

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 18-2638

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING CITY COUNCIL ADOPTION OF ORDINANCE NO. 18-1813 TO APPROVE DEVELOPMENT AGREEMENT NO. 14-17 BETWEEN THE CITY OF CARSON AND OUTFRONT MEDIA, LLC, TO REPLACE AN EXISTING STATIC BILLBOARD SIGN WITH A NEW DIGITAL FREEWAY BILLBOARD SIGN AT 20220 RECREATION ROAD (APN: 7328-001-021) AND APPROVE VARIANCE NO. 563-18, TO EXCEED MAXIMUM HEIGHT

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 22020 Recreation Road (APN: 7328-001-021), requesting approval of Development Agreement No. 14-17 to build a new electronic billboard sign on a zoned CA (Commercial Automotive) and Variance No. 563-18 to exceed the maximum allowable height.

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. The June 12, 2018 Planning Commission meeting was continued to an undetermined date to allow additional consideration of the terms of the DA. The hearing was subsequently rescheduled for August 14, 2018. 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. 14-17, 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 the greater of the Flat Fee or the Gross Receipts Fee, calculated as follows:

- *Flat Fee:* An annual amount to City equal to \$100,000.00 for the first five years of the Term of this Agreement. On the fifth anniversary of the Commencement Date, the Flat Fee shall increase to \$110,000 through the balance of the Term of the Agreement.
 - *Gross Receipts Fee:* Six percent (6%) of Developer's annual gross advertising revenue in a given Term year (i.e., the calendar years occurring after the Commencement Date or between anniversaries of the Commencement Date during the Term). Annual gross advertising revenue shall mean all moneys that Developer receives relating to the New Digital Billboard, which includes but is not limited to the sale of advertising space on the New Digital Billboard, grants, and contributions of any kind whatsoever, prior to any deductions whatsoever, including but not limited to taxes, costs, and fees.
- 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. With respect to the Variance No. 563-18, the Planning Commission finds that:

- a) Due to special circumstances applicable to the property, including size, shape, topography, location and surroundings, the strict application of Section 9146.7 deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- b) The site's topography, location and surroundings prevent the proposed sign from being clearly visible from the freeway.

Evidence. The site is approximately 8 feet lower than the I-405 Freeway. In addition, a sound wall of approximately 12 feet in height is located directly adjacent to the project site.

- The proposed digital billboard must be moved approximately 298 feet south in order to maintain a distance of 1,000 feet from an existing Kia advertising sign on the Kia property per CMC 9146.7 Signs, Section A.4.
- c) Variance No. 563-18 does not become effective until the effective date of the Development Agreement.

Section 5. 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 recommends City Council approve Development Agreement No. 14-17, and approves Variance No. 563-18 with respect to the property described in Section 1 hereof.

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 14th DAY OF AUGUST, 2018


CHAIRPERSON

ATTEST:


SECRETARY