



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 10, 2010

SUBJECT: Ordinance Amendment to modify existing Alameda Corridor and 405 Freeway outdoor advertising sign overlay districts.

APPLICANT: City Of Carson – Office of Economic Development
701 E. Carson Street
Carson, CA 90745

REQUEST: To consider an Ordinance Amendment to allow new, or converted from static displays, electronic (digital) outdoor advertising signs with an approved Development Agreement by modifying certain Sections of the existing Carson Municipal Code (CMC) as they pertain to such signs.

PROPERTY INVOLVED: The portion of Alameda Street between Del Amo Boulevard and Lomita Boulevard and adjacent 405 Freeway areas north of Alameda Street, as well as the north side of the 405 Freeway between Main Street and Figueroa Street.

COMMISSION ACTION

_____ Concurred with staff

_____ Did not concur with staff

_____ Other

COMMISSIONERS' VOTE

		Chairman Faletogo			Graber
		Vice-Chair Park			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

Item No. 11K

I. Introduction

The city of Carson is proposing amendments to the Carson Municipal Code (CMC) to include the portion of Alameda Street between Del Amo Boulevard and Lomita Boulevard and adjacent 405 Freeway areas north of Alameda Street ("Alameda Street Area"), as well as the north side of the 405 Freeway between Main Street and Figueroa Street ("Main Street Area") to allow for a new electronic messaging ("digital") display outdoor advertising sign ("billboards") with an approved development agreement.

II. Background

On November 4, 2009, the City Council adopted Ordinance No. 09-1434 (Exhibit No. 1), amending Section 9141.1 and Section 9146.7 of the CMC establishing a 405 Freeway Corridor district and development agreement requirement for new outdoor advertising signs

The City Council approved Ordinance No. 09-1440 on March 2, 2010, approving Development Agreement No. 03-10 between Bulletin Displays, LLC and the city of Carson (Exhibit No. 2) which authorized a new static display outdoor advertising structure at the southeast corner of Main Street and Knox Street, adjacent to the north side of the 405 Freeway. Sub-section B of the development agreement states that: "...Developer shall be allowed to install digital displays on the two (2) freeway faces if the City amends the Carson Municipal Ordinance to allow digital displays on the Billboard at the Billboard Site..." The proposed amendment will facilitate the ability for Bulletin Displays, LLC to install a digital display on the new billboard and allow potential new digital display opportunities along the Alameda Corridor.

Currently, the 405 Freeway Corridor and Alameda Corridor are the only two overlay districts that allow new outdoor advertising displays with an approved development agreement, pursuant to Ordinance No. 09-1434. The Bulletin Displays, LLC development agreement, which includes the provision for potential digital displays, was the first approved under that recent ordinance. Since the adoption of Ordinance No. 09-1434, the city has had meetings with other major outdoor advertising companies who wish to develop either new digital billboards, or upgrade existing static displays to digital. It is anticipated that these companies will pursue development agreements with the city in the event that the text amendment contained in this proposal is ultimately approved and adopted. If so, a development agreement will be prepared for each digital billboard proposal and brought to the Planning Commission for consideration and recommendation to the City Council.

III. Analysis

Current provisions within the Carson Municipal Code require a development agreement to be adopted by City Council for a new billboard with new locations limited only to property abutting the Alameda Corridor, meaning that portion of Alameda Street between Del Amo Boulevard and Lomita Boulevard, and the 405 Freeway Corridor, which is the portion of land adjacent to the north side of the 405 Freeway between Main Street and Figueroa Street. In order to facilitate the development of a digital outdoor advertising display at the 405 Corridor location,



pursuant to terms contained in the approved development agreement with Bulletin Displays, LLC, and to accommodate potential new or upgraded digital billboards along the Alameda Corridor, the city is proposing changes to applicable CMC Sections.

Issue of Concern: Time interval between Digital Message Displays

An ongoing discussion related to outdoor advertising has been the timing interval between digital message displays. The Outdoor Advertising Association of America (OAAA) industry recommends a standard minimum time of four seconds between digital message displays. This is consistent with California's minimum interval requirements. In comparison, the Federal Highway Administration (FHA) recommends a minimum of eight seconds as an interval between digital messages. Staff has met with CBS Outdoor, Clear Channel Communications, and Bulletin Displays, LLC, to discuss their interests in digital outdoor displays. CBS Outdoor and Clear Channel concur with the eight second interval between digital displays.

A final report for a recent study, titled "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs", was published in April, 2009. This study was conducted on behalf of the Association of State Highway and Transportation Officials (AASHTO). An Executive Summary of the 194-page report has been included as Exhibit No. 5. The full final report document is available online at: <http://www.scenic.org/pdfs/NCHRP%20Digital%20Billboard%20Report.pdf>. The report recommends that the following formula be used for calculating a minimum acceptable digital display interval:

$\text{Sight distance to the digital display (ft)} / \text{Speed limit (ft/sec)} = \text{Minimum interval (sec)}.$

As an example, if a digital display billboard could be seen from one-fourth of a mile (1,320 feet) on the 405 Freeway with a 65 mile-per-hour speed limit (95.3 ft/sec), then the minimum interval would be 1,320/95.3, or 13.8 seconds.

Staff Recommendation:

Due to the complexities involved with implementing a standard interval rate that would be consistent and fair using such an interval formula, staff recommends that a minimum eight-second interval rate be applied to all new or converted digital outdoor displays. This recommendation is consistent with existing FHA recommendations and newly developed digital outdoor displays within surrounding cities.

Ordinance Amendment and Related Text Changes

In order to obtain the right to submit a development agreement for consideration of a new digital billboard on a property within the Alameda and 405 Freeway Corridors as described above, the city is proposing the following changes to Section 9146.7 and Section 9141.1 of the Carson Municipal Code (deleted text stricken; added text underlined):

§ 9146.7 Signs*

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

1. The total sign face area on each (405) 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. The interval between the change of digital display shall be a minimum of eight 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 a (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall either be the height of the current off-premise sign if said sign is being rebuilt or maintained on the same parcel of land or if the proposed off-premise sign is not replacing an existing off-premise 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 the (405) 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 provision, the term "(405) Freeway Corridor" means that portion of the (405) Freeway that is on the north side of the (405) Freeway and that is also between Main Street and Figueroa Street ("Main Street Portion") and that portion of the (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").

4. The (405) 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 (1000') feet of any other digital display on the same side of the freeway, but in no case shall there be more than one digital display face allowed on the north side of the (405) Freeway Corridor within the entire Alameda Street Portion and no more than two digital display faces allowed on the south side of the (405) Freeway Corridor within the entire Alameda Street Portion. Other than a (405) 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 and twenty-eight feet (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 a (405) Freeway Corridor sign structure, any such sign, having a sign face visible from and within a distance of six hundred sixty (660) 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 free-standing 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 a (405) 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 back 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 subparagraph shall govern the processing of applications for 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.

§ 9141.1 Permitted Uses

To maintain consistency with the proposed changes, Section 9141.1, Uses Permitted, must also be amended to read as follows (deleted text stricken; added text underlined):

ML MH

Outdoor Advertising:

Outdoor advertising sign, including ~~GCC~~ GCC
electronic digital displays, subject to the
requirements of CMC 9146.7.

IV. Environmental Review

The proposed code amendment is exempt from the provisions of the California Environmental Quality Act (CEQA), per section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the proposed amendment, in and of itself, would have a significant effect on the environment. The application of the amended regulations and development for any new digital outdoor advertising sign will be subject to CEQA on a case and site specific basis.

IV. Conclusion

It has been noted by staff in previous reports regarding billboards that various negative impacts have been associated with uncontrolled or excessive outdoor advertising signs, which was the impetus for Ordinance No. 01-1237. The recommendation to amend the code to allow for a limited increase in new digital billboard opportunities with an approved development agreement is meant to afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial. A development agreement will offer the city the ability to obtain improvements or benefits for the city, such as a development fee, free civic and/or charitable advertising, or the removal of existing street-oriented billboards in exchange for a new or upgraded digital 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.

