- (1) “Person” is to be interpreted broadly. It includes not just third persons but also Outfront Media and Outfront Media’s directors, officers, employees, contractors, and agents; and the City and the City’s elected officials, officers, employees, contractors, and agents.
- (2) “Liabilities” means all liabilities, claims, demands, damages, and costs (including reasonable attorneys’ fees and litigation costs through final resolution on appeal) that arise directly or indirectly from Outfront Media’s possession or use of the Site.
- (3) “Occurrence” means: (A) the death of, or injury to, any Person; and (B) damage to, or destruction of, any real property, personal property.

(b) *General Indemnity.* Outfront Media shall indemnify, defend (with attorneys reasonably acceptable to the City), protect, and hold the City harmless from and against all Liabilities that arise directly or indirectly from Outfront Media’s possession or use of the Site. Outfront Media is obligated under this Section 8(b) even if the City or the City’s elected officials, officers, employees, contractors, or agents reviewed, accepted, or approved the work, materials, or activities from which the Liabilities arise. But Outfront Media is not obligated under this Section 8(b) to the extent the Liabilities are caused by the active negligence or willful misconduct of the City or the City’s elected officials, officers, employees, contractors, or agents. Outfront Media’s obligation under this Section 8 (b) includes Liabilities arising from any of the following:

- (1) Any Occurrence on the Site, but only to the extent caused by Outfront Media’s acts or omissions.
- (2) Any Occurrence that is in any way connected with any of Outfront Media’s personal property on the Site.
- (3) Any Occurrence caused or allegedly caused by (A) any condition of the Site created by Outfront Media or by any Person on the Site with Outfront Media’s permission; or (B) some act or omission on the Site by Outfront Media or by any Person on the Site with Outfront Media’s permission.
- (4) Any Occurrence caused by, or related in any way to, work or activities performed on the Site or materials furnished to the Site at the request of Outfront Media or any Person or entity acting for Outfront Media or with Outfront Media’s permission.
- (5) Any Occurrence that is caused by, or related in any way to, a verbal or non-verbal display on the Digital Display Area.

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- (6) Outfront Media's failure to perform any provision of this Agreement, to comply with any requirement of law applicable to Outfront Media, or to fulfill any requirement imposed by any governmental entity (including the City when acting as a government) on Outfront Media or Outfront Media's use of the Site.
- (c) *Legal Challenges.* Outfront Media shall indemnify, defend with attorneys selected by the City, protect, and hold harmless the City and the City's elected officials, officers, and employees ("Agents") in any litigation to attack, set aside, void or annul an approval by the City or its Agents concerning the Digital Freeway Sign (collectively, a "Claim" including litigation based on the California Environmental Quality Act) brought to challenge the validity of this Agreement, the validity of the City Permits or the Caltrans Permits, or the validity of the City ordinances that authorize the installation and Operation of the Digital Freeway Sign on the site. Outfront Media's obligation to indemnify under this Section 7(c) includes liability for attorneys' fees awarded to a party who successfully challenges the validity of this Agreement, of the City Permits, or the Caltrans Permits, or of any authorizing ordinance. If such a Claim is brought, the parties shall promptly notify the other party of such Claim and each party shall cooperate with the efforts of the Outfront Media to defend such Claim. The City will not voluntarily assist the opposing party in any such Claim or take any position adverse to Outfront Media in connection with such Claim. Nothing in this paragraph shall obligate the City to defend any Claim and the City shall not be required to pay or perform any settlement arising from any such Claim, unless the settlement is approved in writing by the City.
- (d) *Survival.* Outfront Media's obligations under this Section 8 will survive this Agreement.

9. Miscellaneous.

- (a) *Assignments and SubAgreements.* A party may not assign or otherwise transfer this Agreement or any interest in it, and this Agreement is not assignable by operation of law, without the other party's prior written consent, which the other party shall not withhold, delay, or condition unreasonably. This Agreement remains in effect, and an assignment or transfer of this Agreement does not occur, for purposes of this Section 9(a), if Outfront Media merges with another company, reorganizes its stock, or undergoes a similar corporate restructuring, or if Outfront Media sells any of its assets or stock. An assignment or transfer made contrary to this Section 9(a) is void.
- (b) *Successors and Assigns.* This Agreement binds and inures to the benefit of the successors and permitted assigns of the parties. This Section 9(b) does not constitute the City's consent to any assignment of this Agreement or any interest in the Agreement.
- (c) *Notices.* Any notice or other communication under this Agreement must be in writing and will be considered properly given and effective only when mailed or delivered in the manner provided by this Section 9(c) to the persons identified below. A mailed notice or

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other communication will be effective or will be considered to have been given on the third day after it is deposited in the United States Mail (certified mail and return receipt requested), addressed as set forth below, with postage prepaid. A notice or other communication sent in any other manner will be effective or will be considered properly given when actually delivered. A party may change its address for these purposes by giving written notice of the change to the other party in the manner provided in this Section 9(c).

If to the City:

City of Rancho Cordova
Planning Department
2729 Prospect Park Drive
Rancho Cordova, California 95670
Attention:
Aaron Busch, Community Development
Director

If to Outfront Media:

Outfront Media LLC
1731 Workman St. S,
Los Angeles, CA 90031
Attention: VP Real Estate

With a copy to:

Outfront Media LLC
405 Lexington Avenue
New York, NY 10174
Attn: General Counsel

(d) *Force Majeure.*

- (1) "Force Majeure Event" means a cause of delay that is not the fault of the party who is required to perform under this Agreement and is beyond that party's reasonable control, including the elements (such as floods, earthquakes, windstorms, and unusually severe weather), fire, energy shortages or rationing, riots, acts of terrorism, war or war-defense conditions, acts of any public enemy, epidemics, the actions or inactions of any governmental entity (excluding the City) or that entity's agents, litigation, labor shortages (including shortages caused by strikes or walkouts), and materials shortages.
- (2) Except as otherwise expressly provided in this Agreement, if the performance of any act required by this Agreement to be performed by either the City or Outfront Media is prevented or delayed because of a Force Majeure Event, then the time for performance will be extended for a period equivalent to the period of delay, and performance of the act during the period of delay will be excused.

(e) *Waiver of Breach.* A party's failure to insist on strict performance of this Agreement or to exercise any right or remedy upon the other party's breach of this Agreement will not constitute a waiver of the performance, right, or remedy. A party's waiver of the other

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party's breach of any provision in this Agreement will not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provision. A waiver is binding only if set forth in writing and signed by the waiving party.

- (f) *Relationship of the Parties.* This Agreement does not create any relationship or association between the City and Outfront Media. For example, and without limiting the previous sentence, this Agreement does not create between the City and Outfront Media the relationship of principal and agent, nor does it create a partnership or joint venture.
- (g) *Attorneys' Fees.* The party prevailing in any litigation concerning this Agreement, the Site, or any improvements to the Site (including the Digital Freeway Sign) will be entitled to an award by the court of reasonable attorneys' fees and litigation costs through final resolution on appeal in addition to any other relief that may be granted in the litigation. If the City is the prevailing party, then this Section 9(g) will apply whether the City is represented in the litigation by the Office of the City Attorney or by outside counsel.
- (h) *Severability.* If a court with jurisdiction holds any nonmaterial provision of this Agreement to be invalid, void, or unenforceable, then the remaining provisions will remain in full force.
- (i) *Counterparts.* The parties may execute this Agreement in counterparts, each of which will be considered an original, but all of which will constitute the same Agreement.
- (j) *Further Assurances.* Each party shall execute all additional documents or instruments and take all necessary action that either party reasonably considers necessary to carry out the proper purposes of this Agreement.
- (k) *Time of Essence.* Time is of the essence of this Agreement.
- (l) *Interpretation.* This Agreement is to be interpreted and applied in accordance with California law without regard to conflict-of-laws principles, except that the rule of interpretation in California Civil Code section 1654 will not apply. Schedules 1 and 2 and Exhibits A, B, and C are part of this Agreement.
- (m) *Integration and Modification.* This Agreement sets forth the parties' entire understanding regarding the matters addressed. It supersedes all prior or contemporaneous agreements, representations, and negotiations (written, oral, express, or implied) and may be modified only by another written agreement signed by both parties.

(Signature Page Follows)

EXHIBIT D**City of Rancho Cordova**

By: _____
Brian Nakamura
City Manager
Dated: _____, 2015

Approved as to Form
Rancho Cordova City Attorney

By: _____
Adam Lindgren
City Attorney

Outfront Media LLC

By: _____
Raymond Nowak
EVP, CAO and US CFO
Dated: _____, 2015

**Agreement for Digital Billboard
City of Rancho Cordova and Outfront Media**

Schedule 1

Monthly Fee

1. For the Site developed under this Agreement, the Monthly Fee due on the first day of the month is as follows:

Contract Year	Monthly Fee
Year 1	\$10,833
Year 2 -25	\$4,166

Agreement for Digital Freeway Sign
City of Rancho Cordova and Outfront Media

Schedule 2

Existing Billboards to be Removed

New Billboard	Existing Billboards
Naturewood Site Address: 12125 Folsom Boulevard APN 069-0160-021	Outfront Media shall obtain the necessary permits to remove these Existing Signs <i>before</i> the Commencement Date for the new Digital Freeway Sign; and will actually complete removal within 12 months from said date: Locations: 11373 Folsom Boulevard (APN 069-0130-003) – Two sided traditional billboard with approximately 600 square feet of sign area Near 9847 Folsom Boulevard (APN 075-0440-008) – Two sided traditional billboard with approximately 600 square feet of sign area

**Agreement for Digital Freeway Sign
City of Rancho Cordova and Outfront Media
Exhibit A**

Digital Freeway Sign Operational Requirements

- a. Operational Limitations. Digital Freeway Sign shall display static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement in or on any part of the Sign Structure, design, or pictorial segment of the sign. Each static message shall not include flashing, scintillating lighting or varying light intensity.**
- b. Minimum display time. Each message on the sign must be displayed for a minimum of eight (8) seconds.**
- c. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.**
- d. The Digital Freeway Sign shall be operated with systems and monitoring in place to either turn the display off or show a “full black” image on the display in the event of a malfunction that affects at least fifty percent of the display area.**
- e. The Digital Freeway Sign shall not be deemed prohibited under Section 23.743.050 and is not governed by any of the prohibitions set forth in Subsections B, Q, S or U thereof as the operation thereof is specifically authorized by Section 23.743.150 of the Code.**
- f. Section 23.743.090 of the Code shall not apply to Digital Freeway Sign. Illumination for the Digital Freeway Sign shall comply with the terms of this Agreement and is otherwise specifically permitted by Section 23.743.150 of the Code.**
- g. Digital Freeway Sign is not considered to be a pole sign under Section 23.743.120. E of the Code.**
- h. Digital Freeway Sign shall not be included within any definition of Flashing set forth in the Code.**

**Agreement for Digital Freeway Sign
City of Rancho Cordova and Outfront Media
Exhibit B**

Digital Freeway Sign Description

Insert Final Exhibit

Agreement for Digital Freeway Sign
City of Rancho Cordova and Outfront Media

Exhibit C

Amber Alert Guidelines

AMBER alerts are issued by the National Center for Missing and Exploited Children in Washington, DC. For those alerts, Outfront Media and the outdoor advertising industry adhere to these guidelines:

Digital Freeway Sign advertising will be completely interrupted upon receipt of an AMBER Alert within the affected geographical boundary.

The appropriate AMBER Alert will run uninterrupted for a minimum of one hour preempting all other advertising.

Thereafter, during the two hours immediately following the aforementioned one-hour display of the AMBER Alert, the same alert will be displayed in rotation along with other paid advertisers unless cancelled earlier. After the initial 3 hour display period, any additional posting of the alert shall be based on the situation and availability.

Legend



Existing Digital Billboards



Proposed Digital Billboards

Existing Traditional Billboards

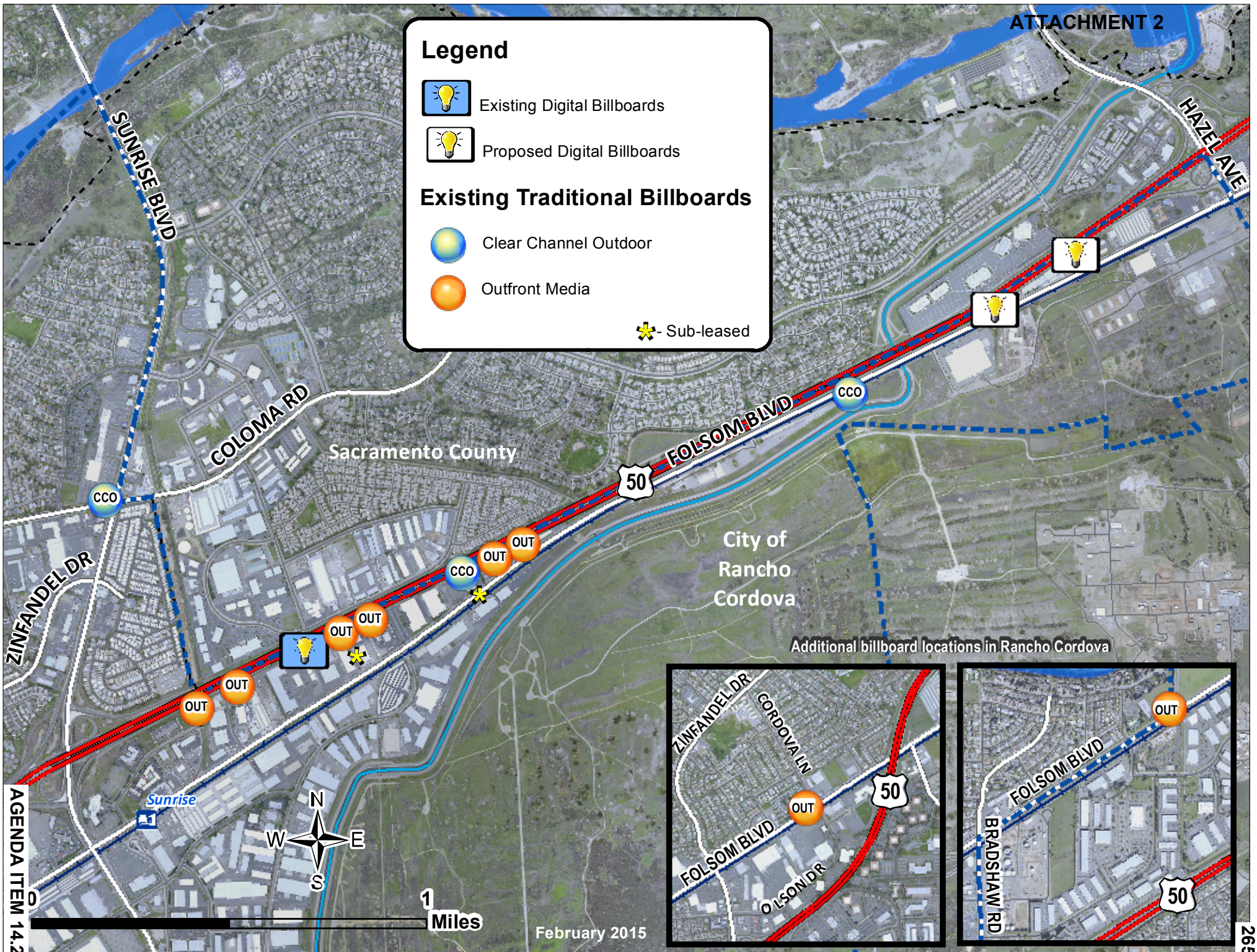


Clear Channel Outdoor



Outfront Media

- Sub-leased





February 6, 2015

Mayor McGarvey and Members of the City Council
2729 Prospect Park Dr.
Rancho Cordova, CA 95670

Re: Proposed Digital Sign at Naturwood

Dear Mayor McGarvey and Members of the City Council:

On February 17, 2015, the City Council will consider for a fourth time the digital sign applications submitted by Sierra Outdoor, LLC/Outfront Media and Clear Channel Outdoor. Consistent with Council's direction at the December 15 hearing on these items, city staff has recommended approval of Sierra Outdoor, LLC/Outfront Media's application, and denial of Clear Channel's.

On January 6, 2015, the property owner of the Clear Channel Outdoor site, Steven Hansen, submitted to you a six-page letter. Mr. Hansen's letter contains numerous factual inaccuracies and incorrect assumptions, and omits important facts. Sierra Outdoor, LLC categorically refutes the erroneous accusations contained therein. Given the extent of the aforementioned inaccuracies and omissions, it is not practical to offer a point-by-point rebuttal here. However, should you have any questions, or if you would like a response on any particular topic, please do not hesitate to contact us.

Very truly yours,

SIERRA OUTDOOR, LLC

By

A handwritten signature in dark ink, appearing to read 'Patrick M. Gardner', is written over a horizontal line.

Patrick M. Gardner, Managing Member



LAW OFFICES
ESTABLISHED 1896

TIMOTHY D. TARON
DIRECT: (916) 567-7329
EMAIL: TTARON@HSMILAW.COM

February 9, 2015

2150 RIVER PLAZA DRIVE
SUITE 450
SACRAMENTO, CA
95833-4136
TEL: (916) 925-6620
FAX: (916) 925-1127

Mayor McGarvey and Members of the City Council
2729 Prospect Park Dr.
Rancho Cordova, CA 95670

RE: Proposed Digital Sign at Naturwood

Dear Mayor McGarvey and Members of the City Council:

On January 19, 2015, the City Council received a letter from Steven Hansen, owner of the property on which Clear Channel has proposed to place its second digital sign in the City, alleging as follows: "[w]e believe the city and the public have been misled regarding City of Rancho Cordova resolution No. 4-2015 section 2.B.b. Evidence; which states 'no vegetation shall be removed from the property to accommodate the sign'" ("Hansen letter"). In support of this accusation, the Hansen letter included two satellite images: one dated May 31, 2007, and the other dated April 18, 2014. For the convenience of Council members, the page of the Hansen letter containing these photos is attached hereto as **Exhibit 1**.

As is clear from these images, numerous trees were removed from the Naturwood site between the dates these images were taken. What is also clear from these images is that the parking lot depicted therein was resurfaced during that same timeframe. The reason for both of these observations is simple: Naturwood's trees were destroying their parking lot, causing drainage issues, and threatening public safety. A photo depicting a portion of the damage these trees caused in the parking lot is attached hereto as **Exhibit 2**. Because of the parking lot damage as well as the tripping hazards and accessibility issues caused thereby, Naturwood removed the problem trees and resurfaced its parking lot. Sierra Outdoor has not, nor does it, dispute that the Hansen letter is correct in this regard.

However, the Hansen letter omits numerous critical facts. First and foremost, the proposed digital sign does not require any prospective tree removal, so no vegetation will be removed to accommodate the sign. Whether Naturwood removed trees to prevent further damage in its parking lot in the past is irrelevant. Second, because of their height, none of the trees removed would have affected visibility of the sign from Highway 50. Additionally, as is obvious from the images in Exhibit 1, the height of many of the removed trees is irrelevant, as many were located on the opposite side of the parking lot where, regardless of their height, they would not impair visibility of the proposed digital sign. Finally, the vast majority of the trees

Mayor McGarvey and Members of the City Council
February 9, 2015
Page 2

that provide a visual barrier between Naturwood and Highway 50 remain in place today. A photo of these trees is attached hereto as **Exhibit 3**.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

HEFNER, STARK & MAROIS, LLP



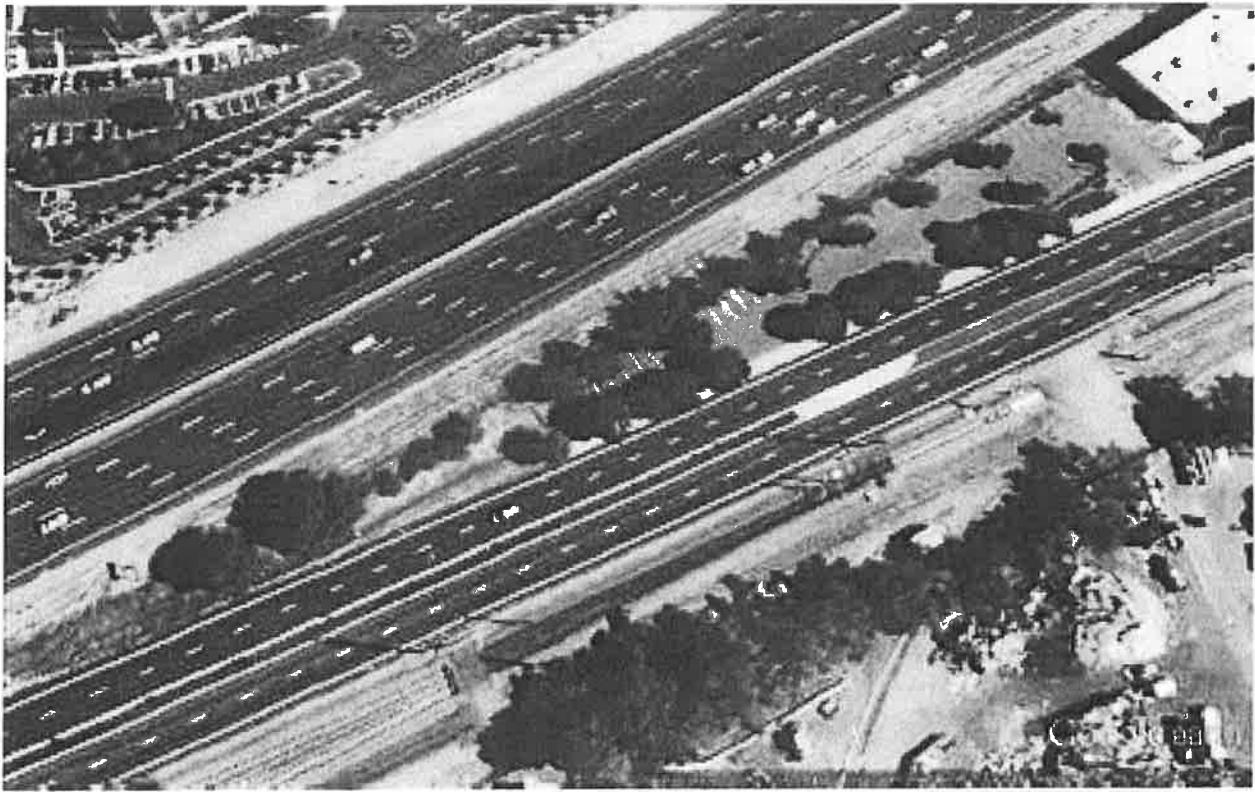
By

Timothy D. Taron

TDT:CER

cc: Mindy Cuppy, City Clerk
Jessica Jordan, Principal Planner
Pat Gardner
Vinton Hawkins
Kevin Johnson

Exhibit 1



HWY 50 & POLWSON BLVD OVERVIEW INTO NATUREWOOD PARKING LOT WEST END MAY 11, 2007



HWY 50 & POLWSON BLVD OVERVIEW INTO NATUREWOOD PARKING LOT WEST END APRIL 18, 2014

Exhibit 2

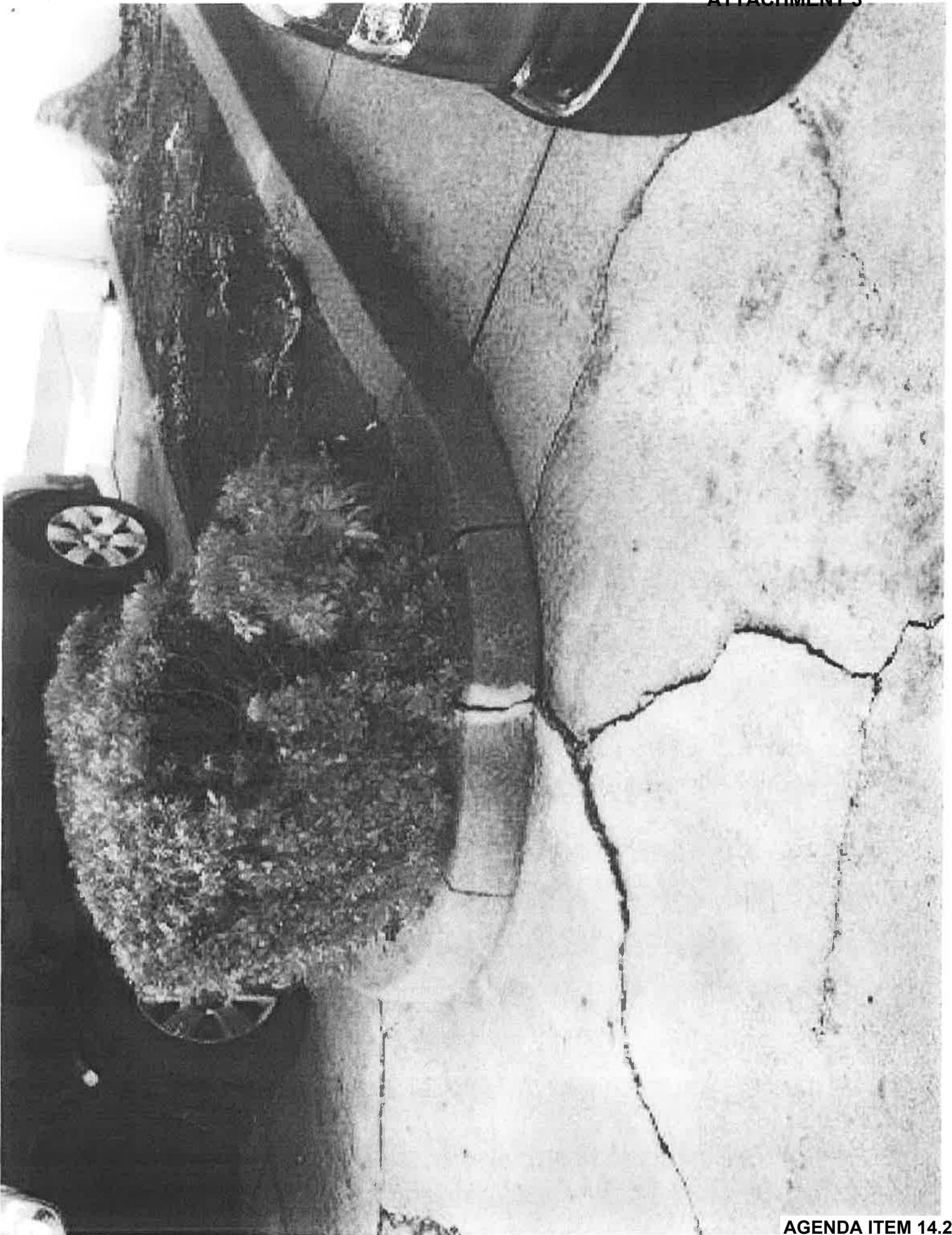
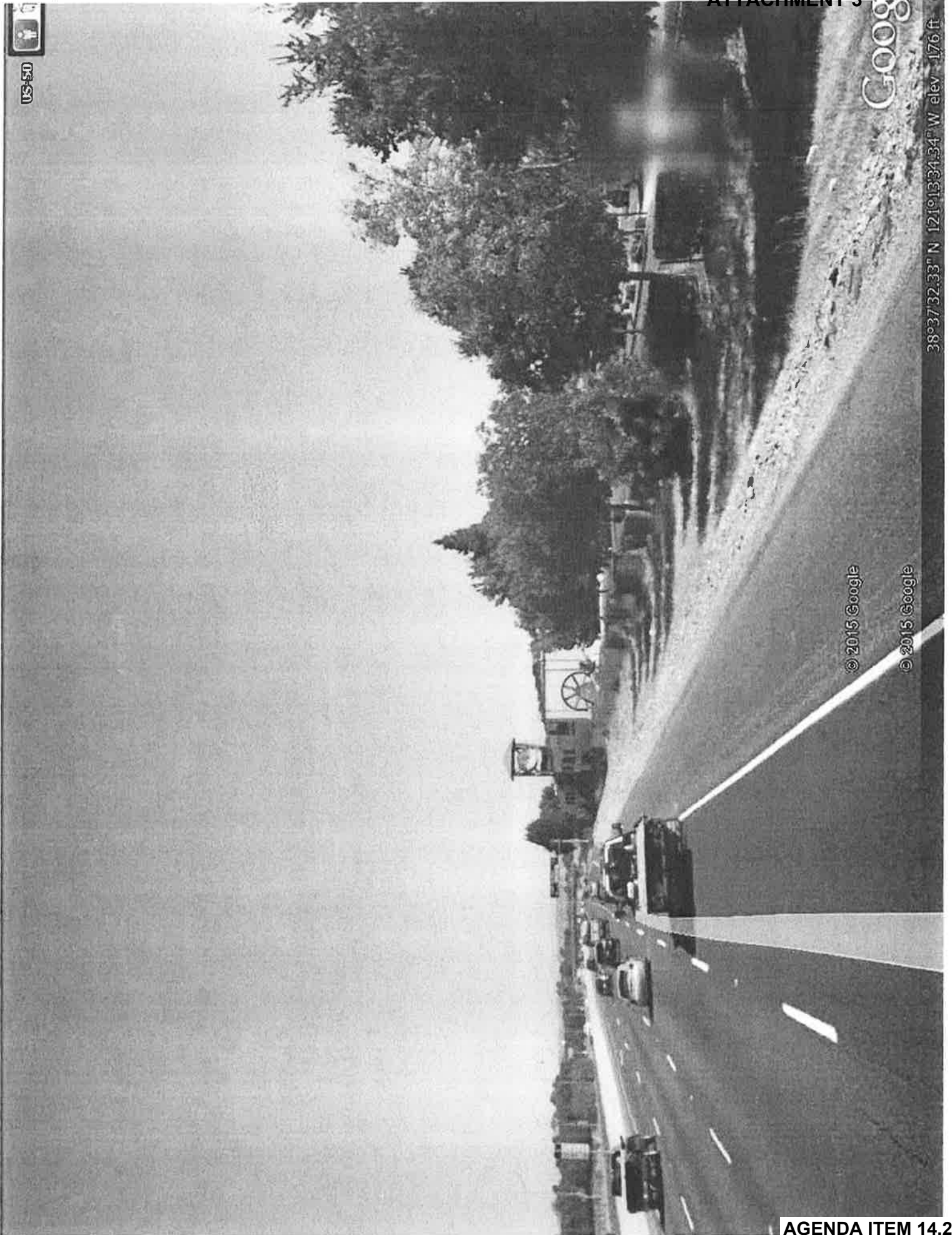


