

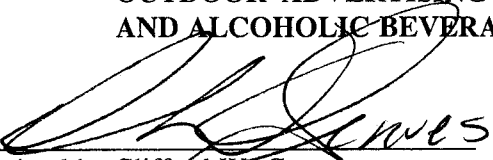


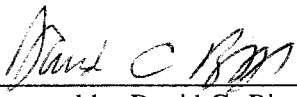
City of Carson

Report to Mayor and City Council

November 20, 2012
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER ORDINANCE NO. 12-1500 APPROVING ZONE TEXT AMENDMENT NO. 13-12 TO AMEND SECTION 9146.7.A. OUTDOOR ADVERTISING SIGNS TO ESTABLISHING AN I-110 FREEWAY CORRIDOR FOR OUTDOOR ADVERTISING SIGNS AND DELETING SECTION 9167.6 TOBACCO AND ALCOHOLIC BEVERAGE OUTDOOR BILLBOARD ADVERTISEMENTS


Submitted by Clifford W. Graves
Director of Community Development


Approved by David C. Biggs
City Manager

I. SUMMARY

On October 9, 2012, at a noticed public hearing, the Planning Commission voted to recommend approval of Zone Text Amendment (ZTA) No. 13-12 to amend Section 9146.7.A. Outdoor Advertising Signs to establish an I-110 Freeway Corridor for static outdoor advertising signs to allow digital outdoor advertising with a Development Agreement (DA) and delete Section 9167.6 Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements (Exhibit Nos. 1 and 2).

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 12-1500, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT NO. 13-12 TO AMEND SECTION 9146.7.A. OUTDOOR ADVERTISING SIGNS ESTABLISHING AN I-110 FREEWAY CORRIDOR FOR OUTDOOR ADVERTISING SIGNS AND DELETING SECTION 9167.6 TOBACCO AND ALCOHOLIC BEVERAGE OUTDOOR BILLBOARD ADVERTISEMENTS."

III. ALTERNATIVES

1. DENY the request.
2. REFER this matter back to the Planning Commission with revision instructions.
3. TAKE another action that the City Council deems appropriate.

IV. BACKGROUND*Establishing the I10 Corridor*

On September 22, 2009, the Planning Commission recommended approval to the City Council and on November 4, 2009, the City Council approved Resolution No. 09-1434 amending Section 9141.1 and Section 9146.7 of the Carson Municipal Code (CMC) establishing an I-405 Freeway Corridor for outdoor advertising signs (Exhibit No. 3). Digital displays are permitted within this corridor with approval of a Development Agreement.

Current provisions within the Carson Municipal Code allow development of outdoor advertising signs along limited segments of the I-405 Freeway Corridor. Staff has identified a small segment of the I-110 that may be appropriate for allowing digital outdoor advertising signs as well. This new I-110 Freeway Corridor for outdoor advertising signs includes the area directly abutting the eastside of I-110 Freeway, is zoned Manufacturing Light (ML), and is located on MTA-owned property between Sepulveda Boulevard and Lomita Boulevard, refer to Exhibit No. 5. All standards and requirements that apply to the I-405 Freeway Corridor would apply to the I-110 Freeway Corridor. Digital displays will be permitted in this corridor with approval of a Development Agreement.

Deleting Tobacco and Alcoholic Beverage

This section of the code was adopted in 1978 to prohibit advertising any tobacco product or alcoholic beverages on outdoor advertising signs in Carson (Exhibit No. 4). The City Attorney's office has recommended that Section 9167.6 of the CMC prohibiting tobacco and alcoholic beverage on outdoor advertising structures be deleted based on case law. The advertising of tobacco is no longer permitted on outdoor advertising signs in the United States. The City does not have the authority to regulate the content of advertising related to alcoholic beverages.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission staff report, October 9, 2012, without exhibits. (pgs. 4-6)
2. Planning Commission Resolution No. 12-2449. (pgs. 7-13)
3. City Council staff report, November 4, 2009. (pgs. 14-16)
4. Carson Municipal Code Section 9167.6, Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements. (pg. 17)
5. Site Map. (pg. 18)
6. Ordinance No. 12-1500. (pgs. 19-22)

Prepared by: Saied Naaseh, Associate Planner

TO: Rev09-04-2012

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date _____ Action _____



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING:

October 9, 2012

SUBJECT:

Zone Text Amendment No. 13-12 to modify regulations pertaining to outdoor advertising signs

APPLICANT:

City of Carson
701 E. Carson Street
Carson, CA 90745

REQUEST:

To consider a city initiated and citywide Zone Text Amendment amending Section 9146.7.A. Outdoor Advertising Signs to establishing an I-110 Freeway Corridor for outdoor advertising signs and deleting Section 9167.6 Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements

PROPERTY INVOLVED:

Citywide

Chairman Faletogo moved, seconded by Commissioner Gordon, to concur with staff recommendation, thus adopting Resolution No. 12-2449. Motion carried, 7-0 (absent Commissioners Diaz, Williams).