V. Recommendation

That the Planning Commission:

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 AN ORDINANCE AMENDMENT TO SECTION 9141.1 AND SECTION 9146.7 OF THE CARSON MUNICIPAL CODE ESTABLISHING A DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW OR UPGRADED DIGITAL OUTDOOR ADVERTISING SIGNS"

VI. Exhibits

1. Ordinance No. 09-1434.
2. City Council staff report dated March 2, 2010.
3. City Council minutes for Agenda Item No. (21) dated March 2, 2010.
4. Planning Commission staff report dated February 24, 2010.
5. Executive Summary of Veridian Group Report dated April, 2009.
6. Draft Resolution for Text Amendment No. 08-10.

Prepared by: 

Steven C. Newberg, AICP, Associate Planner

Reviewed and Approved by: 

Sheri Repp-Loadsman, Planning Officer

SN/TA0810



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**

WHEREAS, on July 2, 2009, the city of Carson received an application from Bulletin Displays, LLC, to amend the Carson Municipal Code to allow for the establishment of a 405 Freeway Corridor District and a Development Agreement Requirement for new outdoor advertising signs; and

WHEREAS, the establishment of a 405 Freeway Corridor would create the potential for a limited increase in new billboard opportunities; and

WHEREAS, an approved Development Agreement between the city and a new outdoor advertising sign operator would afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial; and

WHEREAS, an approved Development Agreement between the city and a new 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 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 ordinance amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061 because it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The City Council further finds that the application of the amended regulations and development of any new outdoor advertising sign will be subject to CEQA on a site specific basis.

Section 2. Section 9141.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting the stricken text and adding the following underlined text as follows:

ML MH

EXHIBIT No. 1

7

Outdoor Advertising:

Outdoor advertising sign, subject to the requirements of CMC GCC GCC
9146.7.

Section 3. Section 9146.7 (Signs) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting the stricken text and adding the following underlined text as follows:

§ 9146.7 Signs*.

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

1. The total sign face area on each (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall not exceed eight hundred (800) square feet. The total sign face area on any other new sign structure shall not exceed one hundred fifty (150) square feet.

2. The height of a (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall not exceed forty-two (42) feet measure 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 the (405) 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 provision, the term "(405) Freeway Corridor" means that portion of the (405) Freeway that is on the north side of the (405) Freeway and that is also between Main Street and Figueroa Street.

4. The (405) Freeway Corridor signs shall not be erected within five-hundred (500) feet of any other outdoor advertising sign on the same side of the freeway. Other than a (405) 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 and 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

[MORE]



advertising sign structure located on the same side of the public street or other right-of-way.

6. Other than a (405) Freeway Corridor sign structure, any such sign, having a sign face visible from and within a distance of six hundred sixty (660) 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 free-standing 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 a (405) 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 back 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 subparagraph 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.

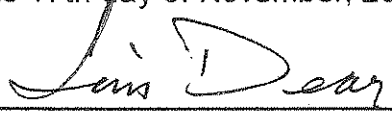
Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City 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.

[MORE]



PASSED, APPROVED, and ADOPTED this 17th day of November, 2009.



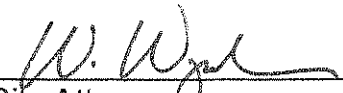
Mayor Jim Dear

ATTEST:



City Clerk Helen Kawagoe

APPROVED AS TO FORM:

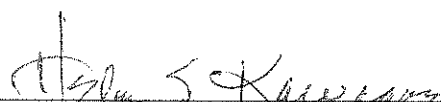


City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 09-1434 passed first reading on November 4, 2009, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, held on the 17th day of November, 2009, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Dear, Davis-Holmes, Santarina and Ruiz-Raber
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Gipson



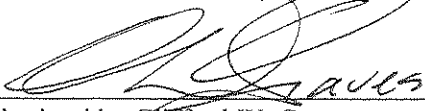
City Clerk, City of Carson, California




City of Carson Report to Mayor and City Council

March 2, 2010
Special Orders of the Day

**SUBJECT: CONTINUED PUBLIC HEARING TO CONSIDER ORDINANCE NO. 09-1440
APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CARSON
AND BULLETIN DISPLAYS, LLC FOR THE CONSTRUCTION OF A NEW
OUTDOOR ADVERTISING DISPLAY AT 19401 MAIN STREET**


Submitted by Clifford W. Graves
Economic Development General Manager


Approved by Jerome G. Groomes
City Manager

I. SUMMARY

On February 2, 2010, the City Council continued the public hearing until February 16, 2010, to allow time for the applicant to consider changes to the proposed development agreement related to the number of sign faces (Exhibit No. 1). On February 16, 2010, the City Council hearing was continued until March 2, 2010 (Exhibit No. 2). The development agreement has been modified to reflect those changes to the proposal offered by the applicant as a result of further evaluation. The applicant proposes a two-sided sign with the payment of \$500,000.00 over a two year period.

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the continued Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 09-1440, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN BULLETIN DISPLAYS, LLC AND THE CITY OF CARSON FOR THE CONSTRUCTION OF A NEW OUTDOOR ADVERTISING DISPLAY TO BE LOCATED AT 19401 MAIN STREET."

III. ALTERNATIVES

1. DECLINE to introduce Ordinance No. 09-1440, acting to DENY the development agreement.
2. MODIFY the terms of the development agreement and refer back to the Planning Commission with specific direction.
3. TAKE another action that the City Council deems appropriate.



EXHIBIT No. 2

21

IV. BACKGROUND

On January 12, 2010 the Planning Commission approved a draft development agreement which included plans for a three-sided sign, comprised of two freeway-oriented signs and a north-facing advertising sign toward Main Street. On February 2, 2010, the City Council considered the three-sided sign and discussed the appropriateness of a street-oriented sign face. Staff advised the Council that no other freeway-oriented outdoor advertising sign in the city has a third sign that displays advertising copy. The City Council recognized the need to allow for additional time to consider possible changes to the sign design and resultant modifications to the proposed development agreement, thus approving a motion to continue the public hearing.

In a February 3, 2010 letter to staff (Exhibit No. 4), the applicant offered modifications to the original proposal which included removing the north-facing Main Street oriented sign face and replacing it with light-weight, industry-standard screening on the back side. Also, the applicant proposed providing a one-time \$500,000.00 payment in lieu of the original proposal for a one-time payment of \$250,000.00 in addition to monthly payments amounting to a value in excess of \$1,000,000.00 over the 20-year term of the agreement.

On February 16, 2010, the City Council continued the item until March 2, 2010, to allow additional time to consider the applicant's proposal. Since that time, the applicant has met with staff and is proposing additional changes to the development agreement. Upon further evaluation, the applicant believes that constraints in obtaining financing may jeopardize the ability to provide a one-time payment as currently reflected in the proposed development agreement. As such, the applicant requests that the development agreement be modified. Instead of a one-time payment of \$500,000.00, the applicant is offering two payments of \$250,000.00 over a two-year period, with the first payment payable within one year of final building permit issuance for the billboard, or by June 30, 2011, whichever comes first. The second and last payment would come one year from the date of final building permit issuance, or by June 30, 2012, whichever comes first. The development agreement has been modified accordingly and is being presented as Exhibit "B" to the draft Ordinance (Exhibit No. 3).

The applicant has also expressed interest for the city to explore the opportunity for a digital or electronic display sign at this location. In the last few years, there has also been some interest by at least two other outdoor advertising companies to pursue potential conversions of a limited number of existing static display billboards to digital or electronic (LED) display billboards. The



applicant is not proposing any amendment to the current proposal and will seek a modification to the development agreement if appropriate to allow for a digital sign. Staff is not currently recommending an electronic component to this proposal or any existing static display billboard. Additional analysis will be conducted to investigate the possible fiscal, design and development alternatives. A report will be prepared to advise the City Council of potential options.

V. FISCAL IMPACT

The development agreement contains significant monetary contributions directly benefitting the city, additional benefit through free civic and charitable advertising for the city or Redevelopment Agency and discounted advertising for members of the Carson Chamber of Commerce.

VI. EXHIBITS

1. City Council disposition dated February 2, 2010. (pg.)
2. City Council minutes dated February 16, 2010 (pg.)
3. Ordinance No. 09-1440. (pgs.)

