

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Response to Comments on Public Review Draft
Initial Study/Mitigated Negative Declaration
State Clearinghouse Number 2022060701

Prepared for
City of Oxnard
Community Development Department

October 2022



FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

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Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department
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October 2022

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CHAPTER 1

Introduction

This Response to Comments document was prepared to respond to comments that were received on the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). The Final Initial Study/Mitigated Negative Declaration (Final IS/MND) consists of the Public Review Draft IS/MND and this Response to Comments document. The Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). Documents relating to this Final IS/MND were cited and incorporated. All documents are available for review at the City of Oxnard website: <https://www.oxnard.org/city-department/community-development/planning/environmental-documents/>.

1.1 CEQA Requirements

Before the City of Oxnard may approve the project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the Oxnard City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis.

CEQA Guidelines Section 15074 states that prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. Therefore, the decision making body will be considering the following documents that constitute the Final IS/MND prior to making a decision on the project.

- The Public Review Draft IS/MND
- Response to Comment Document which includes:
 - Comments and recommendations received on the Public Review Draft IS/MND;
 - A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND;
 - The response of the Lead Agency to substantive environmental points raised in the review and consultation process.

This Response to Comments document for the Freeway Adjacent Digital Display Billboards Ordinance presents the following chapters:

- Chapter 1: Introduction – this chapter includes an introduction to the Response to Comments and the CEQA process and requirements
- Chapter 2: Comment Letters – this chapter includes a list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND
- Chapter 3: Response to Comments – this chapter includes the written comments received on the Public Review Draft IS/MND as well as the written responses to each comment
- Chapter 4: Errata – this chapter includes any revisions made to the Public Review Draft IS/MND in response to comments received or initiated by the Lead Agency
- Chapter 5: Mitigation and Monitoring Program (MMRP) – this chapter includes a list of the mitigation measures, identification of the responsible implementation agency, agency responsible for monitoring, timing of implementation, and date of compliance for each mitigation measure

1.2 CEQA Process

Public Participation Process

Notice of Intent of the Public Review Draft IS/MND

The Notice of Intent (NOI) of the Public Review Draft IS/MND was posted on June 30, 2022 with the Ventura County Clerk Recorder. The Public Review Draft IS/MND was circulated for a 30-day public review until July 29, 2022. The NOI for the Public Review Draft IS/MND was circulated to state and local agencies and interested parties requesting a copy of the NOI. Copies of the Public Review Draft IS/MND were made available for review at the City of Oxnard Community Development Department located at 214 S. C Street, Oxnard, California, 93030 and at the Oxnard Public Library, 251 South “A” Street. The document was also available at the City of Oxnard website: <https://www.oxnard.org/city-department/community-development/planning/environmental-documents/>.

Evaluation and Response to Comments

In accordance with Article 6 of the *CEQA Guidelines*, the City of Oxnard, as the Lead Agency, was required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. This Response to Comments document provides written responses to each comment received on the Public Review Draft IS/MND.

Final IS/MND Approval

As the Lead Agency, the City of Oxnard is required to determine the adequacy of the Final IS/MND (Public Review Draft IS/MND and Response to Comments). The City can adopt the Final IS/MND if they find on the basis of the whole record before it (including the Public Review Draft IS/MND and Response to Comments) that there is no substantial evidence that the project will have a significant effect on the environment and that the Final IS/MND reflects the City's independent judgment and analysis.

Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Oxnard will file a Notice of Determination (NOD) with the Ventura County Clerk Recorder within five working days of project approval.

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CHAPTER 2

Comment Letters

The Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) for the Freeway Adjacent Digital Display Billboards Ordinance was circulated for public review for 30 days (June 30, 2022 through July 29, 2022). The City of Oxnard received four comment letters from public agencies during the public review period, as listed in the table below. Each comment letter has been assigned an alphabetical designation (A through D). Each comment within each letter has been assigned a numerical designation so that each comment could be cross-referenced with an individual response. The comments and responses are provided in Chapter 3.

COMMENT LETTERS RECEIVED

Comment No.	Commenting Agency	Date of Comment
A	California Highway Patrol	July 27, 2022
B	Ventura County Air Pollution Control District	July 26, 2022
C	County of Ventura Resource Management Agency, Planning Division	July 29, 2022
D	California Department of Transportation	July 25, 2022

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CHAPTER 3

Responses to Comments

Following are the comment letters and the written responses to each of the comments that were received during the public review period of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). In some instances, in response to the comment, the City of Oxnard has made additions or deletions to the text of the Public Review Draft IS/MND; additions are included as underlined text and deletions are shown as ~~stricken text~~.



Comment Letter A

Pearson II, Joe <joe.pearson@oxnard.org>

RE: Environmental Impact Report (SCH # 2022060701)

1 message

Primicerio, Jarod@CHP <JPrimicerio@chp.ca.gov>

Wed, Jul 27, 2022 at 12:41 PM

To: "Joe.Pearson@Oxnard.org" <Joe.Pearson@oxnard.org>

Cc: CHP-701_AA_Desk <701_AA_Desk@chp.ca.gov>, CHP-EIR <EIR@chp.ca.gov>, "state.clearinghouse@opr.ca.gov" <state.clearinghouse@opr.ca.gov>

The California Highway Patrol's (CHP) Ventura Area office received an Environmental Impact Report (SCH # 2022060701) for a proposed digital billboard adjacent to the US-101 Freeway, located within the City of Oxnard. The CHP Ventura Area was requested to evaluate the proposal; specifically, in regard to the potential impact it may have on departmental operations, public safety, increased calls to the communications center/dispatch, increased response times, and traffic congestion.

This proposed digital billboard, coupled with the two additional proposed digital billboards (SCH # 2022060700 and SCH # 2022060706), all adjacent to the US-101 Freeway within the City of Oxnard, will likely cause a drastic increase to traffic congestion already severely impacted in the region. There are currently two digital billboards adjacent to the US-101 Freeway within the City of Oxnard, thus adding three additional, there would be a total of five digital billboards within less than a four mile stretch along this portion of the Freeway. The magnitude of the project may place a greater strain on limited public safety resources with an expected increase in vehicular traffic on US-101. A potential delay of emergency response due to extended response times places the public at risk. The potential increase in traffic may cause an increase in motor services, crashes, and injuries to motorists. Consequently, these incidents will cause an increase in calls to the CHP Ventura Communications Center and dispatchers. The proposed area is currently experiencing significant growth with the construction of retail and residential properties. The digital sign(s) will exacerbate the traffic congestion and may create long-term detrimental impact to the residents, visitors, and first responders within the Ventura Area.

A-1

Should you have any questions, please contact Lieutenant Sergio Perez or myself at (805) 662-2640.

