



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 12, 2016

SUBJECT: Modification No. 1 to Conditional Use Permit No. 962-14

APPLICANT: Car Pros Kia of Carson
c/o: Mr. Ken Phillips
21243 S. Avalon Boulevard
Carson, CA 90745

REQUEST: To delete Condition of Approval No. 13 requiring removal of an existing billboard prior to issuance of a building permit for a digital LED display pylon sign, located in the CA (Commercial, Automotive) zoning district

PROPERTY INVOLVED: 22020 Recreation Road

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Diaz			Mitoma
		Vice-Chair Madrigal			Pimentel
		Andrews			Post
		Fe'esago, Jr.			Thomas
		Guidry			

Item No. 9-A

I. **Introduction**

Property Owner/Applicant

- Ken Phillips, 18835 Beach Boulevard, Huntington Beach, CA 92648

Project Address

- 22020 Recreation Road, Carson, CA 90745

Project Description

The proposed modification is to delete Condition of Approval No. 13 requiring the removal of the existing billboard at the southerly end of the subject property prior to issuance of a building permit for a new LED electronic message center pylon sign.

Condition No. 13 reads as follows:

"The existing billboard at the southerly end of the project property shall be removed prior to issuance of building permit for the proposed second digital LED display pylon sign."

II. **Background**

Past and Current Use of Property

The subject 5.9 acre site was formerly used by the Altman's recreational vehicle dealership, which closed a few years ago. The Altman's buildings have been demolished and construction of the new Kia automobile dealership is expected to be completed by late winter or early spring.

Previously Approved Discretionary Permits

On April 22, 2014, the Planning Commission approved: DOR No. 1530-14 for construction of a new 64,784-square-foot Car Pros Kia Dealership; CUP No. 950-13 to construct a Kia dealership car-wash; CUP No. 951-13 to construct a 65-foot-high LED electronic message center pylon sign along the 405 Freeway; and Variance No. 549-14 so that the electronic message center sign can exceed the maximum height of 30 feet from freeway grade to enhance freeway visibility.

History

On February 24, 2015 the Planning Commission approved CUP No. 962-14 and Variance No. 554-14 to allow the applicant to construct the second LED electronic message display pylon sign. Condition of Approval No. 13 required the removal of the existing Outfront Media LLC.'s billboard at the southern end of the property prior to the issuance of the building permit for this LED pylon sign.

III. **Analysis**

CMC only permits one freeway oriented freestanding sign for the dealership. Along with filing CUP No. 962-14 which is required for approval of the sign, the applicant filed Variance No. 554-14 to permit a second freeway-oriented pylon sign to enhance

the visibility of the dealership. The Planning Commission approved both requests agreeing that the project would not have adequate visibility without the second sign and found a hardship in approving the Variance. The applicant agreed to all conditions of approval including Condition No. 13 which required the removal of the existing billboard at the southerly end of the subject property prior to issuance of a building permit for a new LED electronic message center pylon sign. The applicant has stated that a pending litigation precludes him from removing the billboard at this time.

On September 4, 2015, the City received a summons that Outfront Media LLC (Outfront), the owner of the subject billboard, has sued the City and Recreation Road, LLC (applicant). The complaint alleges the City has taken Outfront's property by including a condition in the CUP that requires the billboard be removed before the applicant constructs a second LED sign on the property. The lawsuit also alleges the applicant has breached the billboard lease with Outfront by asking Outfront to remove its billboard so that Recreation Road LLC can place a 540 square foot storage building on the billboard site. Outfront's position is that there are other locations on the property where this storage building could be located and removal of the sign is not necessary.

Condition No. 13 does not necessarily require removal of Outfront's billboard nor does it require it to be removed prior the expiration of the current billboard lease. It only requires it to be removed before the applicant installs another sign, which the permit does not require the applicant to install. Therefore, the timing of the removal of the billboard depends on the applicant, not the City. The City Attorney has opined, this is not considered a taking of the billboard as alleged by Outfront. However, since the second sign provides needed visibility for the dealership, staff supports removal of condition no. 13.

Issue, I-405 Visual Clutter

The visual clutter created by billboards, freestanding signs, and other signage along I-405 corridor continues to be staff's concern. Prior to approval of the Kia dealership, the site included three (3) freestanding signs including two billboards and Altman's sign.

Solution

The applicant removed one 60-foot-high double-faced billboard structure which was necessary in order to install the now constructed 65-foot-high LED electronic message center pylon sign. The second LED sign would replace the Altman sign that has already been removed as part of the construction of the site. The removal of the billboard currently on the site would reduce the visual clutter at this location. If the Planning Commission feels the visual clutter should be reduced along the I-405, keeping Condition No. 13 would not be considered a taking by the City as alleged by Outfront. The visibility of the dealership from the freeway and surface streets is an issue that the applicant was aware when they purchased the property.

IV. Environmental Review

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project does not have the potential of causing a significant effect on the environment since the prior use was a vehicle sales facility, is consistent with the General Plan designation of Regional Commercial and is zoned CA (Commercial Automotive). Therefore, it is exempt from further environmental review.

Recommendation

That the Planning Commission:

- **Approve** Modification No. 1 to CUP No. 962-14; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____ APPROVING MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 962-14 FOR A SECOND FREEWAY-ORIENTED ELECTRONIC MESSAGE CENTER PYLON SIGN FOR A KIA AUTOMOBILE DEALERSHIP TO BE LOCATED AT 22020 RECREATION ROAD.

V. Exhibits

1. Draft resolution and Conditions of Approval
2. Applicant's justification letter for Modification No. 1
3. Planning Commission Staff Report,
4. Planning Commission Minutes, February 24, 2015
5. Correspondence
6. Development Plans

Prepared by: _____

Zak Gonzalez II, Associate Planner

Reviewed by: _____

Richard Rojas, Senior Planner

Approved by: _____

Saied Naaseh, Planning Manager

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 962-14 FOR A NEW ELECTRONIC MESSAGE CENTER PYLON SIGN TO PERMIT A SECOND ELECTRONIC PYLON SIGN FOR A NEW KIA AUTOMOTIVE DEALERSHIP TO BE LOCATED AT 22020 RECREATION ROAD

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

Section 1. An application was duly filed by the applicant representative, Rod Wilson, on behalf of the applicant/property owner Recreation Road LLC with respect to real property located at 22020 Recreation Road, and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 1 to Conditional Use Permit (CUP) No. 962-14 for a new electronic message center (digital LED) pylon sign, to permit a second electronic LED pylon sign for the new KIA dealership in the CA (Commercial, Automotive) zoning district.

Public hearings were duly held on January 12, 2016, and the matter was heard at 6:30 P.M. at City Hall, Helen Kawagoe 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 use is compatible with the General Plan land use designation for the property of Regional Commercial. The proposed use will be consistent with the surrounding commercial uses. Thus, the proposed use is appropriate for the subject property.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development with approval of the variance requests. The proposed project is compatible with the surrounding commercial and heavy industrial uses. The site is approximately 5.9 acres, irregular narrow pie shape, and is located in a commercial area.
- d) Findings can be made to support the proposed second LED electronic message sign with conditions of approval for the public's health and safety.

- e) The proposed Modification No. 1 to CUP application for a new digital LED display pylon sign meets the goals and objectives of the General Plan. Therefore all of the required findings pursuant to Conditional Use Permit Section 9172.21 (D), can be made in the affirmative.
- f) The second LED pylon sign provides needed visibility for the dealership.

