



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: October 9, 2012

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

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

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

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

____ Concurred with staff
____ Did not concur with staff
____ Other

COMMISSIONERS' VOTE

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

Item No. 10D

I. Introduction

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

II. Background

Amendment to Section 9146.7.A

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

Deletion of Section 9167.6

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

III. Analysis

Establishing the 110 Corridor

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

Deleting Tobacco and Alcoholic Beverage

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

IV. Environmental Review

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



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

IV. Recommendation

That the Planning Commission:

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

V. Exhibits

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

Prepared by: _____

Saied Naaseh, Associate Planner

Reviewed by: _____

John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp-Loadsman, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-_____

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

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

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

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

Section 3. The Planning Commission finds that:

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

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

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

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

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

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

ATTEST:

CHAIRMAN

SECRETARY

EXHIBIT "A"

DRAFT ORDINANCE NO. 12-_____

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

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

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

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

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

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

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

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

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



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

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

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

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

"9146.7 Signs.

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

Mayor, Jim Dear

ATTEST:

Donesia Gause, City Clerk
City of Carson, California

APPROVED AS TO FORM:


William W. Wynder, City Attorney

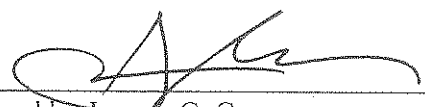


City of Carson Report to Mayor and City Council

November 4, 2009
Special Orders of the Day

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


Submitted by Clifford W. Graves
Economic Development General Manager


Approved by Jerome G. Groomes
City Manager

I. SUMMARY

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

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

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

II. RECOMMENDATION

TAKE the following actions:

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

III. ALTERNATIVES

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

EXHIBIT NO. 2

18

11

IV. BACKGROUND

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

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

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

V. FISCAL IMPACT

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

VI. EXHIBITS

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

November 4, 2009

Prepared by:


 Sheri Repp Loadman, Planning Officer

sf:Rev061902

Reviewed by:

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

Action taken by City Council

Date _____ Action _____

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-2271

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 405 FREEWAY CORRIDOR DISTRICT AND DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW 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. 09-1434, 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. A public hearing was duly held on September 22, 2009, 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 supports and is consistent with the City of Carson General Plan.
- b) The implementation of the proposed ordinance facilitates the permitting of new outdoor advertising signs and is meant to afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial.
- c) The proposed ordinance seeks to encourage appropriate design standards for advertising signs within the city and implement measures to mitigate potentially significant impacts caused by the construction and use of new outdoor advertising signs.

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.

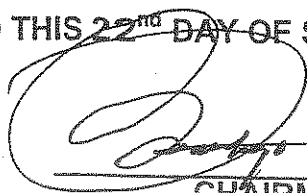
Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

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.

EXHIBIT NO. -1



PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF SEPTEMBER, 2009


CHAIRMAN

ATTEST:

SECRETARY

1.5

EXHIBIT "A"

DRAFT 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

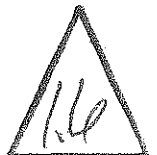
WHEREAS, an approved Development Agreement between the city and a new outdoor advertising sign operator would afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial; and

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

Outdoor Advertising:

Outdoor advertising sign, subject to the requirements of CMC ~~CCC~~ CCC 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 each 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 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. 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, nNo 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, 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.

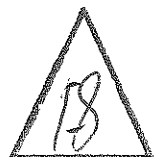
9. Any such sign structure shall not be permitted within two hundred (200) feet of a residential zone located on the same side of a public street or right-of-way.

10. Other than a (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure, 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. An conditional use permit (CUP) 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 CUP for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the City Council Commission shall render its decision on an application for a Development Agreement CUP for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a Development Agreement CUP for an outdoor advertising sign shall be approved by the Commission, or by the City Council on appeal, 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 _____, 2009.

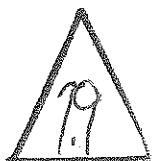
Mayor, Jim Dear

ATTEST:

City Clerk, Helen Kawagoe

APPROVED AS TO FORM:

William W. Wynder, City Attorney



9. CONSENT CALENDAR

Minutes: September 8, 2009

Commissioner Brown asked that Commissioner Gordon's comments regarding his preference for the Commission not to micromanage the second unit CUP process be included in the minutes.

MOTION: Commissioner Brown moved, seconded by Commissioner Graber, to approve the September 8, 2009, Minutes as amended. Motion carried (Commissioner Brimmer had not yet arrived; absent Commissioners Park and Verrett).

10. CONTINUED PUBLIC HEARING None.**11. PUBLIC HEARING****A) Conditional Use Permit No. 735-09**Applicant's Request:

The applicant, Clear-Wire Corporation, is requesting to add three panel antennas and two microwave dishes to an existing lattice tower wireless telecommunication facility on a property located in the ML-D (Manufacturing, Light Design Overlay Review) zone and within the Redevelopment Project Area 1. The subject property is located at 17311 South Main Street.

Staff Report and Recommendation:

Senior Planner Signo advised that staff recommends this item be continued to the October 13, 2009, meeting to allow the concurrent processing of a Design Overlay Review application in compliance with the CMC requirements.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Brown, to continue this matter to the October 13, 2009, Planning Commission meeting. Motion carried, absent Commissioners Park and Verrett.

11. PUBLIC HEARING**B) Ordinance Amendment to modify regulations pertaining to outdoor advertising signs and their permitted locations within the city**Applicant's Request:

The applicant, Bulletin Displays, LLC, is requesting to consider an Ordinance Amendment which creates a 405 Freeway Corridor establishing development regulations and allowing new outdoor advertising signs within the corridor with an approved Development Agreement. The property involved is located at the south side of the 405 Freeway between Main Street and Figueroa Street.

Staff Report and Recommendation:

Senior Planner Newberg presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 09-2271, 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 405 Freeway Corridor District and Development Agreement requirement for new outdoor advertising signs." He amended the following on Page 51: change "CL" to "CC." He noted this billboard will be static with its displays.

Chairman Faletogo opened the public hearing.

Mark Kudler, representing Bulletin Displays, noted his concurrence with staff's recommendation with the exception of the signage height; explained that due to a permanent obstruction in the front of the north face, it is necessary for this sign to be 55 feet high; and stated they are asking for 13 feet over what staff is recommending.

Planning Officer Repp explained that Bulletin Displays received authorization from Caltrans to move this sign to this area, noting it is likely Caltrans will not be authorizing any other new billboards.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Graber moved to concur with staff's recommendation. This motion was amended.

Chairman Faletogo stated he is pleased with the idea of a Development Agreement and noted his support of the applicant's request due to it likely being the only new sign that will be proposed for this corridor. He pointed out that the Kia sign on the opposite side has no obstructions.

Commissioner Brimmer encouraged the City to negotiate a good deal for the City in the Development Agreement.

Commissioner Graber moved, seconded by Vice-Chairman Saenz, to concur with staff's recommendation, with the amendment on Page 51, changing "CL" to "CC"; to allow the sign to be as high as 55 feet high; and to approve Resolution No. 09-2271. Motion carried, absent Commissioners Park and Verrett.

12. NEW BUSINESS DISCUSSION None.

13. WRITTEN COMMUNICATIONS None.

14. MANAGER'S REPORT None.





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 22, 2009

SUBJECT: Ordinance Amendment to modify regulations pertaining to outdoor advertising signs and their permitted locations within the city.

APPLICANT: Bulletin Displays, LLC
3127 E. South Street, Suite "B"
Long Beach, CA 90805

REQUEST: To consider an Ordinance Amendment which creates a 405 Freeway Corridor establishing development regulations and allowing new outdoor advertising signs within the corridor with an approved Development Agreement.

PROPERTY INVOLVED: The south side of the 405 Freeway between Main Street and Figueroa Street.

____ Concurred with staff

____ Did not concur with staff

____ Other

Commissioner Graber moved, seconded by Vice-Chairman Saenz, to concur with staff recommendation, with the amendment on Page 51, changing "CL" to "CC"; to allow the sign to be as high as 55 feet high; and to approve Resolution No. 09-2271. Motion carried absent Commissioners Park and Verrett.