Prepared by: Steven Newberg, AICP, Associate Planner

sf:Rev061902

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

Action taken by City Council

Date _____ Action _____

SPECIAL ORDERS OF THE DAY (Item 21)

Any person wishing to testify is requested to complete a speaker card, available on the podium in the Council Chambers. **TESTIMONY WILL BE LIMITED TO THREE MINUTES PER PERSON.** Any subject of controversy will be limited to a total of fifteen minutes of testimony per side; those wishing to address the Agency/Council are requested to select three speakers to represent your opinion.

ITEM NO. (21) CONTINUED PUBLIC HEARING TO CONSIDER ORDINANCE NO. 09-1440 APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CARSON AND BULLETIN DISPLAYS, LLC FOR THE CONSTRUCTION OF A NEW OUTDOOR ADVERTISING DISPLAY AT 19401 MAIN STREET (ECONOMIC DEVELOPMENT)

This item was heard after Urgency Item No. 28.

Continued Public Hearing

Mayor Dear declared the Continued Public Hearing open **TO CONSIDER ORDINANCE NO. 09-1440 APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CARSON AND BULLETIN DISPLAYS, LLC FOR THE CONSTRUCTION OF A NEW OUTDOOR ADVERTISING DISPLAY AT 19401 MAIN STREET.**

City Clerk's Report

City Clerk Kawagoe reported that since this was a Continued Public Hearing, no additional notification was required.

Staff Report

City Manager Groomes summarized the staff report and recommendation.

Administration of Oath

Mayor Dear requested that all persons wishing to testify for the first time to stand and take the Oath.

Public Testimony

Mark Kudler, 3127 E. South Street, Ste. B, Long Beach, California 90805, representing Bulletin Displays LLC, previously sworn, thanked staff for working on this project for the past two years and stated that he was available to provide any additional information. Upon inquiry, he discussed the City of Compton and landscaping along the 91 Freeway.

EXHIBIT NO. 3

14

A discussion ensued, whereupon, City Attorney Wynder clarified that the proposed ordinance could not be amended this evening and may need to go back to the Planning Commission; however, the City Council could amend the contract this evening.

Further discussion ensued; whereupon, Mayor Dear stated that he would recess the meeting for the purpose of a negotiation meeting between Mr. Kudler, City Manager Groomes, and staff because he wanted this item to be approved this evening so that Mr. Kudler could proceed with his plan and the City could maximize benefits. He wanted to be able to make a motion to approve the following: 1) installation of a three-face sign with two digital fronts, both facing the freeway, not the Main Street face, with free use to the City; 2) that the City would be flexible with other locations; and 3) \$700,000 minimum revenue to the City.

Upon inquiry, Mr. Kudler requested the following issues to be discussed during negotiations: 1) that the contingency would be \$200,000, based upon the digital being amended and 2) although cocoa-brown was the color preference and the industry standard, he would be open to grey, as recommended by staff.

(Council Member Gipson exited and reentered the meeting at 11:45 P.M.)

RECESS: The City Council was Recessed at 11:47 P.M. by Mayor Dear to allow City Manager Groomes and staff to meet with Mr. Kudler for further negotiations.

RECONVENE: The City Council was Reconvened at 12:27 A.M., on March 3, 2010, by Mayor Dear with all members previously noted present.

City Attorney Wynder reported the results of the negotiation meeting between staff and Mr. Kudler and clarified that there was no opportunity to verify and vet the financial reasonableness of the proposal. He presented the concept that the City Council would approve the Development Agreement this evening with the following amendments:

- "Triangle 15, Prohibited Uses, would be expanded to include tobacco, alcohol, and other illegal drugs to the extent that it would be legally permissible to do, subject to review by the City Attorney;
- Financial terms would be \$500,000 with that sum to increase to 25% of the net of the advertising revenues on the advertising sign in years one through five (1-5) provided, however, that an appropriate code amendment is processed and approved and becomes law that permits digital electronic signs. Following year five (5), revenue to the City would be 25% of the net revenues on the sign with an understanding that in ten (10) years, the minimum revenues to the City would equal \$700,000, so that if the percentage of revenues over the first ten years does not equal \$700,000, then Bulletin Displays LLC would guarantee \$700,000 in revenue in ten (10) years;

15

- It would be a three-sided sign with the two freeway portions of the sign being digital signage.”

City Attorney Wynder added that the final details of the Development Agreement would be reviewed and approved by the Developer and the City so long as they were consistent with the terms of the agreement as it now existed and as amended through discussions this evening.

Mr. Kudler concurred with City Attorney Wynder with the following two caveats:

1. Section 2.7.1, City's Use of the Billboard, Bulletin Display LLC would do three (3) months or an equivalent amount of LED time based on an 18-hour day.
2. Bulletin Displays LLC can expand past this board and utilize their other inventory, if desired by the City.

Mayor Dear expressed his preference for the City's advertising time to be placed on this sign or on any of the Developer's signs within a five (5) mile radius of the City, which was accepted by Mr. Kudler, with no objections heard.

There being no further persons wishing to testify, Mayor Dear declared the Continued Public Hearing closed.

RECOMMENDATION for the City Council:

TAKE the following actions:

1. OPEN the continued Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 09-1440, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN BULLETIN DISPLAYS, LLC AND THE CITY OF CARSON FOR THE CONSTRUCTION OF A NEW OUTDOOR ADVERTISING DISPLAY TO BE LOCATED AT 19401 MAIN STREET."

ACTION: It was moved to approve the Development Agreement based on the concept outlined by the City Attorney, City Manager, Mr. Kudler, and City staff on motion of Dear and seconded by Santarina.

City Attorney Wynder restated the motion to approve the Development Agreement with the following modifications:

- "Triangle 15, Prohibited Uses, would prohibit alcohol and tobacco advertising along the freeway with regulated or prohibited drugs to the extent permitted by law.

- For a term of twenty (20) years, the first five (5) years, the consideration to be paid to the City would be \$100,000 annually plus 25% of net sign revenues in excess of \$100,000. In years eight through twenty (8-20), it would be 25% of net revenues earned on the sign with the understanding that in the first ten (10) years, the Developer will guarantee the payment of \$700,000 to the City of Carson and the City's entitlement to advertising will be on this billboard or other signs within a five (5) mile radius of the City, subject to good faith negotiations between the City and the Developer as to the timing and location of such signage with both parties agreeing that they will not unreasonably withhold their consent to the scheduling of such signage."

Mr. Kudler referred to the first five (5) years, and corrected that the consideration to be paid to the City would be \$100,000 annually *against* 25% of net sign revenues in excess of \$100,000.

City Attorney Wynder concurred and restated the following:

"...the first five (5) years, the consideration to be paid to the City would be \$100,000 annually against 25% of net sign revenues in excess of \$100,000."

Amendment to Motion

Mayor Dear referred to the distance of LAX from the City of Carson and amended the five (5) mile radius to a ten (10) mile radius, which was accepted by Santarina.

Upon inquiry, City Attorney Wynder clarified that he meant to say, "Prohibiting the advertising of alcohol, alcoholic products, tobacco products, and other illegal drugs to the maximum extent of the law."

Council Member Gipson inquired whether the advertising of marijuana would be permissible. Whereupon, City Attorney Wynder reported that staff would research into whether the advertising of marijuana could be prohibited and added that the advertising of the "blue" pills - Viagra - would be permissible.

Second Amendment to Motion

Council Member Gipson offered a friendly amendment to the motion to prohibit the advertising of marijuana, which was accepted by Dear, with the inclusion of prohibiting the advertising of Hashish, with no objections heard.

City Attorney Wynder clarified that such prohibition would be to the maximum extent permitted by law.

The restated and amended motion was unanimously carried by the following vote:

17

Ayes: Mayor Dear, Mayor Pro Tem Davis-Holmes, Council Member Santarina, Council Member Gipson, and Council Member Ruiz-Raber
Noes: None
Abstain: None
Absent: None

NEW BUSINESS DISCUSSION (Items)

ITEM NO. (22) CONSIDER APPROVAL OF SEVERAL RECOMMENDATIONS RELATED TO PROJECT NO. 1317: COMMUNITY CENTER ROOF REPLACEMENT PHASES II AND III (INCLUDING SOLAR PANELS INSTALLATION) AND A PORTION OF PROJECT NO. 1318: COMMUNITY CENTER REFURBISHMENT AND UPGRADES (DEVELOPMENT SERVICES)

THIS IS A JOINT AGENDA ITEM WITH AGENCY ITEM NO. 4

This item was heard in joint session after Council Item No. 23.