Section 4. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project does not have the potential for causing a significant effect on the environment since the project site was formerly used as a vehicle dealership and the proposed project would continue that same use. Furthermore, the project site is zoned CA (Commercial, Automotive) and the land use designation under the General Plan is Regional Commercial. The proposed use is consistent with both the zoning and land use designation and the environmental impact report prepared for the General Plan anticipated the proposed use with no further adverse impacts being generated.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 1 to Conditional Use Permit No. 962-14 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. 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.

PASSED, APPROVED AND ADOPTED THIS 12TH DAY OF JANUARY 2016

CHAIRMAN

ATTEST:

SECRETARY



LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT 1 OF TRACT 27833, AS PER MAP RECORDED IN BOOK 778 PAGES 68 TO 71 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, NAPHTHA, GAS, PETROLEUM OR OTHER HYDROCARBON SUBSTANCES DEPOSITED IN, LYING UNDER OR FLOWING THROUGH SAID LAND, AND ALL METALS AND MINERALS THEREIN OR THEREON, BUT WITH NO RIGHT OF SURFACE OR SUBSURFACE ENTRY, ABOVE A BELOW A DEPTH OF 500 FEET FROM THE PRESENT SURFACE OF THAT PORTION OF LOT 1 WITHIN LOT 40 AND PORTIONS OF LUCERNE STREET AND 220TH STREET THAT WOULD PASS WITH A CONVEYANCE OF SAID LOT 40 OF TRACT 4546, AS PER MAP RECORDED IN BOOK 50 PAGES 21 AND 22 OF MAPS, FOR THE EXTRACTION OF SAME, AS RESERVED BY ETHEL HADDOK, A MARRIED WOMAN IN DEED RECORDED SEPTEMBER 16, 1963 AS INSTRUMENT NO. 309 IN BOOK D2182 PAGE 356 OFFICIAL RECORDS.

APN(s): 7328-001-001

PARCEL 2:

THOSE PORTIONS OF LOTS 50 AND 51 OF TRACT 4546, AS PER MAP RECORDED IN BOOK 50 PAGES 21 AND 22 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING GENERALLY NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE MOST EASTERLY CORNER OF THE LAND DESCRIBED IN PARCEL 2 OF DIRECTOR'S DEED D7426.1, RECORDED MAY 2, 1967 IN BOOK D3631 PAGE 120 OF OFFICIAL RECORDS; THENCE ALONG THE GENERAL SOUTHERLY LINE OF SAID PARCEL 2 THE FOLLOWING THREE COURSES (1) SOUTH 89 DEGREES 50' 16" WEST 109.98 FEET; (2) NORTH 0 DEGREES 09' 44" WEST 11.00 FEET; (3) SOUTH 89 DEGREES 50' 16" WEST 9.69 FEET TO THE SOUTHERLY TERMINUS OF THAT COURSE DESCRIBED AS NORTH 00 DEGREES 09' 44" WEST 33.24 FEET IN SAID PARCEL 2; THENCE ALONG THE SOUTHERLY PROLONGATION OF LAST MENTIONED COURSE, SOUTH 00 DEGREES 09' 44" EAST 0.08 FEET TO THE EASTERLY CONTINUATION OF THAT CURVE DESCRIBED AS HAVING A RADIUS OF 1894 FEET AND A LENGTH OF 695.95 FEET IN THE GENERAL NORTHERLY LINE OF THE LAND DESCRIBED IN DEED ESTATES PARCEL 7439, RECORDED MARCH 22, 1960 IN BOOK D788 PAGE 546 OF SAID OFFICIAL RECORDS; THENCE WESTERLY ALONG SAID EASTERLY CONTINUATION OF SAID CURVE, FROM A TANGENT WHICH BEARS NORTH 88 DEGREES 10' 53" WEST, THROUGH AN ANGLE OF 11 DEGREES 02' 20", AN ARC DISTANCE OF 364.98 FEET TO THE EASTERLY TERMINUS OF SAID CURVE.

EXCEPT THAT PORTION OF SAID LAND DESCRIBED IN SAID PARCEL 2 OF SAID DIRECTOR'S DEED.

ALSO EXCEPT THEREFROM ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER THE PARCEL OF LAND HEREINABOVE DESCRIBED, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFROM AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN

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AND OPERATE ANY SUCH WELLS OR MINES, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 100 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED OR OTHERWISE IN SUCH MANNER AS TO ENDANGER THE SAFETY OF ANY HIGHWAY THAT MAY BE CONSTRUCTED ON SAID LANDS, AS EXCEPTED BY WALTER A. ROLL, A WIDOWER, IN DEED RECORDED December 24, 1959 AS INSTRUMENT NO. 552, AS TO LOT 51 AND AS EXCEPTED BY C.E. GRANT, IN DEED RECORDED June 28, 1957 AS INSTRUMENT NO. 2226 AND BY DEED FROM GIACONO TRANI, ET AL., RECORDED DECEMBER 8, 1959 AS INSTRUMENT NO. 911, AS TO LOT 50.

APN(s): 7328-001-011

PARCEL 3:

LOT 3 OF TRACT 27833, IN THE CITY OF CARSON, AS PER MAP RECORDED IN BOOK 778, PAGES 68 THROUGH 71, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND A PORTION OF LOT 29 OF TRACT 4546, IN SAID CITY, AS PER MAP RECORDED IN BOOK 50, PAGES 21 AND 22 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND A PORTION OF LOT 1 OF TRACT 43751, IN SAID CITY, AS PER MAP RECORDED IN BOOK 1107, PAGES 93 THROUGH 95, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT SOUTH 89° 42' 40" WEST 134.31 FEET TO THE SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE WESTERLY LINE OF SAID LOT NORTH 0° 17' 20" TO THE SOUTHERLY LINE OF SAID LOT 29; THENCE ALONG SAID LAST MENTIONED SOUTHERLY LINE SOUTH 89° 42' 40" WEST 64.63 FEET TO THE NORTHEASTERLY LINE OF RECREATION ROAD, 46 FEET WIDE, AS SHOWN ON SAID TRACT 43751; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 38° 23' 41" WEST 387.62 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID TRACT 43751; THENCE NORTH 51° 36' 19" EAST 113.91 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 1, SAID NORTHEASTERLY LINE ALSO BEING THE SOUTHWESTERLY LINE OF SAID LOS ANGELES COUNTY FLOOD CONTROL DISTRICT RIGHT OF WAY AS PER DEED RECORDED IN BOOK D2465, PAGE 509 AND AS PER DEED RECORDED IN BOOK D2377, PAGE 712, OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTHEASTERLY AND SOUTHWESTERLY LINES SOUTH 39° 22' 59" EAST 317.41 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1223.43 FEET, A RADIAL TO SAID POINT BEARS SOUTH 50° 54' 16" WEST; THENCE ALONG SAID CURVE AND SAID SOUTHWESTERLY LINE THROUGH A CENTRAL ANGLE OF 8° 15' 22" AN ARC DISTANCE OF 176.29 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 48° 54' 35" EAST 37.82 FEET ALONG THE NORTHEASTERLY LINE OF SAID LOT 3 TO THE POINT OF BEGINNING.

PURSUANT TO LOT LINE ADJUSTMENT NO. 20-91 CERTIFICATE OF COMPLIANCE RECORDED JULY 16, 1992, AS INSTRUMENT NO. 92-1293661, OF OFFICIAL RECORDS.