AYE	NO		AYE	NO	
X		Chairman Faletogo	X		Gordon
X		Vice-Chair Verrett	X		Saenz
X		Brimmer	X		Schaefer
	Absent	Diaz		Absent	Williams
X		Goolsby			

I. Introduction

This city initiated zone text amendment to Section 9146.7.A is to allow development of outdoor advertising signs along a selected segment of the I-110 Freeway Corridor with a Development Agreement (DA). In addition, this amendment deletes Section 9167.6, Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements.

II. Background

Amendment to Section 9146.7.A

On September 22, 2009, the Planning Commission recommended approval to the City Council and on November 4, 2009, the City Council approved Resolution No. 09-1434 amending Section 9141.1 and Section 9146.7 of the Carson Municipal Code (CMC) establishing an I-405 Freeway Corridor for outdoor advertising signs (Exhibits 2 and 3). The I-405 Freeway Corridor includes that portion of the I-405 Freeway that is on the north side of the I-405 Freeway between Main Street and Figueroa Street. Digital outdoor advertising signs are permitted in this corridor with approval of a Development Agreement.

Deletion of Section 9167.6

This section of the code was adopted in 1978 to prohibit advertising any tobacco product or alcoholic beverages on outdoor advertising signs in Carson (Exhibit 4).

III. Analysis

Establishing the 110 Corridor

Current provisions within the Carson Municipal Code allow development of outdoor advertising signs along limited segments of the I-405 Freeway Corridor. Staff has identified a small segment of the I-110 that may be appropriate for allowing outdoor advertising signs as well. This new I-110 Freeway Corridor for outdoor advertising signs includes the area directly abutting the eastside of I-110 Freeway, is zoned Manufacturing Light (ML), and is located on MTA owned property between Sepulveda Boulevard and Lomita Boulevard, refer to Exhibit No. 5. All standards and requirements that apply to the I-405 Freeway Corridor would apply to the I-110 Freeway Corridor. Digital outdoor advertising signs will be permitted in this corridor with approval of a Development Agreement.

Deleting Tobacco and Alcoholic Beverage

The City Attorney's office has recommended that Section 9167.6 of the CMC prohibiting tobacco and alcoholic beverage on outdoor advertising structures be deleted based on case law. The advertising of tobacco is no longer permitted on outdoor advertising signs in the United States. The City does not have the authority to regulate the content of advertising related to alcoholic beverages.

IV. Environmental Review

Also to be considered in conjunction with the subject matter pursuant to the California Environmental Quality Act Guidelines will be a Categorical Exemption

pursuant to Section 15322, In-fill Development Project, as well as a determination pursuant to Section 15061(b)(3) since the project has no potential to cause a significant effect on the environment.

IV. Recommendation

That the Planning Commission:

- **RECOMMEND APPROVAL** of Zone Text Amendment No. 13-12 to the City Council; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT TO THE CARSON MUNICIPAL CODE SECTION 9146.7.A, OUTDOOR ADVERTISING SIGNS, ESTABLISHING AN I-110 FREEWAY CORRIDOR FOR OUTDOOR ADVERTISING SIGNS AND DELETING SECTION 9167.6, TOBACCO AND ALCOHOLIC BEVERAGE OUTDOOR BILLBOARD ADVERTISEMENTS."