City Manager/Executive Director Groomes summarized the staff report and recommendation. He described and discussed the following policy issues:

- Utilization of a PLA on the Project
- Traditional Approach/Schedule
- Performance Contract Option Schedule'
- Analysis Comparing traditional design-bid-build contracting approach versus Performance Contract Approach

Public Comments

Tommy Faavae, 605 E. 222nd Street, Carson, California 90745, reported that he did not have access to the backup documentation for this item and alluded to a violation of the Brown Act. He informed the City Council that in the event that this item were to be continued to the next meeting, he would invite representatives to discuss the performance contract and its benefits to the City. Whereupon, City Manager Groomes reported that he along with staff members worked past midnight on Thursday on the agenda preparation process due to challenges encountered and in consideration of the scheduled blackout period by Southern California Edison Company.

RECOMMENDATION for the City Council:

TAKE the following actions:



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

WORKSHOP: February 24, 2009
SUBJECT: Workshop to discuss existing regulations for outdoor advertising signs.
APPLICANT: City of Carson
REQUEST: Discuss and consider changes to existing regulations for outdoor advertising signs.
PROPERTY INVOLVED: Citywide

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Cannon
		Vice-Chair Saenz			Gordon
		Brown			Graber
		Brimmer			Verrett

EXHIBIT NO. 4

I. Introduction

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 (Exhibit Nos. 1 and 2). The City Council referred the item to the Planning Commission to study current regulations for outdoor advertising signs and replacement with more contemporary structures.

This report contains a description of two projects currently being discussed, information pertaining to existing zoning regulations regarding outdoor advertising structures, and an analysis of outdoor advertising structures.

II. Background

In the October 7, 2008 report to City Council, staff identified an application submitted by Clear Channel Outdoor Company in August 2007, which requested an amendment to Carson Municipal Code (CMC) Section 9146.7 to upgrade an existing outdoor advertising structure (located at the 405 Freeway and Alameda Street) from a 300-square-foot sign face to a 672-square-foot "electronic message" (LED) sign. This application was ultimately deemed incomplete due to the applicant being non-responsive to staff's requests for additional information and the applicant was provided notice that the file was closed. Recently, Clear Channel Outdoor Company has re-initiated dialogue with staff concerning their previously submitted (and subsequently closed) development application, which they wish to pursue again.

Staff was also contacted by Bulletin Displays, LLC, concerning development plans for a new outdoor advertising structure (standard billboard) to be located at a corner on Main Street adjacent to and visible from the north-bound 405 freeway. Although new development applications have not been submitted for either of these proposed projects, staff determined that it would be prudent to include them in a discussion of potential amendments to zoning regulations pertaining to existing outdoor advertising structures.

There are currently seventy-seven (77) outdoor advertising structures in the City of Carson (Exhibit No. 3), thirty (30) of which are located along the city streets. Of the forty-seven (47) signs adjacent to the freeways and highways in Carson, four (4) are adjacent to and showing on the 710 Freeway, ten (10) are adjacent to and showing on the 110 Freeway, seven (7) are adjacent and showing to the 91 Freeway, and twenty-six (26) are adjacent to and showing on the 405 Freeway.

III. Analysis

CMC Section 9191.586 defines an Outdoor Advertising Sign as any sign directing public attention to a business, profession, product or service that is not a principal business, profession, product or service which is sold, manufactured, conducted or offered on the premise where such a sign is erected or maintained. Billboards are included in this definition. Since their inception in the United States during the 1850's, the safety, aesthetic, and economic impacts of outdoor advertising displays have been contentiously debated between opponents perceiving their negative impacts, such as visual blight of

the natural landscape, and proponents who attribute economic growth to the use of outdoor advertising displays. In the early years billboards were installed without regulation. The resulting concern over visual blight (and driver safety) caused the public to demand controls. As a result, outdoor advertising displays have been progressively regulated.

Chronology of Notable Events Concerning Outdoor Advertisement Display Regulations

1850 – The First Outdoor advertising business opens in Boston.

1909 - The Illinois Zoning Statute was enacted. No advertising structure was allowed within 500 feet of any public park or boulevard in any city with a population over 100,000. It was considered one of the first "scenic area" ordinances restricting advertising. Senate bill S1369 proposed a license tax on outdoor advertising.

1926 - Outdoor Advertising Association of America (OAAA) was held in Atlanta, Ga.
OAAA members served over 15,000 cities and towns by this time.

1965 – Federal Highway Beautification Act

This Act sought to limit billboards to commercial and industrial zones, and away from areas designated as "scenic areas." Billboards were strictly regulated along the Interstate and other federally-funded primary highways. Federal laws mandated state regulation of billboard size, lighting and spacing standards, requiring each state to adopt and implement its provisions or lose 10 percent of its federal aid highway funds.

1967 – California Outdoor Advertising Act

Enabling legislation in California which regulated outdoor advertisement displays, including size, height, location, distancing requirements, etc. Included a "landscaped" designation not included in the Highway Beautification Act of 1965. California is the only state with a landscaped freeway restriction, which severely limits the potential proliferation of new outdoor advertisement displays in cities with freeways predominately classified as "landscaped", such as Carson. Important amendments to this Act include the following:

- 1970: A prohibition on certain display copy (i.e. obscene, etc.); and, a requirement for wind-load capacity as an added safety measure;
- 1978: Chapter 5 (Sections 2500-2513) added to Act, creating criteria and procedures for classifying landscaped freeways;
- 1983: A vital amendment which prohibited any person to erect an advertising display in violation of any ordinance of any city, county, or city and county, thus strengthening local control over outdoor advertisement displays.

Landscaped vs. Non-landscaped Highways and Freeways in Carson

Section 5216 of the Business and Professions Code of the State of California defines a landscaped freeway as, "a section or sections of a freeway that is now, or hereafter may be, improved by the planting at least on one side or on the median of the freeway right-of-way of lawns, trees, shrubs, flowers, or other ornamental vegetation requiring

reasonable maintenance." No new outdoor advertising signs are permitted within highways and freeways classified as landscaped (while the highway or freeway maintains this classification). An exception to this rule permits a new outdoor advertising sign within a landscaped-classified section of highway or freeway if there is a relocation agreement between the outdoor advertising structure owner and the California Department of Transportation (Caltrans), the agency responsible for highway and freeway maintenance in California.

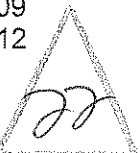
Caltrans has given permanent legal, non-conforming rights for existing outdoor advertising structures constructed prior to 1967 to remain in place within landscaped classified sections of highway or freeway. If Caltrans requires the removal of an existing, non-conforming outdoor advertising structure (i.e. one located in a landscaped classified section of highway or freeway), then the owner of that sign is given the right to erect a new sign ("relocate") in another landscaped classified section of highway or freeway, subject to the terms contained in the relocation agreement (i.e. time limit, location restriction, etc.). A crucial aspect of this relocation is that Caltrans requires that all new signs receive zoning approval from the local jurisdiction in which they are proposed prior to receiving approval from Caltrans.

Carson is conveniently accessed by four (4) state designated highways and freeways: the 710, 110, 91, and 405. The two billboard projects currently being discussed involve sections of the 405 Freeway only. The 405 Freeway bisects the City of Carson and runs in a north-south fashion for approximately 4.2 miles through Carson, of which approximately 4.1 miles is classified as landscaped freeway. Therefore, no new outdoor advertising signs are permitted within this area, except as part of a relocation agreement, as is the case with the Bulletin Displays proposal at Main Street and the 405 Freeway. However, the Bulletin Displays proposal is prohibited by the CMC since the Alameda Corridor is the only location that new outdoor advertising signs are allowed. A text amendment would be required to allow consideration of alternative locations. The site at which Clear Channel's proposed outdoor advertising sign LED conversion is located is within an 'un-landscaped' section of the 405 Freeway and within the Alameda Corridor, as defined by CMC Section 91467(A)(3). As such, the existing sign is a permitted use but a text amendment is required to allow for an LED conversion.