Sincerely,

Jarod Primicerio



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Comment Letter A: California Highway Patrol – July 27, 2022

Comment A-1

The comment asserts that the proposed Freeway Adjacent Digital Display Billboards Ordinance along with the Riverpark Boulevard Electronic Billboard and Ventura Road Electronic Billboard could cause a drastic increase in traffic congestion along U.S. 101 within the City of Oxnard. The comment further states that the increase in traffic volumes and congestion on U.S. 101 would result in a potential delay on emergency response and could result in an increase in motor services, crashes, and injuries.

Response to Comment A-1

The implementation of future electronic billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance including the Riverpark Boulevard Electronic Billboard and the Ventura Road Electronic Billboard would not result in a substantial amount of traffic. As discussed in Section 3.15 a) of the Public Review Draft IS/MND, the construction of individual electronic billboards under the proposed Ordinance would generate a nominal number of construction vehicle trips for the activities to place at electronic billboard on an individual site. This nominal number of trips would not conflict with the circulation system and would result in less than significant impacts. In addition, long-term activities associated with the proposed Ordinance include periodic visits to each individual electronic billboard site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system.

The traffic volumes resulting from construction and operation of the individual billboards would result in a nominal amount of traffic and nominal effect on congestion. Furthermore, with a nominal effect on congestion, the individual billboards would result in less than significant potential for delaying emergency response and would result in less than significant increases in motor services, crashes, and injuries.

The congestion and safety concerns raised in this comment do not appear to be a direct result of implementing electronic billboards, but may result from cumulative development throughout the City of Oxnard. Because the Project would not result in an increase in daily or weekly operational traffic volumes, the Project would not contribute to potential cumulative traffic volume increases along U.S. 101 that would contribute to increases in motor services, crashes, and injuries to motorists.

As discussed in Section 3.15 c) in the Public Review Draft IS/MND, the proposed billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would be required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each


image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the individual electronic billboards would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur. Furthermore, the Project will require an Outdoor Advertising Act Permit from the California Department of Transportation to ensure that the proposed electronic billboard does not represent a danger to motorists traveling along U.S. 101.



Comment Letter B

**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

TO: Joe Pearson II, Sr. Planner, City of Oxnard DATE: July 26, 2022

FROM: Nicole Collazo, Air Quality Specialist, Planning Division 

SUBJECT: Draft Mitigated Negative Declaration for the Freeway Adjacent Digital Display Billboards Ordinance (RMA 22-018)

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Freeway Adjacent Digital Display Billboards Ordinance project (project). The project proposes amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The Lead Agency is the City of Oxnard. APCD submits the following comments for the project's MND.

GENERAL COMMENTS

Air Quality Section

1) Item a and b, Page 24-25. VCOG is no longer responsible for developing the AQMP. This is language contained in our 2003 Ventura County Air Quality Assessment Guidelines and no longer applies. The AQMP is developed by the APCD using SCAG's population growth forecasts in its air quality modeling and forecasting. We recommend amending this section. We also note that our 2022 AQMP is currently in development and scheduled to be adopted at the end of 2022.

2) Item c, Page 27. For future individual projects under this ordinance that undergo an environmental review, as indicated in Mitigation Measure AQ-1, applicable mitigation measures to reduce NOx and diesel particulate matter emissions is the use of Tier 3 and Tier 4 EPA diesel rating off-road construction equipment and on-road construction vehicle with an engine model year of 2010 or greater.

Thank you for the opportunity to comment on the project's MND. If you have any questions, you may contact me at nicole@vcapcd.org.

B-1

B-2

Comment Letter B: Ventura County Air Pollution Control District – July 26, 2022

Comment B-1

This comment states that the Ventura Council of Governments (VCOG) no longer responsible for developing the Ventura County Air Quality Management Plan (VCAQMP) but Ventura County APCD is responsible.

Response to Comment B-1

The City of Oxnard thanks the Ventura County Air Pollution Control District for clarifying that the VCOG no longer provides forecasted regional population, housing, and employment for the VCAQMP.

The fourth sentence of the first paragraph on page 24 of the Public Review Draft IS/MND is revised as follows:

~~V~~CAPCD ~~and the Ventura Council Association of Governments (VCOG)~~ are responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

The second paragraph on page 24 and extending to page 25 of the Public Review Draft IS/MND is revised as follows:

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

Comment B-2

This comment states that applicable measures to reduce NOx and diesel particulate matter emissions is through the use of Tier 3 and Tier 4 EPA diesel rating off-road construction equipment and on-road construction vehicle with an engine model year of 2010 or greater.

Response to Comment B-2

The City of Oxnard thanks the Ventura County Air Pollution Control District for identifying potential measures to reduce NOx and diesel particulate matter emissions associated with

individual electronic billboards. As identified in Mitigation Measure AQ-1 on page 27 of the Public Review Draft IS/MND, each applicant of individual billboards proposed under the Freeway Adjacent Digital Display Billboards Ordinance will be required to demonstrate that construction and operational activities would not exceed the Ventura County Air Pollution Control District thresholds of significance of reactive organic compounds (ROG or VOC) as well as oxides of nitrogen (NOx). As stated in Section 3.3 c) on page 26 of the Public Review Draft IS/MND, the VCAPCD has not established mass emission significance thresholds for particulate matter (PM10 or PM 2.5). However, even though significance thresholds for particulate matter have not been established, construction activities related to the placement of a pole in the ground that would support an electronic billboard is expected to result in a nominal amount of particulate emissions.



Comment Letter C

July 29, 2022

Joe Pearson II, AICP
Community Development Department, Planning Division
City of Oxnard
214 South C Street
Oxnard, CA 93030

SUBJECT: Response to Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance, a Notice of Intent to Adopt the Proposed Riverpark Boulevard Electronic Billboard MND and the proposed Notice of Intent to Adopt the Ventura Road Electronic Billboard MND

Dear Joe Pearson,

Thank you for providing the Ventura County Planning Division with the opportunity to comment regarding the following Mitigated Negative Declarations:

1. City of Oxnard (City) Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance project (proposed ordinance).
2. City of Oxnard NOI to adopt an MND for the Ventura Road Electronic Billboard project
3. City of Oxnard NOI to adopt an MND for the Riverpark Boulevard Electronic Billboard project.

The proposed Freeway Adjacent Billboards ordinance would permit the siting of digital display billboards within 400 feet of the U.S. 101 right-of-way, on the City's property or in its right-of-way, and in non-residential zones. No digital display billboards may be sited less than 100 feet from the property line of any residential zoned parcel. The proposed development standards would limit billboards to a maximum face display area of 14 feet in height and 48 feet in width, require orientation primarily for viewing from the freeway, and the maximum height of the entire structure cannot exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of each display. Each digital display billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet. The permitting path process would be a Special Use Permit. Section 16-530 of the Oxnard Municipal Code describes that a Special Use Permit is authorized by the Planning Commission.

