



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: February 23, 2010

SUBJECT: Modification No. 1 to Design Overlay Review No. 861-04b, Modification 1 to Conditional Use Permit No. 578-04 and Modification 1 to Conditional Use Permit No. 579-04

APPLICANT: Lynn Van Aken for BlackDot Wireless
27271 Las Ramblas, Suite 200
Mission Viejo, CA 92691

PROPERTY OWNER: Hunter Woodworks, Inc.
P.O. Box 4937
Carson, CA 90749

REQUEST: To collocate on an existing 60-foot high wireless telecommunication facility stealthed as a pine tree located in the MH (Manufacturing, Heavy) zoning district.

PROPERTY INVOLVED: 21038 South Wilmington Avenue

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

Item No. 9C

I. Introduction

The applicant, Lynn Van Aken of BlackDot Wireless, is requesting approval of Modification No. 1 to DOR No. 861-04b, Modification No. 1 to CUP No. 578-04 and Modification No. 1 to CUP No. 579-04 on behalf of Clearwire/Sprint to collocate on an existing 60-foot, wireless telecommunications facility stealthed as a pine tree (mono-pine) and supporting equipment (an equipment cabinet and a step-down transformer) at 21038 South Wilmington Avenue. The existing mono-pine is located on a property owned and operated by Hunter Woodworks, Inc., which manufactures, distributes, and stores wooden crates. According to the Los Angeles County Assessor's record, the property has been developed since 1980.

The subject property and abutting properties are located in the MH (Manufacturing, Heavy) zoning district and have a General Plan land use designation of Heavy Industrial. The subject property is not within a Redevelopment Project Area. Properties to the west, across Wilmington Avenue are zoned ML-D (Manufacturing, Light – Design Overlay) and to the southwest are residential properties. The residential properties are over 400 feet away from the subject property. The proposed project is compatible with these uses.

II. Background

On September 28, 2004, the Planning Commission approved Design Overlay Review No. 861-04b, Conditional Use Permit No. 578-04 and Conditional Use Permit No. 579-04, which included the following:

- Design Overlay Review (DOR) for architectural design of a new, major wireless telecommunication facility;
- Conditional Use Permit (CUP) for construction of a freestanding, major wireless telecommunications facility stealthed as a pine tree;
- Conditional Use Permit (CUP) to exceed the maximum height limit of 50 feet up to 20 percent in the MH zoning district.
- Condition No. 3 of the approved Resolution 2007-04 states "substantial changes require review by the Planning Commission".

The collocation to the existing wireless facility and related equipment has been deemed a substantial change. As such, per Condition No. 3 and Carson Municipal Code (CMC) Section 9138.16 (D)(1) the proposed modifications are subject to Planning Commission review with no public hearing required.



III. Analysis

The existing mono-pine facility was permitted in 2004. It was constructed and obtained final inspection in 2005 for Nextel Communications in compliance with the City's Wireless Telecommunications Facilities Ordinance (2003). The proposed project is consistent with the General Plan of the city of Carson in that the subject property is designated for heavy industrial and zoned MH (Manufacturing, Heavy). The mono-pine is located in the rear of the subject property about 1,230 feet east of Wilmington Avenue and 290 feet south of Dominguez Street. The project site is located on the part of the property that is unusable for the wooden crate business because of the unique and unusual shape of the rear of the property. The Public Safety Department reported that there are no zoning code enforcement cases associated with this property. As such, the proposed collocation to an existing stealthed wireless facility is consistent with the surrounding development.

Staff believes the proposed antennas will meet and exceed all requirements of the Carson Municipal Code. Existing conditions of approval ensure that the proposed antennas will not have a negative impact on the surrounding areas.

IV. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the collocation to an existing 60-foot high wireless telecommunications facility is exempt. The project does not have the potential to cause a significant effect on the environment.

V. Recommendation

That the Planning Commission:

- **APPROVE** the proposed project; and
- **ADOPT** a minute resolution and instruct staff to make the necessary change to Resolution No. 04-2007.

VI. Exhibits

1. Planning Commission Resolution No. 04-2007
2. Wireless Telecommunications Facility Checklist
3. Site Map
4. Development Plans (under separate cover)

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Prepared by:



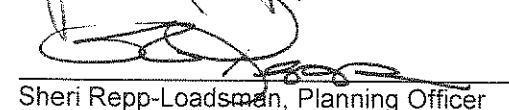
McKina Alexander, Planning Technician

Reviewed by:



John F. Signo, AICP, Senior Planner

Approved by:



Sheri Repp-Loadsmen, Planning Officer

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CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 04-2007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 861-04, CONDITIONAL USE PERMIT NO. 578-04, AND CONDITIONAL USE PERMIT NO. 579-04 FOR CONSTRUCTION OF A NEW WIRELESS TELECOMMUNICATION FACILITY LOCATED AT 21038 S. WILMINGTON AVENUE

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by the applicant, Nextel Communications, with respect to real property located at 21038 S. Wilmington Avenue, and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. (DOR) 861-04, Conditional Use Permit No. (CUP) 578-04, and Conditional Use Permit No. (CUP) 579-04 to construct a new wireless telecommunications facility in an MH (Manufacturing, Heavy) zone. The DOR is required for construction of a new major wireless telecommunication facility (Municipal Code Section 9138.16.D); the CUPs are required for height increase above the 50 feet permitted in the Manufacturing, Heavy (MH) zone up to 20 percent (60 feet) and installation of a freestanding facility, respectively.