APN(s): 7328-001-006, 007 AND 018

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL

Modification No. 1 to:
CONDITIONAL USE PERMIT NO. 962-14

GENERAL CONDITIONS

1. If a building permit for Conditional Use Permit No. 962-14, and Variance No. 554-14 is not issued within one year of their effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.



7. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
8. **Precedence of Conditions.** If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
9. **City Approvals.** All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
10. **Deposit Account.** A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
11. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 962-14 and Variance No. 554-14. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

SIGNAGE

12. *The applicant shall obtain a sign permit for all future building or lot signage in compliance with the Carson Municipal Code (CMC) 9138.15.E requirements.*
- ~~13. *The existing billboard at the southerly end of the project property shall be removed prior to issuance of building permit for the proposed second digital LED display pylon sign.*~~
14. *The proposed digital LED display pylon sign shall operate as follows:*
 - a. *No motion, flashing or animation;*
 - b. *Message duration 8 seconds minimum;*
 - c. *Message transition shall have instant transition;*
 - d. *Require automatic brightness control keyed to ambient light levels;*
 - e. *Require display to go dark if there is a malfunction;*
 - f. *Hours of operation shall be from 5:00 a.m. to midnight; and*
 - g. *Brightness shall be a maximum of 3,500 candelas per square meter daytime and 600 at night.*
15. *The proposed digital LED display pylon sign shall be at least 500 feet from any other electronic message center sign in compliance with CMC 9136.7.B.8.*
16. *The proposed digital LED display pylon sign shall be constructed within a landscape planter of at least 200 square feet in compliance with the CMC.*

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

17. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.





ELECTRA-MEDIA, INC.
4737 W 156TH ST., LAWNDALE, CA 90260
P 310.725.0816 | F 310.725.0817

Car Pros Kia – Altman's Sign Relocation Justification Why the Car Pros Kia Location Has a Unique Hardship

To better clarify and describe the necessity of the relocation of the Altman's Sign for Car Pros Kia, we have laid out the following justification:

Topography/Property Hardship

- Long, very narrow and located on a curve which directs line of sight away from property.
- Varying topography where parts of property are below freeway grade.
- Property landlocked/sandwiched between flood channel and freeway with one secluded entrance on one end of property only.
- No surface streets surrounding property and entrance not visible from freeway.
- Property not visible even at the bottom of the Northbound Carson Street exit.

Benefits Other Property Owners (Auto Dealerships) Enjoy

- Neighboring Auto Dealerships:
 - All located together on South side of 405 freeway.
 - Dealerships accessible from multiple points to enter dealerships from surface streets in either direction.
 - A minimum of two pylon signs per dealership due to having surface street access and in some cases more.
 - Example:
 - Win Hyundai: Two (2) Signs – freeway electronic and surface street pole sign
 - Win Chevrolet: Two (2) Signs – freeway electronic and surface street pole sign
 - Carson Toyota: Three (3) Signs – freeway electronic, surface street pole sign and monument
 - Carson Honda: Three (3) Signs – freeway electronic, freeway pylon and surface street pole sign
 - Carson Nissan: Four (4) Signs – freeway electronic, freeway pylon, surface street pole sign and monument

Previously Approved Main Freeway Sign

- Main Car Pros Kia Sign:
 - Located approximately in the center of property that is over 6 football fields long.
 - Main sign to advertise and promote Kia specials to increase car sales but is not located to effectively provide directional messages.
 - With over 6 football fields of frontage by the time you pass the main sign you have only one exit and one secluded entrance to find, which is why the Altman's relocated sign is so crucial to give direction.
 - **NOTE:** Due to this excessive length of frontage and distance between the main sign and Altman's relocation, we were unable to simulate both signs in any one photo taken from the freeway, clarifying that each sign serves a different section of the property.

Result Without Relocated Altman's Sign

- If Second Sign Not Approved:
 - Scenario 1: Drivers miss Carson Street exit and exit Wilmington and turn towards Nissan and Honda which are visible from off ramp and pull into Auto Row.
 - Scenario 2: Drivers get frustrated and get back on freeway and buy in neighboring cities.

We hope this helps to clarify the necessity for the relocation of the Altman's sign on the Car Pros Kia property and accurately demonstrate the uniqueness of the situation at hand.

Respectfully,

Car Pros Kia and EMI

EXHIBIT NO. 02

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CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: February 24, 2015

SUBJECT: Conditional Use Permit No. 962-14
Variance No. 554-14

APPLICANT: Car Pros Kia of Carson
c/o: Mr. Ken Phillips
21243 S. Avalon Boulevard
Carson, CA 90745

REQUEST: To consider the relocation of an electronic message center pylon sign and allow a second freestanding pylon sign for an automobile dealership located in the CA (Commercial, Automotive) zoning district

PROPERTY INVOLVED: 22020 Recreation Road

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Piñon			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Goolsby			

EXHIBIT NO. 03

EXHIBIT NO. 03

13

I. Introduction

Property Owner/Applicant

- Ken Phillips, 18835 Beach Boulevard, Huntington Beach, CA 92648

Project Address

- 22020 Recreation Road, Carson, CA 90745

Project Description

The proposed project is for a conditional use permit to relocate and refurbish the existing Altman's freeway-oriented electronic message center pylon sign. The applicant is proposing to move the sign to its proposed location approximately 330 feet to the northwest and adjacent to the main entrance of a new Car Pros Kia dealership. The proposed sign will be refurbished including: re-facing the existing ID cabinet with white flex faces that will read "Car Pros" with the KIA logo; refurbish existing lighting; refurbish existing "City of Carson" letters with new blue acrylic back-up; repaint existing cabinet; replace existing LED boards and cabinet and replace with new LED displays; refurbish and paint pole cover and reveals. The proposed sign will be approximately 50 feet high above grade, and approximately 30 feet above freeway grade. It will have approximately 342 square feet of display image per side. In addition, the proposed relocated sign would operate as follows:

1. No motion, flashing or animation;
2. Messages are to remain static for a minimum of 8 seconds prior to next message appearing (no blank in-between messages);
3. Message transition to be instant;
4. Automatic dimming and brightness control keyed to ambient light levels;
5. Brightness to be 3,500 candelas per square meter during daytime and 600 at night;
6. Hours of operation will be from 5:00 a.m. to midnight; and
7. Display to go dark if a malfunction occurs.

A variance request is necessary because the relocated sign will be the second freeway-oriented pylon sign on the property. Per Section 9138.15(E)(3)(e) of the Carson Municipal Code (CMC) there can only be one freeway-oriented pylon sign per dealership.

The application includes the following:

- Conditional Use Permit (CUP) No. 962-14, required to relocate and refurbish a 50-foot-high LED (low energy/high resolution) electronic message center pylon sign along the 405 Freeway frontage.
- Variance No. 554-14, to permit a second freeway-oriented pylon sign for the KIA dealership to enhance freeway visibility. Section 9138.15(E)(3)(e) of the CMC only allows one freeway-oriented pylon sign per dealership.

II. Background

Current Use of Property

The 5.9 acre site was formerly used by the Altman's recreational vehicle dealership, which closed a few years ago. It was developed with sales office buildings and parking areas. The buildings have since been demolished and construction has commenced on the new Kia automobile dealership.

