



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 14, 2006
SUBJECT: Design Overlay Review No. 961-06
APPLICANT: Cingular Wireless
Attn: William Bennett (Bechtel Telecom)
12900 Park Plaza Drive 3rd Floor
Cerritos, CA 90703
REQUEST: To install a rooftop mounted wireless telecommunications facility for Cingular Wireless in the CG-MUR (Commercial, General – Mixed-Use Residential) zone and within Redevelopment Project Area No. 4
PROPERTY INVOLVED: 500 E. Carson Street

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Cottrell – Chairperson			Saenz
		Pulido – Vice-Chairman			Tyus
		Faletogo			Verrett
		Graber			Wilson
		Hudson			

I. **Introduction**

Date Application Received

- September 7, 2006: Design Overlay Review No. 961-06

Applicant

- Cingular Wireless: 12900 Park Plaza Drive, 3rd Floor; Cerritos, CA 90703

Representative

- William Bennett: 12900 Park Plaza Drive, 3rd Floor; Cerritos, CA 90703

Property Owner

- Paul G. Markovits, Trustee: 1411 W. 190th Street, Ste. 450; Gardena, CA 90248

Project Address

- 500 E. Carson Street

Project Description

- Proposal is for the installation of a rooftop mounted wireless telecommunications facility on an existing building in the CG-MUR (Commercial, General – Mixed-Use Residential) zone and within Redevelopment Project Area No. 4; the proposed antennas will be stealthed within a cupola;
- The proposed screening walls will be four (4) feet above the existing parapet; the overall height will be 31 feet above finished grade;
- The facility includes 12 panel antennas in three (3) sectors in order to serve customers in the City of Carson;
- The equipment cabinet will be located inside the building on the second floor; and
- The proposal includes the following discretionary request:
 - *Site Plan and Design Review:* Pursuant to Section 9138.16.D, the facility is considered a minor wireless telecommunication facility because it is roof-mounted and stealthed. The Planning Commission has the approval authority because the proposed facility is located less than 100 feet from a residential zone.

II. **Background**

Previous Uses of Property

- Two multi-tenant commercial buildings currently exist on the site. A 2,184 square foot commercial structure is located along the eastern property line and a 3,045 square foot building is located along the southern property line. Both buildings were constructed in 1974.

Previously Approved Discretionary Permits

- None

Public Safety Issues

- After consulting with the Public Safety Department it was determined that there have not been nor are there any current zoning code enforcement cases associated with this property.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 500 E. Carson Street, between Grace Avenue, Avalon Boulevard and 219th Street;
- The parcel is occupied by two commercial buildings;
- A mixed-use development (The Villagio) is located across Carson Street to the north; adjacent to the subject property is a residence to the south and a mobile home park to the east; a furniture store is located across Grace Avenue to the west; and
- The total lot area is 13,094 square feet.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CG-MUR (Commercial, General; Mixed-Use Residential) and all properties to the north, east and west share the same zoning designation of CG-MUR; properties to the south are zoned RM-25-D (Residential, Multi-family – 25 units per acre; Design Overlay);
- The subject property has a General Plan Land Use designation of General Commercial and all properties to the north, east and west share the same General Plan Land Use designation of Mixed Use Residential; the property to the south has the General Plan Land Use designation of High Density Residential; and
- The subject property and properties to the east and south are within Redevelopment Project Area No. 4.
- Section 9138.16.D.1, “Wireless Telecommunication Facilities”, of the Carson Municipal Code requires that a telecommunications facility be approved by the Planning Commission if it is less than 100 feet from a residential property.

