

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 20-2688

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING VARIANCE NO. 568-19 AND 569-19, AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF DEVELOPMENT AGREEMENT NO. 21-19 BETWEEN THE CITY OF CARSON AND CLEAR CHANNEL OUTDOOR, INC., MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) TO INSTALL TWO DUAL-FACED DIGITAL BILLBOARDS AT 19500 MAIN STREET, APN 7339-017-003."

WHEREAS, on July 1, 2019, the Department of Community Development received an application from John Duong, on behalf of Clear Channel Outdoor, with respect to real property located at 19500 Main Street (APN 7339-017-003) for real property located at 19500 Main Street and described in Exhibit "A" attached hereto, requesting approval of Development Agreement No. 21-19 for the development of two dual-faced digital billboards and Variance No. 568-19 and Variance No. 569-19 to exceed the maximum allowable heights; and

WHEREAS, the application was deemed complete on November 6, 2019; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the tenth day of March, 2020, conduct a duly noticed public hearing as required by law to consider said application. Notice of the hearing was posted and mailed to property owners and properties within a 750-foot radius of the project site by February 27, 2020.

WHEREAS, 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

WHEREAS, 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.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOW:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

1. With respect to the **Development Agreement No. 21-19** to permit two digital billboards,
 - a) The Development Agreement is authorized by and satisfies the requirements of Government Section Code 65864 through 65869.5.
 - b) The Development Agreement is consistent with the goals and objectives of the City's General Plan.
 - c) 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 two independent development fees paid by Developer to City for each of the replacement and new digital billboard to adequately mitigate potential impacts. The Development Fees will be as follows:

- *Development Fee for Replacement Digital Billboard:* The Development Fee as applied to the Replacement Digital Billboard will be an annual amount to City equal to \$145,000 for the first through fifth years of the Term of this Agreement \$150,000 for the sixth through tenth years of the Term, \$155,000 for the eleventh through fifteenth years of the Term of this Agreement, \$165,000 for the sixteenth through twentieth years of the Term of this Agreement, and thereafter increased by \$15,000 every fifth year of the Term of this Agreement.
 - *Development Fee for New Digital Billboard:* The Development Fee as applied to the New Digital Billboard will be an annual amount to City equal to \$145,000 for the first through fifth years of the Term of this Agreement, and thereafter increased by \$10,000 every fifth year of the Term of this Agreement.
- d) 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 billboards (replacement and new) are expected to generate the following public benefits: City's Display Time on the digital billboards and Discount Advertising.

- *City's Display Time on Digital Billboards (Replacement & New).* Developer shall provide free-of-charge to City an allocation advertising time on each digital display face mounted upon the Replacement Digital Billboard and New Digital Billboard, which advertising shall be dedicated to public service announcements for City-sponsored, noncommercial 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 displays on the Replacement Digital Billboard and New Digital Billboard to any business/advertiser 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 Replacement and New Digital Billboards 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.

2. With respect to the **Variance No. 568-19** to permit additional height for the Replacement Digital Billboard:

- 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 proposed height for Replacement Billboard is low enough to allow for an unobstructed view corridor for southbound 405 traffic where the sign displays can be viewed for travelers approaching the Main Street underpass, allowing drivers to see the new north-facing digital display underneath a Caltrans directional sign that spans the entirety of the northbound lanes. At the same time, the sign is just high enough to be seen above SUV-sized vehicles traveling in the opposite lanes.

- c) Variance No. 568-19 does not become effective until the effective date of the Development Agreement 21-19 and Zone Text Amendment 183-19.

3. With respect to the **Variance No. 569-19** to permit additional height for the New Digital Billboard:

- 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 proposed height for the New Digital Billboard is low enough to allow for an unobstructed view corridor for northbound 405 traffic where the sign displays can be viewed for travelers approaching the Del Amo Street overpass, allowing drivers to see the sign underneath the Del Amo bridge overpass. Likewise, the sign is just high enough for southbound vehicles from an elevated section of the 405 Freeway, some 1,500+ feet to the north. Because of the elevated position for southbound traffic, the requested sign's height is in direct line of sight. The proposed height of the new sign structures are consistent with existing surrounding sign heights that range from 38'9" to 55'10" on the same parcel.