V. Exhibits

1. Resolution No. 12-_____
2. City Council staff report dated November 4, 2012
3. Carson Municipal Code Section 9146.7.A
4. Carson Municipal Code Section 9167.6
5. Site Plan

Prepared by: _____

Saied Naaseh, Associate Planner

Reviewed by: _____

Johri F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp-Loadsman, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-2449

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT TO THE CARSON MUNICIPAL CODE SECTION 9146.7.A, OUTDOOR ADVERTISING SIGNS, ESTABLISHING AN I-110 FREEWAY CORRIDOR FOR OUTDOOR ADVERTISING SIGNS AND DELETING SECTION 9167.6, TOBACCO AND ALCOHOLIC BEVERAGE OUTDOOR BILLBOARD ADVERTISEMENTS

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Planning Commission is recommending approval of an ordinance as described in Exhibit "A" attached hereto to the Carson City Council. The proposed ordinance modifies existing regulations pertaining to outdoor advertising signs and permitted locations within the city. A public hearing was duly held on September 11, 2012, at 6:30 P.M. at City Hall, Council Chambers, and 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. The hearing was subsequently continued to October 9, 2012.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The establishment of an I-110 Freeway Corridor would create the potential for a limited increase in new billboard opportunities.
- b) The proposed ordinance modifying regulations pertaining to outdoor advertising signs and their permitted locations within the city supports and is consistent with the City of Carson General Plan.
- c) The implementation of the proposed ordinance facilitates the permitting of new outdoor advertising signs and is meant to afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial.
- d) The proposed ordinance seeks to encourage appropriate design standards for advertising signs within the city and implement measures to mitigate potentially significant impacts caused by the construction and use of new outdoor advertising signs.
- e) By deleting Section 9167.6, Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements, the ordinance becomes consistent with case law.
- f) A Development Agreement will be required for approval of digital outdoor advertising signs that would afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial.

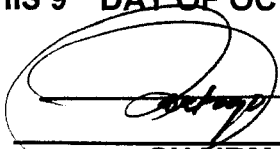
- g) An approved Development Agreement between the city and a new digital outdoor advertising sign operator will offer the city the ability to extract improvements or benefits for the city that are not possible by way of a conditional use permit.
- h) An approved Development Agreement between the city and a new digital outdoor advertising sign operator will provide the city the leverage to control the placement of additional billboards and the terms thereof.

Section 4. The Planning Commission finds that the proposed code amendment is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15322, In-fill Development Project, as well as a determination pursuant to Section 15061(b)(3) since the project has no potential to cause a significant effect on the environment.

Section 5 The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 6. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF OCTOBER, 2012



CHAIRMAN

ATTEST:


SECRETARY

EXHIBIT "A"

DRAFT ORDINANCE NO. 12-_____

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9146.7.A, OUTDOOR ADVERTISING SIGNS, ESTABLISHING AN I-110 FREEWAY CORRIDOR FOR OUTDOOR ADVERTISING SIGNS AND DELETING SECTION 9167.6, TOBACCO AND ALCOHOLIC BEVERAGE OUTDOOR BILLBOARD ADVERTISEMENTS

WHEREAS, this amendment to the Carson Municipal Code establishes the I-110 Freeway Corridor for development of new outdoor advertising signs within the corridor; and

WHEREAS, the establishment of the I-110 Freeway Corridor would create the potential for a limited increase in new billboard opportunities; and

WHEREAS, the proposed ordinance modifying regulations pertaining to outdoor advertising signs and their permitted locations within the city supports and is consistent with the City of Carson General Plan; and

WHEREAS, the implementation of the proposed ordinance facilitates the permitting of new outdoor advertising signs and is meant to provide the city an opportunity to partner with advertisers in a way that is mutually beneficial; and

WHEREAS, the proposed ordinance seeks to encourage appropriate design standards for advertising signs within the city and implement measures to mitigate potentially significant impacts caused by the construction and use of new outdoor advertising signs; and

WHEREAS, by deleting Section 9167.6, Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements, the ordinance becomes consistent with case law; and

WHEREAS, a Development Agreement will be required for approval of digital outdoor advertising signs that would afford the city an opportunity to partner with advertisers in a way that is mutually beneficial; and

WHEREAS, an approved Development Agreement between the city and a new digital outdoor advertising sign operator will offer the city the ability to extract improvements or benefits for the city that are not possible by way of a conditional use permit; and



WHEREAS, an approved Development Agreement between the city and a new digital outdoor advertising sign operator will provide the city the leverage to control the placement of additional billboards and the terms thereof.

NOW THEREFORE, the City Council of the City of Carson, California, does hereby ordain as follows:

Section 1. That the City Council, exercising their independent judgment, finds that the proposed code amendment is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332, In-fill Development Project, as well as a determination pursuant to Section 15061(b)(3) since the project has no potential to cause a significant effect on the environment.