Previously Approved Discretionary Permits

On April 22, 2014, the Planning Commission approved: DOR No. 1530-14 for construction of a new 64,784-square-foot Car Pros Kia Dealership; CUP No. 950-13 to construct a Kia dealership car-wash; CUP No. 951-13 to construct a 65-foot-high LED electronic message center pylon sign along the 405 Freeway; and Variance No. 549-14 so that the electronic message center sign can exceed the maximum height of 30 feet from freeway grade to enhance freeway visibility. Condition No. 21 for CUP No. 951-13 stated that the proposed digital LED display pylon sign shall be at least 500 feet from any other electronic message center sign in compliance with CMC 9136.7B.8. Further, the existing Altman pylon sign was not approved and was to be removed unless development standards were satisfied.

History

On January 27, 2014 the Planning Commission continued CUP No. 962-14 and Variance No. 554-14 to the February 24, 2014 Planning Commission meeting. These continuances were needed to allow the applicant more time to provide information to staff to justify their Variance request. Staff's original recommendation was to deny the applicant's request since the finding for approval of a Variance could not be made based on the information submitted by the applicant.

III. Analysis

Automobile dealerships rely on freeway and street exposure to build a successful business model. Therefore, it is critical for them to have sufficient signage to advertise their cars. To facilitate the need to provide this exposure, the CMC permits one freeway oriented sign at the rear of the property and one pylon sign at the street frontage. Since the proposed dealership site is located between the freeway and the creek without a street fronting the dealership, CMC only permits one freestanding sign for the dealership.

The applicant has filed Variance No. 554-14 to permit a second freeway-oriented pylon sign to enhance the visibility of the dealership. The Variance is a request to deviate from Section 9138.15(E)(3)(e) of the CMC that allows one freeway-oriented pylon sign per dealership. The applicant has provided justification for the approval of the Variance and has also agreed to remove the billboard at the southerly end of the site. Staff has reviewed the proposed justification and has determined together with the removal of the billboard, staff can recommend approval of the Variance and CUP applications.

I-405 Visual Clutter

Issue

The visual clutter created by billboards, freestanding signs, and other signage along I-405 corridor continues to be staff's concern. Prior to approval of the Kia dealership, the site included three (3) freestanding signs including two billboards and the Altman's sign.

Mitigation

The applicant has removed one 60-foot-high double-faced billboard structure which was necessary in order to install the approved 65-foot-high LED electronic message center pylon sign. The applicant has also agreed to remove the remaining billboard at the southerly end of the subject property, refer to Condition of Approval No.13. This condition of approval requires the applicant to remove the remaining billboard prior to issuance of building permits for the second LED message board pylon sign. The applicant is in agreement to said condition of approval. The removal of the remaining billboard would reduce the proliferation of billboards and freestanding signs along the I-405 corridor in Carson. Staff considers the reduction of two billboards a benefit to the community as they advertise businesses outside the City. Furthermore, the overall number of freestanding signs and billboards for the site has been reduced from three (3) to two (2). These reductions have enabled staff to support the approval of the CUP.

Compliance Condition of Approval No. 21

Issue

Condition No. 21 states:

The proposed digital LED display pylon sign shall be at least 500 feet from any other electronic message center sign in compliance with CMC 9136.7.B.8. The existing pylon sign is not approved at this time and shall be removed unless development standards are satisfied.

Mitigation

The proposed second LED digital pylon display sign will be 550 feet from the previously approved LED sign. The existing pylon sign is being removed as part of this proposal. With the approval of the CUP and variance, all development standards are satisfied.

Consistency with Zoning Standards

Variance

The proposed project does not meet the requirement of Section 9138.15(E) (3) (e) that permits only one (1) freeway-oriented pylon sign per automobile dealership. The

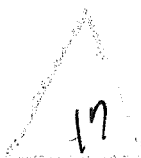
applicant filed a variance to deviate from this requirement to allow two (2) freeway oriented signs for the Kia dealership. Pursuant to Section 9172.22, Variance, the Planning Commission may approve a variance only when the following finding can be made in the affirmative:

"Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

The applicant has submitted a justification letter stating that special circumstances do exist to justify variance approval, refer to Exhibit 2. The main points of this letter have been included below:

1. The property is extremely narrow due to the proximity to the Dominguez flood channel and 405 Freeway.
2. Property is located between the Dominguez flood channel and the 405 Freeway with one secluded entrance on one end of the property.
3. Because of its curvature and length it is difficult to identify an entrance from the freeway and find the dealership once at the end of the off-ramps.
4. The Kia dealership is not visible from the north bound I-405 exit at Carson Street.
5. Since the 405 Freeway lot exposure is from the front of the proposed auto dealership, the CMC Section 9138.15(E)(3)(e) provision of permitting only one (1) pylon sign per automobile dealership at the rear of the property facing the 405 Freeway does not apply since the lot is narrow, long, and does not have rear building facing the 405 Freeway.
6. And since other auto dealerships along the 223rd Street Auto Row corridor enjoy a freeway oriented sign plus a pylon sign along their public street frontage access which KIA auto dealership cannot enjoy at their present site.
7. Without second LED pylon sign drivers will miss Carson Street and exit on Wilmington and turn towards, other auto dealerships along 223rd Street (WIN Hyundai, WIN Chevrolet, Honda and Nissan).

Staff has met with the applicant several times and visited the site to evaluate applicant's justification for Variance. Staff concludes that the justifications provided by the applicant can be supported by staff. Staff has determined that there are special circumstances based on the size, shape, topography, location, and surroundings of the property that limit site visibility and accessibility to travelers and potential car buyers traveling on Freeway 405 and that the strict application of the zoning code requirements deprives such property of privileges enjoyed by auto dealerships in the vicinity.



Conditional Use Permit

The CMC requires approval of a CUP for LED digital displays. Therefore, certain findings would have to be made by the Planning Commission prior to approval. The findings are included in the resolution for approval of the project. Staff believes removing the existing billboard will greatly contribute to reducing the visual blight along the I-405 corridor that has resulted from numerous billboards, freestanding signs, and other signage. Therefore, the project is consistent with the intended character of the area and provides a community benefit in form of reduction of visual blight. This reduction makes this project compatible with the intended character of the area, justifying approval of the subject CUP application.

Summary

Staff is recommending approval of the proposed project since:

- Findings for a variance can be made;
- The dealership does not have adequate visibility to once travelers are at the off-ramp of the freeway;
- Other dealerships enjoy freeway oriented signs plus surface public street pylon signs;
- Other dealerships benefit from better freeway visibility and freeway access to than the KIA dealership;
- The dealership is not physically part of the "auto-row" and separated by I-405;
- The removal of the remaining southerly billboard will lessen the visual clutter of signs along the freeway corridor.

IV. Environmental Review

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project does not have the potential of causing a significant effect on the environment since the prior use was a vehicle sales facility, is consistent with the General Plan designation of Regional Commercial and is zoned CA (Commercial Automotive). Therefore, it is exempt from further environmental review.

Recommendation


That the Planning Commission:

- **Approve** CUP No. 962-14 and VAR No. 554-14; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____ APPROVING CONDITIONAL USE PERMIT NO. 962-14 AND VARIANCE NO. 554-14 FOR A SECOND FREEWAY-ORIENTED ELECTRONIC MESSAGE CENTER PYLON SIGN FOR A KIA AUTOMOBILE DEALERSHIP TO BE LOCATED AT 22020 RECREATION ROAD.


V. Exhibits

1. Draft resolution and conditions of approval
2. Applicant's justification letter for Variance No. 554-14
3. Excerpts from CMC Section 9138.15 (Commercial, Automotive (CA))
4. Development Plans (Under separate cover)

Prepared by: _____


Zak Gonzalez II, Associate Planner

Reviewed by: _____


John F. Signo, AICP, Senior Planner

Approved by: _____


Saied Naaseh, Planning Manager

Motion: Commissioner Diaz moved, seconded by Commissioner Brimmer, to approve the January 27, 2015, Minutes as presented. Motion carried, 9-0.