Exhibit 3





LAW OFFICES
ESTABLISHED 1896

TIMOTHY D. TARON
DIRECT: (916) 567-7329
EMAIL: TTARON@HSMILAW.COM

February 9, 2015

2150 RIVER PLAZA DRIVE
SUITE 450
SACRAMENTO, CA
95833-4136
TEL: (916) 925-6620
FAX: (916) 925-1127

Mayor McGarvey and Members of the City Council
2729 Prospect Park Dr.
Rancho Cordova, CA 95670

RE: Proposed Digital Sign at Naturwood

Dear Mayor McGarvey and Members of the City Council:

Rancho Cordova Municipal Code section 23.743.150 established the City's digital freeway signs overlay zone (Ordinance). Pursuant to subsection (C)(1), for every one digital sign installed, an applicant must remove at least four legally existing billboard structures within the City. Alternatively, the City and applicant may enter into an operating agreement to reduce the number of required billboard removals if the City determines that the operating agreement would achieve community benefits that are equivalent to those that would be achieved through strict compliance with the Ordinance. At the December 15, 2014 hearing, Sierra Outdoor, LLC ("Sierra Outdoor") and Outfront Media, LLC, formerly CBS Outdoor ("Outfront Media") (collectively referred to as "Applicants") proposed an Operating Agreement under which (1) two existing billboards would be removed, (2) the City would receive annual payments in lieu of two additional billboard removals, and (3) the City would receive a dedicated "click" for public service announcements.

Consistent with Council's direction at the December 15, 2014 hearing, staff recommended approval of Applicants' application at the next hearing on January 20, 2015. However, the Council voted to continue the public hearing on this item and made its position clear: the City preferred additional billboard removals over annual payments. Accordingly, Applicants have listened and expended tremendous effort to craft a proposal under which the City would not receive annual payments but additional billboard removals would be achieved. Notwithstanding significant financial, logistical, and strategic hurdles, Applicants are now prepared to offer one additional sign removal at 10833 Folsom Boulevard (see Exhibit A), in addition to the originally proposed removals at 11373 Folsom Boulevard and 9847 Folsom Boulevard. Additionally, Applicants are working diligently to secure one additional removal in an effort to comply with the City's Ordinance. However, until and unless this additional removal is secured, Applicants propose a revised Operating Agreement.

Mayor McGarvey and Members of the City Council
February 9, 2015
Page 2

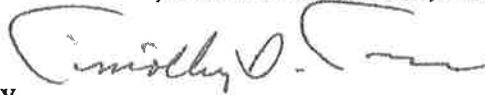
Under the Operating Agreement, Applicants propose, in addition to the three (3) removals, a one-time contribution of \$50,000 to the City for construction of a digital reader board at Coloma Road and Chase Drive, Folsom Boulevard revitalization, or any other project to which the City wishes to dedicate these funds. Applicants also propose a \$65,000 annual payment in year one, and annual payments of \$25,000 thereafter. Finally, Applicants wish to provide the City a dedicated "click" for public service announcements. Over the course of the potential 50-year term, this dedicated "click" would be worth \$3,000,000, and provide the City a significant opportunity to connect with the citizens of Rancho Cordova as well as the greater Sacramento region.

Alternatively, if the Council prefers Applicants' original offer of two sign removals at 11373 Folsom Boulevard and 9847 Folsom Boulevard, a one-time signing bonus of \$100,000, a dedicated click, a \$130,000 annual payment in year one, and annual payments of \$50,000 thereafter, Applicants remain willing to adhere to that proposal.

Should you have any questions regarding any of the topics discussed herein, please do not hesitate to contact me.

Very truly yours,

HEFNER, STARK & MAROIS, LLP



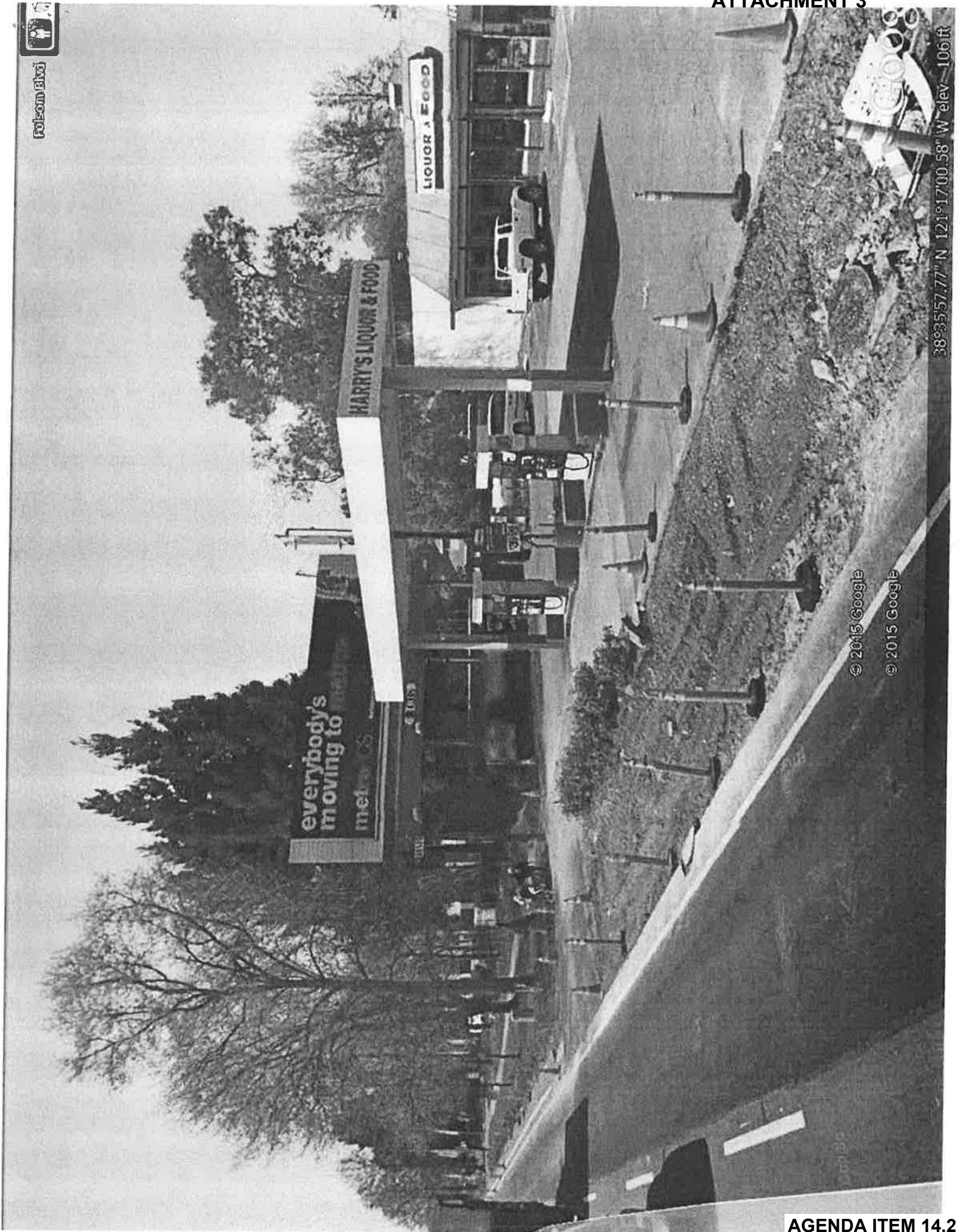
By

Timothy D. Taron

TDT:CER

cc: Mindy Cuppy, City Clerk
Jessica Jordan, Principal Planner
Pat Gardner
Vinton Hawkins
Kevin Johnson

Exhibit A



Folsom Blvd

© 2015 Google

© 2015 Google

38°35'57.77" N 121°17'00.58" W elev: 106 ft



February 9, 2015

Mr. Brian Nakamura
City Manager
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Re: Digital Signage Operating Agreement in the City of Rancho Cordova

Dear Mr. Nakamura:

I am writing this letter on behalf of Outfront Media in support of our contemplated operating agreement with the City of Rancho Cordova and to clear up some erroneous information that has been disseminated in connection therewith.

Outfront Media f/k/a CBS Outdoor is a responsible vendor with strong ties to the local community. We currently operate eight sign structures bearing a total of twelve sign faces within the City of Rancho Cordova. A little over 8 months ago, Outfront Media properly submitted its current digital billboard permit application to the City of Rancho Cordova. The City made it clear to Outfront Media that its intent in awarding a digital permit was to reduce the overall number of sign structures within the City of Rancho Cordova. Thus, Outfront Media offered to remove more than a quarter of its existing inventory from within the City of Rancho Cordova in addition to providing a significant revenue stream to the City in exchange for a digital permit. Outfront Media also remains willing to negotiate the removal of additional signage in lieu of the cash compensation portion of our initial offer. Outfront Media has never demanded that it be the only outdoor advertising company to receive a digital permit. However, it appears that it is the only company with sufficient outdoor advertising inventory to remove from within the City of Rancho Cordova to justify such an award.

That being said, Outfront Media is not obtaining an unfair advantage in the marketplace, as has previously been suggested. Rather, we are at a competitive *disadvantage* in the current marketplace. Outfront Media operates merely two 20'x60' digital advertising faces and two 12'x25' digital advertising faces in the greater Sacramento area, each with 8 clicks for a total of 32 clicks. Our competitor, Clear Channel, who is objecting to the award of any digital permits to Outfront Media, operates **eighteen** 14'x48' digital faces in the greater Sacramento area, each with 8 clicks for a total of 144 clicks. Even with the addition of the Rancho Cordova digital sign (which requires removal of a significant portion of our inventory from within the City of Rancho Cordova), Outfront Media would still be operating digital signage that comprises less than 1/3 of the digital inventory operated by Clear Channel in the Sacramento market.

While we can sympathize with Mr. Hansen and his frustration over the lengthy permit application process, Outfront Media diligently and in good faith pursued a permit for the placement of a digital sign on Mr. Hansen's property for over a year, which was complicated by concerns from the City regarding tree removal and issues with Mr. Hansen's then-current tenants. Mr. Hansen notified Outfront Media that he no longer wished to tie up his property with our Lease, which was interfering with his ability to make other uses of his property. At Mr. Hansen's request, Outfront Media agreed to terminate our Lease only to later learn that Mr. Hansen had entered into a similar lease with our competitor, Clear Channel. Outfront Media did not begin pursuing a permit for the placement of a digital sign on the Sierra property until after Mr. Hansen terminated our lease, which can be verified by City records.

While it is unfortunate that a dispute has arisen over a proposed agreement that was properly noticed and subsequently approved by City Council in December, 2014, we remain committed to working with the City to see this through to fruition. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Chris Steinbacher".

Chris Steinbacher
VP, Real Estate West Coast

Cc. Jessica Jordan, Principal Planner, City of Rancho Cordova

MEMORANDUM

TO: Rancho Cordova City Council

CC: Adam Lindgren, City Attorney
Paul Junker, Planning Director

FROM: Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association, The Classics at Gold River

RE: Petition to Reject the August 2014 Mitigated Negative Declarations for Sierra/CBS Outdoor at Naturwood Digital Sign and Clear Channel Outdoor Digital Freeway Sign due to Violation of CEQA Guidelines §15072 – Insufficient Public Notification

DATE: JANUARY 19, 2015

The California Environmental Quality Act (CEQA) (Public Resources Code §21000, et seq.) includes many procedural requirements including those for public notice and review.

The goal of fully informing the public of the effects of development is at the heart of CEQA. Public involvement in the CEQA process aims to ensure that the public has a voice in the decision-making process - specifically, that public concerns about environmental issues and the potential effect of development on the physical environment are addressed prior to project approval.¹

Pursuant to CEQA Guidelines Section 15072, Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, specific minimum requirements to ensure public notification are outlined, as follows:

(b) The lead agency shall mail a notice of intent to adopt a negative declaration or mitigated negative declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by at least one of the following procedures to allow the public the review period provided under Section 15105:

(1) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. *If more than one area is*

¹ UC CEQA Handbook: Chapter 4.1 - Formal Requirements

affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas. (Emphasis added.)

(2) Posting of notice by the lead agency on and off site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of property contiguous to the project. Owners of such property shall be identified as shown on the latest equalized assessment roll.

The abovementioned Mitigated Negative Declarations (MNDs) were noticed *only* in the Rancho Cordova *Grapevine* and on the City's website.² Sections 15072(b)(2) and (b)(3) were not utilized as a means of notification, thus Section 15072(b)(1) stands as the procedure chosen by the city of Rancho Cordova to allow the public the review period provided under Section 15105.

The undersigned respectfully submit that the City of Rancho Cordova was aware that homeowners on the bluffs would be affected by the construction of a large digital sign(s) located directly within the line of sight of homes on the bluffs. If the City did not know, they should have known. That impression was amplified by a member of the Rancho Cordova Council during the City Council meeting on December 15, 2014 when he stated that the concerns expressed by a speaker that evening were similar to those expressed by homeowners on the bluffs during hearings for the construction of the Mormon Temple. Further, the City of Rancho Cordova was a partner with many of the abovementioned homeowner associations and with SARA in 2011 when a concerted effort was made to oppose the construction of a Joint Operations Center near the fish hatchery just below Nimbus Dam. Several of the most significant concerns were the impacts on traffic safety, scenic views and light pollution. It is therefore logical to suggest that the City of Rancho Cordova should have known that interest in the digital sign proposals would extend beyond the city limits of Rancho Cordova. Traffic safety and congestion are continuing concerns at the Highway 50 & Hazel interchange. Residents of many communities who drive this route frequently understand how challenging these problems are. The addition of a large digital billboard at this already-chaotic interchange will affect thousands of people outside of the City of Rancho Cordova. Further, The MNDs address several critical environmental questions about scenic vistas, light and glare. Specifically, the environmental documents ask if the project(s) will "Have a substantial adverse effect on a scenic vista?" and will the project(s) "Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?" Citizens outside of Rancho Cordova were not notified to provide comment on the above-referenced MNDs. Yet, the impacts would directly affect them. Adverse impacts on scenic vistas, a new source of substantial light and glare, and traffic safety are substantive and have such standing that residents of Fair Oaks, Gold River, Orangevale and Folsom, at a minimum, should have been noticed.

² Per telephone conversation with member of Rancho Cordova City Planning Department, January 9, 2015.

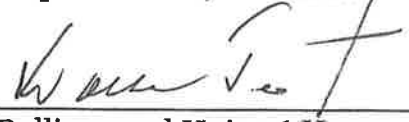
We submit that the notification procedure for the Mitigated Negative Declarations for the abovementioned projects was insufficient and does not meet the minimum standards required by CEQA. The legislature has spoken on the issue of noncompliance in Public Resources Code, Division 13, Chapter 1, Section 21005(a): "The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions."

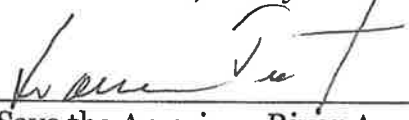
Thank you for your consideration of our concerns. We appreciate the city's recent efforts to reduce signage along Folsom Boulevard and laud the direction it has taken to improve its commercial development, such as the Zinfandel and White Rock Road area. It is with this kind of foresight that we urge this City Council to consider its legacy and begin creating a truly scenic section of Highway 50 along the Sunrise Boulevard to Hazel Avenue corridor—in part by keeping it billboard free.

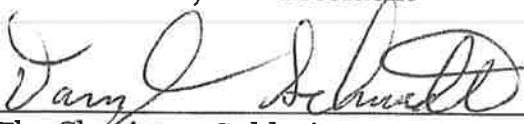
Respectfully Submitted,


 Bluff City, Inc. Homeowners Association
 James Kangas, President


 Lake Natoma Heights Neighborhood Association
 Stephen Green, Immediate Past President


 Rollingwood Unit #6 Homeowners Association
 Warren Truitt, Safety Coordinator


 Save the American River Association
 Warren Truitt, Vice President


 The Classics at Gold River
 Darryl Schmidt, Volunteer Coordinator, Neighborhood Safety

Digital freeway sign conditional use permit**01-06-2015**

Dear Mayor McGarvey, Vice Mayor Sander, City Council Members Budge, Terry, Skoglund, City Attorney Lingren, and City Manager Nakamura.

I would like to thank all of you for your service, dedication and loyalty to the city of Rancho Cordova. It was an honor to witness the recent swearing in ceremony of Mayor McGarvey, and Vice Mayor Sander. I can appreciate and fully understand what it takes to serve the public. I have been a Police Officer for over 15 years. I understand that you have to first and foremost be unbiased, possess qualities such as integrity, empathy, morals, values, honesty, and most importantly to do the right thing. I began a career in Law enforcement to help people, to give back to the community. I learned most of these values right here in Rancho Cordova. In the late 1970's my grandfather and Grandmother purchased the property located at 12137 Folsom Blvd. There were huge mountains of dredger tailings, rock, sand and gravel on the property. My father just got out of the military after serving eight years in the US Air Force during the Viet Nam War. His degree at American River College was in Business Management. My father and mother partnered with his parents and Started Nimbus Landscaping Materials. They imported decorative bulk landscaping and building supplies from all over the area. We and Rudy's Hideaway were the first business in the area, even before Naturewood. With a lot of hard, back breaking work we became a destination location for surrounding residents, businesses and municipalities to acquire bulk landscaping and building materials to construct their projects. I started helping my family at a young age with the business. I began bagging coal to heat resident's homes in the early 1980's, bagging sand to help with winter flooding. I was 12 years old. My father and grandfather taught me strong work ethics, and values. My grandfather would always tell me at a young age, treat people with respect, do unto to others as you would have them do unto you, don't be lazy, put in an honest day's work and help people. The list goes on. I learned so much at a young age from my grandfather and father. Fast forward, working full time at Nimbus, and going to college part time I earned a BS in Criminal Justice from CSUS. I then went on to enter my career in Law Enforcement, to achieve my dream, to help people in need, to protect and serve, to give back to the community. The reason I give you this small Bio of myself and family is because I want you to understand that we are real, honest, hardworking, genuine people who have owned and operated three businesses in the Rancho Cordova area for a very long time. We have provided numerous jobs for residents in the Rancho Cordova area over the years. We have contributed thousands of dollars in tax revenue in the City of Rancho Cordova. We have partnered with the city and residents in Rancho Cordova for over 30 years helping to beautify the community. My brother, Mark with Nimbus Pond Inc. built the water feature at Hagen Community Center on Chase Dr. Most recently Nimbus stayed open late and partnered with City employees to provide sand bags to the public during the recent storm. We have been doing things such as this for over 30 years.

My family and I feel that we were completely taken advantage of by CBS. As you know CBS entered in contract with us almost two years ago (1-24-2013) to place a sign on our property. They kept us in contract for almost a year and a half (5-28-2014), meeting with us, phone conversations, Emails, stating that the project was on its way. They continued to say they were just waiting on the City of Rancho Cordova to finalize a few things before they broke ground with construction. They, Kevin Johnson (CBS) kept promising us, next month, next month, the revenue will be coming in. This was obviously during the time of the recession, decline in the housing and building market. Our businesses took a huge hit as they were all tied to the building and construction industry. Building almost came to a stop. We, like many others took a huge financial hit with the economy. My parents actually lost their house and home equity of 40 years trying to stay afloat. They were barely able to retain the property, 12137 Folsom Blvd. We had no idea CBS was working with Naturewood behind our backs. We asked CBS if there was anything we could do, perhaps talk to the City, and write a letter. They told us no, that they had it handled, not to make contact with the City. My father still wrote the City a letter, and on his own met with Planner Jessica Jordan. It finally became apparent when CBS stopped staying in touch as often as they use to. When we tried to make contact with CBS's representative Kevin Johnson, he was always out of town, on vacation, numerous excuses, all while telling us things were still in motion, it would be soon, It became evident this was far from the truth. We knew something just wasn't right. We put our trust in Kevin Johnson and CBS. After spending thousands of dollars for legal advice, reviewing, establishing lease agreements, addendums and hundreds of hours of personal time, we finally realized CBS was leading us on. They had no plans on breaking ground or starting the project. We emailed them and requested a letter, allowing us to opt out of their contract, which was binding us from virtually doing anything with our property, tying it up for over 17 months. We were completely taken advantage of, and mislead by CBS and Kevin Johnson. They continually lied to us and led us on; keeping us from doing business with another company, all the while they were secretly working on a deal next door with Naturewood. This business practice was completely unethical and wrong in every way. Makes me sick to my stomach when I think of what they put my elderly parents through in times such as this. I ask myself, why in the world would the City of Rancho Cordova want to do business, potentially enter a 25 year Partnership with a company like this?

Finally after 16 months 05-28-2014, we received a contract release letter from CBS Outdoor. We talked to Clear Channel about a digital sign and entered into contract with them (6-27-2014). We were advised that Clear Channel was trying to put a sign up at the Naturewood property a couple years prior but Rancho Cordova City Counsel told them that they would not approve a sign at that location, that Clear Channel had to find a more industrial location. Well, our property is 2 acres, rectangular, approx. 400' of Freeway frontage and 200' wide and zoned light industrial. It is a clear open slate for a project such as this.

Realistically the sign could go anywhere on our property and it would not affect business, the building, or Folsom Blvd. It would not obscure anything. The sign would not stretch from Folsom Blvd. to Hwy 50 like it would on Naturewood's triangular shaped property.

Between 8-13-2013 and 2-21-2014, as per Google Earth pictures, Naturewood or someone removed two old growth, 100 year plus, Black Walnut trees at the western tip of their property, plus numerous trees in their western parking lot planter barriers near where they would like to put the sign. Did they have City approval; was it CBS that advised them to do this? Drive by; look at the area on the west end of their property, clearly exposed stumps and empty planters. Did Michael Wagner bring this up, No, he remained completely professional. Our Coastal Redwoods are not indigenous to the area as the Walnut trees were; they thrive in the coastal regions, consuming hundreds of gallons of water each day. Both of my grandfathers and grandmother are World War two Veterans. My father is a Vietnam era Veteran serving 8 years in the Air Force. I put the uniform on every day, sacrificing my safety for the good of the public. For over 25 years we raised and lowered an American flag every day adjacent to highway 50 on our property; allowing it to soar above the freeway, paying respect to Americans and America. We are a very proud, patriotic family. Two of the Redwoods have overgrown and blocked the flag pole. It would be a blessing to re-plant more indigenous trees and let the American flag soar again, bringing back my late grandfathers tradition. There are over 1000 Redwoods from Bradshaw to Hazel along the freeway corridor, many trimmed high from the ground, such as the Redwoods around 2729 Prospect Drive (City Hall). There are no redwood trees along the City of Folsom and El Dorado Hills Highway 50 corridor east of Hazel Ave. as they are not indigenous to the area. To five or all of the Redwood trees on our property would be less than 1/2 of 1% of the Redwoods along the Highway 50 corridor through Rancho Cordova. This would clearly having a minimal impact on the Coastal Redwood population in Rancho Cordova. Neither Clear Channel nor do we want to eradicate the landscaping or trees on our property. It is the complete opposite. We want to beautify the 400' of freeway frontage, encompassing the City of Rancho Cordova's vision. This is an opportunity to plant indigenous trees, shrubs, and plants, beautifying this highly traveled corridor. It is our goal, that if any trees are removed, to replace them two fold with indigenous trees, plants and shrubs. Clear Channel will pay for whatever landscape design and installation the City wants. I believe this area is in great need of updating and beautifying. A few hundred thousand vehicles drive by this location daily.

Something else that struck me odd with CBS is that they hired an attorney to represent them. An attorney that stated negative things about the Hansen family, negative things about our location, negative things about Clear Channel and the rumor the of threatening legal actions against the City of Rancho Cordova. Why is this? Kevin Johnson surely didn't represent and present their proposition, because he is as unethical as they come. Clear Channel had humble, respectful,

Michael Wagner, a sales representative, that spoke nothing but positively about the City of Rancho Cordova and Clear Channels proposal. He didn't speak negatively about the Key's family, Naturewood, or CBS for that matter. Clear Channel has proven themselves throughout their prior and current relationship with the City of Rancho Cordova. They voluntarily removed profitable signs in effort to assist the City in beautifying the City. They donated benches, bus stops, City advertising. They didn't place an unrealistic value on any advertising they were offering the City. It was a gift, for the betterment of the community. As Michael Wagner stated, Clear Channel is all in, they would provide the City whatever they needed, whatever was fair, whatever it takes to continue the mutual, positive Partnership. If the City needs advertisement space, a designated click, for an emergency, a city function, or event, it wouldn't be a problem; Clear Channel would accommodate the City. An unrealistic value wouldn't be placed on the donated advertisement space. Clear Channel is a true proven Partner to the City of Rancho Cordova. They would proudly continue to remove signs along Highway 50 in the city of Rancho Cordova if they had them.