Section 2. Section 9146.7 entitled "Signs" of the Carson Municipal Code is hereby amended as to Subsection "A" thereunder to read as follows, with all other subsections of Section 9146.7 remaining unmodified and in full force and effect:

"9146.7 Signs.

A. Outdoor advertising signs are permitted, subject to the following:

1. The total sign face area on each I-405 or I-110 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall not exceed eight hundred (800) square feet and digital displays can be installed on said sign face areas if approved within a development agreement, with appropriate conditions and public benefits to be negotiated with the City and complying with all other conditions imposed by this chapter. The interval between the change of digital display shall be a minimum of eight (8) seconds. The total sign face area on any other new sign structure shall not exceed one hundred fifty (150) square feet and digital displays are not allowed on these other new sign structures.

2. The height of an I-405 or I-110 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall either be the height of the current off-premises sign if said sign is being rebuilt or maintained on the same parcel of land or if the proposed off-premises sign is not replacing an existing off-premises sign on the same parcel of land, then said sign shall not exceed forty-two (42) feet measured from the higher of either the ground level at the base of the sign structure or the finished grade of the road which the sign is advertising thereto. The height of any other new sign structure shall not exceed twenty (20) feet measured from the ground level at the base of the sign structure.

3. A new sign structure shall be erected only on a property that abuts the Alameda corridor or abuts either the I-405 or I-110 Freeway Corridor. For purposes of this provision, the term "Alameda Corridor" means that portion of



Alameda Street between Del Amo Boulevard and Lomita Boulevard. For purposes of this Section, the term "I-405 Freeway Corridor" means that portion of the I-405 Freeway that is on the north side of the I-405 Freeway and that is also between Main Street and Figueroa Street ("Main Street Portion") and that portion of the I-405 Freeway that is between the west line of Alameda Street and a point that is two thousand one hundred (2,100) feet west of the west line of Alameda Street ("Alameda Street Portion"). The term "I-110 Freeway Corridor" means that portion of the I-110 Freeway that directly abuts the eastside of the I-110 Freeway, is zoned Manufacturing Light (ML), and is located on MTA owned property between Sepulveda Boulevard and Lomita Boulevard.

4. The I-405 and I-110 Freeway Corridor static outdoor advertising signs shall not be erected within five hundred (500) feet of any other outdoor advertising sign on the same side of the freeway and a digital display shall not be erected within one thousand (1,000) feet of any other digital display on the same side of either freeway, but in no case shall there be more than two (2) digital display faces allowed on the north side of the I-405 Freeway Corridor within the entire Alameda Street Portion, no more than two (2) digital display faces allowed on the south side of the I-405 Freeway Corridor within the entire Alameda Street Portion, and no more than two (2) digital display faces allowed on the I-110 Freeway Corridor. Other than an I-405 or I-110 Freeway Corridor sign structure which shall not have a sign face area of more than six hundred seventy-two (672) square feet with the exception of no more than one hundred twenty-eight (128) square feet in extensions, no new sign structure having a total sign face area of more than eighty (80) square feet but not exceeding one hundred fifty (150) square feet shall be erected within:

a. Two hundred (200) feet of an outdoor advertising sign structure having a total sign face area greater than eighty (80) square feet; or

b. One hundred (100) feet of any other outdoor advertising sign structure located on the same side of the public street or other right-of-way.

5. No new sign structures having a total sign face area of eighty (80) square feet or less shall be erected within one hundred (100) feet of any outdoor advertising sign structure located on the same side of the public street or other right-of-way.

6. Other than an I-405 or I-110 Freeway Corridor sign structure, any such sign, having a sign face visible from and within a distance of six hundred (600) feet of



the edge of the right-of-way of a freeway or scenic highway measured horizontally along a line perpendicular to the centerline of such freeway or scenic highway shall not be permitted if placed or directed so as to be viewed primarily by persons traveling thereon.

7. Such sign shall not be permitted on the roof of a building, and a freestanding sign shall not be permitted to project over the roof of a building.

8. Such signs shall not encroach over public rights-of-way.

9. Any such sign structure shall not be permitted within two hundred (200) feet of a residential zone located on the same side of a public street or right-of-way.

10. Other than an I-405 or I-110 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure, any such sign structure shall be designed in the simplest form and shall be free of any bracing, angle iron, guy wires, cables, etc.

11. All exposed backs of such signs, which are visible to the public, shall be suitably covered in order to conceal the structure and shall be properly maintained.

