



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: February 26, 2008

SUBJECT: Design Overlay Review No. 1006-07; Conditional Use Permit No. 673-07; and Conditional Use Permit No. 674-07

APPLICANT: SFC Communications – Ms. Sandra Jacobs
65 Post
Irvine, CA 92618

OWNER: Bhullar Properties, LLC
208 Still Water Lane
San Jose, CA 95139

REQUEST: Approval to construct a free standing 36-foot high telecommunication facility disguised as a light pole behind an existing shopping center. The subject property is zoned CN (Commercial, Neighborhood).

PROPERTY INVOLVED: 615 E. University Drive

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Hudson			Saenz
		Cannon			Verrett

I. Introduction

The applicant, SFC Communications, on behalf of their client, Global Tower, LLC who represents Metro PCS, is proposing to install a 36-foot high (to top of pole) telecommunication facility disguised as a light pole behind an existing one story commercial shopping center. The subject property, located at 615 E. University Drive, is zoned CN (Commercial, Neighborhood) and has a General Plan land use designation of General Commercial.

Pursuant to Section 9136.12 of the Carson Municipal Code (CMC), the maximum height limit for all buildings and structures in the CN (Commercial, Neighborhood) zone shall not exceed 30 feet. Per Section 9138.16 (Wireless Telecommunication Facilities) an additional 20 percent increase is allowed with a Conditional Use Permit. Design Overlay Review and a Conditional Use Permit are required for all free standing major wireless telecommunication facilities.

II. Background

The proposed 36-foot high telecommunication facility will be located behind an existing one story commercial shopping center located at the northeast corner of Avalon Boulevard and University Drive. The discretionary permit process requires that staff look at the entire property for code compliance.

On February 11, 2008, Planning staff and Mr. Ed Roman, Code Enforcement Officer, met with the property manager and the applicants to discuss the proposed project and the condition of the shopping center. While the shopping center appears to be in relatively good condition, there are certain code violations which must be addressed and corrected prior to the issuance of a building permit. On February 20, 2008, Planning staff met with representatives of the Code Enforcement Division, Captain Todd Rogers of the Carson Sheriff's Station, and the property manager to further discuss property management. The Code Enforcement Division and Carson Sheriff's Department identified several on-going site violations and recommended correction. In particular, the center has issues with illegal dumping in the rear of the property, loitering, littering, site maintenance, illegal sales of pirated video material, and prostitution. The property manager ensured that owner has recently invested in the shopping center to improve the parking lot, fix the roofing, and provide other improvements.

III. Analysis

Section 9138.16(B)(8-11,14,18) of the Carson Municipal Code (CMC) defines the proposed project as a ground-mounted, stealth, major wireless telecommunication facility. Procedural standards contained in this Section require that a major wireless telecommunication facility shall be subject to the approval of a development plan in accordance with Section 9172.23, Site Plan and Design Review (DOR), and Section 9172.21, Conditional Use Permit (CUP).

DESIGN OVERLAY REVIEW NO. 1006-07

The Planning Commission may approve Design Overlay Review No. 1006-07 if the following findings can be made in the affirmative, as per CMC Section 9172.23(D):

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

The subject property is designated as General Commercial within the Land Use Element of the General Plan. Surrounding properties to the north, east, south, and west have General Plan Land Use designations of Low Density Residential. There are no specific plans for the area. The project site is located at the northeastern corner of the intersection of Avalon Boulevard and University Drive and surrounding uses include single-family residences. The proposed use is a permitted use in the CN zone and will be compatible with these surrounding uses in that it will not significantly impact the adjacent properties, in terms of noise, dust, odor, aesthetics or other environmental considerations.

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.

