

RESOLUTION NO. 20-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON CONFIRMING ADMINISTRATIVE APPROVAL AUTHORITY FOR THE REFURBISHMENT OF TWO ELECTRONIC MARQUEE SIGNS AT 21710 RECREATION ROAD AND 431 ALBERTONI STREET FOR DIGNITY HEALTH SPORTS PARK (CITY COUNCIL)

WHEREAS, on September 10, 2020, the Department of Community Development received an application from Katie Pandolfo on behalf of Dignity Health Sports Park (“Applicant”) for real properties located at 21710 Recreation Road and 431 Albertoni Street and described in Exhibit “A” attached hereto (each, a “subject property”), requesting confirmation of authority to proceed under existing entitlements for the asserted refurbishment of two existing electronic marquee signs (“Signs”), one on each subject property (the “Application”).

WHEREAS, on January 29, 2002, the City, the former Carson Redevelopment Agency and AEG (now Dignity Health Sports Park) entered into a Disposition and Development Agreement (DDA) and the City and the former Redevelopment Agency entered into Cooperation Agreement pertaining to development of the stadium complex now known as Dignity Health Sports Park, including the Signs.

WHEREAS, Carson Municipal Code Section 9138.71, enacted pursuant to adoption of Ordinance No. 02-1245 on February 19, 2002, established the Electronic Message Center (EMS) Overlay District (the “EMS Overlay”) encompassing the subject properties, thereby allowing the establishment of electronic marquee signs on the subject properties, subject to the review process set forth in Carson Municipal Code Section 9138.71.

WHEREAS, on October 22, 2002, the Planning Commission approved DOR 02-08-795 via adoption of Resolution No. 02-1921, and DOR 02-08-796 via adoption of Resolution No. 02-1922, thereby permitting establishment of the Signs in compliance with Carson Municipal Code (CMC) Section 9138.71. Condition No. 10 of each Resolution requires any future alteration or upgrades to the respective sign structures to be approved by the City.

WHEREAS, the EMS Overlay zoning designation is still applicable to the subject properties, but the approval process outlined in CMC Section 9138.71 does not expressly apply to modification or refurbishment of existing signs, as opposed to initial establishment of new signs.

WHEREAS, Section 6.9 of the DDA permits the developer (or its successor-in-interest, the Applicant) to “modify, refurbish, update or replace” the Signs subject to at most Administrative review and approval on behalf of the City by City Manager. The terms are not defined in the DDA, and therefore are accorded their dictionary definitions.

WHEREAS, Planning staff has reviewed the application and determined that Administrative review as set forth above is the applicable review process for the Application pursuant to Section 6.9 of the DDA and Condition No. 10 of Planning Commission Resolution Nos. 02-1921 and 02-1922. After receiving the Planning Commission’s concurrence pursuant to Planning Commission

Resolution No. 20-2701 on October 13, 2020, staff is now presenting the matter to the City Council to seek the Council's concurrence in regard to same.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Council finds as follows:

1. The project site at 21710 Recreation Road has a General Plan Land Use designation of Regional Commercial and the project site at 431 Albertoni Street has a General Plan Land Use designation of General Commercial (the "Project Sites). The Project Sites are located within the EMS Overlay. Both Project Sites are currently improved with existing electronic marquee signs which were approved pursuant to approval of DOR 02-08-795 and DOR 02-08-796 on October 22, 2002. Condition No. 10 of Planning Commission Resolution Nos. 02-1921 and 02-1922, approving the respective DOR's, requires City approval for alterations or upgrades to the existing sign structures.
2. Section 6.9 of the DDA permits the developer (or its successor-in-interest, the Applicant), "for so long as a Lease is in effect," to "modify, refurbish, update or replace" the Signs subject to Administrative review and approval on behalf of City by the City Manager. "Lease" is defined in the DDA to include a ground lease for each of the subject properties. A ground lease is currently in effect on both properties.
3. The Planning Commission concurred with Staff's determination regarding administrative approval authority by adopting Planning Commission Resolution No. 20-2701 on October 13, 2020.
4. Based on the foregoing and the following additional findings, considered collectively and without limitation as to other relevant considerations, the proposed work on each of the two marquee signs is properly considered a "modification, refurbishment, update or replacement," within the meaning of Section 6.9 of the DDA, of the existing Signs:
 - a. The proposed work will not change the location of the Signs (including their support structures);
 - b. The proposed work will not significantly change the height or dimensions of the Signs, and the height and dimensions will remain consistent with CMC 9138.71.
 - c. The size of the support structures (poles) will not change significantly;
 - d. The proposed changes to the design and appearance of the Signs (including the support structures) constitutes an aesthetic refurbishment and update, and the proposed change from a tri-panel display to an LED wall display for each sign constitutes an update needed to respond to advancements in technology.
 - e. Other proposed changes constitute aesthetic or technological refurbishments, modifications, or updates, and none of the proposed modifications can be said to be of sufficient nature or extent as to be considered entirely new and different signs or sign structures that would no longer constitute the Signs.