C-1

The County has calculated the distance of the proposed ordinance planning area in relationship with unincorporated area of the County. Calculating the stretch of Highway U.S. 101 from the easternmost portion of the proposed ordinance project area to the westernmost portion, the total length of the project area was estimated at 4.09 miles. Using this estimate, the total of length of unincorporated area in the ordinance planning area totaled approximately 1.3 miles or 30% of the total project planning area distance along the Highway U.S. 101. This calculation represents a significant portion of unincorporated area that may be impacted by the proposed ordinance, particularly along unincorporated areas of El Rio/ Del Norte and Nyeland Acres.

C-1
(Cont)

The project area for the proposed ordinance is located adjacent to portions of the El Rio/ Del Norte and Nyeland Acres unincorporated communities. There are also two billboards proposed. The Riverpark Boulevard Electronic Billboard project would be located approximately 1,800 feet from an unincorporated zone for residential high-density development (RHD-20 du/ac). The Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed. Based on these circumstances, the proposed projects may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Since it is difficult to evaluate cumulative impacts due to the three separate MND's for these projects; prior to taking any action on the proposed projects, the City should consolidate its review of potential environmental impacts of the Ordinance MND, Ventura Road and RiverPark project MND's into one environmental analysis and document. Given that these projects are being processed concurrently, and the fact that Ventura Road and RiverPark projects cannot be adopted until the billboard ordinance is adopted, consolidation of the three MND's will enable to the County to understand direct, indirect and cumulative environmental impacts of the ordinance programmatic and billboard projects.

C-2

The revised analysis should evaluate potential environmental impacts for the unincorporated areas adjacent to and in the vicinity of the proposed projects; , particularly residential areas in the El Rio/Del Norte and Nyeland Acres communities. Specific issue area to consider are neighborhood compatibility, scenic resources, and biological resource issues areas discussed below.

Impacts to Neighborhood Compatibility

The MNDs evaluate aesthetic impacts, and the Ordinance MND states that, "because specific electronic billboard projects are not known at this time, project-level environmental impacts cannot be assessed. As each individual electronic billboard project is proposed, a project level environmental evaluation will be required" (MND Chapter 3, Aesthetics and Urban Design). However, there are MNDs for two proposed billboards within the proposed ordinance planning area. As stated above, for adequate CEQA review, these projects should be combined onto one study and the projects should be processed in accordance with the proposed ordinance.

C-3

The proposed ordinance should require projects to be designed to meet development standards that reduce or eliminate potential impacts without deferring to an evaluation for consistency with lighting and other standards until after the billboards are authorized and built. Please consider the following amendments to the draft ordinance to reduce potential impacts:

- Clarify that setback distances to residential zones also apply to unincorporated residential zones.
- Clarify how height is measured and require height to be measured from the adjacent average grade.
- Limit the number of billboards that can be sited within the planning area.
- Clarify how the ordinance will benefit disadvantaged communities.

C-3
(Cont)

Setbacks: The ordinance should be revised to consider residential zoned unincorporated properties located adjacent to the proposed ordinance planning area where electronic billboards could be sited (see circled areas in Figure 1 below). As drafted, the ordinance could allow billboards to be sited within a few feet of residential zones in the unincorporated area.

It would be helpful if the proposed Ordinance MND, Figures 2, 2b, and 2d accurately delineate unincorporated areas relative to the planning area. As of now, the program location areas do not display the difference between the separate jurisdictional boundaries, specifically the City of Oxnard and unincorporated community planning areas and therefore potential impacts cannot be adequately evaluated. The City should update the program location index images in the proposed ordinance MND to accurately reflect the location of planning area boundaries in relation to unincorporated County boundaries.

C-4

Height: As stated in the proposed Ordinance MND, the “maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display” (MND Page 9). The height standards of electronic billboards in the Ordinance MND should be clarified so the public can understand maximum heights of the billboards from the top of the billboard to ground level, as slope and topography changes will site billboards lower or higher in relation to adjacent land uses and cause impacts that were not evaluated in the Ordinance MND. For example, the proposed Riverpark Boulevard Electronic Billboard (MND No.22-03) has a proposed height of 80 feet measured from the top of the billboard to the ground. This height standard used in this specific proposal is more accurate than the method of measurement proposed in the ordinance and could be inconsistent with the ordinance. One method of measurement is needed that evaluates the maximum height as measured from the adjacent grade to the top of the billboard itself. The County requests that you please verify in the Response to Comments that the height in the ordinance for billboards will not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display for any proposed billboard projects. If this height assumption is inaccurate, please verify the maximum height that any billboard can be pursuant to the ordinance.

C-5

Limit the Number of Billboards: Another potential cumulative impact on unincorporated areas is there are no maximum quantity of allowable digital billboard displays identified in the proposed ordinance. As of now, the Ordinance MND makes no indication for a maximum allowable number throughout the entirety of the planning area. There should be calculations to understand the potential maximum number of digital display billboards, taking into consideration that they must be placed 2,000 feet away from one another. The proposed ordinance should include reference that existing digital display billboards must comply with the all development standards, including setbacks set forth in the Caltrans Outdoor Advertising Act and Regulations.

C-6

Community Benefits: El Rio/ Del Norte and Nyeland Acres communities are identified in the County General Plan as designated disadvantaged communities. The City should take into consideration how the ordinance and billboards would affect these disadvantaged communities and update the Required Findings of Public Benefit section of the proposed Ordinance MND (page 10) to describe how public benefits will be provided to affected disadvantaged communities that could be adversely affected by the proliferation of digital display billboards.

C-7

The City and digital display billboard applicants should also meet with the El Rio/ Del Norte Municipal Advisory Council to further clarify potential public benefits and impacts from the proposed ordinance and XX project and XX project . Furthermore, the El Rio/Del Norte Area Plan includes the following policy that encourages the City to present proposed ordinances and discretionary projects to the Council for review and comment (*italics added for emphasis*):

Policy, ED-21.1- Public Review Authority

The El Rio/Del Norte Municipal Advisory Council shall continue to be the Board of Supervisors' recognized public review group for the El Rio/Del Norte area. All County *and city applications for discretionary permits* and all environmental documents for projects which would affect the El Rio/Del Norte area shall be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council as early in the process as possible.

C-8

Scenic Resources

To address concerns with light pollution, light trespass illuminance standards were discussed in the proposed Ordinance MND. However, there are still concerns with glare and light pollution, specifically in the evening with respect to the nearby residential communities. The analysis within Chapter 3 of the proposed Ordinance MND did not evaluate potential impacts from public viewing locations such as roadways in the unincorporated area of Ventura County, particularly the El Rio and Nyeland Acres communities. Since there is no numerical limit on the proliferation of billboards under the proposed ordinance, the Ordinance MND should also evaluate cumulative impacts from glare and illuminance from the perspective of public roads and hiking trails in the hillside areas with views of the Oxnard Plain.

