

ORDINANCE NO. 20-2004

AN UNCODIFIED ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 21-19 BETWEEN THE CITY OF CARSON AND CLEAR CHANNEL OUTDOOR, LLC, TO (1) REPLACE AN EXISTING SINGLE-SIDED STATIC BILLBOARD WITH A 65-FOOT HIGH DOUBLE-SIDED OUTDOOR ADVERTISING SIGN ("REPLACEMENT DIGITAL BILLBOARD") ALONG A PORTION OF THE I-405 FREEWAY CORRIDOR, ZONED CR-ORL-D, LOCATED AT 19500 MAIN STREET (APN 7339-017-003), AND (2) INSTALL A 55-FOOT HIGH DOUBLE-SIDED OUTDOOR ADVERTISING SIGN ("NEW DIGITAL BILLBOARD") ALONG A PORTION OF THE I-405 FREEWAY CORRIDOR, ZONED CR-ORL-D, LOCATED AT 19500 MAIN STREET (APN 7339-017-003) AND (3) REMOVE TWO CITY-ORIENTED BILLBOARDS FROM WITHIN THE CITY AT APN NOS. 7306-011-034 AND 7406-026-914.

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

Section 1. California Government Code Sections 65864 et seq. ("Development Agreement Law") and Section 9147.7(A)(12) of the City's Municipal Code ("City Development Agreement Ordinance") authorize the City to enter into binding development agreements with persons having a legal or equitable interest in real property for the development of such property with outdoor advertising structures, for the purpose of strengthening the public planning process, encouraging private participation and comprehensive planning and identifying the economic costs of such development; and

Section 2. 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, Clear Channel Outdoor, INC. ("Clear Channel" or "applicant"), with respect to the real property located at 19500 Main Street (APN 7339-017-003), as shown in Exhibit "A" attached hereto. The applicant proposes to (1) install a 65-foot-high double-sided outdoor advertising sign ("replacement digital billboard") to replace an existing static billboard at the subject property and (2) install a new 55-foot-high double-sided outdoor advertising sign ("new digital billboard") approximately 1754 feet south of the replacement digital billboard, and (3) remove entirely two existing, printed billboards from APN Nos. 7306-011-034 and 7406-026-914.

Section 3. At a duly-noticed public hearing on March 10, 2020, the City Planning Commission considered the approval of the Agreement and related Draft Mitigated Negative Declaration under the California Environmental Quality Act ("CEQA"), and at the conclusion of the hearing and after considering the evidence and arguments submitted by City staff, Clear Channel, and all interested parties, found the Agreement consistent with the goals and policies of the General Plan, any specific plan, and the Zoning Code and adopted Resolution No. 20-2004 recommending the approval of the Agreement and the Draft Mitigated Negative Declaration.

Section 4. The City Council held a public hearing on the Agreement on April XX, 2020 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 5. Pursuant to CEQA, a Draft Mitigated Negative Declaration was prepared and made available for public review from January 17, 2020 through February 17, 2020. A Notice of Intent to Adopt a Draft Negative Declaration was posted with the City Clerk, LA County Clerk, Carson Library, on-site, and sent to responsible agencies. An electronic copy of the document was also posted on the Planning Division

website (<http://ci.carson.ca.us/CommunityDevelopment/Billboards.aspx>). No comments were received recommending that an Environmental Impact Report (EIR) should be prepared.

Section 6. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid meeting.

Section 7. Based upon all oral and written reports and presentations made by City staff, the applicant, and members of the public, including any attachments and exhibits, the City Council hereby finds that:

a) The Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5

b) The Agreement provides for a project that is located within an area suitable for the proposed use, and is in conformance the General Plan and the Commercial Regional, Organic Refuse Landfill and Design Overlay (CR-ORL-D) zoning district; there is no Specific Plan to which the Development Agreement must conform.

c) The 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, thereby exhibiting good land use practices.

d) The proposed 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.

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

f) The Agreement in Article 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.

g) The Agreement specifies its duration in Section 2.4, the Processing Fee in Section 2.5; the Development Fee in Section 2.6 and the Community Benefits in Section 2.8.

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

i) The Agreement contains provisions in Article 4 for removal of the billboard(s) upon the termination or earlier expiration of the Agreement.

j) The 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.

k) That the 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 Billboard Site for a revenue-generating use and removing unsightly and outdated City-Oriented billboard(s).

l) City finds and determines that all actions required of City precedent to approval of the Agreement by the City Council have been duly and regularly taken and all legal prerequisites of the adoption of this Ordinance have occurred.

Section 8. 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 9. The Development Agreement is attached as Exhibit “B” and is hereby incorporated herein by reference.

Section 10. The Development Agreement is also on file in the office of the Community Development Department. .

Section 11. Based on the aforementioned findings, the City Council hereby approves the Agreement and authorizes its execution and all action necessary to comply with its terms.

Section 12. This Ordinance No. 20-2004 is approved for introduction and first reading on April XX, 2020 and adoption at the second hearing on _____, 2020.

Section 13. 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 14. Pursuant to Government Code Section 65868.5, the City Clerk of the City shall record a copy of said Development Agreement with the County Recorder within 10 days after the Mayor’s signing of the Agreement.

Section 15. The Mayor, City Manager, and City Clerk or their designees, are authorized and directed to take such actions and execute such documents and certifications as may be necessary to implement and affect execution, recordation and enforcement of this Ordinance and the Development Agreement.

Section 16. 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.

Section 17. The City Clerk of the City of Carson shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation, printed and published within the City of Carson in accordance with the provisions of the Government Code.

PASSED, APPROVED and ADOPTED this **XX** day of _____, 2020.

Mayor Albert Robles

ATTEST:

Donesia L. Gause-Aldana, City Clerk
City of Carson, California

APPROVED AS TO FORM

Sunny Soltani, City Attorney