It is so ironic that CBS was claiming Monopoly, speaking of fair competition. It is they who are a Monopoly. They have 6 double sided signs from Sunrise to Hazel along the south side of highway 50, far exceeding Clear Channel's 2 1/2. Did CBS offer to remove one, or all of their signs along Highway 50? No, they offered to remove one sign and another sign not even in the city limits. If you take a drive, CBS\Outdoor owns 95%, or more, of the signs in the city of Folsom, El Dorado Hills along Highway 50, all the way to South Lake Tahoe along Highway 50. They own 99% of all signs along Highway 50 to Interstate 80 towards San Francisco. All you see is there newly attached large "OUTFRONT" placards pasted on the signs. It is completely ridiculous that this attorney would even bring this up; it is they who are monopolizing on the region. Again, what a terribly unethical tactic. Clear Channel also has a sign in the County of Sacramento, North of highway 50 that they could remove if that is what the City is allowing, and asking for? Is it policy that a company can remove signs outside of City jurisdiction and still be counted as inside?

I also did some research on CBS/OUTFRONT. They are now the world's largest outdoor media company in the world, having signs throughout the US, Canada, Mexico, South America and Europe. CBS Outdoor or OUTFRONT is a sister company to CBS corporation, a multi-billion dollar organization, far from the minority anywhere in the world. "OUTFRONT Media Inc. (NYSE: OUT) is the US leader in out-of-home advertising. From Sunset Boulevard to Times Square, our diverse portfolio includes more than 400,000 digital and static displays in the most iconic and high-traffic locations in the top 25 markets across the U.S." CBS owns or acquired the following Outdoor Media companies, 3M National, Whiteco, Gannett Outdoor, Outdoor Systems, Infinity Outdoor, Viacom Outdoor, and CBS Outdoor. CBS Outdoor, now "OUTFRONT" recently purchased Van Wagner Communications for \$690 million. I noticed Wells Fargo has partnered with

CBS/OUTFRONT and is their committed fiancée and support for the acquisition. OUTFRONT MEDIA shares began trading on the New York Stock Exchange on March 28, 2014; the CEO of CBS Corporation was present. Wells Fargo Bank will also serve as the company's election and disbursing agent. CBS/OUTFRONT has partnered with Wells Fargo. I truly hope there is no conflict of interest.

CBS Outdoor changed their name to OUTFRONT because of their new vision. It seems they are trying to take over the industry and get OUTFRONT of their competition. Which again, with this in mind I can't believe their attorney has the audacity to claim Clear Channel was forming a monopoly, they are clearly trying to take over using unethical tactics and politics. The ploys and strategies of CBS are clearly under the belt and I hope they don't go unnoticed. CBS clearly has more signs along the highway 50 corridor in Rancho Cordova, the entire region for that matter.

In regards to the comment about the Hazel off ramp sign having anything to do with the placement of a sign, I believe the argument is inaccurate and made up. Being an expert in traffic, and thinking logically, if the billboard was before the Hazel off ramp sign it would tend to pull people's attention to the billboard, causing them to not focus on the off ramp sign, possibly missing the exit, or causing them to make a last second lane change to not miss the exit. This could quite possibly be more dangerous. However if the Hazel off ramp sign was before the billboard this would not occur, people would see the off ramp sign prior to the billboard, and make their appropriate lane change. There are actually two exit signs. With both locations being so close to one another, I don't even think this an arguable issue. There are Cal Trans directional signs in the middle of the freeway, on both sides of the freeway, ground mounted, pole mounted, L shape mounts above traffic, attached to center medians, billboards within 1000' from one another. I truly don't think there is any proof that any of the signs are the cause of accidents. I have not been able to find any research supporting that theory. There are also two Cal Trans exit signs just prior to Naturewood. The Hazel off ramp sign that was spoken of is right in the middle of Naturewood's building. If you are traveling W/B Highway 50 just prior to the Folsom Blvd. exit, there is a Folsom exit off ramp sign, then a large OUTFRONT sign as you exit. They are in very close proximity.

If the city is now going to allow CBS to place a sign on Naturewood's property when Clear Channel was told the City will not approve a sign at that location, that equates to millions of dollars of lost revenue by Clear Channel based on the City's decision. It also doesn't go well with the dedication, loyalty, respect, and commitment Clear Channel has given the city of Rancho Cordova over the past years. Clear Channel took the City's advice and found what they asked for, an industrial piece of property. We have worked with both companies and for obvious reasons I mentioned above we believe that Clear Channel is a far better choice to continue partnering with. What CBS did to us was just not right. What

CBS did to the City of Rancho Cordova was not right, bad business and politics.

The City stated it wasn't about the money, the "Chump Change." However I disagree. The 2.2 Million dollars Clear Channel offered equates to a lot of jobs within the city. This is far more than CBS offered. Clear Channel also wanted to donate money towards the Folsom Blvd. revitalization project. Did CBS, do they care about Rancho Cordova and the community, the vision? Clear Channel offered to pay for Landscaping and modernizing over 400' of Freeway frontage that thousands of people see every day. Did CBS offer to do any landscaping or beautifications of the Folsom Blvd. or Highway 50 corridor, the trees that were illegally removed at Naturewood? If the City mainly wants signs removed and it's not about the money or anything else, I think they should allow Clear Channel the opportunity to remove signs in the County, on the other side of the Freeway and assist with beautifying the Rancho Cordova corridor's. The Naturewood location shouldn't even be on the table, it was already decided against years ago. Also even in light of all the unethical treatment we received from CBS, tying our hands, We and Clear Channel were still able to get our completed application into the City first. I think the City should go with who they know, what they know, proven past practice, go with who they trust, who has been loyal to the City, and go with the ones who share the same vision as Rancho Cordova. Don't go with some unethical, giant company that just care about getting their large OUTFRONT placards all over the place at any means possible without due regard for others.

We ask one thing, that you go to your hearts, that you do the right thing, and that you don't let this company bully you into a decision by fear of legal action. We ask that you continue to work with Clear Channel and the Hansen family, we truly believe in the same vision, "to update, and beautify the City, something we have been greatly involved with for the past 30 plus years.

Respectfully,
Steven Hansen

A handwritten signature in cursive script that reads "Steven Hansen". The signature is written in dark ink and is positioned below the typed name.

1/19/2015

RE: Project# DD8490

12125 FOLSOM BLVD RANCHO CORDOVA

SIGN PROJECT

Dear; Mayor, City Council, City Manager, and City Attorney & Public;

There are several issues that have risen since the onset of this project. We believe the city and the public have been misled regarding City of Rancho Cordova resolution No. 4-2015 section 2 B. b. Evidence; which states "no vegetation shall be removed from the property to accommodate the sign." We have compiled this small 2 page visual to illustrate the complete removal of mature trees. As you can see there are several trees that mysteriously have been removed according to Google Earth around the time of the impending Naturewood sign application.

The Illustrations below are actual pictures taken from Google Earth of the NATUREWOOD LOT located at 12125 Folsom Blvd Rancho Cordova, CA 95670.

TREE AND VEGETATION PICTURES

The following illustrations we will identify a photo progression of no less than 9 large mature trees were removed from the west end of the Naturewood parking lot. These trees were eradicated which violates the City of Rancho Cordova resolution No. 4-2015 section 2 B. b. Evidence.



HWY 50 & FOLWSOM BLVD OVERVIEW INTO NATUREWOOD PARKING LOT WEST END MAY 31, 2007



HWY 50 & FOLWSOM BLVD OVERVIEW INTO NATUREWOOD PARKING LOT WEST END APRIL 18, 2014

Digital freeway sign conditional use permit DD8480**02-06-2015****Rancho Cordova City Council and Attorney**

We request that you **reverse** the denial for the Clear Channel Digital Billboard Application No. DD8480 and **reverse** the approval of CBS\Outfronts Application No. DD8490.

- As you all know, recently Clear Channel was proposing Naturewoods parking lot as a location for a digital billboard when few of your City Council Members told Clear Channel to find a different location because the Council would not approve this location. Council Member Budge even stated they were against this location during the first City Council meeting. Why is Council considering Naturewoods location for CBS\Outfront? What changed between the first Council meeting and now? Did CBS threaten legal action?
- CBS\Outfront offered to remove only one sign in Rancho's city limits and another possibly outside the city boundaries. Pryor to the meeting, when and where was it stated that either company could take down square footage outside the city limits? CBS\Outfront hired an attorney and spokesman to present their case and accused Clear Channel of advertising monopoly. They are the monopoly with signs in the area.
- Council Member Mr. Terry mentioned the Hazel off ramp sign was a negative issue against the Clear Channel location, what evidence supports this? There is no documentation supporting that digital billboards cause accidents. There are no California vehicle codes stating such.
- It is the goal of Clear Channel to beautify and landscape the 400' of freeway frontage, working toward the Cities vision to beautify the corridor.

- **CONCURRENT MEETING
CITY COUNCIL/SUCCESSOR AGENCY TO THE CRA/RCFC**

Tuesday, January 20, 2015

5:30 PM – Regular Meeting

Recommendation: Adopt Resolution No. 4-2015, Proposal DD8490

Result of Recommended Action: Adoption of Resolution No. 4-2015 would allow for the construction of a new digital Freeway Sign located at 12125 Folsom Boulevard. The sign would be located within an existing landscape planter in the existing Naturewood Home Furnishings parking lot. No vegetation would be removed to accommodate the new sign. Two existing traditional billboards located at 11373 Folsom Boulevard and near 9847 Folsom Boulevard would be removed as part of the project. Additionally, the Applicant will enter into an Operating Agreement with the City, requiring additional community benefits of the project.

Note:

1. At the West end of Naturewoods property, the parking lot and CBS's proposed sign location; numerous trees were removed in preparation of a digital sign installation. Two, approximately 50 foot tall, 125 plus year old black Walnut Trees were cut to the ground. Stumps are still there as evidence. Numerous other large trees were **recently** removed in the parking lot adjacent to the parking spaces in the proposed sign location. See previously submitted Google Earth photos. Planning can research the approximate removal times. Did CBS or Naturewood get approval from the City Council for eradication? The above Adopt Resolution No.4-2015 clearly states, (No vegetation would be removed to accommodate the new sign). No problem now. CBS\Outfront offered to remove only one sign in Rancho's city limits and another just outside the city boundaries. Pryor to the meeting, when and where was it stated that either company could take down signs outside the city limits? Did CBS offer to landscape or beautify either a Folsom Blvd. streetscape or footage along the H-50 corridor? I recommend that, for the above reasons, the City Council's recommendation to adopt Resolution No. 4-2015, Proposal DD8490 be **reversed** and changed to **deny** Resolution No 4-2015, Proposal DD8490.

CITY COUNCIL/SUCCESSOR AGENCY TO THE CRA/RCFC

Tuesday, January 20, 2015

5:30 PM – Regular Meeting

A. Evidence for denial of sign Proposal DD8480: The subject property is located adjacent to the Hazel Avenue off-ramp on State Route 50, between two freeway directional signs. A digital freeway sign in this location may potentially cause a distraction or safety hazard to drivers making lane choices in close proximity to the freeway exit. Additionally, landscape modifications to the existing stand of redwood trees along the northern property boundary would be required to accommodate the visibility needs of the proposed sign. Both of these circumstances of the proposed project are undesirable because they oversaturate the particular area with signs and would substantially modify and/or eliminate the area's natural landscaping. The project would also remove a one-sided traditional billboard within the State Route 50 corridor and install a double-sided digital freeway sign, resulting in a net increase of sign faces in this area. As such, the subject property and overall project proposal is not appropriate or desirable and the finding cannot be demonstrated in the affirmative.

Please reconsider the above denial of Proposal DD8480.

1. Council Member Mr. Terry mentioned the Hazel off ramp sign was a negative issue against our location. What evidence supports this? Both sign proposals are in such close proximity they would have the same effect. There is no legal documentation supporting that signs cause a distraction or safety hazard to drivers making lane choices in close proximity to the freeway exit. The articles below state the opposite. This should not be an issue.
 2. The issue of oversaturating the area with signs. There's only one other sign in the area and it's the one Clear Channel is proposing to remove. Signs are not considered single sided or double sided, they are just signs. It's inevitable that these signs are going to come up in the surrounding areas. They are going to have the same visual effect on Rancho Cordova whether they are across the freeway on the Gold River side in Sacramento County, or a short distance down the freeway in Folsom. What happens when Sac. County allows a digital just across the freeway? Rancho Cordova will lose out on income revenue, landscape beautification and advertising possibilities.
 3. The issue of modifying and/or eliminate the area's natural landscaping. The trees in question are Coastal Redwoods and are not indigenous or natural to this area. There are thousands in Rancho Cordova and along Highway 50. Indigenous plants and trees of the City Councils recommendation would beautify the property's freeway frontage.
 4. The issue of sign removal. Clear Channel has already removed almost all of their signs in Rancho Cordova area and would remove the two stated for this proposal. Rancho Cordova would be compensated for signs three and four not being removed. Clear Channel would enter into an Operating Agreement with the City, requiring additional community and monetary benefits. If CBS\Outfronts digital were to be approved it would just **add** another sign along the Highway 50 corridor.
- Clear Channels sign application was submitted first, does this hold any merit?
 - Shouldn't the City benefit from a sign so close? The addition of revenue to the general fund, added city advertisement, added landscaping and the beautification of the Folsom Blvd. and Highway 50 corridors.
 - Council Members, Clear Channel has been a dedicated longtime community partner for years. What has CBS\Outfront done for the city except allegedly threaten legal action and demand an even larger piece of the advertising market? We believe the Clear Channel proposal meets all of the City Councils criteria of being more industrial, less visible and with more signage removed within Rancho Cordova City limits.
 - In closing, I would like to request that Clear Channels Application No. DD8480 **not be denied**. It seems that a lot of facts still need to be discussed. I request a motion to **reverse** the motion for denial of Application No. DD8480 due to lack of Just Cause.

Sincerely,

John Hansen
Property owner
12137 Folsom Blvd, Rancho Cordova, Ca.

<http://www.calsign.org/2014/07/federal-highway-administration-confirms-emc-digital-sign-safety/>

Federal Highway Study Confirms Digital Billboard Safety

The U.S. Department of Transportation Federal Highway Administration has released a landmark study declaring that digital billboards do not pose a safety risk to passing motorists. Within the sign industry, the results of this study come as no surprise. Numerous traffic studies and analyses performed in the last couple of decades have reached similar conclusions.

Certainly, real-world experience from around the country reveals that digital billboard displays simply do not cause accidents, to wit:

“[IN] MY CONVERSATIONS WITH THE DEPUTY CHIEF IN CHARGE OF OUR TRAFFIC UNITS, CERTAINLY OVER THE LAST FIVE YEARS THAT WE’VE DONE RESEARCH, WE HAVE FOUND NO INSTANCES OF TRAFFIC COLLISIONS BEING CAUSED AS A RESULT OF INATTENTIVENESS FOR BILLBOARDS. THE ELECTRONIC BILLBOARDS HAVE GONE UP ON CITY STREETS, EIGHT OF THEM, AND SINCE THEY’VE BEEN UP OVER THE LAST SEVERAL MONTHS, WE HAVE HAD NO INSTANCES THAT THEY HAVE CONTRIBUTED TO ANY DRIVER INATTENTION THAT HAS RESULTED IN A COLLISION. SO I DON’T BELIEVE THAT THAT’S AN ISSUE.” – RICHARD WILES, CHIEF OF POLICE, EL PASO, TX, TESTIMONY BEFORE THE TEXAS TRANSPORTATION COMMISSION, 12/6/07.

This new peer-reviewed FHWA study should help put to rest concerns that digital billboards, and other outdoor digital signs, pose a hazard to passing motorists. The study will also help pave the way for communities to bring this powerful outdoor advertising medium to their communities, benefiting not just local operators and advertisers but the entire local economy as well. The report, actually divided into two studies, is officially titled "Driver Visual Behavior In The Presence of Commercial Electronic Variable Message Signs." For the purposes of the studies, the FHWA refers to digital billboards as Commercial Electronic Variable Message Signs. The studies sought to address three specific questions:

1. Do CEVMS attract drivers' attention away from the forward roadway and other driving-relevant stimuli?
2. Do glances to CEVMS occur that would suggest a decrease in safety?
3. Do drivers look at CEVMS more than at standard billboards?

To conduct the study, the FHWA tracked participant's eye movements with an eye-tracking camera device mounted in the vehicle. This device was able to track the driver's eyeball movement and determine if the driver was looking ahead at the roadway or off to the side of the roadway at a static billboard or CEVMS.

Drivers in Richmond, Va., and Reading, Pa., participated in the study, and the research concluded that drivers do indeed look at digital billboards longer than they do at static billboards. Glance duration toward digital billboards averaged 0.379 seconds, while glances at static billboards were at 0.335 seconds at both test sites. Both of these measurements fall far below the two-second benchmark, which would constitute a hazard, according to the National Highway Traffic Safety Administration.

The results showed that drivers did look at CEVMS a greater percentage of time than at standard billboards; however, the time spent looking at off-premise advertising was less than 5 percent when the signs were visible to the participants across the two experiments. Long glances at off-premises advertising were not evident. The longest glance at a CEVMS was less than 1.3 seconds and glances greater than 1 second were rare events. The percentage of time that drivers dedicated to the road ahead was not significantly affected by the presence of CEVMS or standard billboards. Rather, the overall clutter and complexity of the visual scene appeared to be the principal driver of glance time away from the road ahead. This was the case regardless of the presence or absence of off-premise advertising. The results suggest that overall visual complexity of the highway environment needs to be taken into account when considering driver glance behavior.

In conclusion, the study states, "The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road. When dwell times longer than the currently accepted threshold of 2,000 ms

[milliseconds] occurred, the road ahead was still in the driver's field of view. This was the case for both CEVMS and standard billboards."

Photo credit: "Digital billboard" by Dwight Burdette - Own work. Licensed under Creative Commons

Article in "THE HILL"

Behind the signs of the times

By Jonathan Easley - 11/19/13 06:00 AM EST

Nancy Fletcher arrived in Washington in 1990 to work for the Outdoor Advertising Association of America, the country's largest billboard trade group, at the most critical juncture for the industry in decades.

At the time, Congress was considering a highway bill that would effectively ban billboards nationwide. The measure had 10 Senate co-sponsors, more than two-dozen House co-sponsors and was riding a wave of support from advocates pushing to eliminate "visual pollution" along the nation's highways.

Fletcher, a Minnesota native with a law degree who happened into the outdoor advertising industry in 1978, led the fight against the measure but couldn't have done it without a little help from two freshman senators who formed an unlikely alliance.

Sens. Harry Reid (D-Nev.) and Trent Lott (R-Miss.) joined forces to have the measure struck from the final bill in 1991.

That victory has allowed Fletcher to focus her pursuant 20-plus years as the president and CEO of the OAAA on less existential matters, like shepherding the industry into the digital age.

"It's amazing," she told The Hill in a recent interview. "These last 21 years, we have a whole generation now who sees it in a different way. They never saw the tobacco ads, never saw the fights in '70s or '80s. They actually think [billboards are] trendy."

In 1990, the idea of a shape-shifting digital advertisement seemed like something out of a hardly imaginable futuristic metropolis. In 2013, the medium is quickly becoming the standard.

The OAAA is presently focused on converting static billboards to digital ones that change every eight seconds.

There are currently about 4,400 nationwide.

"These are not just billboards," Fletcher explains. "Now they're on buses, the Metro, airports, Times Square – the medium is 'out of home' really. It's not just something that's outdoors that defines a billboard."

Of course, if it was just the cigarette ads Fletcher mentioned, it's unlikely the medium would have seen its trend quotient spike.

The outdoor advertising industry has blossomed into a multi-billion dollar revenue generator. When Fletcher entered the industry in the late 1970s, the industry generated \$700 million in revenue. That ran up to \$2.6 billion by the time she became president of the OAAA in the early 1990s. Today, the industry generates \$6.7 billion.

Fletcher pointed out that part of billboards' appeal has come from her commitment to using them for the betterment of society.

"We provide millions of free advertising for public services, and we've been doing it since war bonds were for sale in the early 1900s," she said.

The most high profile example of this came on 9/11, when more than 1,000 OAAA members had gathered at the Marriot Marquis ballroom in Times Square for the group's annual convention, when terrorists struck the World Trade Center a few miles south.

In addition to vacating the hall to make way for a makeshift residency for those affected by the lethal attacks, many members donated blood, and the group had its "United We Stand" campaign erected on billboards within hours.

The OAAA now has partnerships with the FBI, the Federal Emergency Management Agency, and the Department of Justice's Amber Alert system, which has been triggered more than 850 times since 2008.

These broadcasts override paid advertisements on digital billboards in an emergency, as they did during the Boston Marathon bombing, when they warned citizens what high-risk neighborhoods to avoid during the manhunt.

Fletcher says the FBI has caught 51 fugitives because their faces were plastered on billboards across the country.

One of these, a rapist who had been on the run for years, was finally brought to justice after his picture went up on 150 billboards along the East Coast.

"One fugitive turned himself in because his mother didn't want to see him on the sign anymore," Fletcher said.

"The immediacy of the digital basis is really changing the industry."

It's almost comical, she said, to think back on the changes the industry has undergone since the OAAA formed in 1891.

"Think about what a billboard is – it's a bill of advertisement placed on a wooden board," Fletcher said. "It started with circus posters; then went up on the early stage coaches, then the railroads; then in the early 1900s, the auto industry caused a need to standardize, to have rules and regulations on where they can go."

The regulations at first came at the local level, but the feds finally got involved in 1958. By 1965, President Lyndon B. Johnson had signed into law the Highway Beautification Act, championed by his wife Lady Bird Johnson, which mandated that ads could only go in spots where business takes place, not in residential, scenic or agricultural areas.

In 2013, only four states – Maine, Alaska, Hawaii and Vermont – have outlawed billboards, but those states have digital ads up in bus shelters and in other formats. Many municipalities, most notably Chicago under the direction of Mayor Rahm Emanuel, are forming partnerships with the industry to convert old billboards to digital through revenue-sharing deals.

While Fletcher is quick to talk about the progress her industry has made, there's one area of progress she sought to downplay.

After arriving in Washington in 1990 to join the OAAA, she became president and CEO in 1992. That makes her one of the earliest women to lead a Washington trade group.

Fletcher says there was nothing special about her career arc, arguing instead that it was more a product of having the right experience and being at the right place at the right time.

"If you follow my career, it wouldn't be dissimilar to what happened on the Hill, in Congress or academia," she said.

"The numbers certainly haven't changed enough to the point where I'd like to see them today, but my industry has followed a lot of those same trends."

Fletcher points to Clear Channel President and COO Suzanne Grimes as evidence women are gaining traction in Washington trade group management. Clear Channel is one of the big three companies, along with Lamar and CBS, on the OAAA board.

Still, being one of the earliest women to head a Washington trade group will lead to another impressive accomplishment. Fletcher just signed an extension with the OAAA through 2017.

At that point, she'll have led the group for 25 years, making her one of the longest serving female heads of a Washington trade association.

MEMORANDUM

TO: Rancho Cordova City Council

CC: Brian Nakamura, City Manager; Adam Lindgren, City Attorney; Aaron Busch, Community Development Director

FROM: Residents of Rancho Cordova, Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association and other good neighbors

RE: Why the City of Rancho Cordova Should Not Approve Digital Billboards at This Time – A Proposal for Planning

DATE: FEBRUARY 6, 2015

The City of Rancho Cordova is a young and vibrant city. It is a city which deservedly has a reputation for caring about its image, following its vision, doing the right thing and making thoughtful decisions, based upon best practices and which serve the public's best interest. Wise and prudent long-term decisions will continue to guide Rancho Cordova into the future as a progressive family-friendly, safe, beautiful, eco-friendly and financially sustainable city.

As city residents and good neighbors of Rancho Cordova, we have volunteered our time and finances to research issues of public interest as they relate to digital billboards. Based upon our research and the discovery of new information, we urge the council to pause and take the requisite time to conduct a more comprehensive and educated look at all of the issues related to digital billboards: safety, changing technologies, uncertain legal outcomes and long-term financial impacts. Attached is our Proposal for Planning for your review.

Also, on January 30th, we asked Jerry Wachtel, an established expert in the field of traffic and highway safety for more than 40 years, if he would have time to provide us with an overview of significant issues relating to digital billboards. We further sought his opinion on the proposals before the Council. Mr. Wachtel's letter to us and his Curriculum Vitae are attached.

Thank you for the opportunity to present this information to you for your consideration.

11137 Nile River Court - Rancho Cordova, CA 95760

**Why the City of Rancho Cordova Should Not Approve Digital Billboards
A Proposal for Planning
February 6, 2015**

Background

Before September 2007, the Federal Highway Administration (FHWA) rules barred intermittently changing commercial billboards. In 2007, FHWA reversed the ban. This decision opened the door for a proliferation of digital billboards. In 2008 there were an estimated 800 digital billboards in the United States; by 2012 that number increased to about 3600.

The result is a nationwide concern that our country's thoroughfares are becoming steadily less attractive and more dangerous. A number of studies worldwide show that digital billboards, *designed* to be distracting, are actually causing more traffic accidents. Because of these concerns, a number of U.S. cities have banned digital signs. In turn, billboard companies have sued, claiming they have a right to put up digital signs. Another group is suing the FHWA for improperly changing their policy in 2007.

The current environment is one of uncertainty and lack of clarity.

New Information Exists Not Referenced In Proposals

The City's documents for the two new digital billboard proposals in the Highway 50 corridor approaching the Hazel Avenue off-ramp reference a single traffic study, a 2009 Federal Highway Administration study (FHWA). Of interest, the Minimum Negative Declarations for both proposed projects, dated August 2014, are virtually identical to the Minimum Negative Declaration, dated December 2012, for a digital billboard approved by the City near Highway 50 and Sunrise. Almost 18 months separate those documents, yet they continue to reference only the 2009 FHWA report.

Since the 2009 FHWA report, important new information, in the form of studies, reports and newspaper articles, has been published. The following examples are a sample of what we have learned:

- 1) A Peer-Reviewed Critique of the Federal Highway Administration Report Titled: "Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS),"¹ The Veridian Group, Wachtel, 2015. This critique is a comprehensive review of an FHWA study, which was published in December 2013.² This critique was independently reviewed by 14 international

¹ <https://www.enotrans.org/eno-brief/fhwas-2013-research-report-on-digital-billboards-cevms-seriously-flawed>

² http://www.fhwa.dot.gov/real_estate/oac/visual_behavior_report/final/cevmsfinal.pdf

professionals (13 of whom hold doctorates) who are experts in human factors and traffic safety. The report concludes that the FHWA study's conclusions are seriously flawed and recommends that, "State and local governments ... adopt a cautious and conservative approach to digital billboard control and regulation until such time as a definitive study is available."

