

## FROM THE PLANNING COMMISSION MINUTES OF JULY 9, 2009

### **7. SPECIAL USE PERMIT**

**S09-0003** submitted by EL DORADO HILLS COMMUNITY SERVICES DISTRICT (CSD)/SANDI KUKKOLA to revise an approved Special Use Permit to allow an LED reader board sign for the El Dorado Hills CSD Community Park. The property, identified by Assessor's Parcel Number 125-110-09, consisting of 39.5 acres, is located at the intersection of El Dorado Hills Blvd and Harvard Way in the El Dorado Hills area, Supervisorial District I. (Statutory Exemption pursuant to Section 15270(a) of the CEQA Guidelines)\*\*

Jonathan Fong presented the item to the Commission with a recommendation for denial as the findings could not be made.

Wayne Lowery, General Manager of the El Dorado Hills Community Services District (CSD), distributed a document to the Commission that listed the advantages, design criteria, self imposed rules, design specs, examples of sign messages, and various photos for the project. He stated that there is a clear disconnect between the residents of El Dorado Hills and the rest of the County and this proposed sign is an example. Several years ago, a survey was conducted and residents complimented the CSD on the parks but were critical of communications (i.e., website and banners instead of readerboards). Mr. Lowery was interested in the readerboard for CSD purposes, but would consider noticing health and safety issues for the fire departments/ government agencies or for emergencies like Amber Alerts. A demo sign was set up in the room for the Commission's view. He stated that the board could be dimmed when dark; amber lights could be used; proposed intersection is already quite bright; and in regards to the Zoning Ordinance and General Plan policies: (a) readerboard would be turned off at 10:00 pm, but could condition it to be turned of at 9:00 pm; and (b) won't impact dark skies policies. Mr. Lowery said that the goal was to eventually eliminate the need for banners.

Commissioner Pratt inquired on the split vote (4-4) from the El Dorado Hills Area Planning Advisory Committee (as identified in Exhibit G of the Staff Report). Mr. Lowery responded that the issue was the concern of proliferation.

Chair Mathews inquired if there were any other options available as the main issues of readerboards are that they are bright, it catches public's attention and they could be everywhere.

County Counsel Paula Frantz responded to the proliferation issue. She stated that a distinction can be made between commercial and non-commercial, but not on content. The issue at hand was the 1<sup>st</sup> Amendment rights. County Counsel Frantz explained that they can't make a decision on who the applicant is or what the message states. They can regulate the time, place, and manner of speech but not the content as it must be uniformly applied. She further explained that possibly allowing government entities to notice only public safety messages could withstand scrutiny, but not if they were allowed to provide other types of messaging. In response to inquiries on why schools are allowed readerboards, County Counsel Frantz stated that the

County does not have land use authority over the schools, are autonomous from the County and they answer to the State.

Jim O'Camb/El Dorado Hills Fire Department stated that their current signs are mechanical but many are no longer working as they are unable to be repair due to being obsolete. They are interested in the readerboards for announcements on classes, events and fire dangers. Mr. O'Camb said that they are in support of participating in helping to resolve this issue of not being allowed readerboards in the County as it is long overdue.

Mark Strough, owner of an AM/PM mini market, stated that the LED lights do not put out a glare and questioned why the County is not allowing them when other counties and CalTrans are using this technology.

Jim Campo said that he resides 400 yards from the proposed location and is opposed to the sign as it would degrade the neighborhood. He also stated that the CSD currently uses mailings, website, and banners as methods for announcements. Mr. Campo stated that the traffic patterns in that area have decreased due to new routes available in the area and doesn't feel that the proposed location would be effective. He indicated that the CSD is under the local CC&Rs, which state that signs are prohibited, and he is also against self-imposed rules since personnel changes occur in every organization.

Scott Blaze, El Dorado Hills resident, said that the banners do not get cleaned up and that the readerboard signs would probably be used more for announcements than for public safety.

In response to the clean-up of banners, Mr. Lowery stated that the County does not have the resources to remove banners that are left in the County's right of way. He also stated that if CSD personnel removed the signs, according to the law, they are required to contact the sign's owner and return the signs back to them.

Commissioner Tolhurst indicated that he is on the Scenic Committee in Tahoe and he objects to these types of signs. He stated that there needs to be a 1:10 contrast ratio, which is similar to white on black paint. This is not offensive and does not give off a glare. Commissioner Tolhurst said that he likes the banners as they have character and that the demo sign actually distracted him when they put it up during the meeting.

Chair Mathews said that the demo sign bothered him as well, but did feel that the LED signs do have value when they are in the right spot. He again questioned that there had to be other types of technology available instead of what was being proposed. He agreed with Commissioner Tolhurst on the contrast ratio.

Commissioner Rain indicated that he would like to approve the readerboards for specific uses, but after County Counsel provided the explanation of the 1<sup>st</sup> Amendment in regards to this issue, he felt that his hands were tied.

Commissioner Tolhurst suggested that a workshop be conducted that could show alternative solutions and what other counties are allowing.

Commissioner Pratt agreed with the workshop suggestion and also the contrast ratio brought up earlier.

Chair Mathews indicated that he would like the workshop conducted in the very near future.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to take the following actions: 1. Certify the project is statutorily exempt from CEQA pursuant to Section 15270(a) of the CEQA Guidelines; 2. Deny S09-0003 since the required findings cannot be made; and 3. Direct staff to return with a workshop on signs and modern technology.**

**AYES: Rain, Heflin, Tolhurst, Pratt, Mathews**

**NOES: None**

This action can be appealed to the Board of Supervisors within ten (10) working days.