



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 10, 2020

SUBJECT: Development Agreement (DA) No. 21-19 and
Variance 568-19 & 569-19

APPLICANT: Clear Channel Outdoor, LLC.

PROPERTY OWNER: Watson Land Company
22010 Wilmington Ave
Carson, CA 90745

REQUEST: Consider approval of a Development Agreement with
the City for the installation of a replacement and a
new dual-faced digital billboard at the subject
property.

PROPERTY INVOLVED: 19500 Main Street (APN 7339-017-003)

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Pimental			Palmer
		Vice-Chair Madrigal			Rahman
		Cainglet			Rashad
		Fe'esago			Valdez
		Mitoma			Alt. Diaz Alt. Hellurud Alt. Zuniga

Item No. 7C

I. Introduction

Applicant

Clear Channel Outdoor, LLC.
Attn: John Duong
19320 Harborage Way
Torrance, CA 90501

Property Owner

Watson Land Company
22010 Wilmington Ave
Carson, CA 90745

II. Project Description

The applicant, Clear Channel Outdoor, LLC., requests approval of DA No. 21-19 to enter into a development agreement with the City for the installation of two dual-faced digital billboards measuring approximately 55' and 65' feet high in the CR-D-ORL (Commercial Regional – Design Overlay District, Organic Refuse Landfill) zone. The installation of the northern digital billboard includes the removal an existing static billboard. The DA also includes the removal of two static billboards within the City limits.

The applicant also requests approval of Variance No. 568 and 569 - 19 to allow both proposed digital billboards to exceed the 45' foot maximum height allowed by the CR-D-ORL zoning.

Carson Municipal Code Section 9172.22 (Variance) states that:

A Variance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter [Article IX (Planning and Zoning)] deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. (California Government Code Section 65906.) In making its decision, the Commission shall adopt written findings with respect to this requirement.

A Variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. (California Government Code Section 65906.)

The proposed DA is subject to the approval of Zone Text Amendment No.183-19 that the applicant has submitted concurrently for Planning Commission consideration. The proposed zone text amendment would expand the area where billboards are allowed along the 405 Freeway corridor; presently between Main and Figueroa Street and proposed between Del Amo Boulevard and Figueroa Street. Both digital billboards will be located within I-405 Freeway Corridor.

Carson Municipal Code Section Billboards are permitted in the City within four designated freeway corridors; Alameda Street, I-405 Freeway, SR-91 Freeway and I-110 Freeway subject to Zoning Ordinance development standards and a City Council Development Agreement.

III. Project Site and Surrounding Land Uses

The subject property is located in the CR-D-ORL zone is designated Regional Commercial under the Land Use Element of the General Plan. The subject property is located along the northern side of the I-405 Freeway corridor between Del Amo Boulevard and Main Street.

Land uses surrounding the proposed project site are primarily recreational/open space.



Figure 1: Existing static billboards

The following table provides a summary of information regarding the project site:

Site Information	
General Plan Land Use	General Open Space
Zone District	CR-D-ORL (Commercial Regional – Design Overlay District, Organic Refuse Landfill)
Site Size	29 acres
Present Use and Development	Four Static Billboards (Figure 1)
Surrounding Uses/Zoning	North: Goodyear Blimp Base & Victoria Golf Course; SU-BP-D-ORL & OS-ORL respectively South: Porsche Experience; CR-D-ORL East: Industrial; ML (Manufacturing Light) West: Open Space; OS (Open Space)
Access	Ingress/Egress: Main Street

IV. Analysis

Site History

The subject property was originally developed in 1948 as an organic refuse landfill site by Ben K. Kazarian. In the late 1950s temporary offices and horse stables were installed; there is no history of when these were demolished or removed.

In 1966, Clear Channel Outdoors installed 5 static billboards identified as 3067, 3068, 3069, 3070 and 3071 in Figure 1. In 1969 the same company added two additional double-sided static billboards identified as 3065 and 3066 in Figure 1.

Access

One existing driveway on Main Street (adjoining I-405 northbound exit) will provide access to the subject property.

Fencing

Chain-link fencing is currently installed and will be maintained at all times along Main Street to limit access to authorized personnel.