California Business and Professions Code: Section 5408 (Outdoor Advertising in Business Districts)

In addition to the advertising displays permitted by Section 5405 to be placed within 660 feet of the edge of the right-of-way of interstate or primary highways, advertising displays conforming to the following standards, and not in violation of any other provision of this chapter, may be placed in those locations if placed in business areas:

- (a) Advertising displays may not be placed that exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members. This subdivision shall apply to each facing of an advertising display. The area shall be measured by the smallest square, rectangle, triangle, circle, or



combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding 350 square feet each may be erected in a facing. Any advertising display lawfully in existence on August 1, 1967, that exceeds 1,200 square feet in area, and that is permitted by city or county ordinance, may be maintained in existence.

- (b) Advertising displays may not be placed that are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal; nor shall any advertising display include or be illuminated by flashing, intermittent, or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information); nor shall any advertising display cause beams or rays of light to be directed at the traveled ways if the light is of an intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.
- (c) Advertising displays may not be placed to obstruct, or otherwise physically interfere with an official traffic sign, signal, or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging, or intersecting traffic.
- (d) No advertising display shall be placed within 500 feet from another advertising display on the same side of any portion of an interstate highway or a primary highway that is a freeway. No advertising display shall be placed within 500 feet of an interchange, or an intersection at grade, or a safety roadside rest area on any portion of an interstate highway or a primary highway that is a freeway and if the interstate or primary highway is located outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 300 feet from another advertising display on the same side of any portion of a primary highway that is not a freeway if that portion of the primary highway is located outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 100 feet from another advertising display on the same side of any portion of a primary highway that is not a freeway if that portion of the primary highway is located inside the limits of an incorporated city or inside the limits of an urban area.

Recent Legislation Regarding Outdoor Advertising in California

January 13, 2009: Assembly Bill (AB) 109

Assemblymember Mike Feuer (D-Los Angeles) introduced legislation to place a moratorium on the construction of, or conversion to, new digital advertising displays until 2012. The moratorium would give policymakers time to adequately review the results of pending safety studies on the potential driving hazards associated with electronic billboards. The brightness and rapidity of display changes on electronic billboards may be potentially hazardous to motorists, and several studies examining these concerns are currently being conducted. Results from these studies are anticipated to be released at the end of 2009, hence the moratorium to allow government regulatory agencies to analyze and evaluate responses.



Existing Carson Municipal Code (CMC) Requirements

Existing zoning regulations prohibit the establishment of new outdoor advertising signs within the city with the exception of locations along the Alameda Corridor. The following CMC Sections pertain to outdoor advertising signs:

Residential Zones

9126.7(C)(4) – Pole signs are not permitted.

Commercial Zones

9131.1 – Outdoor advertising signs are permitted with limitations ("L") in the Commercial, General (CG) zones only, pursuant to Section 9138.71.

9138.71 – Electronic Message Sign (EMS) only permitted in the EMS overlay zone, restricted to a maximum height of 95 feet and maximum width of 46 feet, subject to Section 9167.6.

Industrial Zones

9141.1 – Outdoor advertising signs permitted in all manufacturing zones with an approved conditional use permit, subject to the requirements found in Section 9146.7.

9146.7(A) – Outdoor advertising signs subject to:

- (1) Total sign face area on pre-Ordinance No. 01-1237 (Exhibit No. 2) sign structure shall not be greater than 800 square feet. The total sign face area on each new structure shall not exceed 150 square feet.
- (2) Pre-Ordinance No. 01-1237 sign structure height shall not exceed 42 feet, measured from the ground level to the base of the sign. The height for new sign structures shall not exceed 20 feet measured from the ground level to the base of the sign.
- (3) New structures can only be permitted along properties abutting the Alameda Corridor (Alameda Street between Del Amo Boulevard and Lomita Boulevard), with an approved conditional use permit.
- (4) No new sign structure having a total sign face area greater than 80 square feet, not to exceed 150 square feet, shall not be erected within:
 - (a) 200 feet of an outdoor advertising sign having a total sign area of greater than 80 square feet, or,
 - (b) 100 feet of any other outdoor advertising signs located on the same side of the street or right-of-way.
- (5) No new sign structure shall be erected within 100 feet of any outdoor advertising sign located on the same side of the street or right-of-way.
- (6) Any such sign if visible from 660 feet from the freeway (as measured in a horizontal fashion along a perpendicular line stemming from the freeway centerline) shall not be permitted if placed directly so as to be viewed primarily by travelers thereon.
- (7) Such signs shall not be permitted on, or projecting over, building rooftops.
- (8) Such signs cannot encroach into the public rights-of-way.

24

- (9) Such sign cannot be placed within 200 feet of any residential zone located on the same side of the public street or right-of-way upon which the sign is located.
- (10) Any such sign shall be constructed in the simplest form, free of bracing, angle iron, guy wires, cables, etc.
- (11) All exposed back sides of such signs which are visible to the public shall be suitably covered to conceal the structure from view and shall be properly maintained.
- (12) A conditional use permit is required for new sign structures. The Planning Commission shall render a decision on any new sign proposal within three (3) months of application for such proposal.

9146.7(B)(8) – Electronic Message Signs permitted, subject to the following:

- (a) Shall be located at least 100 feet from any residential zone.
- (b) Shall be located at least 500 feet from any other EMS.
- (c) Must be affixed to a pole and subject to pole sign limitations found in Section 9146.7 (50-foot maximum height limit).
- (d) A conditional use permit is required for any such sign development application.

General Development Standards

9167.6(D)(2) – Existing outdoor advertising signs which advertise tobacco and alcoholic beverages are given 90 days to cease such advertising if the contract between the advertise space lessee and billboard owner is terminable, and one year if interminable. In both cases, evidence of such a contract must be furnished to verify contract type.

9167.7 – Any outdoor advertising sign may contain a noncommercial message in lieu of a commercial message directing public attention to a business, profession, product or service that is not a principal business, profession, product or service sold, manufactured, conducted or offered on the premises where the sign is erected or maintained (Ordinance No. 03-1272).

Bulletin Displays, LLC (New Billboard Proposal at Main Street and 405 Freeway)

Starting in November 2007, Bulletin Displays, LLC approached the City of Carson regarding building one billboard in return for (1) a development fee of \$500,000, (2) free civic and charitable advertising for the City of Carson, (3) 10% discount to City of Carson Chamber of Commerce businesses and (4) a content restriction that prohibited alcohol, tobacco and gentleman's club advertising.

Prior to coming to the City of Carson in November 2007, Caltrans took one of Bulletin Displays billboard permits. Pursuant to this governmental taking, Caltrans would have to either pay compensation or enter into a relocation agreement with Bulletin Displays pursuant to California Business and Professions Code Section 5412. Caltrans and Bulletin Displays agreed to enter into a relocation agreement and this saved the State of California from having to pay compensation to Bulletin Displays. Caltrans is amenable to



extending the time limit of the relocation agreement if the City of Carson is interested in processing the request of Bulletin Displays.

During the early part of the discussions with Bulletin Displays, the City Attorney and the City Manager advised Bulletin Displays that if the city were to consider a proposal, Bulletin Displays should identify a specific location in the Industrial area at the west end of the city and on private property. While not guaranteeing any rights to build in that area, Bulletin Displays secured a location at KL Fenix on the north side of the 405 Freeway between Main Street and Figueroa Street. (Exhibit No. 4).

Due to the time restrictions imposed in the relocation agreement and in the land lease, Bulletin Displays requests that any recommendation to consider an ordinance amendment would need to be processed in a timely manner.

Clear Channel Outdoor (Convert Existing Sign at 405 Freeway/Alameda Street to LED)

Clear Channel Outdoor is proposing to upgrade an existing outdoor advertising structure (located at the 405 Freeway and Alameda Street) to LED. The existing billboard is within an un-landscaped segment of the 405 freeway at Alameda Street on the south side (Billboard No. 52 as shown on Exhibit No. 3). The billboard will not change in height, size or orientation. According to the applicant, if the City is willing to support permitting the conversion, they would be willing to remove several existing billboards in the City of Carson currently located along city streets, subject to a development agreement between Clear Channel Outdoor and the city of Carson.