10. NEW BUSINESS DISCUSSION

Presentation of the Utility User's Tax (UUT)

Acting City Manager Rhambo highlighted the following Measure A facts, Utility Users' Tax:

- UUT is approximately 12 percent of Carson's budget;
- Funds public safety services, seniors, youth, parks, street repair services;
- Second lowest UUT rate in California;
- 80 percent of UUT paid for by large Carson businesses;
- Exemptions for seniors and low income; and
- Average household cost is .34 per day.

Acting City Manager Rhambo fielded questions from the Commission, noting that a voter referendum would be needed to increase the 2-percent tax in the future.

Vera Robles-Dewitt, resident, pointed out the current UUT has until 2016 to collect funds; that there are approximately two to three more elections for this subject to be further analyzed; and noted her concern that CMC Section 61116 allows City Council to push forward a rate hike without voter approval.

Acting City Manager Rhambo advised that a future rate hike would need voter approval. He urged anyone with questions to call the UUT/Measure A hotline at 310.952.1707.

11. CONTINUED PUBLIC HEARING

A) Conditional Use Permit No. 962-14 and Variance No. 554-14

Applicant's Request:

The applicant, Car Pros Kia of Carson, is requesting to consider the relocation of an electronic message center pylon sign and allowing a second freestanding pylon sign for an automobile dealership located in the CA (Commercial, Automotive) zoning district. The subject property is located at 22020 Recreation Road.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 15-2536, approving Conditional Use Permit No. 962-14 and Variance No. 554-14 for a second freeway-oriented electronic message center pylon sign for a Kia automobile dealership to be located at 22020 Recreation Road.

Chairman Faletogo opened the public hearing.

Rod Wilson, applicant's representative, noted his concurrence with staff recommendation.

EXHIBIT NO. 04



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

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Brimmer, to approve the applicant's request, thus adopting Resolution No. 15-2536. Motion carried, 9-0.

12. PUBLIC HEARING

**A) Conditional Use Permit No. 965-14 and
Relocation Review No. 3049-15**

Applicant's Request:

The applicant, Kevin Apel, is requesting to permit a temporary truck yard and a 320-square-foot modular office building for a five-year period in the MHD (Manufacturing, Heavy – Design Overlay) zoning district. The subject property is located at 2100 E. 223rd Street.

Staff Report and Recommendation:

Associate Planner Rojas presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 15-2537, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 965-14 and Relocation Review No. 3049-15 to permit a temporary truck yard and a modular office for a five-year period."

Commissioner Diaz asked if truck repair activities will be taking place on site.

Associate Planner Rojas explained that some minor repairs will be made on the larger 8-acre parcel not in view from the street and that the 2-acre parcel will be used for storage.

Commissioner Diaz questioned why a masonry wall or something more upscale is not being required for the perimeter fencing.

Associate Planner Rojas explained that the new tubular steel fence looks very nice, noting that it has the look of wrought iron from the public right-of-way; and stated that staff is recommending approval of this fence because this is a temporary use for this site. He noted that Condition No. 15 addresses the temporary nature of this approval.

Chairman Faletogo opened the public hearing.

Kevin Apel, applicant, stated that the applicant has multiple industrial properties in Carson and has recently purchased a leasehold interest of this site; noted his concurrence with the conditions of approval; and he explained that because of ongoing soil remediation onsite, Solutia is allowing only a minimum of soil disturbance. He added that this is a temporary use for this site; stated that the applicant does have interest in a future, permanent development after the completion of soil remediation; and noted for Commissioner Diaz that this site is fully fenced.

Commissioner Diaz expressed his belief that the fencing should be upgraded.

Commissioner Brimmer asked why landscaping plans were not submitted.

Saied Naaseh

From: Denise Bothe
Sent: Monday, January 04, 2016 7:46 AM
To: Saied Naaseh; Zak Gonzalez II
Subject: FW: carson report

From: Carol Rozier [mailto:cjus43@att.net]
Sent: Tuesday, December 29, 2015 7:07 PM
To: Denise Bothe
Subject: Re: carson report

Denise,

Thank you for returning my call today and for providing me the filing report.

I know when I spoke to you about bright lights triggering seizures, I am certain you initially thought I was out of my tree (but I know you believed me). Here's a few articles on this subject that you may find interesting.

<http://www.epilepsy.com/learn/triggers-seizures/photosensitivity-and-seizures>

<http://www.cnn.com/WORLD/9712/17/video.seizures.update/>

<http://www.m.webmd.com/a-to-z-guides/photosensitive-epilepsy-symptoms-causes-treatment>

<http://www.hxbenefit.com/photosensitive-epilepsy.html>

This is one of the reasons amusement parks post warnings about certain rides having bright flashing lights.

Essentially, bright flashing lights near residential properties have more far reaching ramifications than most people have knowledge about unless--they have the misfortune of suffering a seizure. God forbid a motorist suffers a seizure after honing in on that Kia sign.

I'm certain Porsche will soon have a sign alongside other competitors on I-405 who want the biggest in LED marketing. Our city should not allow our off ramps to become the Las Vegas of advertisers.

Please share my concerns at your next staff meeting.

Sincerely,

Carol A. Carodine
A Concerned Carson Resident Bothered by Kia and Toyota LED Signage

Sent from Yahoo Mail for iPhone

On Tuesday, December 29, 2015, 3:16 PM, Denise Bothe <Dbothe@carson.ca.us> wrote:



epilepsy.com

Photosensitivity and Seizures



- For about 3 percent of people with epilepsy, exposure to flashing lights at certain intensities or to certain visual patterns can trigger seizures.
- This condition is known as photosensitive epilepsy.
- More common in children and adolescents.
- Becomes less frequent with age.

For about 3 percent of people with epilepsy, exposure to flashing lights at certain intensities or to certain visual patterns can trigger seizures. This condition is known as photosensitive epilepsy.

Photosensitive epilepsy is more common in children and adolescents, especially those with generalized epilepsy, and a type known as juvenile myoclonic epilepsy. It becomes less frequent with age, with relatively few cases in the mid twenties. Many people are unaware that they are sensitive to flickering lights or to certain kinds of patterns until they have a seizure. They may never go on to develop epilepsy with spontaneous seizures. They could just have seizures triggered by certain photic conditions. Many individuals who are disturbed by light exposure do not develop seizures at all, but have other symptoms such as headache, nausea, dizziness and more. They do not have epilepsy.

Examples of Triggers

Seizures in photosensitive people may be triggered by exposure to some of the following situations:

- Television screens or computer monitors due to the flicker or rolling images.
- Certain video games or TV broadcasts containing rapid flashes or alternating patterns of different colors.
- Intense strobe lights like visual fire alarms.
- Natural light, such as sunlight, especially when shimmering off water, flickering through trees or through the slats of Venetian blinds.
- Certain visual patterns, especially stripes of contrasting colors.
- Some people wonder whether flashing lights on the top of buses or emergency vehicles may trigger seizures in people with photosensitive epilepsy too.

Not all televisions, video games, computer monitors, and strobe lights trigger seizures, however. Even in predisposed individuals, many factors must combine to trigger the photosensitive reaction. Examples include:

- Frequency of the flash (that is, how quickly the light is flashing)
- Brightness
- Contrast with background lighting
- Distance between the viewer and the light source
- Wavelength of the light
- Whether a person's eyes are open or closed

The frequency or speed of flashing light that is most likely to cause seizures varies from person to person. Generally, flashing lights most likely to trigger seizures are between the frequency of 5 to 30 flashes per second (Hertz).