C-9

When assessing the distance from Digital Billboard Display's to residential parcels, Los Angeles County's zoning code, Section 22.114.070 prescribes standards for outdoor advertising signs, and states that such signs shall not be permitted within 200 feet of a residential zone located on the same side of the street or highway. The City should adopt the same or greater 200-foot setback requirement from residential zones (including unincorporated residential zones) rather than the proposed 100-foot setback. The City should also include the following standard from Los Angeles County zoning code Section 22.114.050 in the MNDs and conditions of approval for light protection to surrounding premises, with the additional reference added for applicability to unincorporated areas in parenthesis:

C-10

- In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

The proposed Ordinance MND states that, "light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for light-sensitive urban areas such as residential areas and 0.2 fc or greater for natural areas such as the Santa Clara River Basin" (MND page 19). The Ordinance MND should also include references to compliance with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5 for enforcing sign brightness and reads as follows:

- No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.
- The brightness reading of an objectionable light source shall be measured with a 11/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source.

C-11

Lastly, Federal Highway Administration guidance on off-premise changeable message signs recommend adjusting brightness in response to changes in light levels so that signs are not unreasonably bright for the safety of the motoring public. Brightness should be adjusted accordingly and if a billboard has the potential to illuminate uses in unincorporated residential zones, an evening time shut off period should be required for mitigation of potential brightness and illumination light spill.

The City should include mitigation measures and comparable brightness standards for the intensity of lighting identified in the City of Ventura's Auto Center Specific Plan Amendments for the Final Initial Study Mitigated Negative Declaration that was approved in 2017 as either mitigation measures in the Ordinance MND or development standards in the Billboard Ordinance. The City of Ventura's Auto Center electronic billboard display is routinely turned off at 10 p.m. to mitigate light emittance and nuisance in the evening time. The following measures from the Auto Center Specific Plan should also be included in the proposed ordinance, and digital display billboard projects should be conditioned as follows:

Mitigation Measure AES-1: Electronic Sign Brightness. The Auto Center Specific Plan shall include the following standards for the Auto Center freeway sign and Auto Center entry sign:

- Lighting levels on the digital sign shall not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America.
- Brightness shall not exceed 800 nits (candela per square meter) from sunset to sunrise. At all other times, brightness will not exceed 7500 nits.
- Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face.
- A light sensor shall be installed with the sign to measure ambient light levels and to adjust light intensity to respond to such conditions. The light sensor adjusts the sign's brightness in order to compete with ambient light. The darker the surrounding ambient light, the less bright the sign is.
- The sign shall not display any moving, flashing, scrolling, fading, brightening or animated text or video.
- Signage shall be controlled remotely and include remote maintenance software.
- LED lighting has a directional nature, and the projected viewing angle values for this sign shall be $\pm 30^\circ$ vertically and $\pm 60^\circ$ horizontally. Louvers shall be located above each row of lights to prevent light from projecting upward into the sky.

Mitigation Measure AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the freeway sign. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.3 foot-candle requirement is satisfied.

Biological Resources

The proposed Ordinance MND (page 32) evaluates potential impacts to critical habitat, special status plant species and avian species. The electronic billboards could impact wildlife corridor movement due to electronic light displays that deter and disorient wildlife movement. The Santa Clara River riparian area is identified by the County of Ventura as an important Habitat Connectivity and Wildlife Corridor. Without precise mapping that identifies the extent that billboards could be placed closest to the Santa Clara River basin, and the proposed approach to test billboards for impacts after they are built, there is insufficient information to determine whether there will be direct, indirect, or cumulative impacts to wildlife movement. CEQA requires protecting wildlife corridors/movement areas and the proposed ordinance development standards, environmental impact analyses, and project-specific conditions of approval should include measures to conserve the natural state of the habitat wildlife corridor and ensure species can move throughout the region. The City should consider the following mitigation measure in the Ordinance MND for impacts to biological resources. This mitigation measure should also apply to the Riverpark Boulevard MND and as needed to future digital billboard projects' conditions of approval:

C-12

AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

C-13

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign, as measured from within the Habitat Corridor. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.2 foot-candle requirement is satisfied.

The Santa Clara River is the longest continuous river system in Southern California and runs over 100 miles in length, originating from the San Gabriel Mountains in Los Angeles County and traverses throughout Ventura County to reach the Pacific Ocean. Extensive patches of high-quality riparian habitat are present along the length of the river and its tributaries. Numerous state and federally listed species have been found in and nearby the undeveloped areas (e.g., least bell's vireo (*Vireo bellii pusillus*), mesa horkelia (*Horkelia cuneata*), California legless lizard (*Anniella pulchra*), Lyon's pentachaeta (*Pentachaeta lyonia*), and coastal California gnatcatcher (*Poliophtila californica californica*). Please see Figure 2 below for a map of the Habitat Connectivity and Wildlife Corridor in the South Coast Ventura County region. The proposed Ordinance MND should be revised to adequately analyze the impacts to the wildlife corridor and include additional mitigation measures as appropriate. Lastly, the following El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance, and as a basis for biological mitigation measures to offset environmental impacts:

C-14

C-15

Goal, ED-32: To protect the biological resources of the Santa Clara River and adjoining natural habitat areas including significant stands of Southern Willow within the Santa Clara River bounding the El Rio/Del Norte area.

Goal, ED-33: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

C-15
(Cont)

Policy, ED-33.1: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

In closing, thank you again for the opportunity to comment on the three MNDs for the proposed ordinance and digital display billboard projects. The County is hopeful that the City will combine these three MND's into one environmental document and recirculate for public review and comment. This action would facilitate meaningful public disclosure of the potential direct, indirect, and cumulative environmental impacts of the Ordinance MND and associated Ventura Road and RiverPark projects on the unincorporated County. If you have any questions about this letter, please contact Joel Hayes at Joel.Hayes@ventura.org or 805.654.2834.

C-16

Sincerely,



Dave Ward, AICP | Planning Director
County of Ventura, Planning Division

Wildlife Crossing Structures

Incorporated Cities

Habitat Connectivity and Wildlife Corridors (HCWC) Boundaries

Surface Water Feature Buffer

Comment Letter C: County of Ventura Resources Management Agency, Planning Division – July 29, 2022

Comment C-1

This comment states that the Planning Division reviewed three separate Mitigated Negative Declaration (MNDs) related to the proposed Freeway Adjacent Digital Display Billboards Ordinance as well as the Riverpark Electronic Billboard and Ventura Road Electronic Billboard. The comment specifically states that the proposed Ordinance would permit siting display billboards within 400 feet of the U.S. 101 right-of-way, on City property, in non-residential zones, not less than 100 feet from the property line of residential zoned parcels, and have a maximum face display area of 14 feet in height and 48 feet in width. This comment also states that the Ordinance requires each electronic billboard to be located at least 2,000 feet apart.

Furthermore, this comment states that the area of the proposed Ordinance is located adjacent to portions of the El Rio/Del Norte and Nyeland Acres unincorporated communities. The comment states that these unincorporated communities are located along approximately 30 percent of the Ordinance area, and individual electronic billboards may have direct and cumulative impacts on these unincorporated communities as well as sensitive habitat in the County's jurisdiction (i.e., Santa Clara River Basin).