Applicable Zoning Ordinance Regulations

The following table summarizes the proposed projects’ consistency with current site development standards for the CG-MUR zone district and other zoning code sections applicable to this type of proposed use:

Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
COMMERCIAL, GENERAL DEVELOPMENT STANDARDS			
9131.1, "Uses Permitted"		X	Minor Wireless Telecommunication Facilities require approval of a Site Plan and Design Review permit. Also, subject to Section 9138.16.
9131.13, "Uses permitted within a Mixed-Use Residential (MUR) Overlay District"			Future development will be required to comply with MUR development standards
Section 9136.12, "Height of Building and Structures"	X		
Section 9136.2, "Fences, Walls and Hedges"	X		
Section 9136.4, "Trash and Recycling Areas"	X		Applicant to submit a revised site plan showing trash area
Section 9136.6, " Parking, Loading, Truck Maneuvering and Driveways"	X		Applicant to submit a revised site plan showing 20 parking spaces prior to the issuance of a building permit
Section 9136.7, "Signs – Streamers, banners, pennants"		X	Illegal banners shall be removed
Section 9138.7, "Mixed-Use or residential development in a Mixed-Use Residential (MUR) Overlay District"			Future development will be required to comply with MUR development standards
WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS			
Section 9138.16D1, "Procedural Standards, Minor Wireless Telecommunication Facilities"		X	Subject to Section 9172.23, Site Plan and Design Review and Section 9172.21
Section 9138.16E, "Application Requirements"	X		
Section 9138.16F1-7, "Design and Development Standards"	X		

Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
Section 9138.16H, "Required Findings"	X		
PROCEDURES			
9171.4, "Environmental Review Requirements"	X		Project is exempt per Section 15301 of the California Environmental Quality Act
9172.23, "Site Plan and Design Review"		X	Compliance determined upon further review of required discretionary permits

Environmental Effects of Telecommunication Facilities on Human Beings

The Federal Communications Commission (FCC) which regulates the use of telecommunication facilities has done studies on low-level radiofrequency radiation but has not found that it causes harmful biological effects on human beings. In general, cities cannot regulate telecommunication facilities on the basis of environmental effects of radio frequency emissions if the emissions comply with the requirements of the Federal Communications Commission (FCC). Telecommunication providers are required to certify that their telecommunication facility complies with FCC guidelines regarding radiofrequency. Furthermore, cities cannot regulate radiofrequency interference (RFI) that interferes with the reception of television signals for nearby homes. The courts have held that the FCC has exclusive jurisdiction to regulate RFI.

Required Findings: Site Plan and Design Review

Pursuant to Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
- b. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area.
- c. Convenience and safety of circulation for pedestrians and vehicles.
- d. Attractiveness, effectiveness and restraint in signing, graphics and color.

- e. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

Required Findings: Wireless Telecommunications Facilities

Pursuant to Section 9138.16, Wireless Telecommunications Facilities, the Planning Division or Planning Commission may approve the development plan for the proposal only if the following findings can be made in the affirmative:

- a. The proposed site is the best alternative after considering co-location with another facility and location at another site.
- b. The proposed wireless telecommunication facility will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening that is compatible with the elements and characteristics of the property and/or stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.
- c. The proposed wireless telecommunication facility is not located on any residential dwelling or on any property which contains a residential dwelling.

All of the required findings pursuant to Section 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision" and Section 9138.16(h), "Wireless Telecommunications Facilities, Required Findings" can be made in the affirmative. Details can be found in the attached resolution.

Issues of Concern / Mitigation:

- Issue – Site Maintenance: The site shall be properly maintained with respect to landscaping, paving and roof tiles.
 - *Mitigation:* The applicant shall repair any landscaping and paving areas and roof tiles in disrepair to the satisfaction of the Planning Department. A condition of approval has been included to reflect this mitigation measure.
- Issue – Aesthetics: The applicant shall redesign the cupola structure to include compatible architectural features such as arches or window features.
 - *Mitigation:* To increase compatibility with the existing and anticipated development in the area, staff is recommending that the cupola be redesigned to include architectural elements such as arches or window features.

IV. Environmental Review

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on an existing building is "Categorically Exempt".

V. Recommendation

That the Planning Commission:

- WAIVE further reading and ADOPT Resolution No._____, entitled “A Resolution of the Planning Commission of the City of Carson Approving Design Overlay Review No. 961-06.”

VI. Exhibits

1. Resolution
2. Site plan, elevations, floor plans (under separate cover)
3. Photosimulations
4. Land use map

Prepared by: _____
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Reviewed by: _____
John F. Signo, AICP, A. Senior Planner

Approved by: _____
Sheri Repp, Planning Manager

Mc/d96106p