

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 18-1637

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING CITY COUNCIL ADOPTION OF ORDINANCE NO. 18-1811 TO APPROVE DEVELOPMENT AGREEMENT NO. 7-18 BETWEEN THE CITY OF CARSON AND CLEAR CHANNEL OUTDOOR, INC., TO REPLACE AN EXISTING STATIC BILLBOARD SIGN WITH A NEW DIGITAL FREEWAY BILLBOARD SIGN

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 with respect to real property located at 24499 Figueroa Street (APN 7406-026-915), requesting approval of Development Agreement No. 7-2018 to build a new electronic billboard sign on a zoned MH (Heavy Industrial).

A Planning Commission meeting was duly held on June 12, 2018 meeting date, 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.

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

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 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to the Development Agreement, including written staff reports, verbal testimony, site plans, and the conditions of approval stated herein, the Planning Commission hereby determines that the Development Agreement is authorized by and satisfies the requirements of Government Section Code 65864 through 65869.5.

Section 3. With respect to the Development Agreement No. 7-18, the Planning Commission finds that:

- a) The Development Agreement is consistent with the goals and objectives of the City's General Plan.

- b) The Development agreement supports General Plan goal ED-4: Maintain and increase net fiscal gains to the City.

Evidence: The Development Agreement will supplement the general funds via an annual development fee paid by Developer to City would adequately mitigate potential impacts.

- The Development Fee will be an annual amount to City equal to \$100,000 for the first through fifth years of the Term of this Agreement, \$105,000 for the sixth through tenth years of the Term, \$110,000 for the eleventh through fifteenth years of the Term of this Agreement, and thereafter increased by \$10,000 every fifth year of the Term of this Agreement, which Development Fee, for ease of reference purposes, shall equal the following amounts during the Term. The Development Fee shall be paid annually, with the first installment payable no later than the Due Date. Subsequent annual payments shall be due no later than the anniversary of the Due Date.

- c) The Development agreement supports General Plan policy ED-2.2 Continue to enhance the City's public relations/marketing program to improve communications through the business community and the City.

Evidence: The digital billboard is expected to generate the following public benefits: City's Display Time on New Digital Billboard and Discount Advertising.

- *City's Display Time on New Digital Billboard.* Developer shall also provide advertising space free of charge to City on a space-available basis for public service announcements of noncommercial city-sponsored civic events ("City Messages").
- *Discount Advertising.* Developer shall offer a ten percent (10%) discount off of its applicable rate card fees for the display of advertising on the New Digital Billboard to any business that has its principal place of business in the City of Carson and is a member in good standing of the Carson Chamber of Commerce.
- *Prohibited Use.* Developer shall not utilize any of the displays on the New Digital Billboard to advertise tobacco, marijuana, hashish, "gentlemen's clubs," or other related sexually explicit or overly sexually-suggestive messages, or as may be prohibited by any City ordinance existing as of the Effective Date of this Agreement.

Section 4. The Planning Commission, exercising their independent judgment, finds that the proposed code amendment is categorically exempt from the provisions of

the California Environmental Quality Act ("CEQA") pursuant to Section 15303 regarding new construction or conversion of small structures.

Section 6. Based on the aforementioned findings, the Commission hereby approves Development Agreement No. 7-18 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 7. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 8. 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 JUNE, 2018


CHAIRPERSON

ATTEST:


SECRETARY

CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. If a building permit for Development Agreement No. 7-18 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 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.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. 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.
6. 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.
7. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject

property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.

9. 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.
10. 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.
11. 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.
12. 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.
13. Indemnification.

The Developer shall indemnify the City and its elected boards, commissions, officers, agents and employees and will defend, hold and save them and each of them harmless from any and all Third-Party Claims or Litigation (including but not limited to objectively reasonable attorneys' fees and costs, including, but not limited to, expert costs) arising from or in connection with Developer's obligations under this Agreement and related to the Project or construction activities in furtherance of the Project against the City and shall be responsible for any judgment arising therefrom. Except, however, Developer's indemnity obligations shall not extend to any claims, damages or litigation arising solely from City's negligent acts or omissions.

UTILITIES

14. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.

15. Public utility easements shall be provided in the locations as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.
16. The applicant shall remove at his/her own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended.

BUILDING AND SAFETY DIVISION

17. Submit development plans for plan check review and approval.
18. Obtain all appropriate building permits and an approved final inspection for the proposed project.
19. Prior to Issuance of building permits, proof of worker's compensation and liability insurance must be on file with the Los Angeles County Building and Safety Division.

Prior to Issuance of Building Permit

20. A Covenant and Agreement for an existing easement shall be recorded with the Los Angeles County Recorder's office. Said document shall indicate all easements.
21. Provide proof of Worker's Compensation and Liability Insurance.
22. All new utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.