A public hearing was duly held on September 28, 2004, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The General Plan designates the property as Heavy Industry which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding industrial uses and is appropriate for the subject property as proposed;
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and other features relative to a harmonious and attractive development of the area;
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are industrial uses and the proposed project is compatible with these uses. The site is 9.80 acres in area, flat and located in the rear of the property where it would be least visible;
- d) The proposed telecommunication facility will only require monthly maintenance visits and is otherwise not occupied, therefore the off-street parking requirements are not applicable and circulation on the adjacent public streets

will not be adversely impacted. Safety and convenience of vehicular and pedestrian access is provided with the on-site driveway;

- e) There are no signs intended for the proposed project, except those required for safety purposes, therefore, the review of signage is not applicable;
- f) The proposed facility is to be constructed on as developed property and is the best location for the applicant since it meets their coverage requirements.
- g) The proposed wireless telecommunication facility is located and designed to minimize the visual impact on surrounding properties and from public streets, including stealthing which includes a new pine tree stealth design and location of the facility in the rear of the property where it is least visible.
- h) The proposed wireless telecommunication facility meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit", Section 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision" and Section 9138.16, "Wireless Telecommunication Facilities" are made in the affirmative.

Section 4. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed facilities will not alter the predominantly industrial character of the surrounding area and meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under CEQA, Section 15332 - Infill Development.

Section 5. Based on the aforementioned findings, the Commission hereby grants approval of Design Overlay Review No. 861-04, Conditional Use Permit No. 578-04, and Conditional Use Permit No. 579-04 with respect to the properties described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF SEPTEMBER, 2004


CHAIRMAN

ATTEST:


SECRETARY

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 861-04

CONDITIONAL USE PERMIT NO. 578-04

CONDITIONAL USE PERMIT NO. 579-04

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Design Overlay Review No. 861-04, Conditional Use Permit No. 578-04, and Conditional Use Permit No. 579-04 are not submitted to the City of Carson within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit shall be determined to be automatically revoked, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
7. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than 180 days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as

appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements.

8. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 861-04, Conditional Use Permit No. 578-04, and Conditional Use Permit No. 579-04. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

AESTHETICS

9. The specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division prior to the issuance of any building permits.
10. The wireless telecommunication facility shall not exceed the height approved by the Planning Commission.
11. All electrical and equipment wiring shall be placed underground or concealed. This includes wiring running from the monopine to the equipment shelter, and electrical wiring which provides power to the facility.

NOISE

12. All wireless telecommunication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
13. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