The proposed wireless telecommunication facility will occupy a lease area of approximately 375 square feet. The cell facility and equipment enclosure are proposed behind the existing shopping center building in the rear parking lot and requires the removal of trash enclosures/storage area. Adequate trash facilities exist throughout the shopping center including enclosures adjacent to the proposed facility. The proposed light pole will be designed to resemble other light poles found throughout the shopping center. As such, the proposed project will achieve a harmonious and attractive development of the area.

c. Convenience and safety of circulation for pedestrians and vehicles.

The applicant intends to remove an existing trash enclosure to accommodate the proposed equipment enclosure. Staff has reviewed the number of parking spaces and determined that none would be removed due to installation of the proposed project. The driveway aisle widths and parking spaces will not be impacted and adequate space for parking and maneuverability will be available. Therefore, adequate safety of circulation for pedestrians and vehicles will be maintained.

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

Apart from the required safety, directional or informational signs, no product advertising signs are proposed for the project. The proposed facility is intended to

resemble a light pole and would function as such. The proposal will improve the lighting in the rear parking lot.

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

The project is compliant with applicable design standards and guidelines.

In addition to the findings in Section 9172.23(D) of the CMC, the Planning Commission shall be guided by the provisions of Subsection F, Development and Design Standards, of Section 9138.16, which includes standards for setbacks, height, wiring, painting, lighting, noise and signs. Also, Subsection H, Findings, of Section 9138.16, which includes the following:

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

The applicant considered alternative sites including nearby Department of Water and Power (DWP) transmission lines, a commercial site to the south, and the California State University Dominguez Hills (CSUDH) campus. However, after further analysis, it was found that the proposed site is the best location for service coverage. The applicant had issues securing a lease with DWP and safe access to the facility could not be secured; the commercial site did not provide the necessary height needed for the service coverage; and the CSUDH site would have caused interference due to its close proximity to another cell site. The subject site was the best alternative based on the applicant's analysis.

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 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 would be located behind the shopping center building in the rear parking lot and would not be fully viewed from the public street. The facility will be stealthed as a light pole to match other light poles in the shopping center parking lot. Therefore, the proposed design minimizes visual impacts to the surrounding properties.

c. 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.

The proposed project would be located in close proximity to existing single-family residential uses, but is not located on a residentially-zoned property. The proposed project will comply with all the requirements of the Federal Communications Commission (FCC) in regards to radio frequency (RF) emissions, licensing, and operations. The FCC has determined that such wireless telecommunication facilities would not create a significant adverse impact to residents located in close proximity.

CONDITIONAL USE PERMIT NO. 673-07

Approval of a CUP is required for a freestanding Major Wireless Telecommunication Facility in a manufacturing zone. Section 9172.21(D) of the Zoning Ordinance requires that the Planning Commission, by Resolution, render its approval for a Conditional Use Permit based on the ability to make affirmative findings concerning the following:

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

The subject property is designated as General Commercial within the Land Use Element of the General Plan. Surrounding properties to the north, east, south, and west have General Plan Land Use designations of Low Density Residential. There are no specific plans for the area. The project site is located at the northeastern corner of the intersection of Avalon Boulevard and University Drive and surrounding uses include single-family residences. The proposed use is a permitted use in the CN zone and will be compatible with these surrounding uses in that it will not significantly impact the adjacent properties, in terms of noise, dust, odor, aesthetics or other environmental considerations.

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

The existing shopping center is approximately 7.5 acres, rectangular, and flat. The site is located at the northeastern corner of Avalon Boulevard and University Drive, which are two major roadways. The shopping center is surrounded by developed properties that are served by adequate infrastructure and utilities. Thus, there are adequate utilities to provide and maintain service to the proposed use. The applicant intends to underground required power lines and cables used for the wireless telecommunication facility.

c. There will be adequate street access and traffic capacity.

The proposed use will not negatively impact the vicinity of the subject site in terms of parking, traffic, noise and safety. The proposed wireless telecommunication facility will be located in the parking lot behind the existing shopping so that it will not be in full view from the public right-of-way.

c. There will be adequate water supply for fire protection.