- 2) Effects of Electronic Billboards on Driver Distraction, Swedish National Road and Transport Research Institute; Light Technology Institute, Karlsruhe Institute of Technology; Duckic, Ahlstrom, Patten, Kettwich, Kircher, July 8, 2012. This study, published in the peer-reviewed journal *Traffic Injury Prevention*, 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 nonetheless ordered the removal of all digital billboards based upon the results of this and related studies.³
- 3) Impact of Roadside Advertising on Road Safety, Austroads, Roberts, et. al., January 2013. This review is focused on distraction from an external source, specifically advertising billboards. "The fundamental logic of roadside advertising is to attract attention to something that is not part of the driving task."⁴
- 4) Roadside Advertising Affects Driver Attention and Road Safety, Herrstedt, Greibe, Andersson, September 2013. This highly-regarded Danish study concluded that, "The overall results of the empirical studies show that advertising signs do affect driver attention to the extent that road safety is compromised."⁵
- 5) Roadside Advertising and Driver Distraction – Recent Research, presented to American Association of State Highway and Transportation Officials/Subcommittee on Traffic Engineering, The Veridian Group, Inc., Wachtel, June 25, 2013, "Every study in the past 5 years has produced consistent findings – that roadside billboards, especially digital and video, cause significant levels of driver distraction."⁶
- 6) Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, Research for AASHTO Standing Committee on Highways Project 20-7 (256), Wachtel, National Cooperative Highway Research Program, Washington, DC, 2009. "The newest digital billboards are also increasingly capable of 'interacting' with approaching drivers. In some cases, the Radio Frequency Identification Device (RFID) embedded in a vehicle's key or on-board computer system, can trigger a personalized message on a digital billboard; in other cases, the billboard can display a message tailored to the radio frequency of

³ <http://www.scenic.org/storage/PDFs/eebdd.pdf>

⁴ <http://scenic.org/storage/PDFs/austroads%20research%20report%20on%20impact%20of%20roadside%20advertising%20on%20road%20safety.pdf>; pg. 10.

⁵ http://www.researchgate.net/publication/259592621_Roadside_Advertising_Affects_Driver_Attention_and_Road_Safety

⁶ <http://scote.transportation.org/Documents/Issues%20Related%20to%20Digital%20Sign%20Usage.pdf>

passing vehicles. Still other billboards encourage drivers to interact with the sign by 'texting' a message or calling a number displayed on the billboard."⁷

- 7) In Cities across Texas, Activists Battle Billboard Companies, NPR, Burnett, September 6, 2014. "More and more cities consider billboards as visual blight. In Texas 388 cities, including most large and medium-sized ones, have ordinances prohibiting new billboards and the list keeps growing."⁸ Following are several cities which have banned digital billboards, universally citing such concerns as blight, light pollution and roadway safety:

- Denver, Colorado⁹
- Ann Arbor¹¹
- Austin, Texas¹³
- Knoxville, Tennessee¹⁵
- St. Paul, Minnesota¹⁷
- Los Angeles, California¹⁰
- Anaheim, California¹²
- Walker, Michigan¹⁴
- Franklin Township, New Jersey¹⁶
- And Others ...

- 8) Veridian Comment Letter in response to City of Vista, California. Minimum Negative Declaration, The Veridian Group, Inc., Wachtel, July 2, 2013. "Digital billboards, even when dimmed for nighttime use, are visible for distances of six miles or more ... appear as the brightest objects in the environment."¹⁸

- 9) Digital LED Billboard Luminance Recommendations - How Bright Is Bright Enough? Draft, November 9, 2010. This draft document discusses the difference between the Outdoor Advertising of America's proposed luminance levels and the recommendations of the Illuminating Engineering Society of America, stating that "The OAAA proposed luminance levels are too high, about ten or more times as bright as recommended in most IESNA recommended practices, and three or more times as bright as current accepted practice reflected in billboard floodlighting. This is unnecessary for advertising effectiveness and unnecessarily risks roadway safety."¹⁹

⁷ Wachtel, J 2009, Research for AASHTO Standing Committee on Highways task 256: safety impacts of the emerging digital display technology for outdoor advertising signs, National Cooperative Highway Research Program, Washington, DC, USA. [http://rightofway.transportation.org/Documents/NCHRP%20Reports/20-7\(256\)%20digital%20outdoor%20advertising_aashto.pdf](http://rightofway.transportation.org/Documents/NCHRP%20Reports/20-7(256)%20digital%20outdoor%20advertising_aashto.pdf)

⁸ <http://www.npr.org/2014/09/06/346153394/in-cities-across-texas-activists-battle-billboard-companies>

⁹ http://www.denverpost.com/headlines/ci_14638259

¹⁰ <http://www.latimes.com/local/california/la-me-1023-billboard-20141023-story.html>

¹¹ <http://www.scenic.org/blog/177-city-of-ann-arbor-passes-ban-on-digital-billboards>

¹² <http://www.ocregister.com/articles/city-640752-digital-anaheim.html>

¹³ <http://www.npr.org/2014/09/06/346153394/in-cities-across-texas-activists-battle-billboard-companies>

¹⁴ http://www.mlive.com/business/west-michigan/index.ssf/2011/07/judge_sides_with_walker_in_lam.html

¹⁵ http://www.knoxnews.com/news/local-news/judge-rules-against-digital-billboards-in-knoxville_60592419

¹⁶ http://www.nj.com/somerset/index.ssf/2014/10/court_nj_towns_can_ban_electroinc_billboards.html

¹⁷ http://www.twincities.com/localnews/ci_25321032/minnesotas-4-3m-billboard-settlement-criticized-by-group

¹⁸ <http://www.scenic.org/storage/PDFs/mnd%20comment%20jerry%20wachtel%20veridian%20group.pdf>

¹⁹ Luginbuhl, CB, Israel, H., Scowen, P., Polakis, J., & Polakis, T. (2010). Digital LED Billboard Luminance Recommendations: How Bright is Bright Enough? Unpublished Draft Report. Flagstaff, AZ: U.S. Naval Observatory Flagstaff Station.

Financial Sustainability

City of Rancho Cordova Ballot Measure H, November 4, 2014. Passed by Rancho Cordova electorate 61% - 38%. This additional ½ cent sales tax will provide from \$5 million to \$7-1/2 million annually to the city's coffers. These funds, which will help provide financial sustainability for Rancho Cordova, will be used for a variety of purposes, including the removal of blight, enhancing safety and beautifying the city.²⁰

Legal Uncertainties

Scenic America v. FHWA Department of Transportation and Outdoor Advertising Association of America²¹

September 25, 2007. The Federal Highway Administration (FHWA) issued a memorandum, entitled "Guidance On Off-Premise Changeable Message Signs,"²² which reversed the agency's long-held position that barred intermittently changing commercial billboards.

January 23, 2013, Scenic America filed suit with the U.S. District Court for the District of Columbia seeking to overturn the Federal Highway Administration's September 2007 ruling which suddenly allowed formerly-banned intermittently changing commercial billboards. Scenic America argued that it violated the lighting standards established in the 1965 Highway Beautification Act and that the FHWA did not follow the federal government's rulemaking procedures.²³ In March 2013, the Outdoor Advertising Association of America, Inc. (OAAA) joined the lawsuit as an Intervenor-Defendant.²⁴ On June 20, 2014, the District Court Judge dismissed Scenic America's lawsuit, stating that FHWA's Guidance might not have offered the best reading of lighting standards by stating that digital billboards are not "flashing, intermittent, or moving" lights, but it did constitute an interpretation rather than a substantive change.²⁵

²⁰ [http://ballotpedia.org/City_of_Rancho_Cordova_General_Sales_Tax_Measure_H_\(November_2014\)](http://ballotpedia.org/City_of_Rancho_Cordova_General_Sales_Tax_Measure_H_(November_2014))

²¹ Longest, R., Wangu, L., Duke School of Law, Scenic America Lawsuit Seeks to Overturn FHWA Ruling on Digital Billboards. <http://www.scenic.org/storage/PDFs/scenic%20america%20lawsuit%20summary.pdf>. The Legal Uncertainties section liberally references from this paper.

²² <http://www.scenic.org/storage/PDFs/FHWA/fhwa%20guidance%20memorandum%20cvems%209-25-07%20final.pdf>

²³ Complaint against Federal Highway Administration, Ray Lahood, Victor Mendez, United States Department of Transportation, Scenic America Inc. v. Dept. of Transportation et al, No. 1:13-cv-00093 (D.D.C. Jan 23, 2013). <http://www.scenic.org/storage/PDFs/FHWA/scenic%20america%20complaint.pdf>

²⁴ Memorandum in Opposition by Outdoor Advertising Association on America, Inc., and Memorandum in opposition by Federal Highway Administration, United States Department of Transportation, entered on Mar. 21, 2014, Scenic America Inc. v. Dept. of Transportation et al, Docket No. 1:13-cv-00093, 2013 BL 293609.

²⁵ See Memorandum Opinion filed by United States District Court for the District of Columbia on June 20, 2014, Scenic America Inc. v. Dept. of Transportation et al, No. 1:13-cv-00093 (D.D.C. Jan 23, 2013). <http://scenic.org/storage/PDFs/memorandum%20opinion-6-20-14.pdf>

December 22, 2014. Scenic America filed an appeal in the United States Court of Appeals for the District of Columbia Circuit.²⁶ The American Planning Association and others filed an amicus curiae brief in support of Scenic America's position on December 30, 2014.²⁷

Scenic America and Neighborhood Coalition of Greater Phoenix v. City of Phoenix Board of Adjustment and Outdoor Advertising Association of America

November 17, 2011. In a separate case in Arizona, an Arizona appellate court unanimously agreed with the Scenic America position that a dwell time (the length of time that a given message is displayed on a digital billboard before changing to the next message) of eight seconds constitutes intermittent light, and found that this is something expressly prohibited by the Arizona Highway Beautification Act.²⁸

Minnesota Billboard Settlement

January 11, 2014, Twin Cities.com, Minnesota's \$4.3M billboard settlement criticized by group. The first-ever case of a state exercising eminent domain to remove digital billboards for freeway widening project. Following three years of "legal haggling", the Minnesota Department of Transportation wound up paying \$4.3 million for one digital billboard.²⁹

Conclusion

Rancho Cordova's decision about these digital billboard proposals will have long-term consequences on the overall image and feel of the city. We, therefore, recommend the City take the time to comprehensively research the issues noted above, and conduct a more thorough and educated look at all of the issues related to digital billboards, including safety, changing technologies, uncertain legal outcomes and long-term financial impacts.

We thank you for your consideration of our proposal and respectfully ask that you not consider the digital billboard proposals currently before you.

²⁶ Scenic America, Inc. v. United States Dept. of Transportation, et. al., and Outdoor Advertising Association of America, Inc., United States Court of Appeals for the District of Columbia Circuit, December 22, 2014. <http://scenic.org/storage/PDFs/sa%20versus%20fhwa%20appeal.pdf>

²⁷ Corrected Brief of Amici Curiae The American Planning Assn., The Garden Club of America, The Sierra Club, Inc., and The International Dark-Sky Assn., Inc. in Support of Petitioner and Reversal of Judgment. United States Court of Appeals for the District of Columbia Circuit, December 30, 2014.

²⁸ Scenic America and Neighborhood Coalition of Greater Phoenix v. City of Phoenix Board of Adjustment and Outdoor Advertising Association of America, Arizona Court of Appeals Division One, November 11, 2011, Cause No. LC2008-000497-001 DT

²⁹ http://www.twincities.com/localnews/ci_25321032/minnesotas-4-3m-billboard-settlement-criticized-by-group



DATE: February 6, 2015

TO: Residents of Rancho Cordova, Bluff City, Inc. Homeowners Association, Lake Natoma Heights Neighborhood Association, Rollingwood Unit #6 Homeowners Association, Save the American River Association, and other good neighbors.

Thank you for inviting me to provide some context and background from the human factors, environmental psychology, and traffic safety perspectives concerning digital billboards. Two such signs, known as **Commercial Electronic Variable Message Signs or CEVMS** by the Federal Highway Administration (FHWA) are discussed in recently issued Initial Study/Mitigated Negative Declarations (MND) by the City of Rancho Cordova. One MND addresses a proposed Clear Channel CEVMS, and the other concerns a proposed CEVMS from Outfront Media. Because of the similarity of the two MNDs and their citations of the same references, I have concentrated my remarks in this letter on the Clear Channel proposal. I will, however, note where specific concerns are relevant to the Outfront Media MND as well.

Before offering my comments on this topic, please allow me to provide some background about my consulting firm, The Veridian Group, Inc. and myself.

I am an Engineering and Environmental Psychologist, and have worked in the field of traffic and highway safety for more than 40 years. While serving as Director of the Highway Aesthetics Laboratory at the Federal Highway Administration (FHWA) in Washington, D.C., I was the senior author of a report about the safety and environmental impacts of CEVMS. This report, published in 1980, was the first comprehensive review of this new technology, and it was awarded the "Outstanding Technical Achievement of the Year" at FHWA. Soon after its publication, the report was used as evidence by the U.S. Department of Justice in an Amicus brief in a U.S. Supreme Court case concerning digital billboards (*Metromedia v. City of San Diego*).

Since the publication of that report, my services as a consultant, researcher, and expert witness have been retained in jurisdictions throughout the U.S. I have worked on behalf of the three largest outdoor advertising companies in the country (currently known as Clear Channel, Lamar, and Outfront) and many smaller companies, as well as the industry trade groups representing both the on- and off-premise advertising industries. I have also worked on behalf of state and local government agencies in developing or modernizing their sign codes and ordinances. And, I have been hired by private roadway and tollway operating authorities to help them determine where such advertising signs might be appropriately placed and operated.

Finally, I have served as an expert witness in numerous legal cases, and have never been denied acceptance as an expert in human factors and traffic safety. Although some billboard companies and organizations try to paint me as "anti-billboard," that is simply not the case. As my record shows, I have *never* been an opponent of digital billboards; rather I have tried to argue in favor of taking into account the time, place, and manner of their operation such that they will have the

567 PANORAMIC WAY • EAST COTTAGE • BERKELEY, CALIFORNIA 94704
TEL.: +1-510-848-0250 • FAX: +1-510-848-0303 • EMAIL: jerry@veridiangroup.com

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least adverse effect on traffic safety and environmental considerations. I am a Fellow of the Human Factors and Ergonomics Society, a Certified Professional Ergonomist, and the Chair of the Digital Billboards Subcommittee of the Transportation Research Board of the National Academy of Sciences.

My review of the City of Rancho Cordova's MND leads to several areas of concern. I have divided my major concerns into three basic areas. These are:

- The document does not adequately address the two CEVMS characteristics that cause the greatest concern and the strongest opposition from road users and nearby residents alike – sign brightness (properly called “luminance”) and message dwell time (also known as the message change interval).
- The document does not look ahead to the likely useful life of the proposed CEVMS and, as a result, fails to take advantage of the opportunity to address, via regulation, the capabilities inherent in such signs which, when implemented, could serve as powerful new sources of driver distraction.
- The document contains a series of misleading and inaccurate statements and representations, which lead to concerns about the depth to which the authors investigated the relevant issues before preparing the MND.

Permit me to address these issues in turn.

1A. CEVMS BRIGHTNESS. Sign luminance, which the human eye and brain interpret as “brightness,” is an issue of both traffic safety and quality of life.

For drivers, signs that are too bright, particularly at night, can cause temporary, but nonetheless impactful, *discomfort or disability glare*. The former causes the driver to turn his or her eyes away from the light source (in this case, the billboard). When such a billboard is positioned close to the roadway edge, as is the case with the sign addressed in the MND, the driver can fail to observe time-critical traffic information (e.g. sudden braking or lane-changing vehicles). The latter actually causes the driver to be temporarily blinded, unable to see potentially important visual cues ahead (such as brake lights).

Outdoor advertising companies generally want their signs to be as bright as they can be, on the mistaken basis that a brighter sign is easier to read. Extensive traffic safety research, conducted over many decades, has clearly demonstrated that optimum sign luminance levels are far lower than those sought by the industry. This research has resulted in standards and requirements for official traffic signs (warning, regulatory, and other) that are far lower than billboards that may be quite near to them. In fact, similar research has been conducted on behalf of outdoor advertising groups, and the recommendations have been the same – specifically, that far lower lighting levels (further discussed below) are not only appropriate, but superior for sign readability, than the levels promulgated by billboard companies and their national trade organizations. In short, the billboard industry has ignored the extensive research suggesting reduced luminance levels of their signs – even when such research has been conducted on behalf of sign companies themselves.

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In addition to adverse effects on drivers, residents who can see digital billboards from their windows are particularly affected by CEVMS that are excessively bright. This annoyance, over which such residents have no control, is exacerbated by signs that change their message (with an accompanying change in color and brightness) every few seconds. Complaints about loss of sleep, interruption of circadian rhythms, and other quality of life issues generally have been met by the refusal of billboard owners/operators to adequately address this issue. The most recent example is a case in Pennsylvania that has received considerable attention in the press. It concerns an elderly couple who have lived in their home for 37 years and came home one evening to find that a digital billboard had been erected nearby, flooding their bedroom with bright light and preventing them from sleeping. Multiple lawsuits are now pending in this matter. It is my understanding that a number of individuals live in homes on a bluff near Rancho Cordova and will be directly and adversely impacted by the brightness of the proposed sign. I have measured sign luminance in many locations around the country, and it is my experience that, even when digital billboards conform to the OAAA's guidelines, they can present excessive levels of brightness. I have personally measured one particular CEVMS that can be seen from a distance of six (6) miles and, even at that distance, appears to be the brightest object in the field of view (See Figure 1).

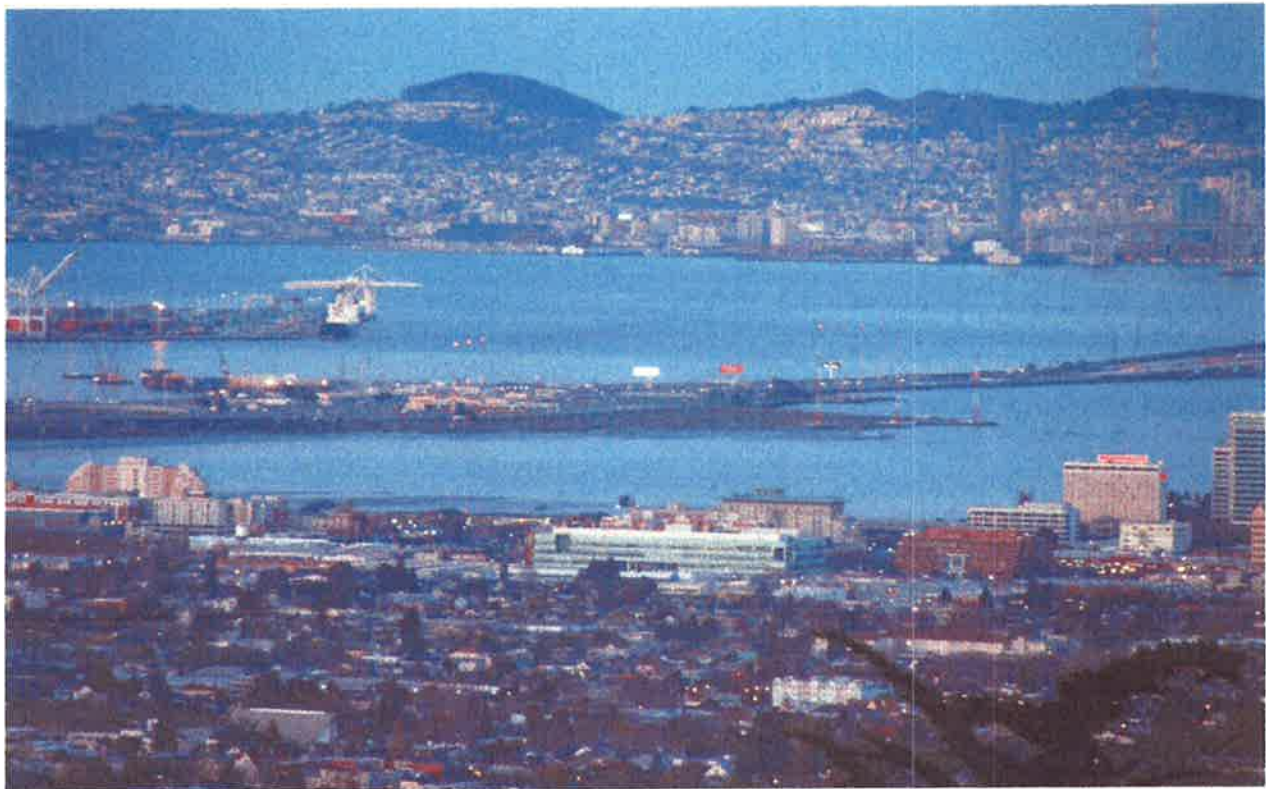


Figure 1. One of three digital billboards at the eastern end of the Oakland Bay Bridge viewed from a distance of six miles.

The billboard industry retained the services of a lighting expert, Dr. Ian Lewin, to develop a set of "guidelines" that the industry trade group (the OAAA) has adopted and promotes to government regulatory agencies nationwide. Independent lighting experts not employed by the billboard

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industry disagree both with the brightness levels allowed by these guidelines, and by the measurement methods proposed to achieve them. I have written extensively about these issues, and I recommend that the City of Rancho Cordova, which has adopted the industry-recommended guidelines in its *Digital Freeway Signs Overlay* to the City's Zoning Code (Overlay), review the relevant technical literature (which I would be pleased to provide) and consider revising its guidelines to reduce the excessive lighting levels now permitted and the inappropriate and incomplete measurement methods required in the Overlay (further discussed below).

1B. DWELL TIME. Dwell time is the industry term used to measure the length of time that a message remains displayed prior to changing to the next message. Members of the outdoor advertising community claim that a driver needs approximately 5-6 seconds to observe and "take in" a message, and so they typically request a 6-second dwell time. CEVMS operators will often, however, accept a dwell time of 8-seconds or longer if the local government demands this. The mathematics are quite clear. The shorter the dwell time, the more advertising messages can be displayed within a given time interval (e.g. one minute or one hour) and the greater the revenue that accrues to the billboard owner. But thousands of driver comments and interviews, in the U.S. and abroad, demonstrate that the "flashing effect" of these shorter dwell times are highly distracting, causing these drivers to (involuntarily) continue looking at the sign because of these visual characteristics. In addition, drivers report that they are tempted to continue looking at the billboard if the message changes frequently, in order to see "what comes next." In a report that I wrote for the American Association of State Highway and Transportation Officials (AASHTO) in 2009, I presented a formula that I believed would satisfy both the desires of the billboard owners and the safety obligations of the road authorities, by tying the required minimum dwell time of a CEVMS to the prevailing roadway speed, combined with the sight distance to the sign. I believe that the City would do well to consider such an approach to setting dwell time for the proposed billboard.

2. FUTURE TECHNOLOGY. Digital billboards are, for all practical purposes, large, high-definition, flat screen televisions. The technology used for these signs is the same as that used in major sports arenas, and in entertainment districts such as Times Square, Las Vegas and Hollywood. CEVMS have far greater display and communication capabilities built-in than what they currently employ in roadside settings; their current limitations are those enforced by legislation, not technology.

I wrote extensively about several of these technologies in my 2009 AASHTO report. Since that time, these technologies have become more widespread and more sophisticated. I believe that any sign code should be proactive in addressing them given the anticipated life of the sign. I note with concern that the Overlay contains a "Development Standard" (1.xii) titled "Future Technologies," that addresses only "technologies available in the future to illuminate Digital Freeway Signs," while it ignores those technologies, several of which are already in use, that can enable such signs to be far more distracting to drivers than is currently the case.

These technologies all have essentially the same purpose – that is, to more deeply and completely engage the viewer (the driver) in an effort to increase brand recognition, product awareness, and sales. These technologies may use one or a combination of methods to accomplish these goals, and we can group them into a small number of categories.

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a. Message sequencing. Message sequencing has been used in advertising for decades. On U.S. roadways, from the 1920's through the 1960's, the ads for a company called "Burma Shave" set the standard with a series of hand-painted signs, each displaying only a small part of the message, installed every few hundred feet along the roadside. To read the complete message, which always ended with the company's logo on the final sign, the driver had to read each part of the message as he or she drove past it. The same technique is used today in ads in magazines, where the reader must turn the page to see the second part of the message, and on late-night television, with the announcer proclaiming – "But wait, there's more."

Message sequencing is based on a concept discovered in the 1920s by the Russian psychologist Bluma Zeigarnik, which is now known as the Zeigarnik Effect. It demonstrates that human observers experience stress and discomfort when performing a task when that task cannot be completed for some reason. In other words, we are "wired" to seek closure, and so we will keep attending to unfolding messages until we can get to the end of the sequence. Advertising experts have written extensively about their use of this technique, and digital billboards make it easier than ever to apply it to the roadside environment, where drivers are a captive audience. By displaying only part of a message on the sign at a time, the advertiser can keep the driver's gaze directed at the sign long enough for successive parts of the message to be displayed (See Figure 2).



Figure 2. A single "frame" from a longer sequenced message. The intent is to keep the driver looking at the sign, anticipating the next frame display.

(Although not specifically relevant to the present case, which involves only a single CEVMS, there may, in the future, be locations where two digital billboards are located in sequence, or opposite one another on a highway. In that case, a message can be "sequenced" with part displayed on the one sign, and part on the other [See Figure 3]).

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Figure 3. A pair of digital billboards spanning a 4-lane highway in London. The signs are used together to display parts of a message that encourage the driver to look at both signs sequentially.

b. Asking the driver to call, scan, or text the billboard for more information. Increasingly, digital billboards are displaying phone numbers, text message addresses and QR codes, and suggesting or directly requesting drivers to contact the displayed service to obtain additional information (See Figures 4 and 5).



Figure 4. A billboard suggesting that the driver send a text message to obtain the latest information on waiting time at the local hospital emergency room.

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Figure 5. A billboard implicitly suggesting that the driver scan the QR code for more information.

C. RECOGNITION/IDENTIFICATION OF THE DRIVER AND/OR VEHICLE TO PROVIDE PERSONALIZED MESSAGES. Advertisers generally want to know the demographic of the audience to which they are advertising, so that they can tailor the message to those most likely to be receptive. There are, to our knowledge, four current technologies available, some of which are already in use by advertisers, to personalize billboard messages to intended drivers.

1. RFID tags. RFID stands for Radio Frequency Identification. It is the technology widely in use for keyless entry systems and keyless starting ability for many current vehicles. The “receiver,” located in the vehicle, reads the specific frequency being broadcast by the key, to open the door or start the car. Advertisers, including the manufacturer of the Mini Cooper automobile, have extended this technology to roadside billboards, so that when the billboard reads the RFID being broadcast from an approaching Mini Cooper automobile, the sign can send a unique, personalized message to the driver of that vehicle. (See Figure 6).

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Figure 6. When a Mini Cooper drives by with an RFID tag that can be “read” by the roadside billboard, the billboard posts a personalized message to the driver.

2. Automated License Plate Readers (ALPR). ALPR technology has been, until recently, available only to law enforcement personnel. These specialized computers can quickly (hundreds of plates per minute) scan license plates of vehicles being passed by the police car in which they are mounted, compare those license plate numbers against a data base of stolen vehicles, or vehicles wanted in relation to a crime, and alert the officer to the vehicle bearing the identified plate. But recently the technology has become available on the commercial market, and outdoor advertisers have been among the first to use it.

A California company has publicized plans to mount ALPR devices onto buildings or billboards adjacent to freeways, scan the license plates of passing vehicles, and use their proprietary technology to personalize ads on the billboards or to send personalized messages to the vehicles directly. (See Figure 7). In England, a newspaper headline reading “UK Billboards Equipped with License Plate Spy Cameras” reported on the use of this technology on billboards as early as 2009.

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Figure 7. A depiction, from a company website, of the application of its ALPR technology for sending personalized messages to approaching drivers.

3. *Billboards that read "local oscillator" signals from radios in passing vehicles.* A company named "Smart Sign Media" has developed a technology that uses billboard mounted sensors to capture specific, real-time demographic information about motorists approaching the sign, which then can display advertising messages targeted to that demographic. An exemplar of this technology has been installed along Highway 99 in Turlock, California (See Figure 8).