SECTION 3. The City Council concurrence determination set forth in this Resolution does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA). Pursuant to Public Resources Code Section 21065 and CEQA Guidelines Section 15378, the City Council’s concurrence determination has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and constitutes an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment. The City Council is not hearing or acting upon the substance or merits of the Application, but rather is merely concurring with staff’s determination that the applicable process for review of and action upon the Application is administrative review by the City Manager. Therefore, any CEQA determination related to the review of or action upon the Application would be made by the City Manager in the context of the administrative review process.

SECTION 4. The City Council of the City of Carson, based on the findings set forth above, does hereby concur with Planning Staff that the Application proposes to “modify, refurbish, update or replace” the existing Signs, and that, pursuant to Section 6.9 of the DDA and Condition No. 10 of Planning Commission Resolution No’s 02-1921 and 02-1922, administrative review by the City Manager is the review process applicable to the Application. Accordingly, the City Council does not have jurisdiction to hear or act upon the merits of the Application.

SECTION 5. The City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of October, 2020.

Albert Robles, Mayor

ATTEST:

Donesia Gause-Aldana, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Donesia Gause-Aldana, City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. was passed and approved by the City Council of the City of Carson, at a regular meeting of said Council held on August 18, 2020 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Donesia Gause-Aldana, City Clerk

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, DESCRIBED AS FOLLOWS:

LOT 6 OF TRACT NO. 43751, IN THE CITY OF CARSON, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 1107
PAGES 93 TO 95 INCLUSIVE OF MAPS, IN THE OFFICE OF RECORDER OF
SAID COUNTY.

END OF LEGAL DESCRIPTION

EXHIBIT A

Legal Description of Carson 91 Property

LEGAL DESCRIPTION OF THE CENTER

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT A OF TRACT 3461, IN THE CITY OF CARSON; AS SHOWN ON MAP RECORDED IN BOOK 38 PAGE 87 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ACQUIRED BY THE STATE OF CALIFORNIA BY PARCEL 1 (A4541) OF DEED (STATE PARCEL A4541) RECORDED MARCH 28, 1972 IN BOOK D5406 PAGE 282 OF OFFICIAL RECORDS IN SAID OFFICE AND THAT PORTION OF THE 504.19 ACRE TRACT IN RANCHO SAN PEDRO ALLOTTED TO J.G. DOWNEY BY THE DECREE OF PARTITION OF A PORTION OF SAID RANCHO IN CASE NO. 939 OF THE SUPERIOR COURT IN SAID COUNTY, IN THE CITY OF CARSON, INCLUDED WITHIN PARCEL 2 AS SHOWN ON MAP FILED IN BOOK 82 PAGES 31 AND 32 OF RECORD OF SURVEYS, IN SAID OFFICE, ACQUIRED BY THE STATE OF CALIFORNIA BY PARCEL 2 (45337-A) OF DEED (STATE PARCEL 45337) RECORDED DECEMBER 29, 1967 IN BOOK D3872 PAGE 421 OF SAID OFFICIAL RECORDS, DESCRIBED AS FOLLOWS AS A WHOLE AS FOLLOWS:

BEGINNING AT A POINT IN THE GENERAL NORTHERLY LINE OF PARCEL 1 OF STATE HIGHWAY RELINQUISHMENT NO. 991, RECORDED MAY 8, 1980 AS INSTRUMENT NO. 80-466862 AND AS SHOWN ON MAP RECORDED IN BOOK 14 PAGES 84 AND 85 OF STATE HIGHWAY MAPS IN SAID OFFICE, DISTANT ALONG SAID GENERAL NORTHERLY LINE SOUTH 87° 01' 14" WEST, 467.46 FEET FROM THE EASTERLY TERMINUS OF THAT COURSE SHOWN AS NORTH 87° 01' 14" EAST, 775.55 FEET IN SAID GENERAL NORTHERLY LINE, THENCE NORTH 00° 42' 56" EAST, 93.93 FEET; THENCE NORTH 38° 59' 02" EAST, 39.23 FEET; THENCE NORTH 53° 20' 44" EAST 38.36 FEET; THENCE NORTH 68° 11' 51" EAST, 59.01 FEET; THENCE SOUTH 87° 36' 47" EAST, 206.87 FEET; THENCE NORTH 87° 05' 54" EAST 145.92 FEET; THENCE NORTH 79° 33' 50" EAST 213.67 FEET; THENCE NORTH 75° 09' 07" EAST, 232.01 FEET; THENCE NORTH 80° 09' 40" EAST, 277.04 FEET TO A POINT IN THAT COURSE DESCRIBED AS SOUTH 40° 39' 52" WEST, 145.51 FEET IN THE GENERAL EASTERLY LINE OF SAID PARCEL 2 (45337-A), DISTANT LONG SAID COURSE NORTH 40° 39' 52" EAST 67.69 FEET FROM THE SOUTHWESTERLY TERMINUS OF SAID COURSE, SAID POINT ALSO BEING THE MOST WESTERLY CORNER OF THE LAND ACQUIRED BY THE STATE OF CALIFORNIA BY PARCEL 62406-1 (AMENDED) OF FINAL ORDER OF CONDEMNATION, FILED IN SUPERIOR COURT CASE NO. C52401, IN AND FOR SAID COUNTY, A CERTIFIED COPY OF SAID FINAL ORDER BEING RECORDED AUGUST 20, 1975 IN BOOK D6768 PAGE 964, OFFICIAL RECORDS; THENCE ALONG SAID COURSE SOUTH 40° 39' 52" WEST, 67.69 FEET TO SAID SOUTHWESTERLY TERMINUS; THENCE ALONG SAID GENERAL EASTERLY LINE THE FOLLOWING TWO COURSES; SOUTH 06° 17' 41" EAST 136.24 FEET AND SOUTH 77° 14' 55" EAST, 49.54 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 2 (45337-A), SAID SOUTHEASTERLY CORNER BEING A POINT IN THE SOUTHERLY LINE OF ABOVE MENTIONED PARCEL 2, AS SHOWN ON MAP FILED IN BOOK 82 PAGES 31 AND 32 OF SAID RECORD OF SURVEYS; THENCE ALONG LAST MENTIONED SOUTHERLY LINE NORTH 87° 58' 54" EAST, 95.31 FEET TO SAID GENERAL NORTHERLY LINE OF PARCEL 1 OF SAID STATE HIGHWAY RELINQUISHMENT NO. 991; THENCE ALONG SAID GENERAL NORTHERLY LINE THE FOLLOWING THREE

COURSES; SOUTH 82° 43' 03" WEST, 566.10 FEET, WESTERLY ALONG A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 3,440.00 FEET, THROUGH AN ANGLE OF 04° 18' 11", AN ARC DISTANCE OF 258.35 FEET AND SOUTH 87° 01' 14" WEST, 467.46 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER THE PARCEL OF LAND HEREINABOVE DESCRIBED, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS, OR MINES, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 100 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED OR OTHERWISE IN SUCH MANNER AS TO ENDANGER THE SAFETY OF ANY HIGHWAY THAT MAY BE CONSTRUCTED ON SAID LAND, AS RESERVED IN DEED RECORDED MARCH 28, 1972 AS INSTRUMENT NO. 547 AND ALSO RESERVED IN DEED RECORDED OCTOBER 9, 1973 AS INSTRUMENT NO. 365