Billboard Removal and Installation

As part of the Development Agreement, the developer will remove two existing dual-faced static billboards (both 36' feet high and measure 12'X24' feet) at 20434 South Santa Fe Avenue (APN 7306-011-034) and at parcel APN 7406-026-914.

Carson Municipal Code Section 9146.7(A)(4) (Signs) requires at least 500' foot distance separation between static billboards and at least 1,000' foot distance separation between digital billboards. These distances will be maintained by the proposed digital billboards as shown in Figure 2.

Northern Billboard

The proposed 65'-foot northern dual-faced digital billboard, henceforth referred to as the "Replacement Digital Billboard", will replace an existing 51'-2"-foot high dual-faced static billboard visible from the north bound 405 Freeway and identified as no. 3067 on Figure 1.

The proposed Replacement Digital Billboard will be approximately 13' feet higher than the existing static billboard from freeway grade; according to the applicant, the increase in height ensures visibility from southbound I-405 Freeway vehicular traffic.

Southern Billboard

The proposed 55'-foot southern dual-faced digital billboard, henceforth referred to as the "New Digital Billboard", will be constructed between the signs identified as nos. 3068/3069 and 3070/3071 on Figure 1.

Both proposed digital billboards will measure 14' feet high by 48' feet long. The new size, design, lighting, content and timing of messages will be consistent with Development Agreement 21-19.