COMMISSIONERS' VOTE

✓		Chairman Faletogo	✓		Gordon
✓		Vice-Chair Saenz	Absent		Park
✓		Brimmer	✓		Schaefer
✓		Brown	Absent		Verrett
✓		Graber			

EXHIBIT NO. - 3



SN

I. Introduction

The applicant, Bulletin Displays, LLC, is proposing amendments to the Carson Municipal Code to include a portion of the 405 Freeway between Main Street and Figueroa Street to allow for a new outdoor advertising sign ("billboard") with an approved development agreement. The current request is to consider these amendments. If they are ultimately approved by City Council, a development agreement will be prepared and brought to the Planning Commission for consideration and recommendation to the City Council.

II. Background

On December 4, 2001, Ordinance No. 01-1237 (Exhibit No. 1) was passed by City Council, citing a legitimate governmental interest in limiting the location, height and size of billboards in order to minimize potential negative impacts on traffic, aesthetics and an interference with potential redevelopment activities. This ordinance limited new billboards to the Alameda Street corridor and prohibited them on any other streets within the industrial zones. The existing prohibition of billboards along the freeways and within residential and commercial zones remained unchanged.

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 billboards (Exhibit Nos. 2 and 3). The City Council referred the item to the Planning Commission to study current regulations for billboards and replacement with more contemporary structures. On February 24, 2009 staff presented a workshop to the Planning Commission and a report containing information pertaining to existing zoning regulations regarding billboards, and an analysis of billboards (Exhibit Nos. 4 and 5). Although the workshop report contains discussion pertaining to two potential billboard projects, including Bulletin Displays', Clear Channel's proposal to modify an existing static display billboard to an LED display has since been withdrawn.

III. Analysis

Current provisions within the Carson Municipal Code require a conditional use permit 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. There are currently 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 (Exhibit No. 6).

The applicant has been diligently working with the city on negotiations in preparation of a development agreement for a new sign to be proposed for 19401 Main Street adjacent to the north side of the 405 Freeway. In order to accommodate this proposed location, the applicant is requesting a Text Amendment to modify the ordinance and create a "405 Corridor". Also, the applicant is recommending the removal of the conditional use permit (CUP) requirement for new billboards and

asking that the Planning Commission consider replacing it with a development agreement requirement. Pursuant to Government Code Sections 65864-65869.5, a city or county may enter into a development agreement with any person having a legal or equitable interest in real property for the development (Exhibit No. 7).

Ordinance Amendment and Related Text Changes

In order to obtain the right to submit a development agreement for consideration of a new billboard on a property other than one abutting the Alameda Corridor, the applicant 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. The total sign face area on each 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 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. 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 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, nNo 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, 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 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, 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. ~~An conditional use permit (CUP)~~ 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 CUP for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the City Council Commission shall render its decision on an application for a Development Agreement CUP for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a Development Agreement CUP for an outdoor advertising sign shall be approved by the Commission, ~~or by the City Council on appeal,~~ 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, subject to the GCC GCC
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 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.

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 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 extract improvements or benefits for the city that are not possible by way of a CUP, such as a development fee, free civic and/or charitable advertising, or the removal of existing street-oriented billboards in exchange for a new billboard. An additional benefit derived from a development agreement is that it provides the city the leverage to control the placement of additional billboards and the terms thereof.

If the new ordinance is approved, the applicant will prepare and submit the development agreement to be considered by the Planning Commission at a later date. Details regarding the proposed billboard and its location will be presented at a future public hearing for the development agreement to the Planning Commission.

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 405 FREEWAY CORRIDOR DISTRICT AND DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW OUTDOOR ADVERTISING SIGNS"

VI. Exhibits

1. Ordinance No. 01-1237.
2. City Council staff report without exhibits dated October 7, 2008.
3. City Council minutes for Agenda Item No. (22) dated October 7, 2008.
4. Planning Commission staff report without exhibits dated February 24, 2009.
5. Planning Commission minutes for Agenda Item No. (12D) dated February 24, 2009.
6. Map of Billboard Locations in Carson.
7. Government Code Section 65864-65869.5 (Development Agreements Code).
8. Government Code Section 5400 – 5419 (Business and Professions Code).
9. Draft Resolution for Text Amendment No. 07-09.

Prepared by: _____

Steven C. Newberg, AICP, Associate Planner

Reviewed and Approved by: _____

Sheri Repp-Loadsman, Planning Division Manager

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ORDINANCE NO. 01-1237

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA REVISING
THE REGULATIONS FOR OUTDOOR ADVERTISING SIGNS
IN THE CITY'S INDUSTRIAL ZONES AND AMENDING
THE CARSON MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF CARSON DOES ORDAIN AS FOLLOWS:

Section 1. Authority and Purpose.

A. The City Council enacts this Ordinance pursuant to the City's police power and pursuant to the authority conferred by California Government Code Sections 38774 and 65850(b).

B. The City Council enacts this Ordinance to further the City's substantial government interests in aesthetics and safety. The City Council finds that, without proper regulation, outdoor advertising signs can contribute to visual blight and can constitute a traffic hazard. The City Council further finds that it is in the public interest to regulate the location, height and size of outdoor advertising signs.

Section 2. Code Amendment. Category "Outdoor Advertising Sign", under the heading "Outdoor Advertising" of 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 to read as follows:

Zones:

	<u>ML</u>	<u>MH</u>
"Outdoor advertising sign, subject to the requirements of Section 9146.7	C	C"

Section 3. Code Amendment. Paragraph A of 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 to read as follows:

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

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



2. The height of a pre-Ordinance No. 01-1237 sign structure shall not exceed forty-two (42) feet measured from the ground level at the base of the sign structure. The height of a 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. For purposes of this provision, the term "Alameda Corridor" means that portion of Alameda Street between Del Amo Boulevard and Lomita Boulevard.

4. 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. 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. 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. A conditional use permit (CUP) shall be required for each new sign structure in accordance with provisions set forth in Section 9172.21."

PASSED, APPROVED AND ADOPTED this 18th day of December, 2001.

ATTEST:

Helen S. Kawagoe
CITY CLERK

Paul W. Sweeney
MAYOR

APPROVED AS TO FORM:

[Signature]
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. 01-1237, passed first reading on December 4, 2001 was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 18th day of December, 2001, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Sweeney, Frank, Ontal, and Dear
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Calas

Helen S. Kawagoe
City Clerk, City of Carson, California



City of Carson Report to Mayor and City Council

October 7, 2008
New Business Discussion

**SUBJECT: CONSIDERATION OF POSSIBLE AMENDMENT OF ZONING REGULATIONS
FOR EXISTING OUTDOOR ADVERTISING SIGNS**

Submitted by Clifford W. Graves
Economic Development General Manager

Approved by Jerome G. Groomes
City Manager

I. SUMMARY

This item is on the agenda at the request of Mayor Pro Tem Gipson.

Existing zoning regulations prohibit the establishment of new outdoor advertising signs within the city with the exception of locations along the Alameda Corridor. The vast majority of existing outdoor advertising signs are considered to be legal, nonconforming and many are unattractive in design and maintenance. The City Council is requested to consider a referral to the Planning Commission to study existing regulations to determine if an opportunity should be provided to allow existing outdoor advertising signs to be replaced with more contemporary structures.

II. RECOMMENDATION

CONSIDER and PROVIDE direction.

III. ALTERNATIVES

1. DIRECT the Planning Commission to study 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.
2. Decline to refer the matter to the Planning Commission.
3. Take another action the City Council deems appropriate.

IV. BACKGROUND

The City Council is asked to direct the Planning Commission to study 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.

The Carson Municipal Code addresses outdoor advertising in the following sections:

Section 9136.7 (Commercial Zones, Signs): Outdoor advertising signs prohibited.



October 7, 2008

Section No. 9138.71 (Outdoor Advertising Signs in an Electronic Marquee Signage Overlay District): Establishes an overlay zone to allow for outdoor advertising signs associated with the Home Depot Center subject to the requirements of Section 9167.7. An exception was included to allow for advertising of beer products.

Section No. 9146.7 (Industrial Zones, Signs): Allows a conditional use permit for outdoor advertising signs on property that abuts the Alameda Corridor. All other outdoor advertising signs prohibited in industrial zones.