Response to Comment C-1

The comments regarding the specific design regulations for the individual electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance are correctly stated. Individual electronic billboards could be located in close proximity of both the El Rio/Del Norte and Nyeland Acres unincorporated communities as well as within the vicinity of City of Oxnard residents. The potential impacts to community residents are addressed through the Public Review Draft IS/MND. Potential impacts associated with the implementation of electronic billboards under the proposed Ordinance are addressed throughout Chapter 3 of the Public Review Draft IS/MND. The potential significant impacts identified in Chapter 3 related to aesthetics and urban design, air quality, biological resources, cultural and tribal cultural resources, and noise. Mitigation measures are included within the Public Review Draft IS/MND to reduce each of the potential impacts to less than significant. The potential issues that could impact residents along the proposed Ordinance area include aesthetics and urban design, air quality, and noise. These potential impacts could occur on residents of the City of Oxnard and/or the unincorporated area of the County.

The comment identifying potential impacts to sensitive habitat whether in the County or City jurisdiction is noted. As discussed in Section 3.4 of the Public Review Draft IS/MND, potential impacts on sensitive vegetation communities and associated sensitive wildlife species could occur and Mitigation Measures BIO-1, BIO-2 and AES-2 are included to reduce potential impacts to less than significant.

Comment C-2

This comment asserts that evaluating the cumulative impacts of the three projects that are addressed within the three separate Public Review Draft IS/MNDs is difficult and recommends that the City consolidates its review into one environmental document.

Response to Comment C-2

The potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are independent projects and are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. A discussion of cumulative impacts is provided for each Public Review Draft IS/MND in Section 3.18 b). The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two independent specific projects.

Comment C-3

This comment states that an analysis of potential environmental impacts to unincorporated areas such as the El Rio/Del Norte and Nyeland Acres communities and sensitive biological resources adjacent to and in the vicinity of the proposed Project should be evaluated.

The comment also requests amendments to the draft Freeway Adjacent Digital Display Billboards Ordinance.

Response to Comment C-3

As discussed in Response to Comment C-1, the potential impacts identified in the Ordinance Public Review Draft IS/MND could occur on residents of the City of Oxnard and/or the unincorporated area of the County. The environmental evaluation provided for the Ordinance was at a Program-level as discussed in Response to Comment C-2.

One of the environmental issues that could have potential impact on residents of the unincorporated communities of the County is aesthetics and urban design. As discussed in Section 3.1 of the Public Review Draft IS/MND, views and scenic resources could be impacted with the implementation of individual electronic billboards in accordance with the proposed Ordinance. The implementation of the individual billboards will be required to comply with the applicable 2030 General Plan goals and policies related to views as well as the standards identified in the proposed Ordinance. These applicable goals and policies are identified in Section 3.1 of the Public Review Draft IS/MND. In addition, the proposed Ordinance requires that each individual electronic billboard be separated from each other by a minimum of 2,000 linear feet. To ensure compliance with the applicable goals and policies, each applicant for an individual electronic billboard will be required to conduct its own environmental project-level evaluation to demonstrate that less than significant impacts on views and scenic resources would occur.

The comment also recommends amendments to the proposed Ordinance.

The first recommendation is applying the setback distances of each electronic billboard from residential zoned property within the unincorporated areas as well as the City. The proposed Ordinance states that no freeway adjacent digital display billboard may be placed at a distance of less than 100 feet from a property line of any residentially zoned parcel. This would apply to any residentially zoned parcel whether it is located within the City or unincorporated County area.

The second recommendation is to clarify how the height of the proposed billboard is measured and requests that the height is measured from the adjacent average grade. To clarify the allowed height of each individual electronic billboard, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in **Appendix A** of this Response to Comments Document. The maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed 80 feet as measured from the pavement level of U.S. 101. A height measurement of each proposed electronic billboard from the adjacent average grade is not appropriate since some billboards would be located at City street underpasses. The total height of the billboard would need to take the height of the underpass into consideration. It is more appropriate to identify the height of each billboard as measured from the pavement level of U.S. 101.

The third recommendation is to limit the number of billboards that can be sited within the Program area. As identified in the proposed Ordinance, each billboard would need to be separated by at least 2,000 feet. To clarify the number of billboards that could be implemented under the proposed Ordinance, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document. The maximum number of Freeway Adjacent Digital Display Billboards shall not exceed a total of 5 within the City.

The fourth recommendation is to clarify how the proposed Ordinance will benefit disadvantage communities. The proposed Ordinance does not state that there needs to be a statement of benefit to disadvantage communities. The proposed Ordinance states that there is a required finding of public benefit. The finding needs to be provided in approving a Development Agreement for each of the individual electronic billboards. The finding of public benefit is not required as part of the environmental documentation, but information from the environmental documentation can be used to determine the public benefit along with other information such as financial information.

Comment C-4

This comment references the proposed Ordinance and requests setbacks. The comment asserts that proposed billboards could be located closer than 100 feet from residentially zoned parcels located within the unincorporated County areas. This comment also asserts that the figures within the Public Review Draft IS/MND need to delineate the jurisdictional boundaries between the City and County to adequately evaluate potential impacts.

Response to Comment C-4

As discussed in Response to Comment C-3, the required setback from residentially zoned parcels apply to both residential zoned parcels in the City as well as the unincorporated County areas. In addition, Figures 2 and 2a through 2d in the Public Review Draft IS/MND delineate the proposed Program area. The environmental evaluation within Chapter 3 of the Public Review Draft IS/MND evaluates potential impacts on the uses in the vicinity of the Program area whether the uses are within the City or the County.

Comment C-5

This comment references the proposed Ordinance and requests more specific information on maximum heights.

Response to Comment C-5

As discussed in Response to Comment C-3 above, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document to clarify the maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed 80 feet as measured from the pavement level of U.S. 101.

Comment C-6

This comment references the proposed Ordinance and requests more specific information on limiting the number of billboards.

Response to Comment C-6

As stated in Response to Comment C-3, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document to clarify that the maximum number of Freeway Adjacent Digital Display Billboards shall not exceed a total of 5 within the City. As stated within the proposed Ordinance, each proposed electronic billboard must comply with the applicable federal, state, and local laws including the Outdoor Advertising Act.

Comment C-7

This comment asserts that the City should take into consideration how the ordinance and proposed billboards would affect disadvantage communities and how public benefits will be provided to affected disadvantage communities.

Response to Comment C-7

The El Rio/Del Norte and Nyeland Acres communities are primarily within the jurisdiction of the County of Ventura. The environmental evaluation within Chapter 3 of the Public Review Draft IS/MND evaluates potential impacts on the uses in the vicinity of the Program area whether the uses are within the City or the County.