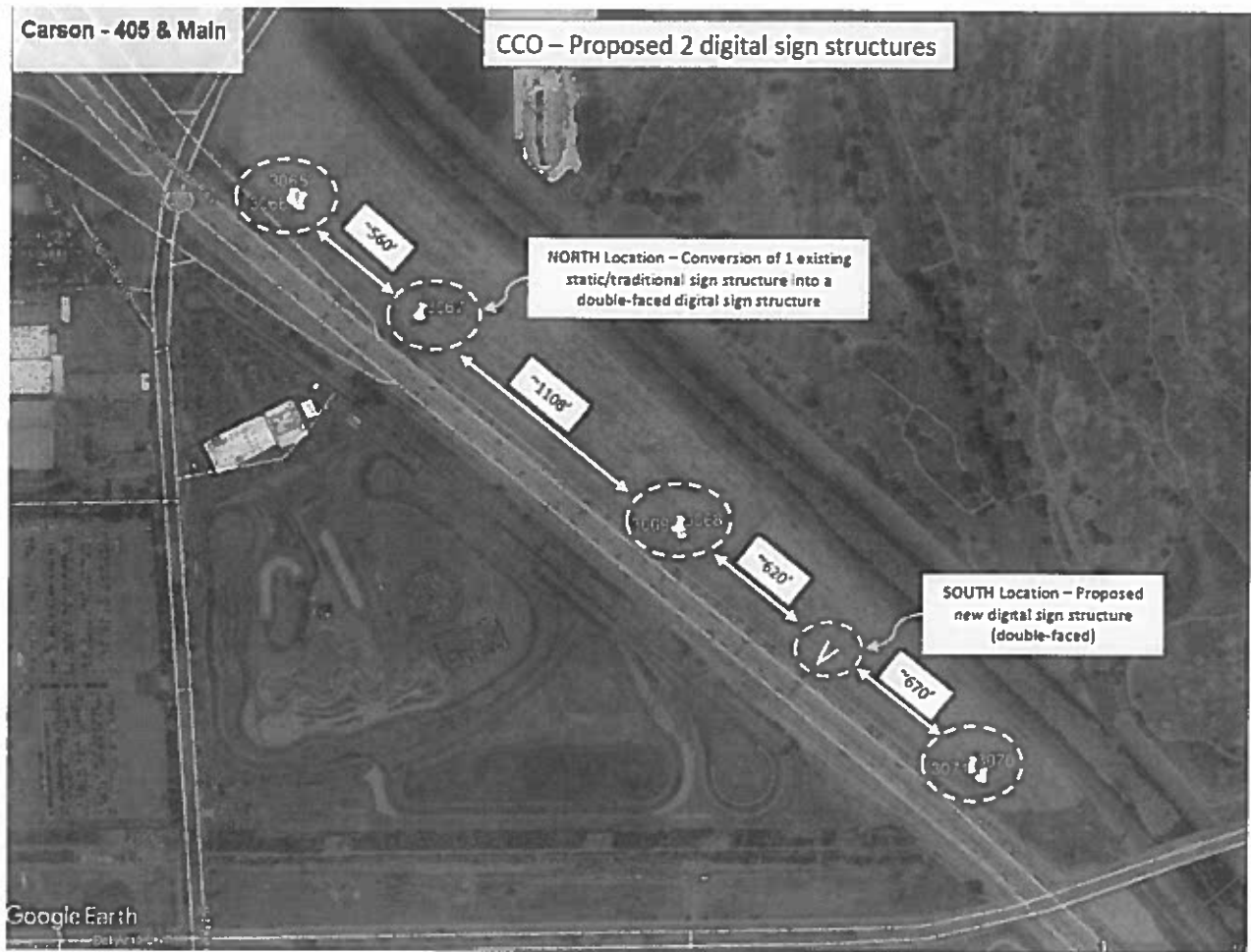


Figure 2: North and South location of proposed digital billboards.

Variances

The applicant requests Variance No. 568 and 569-19 to allow both proposed digital billboards to exceed the 45' foot maximum height allowed by the CR-D-ORL zoning.

Carson Municipal Code Section 9146.7 (Signs) (A)(2) states:

"The height of an I-405, I-110 or SR-91 Freeway Corridor sign structure or any pre-Ordinance No. 01-1237 sign structure shall either be the height of the current off-premises sign if said sign is being rebuilt or maintained on the same parcel of land or if the proposed off-premises sign is not replacing an existing off-premises sign on the same parcel of land, then said sign shall not exceed forty-two (42) feet measured from the higher of either the ground level at the base of the sign structure or the finished grade of the road which the sign is advertising thereto".

Replacement Digital Billboard

The height of the existing northern static billboard being replaced is 51'-2" and (in light of the above) the Replacement Digital Billboard may be installed at the same height. This measurement constitutes 8' feet from earth grade to freeway grade and 43'-2" above freeway grade ($8' + 43'-2" = 51'-2"$). The applicant is requesting an additional 13'-10" above freeway grade for a total of 57' feet ($43'-2" + 13'-10" = 57'$) from earth grade in order to secure visibility for southbound I-405 vehicular traffic.

Applicant Rational for Replacement Digital Billboard

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.

New Digital Billboard

The height of the proposed New Digital Billboard is 55' feet from earth grade. The applicant is requesting an additional 13' feet above earth grade in order to align the replacement billboard with the new digital billboard.

Applicant Rational for New Digital Billboard

- 1) 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 Almo Street overpass, allowing drivers to see the sign underneath the Del Almo 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.
- 2) 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.

Development Agreement

Under State Law, cities have a right to enter agreements with private parties to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development. Development agreements are often used in large, complex projects and in projects that have a long lead time, multiple phases, or a long development period, in order to give the developer certainty in regards to the entitlements and other governmental actions. The DA is a legal, binding contract between a city and any person or entity having a legal or equitable interest in a property. The DA includes three basic deal points: the term or length of the Agreement, the fees the developer has to pay to the city, and community wide benefits. Once a DA is approved by the City Council, the rules of development for that property cannot change even if the zoning code or other development codes are changed.

Term

Unless earlier terminated as provided in the Development Agreement, the DA shall continue in full force and effect until the earlier of

- (i) 30 years after the Commencement Date, as defined in Section 1.1.7,
- (ii) The expiration or earlier termination of Developer's interest in the 405 Freeway Site per Section 4.1,
- (iii) Termination of the Agreement in the event of a material Default by Developer per Section 6.1.1 or in the event of a material Default by City per Section 6.1.2,
- (iv) Conversion of the Replacement Digital Billboard or New Digital Billboard back to static displays, or
- (v) The permanent removal of the Replacement Digital Billboard or New Digital Billboard pursuant to the terms hereof. In such case, Developer shall completely remove the above-ground portions of the Replacement Digital Billboard and New Digital Billboard within the times and as provided under Section 4.1.

Notwithstanding the foregoing to the contrary, City and Developer may agree to extend the Term of this Agreement pursuant to a mutual agreement in writing upon terms acceptable to both parties.

Fees

The Developer will pay an annual fee that is calculated below and payable on the Due Date for the duration of the Term.