The likelihood of such conditions combining to trigger a seizure is small.

What should I do if flashing lights bother me?

- Check with your doctor if you are concerned about flashing lights triggering seizures. Chances are that your medical records will indicate how you responded to flashing lights during the electroencephalogram (EEG), a test done routinely in most people with epilepsy.
 - During this test, sensors are attached to the patient's scalp to monitor the electrical activity of the brain in various conditions, including light stimulation generated by a strobe positioned in front of the eyes. An abnormal response to various frequencies of flashing lights indicates the presence of photosensitivity.
- If you have not been diagnosed with epilepsy or have not had an EEG, ask your doctor about ordering one for you, or consult a local neurologist.
- The same concerns may apply to relatives of individuals who are known to be photosensitive, such as siblings. Because the condition is genetic it may affect other members of the same family.
- Finding out if you are photosensitive or not is relevant, especially if the relatives are children or adolescents who intend to engage in activities presenting risks such as intense videogame playing.

Some Tips to Consider

Exposure to Strong Environmental Lights

- Avoid exposure to certain kinds of flashing lights if possible
- Cover one eye and turn away from the source of flashing lights. Closing both eyes or turning your eyes in another direction will not help.



Television Screens

- Watch television in a well-lit room to reduce the contrast between light from the set and light in the room.
- Reduce the brightness of the screen.
- Keep as far back from the screen as possible.
- Use the remote control to change channels on the TV so you won't have to get too close to the set.
- Avoid watching for long periods of time.
- Wear polarized sunglasses while viewing television to reduce glare.

Video Games

- Sit at least 2 feet from the screen in a well-lit room.
- Reduce the brightness of the screen.
- Do not let children play videogames if they are tired.
- Take frequent breaks from the games and look away from the screen every once in a while. Do not close and open eyes while looking at the screen – blinking may facilitate seizures in sensitive individuals.
- Cover one eye while playing, alternating which eye is covered at regular intervals.
- Turn the game off if strange or unusual feelings or body jerks develop.

Computer Monitors

- Use a flicker-free monitor (LCD display or flat screen).
- Use a monitor glare guard.
- Wear non-glare glasses to reduce glare from the screen.
- Take frequent breaks from tasks involving the computer.

Visual Fire Alarm Strobe Lights

- Under the Americans with Disabilities Act, most workplaces and places serving the public, including theaters, restaurants, and recreation areas, are required to have fire alarms, which flash as well as ring so that people who cannot hear or cannot hear well will know that there is an emergency.
- To reduce the likelihood of the strobe light triggering a seizure, the Epilepsy Foundation's professional advisory board recommends that:
 - the flash rate be kept to under 2 Hertz with breaks every so often between flashes; and
 - flashing lights should be placed at a distance from each other and set to flash together at the same time to avoid an increase in the number of individual flashes.

Reviewed by: **Patricia O. Shafer, RN, MN** | **Joseph I. Sirven, MD** on 11/2013





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WORLD NEWS

S T O R Y P A G E

Japanese cartoon triggers seizures in hundreds of children

December 17, 1997

Web posted at: 4:15 a.m. EST (0915 GMT)

TOKYO (CNN) -- The bright flashing lights of a popular TV cartoon became a serious matter Tuesday evening, when they triggered seizures in hundreds of Japanese children.

In a national survey, the Tokyo fire department found that at least 618 children had suffered convulsions, vomiting, irritated eyes, and other symptoms after watching "Pokemon."

Japanese television network NHK reported that 111 people were still hospitalized Wednesday morning.

TV Tokyo spokesman Hiroshi Uramato said that a later broadcast of the show scheduled for 30 other stations nationwide had been canceled, and that an investigation was under way.

See more, in a report from
CNN's John Lewis




1 min., 10 sec. V Xtreme video

"We are shocked to hear many children were taken to hospitals," Uramato said. "We will investigate thoroughly, and consult with experts."

The show, based on characters from Nintendo's popular "Pocket Monsters" video game, is Japan's most highly-rated program in its 6:30 p.m. time slot. Tuesday's episode, "Computer Warrior Porigon," features characters fighting each other inside a computer.

TV Tokyo declined to comment on what part of the cartoon caused the seizures, but most of the children developed the symptoms about 20 minutes into the program.

 Barnes and Noble

News reports blamed a scene in the cartoon that featured an exploding "vaccine bomb" set off to destroy a computer virus, followed by five seconds of flashing red light in the eyes of "Pikachu," a rat-like creature that is the show's most popular character.

See a portion of the cartoon



[702K/8 sec./320x240](#)

[221K/8 sec./160x120](#)

QuickTime movie

Some other children were stricken later, when watching excerpts from the scene in TV news reports on the earlier

victims.

Dr. Yukio Fukuyama, a juvenile epilepsy expert, said that "television epilepsy" can be triggered by flashing, colorful lights. Though the phenomenon was observed before television, photosensitive epilepsy, as it is also called, has become far more common as TV has spread. The same symptoms have also been observed in children playing video games.

Fukiyama says parents should be made aware of the danger. "The networks should definitely think of issuing a health warning beforehand," he said.

Psychologist Rika Kayama, author of a book on video games and health, said that "there is the possibility of photosensitive epilepsy or group hysterics."

"The children must have been totally immersed in the program," Kayama said.

A Nintendo spokesman told Reuters that the only link between its games and the cartoons was the characters.

"We don't expect the incident will have any immediate impact on our business in the Christmas season, since the television program and game are different," the spokesman said. Nintendo's games carry a health warning.

Reuters contributed to this report.

Related sites:

Note: Pages will open in a new browser window

- [Nintendo Power Source \(Nintendo America\)](#)
 - Nintendo 64 - [Nintendo Lets Monster out of Pocket](#)

Article Link: <http://www.webmd.com/epilepsy/guide/photosensitive-epilepsy-symptoms-causes-treatment>

Epilepsy Health Center

Photosensitive Epilepsy

In this article

What Causes Epilepsy?

What Causes Seizures in People With Photosensitive Epilepsy?

What Are the Symptoms of Photosensitive Epilepsy?

What to Do During a Seizure

When to Call 911

How Is Photosensitive Epilepsy Treated?

Tips for Living With Photosensitive Epilepsy

People with photosensitive epilepsy have seizures that are triggered by:

- Flashing lights
- Bold, contrasting visual patterns (such as stripes or checks)
- Overexposure to video games

Anti-epileptic medicines are available to reduce the risk of a seizure. But people with photosensitive epilepsy should take steps to minimize their exposure to seizure triggers.

What Causes Epilepsy?

Epilepsy is a brain disorder that causes recurrent seizures (more than two). A seizure is caused by abnormal electrical activity in the brain.

Epilepsy may be the result of:

- Irregularity in the wiring of the brain
- Imbalance of neurotransmitters (chemical messengers in the brain)
- Combination of these factors

In photosensitive epilepsy, genetics also plays a role.

About one in 100 people in the U.S. have epilepsy. About 3% to 5% of those people have photosensitive epilepsy.

Children and adolescents ages 7 to 19 are more likely to have photosensitive epilepsy. Girls are affected by the condition more often than boys. But boys tend to have more seizures. That's probably because they

spend more time playing video games, a common seizure trigger.

What Causes Seizures in People With Photosensitive Epilepsy?