- c) Variance No. 569-19 does not become effective until the effective date of the Development Agreement 21-19 and Zone Text Amendment 183-19.

SECTION 3. The Planning Commission finds that the proposed project, as mitigated pursuant to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, which are available for public review at <http://ci.carson.ca.us/CommunityDevelopment/Billboards.aspx> and are incorporated into this Resolution by reference ("MND"), will not have a significant effect on the environment.

SECTION 4. The Planning Commission of the City of Carson, based on the findings set forth above, does hereby approve Variance No. 568-19 and Variance No. 569-19 and recommends that the City Council (1) approve Development Agreement 21-19 and (2) approve the MND.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

SECTION 6. This decision of the Planning Commission recommending approval of Development Agreement No. 21-19 and MND shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. This decision of the Planning Commission approving Variance No. 568-19 and 569-19 shall become effective and final upon effectiveness of Development Agreement No. 21-19 and Zone Text Amendment No. 183-19 and approval of MND by the City Council, unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

APPROVED and ADOPTED this 10th day of March, 2020.


CHAIRPERSON

ATTEST:


SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION OF 405 FREEWAY SITE

THAT PORTION OF THE MARIA DE LOS REYES DOMINGUEZ 477.81 ACRE ALLOTMENT, AND OF THE GUADALUPE M. DOMINGUEZ 327.64 ACRE ALLOTMENT, AND OF THE GUADALUPE MARCELLINA DOMINGUEZ 852.37 ACRE ALLOTMENT, ALL IN THE PARTITION OF A PART OF THE RANCHO SAN PEDRO, AS SHOWN ON MAP FILED IN CASE NO. 3284 OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF LOS ANGELES, A COPY OF SAID MAP BEING FILED AS CLERK'S FILED MAP NO. 145 IN THE OFFICE OF THE ENGINEER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL WITH AND SOUTHEASTERLY, 10 FEET, MEASURED AT RIGHT ANGLES, FROM THE SOUTHEASTERLY LINE OF MAIN STREET, 80 FEET WIDE, AS SHOWN ON MAP OF TRACT 4671, RECORDED IN BOOK 56, PAGES 30 AND 31 OF MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 3149.79 FEET, SAID CURVE BEING CONCENTRIC WITH THAT CURVE IN THE CENTERLINE, AS DESCRIBED IN DEED TO LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, RECORDED IN BOOK 37921, PAGE 387 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER, HAVING A RADIUS OF 2,999.79 FEET AND A LENGTH OF 773.33 FEET, A RADIAL LINE OF SAID 3149.79 FOOT RADIUS CURVE TO SAID INTERSECTION BEARING SOUTH 57° 04' 14" WEST; THENCE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 4° 03' 42" ALONG SAID CURVE 223.29 FEET; THENCE SOUTH 47° 15' 36" EAST 125.96 FEET TO A POINT IN A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 3129.79 FEET, SAID CURVE BEING CONCENTRIC WITH THAT CURVE IN SAID CENTERLINE HAVING A RADIUS OF 2999.79 FEET, A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING SOUTH 50° 44' 22" WEST; THENCE SOUTHEASTERLY ALONG SAID 3129.79 FOOT RADIUS CURVE 443.19 FEET TO A LINE PARALLEL WITH THE SOUTHWESTERLY 130 FEET, MEASURED AT RIGHT ANGLES, FROM THAT PORTION OF SAID CENTERLINE HAVING A LENGTH OF 2711.87 FEET; THENCE ALONG SAID PARALLEL LINE SOUTH 47° 22' 26" EAST 1535.21 FEET; THENCE SOUTH 41° 39' 48" EAST 201.00 FEET TO A LINE PARALLEL WITH A SOUTHWESTERLY 150 FEET, MEASURED AT RIGHT ANGLES, FROM THAT PORTION OF SAID CENTERLINE HAVING A LENGTH OF 2711.87 FEET; THENCE ALONG SAID PARALLEL LINE SOUTH 47° 22' 26" EAST 976.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2849.70 FEET, SAID CURVE BEING CONCENTRIC WITH THAT CURVE IN SAID CENTERLINE HAVING A RADIUS OF 2999.70 FEET AND A LENGTH OF 424.84 FEET; THENCE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 6° 10' 33" ALONG SAID CURVE 307.17 FEET TO A POINT, A RADIAL LINE OF SAID CURVE TO SAID POINT BEARING NORTH 48° 48' 08" EAST; THENCE ALONG SAID RADIAL LINE SOUTH 48° 48' 08" WEST 22.50 FEET TO A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2827.20 FEET, SAID CURVE BEING CONCENTRIC WITH LAST MENTIONED 2999.70 FOOT RADIUS CURVE; THENCE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 0° 55' 22" ALONG SAID 2827.20 FOOT RADIUS CURVE 45.53 FEET TO THE NORTHERLY LINE OF THAT 100 FOOT WIDE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF LOS ANGELES, RECORDED IN BOOK 20688, PAGE 242 OF OFFICIAL RECORDS IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE ALONG SAID NORTHERLY LINE SOUTH 89° 35' 01" EAST 292.95 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAN DIEGO FREEWAY, AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED IN BOOK 51375, PAGE 52 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER A RADIAL OF SAID POINT BEARS NORTH 41° 32' 53" EAST; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID SAN DIEGO FREEWAY ALONG A CURVE CONCAVE SOUTHWESTERLY THROUGH A CENTRAL ANGLE 1° 58' 00" ALONG SAID CURVE, HAVING A RADIUS OF 10,112.72 FEET, AN ARC DISTANCE OF 347.12 FEET, A RADIAL OF SAID CURVE BEARS NORTH 39° 34' 53" EAST; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID SAN DIEGO FREEWAY NORTH 50° 25' 07" WEST 2164.50 FEET; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID SAN DIEGO FREEWAY, AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED IN BOOK D 744, PAGE 261 OF OFFICIAL RECORDS IN THE OFFICE OF SAID