LIGHTING

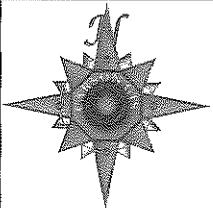
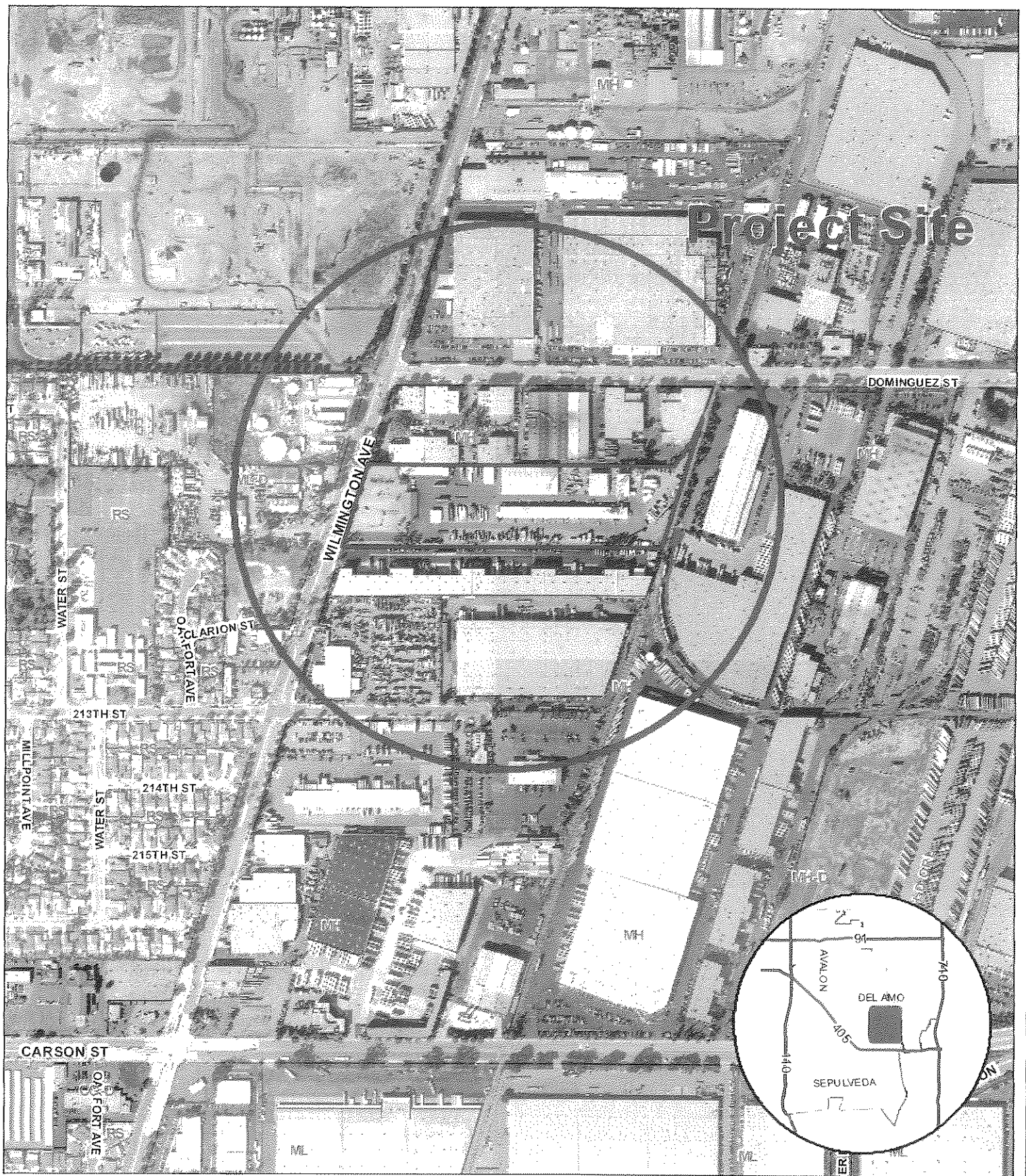
14. The facility shall be unlit, except for a manually-operated or motion detector control light above the equipment door which shall be used only for personnel maintenance purposes only.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

15. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

Applicable Zoning Section	Compliant	Non-Compliant	Comments
Wireless Telecommunication Facilities Standards			
Section 9138.16C, Applicability	X		Procedures and rules in 9138.16 section applicable to all new wireless telecommunication facilities.
9138.16D1, Procedural Standards: Minor Wireless Telecommunication Facilities	X		Major
9138.16E, Application Requirements	X		
9138.16F1, Setbacks	X		
9138.16F2b,d, Height	X		Industrial: 50' 20% increase with approved CUP Approved CUP 578-04 for existing 60' tall
9138.16F2-F7, Wiring; Painting; Lighting; Noise; and, Signs	X		Signs are not permitted, except for health, safety and welfare purposes (required in case of emergency).
9138.16H, Required Findings	X		See Resolution 04-2007
9138.16I,K,L, Maintenance; Temporary Facilities; Facility Removal	X		
COMMERCIAL/INDUSTRIAL ZONE REQUIREMENTS			
Section 9131.1 / 9141.1 Uses Permitted	X		Permitted, subject to requirements of Section 9138.16 Approved DOR 861-04 and CUP 579-04
9135.2 / 9145.2 Minimum Lot Area	X		

Applicable Zoning Section	Compliant	Non-Compliant	Comments
9135.3 / 9145.3 Street Frontage and Access	X		
9136.11 / 9146.11 Building Required	X		
9136.12 / 9146.12 Height of Buildings and Structures	X		60' tall existing mono-pine
9136.23 / 9146.23 Front Yard	X		
9136.24 / 9146.24 Side Yard	X		
9136.25 / 9146.25 Rear Yard	X		
9136.2 / 9146.2 Other Site Development Standards	X		
9136.2 / 9146.9 Site Planning and Design	X		
9137.1 / 9147.1 / 9157.1 Exterior Lighting	X		
Procedures			
9171.4, Environmental Review Requirements	X		DOR permit required for telecommunication facility. Approved DOR No. 861-04
9172.23, Site Plan and Design Review	X		
9171.1B3, Types of Procedure	X		
9173.1 through 9173.9, Elements of Procedure	X		



City of Carson
 21038 Wilmington Ave
 EX. 3