The Los Angeles County Fire Department has reviewed the proposed project. Their concerns did not address water supply adequacy. Based on their review, it is assumed that water supply to the project site is adequate.

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

The proposed use will not negatively impact in the vicinity of the subject site, in terms of parking, traffic, noise and safety. The intended character of the area is for all types of commercial activities not grouped in commercial centers, with which the proposed use is compatible.

e. Such other criteria as are specified for the particular use in other Sections of this Chapter.

In addition to the general criteria for the approval of a Conditional Use Permit, Section 9133 of the CMC outlines special criteria and limitations as indicated below that shall be considered in acting upon a Conditional Use Permit for transmitter, receiver or repeater stations – including radio, television and microwaves in the CN zone:

a. No excessive electronic interference shall be generated.

The proposed antennas operate on radio frequencies that are different than typical household electronic devices and other electronic office equipment (fax, copier, computer modem, etc.). Thus, it is not anticipated that the proposed use shall generate excessive electronic interference.

b. No unusual or unnecessary hazards to aircraft shall be created.

The subject property is not in an aircraft flight path, nor does the proposed use constitute an unusual or unnecessary hazard to aircraft should they fly over it.

c. The height and appearance of structures shall not be detrimental to the character of the surrounding area.

The height of the proposed project will be consistent with the Carson Municipal Code. Also, the design is intended to resemble a light pole and will function as such. Therefore, the height and appearance of the proposed structure should fit in with the existing character of the surrounding area.

CONDITIONAL USE PERMIT NO. 674-07

Section 9138.16(F)(2)(d) of the Zoning Ordinance allows the Planning Commission to consider of approval of facilities to exceed the maximum height described in Section

9138.16(B)(10) subject to approval of a Conditional Use Permit. Such Conditional Use Permit for new facilities shall authorize a height limit in conformance with Subsection G, Minor Exceptions, of Section 9138.16. Subsection G provides for a twenty percent increase in the maximum height allowed by Section 9138.16(B)10, which is 30 feet in the CN zone. Thus, a total height of 36 feet is allowed if the Planning Commission approves a height modification. The height modification can be approved if at least one of the following findings is made based on evidence submitted by the applicant:

- a. **Existing natural geographic conditions preclude an obstruction-free reception area and there is no other option, including relocation, available.**
- b. **Relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility.**
- c. **The antennae height must be increased in order to accommodate the establishment of a co-located facility and there is no other option available.**
- d. **Visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.**

The proposed project is designed to resemble a light pole found through the parking lot of the shopping center and will function as such. Efforts have been made to architecturally integrate the proposed project with the surrounding environment.

Based upon the information found in this Analysis section, all of the required findings pursuant to Section 9172.23(d), Site Plan and Design Review, Approval Authority and Findings and Decision, Section 9171.21(d), Conditional Use Permit, Commission Findings and Decision, as well as all other specific criteria identified for each of the discretionary permits can be made in the affirmative.

Issues of Concern

Site Maintenance and Code Compliance: The existing shopping center has had a number of site maintenance and code compliance issues as raised by the Public Safety Division and the Carson Sheriff's Station. Staff observed that the parking lot trees in the front parking lot have been removed contrary to the approved landscape plan. Illegal activities such as loitering, dumping, and prostitution have occurred in the rear of the shopping center building adjacent to the proposed cell site, as well as loitering, theft, and illegal sales of pirated videos occurring in the front of the shopping center. The Code Enforcement Division recommended the installation of gates to prohibit unwanted vehicles and pedestrians from accessing the rear parking lot behind the shopping center building. However, staff was concerned that gates would be difficult to maintain and enforce, and would interfere with everyday truck delivery. According to Captain Todd Rogers of the Carson Sheriff's Station, a major deterrent

to these illegal activities would be to install video cameras throughout the site and additional lighting in the rear parking lot behind the building. Since the proposed cell site is located behind the building, staff has included conditions to address safety and security in the rear parking lot adjacent to the cell site. Landscaping improvements for the entire site have been required as well. The following project-specific conditions are proposed:

- Applicant/owner shall submit a landscape plan showing new 24-inch box trees within the parking area and refurbished planter areas (currently in poor condition throughout entire site). Call out all plant, tree, shrub, groundcover material for the entire site. Show irrigation plan also to ensure proper irrigation to all planters. The landscape plan shall be reviewed and approved by the Planning Division prior to Building and Safety plan check submittal.
- Applicant/owner will agree to install all trees/plant/shrubs per approved landscape plan prior to the issuance of a building permit.
- Applicant/owner will agree to sand/primer and paint all parking lot lighting fixtures prior to the issuance of a building permit.
- Applicant/owner will ensure that there is adequate lighting along the breezeway between the shopping center and rear parking area, prior to the issuance of a building permit. If lighting is inadequate, applicant/owner shall install adequate lighting to illuminate the breezeway at night.
- Applicant/owner shall add a second light pole in the existing landscape area in the rear parking lot to ensure that there is adequate night time lighting prior to the issuance of a building permit. The light pole shall match the design of other light poles within the shopping center. If lighting is inadequate, applicant/owner shall install additional building-mounted lighting to illuminate the rear parking lot area.
- All lighting shall be directed downward and inward to minimize impacts to adjacent residences. The Planning Division shall review and approve installation of all lighting prior to issuance of a building permit. If necessary, the applicant shall provide shields to screen lighting from adjacent residences to the satisfaction of the Planning Division.
- The applicant shall install two video surveillance cameras in the rear parking lot to monitor and deter illegal activity on a 24-hour-per-day, seven-days-a-week basis. The property maintenance company or property owner shall be responsible for maintaining and monitoring the video surveillance cameras. The applicant shall work with the Sheriff's Department, to the extent feasible, to install cameras that meet the Sheriff's Department's requirements. Installation and operation of the cameras shall occur prior to issuance of a building permit.

- Provide a property maintenance company to repair/clean the trash enclosures and to keep the trash bins inside the enclosures, remove all trash and debris in a timely manner, remove graffiti and use the same color paint on the building. The same company shall remove all illegal signage in the landscaped areas, trim back overgrown vegetation in the rear parking area and repair broken lattice by the children's playground. These items shall be corrected prior to the issuance of a building permit.

Proximity to Single-Family Residences: The proposed wireless telecommunication facility will be located in the rear parking lot behind the existing commercial building. As such, it will be visible from residences to the north and east. However, the facility will be stealthed as a light pole to minimize visual impacts. The additional lighting in the rear parking lot would add new light sources, but would be an improvement in terms of safety and security. Furthermore, the residents to the north and east are aware that their homes are adjacent to the parking lot of a commercial center and should expect lighting improvements. The additional lighting as well as security cameras are expected to deter dumping, loitering, vagrancy, and other undesirable activities in the rear parking lot. A condition has been added to require that lighting be directed downward and inward away from the residences. No further conditions are necessary.

IV. Environmental Review

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on a developed commercial property does not have the potential for causing a significant effect on the environment and is found to be 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. 1006-07, CONDITIONAL USE PERMIT NO. 673-07, AND CONDITIONAL USE PERMIT NO. 674-07 FOR A FREESTANDING, 36-FOOT HIGH, WIRELESS TELECOMMUNICATION FACILITY DISGUISED AS A LIGHT POLE BEHIND AN EXISTING SHOPPING CENTER LOCATED AT 615 E. UNIVERSITY DRIVE."

VI. Exhibits

1. Land Use Map
2. Draft Resolution
3. Letter received from the applicant, Global Tower Partners, on July 3, 2007
4. Proposed Plans (Submitted under separate cover)

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

Reviewed and Approved by: _____
Sheri Repp, Planning Manager

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