12. An approved development agreement shall be required for each new sign structure. The provisions of this subsection shall govern the processing of applications for a development agreement for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the City Council shall render its decision on an application for a development agreement for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a development agreement for an outdoor advertising sign shall be approved by the City Council if the proposed sign structure conforms to the requirements of this code and applicable laws."

Section 3. Carson Zoning Code, Section 9167.6 Entitled "Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements" shall be repealed in its entirety.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or



portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The City Clerk shall certify to the passage of this ordinance and cause it to be posted in three conspicuous places in the city of Carson, and it shall take effect on the thirty-first (31) day after it is approved by the Mayor.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2012.

Mayor, Jim Dear

ATTEST:

Donesia Gause, City Clerk
City of Carson, California

APPROVED AS TO FORM:


William W. Wynder, City Attorney

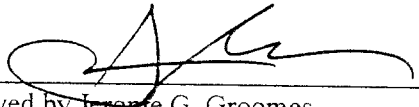


City of Carson Report to Mayor and City Council

November 4, 2009
Special Orders of the Day

SUBJECT: PUBLIC HEARING TO CONSIDER ORDINANCE NO. 09-1434 AMENDING SECTION 9141.1 AND SECTION 9146.7 OF THE CARSON MUNICIPAL CODE ESTABLISHING A 405 FREEWAY CORRIDOR DISTRICT AND DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW OUTDOOR ADVERTISING SIGNS

Submitted by 
Clifford W. Graves
Economic Development General Manager

Approved by 
Jerome G. Groomes
City Manager

I. SUMMARY

This item was referred to the Planning Commission on October 7, 2008 (Exhibit No. 5).

On September 22, 2009, the Planning Commission unanimously voted to recommend approval of an ordinance amendment to allow for the establishment of a 405 Freeway corridor district and a development agreement requirement for new outdoor advertising signs (Exhibit Nos. 1 and 2).

The applicant, Bulletin Displays, LLC has identified a proposed location for a new outdoor advertising structure (billboard) at 19401 Main Street, and is currently negotiating a development agreement. If this ordinance amendment is approved, a development agreement will be submitted and brought before the Planning Commission and City Council.

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 09-1434, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 AND SECTION 9146.7 OF THE CARSON MUNICIPAL CODE ESTABLISHING A 405 FREEWAY CORRIDOR DISTRICT AND DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW OUTDOOR ADVERTISING SIGNS."

III. ALTERNATIVES

1. DECLINE to adopt Ordinance No. 09-1434.
2. TAKE another action that the City Council deems appropriate.

IV. BACKGROUND

On October 7, 2008, at the request of Mayor Pro Tem Gipson, planning staff presented a report to the City Council concerning the consideration of possible amendments to zoning regulations for existing outdoor advertising signs (i.e. billboards). The City Council referred the item to the Planning Commission to study current regulations for billboards and replacement with more contemporary structures. On February 24, 2009 staff presented a workshop to the Planning Commission and a report containing information pertaining to existing zoning regulations and an analysis of issues related to billboards. The Planning Commission staff report dated September 22, 2009 includes the prior Planning Commission and City Council staff reports as exhibits (Exhibit No. 3).

The applicant has been diligently negotiating with the city on the preparation of a development agreement for a new sign proposed to be located at ~~for~~ 19401 Main Street adjacent to the north side of the 405 Freeway. In order to accommodate this proposed location, the applicant has requested this ordinance amendment in order to create a "405 Corridor" and remove the conditional use permit (CUP) requirement for new billboards by replacing it with a development agreement requirement.

A development agreement will offer the city the ability to extract improvements or benefits that are not possible by way of a CUP, such as a development fee, free civic and/or charitable advertising, or the removal of existing street-oriented billboards in exchange for a new billboard. An additional benefit derived from a development agreement is that it provides the city the leverage to control the placement of additional billboards and the terms thereof. Pursuant to Government Code Sections 65864-65869.5, a city or county may enter into a development agreement with any person having a legal or equitable interest in real property for the development.

V. FISCAL IMPACT


A development agreement could contain monetary, community or civic advertising and other considerations directly benefiting the city.

VI. EXHIBITS

1. Planning Commission Resolution No. 09-2271. (pgs. 4-9)
2. Excerpt of Planning Commission Minutes dated September 22, 2009. (pgs. 10-11)
3. Planning Commission Staff Report (with exhibits) dated September 22, 2009. (pgs. 12-64)
4. Draft Ordinance No. 09-1434. (pgs. 65-68)
5. Minutes, October 7, 2008, Item No. 22. (pg. 69)

November 4, 2009

Prepared by:


Sheri Repp Loadman, Planning Officer

sf:Rev061902

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____

9167.6 Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements.