COUNTY RECORDER, NORTH 47° 15' 18" WEST 743.16 FEET; THENCE NORTH 41° 15' 25" WEST 238.42 FEET; THENCE NORTH 21° 09' 07" WEST 75.88 FEET TO THE INTERSECTION OF THE NORTHEASTERLY LINE OF SAID SAN DIEGO FREEWAY WITH A POINT 10 FEET (MEASURED RADially) EASTERLY OF SAID MAIN STREET (80 FEET WIDE), A RADIAL OF SAID POINT BEARS SOUTH 64° 27' 26" EAST; THENCE NORTHEASTERLY ALONG A CURVE CONCENTRIC WITH THE EASTERLY LINE OF SAID MAIN STREET, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1381.83 FEET, AN ARC DISTANCE OF 231.11 FEET; THENCE ALONG A LINE 10 FEET EASTERLY, MEASURED AT RIGHT ANGLES, OF SAID MAIN STREET (80 FEET WIDE) NORTH 35° 07' 32" EAST 183.55 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL MINERALS AND ALL MINERAL RIGHTS OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, OIL, GAS, WATER AND RIGHTS THERETO, TOGETHER WITH THE SOLE, EXCLUSIVE AND PERPETUAL RIGHT TO EXPLORE FOR, REMOVE AND DISPOSE OF SAID MINERALS BY ANY MEANS OR METHODS SUITABLE TO GRANTOR, ITS SUCCESSORS AND ASSIGNS, BUT WITHOUT ENTERING UPON OR USING THE SURFACE OF THE LANDS HEREBY CONVEYED OR ANY PORTION OF THE SUBSURFACE WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE, AND IN SUCH MANNER AS NOT TO DAMAGE THE SURFACE OF SAID LANDS OR TO INTERFERE WITH THE USE THEREOF BY GRANTEE, ITS SUCCESSORS OR ASSIGNS, AS RESERVED BY DOMINGUEZ ESTATE COMPANY, A CORPORATION, IN THE DEED RECORDED APRIL 21, 1967 AS INSTRUMENT NO. 333.

APN: 7339-017-003