As discussed in Response to Comment C-3, the proposed Ordinance does not state that there needs to be a statement of benefit to disadvantage communities. The proposed Ordinance states that there is a required finding of public benefit. The finding needs to be provided in approving a Development Agreement for each of the individual electronic billboards. Although a finding of public benefit needs to be provided, this finding is not part of the CEQA documentation for the proposed Program and would not be part of the CEQA documentation for the individual electronic billboards. The reference provided in the comment regarding Page 10 of the Public Review Draft IS/MND is to the requirement that needs to be met prior to approving an individual Development Agreement.

Comment C-8

This comment asserts that all County and City applications for discretionary permits and all environmental documents for Projects should be sent to the Board of Supervisor's Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

Response to Comment C-8

Potential impacts associated with the implementation of the proposed Freeway Adjacent Digital Display Billboards Ordinance are provided in Chapter 3 of the Public Review Draft IS/MND, and the document was provided to the County for review and comment. The City of Oxnard does not have a requirement for Projects and Programs within the City to be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

Comment C-9

This comment asserts that potential visual impacts from roadways was not provided and without knowing the number of billboards that could be implemented under the proposed Ordinance, cumulative light and glare impacts from public roads and hiking trails should be evaluated.

Response to Comment C-9

The visual impacts of implementing the proposed Ordinance are discussed in Section 3.1 a) of the Public Review Draft IS/MND. Scenic vistas within and beyond the City limits are identified. Each billboard implemented under the proposed Ordinance is required to be separated by at least 2,000 feet from each other. As discussed in Response to Comment C-3, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document to clarify that the maximum number of Freeway Adjacent Digital Display Billboards shall not exceed a total of 5 within the City. In addition, compliance with the applicable visual goals and policies of the 2030 General Plan would protect scenic vistas and less than significant impacts would occur. Section 3.1 b) addresses the Program's potential impact on scenic highways such as Oxnard Boulevard and U.S. 101. No additional scenic highways have been designated in the Program vicinity. Section 3.1 c) of the Public Review Draft IS/MND addresses the Program's potential to alter the existing visual characteristics along U.S.

101. As stated, the implementation of the applicable 2030 General Plan goals and policies would protect the visual character and less than significant impacts would occur. As discussed in Section 3.1 d) of the Public Review Draft IS/MND, the implementation of the proposed Program would allow for the placement of intermittent electronic billboards within the Program area delineated in Figures 2 and 2a through 2d, and each individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies related to aesthetics and views. Through compliance with these applicable goals and policies, the implementation of the proposed Program would not add to or compound to an existing negative view of the Program area, and potential impact would be less than significant. Finally, Section 3.1 e) of the Public Review Draft IS/MND addresses the Program's potential increase in nighttime lighting. The Program is required to be consistent with the applicable 2030 General Plan goals and policies. However, the evaluation found that potential significant light impacts could still occur at nearby residences as well as natural areas. As a result, Mitigation Measures AES-1 through AES-3 are included to reduce potential lighting impacts to less than significant.

Comment C-10

The comment also recommends that a different setback from residentially zoned parcels should be included. The setback that is recommended in this comment is consistent with the Los Angeles County zoning code.

Response to Comment 10

This comment that suggests that the City should use a different recommended setback from residentially zoned parcels is noted; however, the evaluation along with the standards identified in the proposed Ordinance and with the recommended mitigation measures within the Public Review Draft IS/MND found that a setback of 100 feet would result in less than significant impacts on residential uses.

Comment C-11

This comment states that there should be references to comply with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5. The comment suggests that light levels of the signs are not unreasonably bright for the safety of the motoring public. Also, the brightness should be adjusted so that significant impacts to adjacent residents does not occur, and there should be an evening shut off period to reduce potential brightness and illumination spill. The comment suggests that measures similar to the City of Ventura's Auto Center Specific Plan should be included. These measures include turning off the electronic billboard display at 10 p.m.

Response to Comment C-11

As stated in Section 1.8 of the Public Review Draft IS/MND, each electronic billboard implemented under the proposed Ordinance is required to comply with all applicable federal, state, and local laws including the Caltrans Outdoor Advertising Act and the proposed Ordinance. The requirements of the proposed Ordinance are more restrictive than the requirements of the Outdoor Advertising Act permit. As an example, the permit requires electronic displays to be spaced at 1,000 feet from another electronic display while the proposed Ordinance requires the displays to be spaced by at least 2,000 feet from another electronic display. In addition, the permit requires the maximum display area to be 25 feet in height and 60 feet in length while the proposed Ordinance requires a smaller display at 14 feet in height and 48 feet in width (length).

Section 1.8 of the Public Review Draft IS/MND also states that all individual electronic billboards implemented under the proposed Ordinance shall comply with the illuminance and brightness identified in the California Building and Professional Code Section 5403(g) and California Vehicle Code Section 21466.5. The suggestion to adjust the brightness so that significant impacts to adjacent residents does not occur is noted. The lighting evaluation in Section 3.1 e) of the Public Review Draft IS/MND identifies mitigation measures that include illuminance performance standards and procedures if there is a malfunction or failure of the display operation to ensure potential impacts on adjacent residents are reduced to less than significant. The suggestion to turn off the electronic billboard display at 10 p.m. is noted; however, based on the environmental evaluation, potential lighting impacts in the evening after the implementation of mitigation measures would be reduced to less than significant.

Comment C-12

This comment asserts that without precise mapping of the extent that the billboards could be placed closest to the Santa Clara River Basin and based on the proposed approach to test billboards for lighting impacts, there is insufficient information to determine if there will be direct, indirect or cumulative impacts to wildlife.

Response to Comment C-12

These potential wildlife impacts from lighting are addressed in Section 3.1 d) of the Public Review Draft IS/MND. Prior to the implementation of the proposed mitigation measures, lighting impacts on wildlife are potentially significant; however, with the implementation of Mitigation Measures AES-1 through AES-3, potential impacts on wildlife would be reduced to less than significant. The City understands that the Santa Clara River Basin is a wildlife corridor, but as discussed in Section 3.4 d) of the Public Review Draft IS/MND, potential impacts to nesting birds within the wildlife corridor would be reduced to less than significant with the implementation of Mitigation Measures AES-2 and BIO-1. Cumulative impacts are addressed in Section 3.18 b) of the Public Review Draft IS/MND. Cumulative growth within the City was found to result in significant biological resource impacts. The implementation of the individual electronic

billboards under the proposed Ordinance along with Mitigation Measures BIO-1, BIO-2 and AES-2 would reduce the Program's contribution to the significant cumulative biological resources impacts to less than cumulatively considerable.

Comment C-13

This comment suggests that that the commenters recommended Mitigation Measure AES-2 be included to require testing at a specific lighting level as a measure for the proposed Ordinance. This measure suggests requiring a third party test and demonstrating that lighting levels do not exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign and within a habitat corridor.