Seizure triggers vary from person to person. But some common triggers are:

- Flashing light
- Bright, contrasting patterns such as white bars against a black background
- Flashing white light followed by darkness
- Stimulating images that take up your complete field of vision, such as being very close to a TV screen
- Certain colors, such as red and blue

Some specific examples of situations or events that can trigger seizures in people with photosensitive epilepsy are:

- Nightclub and theater lights, including strobe lights
- TV screens and computer monitors
- Flashing lights on police cars, fire trucks, ambulances, and safety alarms
- Visual effects in movies, TV shows, and video games
- Malfunctioning fluorescent lights and moving escalators
- Light viewed through a fast-moving ceiling fan
- Sunlight viewed through slanted blinds or stair railings
- Sun shining through tree leaves or reflecting off water
- Bold, striped wallpaper and fabric
- Cameras with multiple flashes or many cameras flashing at the same time
- Fireworks

Also, people with photosensitive epilepsy may be at increased risk for a seizure if they are:

- Tired
- Intoxicated
- Play video games too long without a break

What Are the Symptoms of Photosensitive Epilepsy?

There are many different types of seizures. People with photosensitive epilepsy typically have what's called a "generalized tonic-clonic seizure." This is also known as a convulsive seizure.

A tonic-clonic seizure should last no more than five minutes. Symptoms include:

- Loss of consciousness and patient falls to the ground
- Muscles contract and body stiffens
- Patient cries out
- Breathing pattern changes
- Patient bites tongue and inside of cheeks

- Limbs jerk or twitch as muscles tighten and relax
- Loss of bladder control

When the seizure ends, the muscles relax and the person slowly regains consciousness. After the seizure, the person may:

- Be confused
- Feel tired
- Have memory loss for a short time
- Have a headache
- Feel sore

Recovery time varies. Some people are able to return to normal activity soon after a seizure. Others may need to rest.

What to Do During a Seizure

It's not possible to stop a seizure once it has started. If you see a person having a seizure, take these steps:

- Roll the person onto his or her side to prevent choking.
- Cushion the head.
- Loosen any tight clothing around the neck.
- Keep the airway open. Grip the jaw gently and tilt the head back, if necessary.
- Remove any objects that he or she may hit during the seizure.
- Don't restrict the person's movement unless he or she is in danger.
- Don't put anything into the person's mouth, including medicine or liquid. Doing so could cause choking.
- Stay with the person until the seizure has passed or emergency personnel have arrived.

When to Call 911

Call 911 if:

- You know the person is pregnant or has diabetes.
- The seizure occurs in water.
- The seizure lasts longer than five minutes.
- The person doesn't regain consciousness after the seizure stops, another seizure starts before they regain consciousness, or they stop breathing.
- Injury occurs as a result of the seizure.

Try to keep track of how long the seizure lasts and what symptoms occur so you can tell a doctor or emergency personnel.

How Is Photosensitive Epilepsy Treated?



There is no cure for photosensitive epilepsy. However, anti-epileptic medicines may reduce the frequency of seizures.

People with photosensitive epilepsy can also reduce the likelihood of having a seizure by avoiding stimuli that could trigger a seizure. If you are inadvertently exposed to a trigger, cover one eye completely and turn your head away from the source of disturbance.

Tips for Living With Photosensitive Epilepsy

If you or a loved one has photosensitive epilepsy, it is important to do what you can to reduce your exposure to seizure triggers. Here are some tips that may help keep you seizure-free:

Follow a healthy lifestyle. Take simple steps such as:

- Get plenty of rest.
- Limit stress.
- Avoid excess alcohol.
- Don't play computer and video games when you are tired or for too long.

Avoid known sources of flashing lights. Places you might want to avoid include:

- Nightclubs
- Firework shows
- Concerts

Be screen-smart. Some precautions to take include:

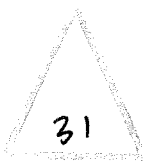
- Watch TV and play video games in a well-lit room and at a safe distance from the screen (at least 8 feet from the TV and 2 feet from a computer monitor).
- Use flicker-free monitors (LCD or flat screen).
- Use a remote control instead of walking up to the TV to change the channel.
- Reduce the brightness on screen monitors.
- Adjust Internet settings to control moving images.
- Limit time spent in front of the TV, computer, and on hand-held devices.

Protect your eyes. When outside, wear polarized sunglasses to protect your eyes from bright light.

Be prepared. Know your triggers and take steps to avoid them as much as possible. Also, try to recall any unusual symptoms that may have preceded the seizure, such as:

- Dizziness
- Blurred vision
- Muscle twitching

If you notice these warning signs, cover one eye and turn your head from the stimuli immediately. If you are



watching TV or playing video games, cover one eye and walk away.

If you or a loved one has a seizure, talk to your doctor. Your doctor can perform an EEG (electroencephalogram) to test for the condition. An EEG records brain activity and can detect abnormalities in the brain's electrical system. During the test, a flashing light test can show if you or your child is photosensitive, without triggering a seizure.

Living with photosensitive epilepsy can be unnerving and frustrating. You never know when you will have seizure. But many people with photosensitive epilepsy live productive and relatively normal lives. Most people find that over time, they have fewer seizures.

WebMD Medical Reference

SOURCES:

National Institute of Neurological Disorders and Stroke: "Seizures and Epilepsy: Hope Through Research."

British Epilepsy Association: "Photosensitive Epilepsy," "Generalized Seizures," "Some Possible Triggers."

Epilepsy Society: "Photosensitive Epilepsy."

Epilepsy Foundation: "Photosensitivity and Seizures," "Shedding Light on Photosensitivity, One of Epilepsy's Most Complex Conditions."

Reviewed by Neil Lava, MD on June 28, 2014

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Epilepsy Guide

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Top Picks

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Photosensitive Epilepsy

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What is Photosensitive Epilepsy?

Photosensitive epilepsy (PSE) is a kind of epilepsy that is characterized by seizures which are triggered by some kind of visual stimuli, such as a flickering or flashing lights, regular, bold patterns or patterns that are regular and moving. Patterns like checks or stripes can trigger seizures in some people having this condition.

Both artificial and natural light might be responsible for triggering such seizures.

Photosensitive Epilepsy Epidemiology

Almost 3 in every 100 individuals with epilepsy have got photosensitive epilepsy. It generally begins before 20 years of age, mostly when a person is in between 7 and 19. The condition is more prevalent in girls than in boys.

Photosensitive Epilepsy Causes

Seizure triggers may vary from one person to another. However, there are some common seizure triggers which include:

- Flashing light
- Certain colors like red and blue

- Flashing white light that is followed by darkness
- Bright, contrasting patterns like white bars against black background
- Stimulating images taking up the entire field of vision, like when sitting very close to the television screen

Photosensitivity is a complex and intricate health problem. Medical experts and scientists have been successful in identifying many of the triggering stimuli. However, the exact mechanism by which stimulation of the retina in a specific way leads to hyper-excitation of the brain has not been properly understood. The essential features of an excitable stimulus, as stated by Epilepsy Foundation are listed below:

- The flickering of a light source as well as the frequency in which a light changes is an important factor. Simply put, the number of times a light flashes in a second. Flashing lights that range between 5 to 30 flashes per sec (Hertz) are the ones that are most likely to cause seizures.
- The intensity or brightness of the source of light and also the contrast between the light and dark parts during the flicker is also another important factor. If the contrast ratio is greater than 20 candelas/square meter, it poses as a risk to the epileptic patients.
- The area of the visual field covered by the light stimulus is an essential factor as it determines how much of one's brain is getting stimulated by the light.
- Finally, epileptic seizures can be triggered by the pattern of the image as well. Moving or static patterns of clearly discernable light 'n' dark stripes can induce the same influence as the flashing lights due to the alteration of the dark and bright portions. The danger depends on the number of the stripes as well as the contrast between the two.