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Figure 8. A “smart sign” on Highway 99 in Turlock, California

4. *Billboard mounted face- and eye-recognition cameras.* Most digital billboards have video cameras mounted on their structures. These cameras serve primarily to view the sign itself to send a message back to the remote control centers about its functioning; they also can serve to monitor the ambient lighting conditions to trigger adjustments of the sign’s luminance levels. But some digital billboards have begun to sprout second cameras – aimed at approaching traffic. One supplier of such cameras has stated that the purpose of the cameras is to record the faces of approaching drivers to learn what percentage of them are looking at the billboard, and for how long. With the rapid improvement of camera speed and resolution, it is quite likely that this technology will soon be used (if it is not already) to identify driver demographics (age, gender, and more) and respond with real-time targeted ads. (See Figure 9).

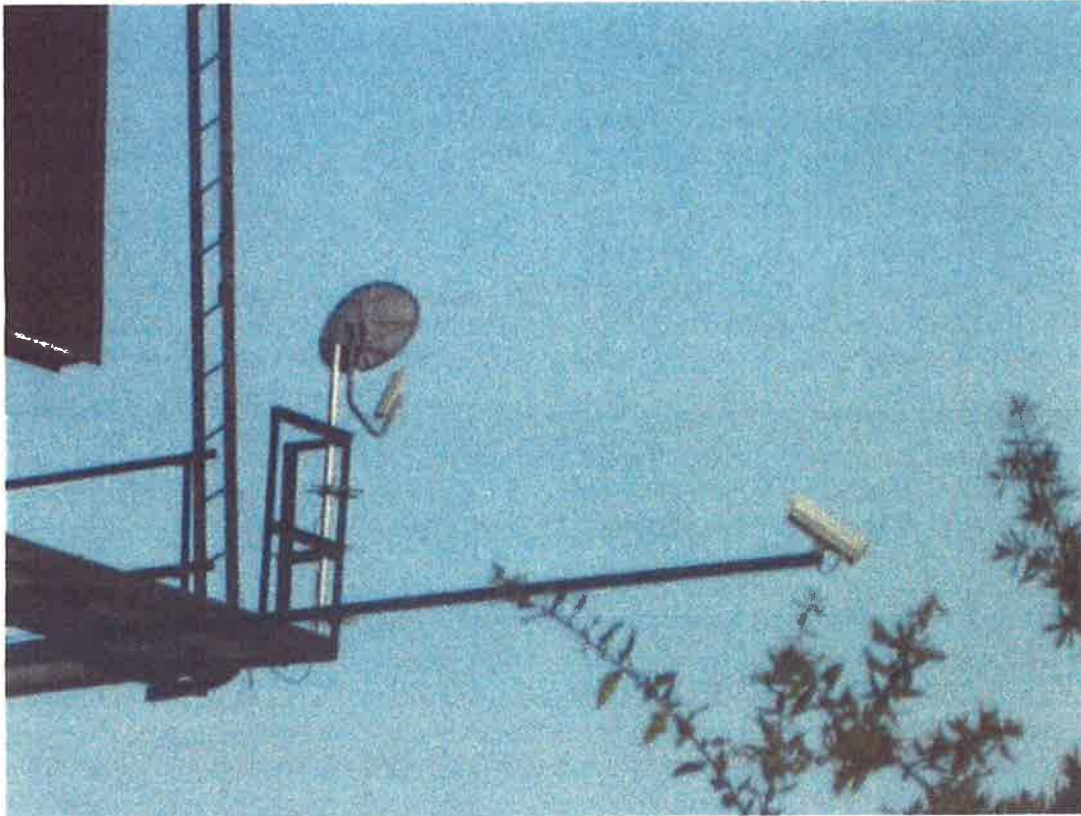


Figure 9. A typical billboard-mounted camera.

4. GENERAL CONCERNS WITH THE MND AND SPECIFIC STATEMENTS MADE WITHIN THE DOCUMENT.

4a. CEVMS relationship to official traffic control signs. The sign as proposed will be larger, taller, and brighter than any of the four official traffic control signs in the immediate area. These signs are: (a) the advance exit sign for Hazel Avenue, (b) a warning sign reading "Thru Traffic Merge Left," (c) the regulatory sign reading "Right Lane Must Exit," and (d) the actual Hazel Avenue exit sign. Because the "simulated view" of the proposed sign, shown in Figure 4 of the MND, was presented from Lane 3 and not Lane 4, there is no way to know whether the view of one or more of these official signs from the viewpoint of an approaching driver traveling in Lane 4 would be obstructed.

In addition, the proposed sign is to be located immediately adjacent to the Hazel Avenue interchange (see Section 4b below), where two of the required warning and regulatory signs address unsafe and improper lane changing. This raises the question, for which there seems to

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have been no analysis performed, of whether the sign will “obstruct or physically interfere with the vision of drivers in approaching, merging, or intersecting traffic,” which is prohibited under the California’s Federal-State Agreement (FSA) with FHWA.

4b. CEVMS location in relation to the Hazel Avenue exit. Although the application states that the sign will be located “approximately 1,500 feet west of the Hazel Avenue/US-50 eastbound off-ramp,” this is misleading, and is in conflict with the FHWA definition of an interchange (of which the off-ramp is a part). In actuality, Figure 4 of the MND shows that the sign is located immediately adjacent to the point where the roadway begins to widen, i.e. “the point of beginning ... of pavement widening at the exit from the main-traveled way.” Therefore, the proposed sign is, according to FHWA, *at* the Hazel Avenue interchange.

4c. Consideration of the “Transportation/Traffic” environmental factor. In the section of the MND titled: “Environmental Factors Potentially Affected,” under the “Transportation/Traffic” section, the report states, in part: “The project would not adversely impact traffic” Given the preponderance of evidence from research studies in the past five years that demonstrate that the presence of roadside digital billboards adversely affects driver performance, including factors such as lane placement, speed maintenance, following behavior and anticipation of and response to hazards, and given that the proposed sign is to be located immediately adjacent to the official start of an interchange and within the immediate vicinity of four official traffic signs, it seems unreasonable that this statement can be made, especially given the authors’ apparent failure to examine any of the recent research in this field.

Sections 4d through 4g, below (with the exception of 4f2 and 4h), are applicable to both the Clear Channel and Outfront Media proposals.

4d. MND discussion of the FHWA 2009 report. Later in the discussion in this same section, the authors discuss, in some detail, a 2009 FHWA report titled: “The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update.” As one of the authors of that report, I can note that the authors of the MND misunderstood or misinterpreted what that FHWA report accomplished. Further, the citation to the FHWA report provided in the MND’s “References” section is incorrect. The correct link is:
http://www.fhwa.dot.gov/real_estate/oac/possible_effects/

4e. MND discussion of the feasibility of conducting a study of driver attention to a CEVMS. I also disagree with the authors’ statement about the impossibility of “conducting a study of an individual digital billboard to measure and analyze the effects of driver attention to the sign.” Indeed, such studies have been done, and should have been cited by the authors of the MND. In addition, I have designed such a study myself, but its conduct would require the support of a dedicated organization.

4f. MND discussion of actions to reduce safety concerns regarding CEVMS. The authors state: “Regulations on sign brightness, message duration, ... *and continuation of vehicle maneuver requirements at interchanges* (italics added) serve to reduce safety concerns to the fullest known extent.” I am concerned about this claim for several reasons:

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1. The discussion of sign brightness in this MND is technically incorrect and quite incomplete,
2. The italicized statement concerning vehicle maneuver requirements at interchanges makes no sense as written, and, as discussed above, I believe that there is a high likelihood that the erection of a digital billboard at the exact beginning of this freeway exit will have a direct, and causal effect on an increase in unsafe vehicle maneuvers at this interchange, and
3. There is no disagreement in the driver behavior research literature that the presence of a CEVMS leads to longer and more frequent driver eye glances off the road than matched roadway sections in which a CEVMS is not present. Therefore, it is unreasonable for the authors to state that allowing this sign in this location is consonant with reducing safety concerns “to the fullest known extent.”

4g. Description of brightness and brightness measurement in the MND. As discussed in Section 1a of this letter, I believe that both the allowable brightness of the proposed sign is excessive, and the method required to calculate such brightness (described in the Overlay) is inappropriate and incomplete. For example, there is no requirement in the Overlay that a CEVMS default to a dark screen in the event of a failure anywhere within the sign’s system that controls sign brightness – this is a basic requirement that I have observed in the vast majority of controlling regulations for digital billboards nationwide.

In addition, however, whereas the Overlay establishes an upper limit for sign brightness at “0.3 foot candles above ambient light” at 250 ft from the sign, the MND erroneously deletes the crucial term “ambient light,” rendering the MND statement meaningless.

Finally, as stated above, brightness levels of 0.3 foot candles above ambient can be easily seen by residents of dwellings thousands of feet from the sign. When combined with the frequent, rhythmic changing of brightness and color, the adverse effect on the quality of life for these residents can be quite dramatic.

4h. Removal of ten mature redwood trees. The MND states, “Ten mature redwood trees located at the installation site are proposed for removal. The statement goes on to say that because the trees and the site are not located in a scenic highway corridor, “changes in views due to the removal of trees in this area would result in no impact on scenic resources or scenic highways.” While this statement may be technically correct with regard to CEQA requirements, it begs the larger question. That is, the Rancho Cordova “Digital Freeway Signs Overlay,” expressly prohibits “the substantial trimming or reduction of existing vegetation and landscaping.” Given that the Overlay was written to apply specifically to this very location (and one other), it is of concern that the MND now proposes to violate this requirement of the city’s zoning code.

4i. Distance between signs. Although the two MNDs were silent on this issue, it is clear from the Overlay that “No Digital Freeway Sign shall be located within 2,500 feet of any other Digital Freeway Sign within the City limits.” Since the Overlay employs the word *shall* (italics added) in its statement, it is clear that the intent of this provision is to specifically prohibit CEVMS placement closer than this minimum distance. Using the data provided in the two MNDs, I have calculated

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that the two proposed CEVMS would be approximately 1,100 feet apart – less than half the minimum distance between signs that is permitted in the Overlay.

In summary, I have reviewed several documents, including: the negative declarations, the City's general plan, its Digital Freeway Signs Overlay of the Zoning Code, and the FHWA-California Federal-State Agreement. In addition, I am familiar with all of the research in this field and have extensive experience with digital billboard technology and applications. As a result, I recommend that the City not approve these two proposed CEVMS until a more comprehensive review and analysis is conducted to ensure that the needs of all stakeholders are addressed, that more reasonable and appropriate measures are applied to the establishment of luminance and dwell time standards, that such signs be brought into compliance with the City's Zoning Code, and that the Code itself be revised as necessary to reflect new technologies and the potential for CEVMS malfunction.

I appreciate the opportunity to have reviewed this MND and presented my opinions and conclusions to you. I am happy to provide any of the references mentioned in this letter, and to discuss my opinions in more detail with you and with city officials and other stakeholders in this matter.

Sincerely yours,



Jerry Wachtel,
President

JERRY A. WACHTEL, C.P.E.
 President, The Veridian Group, Inc.
 567 Panoramic Way • East Cottage • Berkeley, California 94704
 Tel: (510) 848-0250 • Fax: (510) 848-0303 • Email: jerry@veridiangroup.com

Curriculum Vitae

BACKGROUND AND EXPERTISE

The Veridian Group was established in 1982 to provide consulting services to Government, non-profit and corporate clients in areas of human factors and ergonomics, including: human performance; visibility and conspicuity; hazards and warnings; slips and falls; simulation; training and assessment; expectancy and situation awareness, distraction and attention; roadway design and traffic control devices; sign codes and ordinances, hindsight bias and positive guidance. Mr. Wachtel has more than 40 years of experience in research, project management, and regulation at all levels of Government and in private industry.

EXPERT WITNESS QUALIFICATION.

Mr. Wachtel has never been denied qualification as an expert witness in human factors, ergonomics, or engineering psychology. He has served as an expert in Alaska, Arkansas, California, Mississippi, Montana, New Jersey, New York, Oregon, Pennsylvania, Virginia, Washington and Washington, DC.

PARTIAL CLIENT LIST.

In addition to providing services to numerous law firms, our clients have included:

Government: U.S. Department of Transportation; U.S. Nuclear Regulatory Commission; County of Fairfax, VA; Cities of New York, San Francisco, Baltimore, Seattle, Portland, Berkeley, and others; LA Department of Highways; MD State Highway Administration; NJ Department of Law and Public Safety; PA Department of Transportation; Port Authority of NY and NJ (PANY); Atlantic City Expressway Authority; League of Minnesota Cities; Association of Bay Area Governments (ABAG); California Department of Transportation (CALTRANS); California Commission on Peace Officer Standards and Training (POST).

Corporate: Ackerley (Clear Channel) Communications, Inc.; AMFS, Inc.; Arco Chemical Co.; Atari Games Corp.; DriveSafety, Inc.; Drive Square, LLC; Electronic Learning Facilitators, Inc.; Fuel Outdoor; Hyperion Technologies, Inc.; Infinity (CBS) Outdoor; I-Sim Corp.; Lamar Outdoor, Inc.; Medved Autoplex; MORR Transportation Consulting; OTR Media; Parallax, Inc.; PB World; Positive Guidance Applications, Inc.; SAIC; Scientex Corp.; Strategic Media (Toronto); Systems Technology, Inc.; Talisman-International, LLC; Time-Warner Interactive; TransAnalytics, LLC; Vega Vista, Inc.

Educational and Non-Profit: Fondation MAIF, France; International Atomic Energy Agency (IAEA); National Safety Council; Sister Kenney Institute; Stein Gerontological Institute; University of California, Berkeley; University of Iowa; University of Miami Center on Human Factors and Aging; University of Minnesota; Washington University, St. Louis; American Association of State Highway and Transportation Officials (AASHTO); Sharp Memorial Hospital Rehabilitation Center; Outdoor Advertising Association of America (OAAA); International Sign Association (ISA); National Cooperative Highway Research Program (NCHRP).

EMPLOYMENT HISTORY:**DRIVING LAB, LLC**

Co-Founder and Partner, 2007-Present

Driving Lab is a start-up company formed to address the growing need for a practical and valid assessment of driving impairments due to age, injury, or illness. The company is developing a line of standardized, state-of-the-art, affordable driving simulators, complete with proven assessment and training scenarios and protocols, for use in clinical, research, and DMV applications.

U.S. NUCLEAR REGULATORY COMMISSION, Washington, D.C.

Senior Engineering Psychologist, Training & Assessment Specialist, 1982-2000

Author of Federal regulations for fidelity and testing requirements for training simulators. Designed, developed and implemented agency-wide program in workplace ergonomics, and wrote policy paper on "Safety Conscious Work Environment." Managed multi-million dollar research programs in areas related to nuclear power plant simulation, training, procedures, and human factors engineering for advanced control rooms. Initiated, developed and defended research areas; developed contract documents and negotiated with offerors; managed all technical and financial aspects of research and technology transfer; explained and defended programs through the public hearing process; and published results. Developed and performed training and procedures reviews, control room design reviews, examination audits, incident response site-visits, simulator certification audits, and power plant staff interviews. Developed and maintained cooperative working relationship with industry.

Published and presented technical papers, chaired professional conferences, and served as invited keynote speaker. Appointed Chair, U.S. Technical Advisory Committee to International Standards Organization (ISO) Committee 159, SC6/WG8, Ergonomics of Control Centres. Served as NRC representative to American Nuclear Society committee writing the ANSI standard for nuclear power plant simulators. Conducted classes and workshops on human factors in the nuclear industry for international organizations in England, Norway, Sweden and Slovenia.

U.S. DEPARTMENT OF TRANSPORTATION, Washington, D.C.

Research Psychologist, 1973-82.

Developed and staffed a research laboratory using simulators and psycho-physiological recorders to conduct and manage highway safety research related to: accidents under reduced visibility conditions; driver task demands in the presence of roadside distractors; safety and traffic flow at bridge and tunnel entrances; real-time motorist guidance and information systems; adequacy of traffic control devices. Named Laboratory Director in 1980. My research results have been implemented throughout the US and Europe, and have been used as evidence in court cases, including the U.S. Supreme Court. Wrote and presented papers at conferences. Served on international committees concerned with highway safety. Appointed by the Secretary of Transportation to tasks force on Occupational Safety and Health and Transportation System Environmental Design. Chaired the simulation committee of the National Academy of Sciences' Transportation Research Board, and served as Chair of the Board's Human Factors Workshop in Transportation. Served the Human Factors and Ergonomics Society as Alternate Member of the National Committee on Uniform Traffic Control Devices.

Curriculum Vitae of Jerry Wachtel, C.P.E.

GRUMMAN AEROSPACE CORPORATION, Bethpage, New York

Human Factors Psychologist, 1969-73.

Served as NASA-Apollo Lunar Module (LM) Team Leader for simulation and real-time mission support. Developed and implemented man-in-the-loop simulation tests in support of flight crew training, procedures development, verification and validation, display/control design, and on-board maintenance activities. Supervised all corporate life sciences NASA support functions for Apollo flights including direction of a round-the-clock emergency response team of scientists and engineers, and conduct of post-mission astronaut debriefings. Wrote the human factors sections of corporate post-flight reports to NASA for Apollo missions. Researched the LM crew/computer interface, the results of which led to a reduction of in-flight errors during periods of high task demands. Discovered the problem and evaluated the effects of distance perception illusions experienced by astronauts on the lunar surface, which led to new equipment and procedures to reduce these effects. Wrote technical papers, and served as Grumman's representative to NASA lunar surface operations planning meetings. Consulted on other corporate projects, and contributed to the design of Grumman health care delivery systems and emergency medical treatment devices.

PROFESSIONAL APPOINTMENTS AND AFFILIATIONS

Fellow, Human Factors and Ergonomics Society

Member, Technical Groups on Forensics, Surface Transportation, Product Design,
Visual Performance, Computer Systems, Health Care

Member Emeritus, National Academy of Sciences, Transportation Research Board

Chair, Subcommittee on Roadside Digital Signage

Member, TRB Leadership Group

Past Chair, Committee on Simulation and Measurement of Vehicle and Operator Performance

Member, Committee on User Information Systems

Member, Committee on Vehicle User Characteristics

Member, Committee on Eminent Domain and Land Use

Chair, Fifteenth and Thirtieth Annual Workshop on Human Factors in Transportation

Member, Human Factors Workshop Planning Committee

Member or past member of the following Scientific and Technical Committees:

Human Factors Resource, An Advisory Body to the National Committee on Uniform
Traffic Control Devices, Authors of the MUTCD.

Intelligent Transportation System (ITS) America, Committee on Safety and Human Factors.

Society of Automotive Engineers (SAE), Committee on Safety and Human Factors.

Advisory Board, Center on Human Factors and Aging Research – University of Miami School
of Medicine.

U.S. Technical Advisory Group to International Standards Organization (ISO) TC159

Ergonomics, and its Subcommittee 4, Ergonomics of Human-System Interaction.

Chair, U.S. Technical Advisory Group to ISO TC159/SC6, Ergonomics of Control Centres.

Guest Lecturer. Graduate Class in Ergonomics and Engineering Psychology, San Jose State University.

Curriculum Vitae of Jerry Wachtel, C.P.E.

CERTIFICATIONS, HONORS AND AWARDS

Certified Professional Ergonomist (CPE), Board of Certification in Professional Ergonomics

Fellow, Human Factors and Ergonomics Society

Member Emeritus, Transportation Research Board, National Academy of Sciences

High Quality Performance Awards, U.S. Nuclear Regulatory Commission.

NASA Apollo Achievement Award for outstanding contributions to manned space flight.

Outstanding Technical Achievement by the Federal Highway Administration for report titled: "Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable Message Signage." (This publication was used as evidence by the Attorney General of the United States in a case heard before the U.S. Supreme Court).

Member of Psi Chi, the National Honor Society in Psychology.

EDUCATION.

Brooklyn College, Brooklyn, NY, B.A., Psychology, 1965

The City University of New York, New York, NY, M.B.A., Engineering/Industrial Psychology, 1969

The Stevens Institute of Technology, Hoboken, NJ, Advanced Graduate Studies in Engineering and Environmental Psychology

The Catholic University of America, Washington, DC, Advanced Graduate Studies in Human Factors and Engineering Psychology

COMMUNITY SERVICE.

Past-President, Member of the Executive Board, Panoramic Hill Association, a 501-C-4 organization in Berkeley, California.

Member of the Board, Friends of the Havens House, Berkeley, California

Past Director and Public Safety Chair, Berkeley Path Wanderers Association

Past President and Chairman, Federal Hill Neighborhood Association, Inc., a 501-C-3 organization representing a community of 3000 listed on the National Register of Historic Places.

Appointed by several Mayors of Baltimore City to membership on planning committees and tasks force, including: City Master Plan for the Year 2000 and Beyond; Downtown Stadium Committee; Key Highway Waterfront Advisory Committee.

Curriculum Vitae of Jerry Wachtel, C.P.E.

SELECTED PUBLICATIONS, PRESENTATIONS, AND PROFESSIONAL ACTIVITIES.

Reviewer: *Simulation: Transactions of the Society for Modeling and Simulation*. 2014 - Present.

“FHWA’s 2013 Research Report on Digital Billboards (CEVMS) – Seriously Flawed.” *Eno Brief Newsletter*. Washington, DC: The Eno Center for Transportation. 1/13/2015.

“A Peer-Reviewed Critique of the Federal Highway Administration (FHWA) Report Titled: ‘Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs,’” January 2015.

“Code 3: The Impact of In-Vehicle Technologies on Performance and Distraction of First Responders. With Andrew Kun, University of New Hampshire. Invited Human Factors Workshop to be conducted at the 94th Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2015.

“Shedding Light on Billboard ‘Brightness.’” Invited Presentation to the Scenic America Annual Symposium. San Francisco: May 2013.

“The United States Version of the Stroke Drivers’ Screening Assessment: A Pilot Study.” With Abiodun Akinwuntan, Nadina Lincoln, Diana Gantt, Gina Gibson, Kurt Kimmons, and Valerie Ross. *Topics in Stroke Rehabilitation*. 2013; 20(1), 87-92.

Member, Scientific Review Committee. International Driving Symposium on Human Factors in Driving Assessment, Training and Vehicle Design, 2011-Present.

“Ironies of Automation.” With Judith Burki-Cohen. Invited Human Factors Workshop conducted at the 92nd Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2013.

“Human, Organizational, and Cultural Factors in Accidents.” Convener and Chair of Special Symposium held at the 92nd Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2013.

Reviewer, *Journal of Traffic Injury Prevention*, 2012 - present.

“Visual Clutter and Roadside Distractions: The Challenge to Good Traffic Engineering and Human Factors Practice.” Invited Presentation to the 5th International Conference on Traffic and Transport Psychology, Groningen, The Netherlands, August 2012.

“Stroke Driver Screening Assessment predicts driving in individuals with Relapsing-Remitting Multiple Sclerosis.” With A. Akinwuntan, T. O’Connor, K. Turchi, E. McGonegal, and S. Smith. *International Journal of MS Care*, Paper #2012-010R, accepted for publication. March 2012.

“Whodunit? – Human Factors in the Courtroom.” With Alison Smiley. Human Factors Workshop conducted at the 91st Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2012.

Curriculum Vitae of Jerry Wachtel, C.P.E.

“Driver Fitness in Patients with Cognitive Impairment and Glaucoma.” With Peter Rosen, Abiodun Akinwuntan, Erwin Boer, Robert Weinreb, and Felipe Medeiros. *Proceedings of the 6th International Driving Symposium on Human Factors in Driver Assessment, Training, and Vehicle Design*. June 2011.

“The United States Version of the Stroke Drivers’ Screening Assessment Battery: A Report of Preliminary Findings.” With Abiodun Akinwuntan, Diana Gantt, Gina Gibson, Kurt Kimmons, Valerie Ross, and Peter Rosen. *Proceedings of the 6th International Driving Symposium on Human Factors in Driver Assessment, Training, and Vehicle Design*. June 2011.

Member, Scientific Review Committee, 3rd International Conference of Road Safety and Simulation, 2011.

“Driving Simulation for Evaluation and Rehabilitation of Driving After Stroke.” (2011) With Abiodun Emmanuel Akinwuntan and Peter Newman Rosen. *Journal of Stroke and Cerebrovascular Diseases*.

“Digital Billboards, Distracted Drivers.” *Planning: The Magazine of the American Planning Association*, 25-27. March 2011.

Reviewer: Grant Proposals Submitted to National Institutes of Health – National Institute of Child Health and Human Development: “Experimental Research on the Effects of Teenage Passengers on Driving Performance Among Teenagers.” March 2010.

Consultant: National Institutes of Health STTR Grant: “Driving Simulation for Assessment and Training After Stroke.”

“The State of the Art and the State of the Knowledge About Digital Billboards and Traffic Safety.” Invited Webinar Presented to the Motorist Information and Services Association, March 18, 2010.

“Safety Impacts of Emerging Digital Display Technology.” Invited Presentation to the American Planning Association, Pennsylvania Chapter, Southeast Section, December 4, 2009.

“The Relationship Between New Roadside Advertising Technologies and Driver Distraction: an International Assessment.” *Proceedings of the First International Conference on Driver Distraction and Inattention*. Gothenburg, Sweden, September 28-29, 2009.

“Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs.” Report No. 20-7 (256). Washington, DC: National Cooperative Highway Research Program, April 2009.

“The Effect of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update.” With J.A. Molino, J.E. Farbry, M.B. Hermosillo, and T.M. Granda. Report No. FHWA-HRT-09-018. Washington, DC: US Department of Transportation, Federal Highway Administration. February 2009.

“Digital Billboards: The Hype, The Facts, The Solutions.” Invited Presentation to the Annual Meeting of the Intelligent Transportation Society of California. Sacramento: December 2008.

Curriculum Vitae of Jerry Wachtel, C.P.E.

“Safety Impacts of Emerging Digital Display Technology for Outdoor Advertising Signs: An Overview of NCHRP Project 20-7 (256).” Paper presented at the 11th Annual NAHBA Conference. Kalispell, Montana, August 11, 2008.

“Review of Two Billboard Industry Reports.” Paper presented at the 11th Annual NAHBA Conference. Kalispell, Montana, August 12, 2008.

“Digital Billboards on the Highway – Who’s Watching?” Human Factors Workshop conducted at the 87th Annual Meeting of the Transportation Research Board of The National Academies. Washington, DC, January 2008.

“Programs and Practices to Reduce Simulator Sickness: Lessons Learned from the Field.” *Proceedings of the International Conference on Road Safety and Simulation, 2007*. Rome, Italy: University of Roma Tre.

Reviewer: “Changeable Message Sign Displays During Non-Incident, Non-Roadwork Periods.” National Cooperative Highway Research Program (NCHRP), Project 20-5, Topic 38-11, July 2007.

Principal Developer – International Standards Organization (ISO) Warning Symbol No. 21482, a symbol to warn the public of radiation dangers, February 2007.
(<http://www.iaea.org/NewsCenter/News/2007/radiationsymbol.html>)

Reviewer: *Preventing Teen Motor Crashes: Contributions from the Behavioral and Social Sciences: Workshop Report*. Washington, DC: The National Academies, January 2007.

“A Protocol for Avoiding Simulator Sickness.” With E. Stern, V. Barth, W. Durfee, M. Rosen, T. Rosenthal, E. Schold-Davis, C. Schaffer, M. Watson, & J. Zola. Paper presented at the Conference on New Approaches to Simulation and the Older Operator, MIT AgeLab & New England University Transportation Center, October 27, 2006.