Response to Comment C-13

Mitigation Measure AES-3 on page 20 of the Public Review Draft IS/MND includes a third party test to demonstrate that lighting from the electronic billboard does not exceed 0.3 fc above ambient light at 250 feet from the face of the freeway sign. Although this comment is requesting that the habitat corridor (i.e., natural areas) include a lighting level that is less than 0.3 fc at 250 feet, the measure clearly states that increases in lighting levels cannot exceed 0.2 fc at natural areas which would also include the habitat corridor. Therefore, the requirement within the suggested revised mitigation measure for the habitat corridor is already incorporated within Mitigation Measure AES-3.

Comment C-14

This comment asserts that the Public Review Draft IS/MND be revised to adequately analyze the impacts to the wildlife corridor and include additional mitigation measures as appropriate.

Response to Comment C-14

As discussed in Section 3.4 d) of the Public Review Draft IS/MND, potential impacts to the movement of wildlife species could occur due to the illumination of the proposed electronic billboard. To reduce this potential impact to the wildlife corridor, lighting requirements are identified in Mitigation Measure AES-2 and to reduce potential impacts in nesting birds, Mitigation Measure BIO-1 is recommended. The impact discussion and recommended mitigation measures provide an adequate analysis of impacts to the wildlife corridor.

Comment C-15

This comment suggests that the El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance.

Response to Comment C-15

Although the County of Ventura suggests to consider the County's goals and policies within the proposed City of Oxnard Ordinance, the goals and policies of the City's General Plan that are applicable to the protection of natural resource areas and fish and wildlife habitat are discussed in Section 3.4 d) of the Public Review Draft IS/MND.

Comment C-16

This comment thanks the City for providing an opportunity to comment on the three Public Review Draft IS/MNDs for the proposed Ordinance and the two electronic billboard projects. The County reiterated the request to provide the environmental documentation for the IS/MNDs into one environmental document.

Response to Comment C-16

As discussed in Response to Comment C-2, the potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.



DEPARTMENT OF TRANSPORTATION

DISTRICT 7

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

PHONE (213) 269-1124

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www.dot.ca.gov

Comment Letter D

Billboards Ordinance

SCH # 2022060701

Vic. Citywide

GTS # LA-2022-00505-MND

July 25, 2022

Dear Joe Pearson:

Making Conservation a California Way of Life

Joe Pearson II

City of Oxnard

214 South C Street

Oxnard, CA 93030

RE: Freeway Adjacent Digital Display

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced MND. The Project involves amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The

installation and operation of individual electronic billboards would require approval of a Special Use Permit. No Freeway Adjacent Digital Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.

D-1
(Cont)

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Joe Pearson

II July 25, 2022

Page 2 of 3

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Construction of individual electronic billboards under the proposed Program would generate a nominal number of construction vehicle trips for the activities to place an electronic billboard on an individual site. This nominal number of trips would not conflict with the circulation system and result in less than significant impacts. In addition, long term activities associated with the proposed Program include periodic visits to each individual electronic billboard site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system. Therefore, Caltrans concurs that no impact would occur, and mitigation is not required at this time.

D-1
(Cont)

The proposed Program includes the placement of individual electronic billboards adjacent to U.S. 101. The proposed billboards would be oriented for viewing primarily from U.S. 101. The proposed billboards are required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The individual billboards would include different images, and in accordance with the Ordinance standards, each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or

D-2

blink or any other means that does not provide a constant illumination. These features associated with each individual electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur.

D-2
(Cont)

However, please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications.

D-3

Caltrans regulates the placement of outdoor advertising displays visible from California highways. The project would require outdoor Advertising (ODA) License. For questions, inquiries, and any other questions you may have, please call (916) 654-6473 or reference to the following website for additional information.

D-4

<https://dot.ca.gov/programs/traffic-operations/oda>

Any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

D-5

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Joe Pearson

II July 25, 2022

Page 3 of 3

If you have any questions, please feel free to contact Mr. Alan Lin, the project coordinator, at (213) 269-1124 and refer to GTS # VEN-2022-00505AL-MND.

Sincerely,

MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

“Provide a safe and reliable transportation network that serves all people and respects the environment”

Comment Letter D: California Department of Transportation – July 25, 2022

Comment D-1

This comment provides a summary of the standards identified in the proposed Ordinance. In addition, the comment restates the conclusions provided in Section 3.15 of the Public Review Draft IS/MND, and the comment concurs that no construction or long-term transportation impacts would occur with the implementation of the proposed Ordinance.

Response to Comment D-1

The City of Oxnard notes the comment's concurrence with the findings in the Public Review Draft IS/MND.

Comment D-2

This comment states the standards identified in the proposed Ordinance regarding brightness and images. The comment further states that the features identified in the proposed Ordinance would not substantially increase hazards to drivers along U.S. 101, and less than significant impacts would occur.

Response to Comment D-2

The City of Oxnard notes that the standards identified in the proposed Ordinance would result in less than significant hazard impacts.

Comment D-3

This comment states that any work performed within the State right-of-way would require an Encroachment Permit from the California Department of Transportation.

Response to Comment D-3

The City of Oxnard understands that when individual electronic billboard projects implemented under the proposed Ordinance includes work within the State right-of-way, an Encroachment Permit from the California Department of Transportation would be required.

Comment D-4

This comment states that the placement of outdoor advertising displays visible from California highways would require an outdoor Advertising License.

Response to Comment D-4

As stated on page 10 of the Public Review Draft IS/MND, the implementation of future billboards under the proposed Ordinance would be required to comply with the Outdoor Advertising Act. The City of Oxnard understands that compliance includes obtaining an Outdoor Advertising License from the California Department of Transportation.

Comment D-5

This comment states that any oversized-transport vehicles that travel on State highways associated with construction activities will need a Caltrans transportation permit.

Response to Comment D-5

The City of Oxnard understands that if an applicant requires oversized-transport vehicles on State highways, an applicant will require a Caltrans transportation permit.

CHAPTER 4

Errata

The following text changes are made to the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and incorporated as part of the Final Initial Study/Mitigated Negative Declaration (Final IS/MND). These changes are minor and do not alter the conclusions of the Public Review Draft IS/MND. Changes to the text are noted with underline (for added text) or ~~strikeout~~ (for deleted text).

Page 9, Section 1.8, second and fourth paragraphs

Location. Freeway Adjacent Display Billboards may only be erected on City of Oxnard owned property or Right-of-Way, in any non-residential zones within 400 feet of the freeway right-of-way for U.S. Highway 101. The total number of Freeway Adjacent Digital Display Billboards shall not exceed a total of five (5) within the City.

Height. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed eighty (80) feet as measured from the pavement level of U.S. Highway 101.