Section 9167.6 (Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements): Prohibits the advertising of tobacco products or alcoholic beverages within city.

Section 9167.7 (Noncommercial Messages on Outdoor Advertising Signs): Allows for noncommercial message in lieu of commercial message.

In 1990, a citywide inventory of existing outdoor advertising billboards indicated that approximately ninety-two (92) structures and one hundred fifty-five (155) advertising sign faces existed in Carson. On October 8, 2001, a field survey revealed the existence of 79 billboard structures with 83 sign faces. The majority of signs were permitted prior to city incorporation by the County of Los Angeles. Prior to 2001, city ordinances prohibited billboards in commercial zones and permitted in industrial zones, except along the freeways.

On December 18, 2001 (Exhibit No. 2) the City Council adopted an ordinance which limited the location, height and size of future outdoor advertising signs subject to approval of a conditional use permit (CUP). The purpose of the ordinance amendment was to restrict the location, height and size of outdoor advertising signs. The proposed ordinance amendment would permit new signs only within the Alameda corridor between Del Amo Boulevard and Lomita Boulevard. The Council found that without proper regulation, outdoor advertising signs can contribute visual blight and can constitute a traffic hazard. The ordinance justification identified that the proliferation and unregulated operation of outdoor advertising signs may result in adverse impacts on adjacent properties in the community and interfere with the successful redevelopment of blighted areas; there existed a significant number of legal, non-conforming outdoor advertising signs; outdoor advertising sign locations may detract from local businesses (i.e., auto dealerships); and older outdoor advertising signs appeared unattractive in design and maintenance.

October 7, 2008

Over the past several years, various property owners have continued efforts to remove outdoor advertising signs, most notably Carson Honda and Superior Nissan. With the exception of the Home Depot signs located in the Electronic Marquee Signage Overlay District, only one application has been submitted since 2001 requesting authorization for a new or substantially modified billboard. On August of 2007, Clear Channel Outdoor Company requested an amendment to CMC Section 9146.7 to upgrade an existing outdoor advertising structure (located at the Freeway 405 and Alameda Street) from 300 square-foot sign to a 672 square-foot "electronic message" sign. Staff advised the application would not be supported and identified additional information needed to deem the application complete. However, on June 18, 2008, the application was deemed incomplete due to the applicant being non-responsive. The applicant was provided notice that the file was closed.

V. FISCAL IMPACT

Staff time and resources will be expended to prepare for the study session and preparation of ordinance amendment if deemed appropriate.

VI. EXHIBITS

1. Excerpt from Carson Municipal Code concerning Outdoor Advertising Signs (pgs. 4-6)
2. Minutes, December 18, 2007, Item no. 18. (pg. 7)

Document2

Prepared by: Sheri Repp Loadsman

sf:Rev061902

Reviewed by:

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

Action taken by City Council

Date _____ Action _____

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The motion, as amended and clarified by City Attorney Wynder, was carried by the following roll call vote:

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

ITEM NO. (22) CONSIDERATION OF POSSIBLE AMENDMENT OF ZONING REGULATIONS FOR EXISTING OUTDOOR ADVERTISING SIGNS (ECONOMIC DEVELOPMENT)

This item was heard after Item No. 20.

City Manager Groomes summarized the staff report and recommendation.

RECOMMENDATION for the City Council:

1. CONSIDER and PROVIDE direction.

ACTION: It was moved to approve Alternate staff recommendation No. 1, to direct the Planning Commission to study 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 on motion of Gipson, seconded by Santarina and unanimously carried by the following roll call vote:

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

ORDINANCE SECOND READING: (None)

RECESS: The City Council was Recessed at 11:34 P.M. by Mayor Dear to the Redevelopment Agency for Approval of Minutes.

RECONVENE: The City Council was Reconvened at 6:50 P.M. by Mayor Dear with all members previously noted present.

RECONVENE: The City Council was Reconvened at 11:39 P.M. for a joint session with the Redevelopment Agency by Mayor/Chairman Dear with all members previously noted present to hear Oral Communications (Staff) (Council/Agency)

ORAL COMMUNICATIONS I (STAFF)

City Clerk/Agency Secretary Kawagoe requested that this evening's meeting be adjourned in memory of the following individuals:



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

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 914.6.7 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.

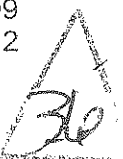
1967 – California Outdoor Advertising Act

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.

- (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

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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

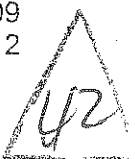
Currently, the City of Carson only allows billboards along the "Alameda Corridor" and on the Home Depot signs on the 91 and 405 Freeways within the EMS-Overlay Districts. If the Bulletin Displays, LLC proposal, or a modified version of their project is desired, then a modification to the Sign Ordinance 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, nNo 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

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

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 advertising 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 advertising 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.

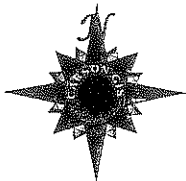
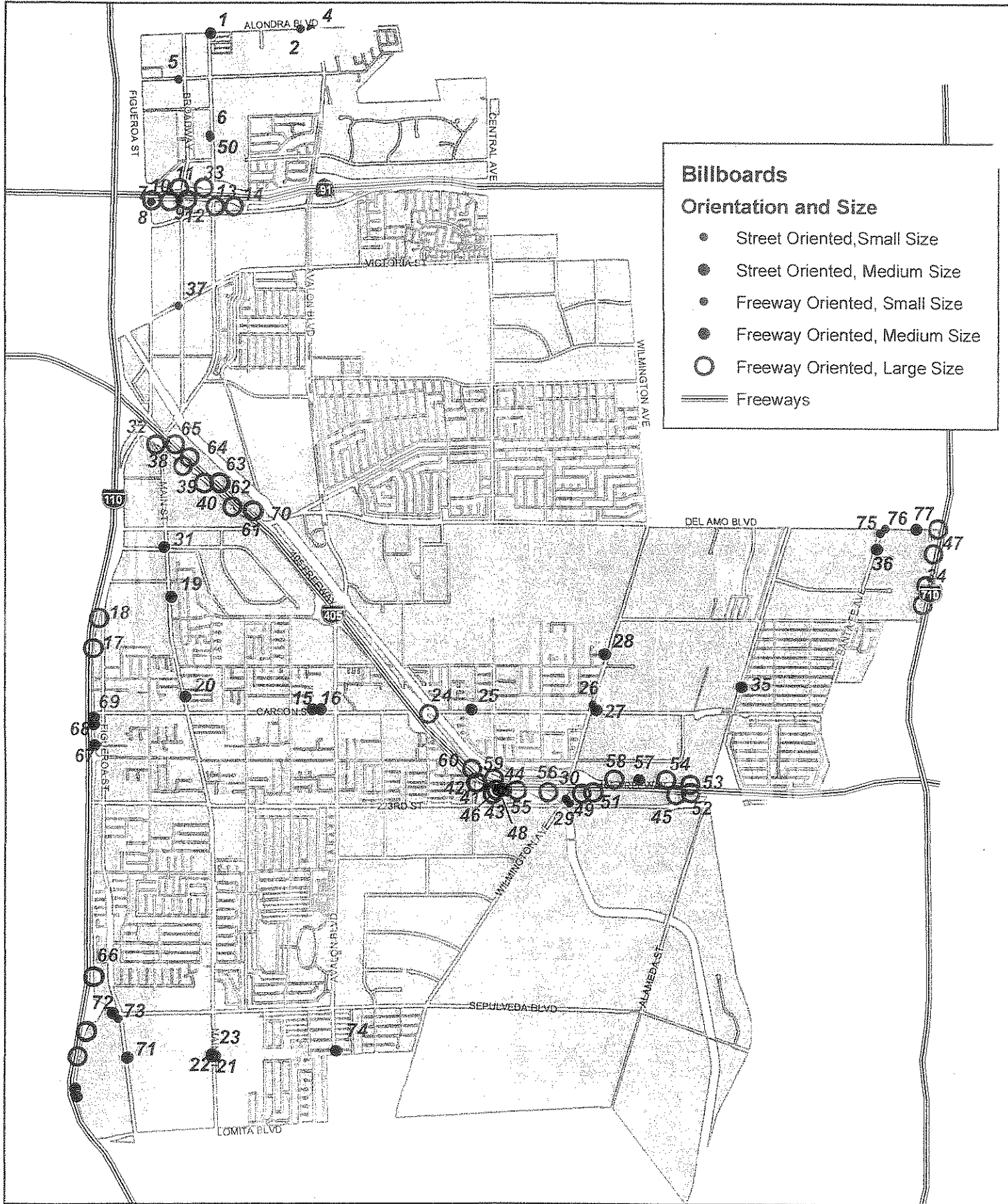
Planning Manager Repp advised that staff will evaluate the entire City for this purpose.