There are other factors that can influence photosensitive epilepsy as well. These include distance between the light source and an individual as well as the color of the light source. Certain colors, such as red and blue, have been found to have a greater effect on photosensitive patients than others.

Some specific instances of events or situations, that can trigger seizures in PSE individuals, include:

- Fireworks
- Computer monitors and TV screens
- Bold, striped wallpapers and fabrics
- Strobe lights, nightclubs and theater lights
- Light observed through a quick-moving ceiling fan
- Visual effects in TV shows, movies and video games
- Sunlight viewed through stair railings or slanted blinds
- Malfunctioning moving escalators and fluorescent lights
- Sunlight reflecting off water or shining through the tree leaves
- Cameras using multiple flashes or several cameras flashing altogether
- Flashing lights on safety alarms, fire trucks, police cars and ambulances

People having photosensitive epilepsy might be at an increased risk for developing seizures if they are ill, tired, sleep deprived, intoxicated or have been playing video games for too long without any break.

Photosensitive Epilepsy Symptoms

Individuals having PSE can experience epileptiform seizures when they are exposed to certain specific visual stimuli. The causative factors for seizures may vary from one patient to another along with the nature and intensity of the resulting seizure episodes, which may range from being short absence seizures to tonic-clonic seizures. Several PSE patients report of feeling an aura or certain kind of odd sensations prior to the seizure, which can act as a warning for a sufferer to get away from the triggering stimulus.

A convulsive seizure or tonic-clonic seizure lasts for less than 5 minutes. Common symptoms include:

- Loss of consciousness
- Contraction of muscles
- Loss of bladder control
- The patient may cry out
- Stiffening of the entire body
- Changes in the breathing patterns
- Patient may bite the tongue and insides of the cheeks
- Jerking or twitching of limbs as the muscles alternately tighten and relax

Once the seizure is over, the muscles relax after which the person regains consciousness slowly. Following the seizure, the individual may feel:

- Sore
- Tired
- Confused
- Headaches
- Loss of memory for a short period of time

Photosensitive Epilepsy Diagnosis

The diagnosis of PSE is carried out by understanding the correlation between the seizure activity and exposure to certain specific visual stimuli. More specific investigations can be conducted by EEG with an Intermittent Photic Stimulation or IPS device. The IPS device creates specific forms of stimuli which can be adjusted and managed precisely. A diagnostician adjusts the device and then looks for the characteristic anomalies present in the EEG, like photoparoxysmal response (PPR), which goes hand in hand with photosensitive epilepsy and/or may indicate the onset of seizures. The testing is stopped before the seizure actually takes place.

Sometimes, diagnostic indications consistent with photosensitive epilepsy may be found by provocative testing with the IPS device, even though no such



seizure episodes may occur in real life. Many patients might show abnormalities that resemble photosensitive epilepsy in his or her brain activity when bombarded with adequately aggressive stimulation. However, they may never experience seizure episodes and are not believed to have photosensitive epilepsy.

Photosensitive Epilepsy Treatment

Although there are no cures available for this condition, the sensitivity to light may be diminished over time in case of some patients. Sensitivity to light may be reduced by medical treatment, where medications such as sodium valproate are used for the purpose. PSE patients also need to avoid situations which may expose them to a seizure-triggering stimuli or at least cover one eye using a hand, as this reduces the risk of having a seizure. Performing these actions alone can reduce the potentiality of having seizures to nearly zero for many sufferers having photosensitive epilepsy.

Some patients of PSE may have trigger stimuli that they are very unlikely to encounter in day to day real life. PSE, in such cases, might be discovered only by an accident in some unusual situation or

while conducting diagnostic examinations for other complaints.

Photosensitive Epilepsy Prognosis

With time, the sensitivity to bright lights may diminish in case of some patients. People having photosensitive epilepsy should consult their doctor to ask for safety measures and avoid any circumstances that might trigger their epileptic seizures. A controlled life may bring down the instances of epilepsy to almost zero. People having this condition are known to lead an otherwise normal life by following certain adjustments.

Photosensitive epilepsy is still being studied by experts as there is a dearth of information as to what anatomical defects within the brain might be responsible for causing this condition.

References:

http://en.wikipedia.org/wiki/Photosensitive_epilepsy

<http://www.epilepsy.org.uk/info/photosensitive-epilepsy>

<http://www.epilepsyfoundation.org/aboutepilepsy/seizures/photosensitivity/gerba.cfm>

<http://www.webmd.com/epilepsy/guide/photosensitive-epilepsy-symptoms-causes-treatment>



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5 January 2015

City of Carson
Planning Division
701 East Carson Street
Carson, CA 90745

Attention: Ms. Denise Bothe, City Planner

Subject: Kia Motors America, Inc. LED Signage Excessive Illumination, Extended Operating Hours and Size

References: 1) Signage Erected on the I-405 Freeway near the Wilmington off Ramp, Carson, CA
2) Agenda Topic Scheduled 1/12/16 - Kia Motors America, Inc. Signage, Planning Commission Meeting

Dear Ms. Bothe,

I am a Carson, CA resident who has been impacted by the Kia Motors America, Inc. (Kia) LED signage erected on the I-405 near my home. When driving on the I-405 north or southbound, the sign is significantly bright and I must purposefully cast my eyes away from its aggravating glow. This sign towers above the I-405 construct which now makes it directly visible from my front door. When the sun sets or on an overcast day, the Kia sign illuminates through my living room window flickering in color as the message center sign changes. The LED sign images reflect against my living room wall until sunrise every single day. I find this unwarranted invasion and intrusion of my personal living space extremely disturbing and intolerable.

When I purchased my home, I never envisioned that I would be confronted with Kia advertising whenever I open my front door. The visibility of this sign from my front door has definitely had a negative impact on the aesthetics of my property. If I ever decide to sell my home, this marketing blitz by Kia miles away could actually negatively impact the sell value of my property.

My purpose for writing to you today is threefold:

- 1) Immediately direct Kia to scale down the illumination on their sign on I-405
- 2) Direct Kia motors to uphold the hours of operation to end at midnight daily or revoke their permit
- 3) Request that Kia lower their sign. If they cannot or will not lower their sign, make them responsible for installing trees along I-405 north and south that are taller than their LED sign to protect the neighboring residents from being bothered by their unsightly LED sign, and to serve as a barrier from the excessive illumination

Further, I ask that the Planning Division, when considering current and future applications and permits, do not allow our city to become the California version of the Las Vegas strip with neon marketing and LED signs along our cities freeways and businesses. It cheapens the overall view and perspective of our town. The city of Carson is a family community, and home to many fortune 500 companies. Now that the NFL is considering the potential of a stadium being constructed in Carson and the potential to relocate one or more of its teams here, it is crucial that the Planning Division consider what impact the expansion and growth will have on its residents like me.

Please note that I regret that I cannot attend the planning meeting in person next week but I ask that you voice my concerns and recommended solutions to the Kia representative(s) during the session. Please share with me the outcome of those discussions. If you have any questions prior to the meeting, I can be reached at 310.748-1723.

Best Regards,



Carol A. Carodine
A Concerned Carson Resident