“Survey of Standards and Practices toward the Reduction of Simulator Sickness.” Paper presented at the Conference on New Approaches to Simulation and the Older Operator, MIT AgeLab & New England University Transportation Center, October 27, 2006.

Invited Participant. U.S. Institute for Environmental Conflict Resolution: National Outdoor Advertising Control Program Assessment. Sacramento, California, August 2006. U.S. Department of Transportation, Federal Highway Administration.

Invited Presenter, “Hindsight Bias in Attribution of Crash Causes,” Workshop on *Why Crashes Happen: Factors Associated with Crash Causation - Human Factors Insights from In-Depth Investigations*, 85th Annual Meeting of the Transportation Research Board, Washington, DC, January 2006.

“The Use of a Driving Simulator to Assess Senior Driver Performance: Increasing Situational Awareness Through Post-Drive One-on-One Advisement,” with M. Romoser, D.L Fisher, R. Mourant, & K. Sizov. Proceedings of the 3rd International Driving Symposium on Human Factors in Driver Assessment, Training, and Vehicle Design. Rockport, Maine: June 27-30, 2005.

Curriculum Vitae of Jerry Wachtel, C.P.E.

Invited Moderator, Human Factors Issues. *The Crossing Zone – A Decade of Progress: Western Regional Safety Grade-Crossing Training Conference*. Organized by Federal Railroad Administration and University of California, Berkeley. May 2005.

“The Potential to Enhance Older Drivers’ Critical Driving Skills Through Simulator-Based Advice,” with M. Romoser, D.L. Fisher, K.A. Sizov, & R.R. Maurant. In *Driver Behaviour and Training: Vol. II*, L. Dorn, Ed. pp. 105-120. Hampshire, England: Ashgate.

“Safety Challenges Facing Tomorrow’s Commercial Drivers and the Role of New Simulation Technology to Meet Them.” Proceedings of the *Conference on Future Truck and Bus Safety Research Opportunities*. Washington, DC: Transportation Research Board of the National Academy of Sciences, March 2005.

“Use of a Driving Simulator to Assess Older Adults’ Critical Driving Skills,” with M. Romoser, D.L. Fisher, R. Maurant, K. Sizov, S. Kennedy, & M. Andra. Paper presented at the 84th Annual Meeting of the Transportation Research Board, Washington, DC, January 2005.

“Making Vehicles and Roads Safer for Older Drivers: A Human Factors Approach.” Paper presented at the Symposium on Safe Mobility for the Aging, Sacramento, California, November 2004.

“Discriminating Between Brain Injured and Non-Disabled Persons: a PC-Based Interactive Driving Simulator Pilot Project,” with E.B. Stern, E. Schold Davis, W.K. Durfee, and T.J. Rosenthal. *Advances in Transportation Studies: An International Journal*, 2004 Special Issue, pp. 67-78

“Driving Simulation in the Clinical Setting: Utility for Testing and Treatment,” with P.N. Rosen. *Advances in Transportation Studies: An International Journal*, 2004 Special Issue, pp. 91-96

Invited Panelist, The Santa Monica Crash: Strategies to Reduce Future Occurrences. Joint Conference of the American Society on Aging and the National Council on Aging, April 2004.

Invited Participant, “International Consensus Conference: How to Assess Road Driving Skills and Abilities,” Sponsored by U.S. Public Health Service, Centers for Disease Control, December 2003.

“Assessment of Cognitively Impaired Persons Who Wish to Resume Driving.” The First STISIM Drive Users Group Meeting, Cranfield University, United Kingdom, September 2003.

“Driver Education for Pre-Teens: A New Approach Toward Reducing Crashes Among Young Novice Drivers.” In *Contemporary Ergonomics 2003*, P.T. McCabe (Ed.). London: Taylor & Francis.

“Pilot Study of Driving Simulation with Persons with Brain Injury and Cognitive Deficit,” with E.B. Stern, W.K. Durfee, T.J. Rosenthal, and E. Schold Davis. Presented at *World Federation of Occupational Therapy (13th World Congress of Occupational Therapists)*, Stockholm, Sweden, 2002.

“Program for Development of a New Warning Sign for Hazardous Radioactive Materials,” Consultant’s Report Prepared for the International Atomic Energy Agency (IAEA), March 2002.

Curriculum Vitae of Jerry Wachtel, C.P.E.

“Drivers’ Responses to Changeable Message Signs of Differing Message Length, and Traffic Conditions,” with J.H. Guerrier and D.L. Budenz. In *Contemporary Ergonomics 2002*, P.T. McCabe (Ed.). London: Taylor & Francis, pp 223-228.

“Low Cost Simulation as a Tool to Assess the Driving Ability of Persons with Cognitive Impairments from Brain Injury,” with E.B. Stern, W.K. Durfee, T.J. Rosenthal, and E. Schold Davis. In *Contemporary Ergonomics 2002*, P.T. McCabe (Ed.). London: Taylor & Francis, pp. 229-234.

Ergonomics and the Prevention and Reduction of Injuries in the Workplace – Office Ergonomics 101-103. U.S. Nuclear Regulatory Commission BR-0269, 0270, 0271, February 2002.

“Evaluation of a Low-Cost, PC-Based Driving Simulator to Assess Persons with Cognitive Impairments Due to Brain Injury,” with W.K. Durfee, T.J. Rosenthal, E. Schold-Davis and E.B. Stern. *Proceedings of the International Driving Symposium on Human Factors in Driver Assessment, Training and Vehicle Design*, Aspen, Colorado, August 2001, 293-294.

“A Simulator Study of Driver Responses to Changeable Message Signs of Differing Message Length and Format,” with J. Guerrier. *Proceedings of the International Driving Symposium on Human Factors in Driver Assessment, Training and Vehicle Design*, Aspen, Colorado, August 2001, 164-165.

Invited Participant, *Federal Motor Carrier Safety Administration Meeting on Research and Technology*. Washington, DC, U.S. Department of Transportation, January 2001.

Invited Participant, “Conference on Partnering for Safety-Human Centered Systems – Operator Fatigue Management.” Tysons Corner, Virginia, U.S. Department of Transportation, August 2000.

“Human Factors Guidance for Control Room Evaluation,” with J. O’Hara, W. Brown, W. Stubler, J. Higgins and J.J. Persensky. In *Proceedings of the IEA 2000/HFES 2000 Congress*, San Diego, California, August 2000, 3-519 – 3-522.

Chair, Technical Session on “Human Factors Engineering Methods in Power Systems.” *IEA 2000/HFES 2000 Congress*, San Diego, California, August 2000.

Single Point Urban Diamond Intersections in Maryland: A Review and Human Factors Analysis. Maryland State Highway Administration, Office of Traffic Safety, June 2000.

Invited Participant, *Specialists’ Meeting on “Integrated Information Presentation in Control Rooms and Technical Offices at Nuclear Power Plants.”* Stockholm, Sweden, International Atomic Energy Agency (IAEA), May 2000.

Co-Chair, Workshop on “Signs that Confuse, Signs that Distract – The Impact of Official and Commercial Signs on Driver Behavior and Performance,” with M. Pietrucha. *33rd Annual Human Factors in Transportation Workshop*. Washington, DC, Transportation Research Board of the National Research Council, January 2000.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"Interactive Driving Simulation as a Tool for Insight Development and Motivation in a Rehabilitation Setting," with Elin Schold-Davis. Paper presented at *The 8th Annual Medicine Meets Virtual Reality Conference*, Newport Beach, California, January 2000.

The Towson Roundabout: Human Factors Considerations. Maryland State Highway Administration, Office of Traffic Safety, August 1999.

Chair, Workshop on "Approaches for the Integration of Human Factors into the Upgrading and Refurbishment of Control Rooms." Organization for Economic Cooperation and Development of Europe (OECD). Halden, Norway, August 1999.

Chair, Workshop on "Safety Assessment of Plant Modifications with Special Emphasis on I&C Modernization and HMI Issues." International Atomic Energy Agency (IAEA). Ljubljana, Slovenia, May 1999.

Invited Presenter. *Corporate Traffic Safety Symposium*. Ft. Lauderdale, Florida: National Safety Council, South Florida Chapter, September 1997.

"Innovations in Low-Cost Simulation Technology for the Training and Testing of 'High Risk' Drivers," in *Global Perspectives of Human Factors in Power Generation: Proceedings of the 1977 IEEE Sixth Conference on Human Factors and Power Plants*. New York: Institute of Electrical and Electronic Engineers, June 1997.

Member, Expert Peer Review Panel. *Validation of Truck Driver Simulator for Driver Training, Testing and Licensing*. U.S. Department of Transportation, Office of Motor Carriers, June 1997.

"Applications of Appropriate Simulator Technology for Driver Training, Licensing and Assessment." In *Vision in Vehicles - V*, A.G. Gale, et al, Eds. Amsterdam: Elsevier, pp. 3-10, 1996.

"A Comprehensive Evaluation of a Low Cost Driving Simulator for Use in the Training of Police Officers," with J. Berner. Presented at the *International Conference on Traffic and Transport Psychology*, Valencia, Spain, May 1996.

"An Enhanced Commentary Driving Technique for Real-Time Data Collection with Untrained Subjects," with J.H. Guerrier and P. Manivannan. Paper presented at the *International Conference on Traffic and Transport Psychology*, Valencia, Spain, May 1996.

"Human Factors Study of Traffic Control in Construction and Maintenance Zones," Three Working Papers Submitted to the Federal Highway Administration, U.S. Department of Transportation, under Contract No. DTFH61-95-C-00064, 1996.

"Human-System Interface Design Review Guideline, Final Report." *NUREG-0700, Rev. 1*. Washington, DC: U.S. Nuclear Regulatory Commission, June 1996.

"Technology and the Older Traveler." *Second National Forum for Advanced Public Transportation (APTS): New Thinking in Transit Management Concepts*, 8-11. Knoxville: The University of Tennessee Transportation Center, 1996.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"A Brief History of Driving Simulators." *TR News*, Number 179, July-August, pp. 26-27, 45, 1995.

"Human Factors in Process Control: Developing Criteria for the Review of Advanced Human-System Interface Designs." *CSERIAC Gateway VI*(4), pp. 10-12, 1995.

"Methodological Issues in the Validation of Complex Human-Machine Systems," with J. O'Hara and W. Stubler. *Proceedings of the Topical Meeting on Computer-Based Human Support Systems: Technology, Methods, Future*. Philadelphia, PA, June 26-29, 1995, pp. 339-344.

Positive Guidance in Maryland: Guidelines and Case Studies. Contributing Author and Task Force Leader. Hanover, Maryland: Maryland State Highway Administration, 1995.

"The Importance of Simulation Facilities for the Development of Review Criteria for Advanced Human System Interfaces," with J.M. O'Hara. *Proceedings of the 1994 Simulation Multiconference*, J. Olmos and A. Sharon, Eds., pp. 200-205. San Diego: The Society for Computer Simulation, 1994.

"Development of Comprehensive Human Factors Engineering Guidelines for the Evaluation of Human Systems Interfaces," with J. O'Hara and W. Brown. *Proceedings of the 12th Triennial Congress of the International Ergonomics Association, Volume 5: Ergonomics of the Workplace*, Ontario, Canada: Human Factors Association of Canada, 1994, pp. 407-409.

"Driving Simulators - Serious Tools or Frivolous Toys? - Overview of a Symposium and Panel Discussion." *Proceedings of the Human Factors and Ergonomics Society 37th Annual Meeting*, Seattle: 1993, pp. 600-601, 622-624.

"The State of Practice of Computerized Operating Procedures in the Commercial Nuclear Power Industry," with A.J. Spurgin and P. Moieni. *Proceedings of the Human Factors and Ergonomics Society 37th Annual Meeting*, Seattle: 1993, pp. 1014-1018.

"The Role of New Simulation Technology in a Systematic Approach to Novice Driver Education." Paper presented at the *Working Conference on Novice Driver Education*, Edmonton, Alberta, Canada: April 1993.

"New Technology for an Old Problem: A Report of a Prospective Study to Evaluate a Simulator-Based Approach to Driver Licensing," with R.C. Peck. Paper presented at the 1993 Annual Meeting of the Transportation Research Board, Washington, DC: January 1993.

"An Introduction to Fitness for Duty." Invited paper presented at the 1993 Annual Meeting of the Transportation Research Board, Washington, DC: January 1993.

"Team Skills Training in Nuclear Power Plant Operations," with C.D. Gaddy, pp. 379-396, in Swezey, R.W. and Salas, E. (eds.) - *Teams: Their Training and Performance*. Norwood, N.J., ALEX Publishing Co., 1992.

"A 'Blue Sky' Approach to the Future of Driver Qualification," with P.W. Nunnenkamp. Invited presentation to the 1992 Driver Licensing and Control Workshop. New Orleans: American Association of Motor Vehicle Administrators, November 1992.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"The Role of Simulators in the Operator Training Environment of the Future." Paper presented at the 2nd International Conference on Training for Operation and Maintenance in the Nuclear Industry, September 23, 1992. Cambridge, England: The Institution of Nuclear Engineers.

Advanced Control Room Design Review Guidelines: Merging Old and New, with R. J. Carter. Proceedings of the Human Factors Society 36th Annual Meeting, 1992.

Invited Participant: Workshop on Human Factors Research in Highway Safety, April 1-3, 1992. Washington, DC: National Academy of Sciences, Transportation Research Board.

"Guide Sign Effectiveness Review: An Assessment for the State of Maryland." March 1992.

"Simulator Technology: Analysis of Applicability to Motor Vehicle Travel." Collaborative author and Editor. *Transportation Research Circular Number 388*. Washington, DC: National Research Council/TRB, February 1992.

"Guidelines for the Review of Advanced Controls and Displays," with J.M. O'Hara. In *Transactions of the Nineteenth Water Reactor Safety Meeting*, - NUREG/CP-0118, October 1991, pp. 11-9, 11-10.

Invited Participant: Workshop on Driver Vision Standards and Testing, October 4-5, 1991. Toronto, Ontario: Canada. Canadian Council of Motor Transport Administrators.

"Are We Training Operators Upside Down?" In *Proceedings of the Ninth Symposium on the Training of Nuclear Facility Personnel*, Denver, Colorado, April 14-18, 1991. Oak Ridge, Tennessee: Oak Ridge National Laboratory Report Number 9104135, pp. IV-B.1.1 - IV-B.1.12.

"The Development of Human Factors Review Criteria for Future Nuclear Power Plant Control Rooms," with J. O'Hara and J. Persensky. *Conference Record 1990 IEEE Nuclear Science Symposium*. Arlington, Virginia, 1990, pp. 909-913.

"Man-in-the-Loop Simulation in the Nuclear Industry: How Did We Get Here - Where Are We Headed?" Invited Keynote Address to The Society for Computer Simulation, Eastern Simulation Conference, Orlando, Florida, 1988.

"Operational Assessment of Simulator Fidelity in the Nuclear Industry," with C. Plott and K.R. Laughery. *Proceedings of the 32nd Meeting of the Human Factors Society*, Los Angeles, 1988.

"Evaluation Procedure for Simulation Facilities Certified Under 10 CFR 55," with C. Plott, K. Laughery and B. Gore. Washington, DC: U.S. Nuclear Regulatory Commission, NUREG-1258, 1987.

"Answers to Questions at Public Meetings Regarding Implementation of Title 10, Code of Federal Regulations, Part 55 on Operators' Licenses." Washington, DC: U.S. Nuclear Regulatory Commission, NUREG-1262, 1987.

"Using Simulators as Examination Tools." Paper presented at the Third IEEE Conference on Human Factors and Power Plants, Monterey, California, 1985.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"Adverse Highway Safety Consequences of New Technology," in *Ergonomics International* 1985, Edited by I.D. Brown, et. al. London: Taylor & Francis, 1985, 517-519.

"Federal Railroad Administration Experience and Rulemaking Activities with Regard to Fitness for Duty." Report to the Chairman and the Commissioners, U.S. Nuclear Regulatory Commission, 1985.

"The Future of Nuclear Power Plant Simulation in the United States," pp. 338-349, in Walton, D.G., *Simulation for Nuclear Reactor Technology*. Cambridge: Cambridge University Press, 1984.

Chair, "Transportation Safety," 27th Meeting of the Human Factors Society, Norfolk, Virginia, 1983.

"The Use of New Technologies for Visual Simulation." Invited Workshop. Washington, DC: Transportation Research Board, 1983.

"Electronic Advertising Near Highways: The Concern for Traffic Safety." *Public Roads*, 45(1), 1981.

Chair, "Performance and Vision." 24th Meeting of the Human Factors Society, Los Angeles, 1980.

"The Use and Abuse of Simulators in Environmental and Highway Design." Paper presented at the 24th Annual Meeting of the Human Factors Society, Los Angeles, 1980.

"The Highway Environmental Simulator, A White Paper." U.S. Department of Transportation, Federal Highway Administration, Highway Aesthetics Laboratory, 1980.

Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable Message Signage: Final Report, with R.D. Netherton. Report No. FHWA/RD-80/051. Washington, DC: U.S. Department of Transportation, 1980.

"Functions and Program of the FHWA Highway Aesthetics Laboratory." U.S. Department of Transportation, Federal Highway Administration, Washington, DC, 1980.

"Effects of Environmental Transitions on Highway Tunnel Operations and Safety." Paper presented at the U.S. Department of Transportation Conference on Research and Development in Underground Construction and Tunneling, Reston, Virginia, 1980.

"Reduced Visibility on the Highway: A Pervasive Problem Receiving International Attention." *Transportation Research Circular* 193, 1978.

"The Escalating War on Reduced Visibility." *Public Roads*, 41(3), 1977.

"The Computer Generation: Options, At What Cost?" in R.E. Granda and J.M. Finkelman, eds., *The Role of Human Factors in Computers*. Proceedings of a Symposium Co-Sponsored by the Metropolitan Chapter of the Human Factors Society and Baruch College, 1976.

"Unobtrusive Measurement in Highway and Pedestrian Safety Research." Paper presented at the annual meeting of the American Psychological Association, Sponsored by Division 21, 1976.

Curriculum Vitae of Jerry Wachtel, C.P.E.

"Remedial Aids to Deal with Driving in Reduced Visibility Caused by Adverse Weather," in *Adverse Weather, Reduced Visibility, and Road Safety*. Paris: Organization for Economic Co-Operation and Development (OECD), 1976.

"Contribution of Edge Striping to Accident Reduction," with J. True. U.S. Department of Transportation, Federal Highway Administration, 1973.

"Crew Systems Input - Apollo-16 Post-Flight Eval.," Grumman Aerospace Corp. LMO-480-888, 1972.

"Displays and Controls Subsystem, Space Shuttle Program," Grumman Aerospace Corp., 1972.

"Apollo 13 Debriefing Summary," with B. Kram, Grumman Aerospace Corp. LMO-480-563, 1970.

"Use of Crosspointers and Attitude Error Needles for Nulling of Horizontal Velocities at LM Touchdown," Grumman Aerospace Corp. LMO-480-810, 1970.

"Summary Recommendations of Evaluation of Rangefinder Device Proposed for Use on the Lunar Surface," with V. Gallagher, Grumman Aerospace Corp. LMO-480-736, 1970.

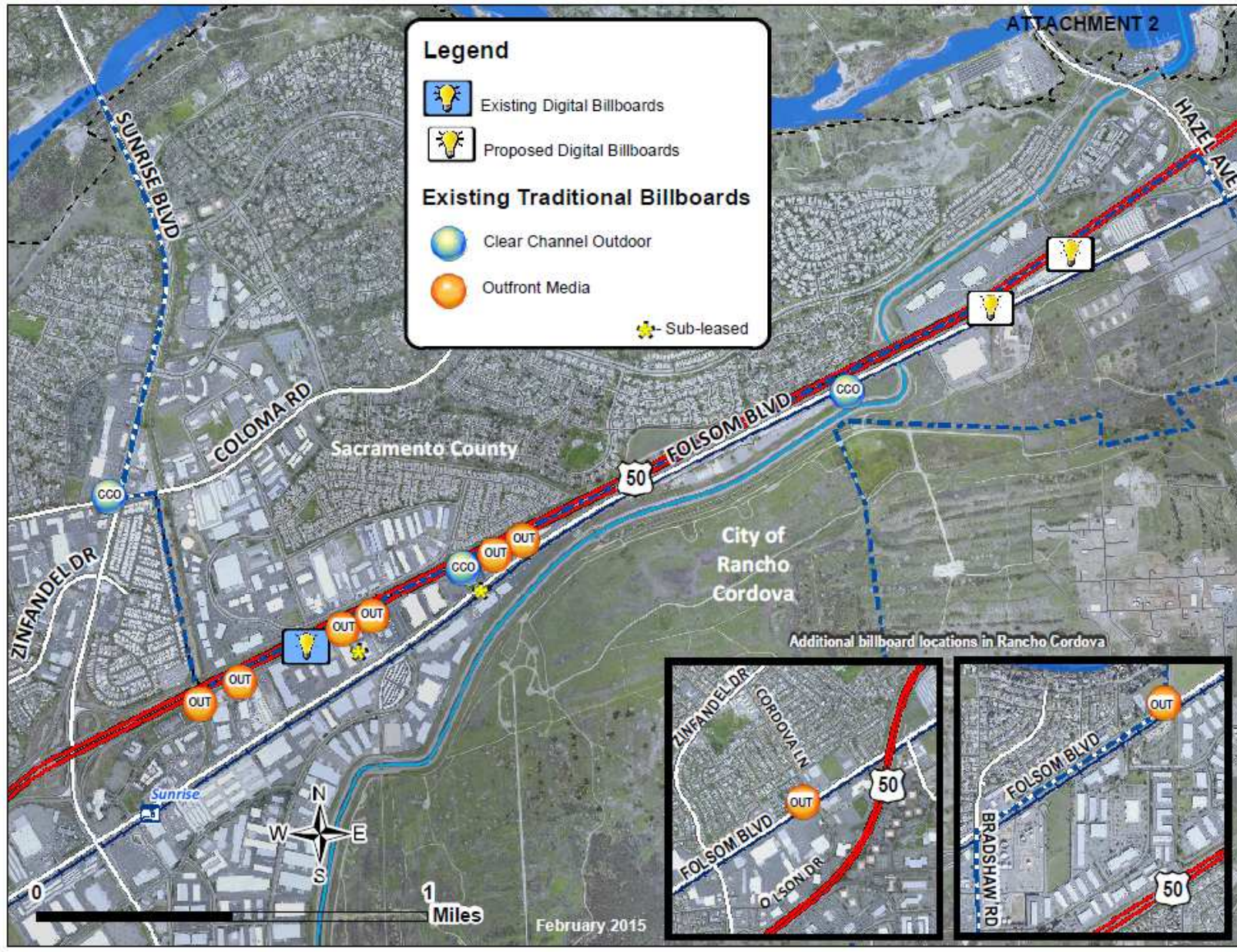
Clear Channel Outdoor CUP and Operating Agreement DD8480 & Sierra Outdoor/CBS Outdoor CUP and Operating Agreement DD8490

**Rancho Cordova City Council
Jessica Jordan, Project Planner
February 17, 2015**

Background

- November 17, 2014 – Initial presentation of projects
- December 15, 2014 – Received direction from City Council
- January 20, 2015 – Council direction to re-notice to allow for additional public comments and consideration
- February 17, 2015 – Review additional information and provide direction as desired

Existing Billboard Inventory



Sierra Outdoor/Outfront Media

- Installation of sign at 12125 Folsom Boulevard
- Removals: 11373, 10833, and 9847 Folsom Boulevard
- No Conditional Signing Bonus
- Contract terms:

Contract Years	Annual Amount to City
1	\$65,000
2-25 (optional 25 year extension not included)	\$25,000
Total Value for 25 years	\$665,000

- \$50,000 contribution for City use
- Dedicated “click” every 64 seconds for City PSAs

Clear Channel Outdoor

- Installation at 12137 Folsom Boulevard
- Removals: 2300 Mine Shaft Lane, 2286 Sunrise Boulevard
- \$75,000 Conditional Signing Bonus
- \$25,000 Additional Landscape Monies
- Contract terms:

Contract Years	Annual Amount to City
1-5	\$60,000
6-10	\$80,000
11-25 (currently stated life of contract)	\$100,000
Total Value for 25 years	\$2,200,000

Communication Received

- Petition from Bluff City, Inc. Homeowners Association, et al
 - CEQA noticing was adequate
- Clear Channel Outdoor Subject Property Owner Letters
 - Requesting reversal of the decision to deny Clear Channel Outdoor
 - Concerns regarding tree removal at the Naturwood site

Communication Received

- Memorandum from Bluff City, Inc. Homeowners, et al
 - Request the City Council conduct additional research on digital freeway sign technology before taking action
 - Identifies deficiencies within the Mitigated Negative Declarations for the projects

Communication Received

- Memorandum from Sierra Outdoor/Outfront Media
 - Provides data in response to neighborhood associations memorandum
- Resident emails
 - Requesting a two year hold on action for further research

Recommendation

- Adopt Resolution 3-2015 denying Clear Channel Outdoor CUP and Operating Agreement
- Adopt Resolution 4-2015 approving Sierra Outdoor/Outfront Media CUP and Operating Agreement
- Consider additional information included within the staff report and the public testimony and provide alternative direction as desired



Our community working together...

Rancho Cordova City Council, February 17, 2015

Outdoor Digital Billboards

7

**Reasons why a
2 Year Pause
is recommended**

1. Traffic Safety Issues

- Federal Highway Administration (FHWA) study challenged – Wachtel Peer Review, January 2015
- Danger in driver gaze
- Glance times associated with a higher crash risk
- Increased driver distraction is the #1 cause of traffic fatalities
- Exorbitant fatal accident costs



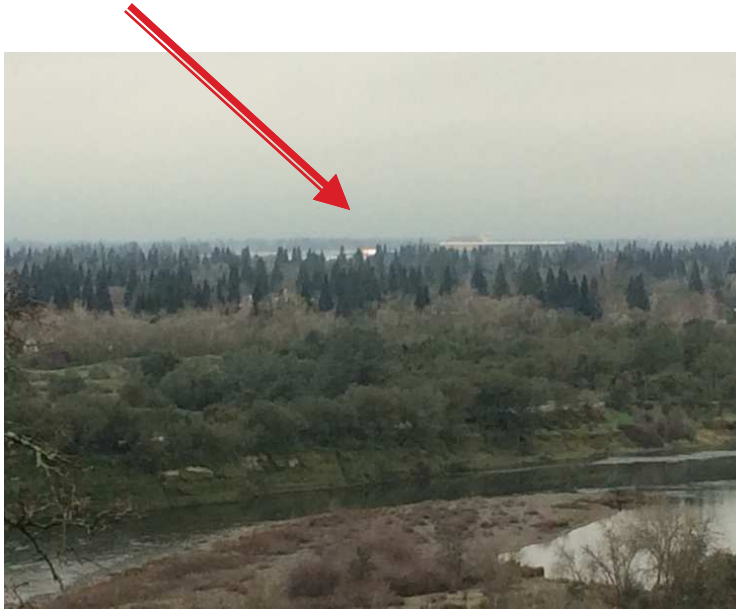
2. New Billboard Technology Allows for Intrusion into Driver Privacy

- Capable of ‘interacting’ with drivers
- Radio Frequency Identification Device (RFID) trigger personalized messages
- Encourages drivers to interact with the sign by ‘texting’
- Billboard mounted sensors capture specific, real-time demographic information
- Currently installed along HWY 99 in Turlock, CA.