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 strategies. She noted that South Bay COG will be conducting a workshop this Friday to address fiscal issues; and noted that City Council will be considering an update of the ABC ordinances at its March 18th meeting.

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City of Carson **BILLBOARD LOCATIONS**

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Justia > Law > California Law > California Code > California Government Code > Article 2.5. Development Agreements - Sections 65864-65869.5

California Government Code Sections 65864-65869.5

Article 2.5. Development Agreements

 Search

☒ California Code ☐ All US State Codes
**GOVERNMENT CODE
SECTION 65864-65869.5**

65864. The Legislature finds and declares that:

(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

(c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

65865. (a) Any city, county, or city and county, may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property as provided in this article.

(b) Any city may enter into a development agreement with any person having a legal or equitable interest in real property in unincorporated territory within that city's sphere of influence for the development of the property as provided in this article. However, the agreement shall not become operative unless annexation proceedings annexing the property to the city are completed within the period of time specified by the agreement. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement is null and void.

(c) Every city, county, or city and county, shall, upon request of

an applicant, by resolution or ordinance, establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of, the property owner or other person having a legal or equitable interest in the property.

(d) A city, county, or city and county may recover from applicants the direct costs associated with adopting a resolution or ordinance to establish procedures and requirements for the consideration of development agreements.

(e) For any development agreement entered into on or after January 1, 2004, a city, county, or city and county shall comply with Section 66006 with respect to any fee it receives or cost it recovers pursuant to this article.

65865.1. Procedures established pursuant to Section 65865 shall include provisions requiring periodic review at least every 12 months, at which time the applicant, or successor in interest thereto, shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the local agency finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the local agency may terminate or modify the agreement.

65865.2. A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

65865.3. (a) Except as otherwise provided in subdivisions (b) and (c), Section 65868, or Section 65869.5, notwithstanding any other law, if a newly incorporated city or newly annexed area comprises territory that was formerly unincorporated, any development agreement entered into by the county prior to the effective date of the incorporation or annexation shall remain valid for the duration of the agreement, or eight years from the effective date of the incorporation or annexation, whichever is earlier. The holder of the development agreement and the city may agree that the development agreement shall remain valid for more than eight years, provided that the longer period shall not exceed 15 years from the effective date of the incorporation or annexation. The holder of the development agreement and the city shall have the same rights and obligations

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with respect to each other as if the property had remained in the unincorporated territory of the county.

(b) The city may modify or suspend the provisions of the development agreement if the city determines that the failure of the city to do so would place the residents of the territory subject to the development agreement, or the residents of the city, or both, in a condition dangerous to their health or safety, or both.

(c) Except as otherwise provided in subdivision (d), this section applies to any development agreement which meets all of the following requirements:

(1) The application for the agreement is submitted to the county prior to the date that the first signature was affixed to the petition for incorporation or annexation pursuant to Section 56704 or the adoption of the resolution pursuant to Section 56800, whichever occurs first.

(2) The county enters into the agreement with the applicant prior to the date of the election on the question of incorporation or annexation, or, in the case of an annexation without an election pursuant to Section 57075, prior to the date that the conducting authority orders the annexation.

(3) The annexation proposal is initiated by the city. If the annexation proposal is initiated by a petitioner other than the city, the development agreement is valid unless the city adopts written findings that implementation of the development agreement would create a condition injurious to the health, safety, or welfare of city residents.

(d) This section does not apply to any territory subject to a development agreement if that territory is incorporated and the effective date of the incorporation is prior to January 1, 1987.

65865.4. Unless amended or canceled pursuant to Section 65868, or modified or suspended pursuant to Section 65869.5, and except as otherwise provided in subdivision (b) of Section 65865.3, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the city, county, or city and county entering the agreement, which alters or amends the rules, regulations, or policies specified in Section 65866.

65866. Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent a city, county, or city and county, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent a city, county, or city and county from denying or conditionally approving any subsequent development



project application on the basis of such existing or new rules, regulations, and policies.

65867. A public hearing on an application for a development agreement shall be held by the planning agency and by the legislative body. Notice of intention to consider adoption of a development agreement shall be given as provided in Sections 65090 and 65091 in addition to any other notice required by law for other actions to be considered concurrently with the development agreement.

65867.5. (a) A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.

(b) A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

(c) A development agreement that includes a subdivision, as defined in Section 66473.7, shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Section 66473.7.

65868. A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Section 65867. An amendment to an agreement shall be subject to the provisions of Section 65867.5.

65868.5. No later than 10 days after a city, county, or city and county enters into a development agreement, the clerk of the legislative body shall record with the county recorder a copy of the agreement, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

65869. A development agreement shall not be applicable to any development project located in an area for which a local coastal program is required to be prepared and certified pursuant to the requirements of Division 20 (commencing with Section 30000) of the Public Resources Code, unless: (1) the required local coastal program has been certified as required by such provisions prior to the date on which the development agreement is entered into, or (2) in the event that the required local coastal program has not been certified, the California Coastal Commission approves such



development agreement by formal commission action.

65869.5. In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

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CALIFORNIA CODES
BUSINESS AND PROFESSIONS CODE
SECTION 5400-5419

5400. No advertising structure may be maintained unless the name of the person owning or maintaining it, is plainly displayed thereon.

5401. No advertising structure shall be placed unless it is built to withstand a wind pressure of 20 pounds per square foot of exposed surface. Any advertising structure not conforming to this section shall be removed as provided in Section 5463.

5402. No person shall display or cause or permit to be displayed upon any advertising structure or sign, any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent or immoral character.

5403. No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

- (a) If within the right-of-way of any highway.
- (b) If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if likely to be mistaken for any permitted sign, or if intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
- (c) If within any stream or drainage channel or below the floodwater level of any stream or drainage channel where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.
- (d) If not maintained in safe condition.
- (e) If visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal.
- (f) If visible from any highway which is a part of the interstate or primary systems, and which is placed upon trees, or painted or drawn upon rocks or other natural features.
- (g) If any illumination shall impair the vision of travelers on adjacent highways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code.
- (h) If visible from a state regulated highway displaying any flashing, intermittent, or moving light or lights.
- (i) If, in order to enhance the display's visibility, the owner of the display or anyone acting on the owner's behalf removes, cuts, cuts down, injures, or destroys any tree, shrub, plant, or flower



growing on property owned by the department that is visible from the highway without a permit issued pursuant to Section 670 of the Streets and Highways Code.

5404. No advertising display shall be placed outside of any business district as defined in the Vehicle Code or outside of any unincorporated city, town or village, or outside of any area that is subdivided into parcels of not more than 20,000 square feet each in area in any of the following locations or positions, or under any of the following conditions, or if the advertising display is of the following nature:

(a) If within a distance of 300 feet from the point of intersection of highway or of highway and railroad right-of-way lines, except that this does not prevent the placing of advertising display on that side of an intercepted highway that is opposite the point of interception. But in case any permanent building, structure or other object prevents any traveler on any such highway from obtaining a clear view of approaching vehicles for a distance of 300 feet, then advertising displays may be placed on such buildings, structure or other object if such displays will not further obstruct the vision of those approaching the intersection or interception, or if any such display does not project more than one foot therefrom.

(b) If placed in such a manner as to prevent any traveler on any highway from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.

55. Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, other than any of the following:

(a) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders and scenic and historical attractions, and which comply with regulations adopted by the director relative to their lighting, size, number, spacing, and any other requirements as may be appropriate to implement this chapter which are consistent with national standards adopted by the United States Secretary of Transportation pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(b) Advertising displays advertising the sale or lease of the property upon which they are located, if all advertising displays within 660 feet of the edge of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251 and 5415.

(c) Advertising displays which advertise the business conducted, services rendered, or goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; and if all advertising displays within 660 feet of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251, 5403, and 5415; and except that no advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent, or moving lights (other than that part necessary to give public voice information, including, but not limited to, the time, date, temperature, weather, or similar information, or a message center display as defined in subdivision (d)).

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(d) (1) Message center displays that comply with all requirements of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of subdivision (b) of Section 5408, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. No message center display may be placed within 1,000 feet of another message center display on the same side of the highway. No message center display may be placed in violation of Section 131 of Title 23 of the United States Code.

(2) Any message center display located beyond 660 feet from the edge of the right-of-way of an interstate or primary highway and permitted by a city, county, or city and county on or before December 31, 1988, is in compliance with Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400) for purposes of this section.

(3) Any message center display legally placed on or before December 31, 1996, which does not conform with this section may continue to be maintained under its existing criteria if it advertises only the business conducted, services rendered, or goods produced or sold upon the property upon which the display is placed.

(4) This subdivision does not prohibit the adoption by a city, county, or city and county of restrictions or prohibitions affecting off-premises message center displays which are equal to or greater than those imposed by this subdivision, if that ordinance or regulation does not restrict or prohibit on-premises advertising displays, as defined in Chapter 2.5 (commencing with Section 5490).

(e) Advertising displays erected or maintained pursuant to regulations of the director, not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

5405.3. Nothing in this chapter, including, but not limited to, Section 5405, shall prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

A temporary political sign is a sign which:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a statement of responsibility filed with the department certifying a person who will be responsible for removing the temporary political sign and who will reimburse the department for any cost incurred to remove it.

5405.5. In addition to those displays permitted pursuant to Section 5405, displays erected and maintained pursuant to regulations of the director, which will not be in violation of Section 131 of Title 23

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of the United States Code, and which identify the location of a farm produce outlet where farmers sell directly to the public only those farm or ranch products they have produced themselves, may be placed maintained within 660 feet from the edge of the right-of-way so that the copy of the display is visible from a highway.

The advertising displays shall indicate the location of the farm products but not the price of any product and shall not be larger than 150 square feet.

5405.6. Notwithstanding any other provision of law, no outdoor advertising display that exceeds 10 feet in either length or width, shall be built on any land or right-of-way owned by the Los Angeles County Metropolitan Transportation Authority, including any of its rights-of-way, unless the authority complies with any applicable provisions of this chapter, the federal Highway Beautification Act of 1965 (23 U.S.C.A. Sec. 131), and any local regulatory agency's rules or policies concerning outdoor advertising displays. The authority shall not disregard or preempt any law, ordinance, or regulation of any city, county, or other local agency involving any outdoor advertising display.

5406. The provisions of Sections 5226 and 5405 shall not apply to bonus segments which traverse and abut on commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to and abutting on the national system of interstate and defense highways is subject to municipal regulation or control, or which traverse and abut on other business areas where the land use, as of September 21, 1959, was clearly established by state laws as industrial or commercial, provided that advertising displays within 660 feet of the edge of the right-of-way of such bonus segments shall be subject to the provisions of Section 5408.

5407. The provisions of Sections 5226 and 5405 shall not apply to penalty segments which are located, or which are to be located, in business areas and which comply with Section 5408, except that Sections 5226 and 5405 shall apply to unzoned commercial or industrial areas in which the commercial or industrial activity ceases and is removed or permanently converted to other than a commercial or industrial activity, and displays in such areas shall be removed not later than five years following the cessation, removal, or conversion of the commercial or industrial activity.

5408. 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 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.

(e) Subdivision (d) does not apply to any of the following:

(1) Advertising displays that are separated by a building or other obstruction in a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time.

(2) Double-faced, back-to-back, or V-type advertising display, with a maximum of two signs per facing, as permitted in subdivision (a).

(3) Advertising displays permitted by subdivisions (a) to (c), inclusive, of Section 5405. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(4) Any advertising display lawfully in existence on August 1, 1967, which does not conform to this subdivision but that is permitted by city or county ordinances.

(f) "Urban area," as used in subdivision (d), shall be determined

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in accordance with Section 101(a) of Title 23 of the United States Code.

5408.1. (a) No advertising display shall be placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway if such advertising display is located outside of an urban area or within that portion of an urban area that is not a business area, is visible from the main traveled way of such highway, and is placed with the purpose of its message being read from such main traveled way, unless such advertising display is included within one of the classes of displays permitted by Section 5405 to be placed within 660 feet from the edge of such highway. Such display may be placed or maintained within the portion of an urban area that is also a business area if such display conforms to the criteria for size, spacing and lighting set forth in Section 5408.

(b) Any advertising display which was lawfully in existence on the effective date of the enactment of this section, but which does not conform to the provisions of this section, shall not be required to be removed until January 1, 1980. If federal law requires the state to pay just compensation for the removal of any such display, it may remain in place after January 1, 1980, and until just compensation is paid for its removal pursuant to Section 5412.

(c) For purposes of this section, an urban area means an area so designated in accordance with the provisions of Section 101 of Title 23 of the United States Code.

5408.2. Notwithstanding any other provision of this chapter, an advertising display is a lawfully erected advertising display and, upon application and payment of the application fee, the director shall issue a permit for the display if it meets all of the following conditions:

(a) The display was erected on property adjacent to State Highway Route 10 (Interstate 10) in the unincorporated area of the County of Los Angeles in order to replace a display which was required to be removed because the property on which it was located was acquired by the State of California to facilitate construction of the busway on Route 10 in the County of Los Angeles.

(b) Upon proper application, the display could have qualified for a permit at the time it was erected, except for Sections 5351 and 5408 and Article 5 (commencing with Section 5320) as in effect at the time.

(c) The display conforms to Section 5408 as in effect on January 1, 1984.

(d) The display was in existence on January 1, 1984.

5408.3. Notwithstanding Section 5408, a city or a county with land use jurisdiction over the property may adopt an ordinance that establishes standards for the spacing and sizes of advertising displays that are more restrictive than those imposed by the state.

5408.5. In addition to the advertising displays permitted by Sections 5405 and 5408, advertising displays located on bus passenger



shelters or benches and conforming to the following standards may be placed on or adjacent to a highway:

(a) The advertising display may not be within 660 feet of and visible from any federal-aid interstate or primary rural highway, and any advertising display within 660 feet of and visible from any urban highway shall be consistent with federal law and regulations.

(b) The advertising display shall meet traffic safety standards of the public entity having operational authority over the highway. These standards may include provisions requiring a finding and certification by an appropriate official that the proposed advertising display does not constitute a hazard to traffic.

(c) Bus passenger shelters or benches with advertising displays may only be placed at approved passenger loading areas.

(d) Bus passenger shelters or benches with advertising displays may only be placed in accordance with a permit or agreement with the public entity having operational authority over the highway adjacent to where, or upon which, the advertising display is to be placed.

(e) Any advertising display on bus passenger shelters or benches may not extend beyond the exterior limits of the shelter or bench.

(f) There may not be more than two advertising displays on any bus passenger shelter.

(g) Advertising displays placed on bus passenger shelters or benches pursuant to a permit or agreement with a local public entity shall not be subject to the state permit requirements specified in Article 6 (commencing with Section 5350).

5408.7. (a) It is the intent of the Legislature that this section shall not serve as a precedent for other changes to the law regarding outdoor advertising displays on, or adjacent to, highways. The Legislature recognizes that the streets in the City and County of San Francisco that are designated as state or federal highways are unique in that they are also streets with street lights, sidewalks, and many of the other features of busy urban streets. At the same time, these streets double as a way, and often the only way, for people to move through the city and county from one boundary to another. The Legislature recognizes the particular topography of the City and County of San Francisco, the popularity of the area as a tourist destination, the high level of foot traffic, and the unique design of its highways.

