

ORDINANCE NO. 17-1624

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 9-16 BETWEEN THE CITY OF CARSON AND BECKER BOARDS SMALL, LLC TO INSTALL ONE 56-FOOT-HIGH OUTDOOR ADVERTISING SIGN ("DIGITAL BILLBOARD") ALONG THE PORTION OF THE SR-91 FREEWAY THAT DIRECTLY ABUTS THE NORTH SIDE OF THE SR-91 FREEWAY, IS ZONED ML-D LOCATED ALONG THE NORTH SIDE OF ARTESIA BETWEEN AVALON BOULEVARD AND CENTRAL AVENUE AT APN 7319-033-064

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

Section 1. An application for a Development Agreement (Agreement), pursuant to Government Code Sections 65864 through 65869.5 of the City of Carson, was duly filed by the applicant, Becker Boards Small, LLC ("Becker Boards"), with respect to the real property located at 840 E. Walnut Street (APN 7319-033-064), as shown in Exhibit "A" attached hereto. The applicant proposes a 56-foot-high outdoor advertising sign ("digital billboard") to be placed at the south area of the subject property.

Section 2. The City Council held public hearings on the Agreement on June 20, 2017 at 6:00 P.M. at City Hall in the Helen Kawagoe Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place and purpose of the aforesaid meetings were duly given.

Section 3. The proposed project was reviewed under the requirements of the California Environmental Quality Act (CEQA). The City Council finds that a Negative Declaration is determined since the proposed project has no potential to cause a significant effect on the environment.

Section 4. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid meeting.

Section 5. The City Council finds that:

a) The Development Agreement is proposed on a site which is located within an area suitable for the proposed use, and is in conformance the General Plan and the Manufacturing, Light zoning district.

b) The Development Agreement provides for a public convenience through significant monetary benefits which will contribute indirectly to programs and services designed to provide for the health, safety and welfare of the public.

c) The proposed Development Agreement will not be detrimental to the public's health, safety and general welfare, nor will it adversely

affect the orderly development or property values for the subject property or areas surrounding it.

d) The Development Agreement is in compliance with the procedures established by City Council Resolution No. 90-050 as required by Government Code, Section 65865(c).

e) The Development Agreement in Section 5 provides for an annual review to ensure good faith compliance with the terms of the Agreement, as required in Section 65865.1 of the Government Code.

f) The Development Agreement specifies the duration of the agreement in Section 2.4, the Processing Fee in Section 2.5; the Development Fee in Section 2.6, and the Community Benefits in Section 2.7.

g) The Development Agreement includes conditions, terms, restrictions and requirements for development of the property in Section 3 and as permitted in Section 65865.2 of the Government Code.

h) The Development Agreement contains provisions in Section 4 for removal of the billboard upon the termination the Agreement.

i) The Development Agreement provides for amendment or cancellation in whole or in part, by mutual consent of the parties to the agreement or their successors in interest as required in Section 65868 of the Government Code.

j) That the Development Agreement is in the best public interest of the City and its residents and that this Agreement will achieve a number of City objectives including utilizing the site for a revenue-generating use.

Section 6. The Agreement provides for recovery of the City's costs and complies with the Statue with respect to all fees and costs provided under the Agreement.

Section 7. The Development Agreement is in compliance with the procedures established by City Council Resolution No. 90-050 and the City Council finds that the Agreement:

- a) Is consistent with the General Plan and any applicable specific plan;
- b) Is in conformity with public convenience and good land use practices;
- c) Will not be detrimental to the health, safety and general welfare;
- d) Will not adversely affect the orderly development of property or the preservation of property values;

e) Is consistent with the provisions of Government Code Sections 65864 through 65869.5.

Section 8. The Development Agreement is attached as Exhibit "B".

Section 9. Agreement is on file in the office of the Community Development Department and is hereby incorporated herein by reference.

Section 10. Based on the aforementioned findings, the City Council approves the Agreement and authorizes its execution and all action necessary to comply with its terms.

Section 11. The Ordinance No. 17-1624 is approved for introduction and first reading on June 20, 2017 and adoption at the second hearing on July 5, 2017.

Section 12. The City Clerk shall certify to the adoption of this Ordinance and shall transmit copies of the same to the applicant. The City Clerk shall publish the adopted Ordinance pursuant to California Government Code 36933 within fifteen days of its adoption.

Section 13. The Ordinance shall become effective thirty (30) days after the second reading approval date, or if a referendum petition is filed (a) and fails to qualify for an election, the date the City Clerk certifies the disqualification of the referendum petition, or (b) if an election is held regarding the ordinance approving this Agreement, the date the election results are declared approving the Ordinance.

PASSED, APPROVED and ADOPTED this 5th day of July, 2017.

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani

Mayor Albert Robles

ATTEST:

City Clerk Donesia L. Gause, MMC

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

I, Donesia L. Gause, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. 17-1624, adopted by the Carson City Council at its meeting held on the 5th day of July, 2017, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

City Clerk Donesia L. Gause, MMC

EXHIBIT "A"

LEGAL DESCRIPTION OF THE SITE

Real property in the City of Carson, County of Los Angeles, State of California, described as follows:

PARCEL 1 OF PARCEL MAP NO. 5238, IN THE CITY OF CARSON, AS SHOWN ON MAP FILED IN BOOK 59 PAGE 1 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THE WESTERLY 15.00 FEET OF THE NORTHERLY 34.00 FEET OF PARCEL 1 OF PARCEL MAP 5534 AS SHOWN ON MAP FILED IN BOOK 72 PAGE 10 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY.

EXCEPT THAT PORTION THEREOF LYING BELOW A PLANE 500.00 FEET, MEASURED VERTICALLY DOWNWARD FROM THE SURFACE, AS SAID PLANE WAS ESTABLISHED BY DEED RECORDED OCTOBER 28, 1965 AS INSTRUMENT NO. 1423 IN BOOK D3096 PAGE 696, OFFICIAL RECORDS.

THE RIGHT TO ENTER UPON THE SURFACE OR TO ENTER UPON SAID LAND 500 FEET BELOW THE SURFACE THEREOF WAS QUITCLAIMED BY DOCUMENT RECORDED MARCH 29, 1972 AS INSTRUMENT NO. 3182, OF OFFICIAL RECORDS.

ALSO SHOWN AS PARCEL "A" OF THAT CERTAIN CERTIFICATE OF COMPLIANCE AND NOTICE OF LOT LINE ADJUSTMENT NO. 181-03 RECORDED MAY 11, 2004 AS INSTRUMENT NO. 04-1181667 OF OFFICIAL RECORDS.

APN: 7319-033-064