Clear Channel currently operates twenty-one (21), 12-foot by 25-foot poster panel faces on eleven (11) structures along streets in Carson. Along the highways and freeways in Carson, Clear Channel operates the following: Eighteen (18), 14-foot by 48-foot bulletin faces on ten (10) structures adjacent and showing to the 405 freeway; six (6) bulletin faces on four (4) structures and six (6) poster faces on four (4) structures adjacent and showing to the 110 freeway; and two (2) bulletin faces on one (1) structure adjacent and showing to the 91 freeway. In total, Clear Channel has an inventory of twenty-seven (27) poster panel faces on fifteen (15) structures and twenty-six (26) bulletin faces on fifteen (15) structures in the city of Carson (a grand total of fifty-three (53) faces on thirty (30) structures). Clear Channel would consider removing several of the eleven (11) structures located along streets in Carson in exchange for a conversion of their one freeway-oriented sign at the 405 Freeway and Alameda Street to an LED format.

Discussion

Currently, the City of Carson only allows billboards along the "Alameda Corridor" and on the Home Depot signs on the 91 and 405 Freeways within the EMS-Overlay Districts. If the Bulletin Displays, LLC proposal, or a modified version of their project is desired, then a modification to the Sign Ordinance would first need to be processed. Bulletin Displays is suggesting the following modifications to the existing CMC related to outdoor advertising signs (deleted text stricken, added text underlined):



9146.7 – Signs

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

- (1) The total sign face area on each (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall not exceed eight hundred (800) square feet. The total sign face area on any other each new sign structure shall not exceed one hundred fifty (150) square feet.
- (2) The height of a (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure 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 a 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 the (405) Freeway Corridor. For purposes of this provision, the term "Alameda Corridor" means that portion of Alameda Street between Del Amo Boulevard and Lomita Boulevard, and the term "(405) Freeway Corridor" means that portion of the (405) Freeway that is on the north side between Main Street and Figueroa Street.
- (4) The (405) Freeway Corridor signs shall not be erected within 500 feet of any other outdoor advertising sign on the same side of the freeway. Other than a (405) Freeway Corridor sign structure, 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 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 a (405) Freeway Corridor sign structure, aAny such sign, having a sign face visible from and within a distance of six hundred sixty (660) 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 free-standing 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 structures 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 a (405) Freeway Corridor sign structure, aAny pre-Ordinance No. 01-1237 sign structure, aAny 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 back 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) A conditional use permit (CUP) shall be required for each new sign structure. The provisions of this subparagraph shall govern the processing of applications for a CUP for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the Commission shall render its decision on an application for a CUP for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a CUP for an outdoor advertising sign shall be approved by the Commission, or by the Council on appeal, if the proposed sign structure conforms to the requirements of this code and applicable laws.

Proposed Amendments: Benefits

- New outdoor advertising signs can bring increased revenue to the city in the form of fees obtained through development agreements, either as one-time payments or payments over time.
- Existing outdoor advertising signs could potentially be removed by negotiation through development agreements with existing outdoor advertisers who wish to upgrade to LED, or otherwise improve their existing signs.
- Advertisement space on new signs could be utilized for city-related activities, or to bring awareness to city and/or charitable causes.
- Time limits could be placed upon new (or converted to LED) outdoor advertisements through development agreements and/or through conditions included in a conditional use permit resolution.

Proposed Amendments: Drawbacks

- New outdoor advertising signs may increase visual blight along freeway corridors through the city and may be contrary to redevelopment goals to remove blight.

- Businesses located adjacent to freeway corridors may go unnoticed if new outdoor advertising signs are located nearby.
- LED outdoor advertisements could cause potential distractions for drivers resulting in unsafe conditions.
- Developer agreement fees could be construed as "zoning for sale".
- Private exploitation of public roadways.
- Sign proliferation can detract from urban environment and create an unattractive appearance.

IV. Conclusion

Like many other cities, the city of Carson has gradually restricted the ability to erect outdoor advertising signs within its jurisdiction. However, some cities are realizing that they can negotiate for various benefits while still keeping a tight planning control. While existing outdoor advertising signs may provide limited indirect benefits (i.e. increase sales taxes) and cover administrative fees (i.e. license fees), these new code revisions and development agreements that various cities are now writing, may result in direct and significant benefits. One benefit is a direct financial benefit acquired through a development fee that is paid up front or over time. Another benefit is derived when the outdoor advertising signs permit is conditioned on the removal of existing signs in other areas of the city that would be in the way of future development, or negatively impacting residents and/or businesses in the vicinity. Additionally, content restrictions (i.e. gentleman's' clubs advertisements) can be negotiated beyond the current prohibition against tobacco and alcohol advertising.

Staff recognizes the potential financial benefit from the Bulletin Displays, Inc. proposal in light of current financial issues facing the city. However, absent the fiscal problems, staff would recommend against any further consideration of the proposal. There appears to be limited benefit from the proposal by Clear Channel Outdoor, Inc. to convert an existing static outdoor advertising sign to a digital display and potential for significant public opposition given the response seen in other communities.

While there is the potential for revenue enhancement and other potential benefits, there is question whether the benefits outweigh the risks. As evidenced by recent billboard issues in Los Angeles, there is growing opposition to digital displays once they start being erected. Many communities are taking steps to strengthen ordinances to clearly prohibit both static and digital displays. The state of California has also reconsidered recent proposals. There may also be a statewide ban until 2012 if AB 109, introduced by Assemblyman Feuer in January 2009, is approved.

The Planning Commission is being asked to review and comment on the proposals of Bulletin Displays, LLC and Clear Channel Outdoor, Inc., to determine if support should be given to new regulations regarding outdoor advertising signs in the city of Carson



V. Recommendation

That the Planning Commission:

- CONSIDER and DISCUSS existing regulations and project proposals; and,
- DIRECT staff to draft an ordinance for consideration by the Planning Commission at a later date; or
- RECEIVE and FILE.

VI. Exhibits

1. City Council staff report with exhibits dated October 7, 2008
2. City Council minutes dated October 7, 2008
3. Map of Billboard Locations in Carson
4. Map of proposed new outdoor advertising sign location (Bulletin Displays LLC)

Prepared by: _____

Steven C. Newberg, AICP, Associate Planner

Reviewed by: _____

John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp, Planning Manager

12. NEW BUSINESS DISCUSSION

- D) **Workshop:** Discuss existing regulations for outdoor advertising signs to determine if an opportunity should be provided to allow existing outdoor advertising signs to be replaced with more contemporary structures

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission discuss and consider changes to existing regulations for outdoor advertising signs, or to receive and file. The properties involved would be citywide.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to CONSIDER and DISCUSS existing regulations and project proposals, and; DIRECT staff to draft an ordinance for consideration by the Planning Commission at a later date; or to RECEIVE and FILE.

Planning Manager Repp stated that in recent years, there has been a decrease in 10 to 15 billboards in the City; and noted that putting aside fiscal consideration issues, staff does not support the proposal for additional billboards/bulletin displays.

Commissioner Cannon stated that the offer to reduce the number of billboards in this City seems to be a win-win situation.

Associate Planner Newberg commented on Caltrans' distance requirements for billboard proposals on state highways/freeways; and he stated that Bulletin Displays has identified one suitable location in Carson.

Commissioners Graber and Gordon noted their support of LED billboards.

Mark Kudler, president of Bulletin Displays, asked the Commission to look at this issue a bit closer but not make a recommendation this evening; and explained that a new generation of billboard displays is quickly replacing older billboards. He highlighted some potential benefits for the community and noted they are willing to negotiate with the City, stating the City can still keep tight planning control of these signs; and on Page 11, under "Conclusions," he suggested changing the word "tight" to "tighter." He explained that the only way at this time to reduce the number of billboards is through attrition, pointing out that state law prohibits amortization of these signs on freeways; and stated this is a good opportunity for the City and his industry to work together in reducing the number of signs and updating existing signs. He explained that he is proposing one billboard; advised that they are allowed to replace a billboard with a new one as long as the number of billboards is not increased; noted that they are proposing to retrofit the billboard panels with LED technology on an existing freeway sign; stated that at this point, they don't know what the new design will look like until they get approval to start the design process; and advised that the only billboard they can utilize in Carson is near the railroad on Alameda Street.