A. Definitions. For the purpose of this Section only, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

1. Alcoholic Beverage. "Alcoholic beverage" shall have the meaning set forth in Section 23004 of the California Business and Professions Code as it exists now or may be amended hereafter.
2. School. "School" shall mean any public or private elementary school, junior high school or high school.
3. Tobacco Product. "Tobacco product" shall mean any tobacco, cigarette, cigarette papers, other preparation of tobacco or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco or products prepared from tobacco.

B. Prohibition. No person shall advertise or cause to be advertised any tobacco product or alcoholic beverage on any outdoor advertising sign located within the City of Carson.

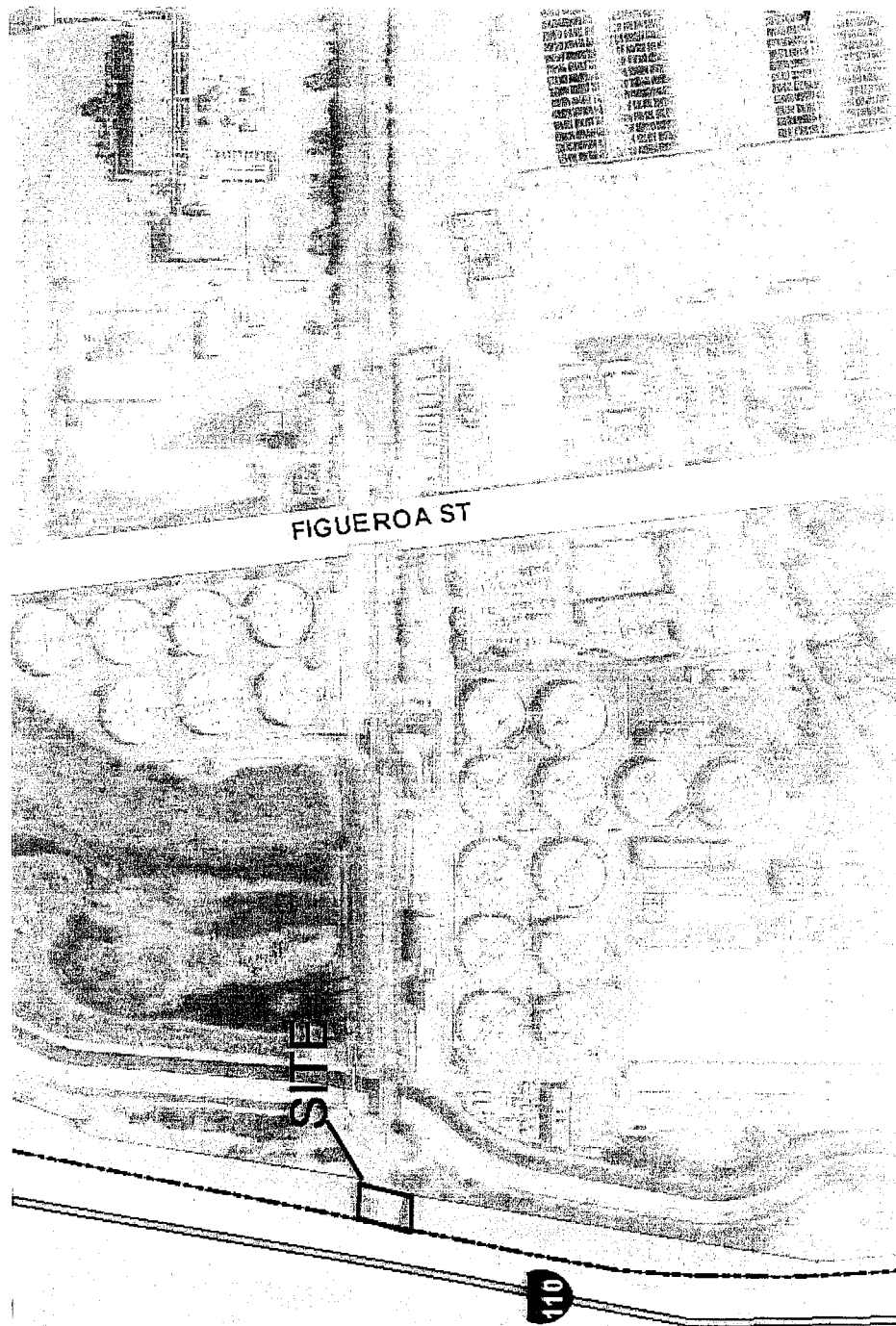
C. Exemptions. The provisions of this Section shall not apply to advertising opposing the use of tobacco products or alcoholic beverages; provided, however, that this paragraph shall not be construed to permit an advertisement promoting the use of any tobacco product or alcoholic beverage by including a message opposing the use of such tobacco product or alcoholic beverage within that advertisement.