Page 24, fourth sentence of the first paragraph

~~VCAPCD and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

Page 24, second paragraph

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated

in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

Page 34, tenth and eleventh paragraphs

Mitigation Measure BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and ~~December~~ January 31, outside the ~~typical~~ nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the ~~typical~~ nesting season (~~January February 1 – September 15 August 31~~), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a ~~100 to 3~~ 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

CHAPTER 5

Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
AES-1: Each Applicant shall demonstrate that light trespass illuminance of 0.5 fc or greater for urban areas and 0.2 fc or greater for natural areas shall not be exceeded.:	Prior to issuance of a Special Use Permit	Applicant	Community Development Department	
AES-2: Each proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash..	Prior to construction completion	Project Construction Contractor	Community Development Department	
AES-3: Within 14 days of each electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), each Applicant shall submit to the satisfaction of the Community Development Director the following information: <ul style="list-style-type: none"> A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas. 	Ongoing	Applicant	Community Development Department	
AQ-1: Each Applicant shall demonstrate that construction and operational activities associated with each electronic billboard would not exceed the VCAPCD thresholds of significance that include a maximum daily ROG (VOC) or NOx emissions above 25 pounds per day (lbs/day).	Prior to issuance of a Special Use Permit	Applicant	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
<p>BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.</p> <p>If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.</p>	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	
<p>BIO-2: To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall</p>	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
<p>be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS.</p> <p>If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat.</p> <p>If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.</p>				
<p>CUL-1: Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of</p>	<p>Retain Archaeologist and Native American Monitor prior to ground disturbance and halt or divert activities if resources are found until they are evaluated</p>	<p>Applicant, Project Archaeologist, and Native American Monitor</p>	<p>Community Development Department</p>	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.				
CUL-2: Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.	Retain Paleontologist prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant and Project Paleontologist	Community Development Department	
CUL-3: A qualified archaeologist and Native American Monitor shall be present during construction-related ground disturbance activities in order to identify any unanticipated discovery of tribal cultural resources. The qualified archaeologist and Native American monitor may be different individuals or the same individual if the City determines that individual qualifies as both a qualified archaeologist and Native American monitor. All archaeological resources unearthed by construction activities shall be evaluated by the qualified archaeologist and Native American Monitor. If the resources are determined to be human remains, the coroner shall be notified, and if the human remains are Native American in origin, the coroner shall notify the NAHC as mandated by state law, who will then appoint a most likely descendent, who shall then coordinate with the landowner regarding treatment and curation of these resources. Typically, the most likely descendent will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to PRC Section 21083.2(g), the qualified archaeologist shall coordinate with the applicant	During ground disturbance	Project Archaeologist and Native American Monitor	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
<p>and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.</p>				

Appendix A
**Freeway Adjacent Digital
Display Billboards Revised
Draft Ordinance**

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DRAFT dated 10-7-2020

City of Oxnard

Freeway Adjacent Digital Display Billboards DRAFT Ordinance

Section I. The following definitions in Section 16-596(A) of Division 1 of Article IX of the Oxnard City Code are hereby added or amended to read as follows (new text underlined; deletions in red strikethrough):

~~FLASHING SIGN~~ ANIMATED SIGN – Any sign ~~containing or illuminated by lights which are intermittently on and off, change in intensity, or create the illusion of flashing in any manner.~~ designed to attract attention through movement or the semblance of movement of the whole or any part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or any other method or device which suggests movement, but not including flags, banner signs, or Freeway Adjacent Digital Display Billboards.

DIGITAL DISPLAY - A sign face that displays images through the use of grid lights, cathode-ray projections, light-emitting diodes (LEDs), plasma screens, liquid-crystal displays (LCDs), fiber optics, or other electronic media or functionally equivalent technology.

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARD - A pole sign or changeable message sign, which features a Digital Display, erected and/or maintained for advertising, in whole or in part, a business, activity, service or product not sold or produced on the premises upon which the sign is placed, which is located in any parcel in a commercial, industrial, or public facilities zone within four hundred (400) feet of the freeway right-of-way for US Highway 101. This definition does not include an Outdoor Advertising Sign.

OUTDOOR ADVERTISING SIGN - Any sign painted on or affixed to any structure, or erected as a free-standing sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition includes such terms as “off-site sign” and “non-accessory sign.” This definition does not include subdivision tract directional signs. This definition does not include a Freeway Adjacent Digital Display Billboard.

Section II. Section 16-608, subsection (G) of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES.

Only the following signs are permitted in the C-2, C-P-D, CBD, C-M, M-L, M-1, M-2, BRP and M-P-D zones, with or without planned development additive zones:

[. . .]

(G) Off-site advertising signs with no Digital Displays, also known as Outdoor Advertising Signs ~~billboards and outdoor advertising~~, where conditionally permitted by this ~~chapter~~ Article IX, may be approved, subject to the ~~following provisions~~ requirements below. This subsection (G) does not apply to Freeway Adjacent Digital Display Billboards, which are governed by Section 16-609.

[. . .]

(K) Freeway Adjacent Digital Display Billboards shall be permitted as provided in Section 16-609.

Section III. Section 16-609 of Division 3, of Article IX of the Oxnard City Code is hereby added to read as follows (new text underlined):

SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS.

(A) Before a Freeway Adjacent Digital Display Billboard may be installed within the City, the applicant must first obtain a Special Use Permit (SUP) granted in accordance with Sections 16-530 to 16-553 and enter into a statutory Development Agreement with the City that addresses the terms and conditions of any approved Freeway Adjacent Digital Display Billboard, including but not limited to message cycling, light intensity, and any annual payments, if any, to be paid to the City. Both the SUP and the Development Agreement are subject to the approval of the City Council, following a recommendation by the Commission.

(B) In addition to the findings required by the Oxnard City Code for granting a SUP, Freeway Adjacent Digital Display Billboards approved pursuant to this Section 16-609 shall be subject to the following limitations:

1. **Location.** Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway right-of-way for US Highway 101. The total number of Freeway Adjacent Digital Display Billboard shall not exceed a total of five (5) within the City.
2. **Distance from residential uses.** No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.
3. **Height.** The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed eighty (80) feet as measured from the pavement level of US Highway 101.
4. **Size and Spacing.** The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width, with the area of each face not to exceed an overall maximum amount of eight hundred and fifty (850) square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.

5. **Design.** All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.
6. **Orientation.** Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.
7. **Brightness.** All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.
8. **Display cycle.** A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.
9. **Compliance with law.** The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 *et seq.*), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.
10. **Required Finding of Public benefit.** In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public. Such public benefits may include, without limitation, the removal of legal non-conforming billboards, advertising of City events and public service announcements, and/or annual financial contributions to the City.
11. **Required Findings.** In addition to the finding required for granting a SUP under section 16-531, in approving a Special Use Permit for a Freeway Adjacent Digital Display Billboard, the decision maker must also find that it:
 - a. Complies with the requirements of Section 16-609 and this Chapter;
 - b. Will not create a significant traffic or other public safety hazard;

- c. Will be of appropriate size, scale, and design for the area in which it will be located; and
- d. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

Section IV. Section 16-610 of Division 4, of Article IX of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-610. GENERAL RESTRICTIONS.

(A) General requirements and limitations for signs in all zones, except Freeway Adjacent Digital Display Billboards which are governed exclusively by Section 16-609, are as follows: [. . .]