

KEVIN & PATRICIA A. BROWN
2716 Norma Street
Oceanside, CA 92056

July 1, 2013

Via Hand Delivery

Kevin Ham
Economic Development Director
City of Vista
200 Civic Center Drive
Vista, CA 92084

Re: City of Vista - Digital Message Boards
Draft Initial Study/Mitigated Negative Declaration

Dear Mr. Ham:

We hereby submit the following comments regarding the City of Vista's DIS/MND for the proposed digital message boards:

Section 4.1 Aesthetics

We believe the digital bills will substantially degrade the existing visual character or quality of the site and its surroundings and will create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The billboard's proposed by the City of Vista conflict with current County of San Diego rules regarding Light Pollution. Current County ordinances do not allow illumination to be visible beyond property lines and prohibits intermittent or variable intensity lighting. Additionally, current County code requires lighting on billboards to be turned off between midnight and sunrise. *See*, Title 5, Division 1, Chapter 2 - Light Pollution.

The City of Vista's proposed billboards will be clearly visible for many miles and hinder the countywide stance on light pollution. Although outside the areas currently designated as Dark Sky areas, the proposed billboards are so close that their light pollution impact should be addressed.

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The MND states that the nearby residential housing will not be adversely affected by the digital billboards, but, clearly this cannot be true. Considering the height and width of the signs, they will be clearly visible to all of the homes that have views of SR-78 in the vicinity of the signs. As the International Dark Sky Association, Palomar Observatory and Mount Laguna Observatory officials have noted nighttime use of electronic billboards makes them a tremendous source of light pollution. IDA has indicated the following:

“While the light of an LED electronic billboard does not shine directly upwards, it is instead projected sideways at angles that are above the horizontal. Research has shown that light emitted in this direction produces more light polluting sky glow than light emitted at higher angles, and that the effects of this low-angle light are visible over a much broader area.

We do not believe that the MND takes the effects of the type of artificial light that LED billboards emit into account and does not address the issue of its effect on nearby residences and the many views that the billboards will effect.

The MND does not account for the loss in property values that many of the surrounding residential areas will sustain. Specifically, for Site No. 1, no mention is made of the ambient light on the homes that back on to Site No. 1.

The specious comment that “the vast majority of sky glow is a product of urban development” does not address the issue that the light from LED billboards is not the same type of ambient lighting. LED billboards are not roadway and parking lot lighting. By their very nature, they are intended to be seen from a distance and not intended to illuminate. Therefore, comparing LED lighting to roadway and parking lot lighting is similar to saying apples and orange are both fruit and therefore, look and taste the same.

The MND does not correctly identify or address the issue of LED lighting, but simply compares it to non-LED lighting. The MND does not fully address any concerns with light pollution.

Section 4.4 Biological Resources

BBS surveyed the three proposed digital billboard sites on March 25, 2013. BBS notes that: “marginal habitat occurs within or adjacent to Site 1, marginal habitat for the coastal California gnatcatcher occurs in the eastern portion of the proposed project area.” BBS arrives at the conclusion that the probability for the gnatcatcher to occur within or adjacent to Site 1 is

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extremely low. However, in photographs of Site 1, BBS notes: "This photo also shows the coastal sage scrub across the freeway where coastal California gnatcatcher was detected during surveys for a different project." Thus, after ONE single visit to the site, BBS writes off the California gnatcatcher. It should be noted that another recently performed biological study along SR-78, (Rancho Del Oro) approximately 2.8 miles west of Site 1, notes that: "one pair of gnatcatchers was detected utilizing the project study area during the gnatcatcher protocol survey. The project site is therefore, considered to be "occupied" by gnatcatchers." Additionally, it was determined that loss of the local scrub and artificial night lighting has the potential to adversely affect the pair of gnatcatchers.

We believe that a single visit to the proposed sites makes the biological survey conducted inadequate and incomplete.

Other issues not addressed:

The MND does not address that any monetary benefits the City of Vista receive may not outweigh the impacts to the local community and to surrounding communities. The MND does not address energy consumption by the signs and the City of Vista's lack of stewardship in energy conservation for the community.

Content of advertisements and the negative economic impact on the community has not been addressed in the MND. With few exceptions, the City of Vista cannot regulate the content of speech and, thus, the content of the advertisements on the billboards. The billboard companies will enforce their 'constitutional first amendment free speech rights' and ads for casinos and alcohol and other "positive" community additions will appear.

Sincerely,

Kevin Brown

Patricia A. Brown