D. Existing Outdoor Billboard Advertisements.

1. Except as provided in subsection (D)(2), this Section shall apply to existing outdoor sign advertisements.
2. Existing outdoor sign advertisements that were placed pursuant to a valid, terminable contract may remain in place for ninety (90) days following the effective date of this Section. Existing outdoor sign advertisements that were placed pursuant to a valid, nonterminable contract may remain in place until the expiration of such contract or for one (1) year following the effective date of this Section, whichever is earlier. No person may maintain an existing outdoor sign advertisement in accordance with this paragraph without first providing the City with a copy of the contract pursuant to which such outdoor sign advertisement was placed. (Ord. 98-1140, § 2)

EXHIBIT NO 04





200 m
500 ft

EXHIBIT NO 05

ORDINANCE NO. 12-1500

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING
ZONE TEXT AMENDMENT NO. 13-12 TO AMEND SECTION 9146.7.A.
OUTDOOR ADVERTISING SIGNS ESTABLISHING AN I-110
FREEWAY CORRIDOR FOR OUTDOOR ADVERTISING SIGNS AND
DELETING SECTION 9167.6 TOBACCO AND ALCOHOLIC BEVERAGE
OUTDOOR BILLBOARD ADVERTISEMENTS

WHEREAS, this amendment to the Carson Municipal Code establishes the I-110 Freeway Corridor for development of new outdoor advertising signs within the corridor; and

WHEREAS, the establishment of the I-110 Freeway Corridor would create the potential for a limited increase in new outdoor advertising sign opportunities; and

WHEREAS, the proposed ordinance modifying regulations pertaining to outdoor advertising signs and their permitted locations within the city supports and is consistent with the City of Carson General Plan; and

WHEREAS, the implementation of the proposed ordinance facilitates the permitting of new outdoor advertising signs and is meant to provide the city an opportunity to partner with advertisers in a way that is mutually beneficial; and

WHEREAS, the proposed ordinance seeks to encourage appropriate design standards for advertising signs within the city and implement measures to mitigate potentially significant impacts caused by the construction and use of new outdoor advertising signs; and

WHEREAS, by deleting Section 9167.6, Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements, the ordinance becomes consistent with case law; and

WHEREAS, a Development Agreement will be required for approval of digital outdoor advertising signs that would afford the city an opportunity to partner with advertisers in a way that is mutually beneficial; and

WHEREAS, an approved Development Agreement between the city and a new digital outdoor advertising sign operator will offer the city the ability to extract improvements or benefits for the city that are not possible by way of a conditional use permit; and

WHEREAS, an approved Development Agreement between the city and a new digital outdoor advertising sign operator will provide the city the leverage to control the placement of additional billboards and the terms thereof.

NOW THEREFORE, the City Council of the City of Carson, California, does hereby ordain as follows:

Section 1. That the City Council, exercising their independent judgment, finds that the proposed code amendment is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332, In-fill Development Project, as well as a determination pursuant to Section 15061(b)(3) since the project has no potential to cause a significant effect on the environment.

Section 2. Section 9146.7 entitled "Signs" of the Carson Municipal Code is hereby amended as to Subsection "A" thereunder to read as follows, with all other subsections of Section 9146.7 remaining unmodified and in full force and effect:

"9146.7 Signs.

A. Outdoor advertising signs are permitted, subject to the following:

1. The total sign face area on each I-405 or I-110 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall not exceed eight hundred (800) square feet and digital displays can be installed on said sign face areas if approved within a development agreement, with appropriate conditions and public benefits to be negotiated with the City and complying with all other conditions imposed by this chapter. The interval between the change of digital display shall be a minimum of eight (8) seconds. The total sign face area on any other new sign structure shall not exceed one hundred fifty (150) square feet and digital displays are not allowed on these other new sign structures.

