



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 28, 2006

SUBJECT: Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06

APPLICANT: Pacific Communication Group, Inc.
Attention: Cia Parker
P.O. Box 85
Lakewood, CA 90714

REQUEST: To permit and collocate an unmanned wireless facility on an existing 57-foot high unmanned wireless 'monopine' facility for Royal Street Communications, L.L.C. in the ML (Manufacturing, Light) zone and within Redevelopment Project Area No. 4

PROPERTY INVOLVED: 727 E. 223rd 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			

Item 11E

I. **Introduction**

Date Application Received

- September 6, 2006: Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06

Applicant

- Pacific Communication Group, Inc.; Attention: Cia Parker, representative; P.O. Box 85; Lakewood, CA 90714

Property Owner

- Stan Lucas; 2850 Temple Avenue; Long Beach, CA 90806

Project Address

- 727 East 223rd Street, Carson, CA 90810

Project Description

- To permit and collocate an unmanned wireless facility on an existing 57-foot high unmanned wireless 'monopine' facility for Royal Street Communications, L.L.C. on a developed property
- The proposed antennas will be collocated approximately 47 feet above finished grade;
- The facility includes 6 panel antennas and an equipment cabinet within an 11 foot by 19 foot lease area; and
- The proposal includes the following discretionary requests:
 - *Site Plan and Design Review and Conditional Use Permit (Use)*: Pursuant to Section 9138.16.D, the facility is considered a major wireless telecommunication facility because it is a freestanding structure and the Planning Commission has the approval authority; and
 - *Conditional Use Permit (Height)*: Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit and approval of a conditional use permit in conformance with Section 9138.16.G is required by the Planning Commission.

II. **Background**

Current Use of Property

- A 12,028 square foot industrial building exists at the site and was constructed in 1968. The existing monopine facility was permitted and constructed in 2002 for Nextel Communications prior to the enactment of the City's Wireless Telecommunications Facilities Ordinance in 2003.

Previously Approved Discretionary Permits

- There are no previously approved discretionary permits associated with this property.

Public Safety Issues

- The Public Safety Department has not reported any current code enforcement cases associated with this property.

III. Analysis

Location/Site Characteristics/Existing Development

The subject property is located at 727 East 223rd Street in the City of Carson, between Avalon Boulevard and Bonita Street;

Adjacent to the subject property to the north, east, and west are industrial properties. Heavy industrial properties are located to the south across 223rd Street. Single family homes are located approximately 250 feet to the north, one property away; and

The physical dimension of the subject lot is approximately 175 feet by 140 feet, with a total area of 24,384 square feet.

Zoning/General Plan/Redevelopment Area Designation

The subject property is zoned ML (Manufacturing, Light) and properties to the north, east and west share the same zoning designation; properties to the south across 223rd Street are zoned MH (Manufacturing, Heavy);

The subject property has a General Plan Land Use designation of Light Industrial; all adjacent properties have a General Plan Land Use designation of Light Industrial.

Applicable Zoning Ordinance Regulations

Pursuant to Section 9138.16(C), the proposed addition to an existing wireless telecommunication facility is subject to the procedures and rules set forth in Section 9138.16. Pursuant to Section 9138.16(D), the proposed project is a freestanding structure and is considered a Major Wireless Telecommunication Facility subject to the approval of a development plan in accordance with the Site Plan and Design Review (DOR) procedures as provided in Section 9172.23 and Conditional Use Permit (CUP) procedures as provided in Section 9172.21. Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit and is subject to approval of a conditional use permit in accordance with Section 9138.16.G and Conditional Use Permit (CUP) procedures as provided in Section 9172.21.

The following table summarizes the proposed project's consistency with current site development standards for the ML zone district and other zoning code sections applicable to this type of proposed use:

To minimize aesthetic impact of wireless telecommunication facilities through the use of

Wiring from cabinet to monopine must be concealed or painted to match bldg.

Major Wireless Telecommunication Facility
DOR required for Major Wireless Telecommunication Facility

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: Conditional Use Permit

Approval of a CUP is required for a Major Wireless Telecommunication Facility which is freestanding and exceeds the height limit by no more than 20 percent, up to 60 feet in a manufacturing zone. Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

The proposed use and development will be consistent with the General Plan.

The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.

There will be adequate street access and traffic capacity.

There will be adequate water supply for fire protection.

The proposed use and development will be compatible with the intended character of the area.

Such other criteria as are specified for the particular use in other Sections of this chapter (Zoning Ordinance).

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:

Compatibility with the General Plan, any specific plans for the area, and surrounding uses.

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.

Convenience and safety of circulation for pedestrians and vehicles.

Attractiveness, effectiveness and restraint in signing, graphics and color.

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 (G), Wireless Telecommunications Facilities, the Planning Division or Planning Commission may approve the development plan and conditional use permit for the proposal only if the following findings can be made in the affirmative:

Existing natural geographic conditions preclude an obstruction-free reception area and there is no other option, including relocation, available.

Relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility.

The antenna height must be increased in order to accommodate the establishment of a co-located facility and there is no other option available.

Visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.

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

The proposed site is the best alternative after considering co-location with another facility and location at another site.

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 through the use of landscaping that harmonize 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.

The proposed wireless telecommunication facility is not located on any residential dwelling or on any property which contains a residential dwelling, except as may be associated with a church, temple, or place of religious worship.

All of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision", Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", Section 9138.16 (G), "Wireless Telecommunications Facilities, Minor Exceptions" 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 – Aesthetics/Visibility: The proposed location of a freestanding monopine would be visible from residential properties 250 feet north of the site. There are several trees located on the subject property. However, the monopine is located where additional trees will be planted to screen the facility.

Condition: An additional 40 foot high pine tree shall be planted to the north of the telecommunication site to screen the facility from residential areas to the north of the property.

Environmental Review

Pursuant to Section 15301 the California Environmental Quality Act (CEQA), the existing wireless telecommunications facility on a developed light industrial property does not have the potential for causing a significant effect on the environment and is found to be exempt.

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. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06."

Exhibits

Resolution

Site plan, elevations, floor plans (under separate cover)

Land use map

Prepared by: _____
Max Castillo, Assistant Planner

Reviewed by: _____
John Signo, Senior Planner

Approved by: _____
Sheri Repp, Planning Manager

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