Table 1: Replacement Digital Billboard Annual Development Fee

Years	Annual Amount
1-5	\$145,000
6-10	\$150,000
11-15	\$155,000
16-20	\$165,000
21-25	\$180,000
26-30	\$195,000

Table 2: New Digital Billboard Annual Development Fee

Years	Annual Amount
1-5	\$145,000
6-10	\$155,000
11-15	\$165,000
16-20	\$175,000
21-25	\$185,000
26-30	\$195,000

Public Benefits

The digital billboards are expected to generate the following public benefits:

- *City Advertising.* Developer shall provide free-of-charge to City an allocation advertising time on both digital billboards, advertising limited to public service announcements for City-sponsored, noncommercial civic events ("City Messages"). The City shall notify Developer in writing 45 days prior to any requested date(s) for the airing of City Messages.

- (a) The display of City Messages is subject to mutually agreed upon conditions. Advertising space for City Messages may not be sold or exchanged for consideration of any kind to a non-governmental third-party.
 - (b) The City shall and hereby does agree to indemnify, defend and hold harmless Developer for, from and against, any claims, costs (including, but not limited to, court costs and reasonable attorneys' fees), losses, actions or liabilities arising from or in connection with any third-party allegation that any portion of any City Message provided by the City infringes or violates the rights, including, but not limited to, copyright, trademark, trade secret or any similar right, of any third-party. This indemnity shall not include Developer's lost profits or consequential damages or any similar right, of any third-party.
- *Discount Advertising.* Developer shall offer a ten percent (10%) discount off Developer's established advertising rates and fees for the use of advertising displays on both digital billboard to any business/advertiser that has its principal place of business in the City limits of Carson and is a member in good standing of the Carson Chamber of Commerce.
 - *Prohibited Use.* Developer shall not utilize either 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.

In exchange for these benefits the Developer shall have a vested right to develop the Project on the subject property in accordance with and to the full extent permitted by the Development Agreement which shall exclusively control the development of the Project.

V. CFD/DIF Discussion

Based on the adopted CFD, the project is exempt due to the subject property's land use (commercial).

VI. Zoning and General Plan Consistency

The proposed project is located in CR-ORL-D Zone with a General Plan Land Use of Regional Commercial. The Zone Text Amendment No. 183-19 presented concurrently along with this Development Agreement and Variances application ensures compliance with Carson Zoning Ordinance.

VII. Environmental Review

Pursuant to the California Environmental Quality Act (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 Mitigated 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.

Potentially significant impacts of Cultural Resources, Geology and Soils, Hazards and Hazardous Material and Tribal Cultural Resources were identified during the Initial Study. Per the Negative Declaration, with the inclusion of the proposed mitigation measures,

adverse impacts are mitigated to the maximum extent feasible and below a level of significance.

A Mitigated Negative Declaration (MND) was subsequently prepared. The most significant finding was that the site is located on a list compiled by Department of Toxic Substance Control pursuant to Government Code section 65962.5 based on its former use as an organic refuse landfill site. However, impacts would be reduced to less than significant with mitigation measures to be implemented during Construction and Operations of the site and listed in the MND as HAZ-1 and HAZ-2.

VIII. Public Notice

Notice of public hearing was published in the newspaper on February 20, 2020. Notices were mailed to property owners and occupants within a 750' radius and posted to the project site by February 27, 2020. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

IX. Recommendation

That the Planning Commission:

- **APPROVE** Variance No. 568-19 and 569-19 contingent upon City Council approval of the Development Agreement No. 21-19 and Mitigated Negative Declaration; and
- **RECOMMEND APPROVAL** of Development Agreement No. 21-19 and adoption of the Mitigated Negative Declaration for the Project to the City Council; and
- **WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 20-2688, ENTITLED "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, LLC., 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."**

X. Exhibits

1. Draft Resolution
 - A. *Legal Description*
2. Development Agreement
3. Draft Ordinance
4. Development Plans (under separate cover)
5. Mitigated Negative Declaration (under separate cover)
6. Mitigation Monitoring and Reporting Program (MMRP) (under separate cover)

Prepared by: Manraj G. Bhatia, Assistant Planner

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,

EXHIBIT NO. - 1



- 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 Almo Street overpass, allowing drivers to see the sign underneath the Del Almo 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, Variance No. 569-19, and recommend approval to the City Council of the proposed Ordinance No. 20-2004 attached hereto as Exhibit "C" approving Development Agreement (DA) No. 21-19 and MND, for the development of two, double-faced digital billboards.