(b) For purposes of this section, "street furniture" is any kiosk, trash receptacle, bench, public toilet, news rack, or public telephone placed on, or adjacent to, a street designated as a state or federal highway.

(c) In addition to the advertising displays permitted by Sections 5405, 5408, and 5408.5, advertising displays located on street furniture may be placed on, or adjacent to, any street designated as a state or federal highway within the jurisdiction of a city and county, subject to all of the following conditions:

(1) The advertising display meets the traffic safety standards of the city and county. These standards may include provisions requiring a finding and certification by an appropriate official of the city and county that the proposed advertising display does not constitute a hazard to traffic.

(2) Any advertising display that is within 660 feet of, and visible from, any street designated as a state or federal highway shall be consistent with federal law and regulations.

(3) Advertising displays on street furniture shall be placed in accordance with a permit or agreement with the city and county.

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(4) Advertising displays on street furniture shall not extend beyond the exterior limits of the street furniture.

(d) Advertising displays placed on street furniture pursuant to a permit or agreement with the city and county shall not be subject to the state permit requirements of Article 6 (commencing with Section 5350). This subdivision does not affect the authority of the state to enforce compliance with federal law and regulations, as required by paragraph (2) of subdivision (c).

(e) (1) The city and county shall, upon written notice of any suit or claim of liability against the state for any injury arising out of the placement of an advertising display approved by the city and county pursuant to subdivision (c), defend the state against the claim and provide indemnity to the state against any liability on the suit or claim.

(2) For the purposes of this subdivision, "indemnity" has the same meaning as defined in Section 2772 of the Civil Code.

(f) (1) This section shall become inoperative not later than 60 days from the date the director receives notice from the United States Secretary of Transportation that future operation of this section will result in a reduction of the state's share of federal highway funds pursuant to Section 131 of Title 23 of the United States Code.

(2) Upon receipt of the notice described in paragraph (1), the director shall notify in writing the Secretary of State and the City and County of San Francisco of that receipt.

(3) This section shall be repealed on January 1 immediately following the date the Secretary of State receives the notice required under paragraph (2).

5410. Any advertising display located within 660 feet of the edge of the right-of-way of, and the copy of which is visible from, any penalty segment, or any bonus segment described in Section 5406 which display was lawfully maintained in existence on the effective date of this section but which was not on that date in conformity with the provisions of this article, may be maintained, and shall not be required to be removed until July 1, 1970. Any other sign which is lawful when erected, but which does not on January 1, 1968, or any time thereafter, conform to the provisions of this article, may be maintained, and shall not be required to be removed, until the end of the fifth year after it becomes nonconforming; provided that this section shall not apply to advertising displays adjacent to a landscaped freeway.

5412. Notwithstanding any other provision of this chapter, no advertising display which was lawfully erected anywhere within this state shall be compelled to be removed, nor shall its customary maintenance or use be limited, whether or not the removal or limitation is pursuant to or because of this chapter or any other law, ordinance, or regulation of any governmental entity, without payment of compensation, as defined in the Eminent Domain Law (Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure), except as provided in Sections 5412.1, 5412.2, and 5412.3. The compensation shall be paid to the owner or owners of the advertising display and the owner or owners of the land upon which the display is located.

This section applies to all displays which were lawfully erected

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in compliance with state laws and local ordinances in effect when the displays were erected if the displays were in existence on November 6, 1978, or lawfully erected after November 6, 1978, regardless of whether the displays have become nonconforming or have been provided an amortization period. This section does not apply to on-premise displays as specified in Section 5272 or to displays which are relocated by mutual agreement between the display owner and the local entity.

"Relocation," as used in this section, includes removal of a display and construction of a new display to substitute for the display removed.

It is a policy of this state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds while allowing the continued maintenance of private investment and a medium of public communication. Cities, counties, cities and counties, and all other local entities are specifically empowered to enter into relocation agreements on whatever terms are agreeable to the display owner and the city, county, city and county, or other local entity, and to adopt ordinances or resolutions providing for relocation of displays.

5412.1. A city, county, or city and county, whose ordinances or regulations are otherwise in full compliance with Section 5412, is not in violation of that section if the entity elects to require the removal without compensation of any display which meets all the following requirements:

(a) The display is located within an area shown as residential on a local general plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for residential use either on the date on which the removal requirement is adopted or becomes applicable to the area.

(c) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(d) The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.

(e) The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Section 5412, and after giving notice of the removal requirement:

Fair Market Value on Date of Notice of Removal Requirement	Minimum Years Allowed
Under \$1,999	2
\$2,000 to \$3,999	3
\$4,000 to \$5,999	4
\$6,000 to \$7,999	5
\$8,000 to \$9,999	6

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\$10,000 and over 7

The amounts provided in this section shall be adjusted each January 1 after January 1, 1983, in accordance with the changes in building costs, as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs.

5412.2. A city or city and county, whose ordinances or regulations are otherwise in full compliance with Section 5412, is not in violation of that section if the entity elects to require the removal without compensation of any display which meets all the following requirements:

(a) The display is located within an incorporated area shown as agricultural on a local general plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for agricultural use either on the date on which the removal requirement is adopted or becomes applicable to the area.

(c) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(d) The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.

(e) The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Section 5412, and after giving notice of the removal requirement:

Fair Market Value on Date of Notice of Removal Requirement	Minimum Years Allowed
Under \$1,999	2
\$2,000 to \$3,999	3
\$4,000 to \$5,999	4
\$6,000 to \$7,999	5
\$8,000 to \$9,999	6
\$10,000 and over	7

The amounts provided in this section shall be adjusted each January 1 after January 1, 1983, in accordance with the changes in building costs as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs.

5412.3. A county whose ordinances or regulations are otherwise in full compliance with Section 5412, is not in violation of that section if the county elects to require the removal without compensation of any display which meets all the following requirements:



(a) The display is located within an unincorporated area shown as agricultural on a local general plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for agricultural use either on the date on which the removal requirement is adopted or becomes applicable to the area.

(c) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(d) The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.

(e) The display is allowed to remain in existence for the period of time set forth below after the adoption or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Section 5412, and after giving notice of the removal requirement:

Fair Market Value on Date of Notice of Removal Requirement	Minimum Years Allowed
Under \$1,999	3.0
\$2,000 to \$3,999	4.5
\$4,000 to \$5,999	6.0
\$6,000 to \$7,999	7.5
\$8,000 to \$9,999	9.0
\$10,000 and over	10.5

The amounts provided in this section shall be adjusted each January 1 after January 1, 1983, in accordance with the changes in building costs, as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs.

5412.4. Section 5412 shall not be applied in any judicial proceeding which was filed and served by any city, county, or city and county prior to January 1, 1982, except that Section 5412 shall be applied in litigation to prohibit the removal without compensation of any advertising display located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, or any advertising display placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway that is placed with the purpose of its message being read from the main traveled way of the highway.

5412.6. The requirement by a governmental entity that a lawfully erected display be removed as a condition or prerequisite for the issuance or continued effectiveness of a permit, license, or other approval for any use, structure, development, or activity other than a display constitutes a compelled removal requiring compensation under Section 5412, unless the permit, license, or approval is

requested for the construction of a building or structure which cannot be built without physically removing the display.

5413. Prior to commencing judicial proceedings to compel the removal of an advertising display, the director may elect to negotiate with the person entitled to compensation in order to arrive at an agreement as to the amount of compensation to be paid. If the negotiations are unsuccessful, or if the director elects not to engage in negotiations, a civil proceeding may be instituted as set forth in Section 5414.

To facilitate the negotiations, the Department of Transportation shall prepare a valuation schedule for each of the various types of advertising displays based on all applicable data. The schedule shall be updated at least once every two years. The schedule shall be made available to any public entity requesting a copy.

5414. Proceedings to compel the removal of displays and to determine the compensation required by this chapter shall be conducted pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the **Code** of Civil Procedure.

5415. The director shall prescribe and enforce regulations for the erection and maintenance of advertising displays permitted by Sections 5226, 5405, and 5408 consistent with Section 131 of Title 23

the United States **Code** and the national standards promulgated hereunder by the Secretary of Transportation; provided, that the director shall not prescribe regulations imposing stricter requirements for the size, spacing or lighting of advertising displays than are prescribed by Section 5408 and provided that the director shall not prescribe regulations to conform to changes in federal law or regulations made after November 8, 1967, without prior legislative approval.