3. Light Pollution Will Increase

- Digital billboards can be seen for six miles
- Directly within the line of sight for our neighbors above the American River Parkway
- Current digital board at Sunrise & Hwy 50 is clearly seen three miles away



Cities across the US have **banned** digital billboards due to visual blight, light pollution and roadway safety:

San Francisco, CA 

Ann Arbor, MI

Anaheim, CA

Walker, MI

Los Angeles, CA

Knoxville, TN 

Denver, CO

St. Louis, MO 

St. Paul, MN

Franklin Township, NJ

Dallas, TX 

Salt Lake City, UT

Austin, TX 

States that have **banned** billboards:

Alaska

Maine

Vermont

Hawaii

4. Digital Billboards are not the Image of our fine City.

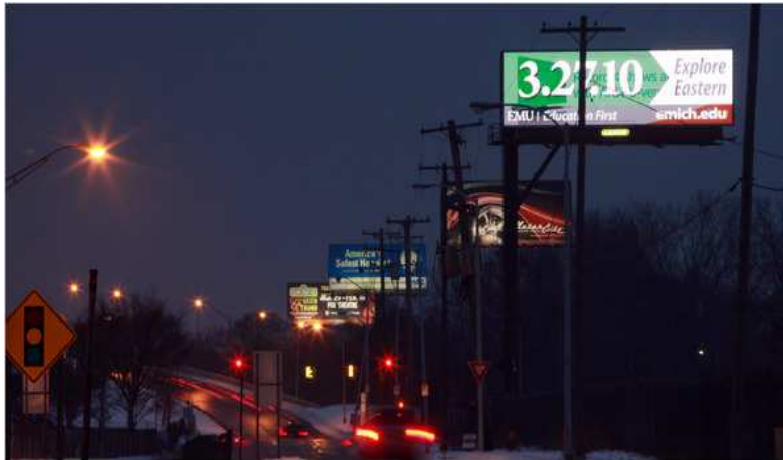
- Wrong first (and lasting) impression at one of our prime gateways on Highway 50
- Gateways should reflect our business and family friendly attributes
- Sense of pride



5. A Negative Legacy of this City Council will be set for 25-50 Years

- WHY add new **blight** where a billboard currently does not exist?

This or this?



6. Create Outdoor Digital Billboard Overlay Policy

- Outline lease parameters, including length of a contract
- Include inflation factor with lease revenues
- Management of technology advances
- Evaluate reduction of strategic billboards
- Measure H provides long-term financial sustainability for the City



7. Legal Uncertainties

- A lawsuit before the U.S. Court of Appeals alleges the FHWA violated the Highway Beautification Act
- An Arizona Appellate Court found that eight second advertising changes are prohibited by the Arizona Highway Beautification Act
- Suits filed by sign companies challenge a city's right to ban digital billboards and restrict certain types of advertising

These cases should work their way through the courts before any new billboards are erected





Wisdom

*A prudent course of action should start with a
2 year planning session*

Include all stakeholders

Review all new information, since 2010

Create an Outdoor Digital Billboard Overlay
policy for Rancho Cordova



Rancho Cordova City Council
February 17, 2015 Meeting
Agenda Item No. 14.2

Sierra Outdoor Digital Sign
Use Permit and Operating Agreement







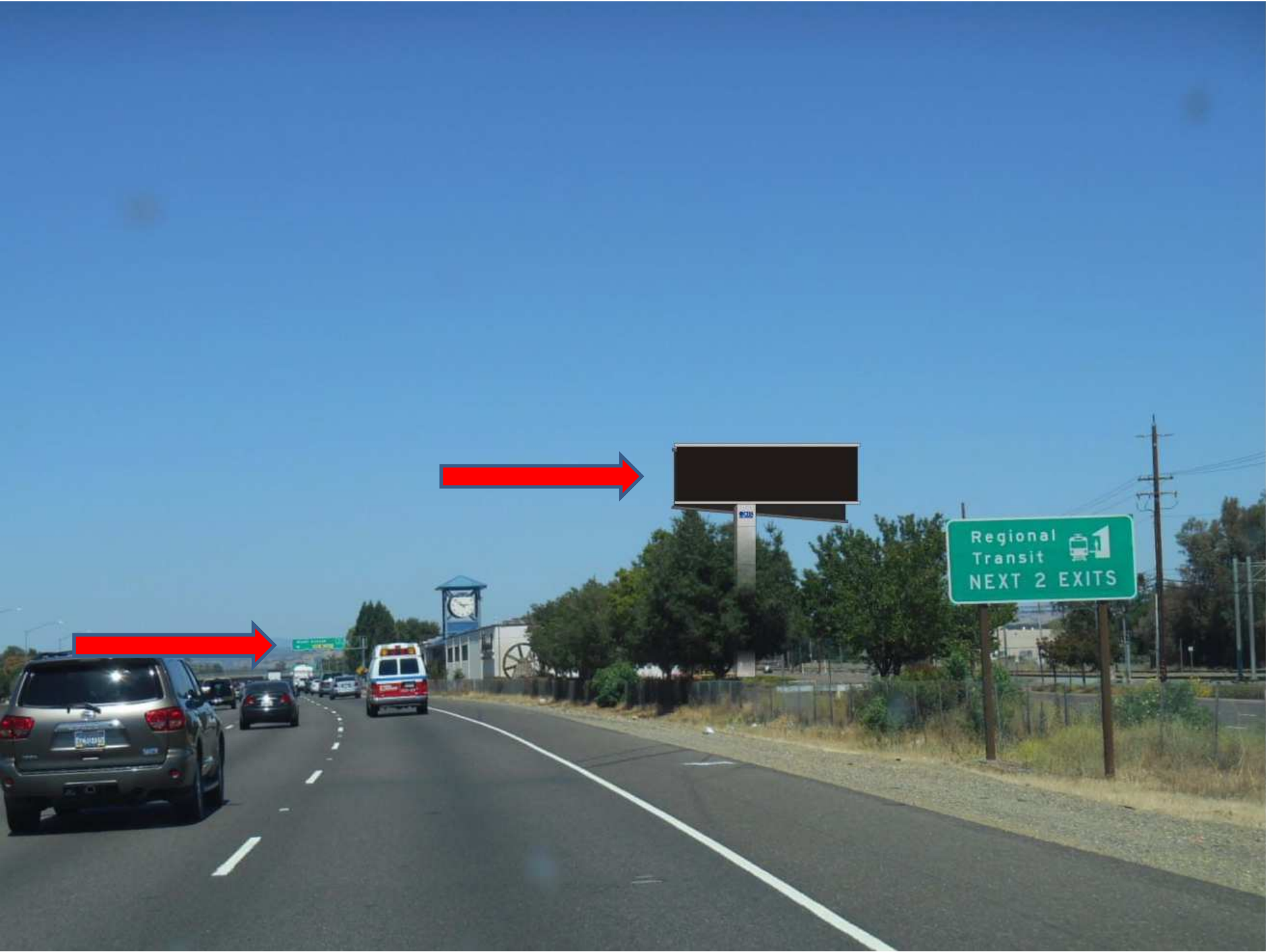


Issues Raised by Veridian Group

- Illumination standards prescribed by Municipal Code section 23.743.150 (c)(i)
- Message display time prescribed by Municipal Code section 23.743.150 (c)(h)
- City controls use of future technologies
- Peer-reviewed studies confirm there is no correlation between digital signs and traffic accidents

Benefits of Sierra/Outfront Proposal

- “The sign will not require substantial trimming or reduction of existing vegetation and landscaping.”
- Distance from Hazel Avenue exit/sign
- Price competition for digital advertising along US 50 corridor
- Dedicated click for City



REMOVALS:



Existing: 14' x 48' Traditional

DEVELOPMENTS:



Proposed: 14' x 48' Digital

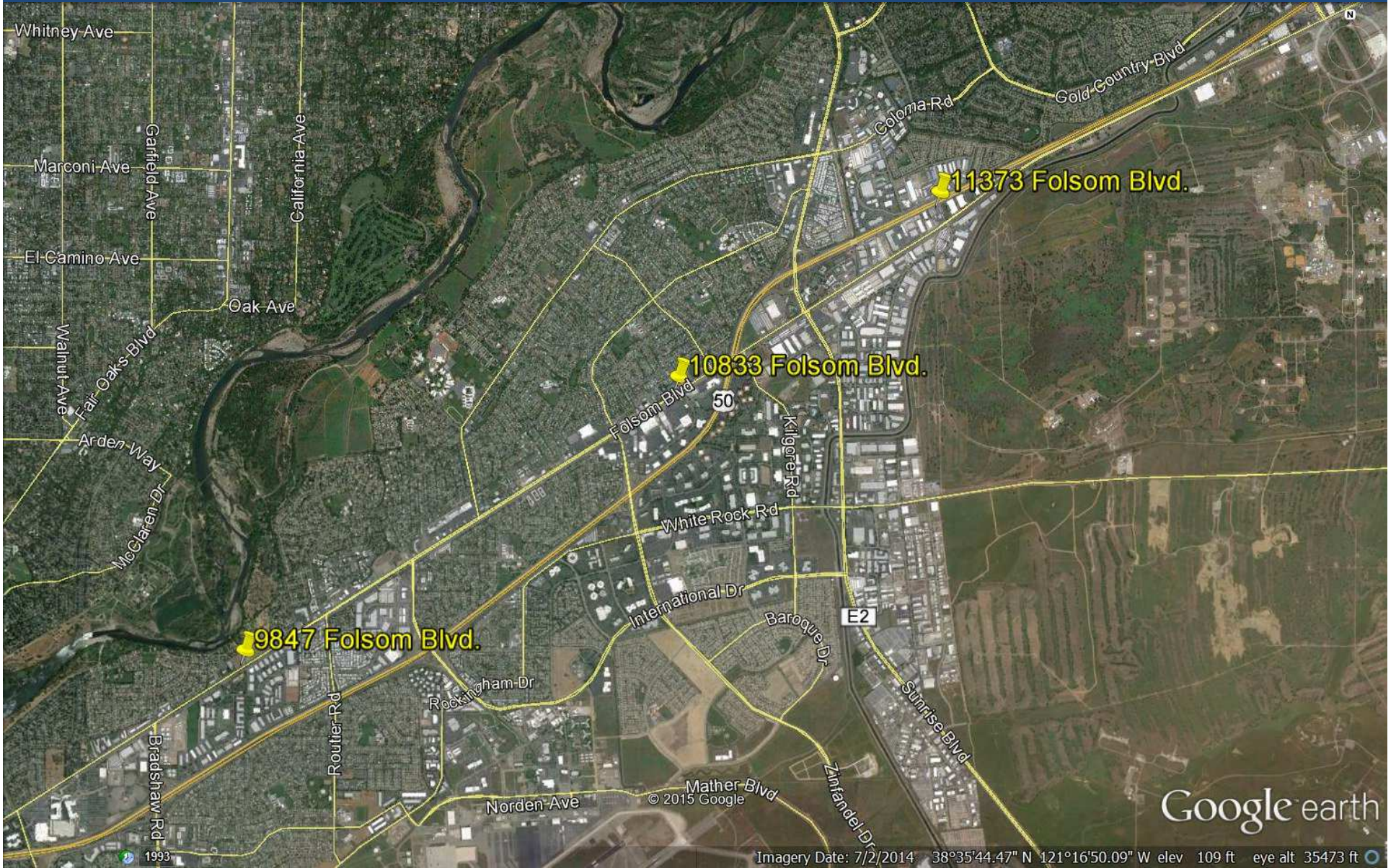
NO NET
INCREASE IN
HWY 50 BILLBOARDS



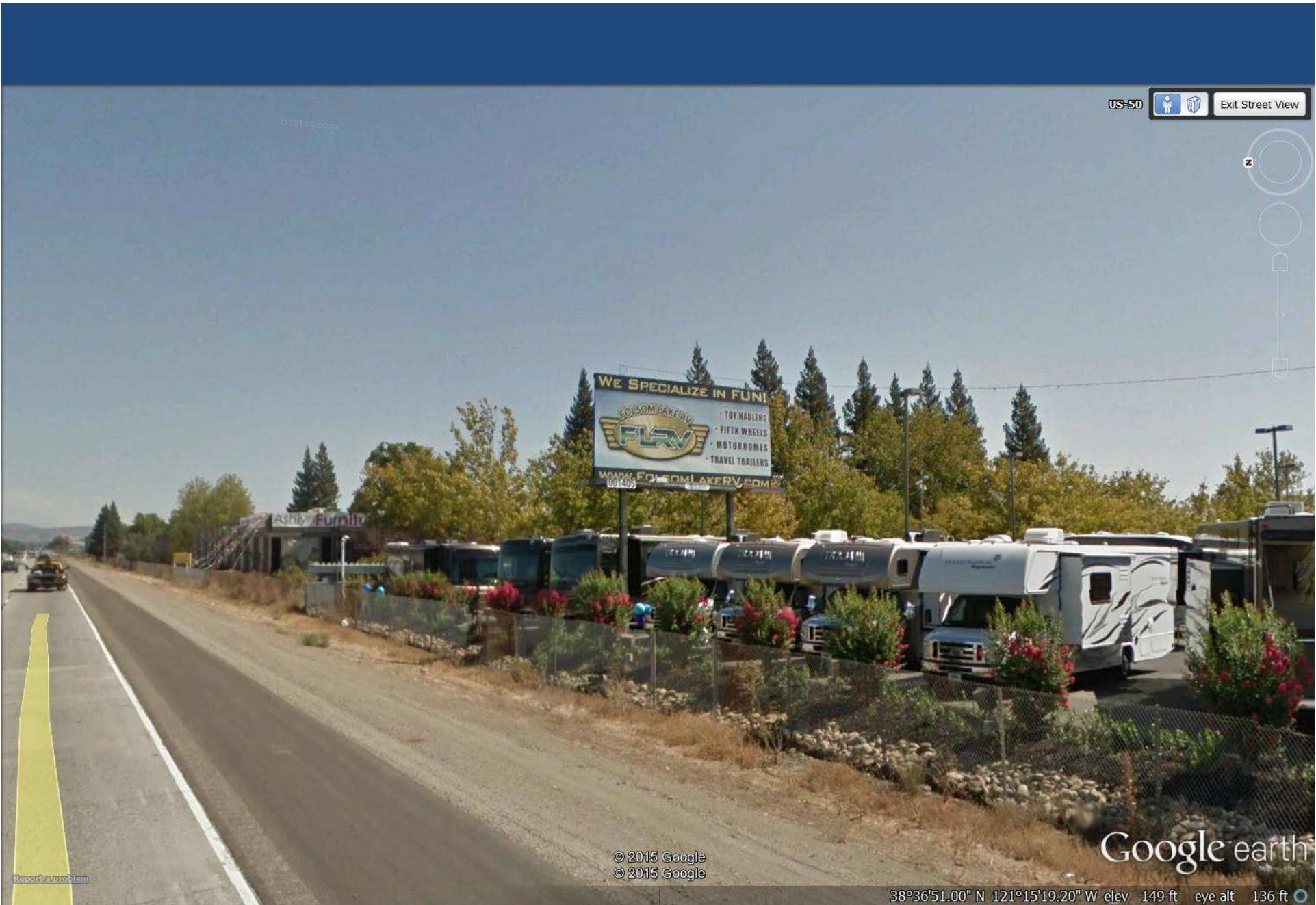
Alternative Offer Details

- Three (3) existing sign removals
 - 11373 Folsom Blvd. (two sign faces)
 - 9847 Folsom Blvd. (two sign faces)
 - 10833 Folsom Blvd. (one sign face)
- Signing Bonus
- Annual Payments
- Dedicated Click

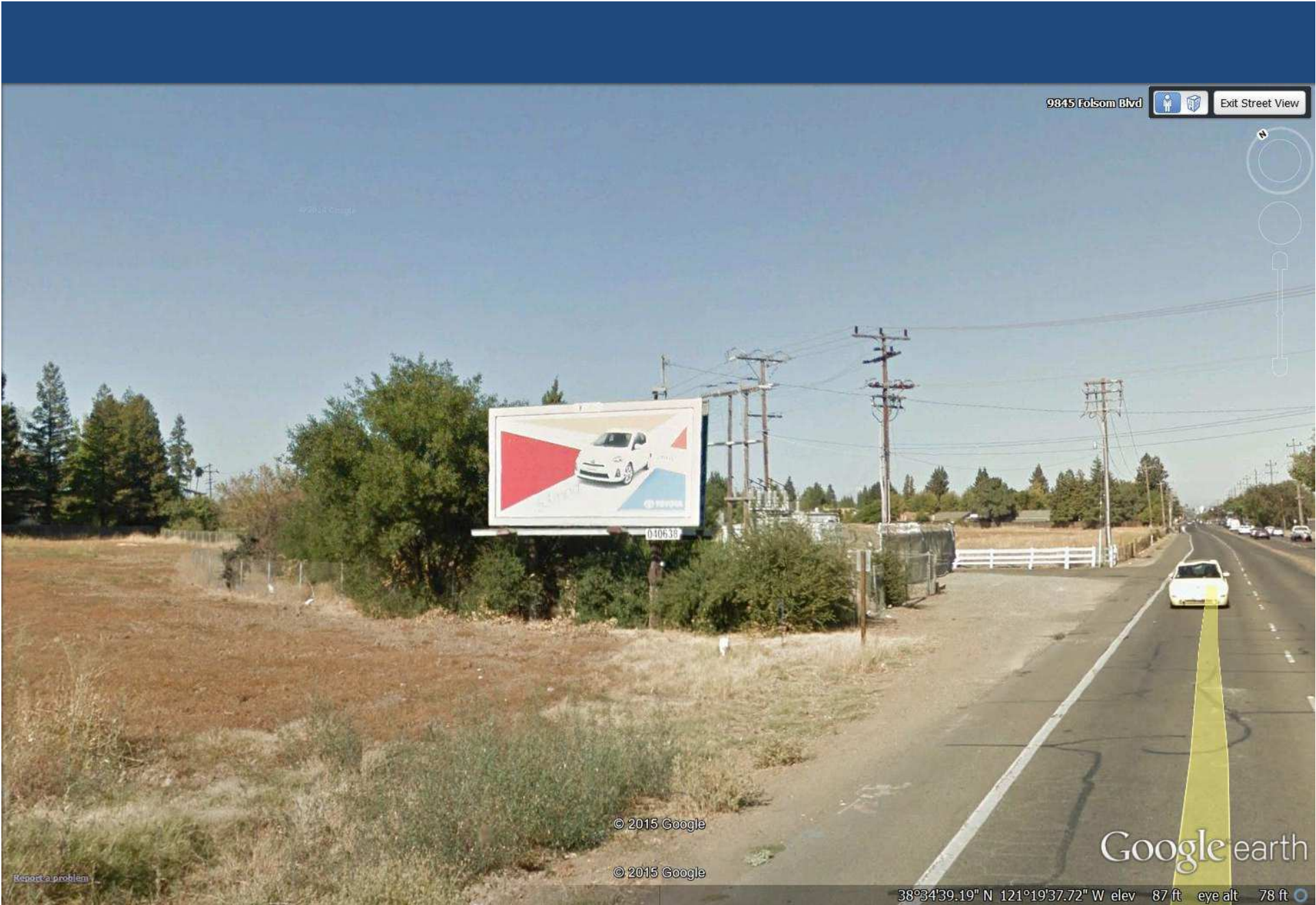
3 Proposed Removals



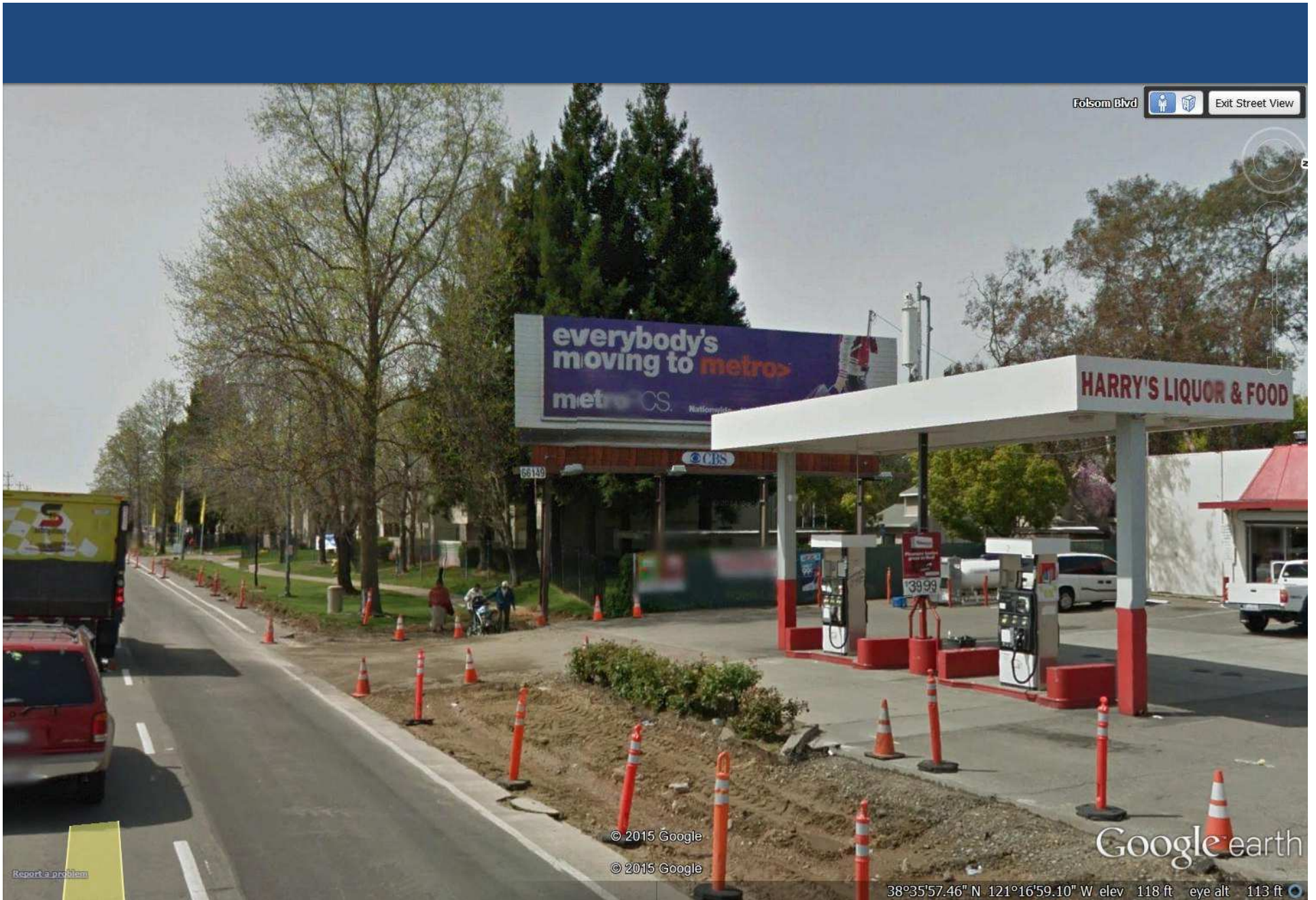
11373 Folsom Blvd.



9847 Folsom Blvd.



10833 Folsom Blvd.



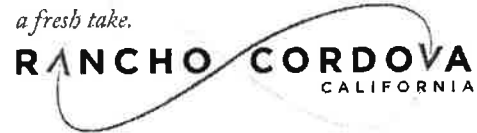
MEMORANDUM

DATE: February 17, 2015

TO: Honorable Mayor and Council Members

FROM: Jessica Jordan, Principal Planner

SUBJECT: SUPPLEMENTAL INFORMATION – AGENDA ITEMS 14.1 AND 14.2.



Following publication of the staff reports for Agenda Items 14.1 and 14.2, staff received additional information from the Sierra Outdoor/Outfront Media applicant as well as a few questions from Council.

ADDITIONAL INFORMATION FROM SIERRA OUTDOOR/OUTFRONT MEDIA

The applicant has provided a memorandum in response to the Memorandum provided by the neighborhood associations and Mr. Jerry Wachtel. Staff has not had an opportunity to analyze this information but, the applicant will be prepared to present it during the public hearing.

COUNCIL QUESTIONS

As described in the initial staff report materials, some digital freeway signs are equipped with technical capabilities to gather information from vehicles passing by the sign. A Council inquiry was received regarding the capabilities of the signs that are currently under review. A majority of the mechanics that run these types of signs are electronic in nature. As such, they can be equipped with a variety of programming that could perform data gathering duties like reading vehicle radio frequency identification tags or license plates. At this time, neither applicant intends to employ this type of technology on the signs proposed. The applicants have committed to the signs being operated within local, state, and federal laws including those pertaining to privacy. Council was also interested in whether or not the applicant would allow for City review of these technologies in the future were they to be employed within the city limits. Generally, as there would be no physical alterations of the signs, this would be a difficult provision to review and enforce but could be added should the Council so desire.

In addition to these questions, staff was also asked about adding a periodic review of the Operating Agreement to ensure the contract provisions are being adhered to. The current terms of the Agreement allow for review at any time deemed appropriate by the City so, a specific periodic review would not be necessary but, could be added if so desired by the Council.

ATTACHMENT(S)

1. Memorandum from Sierra Outdoor/Outfront Media
2. Residents emails received to date

The City of Rancho Cordova should embrace digital billboards to be part of a family-friendly, business-friendly, safe and financially sustainable city. New technologies within out of home advertising now allow outreach to civic, community public safety and services in nearly 1,000 communities in the nation consistent with federal and state laws and guidelines.

Consideration for approval of digital billboards is based on the following:

Accepted

Arbitron, the media research firm, set out to answer a relatively simple question: what does the public think of digital billboards? In the first study of its kind, the Arbitron researchers found people are aware of and positively inclined toward this new technology.

Among younger demographics, digital billboards are an even bigger hit. The Arbitron study found 60 percent of those 18-34 found digital billboards to be attractive, while 86 percent agreed digital billboards help the community with emergency information. And perhaps most tellingly of all, 77 percent of 18-34 year olds said digital billboards are a cool way to advertise, according to the study. Digital billboards are a step up for communities looking to modernize their outdoor advertising. The public finds them useful, attractive, and "cool."

Digital advertising is good for local small business

In the U.S., thousands of local businesses use billboards and benefit from outdoor advertising. These businesses are the jobs engine of the American economy and providing vital employment to support the city economy.

Key segments of the local economy use billboards: insurance agents, realtors, restaurants, banks, lodging, automotive, and retail.

Advancing the use of digital billboard ads will:

- Allow more local businesses to have access to Out of Home Advertising to expand their business and employ more residents within the city.
- No production costs for digital displays, means more small businesses that may not be able to pay production on a television commercial or vinyl billboard, will have access to digital advertising at lower costs. In fact, 80 percent of all digital billboard ads are purchased by small businesses.

Digital Billboards are regulated

Billboards – digital and conventional – are heavily regulated. To keep pace with technology, the federal government has said that roadside billboards (off-premise signs) could use "changeable- message" technologies as long as these signs don't scroll or flash. On September 25, 2007, the Federal Highway Administration (FHWA) issued clear guidance, affirming that states and localities can authorize digital billboards:

The outdoor advertising industry has strict self-regulations which prohibit moving video, animation, or excessive brightness, and to safeguard against hacking.