SECTION 5. Based on the aforementioned findings, the Commission recommends City Council approve Development Agreement No. 21-19, and approves Variance No. 568-19 and 569-19 with respect to the property described in Section 1 hereof.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

SECTION 7. This decision of the Planning Commission shall become effective and final 15 days after the date of this action, unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance, and subject to approval of ZTA 183-19, DA 21-19 and MND by the City Council.

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



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

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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



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, Mitigation Monitoring and Reporting Checklist, has been prepared for the 19500 Main Street Digital Billboards Project (the "project"). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable Conditions of Approval relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the City of Carson 19500 Main Street Digital Billboards Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study/Mitigated Negative Declaration, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.

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- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.



Table 1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance	
						Initials	Date
CULTURAL RESOURCES							
CUL-1	Unanticipated Discovery of Cultural Resources. If cultural resources are encountered during project construction, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be contacted immediately to evaluate the find. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation and Native American consultation may be warranted to mitigate any significant impacts. Construction shall not resume until the qualified archaeologist states in writing that the proposed construction activities would not significantly damage archaeological resources.	Contractor	During Project Construction	City of Carson Community Development/Qualified Archaeologist	During Project Construction		
GEOLOGY AND SOILS							
GEO-1	If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Carson Community Development Director. With direction from the Community Development Director, a paleontologist certified by the	Contractor	During Project Construction	City of Carson Community Development Director/Certified Paleontologist	During Project Construction		



19500 MAIN STREET DIGITAL BILLBOARDS PROJECT
Final Initial Study/Mitigated Negative Declaration

Mitigation	Mitigation Measure	Implementation	Timing	Monitoring	Timing	Verification of Compliance
	County of Los Angeles shall evaluate the find prior to resuming grading in the immediate vicinity of the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.					
HAZARDS AND HAZARDOUS MATERIALS						
HAZ-1	Prior to ground disturbance activities, the project Applicant shall retain a qualified Geotechnical Specialist with Phase II/site characterization experience to provide a geotechnical investigation for the proposed foundations of the digital sign structures. The investigation shall determine the potential for the excavation activities to encounter landfill materials, include appropriate recommendations for removal and disposal, and include appropriate recommendations for backfill materials. The geotechnical investigation report shall be provided to the Department of Toxic Substances Control for review and comment, and to the City of Carson Engineer for approval prior to ground disturbance activities	Applicant/ Qualified Geotechnical Specialist	Prior to Ground Disturbing Activities	City of Carson Community Development/ City Engineer/ Department of Toxic Substances Control	Prior to Ground Disturbing Activities	
HAZ-2	During construction activities, the contractor shall employ engineering controls and best management practices (BMPs) to minimize human exposure to potential contaminants and potential negative effects from an accidental release to groundwater and soils. Contractor employees working on-site shall be certified in Occupational Safety and Health	Applicant/ Contractor	Prior to Ground Disturbing Activities/ During Project Construction	City of Carson Community Development/ City Engineer	Prior to Ground Disturbing Activities/ During Project Construction	

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19500 MAIN STREET DIGITAL BILLBOARDS PROJECT
Final Initial Study/Mitigated Negative Declaration

Mitigation	Mitigation Measure	Implementation	Timing	Monitoring	Timing	Verification of Compliance
	<p>Administration's (OSHA's) 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training program and shall implement any engineering controls and construction BMPs recommended by the Department of Toxic Substance Control (as part of Mitigation Measure HAZ-1). Any required engineering controls and construction BMPs shall be listed on the project plans and specifications, to be approved by the City of Carson Engineer. Examples may include, but not be limited to, the following:</p> <ul style="list-style-type: none">• Contractor shall monitor the area around the construction site for fugitive vapor emissions with appropriate field screening instrumentation.• Contractor shall water/mist soil as it is being excavated and loaded onto trucks.• Contractor shall place any stockpiled soil in areas that are shielded from prevailing winds.• Contractor shall cover the bottom of excavated areas with sheeting when work is not being performed.					





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