Mr. Kudler noted that state law, the Highway Beautification Act, requires there be a 500-foot distance between billboard signs; explained that a common billboard myth is that billboards increase traffic accidents, but pointed out that several studies indicate there is no increase in accidents with LED billboards; and added that some studies indicate the LED billboards increase traffic awareness. He stated these LED signs will generate 10 to 15 percent in increased revenues; and that the top users of these LED boards are car dealerships. He noted his willingness to negotiate with Carson on putting in place one of these LED displays, pointing out he is willing to remove a number of existing billboards in the City in exchange for an LED display along the 405 Freeway. Mr. Kudler noted that the City could restrict the advertizing content; that as a part of negotiations, they are willing to help groups within the community and various community nonprofit agencies; and added that he is a member of the Carson Chamber of Commerce. He added that this sign can also display charitable and civic advertising; that it will not block other business signage or establishments; and stated there is some urgency for an approval because the land lease will expire in August 2009, only allowing this process to be completed in the next six months.

Commissioner Cannon expressed his concern with the words "development agreement fees" on Page No. 11, noting it could be construed as zoning for sale.

Assistant City Attorney Galante stated that verbiage is more of a perception than a legal issue; and explained that those monies could be utilized for beautification of other signage or beautification projects within the City.

Lane Lawson, Clear Channel, director of Public Affairs, Southern California division, noted his interest in retrofitting an existing billboard off the 405 Freeway; clarified that the existing billboard face is 672 square feet and that they are not proposing anything larger; that the sign will be the same size, height and orientation; and that the only difference is the LED lighting. He advised that studies show billboards and LED's are safety neutral; that his proposal is to retrofit the existing sign and take down a number of other signs in the City; advised that the signs are protected from amortization on public highways in California unless it's in a residential zone, noting none of these signs are located in a residential zone in Carson; and reiterated they are willing to remove some of their signs in this City if this proposal can be negotiated to everyone's satisfaction. He added that LED boards can also benefit in emergency situations, such as displaying Amber Alerts, local earthquake information or other catastrophic events, which will preempt all advertizing for the first two hours of each occurrence; and he added that backup power will be available. He stated this community will realize the benefits on a local level with the removal of some of the billboards on the City's streets.

Commissioner Cannon asked how many signs will be taken down if an LED proposal is approved.

Mr. Lawson stated they have already committed to removing all the signs on City streets, which would be 11 structures, 21 billboard faces.

Chairman Faletofo noted his concern with traffic safety and the brightness of LED lighting and the images being displayed that could mimic a movie screen.

32

Mr. Lawson stated that the lighting can be controlled and reduced in the evening; advised that it is typical for the level of brightness to be at 100 percent capacity during the daytime; and stated that in the evening, sensors can lower/dim the lighting to 20 percent of its capacity. He mentioned that the level of brightness cannot be 3-foot candles over ambient light, noting they are not anywhere close to that level on any of their boards. He advised that the older lighted advertizing boards along the 405 Freeway do not have the updated sensor capability. He referred to state law which requires these signs not change any image more than once every four seconds, but stated he typically likes to use once every eight seconds; and that his company's signs typically don't flash, show motion/movement or look like a video.

Assistant City Attorney Galante recalled a prior CUP for an auto row sign which stated that its lighting would have to be dimmed if any complaint were received about that sign, noting that same condition could be applied to this LED proposal.

Associate Planner Newberg stated there are 77 billboards currently in the City.

Commissioner Gordon stated that the proposal seems to be good for the City, upgrading a billboard and reducing the number of billboards in the City.

Vice-Chairman Saenz stated that the \$500,000 proposal in the development agreement would go a long way to benefit the City; and expressed his belief the LED displays would be useful in emergency situations.

Chairman Faletogo moved, seconded by Commissioner Brown, to direct staff to draft an ordinance addressing outdoor advertizing billboards for Planning Commission consideration.

Commissioner Graber asked staff to include the minutes from prior Planning Commission consideration of this issue from 2001.

Commissioner Cannon asked staff to include in a proposed ordinance both sign locations as noted in staff report.

In response to Commissioner Verrett's comment, Chairman Faletogo moved that staff report also discuss creating 405, 110 and 91 Freeway corridors for additional signage. Commissioner Brown stated he would support that.

Commissioner Gordon pointed out that the applicant has already studied the locations where these signs could be located, noting they were only able to identify a small section along the 405 freeway on the Alameda Corridor.

Planning Manager Repp advised that staff will evaluate the entire City for this purpose.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Manager Repp encouraged the Commissioners to attend the Housing Element Workshop tomorrow evening at the Community Center, wherein they will be discussing housing strategies and housing element state law mandates for affordable housing



EXECUTIVE SUMMARY

In July 2007, the Highways Subcommittee on Traffic Operations (SCOTE) of the Association of State Highway and Transportation Officials (AASHTO) issued a proposed policy resolution on outdoor advertising. This document recognized that inattentive driving was a major contributor to highway crashes, and that new technologies were enabling the outdoor advertising industry to display more attention-getting messages that were likely to cause drivers to be less attentive to the driving task. The document further noted that national interest and concern about the safety implications of these advanced outdoor advertising displays had been expressed by FHWA and TRB as well as by State and local government agencies. Because the subcommittee recognized the potential safety implications of such signs and the lack of "substantiating evidence" for determining appropriate guidelines for their control, SCOTE resolved to support the undertaking of research as quickly as possible into the safety and operational effects of these technologies and to forward its resolution to the AASHTO Standing Committee on Highways to be considered a high priority project for consideration by the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP). The SCOTE resolution became a Research Problem Statement [(NCHRP 20-7 (256)], which led to the undertaking of this work in February 2008.

The specific objective of the study was to develop guidance for State Departments of Transportation and other highway operating agencies with respect to the safety implications of digital display technology being increasingly used for outdoor advertising signs. The objective was to be achieved through the conduct of a critical literature review of existing guidelines and research results, including, separately, research undertaken and published by the outdoor advertising industry; an identification of the human factors elements related to the operational characteristics of such signs; a review of the experiences of other countries with this outdoor advertising sign technology; and the preparation of a final, peer reviewed, report documenting the work conducted and including recommended guidance related to the safety aspects of digital display technology for outdoor advertising signs.

Earlier reports published by FHWA in 1980 and 2001 had extensively reviewed the research literature in the field of outdoor advertising, and an FHWA study that ran concurrently with this project also included a review of the more recent research literature. The goals of the FHWA study, however, were quite different than those of the project reported here. Whereas this study had as its objective the development of guidelines that State and local government agencies could adopt immediately, the FHWA study sought to identify unmet research needs with regard to the potential impact of these signs on driver attention and distraction, and to propose a research strategy to fill these knowledge gaps. Thus, the two studies, conducted concurrently, were complementary - this one seeking to develop readily useable guidelines that could be implemented at the State and local level based on our existing knowledge base, and the other seeking a more comprehensive understanding of the safety implications of these signs that might lead to guidance and/or regulation at the Federal level.

Because the technologies used in the signs of interest in this report are relatively recent, and because these technologies have advanced quickly in key performance characteristics (e.g. brightness, resolution, off-axis viewing) and have become much more affordable in recent years, research, too, has increased dramatically since the 2001 FHWA report. Indeed, of the 150 references cited in this report, more than 20 represent original, empirical research, conducted roughly within the past decade, that directly or indirectly address the potential for driver distraction from outdoor advertising signs. Ironically, and consistent with the research studies cited in the prior FHWA reports, the technology continues to lead both policy and research, and only a small number of these studies actually dealt with these advanced digital display technologies. Such research was, however, sponsored by government agencies as well as industry, in the laboratory and in the field, using controlled experimental techniques as well as statistical analysis of crash summaries. In addition to research conducted in the US, the report reviews studies performed in England, Scotland, Finland, Australia, Canada, South Africa, Brazil and The Netherlands. Because of the complexity of the issue, the number of variables present in every real-world situation, and the difficulties of statistical and methodological control in the conduct of such research, we have attempted to make our review of the literature critical as well as comprehensive.