Notwithstanding any other provisions of this chapter, no outdoor advertising shall be placed or maintained adjacent to any interstate highway or primary highway in violation of the national standards promulgated pursuant to subsections (c) and (f) of Section 131 of Title 23 of the United States **Code**, as such standards existed on November 8, 1967.

5416. The director shall seek, and may enter into, agreements with the Secretary of Transportation of the United States and shall take such steps as may be necessary from time to time to obtain, and may accept, any allotment of funds as provided by subdivision (j) of Section 131 of Title 23 of the United States **Code**, as amended from time to time, and such steps as may be necessary from time to time to obtain funds allotted pursuant to Section 131 for the purpose of paying the 75 percent federal share of the compensation required by subdivision (g) of Section 131 of Title 23 of the United States **Code**.

5417. From state funds appropriated by the Legislature for such purposes and from federal funds made available for such purposes, the



California Transportation Commission may allocate funds to the director for payment of compensation authorized by this chapter.

5418. The California Transportation Commission is authorized to allocate sufficient funds from the State Highway Account in the State Transportation Fund that are available for capital outlay purposes to match federal funds made available for the removal of outdoor advertising displays.

5418.1. When allocating funds pursuant to Section 5418, the commission shall consider, and may designate for expenditure, all or any part of such funds in accordance with the following order of priorities for removal of those outdoor advertising displays for which compensation is provided pursuant to Section 5412:

(a) Hardship situations involving outdoor advertising displays located adjacent to highways which are included within the state scenic highway system, including those nonconforming outdoor advertising displays which are offered for immediate removal by the owners thereof.

(b) Hardship situations involving outdoor advertising displays located adjacent to other highways, including those nonconforming outdoor advertising displays which are offered for removal by the owners thereof.

(c) Nonconforming outdoor advertising displays located adjacent to highways which are included within the state scenic highway system.

(d) Nonconforming outdoor advertising displays which are generally used for product advertising, and which are located in unincorporated areas.

(e) Nonconforming outdoor advertising displays which are generally used for product advertising located within incorporated areas.

(f) Nonconforming outdoor advertising displays which are generally used for non-motorist-oriented directional advertising.

(g) Nonconforming outdoor advertising displays which are generally used for motorist-related directional advertising.

5419. (a) The director shall seek agreement with the Secretary of Transportation of the United States, or his successor, under provisions of Section 131 of Title 23 of the United States Code, to provide for effective control of outdoor advertising substantially as set forth herein, provided that such agreement can vary and change the definition of "unzoned commercial or industrial area" as set forth in Section 5222 and the definition of "business area" as set forth in Section 5223, or other sections related thereto, and provided further that if such agreement does vary from such sections it shall not be effective until the Legislature by statute amends the sections to conform with the terms of the agreement. If agreement is reached on these terms, the director shall execute the agreement on behalf of the state.

(b) In the event an agreement cannot be achieved under subdivision (a), the director shall promptly institute proceedings of the kind provided for in subdivision (1) of Section 131 of Title 23 of the United States Code, in order to obtain a judicial determination as to

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whether this chapter and the regulations promulgated thereunder provide effective control of outdoor advertising as set forth therein. In such action the director shall request that the court

declare rights, status, and other legal relations and declare whether the standards, criteria, and definitions contained in the agreement proposed by the director are consistent with customary use. If such agreement is held by the court in a final judgment to be invalid in whole or in part as inconsistent with customary use or as otherwise in conflict with Section 131 of Title 23 of the United States Code, the director shall promptly negotiate with the Secretary of Transportation, or his successor, a new agreement or agreements which shall conform to this chapter, as interpreted by the court in such action.



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-

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 405 FREEWAY CORRIDOR DISTRICT AND DEVELOPMENT AGREEMENT REQUIREMENT FOR NEW 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. 09-1434, 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. A public hearing was duly held on September 22, 2009, 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 supports and is consistent with the City of Carson General Plan.
- b) The implementation of the proposed ordinance facilitates the permitting of new outdoor advertising signs and is meant to afford the city an additional avenue to partner with advertisers in a way that is mutually beneficial.
- c) The proposed ordinance seeks to encourage appropriate design standards for advertising signs within the city and implement measures to mitigate potentially significant impacts caused by the construction and use of new outdoor advertising signs.

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.

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.

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PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF SEPTEMBER, 2009

ATTEST:

CHAIRMAN

SECRETARY

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EXHIBIT "A"

DRAFT 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

Outdoor Advertising:

Outdoor advertising sign, subject to the requirements of CMC GL GL
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:

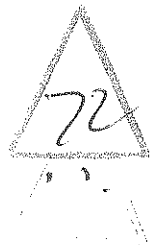
1. The total sign face area on each (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall not exceed eight hundred (800) square feet. The total sign face area on each any other new sign structure shall not exceed one hundred fifty (150) square feet. 55'

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 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. 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. ~~n~~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, 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 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, 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. An conditional use permit (CUP) 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 CUP for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the City Council Commission shall render its decision on an application for a Development Agreement CUP for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a Development Agreement CUP for an outdoor advertising sign shall be approved by the Commission, ~~or by the City Council on appeal,~~ 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 _____, 2009.

Mayor, Jim Dear

ATTEST:

City Clerk, Helen Kawagoe

APPROVED AS TO FORM:

William W. Wynder, City Attorney

DRAFT 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

Outdoor Advertising:

Outdoor advertising sign, subject to the requirements of CMC ~~ECC~~ ~~ECC~~ 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 each 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 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. 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, nNo 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, 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.

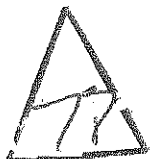
9. Any such sign structure shall not be permitted within two hundred (200) feet of a residential zone located on the same side of a public street or right-of-way.

10. Other than a (405) Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure, 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. An conditional use permit (CUP) 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 CUP for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the City Council Commission shall render its decision on an application for a Development Agreement CUP for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a Development Agreement CUP for an outdoor advertising sign shall be approved by the Commission, or by the City Council on appeal, 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 _____, 2009.

Mayor, Jim Dear

ATTEST:

City Clerk, Helen Kawagoe

APPROVED AS TO FORM:

William W. Wynder, City Attorney





MINUTES
CARSON CITY COUNCIL
REGULAR MEETING
OCTOBER 7, 2008

ITEM NO. (22) CONSIDERATION OF POSSIBLE AMENDMENT OF ZONING
REGULATIONS FOR EXISTING OUTDOOR ADVERTISING SIGNS
(ECONOMIC DEVELOPMENT)

This item was heard after Item No. 20.

City Manager Groomes summarized the staff report and recommendation.

RECOMMENDATION for the City Council:

1. CONSIDER and PROVIDE direction.

ACTION: It was moved to approve Alternate staff recommendation No. 1, to direct the Planning Commission to study 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 on motion of Gipson, seconded by Santarina and unanimously carried by the following roll call vote:

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



9146.7 Signs*.

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

1. The total sign face area on each I/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 (8) seconds. The total sign face area on any other new sign structure shall not exceed one hundred fifty (150) square feet and digital displays are not allowed on these other new sign structures.
2. The height of an I/405 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall either be the height of the current off-premises sign if said sign is being rebuilt or maintained on the same parcel of land or if the proposed off-premises sign is not replacing an existing off-premises sign on the same parcel of land, then said sign shall not exceed forty-two (42) feet measured from the higher of either the ground level at the base of the sign structure or the finished grade of the road which the sign is advertising thereto. The height of any other new sign structure shall not exceed twenty (20) feet measured from the ground level at the base of the sign structure.
3. A new sign structure shall be erected only on a property that abuts the Alameda corridor or abuts the I/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 Section, the term "I/405 Freeway Corridor" means that portion of the I/405 Freeway that is on the north side of the I/405 Freeway and that is also between Main Street and Figueroa Street ("Main Street Portion") and that portion of the I/405 Freeway that is between the west line of Alameda Street and a point that is two thousand one hundred (2,100) feet west of the west line of Alameda Street ("Alameda Street Portion").
4. The I/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 with one thousand (1,000) feet of any other digital display on the same side of the freeway, but in no case shall there be more than two (2) digital display faces allowed on the north side of the I/405 Freeway Corridor within the entire Alameda Street Portion and no more than two (2) digital display faces allowed on the south side of the I/405 Freeway Corridor within the entire Alameda Street Portion. Other than an I/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 twenty-eight (128) square feet in extensions, no new sign structure having a total sign face area of more than eighty (80) square feet but not exceeding one hundred fifty (150) square feet shall be erected within:



- a. Two hundred (200) feet of an outdoor advertising sign structure having a total sign face area greater than eighty (80) square feet; or
 - b. One hundred (100) feet of any other outdoor advertising sign structure located on the same side of the public street or other right-of-way.
5. No new sign structures having a total sign face area of eighty (80) square feet or less shall be erected within one hundred (100) feet of any outdoor advertising sign structure located on the same side of the public street or other right-of-way.
6. Other than an I/405 Freeway Corridor sign structure, any such sign, having a sign face visible from and within a distance of six hundred (600) feet of the edge of the right-of-way of a freeway or scenic highway measured horizontally along a line perpendicular to the centerline of such freeway or scenic highway shall not be permitted if placed or directed so as to be viewed primarily by persons traveling thereon.
7. Such sign shall not be permitted on the roof of a building, and a freestanding sign shall not be permitted to project over the roof of a building.
8. Such signs shall not encroach over public rights-of-way.
9. Any such sign structure shall not be permitted within two hundred (200) feet of a residential zone located on the same side of a public street or right-of-way.
10. Other than a I/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 backs of such signs, which are visible to the public, shall be suitably covered in order to conceal the structure and shall be properly maintained.
12. An approved development agreement shall be required for each new sign structure. The provisions of this subsection shall govern the processing of applications for a development agreement for an outdoor advertising sign. Unless an extension is agreed to in writing by the applicant, the City Council shall render its decision on an application for a development agreement for an outdoor advertising sign within three (3) months of the date of acceptance of the application. An application for a development agreement for an outdoor advertising sign shall be approved by the City Council if the proposed sign structure conforms to the requirements of this code and applicable laws.



9167.6 Tobacco and Alcoholic Beverage Outdoor Billboard Advertisements.

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

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

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

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

D. Existing Outdoor Billboard Advertisements.

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

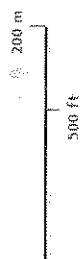
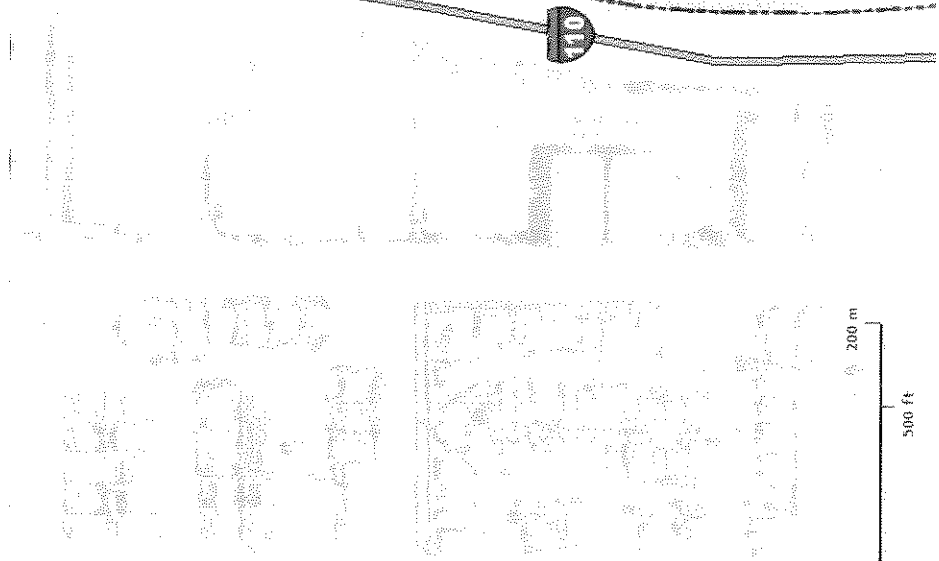
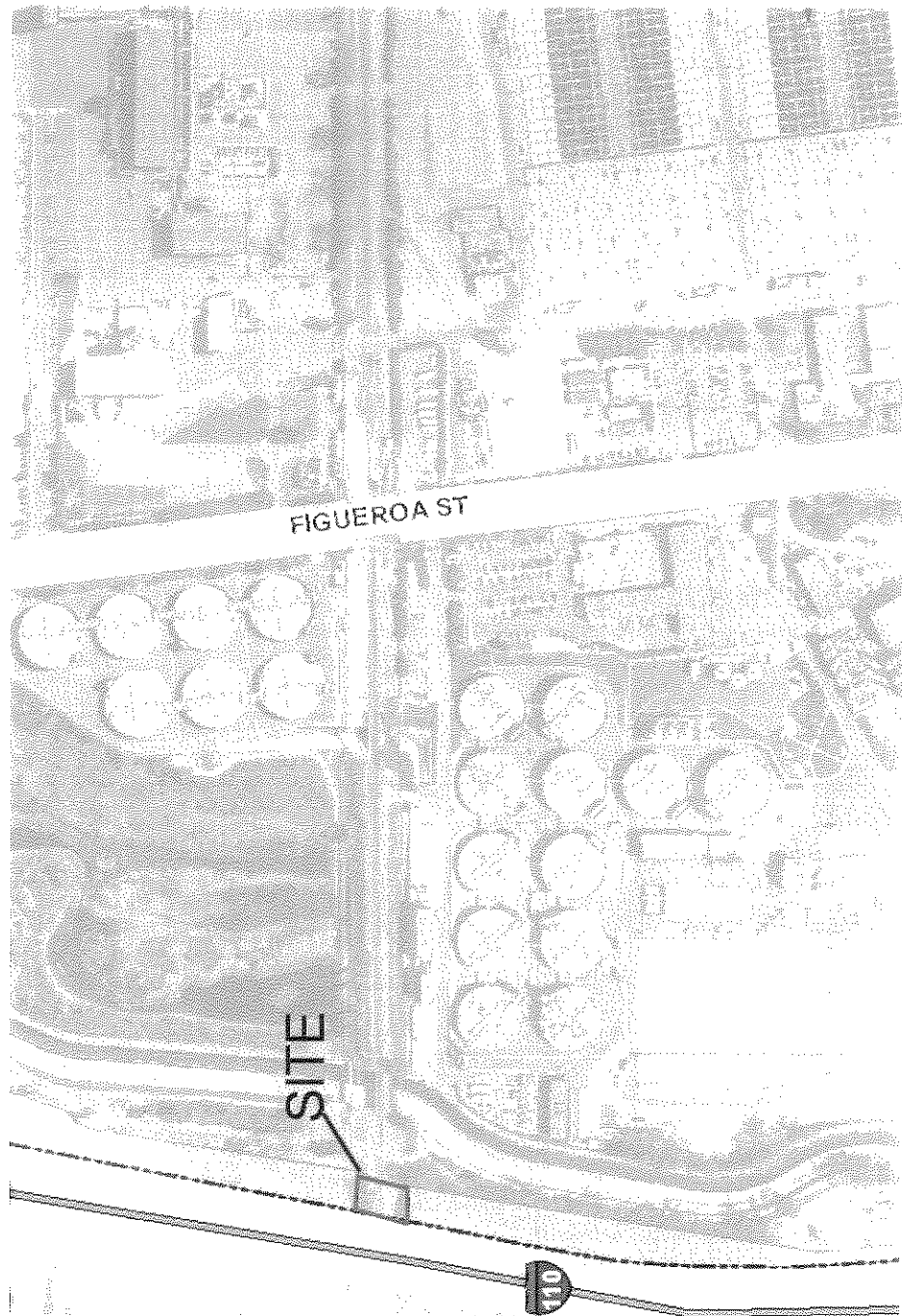


EXHIBIT NO. 5 -