Brightness

Critics have claimed that digital billboards “are brighter than the sun.” However, in reality, billboards use the minimum amount of light necessary to provide safely legible copy. Federal guidelines say digital billboards should “adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.” Determining the proper lighting levels for changeable electronics message displays is an important decision for any municipal government.

As a result, the industry sought lighting professionals who could help with brightness standards. Dr. Ian Lewin, Lighting Sciences, Inc. and former chairman of the Illuminating Engineering Society of North America, worked with the industry to set lighting levels using a systematic approach based on science. His research recommended following a lighting standard of 0.3 foot-candles over ambient lighting conditions. Distances for measuring the brightness varied with the size of the digital billboards. Several field tests showed this lighting level was sufficient to make digital billboards visible while not being too bright. Using a scientific approach generated a solution to this lighting problem.

One of Dr. Lewin’s insights was to base the lighting level on the ambient lighting surrounding the changeable message sign. This just makes sense. If the area is dark, the lighting level should be lower. If the area is bright, more lighting is appropriate. Establishing brightness standards without accounting for the on-site conditions could result in inappropriate lighting.

Digital billboards use photocell equipment on each display to adjust the lighting level based on ambient light conditions. The photocells adjust the lighting levels throughout the day and at every sunrise and sunset.

To date, fifteen states have adopted specific lighting measurement standards and numerous localities have approved guidelines as well

Lighting is still a complicated subject. Fortunately, there are clear answers on how to properly operate and regulate a changeable message (i.e., digital billboard) display.

Traffic safety

We realize that there is a lot of misleading information being disseminated regarding traffic safety and digital billboards. To set the record straight, enclosed are key research results:

Research says digital billboards are safe

Digital billboards have been extensively studied by the Federal Highway Administration (FHWA), outdoor advertising industry, and others. The research falls into three major

categories: human factors, traffic accident, and anecdotal studies. The results of all three categories indicate digital billboards are safe.

The outdoor advertising industry's foundation (Foundation for Outdoor Advertising Research and Education) pioneered research on digital billboards and traffic safety, commissioning top experts at the Virginia Tech Transportation Institute (VTTI) to study driver behavior. The initial study, released in 2007, was based on the "human factors" approach i.e. measuring drivers' eye glances and reactions in the presence of digital billboards.

This study determined that people look at digital billboards slightly longer than conventional billboards, but well under the threshold for being distracted. In 2006, VTTI released a study commissioned by the federal government called the 100 Car study. It used "eye-glance" tracking to determine where a driver's eyes were looking while they were driving. The study found when a driver takes their eyes off the road for longer than two seconds, there is a cause for concern. VTTI used this same methodology to look at digital billboards, and the study found the mean glance towards digital billboards was less than one second. The researchers said that digital billboards safety neutral.

Anti-billboard activists like to tout the 2006 VTTI study and discredit the 2007 VTTI industry sponsored study. Nevertheless, it is important to note that the two research projects were performed by the same researchers using very similar methodologies. If the 2006 study is accurate and the two second threshold is valid, the 2007 study showing digital billboards to be well under that threshold must be accepted as well.

On December 30, 2013, FHWA released its long awaited research report. The FHWA research, which was conducted by the respected global engineering firm SAIC (Science Applications International Corporation), found that glances in the direction of digital billboards are well within the federal safety standard.

Results from the FHWA study indicate the following:

1. The presence of digital billboards does not appear to be related to a decrease in looking toward the road ahead, which is consistent with earlier industry sponsored field research studies (VTTI).
2. The longest fixation to a digital billboard was 1.34 seconds, and to a standard billboard it was 1.28 seconds, both of which are well below the accepted standard.¹
3. When comparing the gaze at a CEVMS versus a standard billboard, the drivers in this study were more likely to gaze at CEVMS than at standard billboards.
4. The researchers were careful to note the FHWA study adds to the knowledge base of digital billboard safety, but does not "present definitive answers" to the questions investigated.

¹ According to the National Highway Traffic Safety Administration (NHTSA), safety concerns arise when a driver's eyes are diverted from the roadway by glances that continue for more than 2.0 seconds.

The full report is available on the FHWA website by clicking [here](#).

Meanwhile, engineering experts have analyzed accident reports provided by state and local authorities in jurisdictions across the country. The engineering firm Tantala Associates has examined traffic accidents near digital billboards on highways and surface streets in:

- Cleveland, OH (2007 and updated in 2009)
- Rochester, MN (2009)
- Albuquerque, NM (2010)
- Reading, PA (2010)
- Richmond, VA (2010)

Using a peer-reviewed methodology developed for the New Jersey Turnpike, these studies in sum reviewed over 150,000 accident records around 69 digital billboards spanning over 300 years of data. **The results were unequivocal: there is no correlation between digital billboards and traffic accidents.** These studies also examined older drivers, younger drivers, driving at night, and driving during the day and found no subset of drivers where the presence of a digital billboard was associated with an increase in accidents. If digital billboards were distracting, researchers say the numbers would undoubtedly show some sort of relationship between the presence of digital billboards and traffic accidents. However, the numbers clearly don't support such a relationship.

Finally, law enforcement and state departments of transportation have examined digital billboards anecdotally, trying to determine if digital billboards were causing accidents. Government agencies in Massachusetts, Minnesota, New York, Pennsylvania, Texas, Virginia, West Virginia, South Carolina, and Wisconsin have looked at sites near off-premise digital billboards and found there to be no increase in accidents near them.

“The electronic billboards have gone up on city streets, eight of them, and since they've been up over the last several months, we have had no instances that they have contributed to any driver inattention that has resulted in a collision. So I don't believe that that's an issue.”

—RICHARD WILES, CHIEF OF POLICE OF EL PASO, TX, IN TESTIMONY BEFORE THE TEXAS TRANSPORTATION COMMISSION (DECEMBER 6, 2007)

Those critical of digital billboards often cite a literature review commissioned by the American Association of State Highway and Transportation Officials (AASHTO) as proof that there is an adverse relationship between digital billboards and traffic safety. However, a closer reading of this report reveals that while dozens of studies have examined driver distraction, the body of research is primarily comprised of reports not specifically focused on off-premise digital billboards. In fact, in a companion research project, FHWA's literature review of these same studies has determined that these

studies are “inconclusive.” It is also interesting to note that the AASHTO report does not call for a ban, but rather says digital billboards should be regulated as a means of protecting the public interest and calls for the regulation of spacing and duration of message, placement near interchanges, curves, and official roadway signs, and lighting brightness. The industry is also supportive of reasonable regulation digital billboards and has conducted research resulting in industry guidelines regarding lighting brightness.

What does the federal government say about digital billboards?

The federal government is using digital billboards to convey important messages to the public. In 2010, Transportation Secretary Ray LaHood launched a highly-visible enforcement campaign against distracted driving in two test markets (Syracuse and Hartford). In Hartford, the government funded campaign included digital billboards. The pilot is working. Texting and hand-held cell phone use while driving dropped significantly, according to the National Highway Traffic Safety Administration.

Digital billboards are an effective public service messaging tool. The FBI and other police agencies use digital billboards to help find fugitives, such as the East Coast Rapist. To date, the FBI credits 53 apprehensions to digital billboards and calls them an effective crime fighting tool. Furthermore, since June 2008, the National Center for Missing & Exploited Children (NCMEC) has transmitted more than 800 AMBER Alerts to digital billboards and digital billboards are being used to inform the public about weather warnings, evacuation routes, and safety-related information during emergencies.

Public Service & Public Safety

On August 1, 2007, at 6:19 pm, a downtown bridge for I-35W in Minneapolis collapsed, killing almost a dozen people and creating a dangerous situation for drivers. Within minutes, a digital billboard network in the area had switched from showing advertising copy to informing drivers about the collapse. Later that evening, the digital billboards advised motorists to take alternate routes.

Indeed, digital billboards represent such a potential boost to public safety, former Homeland Security Secretary Michael Chertoff instructed FEMA to “explore other ways digital billboards might be employed as an effective enhancement to our Nation’s disaster response efforts.”

Law enforcement officials across the United States also recognize the unique abilities of digital billboards to inform citizens about dangers to the community, and to seek information. Digital billboards are used to display AMBER Alerts to help find missing children. Time is critical in resolving child abductions; digital billboards can deliver quick information to motorists.

Additionally, federal, state, and local law enforcement officials have entered into partnerships with outdoor advertising companies to show the images of wanted fugitives and other suspected criminals on digital billboards. The FBI is using digital billboards across the country, with dramatic results that started with a pilot project in Philadelphia.

Over 53 fugitives have been apprehended by the FBI based on information and alerts on digital billboards.

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:15 AM
To: Jessica Jordan
Subject: Fwd: Electronic Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: <gailo04@sbcglobal.net>
Date: February 15, 2015 at 7:51:54 AM PST
To: "mcuppy@cityofranchocordova.org" <mcuppy@cityofranchocordova.org>
Subject: Electronic Billboards

Personally, I think they should be banned.

The City Council should do their own research and not just listen to the sign companies that want to install the electronic billboards. It should not be a hasty or financial decision.

What are the effects of light pollution, public safety, etc?

Thank you
Gail Osborn
Rancho Cordova Resident for 25 years.

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:15 AM
To: Jessica Jordan
Subject: Fwd: Outdoor Digital Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: David Koenig <David.Koenig@hds.com>
Date: February 15, 2015 at 11:42:05 AM PST
To: "mcuppy@cityofranhocordova.org" <mcuppy@cityofranhocordova.org>
Subject: Outdoor Digital Billboards

Dear City Clerk Cuppy,

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you.

Dave

*David R. Koenig
 Hitachi Data Systems
 GSS Engagement Manager*

*Gold River, CA
 Cell: (916) 204-1195
 Fax/MaxEmail: (916) 218-6341*

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:14 AM
To: Jessica Jordan
Subject: Fwd: Outdoor Digital billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Ron & Corinne Jelichich <jelichich12057@sbcglobal.net>
Date: February 15, 2015 at 7:39:28 PM PST
To: <mcuppy@cityofranchocordova.org>
Subject: Outdoor Digital billboards

Dear Council Member Cuppy,
 A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors. I find the digital billboards to be a distraction when I am driving, thus a safety issue. My guess is that further research will confirm this is the case with others also.

Two years is a small time frame when addressing 25 to 50 year contracts.

I very much appreciate your considering my input.

Ron Jelichich
 916-985-3530

Dear City Clerk Mindy Cuppy

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboards proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank You.

Ron Beecher

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:14 AM
To: Jessica Jordan
Subject: Fwd: Digital Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Jeff Bowen <deuce_jeffyb@yahoo.com>
Date: February 15, 2015 at 8:55:04 PM PST
To: "mcuppy@cityofranchocordova.org" <mcuppy@cityofranchocordova.org>
Subject: Digital Billboards

Dear Clerk Cuppy,

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you.

Jeff & Kathy Bowen
2330 Vehicle Drive, Apt 95
Rancho Cordova

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:14 AM
To: Jessica Jordan
Subject: Fwd: Digital billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Personal <snowboardschmidt@yahoo.com>
Date: February 15, 2015 at 10:14:40 PM PST
To: "mcuppy@cityofranchocordova.org" <mcuppy@cityofranchocordova.org>
Subject: Digital billboards

Dear City Clerk Mindy Cuppy,

My Uncle reviewed the February 17th Rancho Cordova City Council agenda with me today. I was born and raised in Rancho Cordova and surrounding neighborhoods for the past 27 years.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you.

Jordan & Erica Schmidt
 3500 Data Driva #242
 Rancho Cordova

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:13 AM
To: Jessica Jordan
Subject: Fwd: Digital Billboards

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Begin forwarded message:

From: Michelle Schmidt <michelles@elifeadventure.org>
Date: February 16, 2015 at 7:18:00 AM PST
To: <mcuppy@cityofranchocordova.org>
Subject: Digital Billboards

Dear City Clerk Mindy Cuppy,

My husband has been actively involved with a team of community members regarding Digital Billboards. He shared with me this weekend a little about the proposals and the team. It inspired me to send this email to register my support.

I work at VSP (17 years), shop at Walmart and Safeway before coming home and exiting at the Hazel offramp. I live just over the freeway.

I support the staff recommendation of "further research". I recommend a 2 year pause so that "further research" can be conducted and stakeholders can be involved to help guide Rancho Cordova to establish a prudent and wise plan for the future of Digital Billboards. Rancho Cordova residents deserve such consideration and so do its neighbors.

Two years is a small time frame when addressing 25 to 50 year contracts.

Thank you for your time. I am off to work.

Michelle Schmidt
 916-718-6168

Jessica Jordan

From: Mindy Cuppy
Sent: Tuesday, February 17, 2015 10:13 AM
To: Jessica Jordan
Subject: Fwd: Digital Billboards - 2 Yr study period recommended

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Sent from my iPad

Begin forwarded message:

From: <jrklun@comcast.net>
Date: February 16, 2015 at 9:24:50 AM PST
To: <mcuppy@cityofranchocordova.org>
Subject: Digital Billboards - 2 Yr study period recommended

City Clerk Mindy Cuppy:

A neighbor of mine reviewed the February 17th Rancho Cordova City Council agenda with me today.

Regarding both Outdoor Digital Billboard proposals, I support the staff recommendation of "further research".

A 2-year pause for "further research" would allow all stakeholders to be involved and help Rancho Cordova establish a prudent and wise plan for the future of Digital Billboards. Present and future Rancho Cordova residents and its neighbors deserve this consideration.

Two years is a small time frame when addressing a 25 to 50 year contractual commitment and the long-term impact on the community in exchange for what appears to be modest compensation.

Thank you for your careful consideration.

Joseph Klun
 916-985-7030

MEMORANDUM

DATE: February 17, 2015

TO: Honorable Mayor and Council Members

FROM: Reed Flory, Housing Services Administrator



SUBJECT: CONSIDER THE REQUEST FOR A LOAN OF AN ADDITIONAL \$1 MILLION FROM THE CITY OR RANCHO CORDOVA TO URBAN HOUSING COMMUNITIES (“UHC”) FOR THE HORIZONS AT NEW RANCHO SENIOR HOUSING DEVELOPMENT LOCATED ON THE OLD STAGGER INN SITE, AND AN INCREASE IN THE ADVANCE FROM THE GENERAL FUND TO THE HOUSING TRUST FUND, IN THE AMOUNT OF \$1.5 MILLION TO ADVANCE FUNDS FOR PROJECT COSTS

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 15-2015.

RESULT OF RECOMMENDED ACTION

Adoption of this Resolution will result in a request of the City Council to consider a restated Disposition and Development and Loan Agreement (“DDLA”) with the developer, Urban Housing Communities (“UHC”), for a senior housing development located on Folsom Blvd. The restated DDLA will permit the submittal of a more competitive tax credit application during the first round of 2015 Tax Credit Allocations.

The DDLA with UHC, as well as additional project costs will require an increase in the advance to the Local Housing Trust Fund from the General Fund, from \$680,000 to \$2.18 million.

BACKGROUND

Beginning in mid-2008, the City of Rancho Cordova and its Redevelopment Agency worked with UHC to assemble and clear seven (7) foreclosed, near foreclosed and abandoned properties generally located between Woodberry Way, Croetto Way and Folsom Boulevard. UHC proceeded to successfully develop a portion of these assembled properties into the Crossings @ New Rancho project for families. The remaining assembled properties, including the former site of the infamous “Stagger Inn” fronting Folsom Boulevard, are now the site of a proposed high density project for seniors.

On February 26, 2013, the City Council adopted Resolution 27-2013 which approved a DDA (now referred to as the DDLA) with UHC and authorized the City Manager’s signature. The resolution approved a long-term loan to UHC of a grant awarded to the City by the State in the amount of \$1 million and project expenditures previously spent by the City. The grant requires the City to provide dollar for dollar matching funds for the project. The matching funds were to

come from the Local Housing Trust Fund, which collects housing impact fees from commercial development. Through subsequent discussions and budget approvals, the council authorized an advance from the General Fund to fill the gap in the Local Housing Trust Fund in the amount of \$680,000. The matching funds were intended to be included in the permanent loan to the developer. The General Fund is to be repaid over time by the collection of Housing Trust Impact Fee revenues. UHC was then able to submit a Tax Credit Application for 2013 first round consideration. That application was not successful.

On July 1, 2013, the City Council adopted Resolution No. 82-2013, which made minor amendments to the DDLA to allow for the timely submittal of an application for 2013 Round 2 Tax Credit funding. UHC was not successful with that Tax Credit application. Competition was fierce and the application was second in the City's allocation area, losing in a battle of tie-breaker points for a finite amount of Tax Credit allocation.

The DDLA has expired and no amounts have actually been loaned to UHC. The City has incurred approximately \$300,000 to date in the Local Housing Trust Fund for this project. This amount is part of the requested loan to UHC.

Currently, the City is in receipt of a request from UHC for a long-term (55 year) loan of an additional \$1 million to assist the forty-eight (48) unit affordable development for seniors, which would result in a City long-term loan of \$2 million in addition to the \$1 million committed to the project from the State Local Housing Trust Fund Program, bringing the loan balance to UHC to \$3 million. Staff and UHC believe that this additional funding will significantly increase our chance of a successful request for approximately \$7.5 million in Tax Credits equity.

If the Council chooses to support this request for additional loan funds, staff will return with an amended DDLA, approval of which will permit UHC to make application for the required Tax Credit equity. If UHC were awarded Tax Credits in this first round of applications, construction of this "factory built" facility would begin this calendar year.

FISCAL ANALYSIS

Based on previous council discussions, and approved budgets, the General Fund is currently planning on advancing the Local Housing Trust monies for both the Horizons and the Mather Veterans Village projects. The currently approved advance from the General Fund for the Horizons project is \$680,000. This request was made in the 2013-2015 budget and was based on the assumptions that significant project costs would be recaptured through land sale, that there would be an increase in revenues from development impact fees, and that staff costs would be allowed in the project pro-forma. The timing of this project, the below average fee revenues, and the change in staff cost eligibility have resulted in an additional need for about \$500,000 in project funding. The project will still recapture some costs through land sale, however the timing of that revenue is dependent on full project funding, including the Tax Credit award.

This request would require the General Fund to advance the Local Housing Trust Fund an additional \$1.5 million for the Horizons project (the \$1 million being requested by UHC, and the \$500,000 explained above), bringing the total advance for this project to \$2.18 million. The General Fund will ultimately be repaid through the collection of impact fees in the Housing Trust Fund as well as proceeds from the sale of the land. Given the current level of annual Housing Impact Fee revenues it will take somewhere between 25 and 60 years for the General Fund to

be repaid. There is sufficient available fund balance in the General Fund to cover this advance. If approved, the General Fund available fund balance will be \$5,780,873.

Staff will return with a formal reimbursement agreement between the General Fund and the Local Housing Trust fund for council approval. The reimbursement agreement will reflect the amounts to be advanced for both the Mather Veterans Village and Horizons projects.

ATTACHMENTS

1. Letter from UHC requesting additional funding
2. Resolution 15-2015

2398955.1



Mr. Reed Flory
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Re: Horizons at New Rancho

Dear Mr. Flory,

This letter will serve as our formal request for an additional \$1,000,000 in funding for Horizons at New Rancho. As you know, the financing of senior affordable housing is difficult because the funding sources are primarily designed for general occupancy as opposed to age restricted (senior). Subsequently, the funding is more limited.

We have recently been in discussions with the Tax Credit Allocation Committee to increase the pool of funds available for senior housing given the overall demographics of the State. While they are considering this possibility, they said it would not happen until 2016.

We have submitted two applications for 9% tax credits, but lost out with our tiebreaker. We also submitted a HOME application, but didn't score high enough to garner an award.

The major component of the tiebreaker for the 9% application is the amount of local subsidy in the project. Based on the most recent tax credit round, if nothing changes we would need an additional \$1,000,000 to be competitive.

We all have put a lot of time and money into completing the next phase to Crossings at New Rancho and remain committed to completing Horizons at New Rancho.

We appreciate your consideration. Please do not hesitate to call with any questions.

Regards,

A handwritten signature in blue ink, appearing to read "John Bigley".

John Bigley

uhcllc.net

2000 E. Fourth Street, Suite #205
Santa Ana, CA 92705
tel 714-935-3955
fax 714-835-3275

AGENDA ITEM 15.1

ATTACHMENT 2

CITY OF RANCHO CORDOVA

RESOLUTION NO. 15-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING AN ADDITIONAL CITY LOAN TO UHC 00575 RANCHO CORDOVA, L.P.
FOR THE HORIZONS AT NEW RANCHO SENIOR HOUSING DEVELOPMENT**

WHEREAS, the City Council of the City of Rancho Cordova ("**City**"), pursuant to Resolutions No. 27-2013 and 82-2013, approved and amended a Disposition and Development Agreement ("**DDA**" later "**DDLA**") with UHC 00575 Rancho Cordova, L.P., a California limited partnership ("**Developer**") for the development of an affordable senior rental housing project ("**Project**"); and

WHEREAS, in response to a 2013 Round 1, and a 2013 Round 2 Request for Proposals from the California Tax Credit Allocation Committee, Developer thereupon proceeded with the submittal of two (2) Tax Credit applications; and

WHEREAS, neither the Round 1 nor the Round 2 application were awarded a Tax Credit allocation; and

WHEREAS, the Developer has made a request for an additional City loan of One Million Dollars and No Cents (\$1,000,000) in support of the Horizons at New Rancho seniors project;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF RANCHO CORDOVA AS FOLLOWS:**

Section 1 The City Council authorizes the City Manager, on behalf of the City, to approve an additional expenditure of City monies in the form of an additional loan of One Million Dollars (\$1,000,000) for a total City loan to Urban Housing Communities (UHC 00575) of Two Million Dollars (\$2,000,000) from the City's Housing Trust Fund for the Horizons @ New Rancho senior housing development, provided that the City and Developer execute loan documents in the form and content acceptable to the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this ____ day of _____, 2015, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, MMC, City Clerk

Horizons @ New Rancho

Affordable Senior Housing Project



HORIZONS @ NEW RANCHO
STREET VIEW
RELEASE DATE: JULY 24, 2013
STRICKER CATO MURPHY ARCHITECTS, P.S.

Horizons Project History

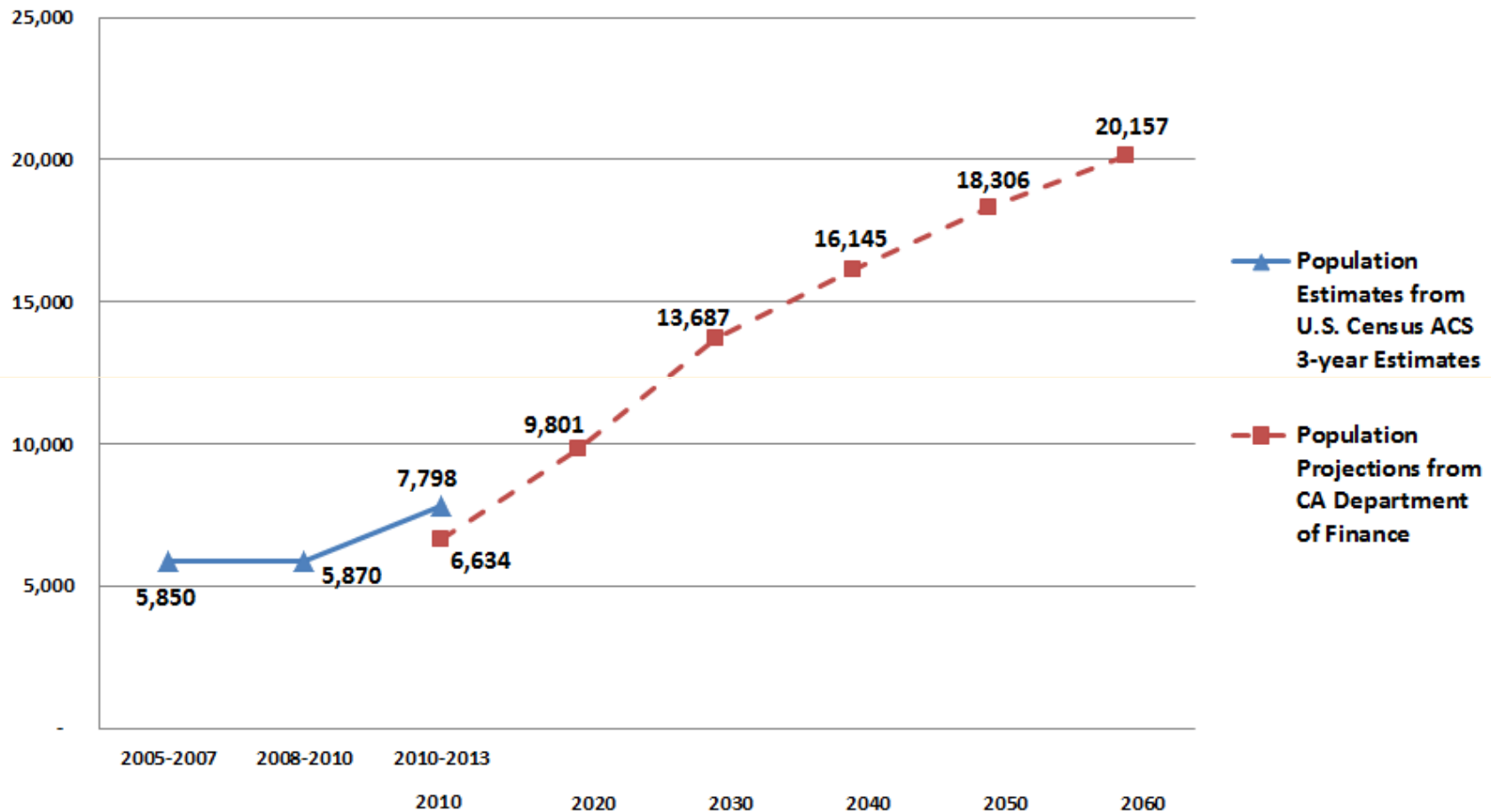
- Phase 2 of the New Rancho Redevelopment Project, a complement to Crossings @ New Rancho.
- Located along Folsom Blvd.
- 3 HOME grant application attempts & 3 Tax Credit Attempts. Project is shovel-ready.
- The City of Rancho Cordova does not currently have a dedicated affordable senior housing project.

Many seniors in the City depend on mobile homes for housing. For many of these seniors, park rent and utilities constitutes far more than 50% of their income, particularly for seniors living on social security benefits.



Senior Population Expectations

Senior (65 years and over) Population in Rancho Cordova



Snapshot of Senior Population

- The estimated senior population in Rancho Cordova is 7,798; of those
 - 43%** have a disability
 - 1,799** are living alone
 - 29%** are veterans



Since 2005, the percent of seniors living below the poverty line in Rancho Cordova has increased from 7.5% to 10.4%, reflecting similar changes in Sacramento County. Poverty among seniors is expected to continue to increase as the senior population grows.

Horizons Project Financing

DDLA with UHC

Existing Agreement State	\$1,000,000
Existing Agreement City	\$1,000,000
<i>Additional Funding from City</i>	<u>\$1,000,000</u>
TOTAL New Funding	\$3,000,000



Housing Trust Fund Budget for Horizons

2013-2015 Budget Allocation	\$680,000
<i>2014-2017 Project Costs (timing & ineligible)</i>	<i>\$500,000</i>
Additional Project Need	<u>\$1,000,000</u>
Total Project Advance	\$2,180,000

Additional Project Costs :

During the original project planning for the Horizons Budget, staff provided an estimate based on the recapture of some costs through land sale, additional development impact fee revenues, and staff time costs eligible for grant match. The above budget reflects a more conservative view of revenues, and a worst case scenario in regards to project timing.