Several conclusions can be drawn from the extensive literature on this topic. First, there are strong theoretical underpinnings in the psychology of cognition, perception, psychophysics, and human factors, to suggest why stimuli such as roadside digital billboards can capture and hold a person's attention, even at the expense of primary task performance. Second, it is difficult to perform a study in this domain that does not suffer, at some level, from weaknesses that may affect the strength or generalizability of its findings. Third, the research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations, especially in those studies performed in the past decade, regularly demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance. Fourth, the recommendations from research, and the existence of guidelines or regulations that stem from that research, are quite consistent, although not fully so, both in the areas in which digital billboards are suggested for control (e.g. brightness, message duration and message change interval, and billboard location with regard to official traffic control devices, roadway geometry, and vehicle maneuver requirements at interchanges, lane drops, merges and diverges), and with regard to the specific constraints that should be placed on such signs' placement and operation. Several countries have developed comprehensive, thoughtful policies for control of roadside advertising, and their efforts can serve as models for State and local governments within the US. A number of US counties and cities, too, have developed policies and regulations for the control of digital outdoor advertising that comport with the research. In some cases, such local regulations are forward looking, in that they address technologies, or applications of technology, that are not yet in widespread use.

During the course of this project, we identified several recent extensions of digital advertising technologies that may add further to the distraction potential of these displays. The growing use of LED technology for advertising in on-premise applications is of concern because such signs may be larger than traditional billboards, closer to the right-of-way and to roadway sections with high task demands, and may include animation and full motion video. At least one State is considering the use of its official changeable message sign network for the display of digital advertising. And an unknown number of private or toll-road operators are also contemplating the sale of advertising within their rights-of-way. In addition, we are seeing the deployment of LED displays, often featuring video, on vehicles moving in the traffic stream. Vehicles as diverse as small trucks and vans, public transit buses, and large, over-the-road trailers, are now being outfitted with LED advertising, and the potential for driver distraction grows with each such installation. Our review suggests that, with few exceptions, government agencies have no regulations or guidelines in place to address these new uses. The newest digital billboards are also increasingly capable of "interacting" with approaching drivers. In some cases, the Radio Frequency Identification Device (RFID) embedded in a vehicle's key or on-board computer system, can trigger a personalized message on a digital billboard; in other cases, the billboard can display a message tailored to the radio frequency of passing vehicles. Still other billboards encourage drivers to interact with the sign by texting a message or calling a number displayed on the billboard. A patent that incorporates cameras mounted to billboards, together with eye-movement recording devices, claims to be able to capture images of drivers, and their eye movements, as they approach the billboard. Our review has not identified any government agencies, in the US or abroad, that have addressed these new technologies or their applications.

The report consists of ten parts. After an introduction and background presentation in Section 1, the literature in the field is comprehensively and critically reviewed. General research is discussed in Section 2, and research sponsored by the outdoor advertising industry is presented in Section 3. The key human factors issues that inform the potential response of drivers to digital roadside billboards are summarized in Section 4. Section 5 of the report reviews a representative sample of guidelines and regulations that currently exist in a number of foreign countries as well as in several jurisdictions within the US. This is followed by a series of recommendations for potential regulations and guidance in Section 6. These recommendations are those that (a) have worked elsewhere, and (b) are based on sound research or science, and therefore might have practical applications for those jurisdictions seeking guidance to inform their own decision-making. Section 7 addresses issues of digital advertising on-premise and on right-of-way. Section 8 discusses some of the newest roadway-related applications of computer-controlled LED advertising that have begun to appear on and adjacent to public roads in the US and abroad, and for which little policy has yet been considered. Section 9 summarizes the report's conclusions, and Section 10 presents the list of references cited in the body of the report.



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDMENT TO SECTION 9141.1 AND SECTION 9146.7 OF THE CARSON MUNICIPAL CODE ESTABLISHING A DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW OR UPGRADED DIGITAL OUTDOOR ADVERTISING SIGNS

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 Ordinance No. 10-1455, as described in Exhibit "A" attached hereto to the Carson City Council. The proposed ordinance modifies existing regulations pertaining to outdoor advertising signs and their permitted locations within the city, including potentially allowing new and converted electronic digital billboards with an approved development agreement. A public hearing was duly held on August 10, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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 proposed ordinance modifying regulations pertaining to outdoor advertising signs and their permitted locations within the city, including potentially allowing new and converted electronic digital billboards with an approved development agreement, supports and is consistent with the City of Carson General Plan.
- b) The implementation of the proposed ordinance facilitates the permitting of new digital display and converted to digital display outdoor advertising signs and is meant to afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial.
- c) The proposed ordinance seeks to encourage appropriate design standards for electronic digital display advertising signs within the city and implement measures to mitigate potentially significant impacts caused by the construction and use of such new and converted outdoor advertising signs.

Section 4. The Planning Commission finds that the proposed code amendment is exempt from the provisions of the California Environmental Quality Act (CEQA), per section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The application of the amended regulations and development of any new outdoor advertising sign will be subject to CEQA on a site specific basis.

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

EXHIBIT No. 7

37

Section 7. 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 10th DAY OF AUGUST, 2010

ATTEST:

CHAIRMAN

SECRETARY

EXHIBIT "A"

DRAFT ORDINANCE NO. 10-1455

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9141.1 AND SECTION 9146.7 OF THE CARSON MUNICIPAL CODE ESTABLISHING A DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW AND CONVERTED ELECTRONIC DIGITAL DISPLAY OUTDOOR ADVERTISING SIGNS

WHEREAS, the city of Carson is proposing to amend the Carson Municipal Code to allow for the establishment Development Agreement Requirement for new and converted electronic digital display outdoor advertising signs; and

WHEREAS, the establishment of such a requirement would create the potential for a limited increase in new billboard opportunities; and

WHEREAS, an approved Development Agreement between the city and a new outdoor advertising sign operator would afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial; and

WHEREAS, an approved Development Agreement between the city and a new, or existing outdoor advertising sign operator will offer the city the ability to obtain improvements or benefits for the city; and

WHEREAS, an approved Development Agreement between the city and a new outdoor advertising sign operator will provide the city the leverage to control the placement of additional electronic digital display billboards, or existing billboards converted to electronic, 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 ordinance amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061 because it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The City Council further finds that the application of the amended regulations and development of any new or converted electronic digital display outdoor advertising sign will be subject to CEQA on a site specific basis.

Section 2. Section 9141.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the

Carson Municipal Code is hereby amended by deleting the stricken text and adding the following underlined text as follows:

	ML	MH
Outdoor Advertising:		
Outdoor advertising sign, <u>including electronic digital displays,</u>	CC	CC
subject to the requirements of CMC 9146.7.		

Section 3. Section 9146.7 (Signs) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting the stricken text and adding the following underlined text as follows:

§ 9146.7 Signs*

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

1. The total sign face area on each (405) 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. The interval between the change of digital display shall be a minimum of eight 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 a (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall either be the height of the current off-premise sign if said sign is being rebuilt or maintained on the same parcel of land or if the proposed off-premise sign is not replacing an existing off-premise 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 the (405) 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 provision, the term "(405) Freeway Corridor" means that portion of the (405) Freeway that is on the north side of the (405) Freeway and that is also between Main Street and Figueroa Street ("Main Street Portion") and that portion of the (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").

4. The (405) 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 (1000') feet of any other digital display on the same side of the freeway, but in no case shall there be more than one digital display face allowed

on the north side of the (405) Freeway Corridor within the entire Alameda Street Portion and no more than two digital display faces allowed on the south side of the (405) Freeway Corridor within the entire Alameda Street Portion. Other than a (405) 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 and twenty-eight feet (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 a (405) Freeway Corridor sign structure, any such sign, having a sign face visible from and within a distance of six hundred sixty (660) 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 free-standing 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 a (405) 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 back 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 subparagraph shall govern the processing of applications for 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 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 _____, 20010.

Mayor, Jim Dear

ATTEST:

City Clerk, Helen Kawagoe

APPROVED AS TO FORM:

William W. Wynder, City Attorney

42