2. The height of an I-405 or I-110 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall either be the height of the current off-premises sign if said sign is being rebuilt or maintained on the same parcel of land or if the proposed off-premises sign is not replacing an existing off-premises sign on the same parcel of land, then said sign shall not exceed forty-two (42) feet measured from the higher of either the ground level at the base of the sign structure or the finished grade of the road which the sign is advertising thereto. The height of any other new sign structure shall not exceed twenty (20) feet measured from the ground level at the base of the sign structure.

3. A new sign structure shall be erected only on a property that abuts the Alameda corridor or abuts either the I-405 or I-110 Freeway Corridor. For purposes of this provision, the term "Alameda Corridor" means that portion of Alameda Street between Del Amo Boulevard and Lomita Boulevard. For purposes of this Section, the term "I-405 Freeway Corridor" means that portion of the I-405 Freeway that is on the north side of the I-405 Freeway and that is also between Main Street and Figueroa Street ("Main Street Portion") and that portion of the I-405 Freeway that is between the west line of Alameda Street and a point that is two thousand one hundred (2,100) feet west of the west line of Alameda Street ("Alameda Street Portion"). The term "I-110 Freeway Corridor" means that portion of the I-110 Freeway that directly abuts the eastside of the I-110 Freeway, is zoned Manufacturing Light (ML), and is located on MTA owned property between Sepulveda Boulevard and Lomita Boulevard.

4. The I-405 and I-110 Freeway Corridor static outdoor advertising signs shall not be erected within five hundred (500) feet of any other outdoor advertising sign on the same side of the freeway and a digital display shall not be erected within one thousand (1,000) feet of any other digital display on the same side of either freeway, but in no case shall there be more than two (2) digital display faces allowed on the north side of the I-405 Freeway Corridor within the entire Alameda Street Portion, no more than two (2) digital display faces allowed on the south side of the I-405 Freeway Corridor within the entire Alameda Street Portion, and no more than two (2) digital display faces allowed on the I-110 Freeway Corridor. Other than an I-405 or I-110 Freeway Corridor sign structure which shall not have a sign face area of more than six hundred seventy-two (672) square feet with the exception of no more than one hundred twenty-eight (128) square feet in extensions, no new sign structure having a total sign face area of more than eighty (80) square feet but not exceeding one hundred fifty (150) square feet shall be erected within:

a. Two hundred (200) feet of an outdoor advertising sign structure having a total sign face area greater than eighty (80) square feet; or

b. One hundred (100) feet of any other outdoor advertising sign structure located on the same side of the public street or other right-of-way.

5. No new sign structures having a total sign face area of eighty (80) square feet or less shall be erected within one hundred (100) feet of any outdoor advertising sign structure located on the same side of the public street or other right-of-way.

6. Other than an I-405 or I-110 Freeway Corridor sign structure, any such sign, having a sign face visible from and within a distance of six hundred (600) feet of the edge of the right-of-way of a freeway or scenic highway measured horizontally along a line perpendicular to the centerline of such freeway or scenic highway shall not be permitted if placed or directed so as to be viewed primarily by persons traveling thereon.

7. Such sign shall not be permitted on the roof of a building, and a freestanding sign shall not be permitted to project over the roof of a building.

8. Such signs shall not encroach over public rights-of-way.

9. Any such sign structure shall not be permitted within two hundred (200) feet of a residential zone located on the same side of a public street or right-of-way.

10. Other than an I-405 or I-110 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure, any such sign structure shall be designed in the simplest form and shall be free of any bracing, angle iron, guy wires, cables, etc.

11. All exposed backs of such signs, which are visible to the public, shall be suitably covered in order to conceal the structure and shall be properly maintained.

12. An approved development agreement shall be required for each new sign structure. The provisions of this subsection shall govern the processing of applications for a

development agreement for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the City Council shall render its decision on an application for a development agreement for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a development agreement for an outdoor advertising sign shall be approved by the City Council if the proposed sign structure conforms to the requirements of this code and applicable laws."

Section 3. Carson Zoning Code, Section 9167.6 Entitled "Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements" shall be repealed in its entirety.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The City Clerk shall certify to the passage of this ordinance and cause it to be posted in three conspicuous places in the city of Carson, and it shall take effect on the thirty-first (31) day after it is approved by the Mayor.

PASSED, APPROVED, and ADOPTED this _____ day of November, 2012.

Mayor, Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney

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